# The impact of democratic conditionality on policy-making in Turkey: Minority rights and the politics of broadcast regulation

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ABSTRACT: From the recognition of its candidacy status at the European Council Helsinki Summit in December 1999 to the start of accession talks in October 2005, Turkey has gone through a remarkable process of "Europeanisation" of its public policies to fulfil the candidate criteria. In this period, broadcasting has been one of the first areas that was subject to the European Union (EU) impact. By asserting its influence through the enforcement of democratic conditionality, specifically the Copenhagen criterion on "respect for and protection of minorities," the EU required Turkey to lift all the restrictions on the enjoyment of cultural rights in Turkey and allow broadcasts in languages other than Turkish, particularly in Kurdish. This article first develops a critique of EU democratic conditionality and then investigates the policy process behind this change in the language policy for broadcasting in Turkey. Turkey's response to democratic conditionality was directly influenced by prevailing ideas about "the credibility of the EU" as well as calculations of the "costs of compliance."

KEYWORDS: Conditionality, Europeanisation, Turkey, broadcasting, minority rights

# INTRODUCTION

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Turkey's association with the European Union (EU) dates back to 1959, when Turkey applied for "associate membership" to the then European Economic Community (EEC). After forty-five years of a very complex and often very controversial engagement, its candidacy status was recognised at the European Council Helsinki Summit in December 1999. This was followed by a five year long political reform process, during which numerous new laws were adopted and the existing ones amended. This reform process finally concluded with the launch of accession talks in October 2005. This study looks into this period between the recognition of Turkey's candidacy and the start of accession talks by focusing on how the EU democratic conditionality had an impact on a particular policy area: broadcasting.

As widely known, the main policy strategies of the EU in the enlargement process towards the applicant states are identified as a "policy of conditionality" and

"accession negotiations" (Checkel, 2000; Schimmelfenning et al., 2003). Much cited Copenhagen Criteria, emerged from the 1993 Copenhagen European Council Summit, are significant in identifying two key areas of conditionality for accession – i.e., the "acquis conditionality" and the "democratic conditionality" (Schimmelfenning, Sedelmeier, 2004). It was mainly due to the democratic conditionality that broadcasting in Turkey was subject to the EU influence shortly after being granted candidacy status in December 1999. From the very beginning, the "Kurdish question" in Turkey, especially in its southeastern region, has been a great concern for the EU. The European Commission, as early as 1998, cautioned Turkey to produce a solution to the problem and suggested that ensuring effective legislation that would allow all citizens of the Turkish Republic to enjoy "cultural rights" irrespective of their ethnic origin would be an important step. This meant that Turkey would have to change its policy to allow for broadcasts in languages other than Turkish, particularly in Kurdish.

This article investigates the impact of EU democratic conditionality on broad-casting policy in Turkey by particularly focusing on the policy process behind the granting of right to broadcast in languages other than Turkish. It reveals how Turkey's response to democratic conditionality was directly influenced by prevailing ideas about "the credibility of the EU" as well as calculations of the "costs of compliance." By allowing broadcasts in languages other than Turkish, Turkey "accommodated" EU conditionality in its domestic political context, but a "paradigmatic change" was not possible; the fundamental logic of political behaviour remained the same. However, this outcome should not only be seen as a domestic matter of political deficiency; it also has very much to do with the problems in regard to how the EU conditionality operates.

# UNDERSTANDING HOW EUROPE MATTERS: THE IMPLICATIONS OF EUROPEANISATION

As Schimmelfenning and Sedelmeier (2002, p. 501) adequately put, "'Europe' has increasingly come to be defined in terms of the EU; the 'Europeanisation' or the 'Europeanness' of individual countries has come to be measured by the intensity of institutional relations with the Community and by the adaptation of its organisational norms and rules." It is true that it was mainly the eastward enlargement process of the EU, which resulted in the inclusion of ten more countries to the Community by mid-2004, had a major role in triggering academic interest in analysing the underpinnings of European integration and enlargement processes both at the Community and national levels (Sümer, Yilmaz, 2006). In simple terms, the main consensus among scholars researching Europe is that "Europe matters" (see Knill, Lehmkuhl, 2002; Radaelli, 2000; Cowles et al., 2001). The real challenge is to discover how it matters.

Analysing the EU impact on a particular national context is indeed a very difficult task, since even simple policy routines within the EU require sophisticated

theorising. The complexity of the EU mainly comes from the fact that it has both "supra-national" and "intergovernmental" aspects which are managed in different ways in various policy debates. This is one of the main reasons why there is an increasing tendency in recent policy studies to conceptualise the EU as an "arena" rather than an "actor" (see Goetz, 2002). As Sjursen (2004, p. 3) suggests, one way of understanding the order emerging in Europe is to look at how "different ideas about what the EU ought to be" are projected on "the processes of determining what should be done with regard to concrete policy-issues and areas" within the EU. In this respect, broadcasting is a unique policy area to look at, since different realities in the EU emerge depending on which aspect of broadcasting policy we focus on and how we position the EU *vis-à-vis* the domestic context that it interacts with.

As various commentators note, broadcasting has always been a controversial area of policy in the EU and the dynamics of broadcasting policy in Europe today implies an "in-betweenness" in which broadcasting is still a highly regulated field at the national level, but is also gradually becoming a sub-field of the diverse communications policy of the EU (see Collins, 1994; Hitchens, 1997; Levy, 1999). The zone of interaction between the EU and its Member States is where various economic, social and political interests conflict or compete with each other rather than act in harmony. This is why the EU impact on the domestic regulatory framework for cultural, political and economic aspects of broadcasting remains a contested debate. Then again, the rules of the game in this interaction are very different in the context of EU enlargement. As the experiences of the accession countries of Central and Eastern Europe (hereafter CEEs) revealed, it was mainly the "conditionality factor" that moulded the direction and the scope of EU influence on broadcasting in these countries. Therefore, in very general terms, if EU influence on broadcasting in Member States is about developing joint responses to commonly shared problems through regulatory harmonisation, this is not the case in the context of enlargement. Member States are influenced by the EU, but they also influence it as they are actively engaged in institution-building processes by providing input. However, for candidate states that aspire for membership, EU influence on broadcasting is predetermined by the "asymmetric relation" with the EU (see Grabbe, 2003).

The conditionality factor, framing the level of interaction between candidate states and the EU, makes us think that change is an inevitable consequence of the EU impact, since it is the candidate states that "have a stronger incentive than existing member states to implement EU policies because they are trying to gain admission" (Grabbe, 2003, p. 303). However, most of the empirical research on Europeanisation mainly focuses on "policy change" and confirms the validity of the European impact, while research into Europeanisation in terms of changes in domestic and cognitive/normative structures attributes a greater role to the internal dynamics within a given context and issues of explanation and measurement are more complicated. Therefore, we need to consider change as a dynamic analytical

category and understand Europeanisation as a "circular rather than unidirectional, and cyclical rather than one-off" impact (Goetz, 2002, p. 4). There is actually nothing inevitable about Europeanisation; the actual EU impact is context, time and issue based and has "asymmetric" and "irregular" appearances (Featherstone, 2003, pp. 11–12). This is particularly the case for the enforcement of political criteria on minority rights in the context of broadcasting regulation in candidate countries.

# PROBLEMS WITH THE ENFORCEMENT OF DEMOCRATIC CONDITIONALITY ON MINORITY RIGHTS IN CANDIDATE COUNTRIES

Following Sasse (2005, p. 4), it would be fair to argue that "the issue of minority rights is a test for the very notion of conditionality." The core aspect of the "obligations of membership" set in the Copenhagen Summit refers to the required commitment of the applicant state "to converge with a maximalist version of the EU policies" (Grabbe, 2003, p. 307). This convergence mainly covers embracing the whole body of the core legislation of the EU, widely known as the *acquis communautaire*, to the domestic legislative framework of the applicant states. As declared in the Copenhagen Summit, accession is also linked to the 'ability' of the applicant states "to assume the obligations of membership by satisfying the economic and political conditions required" (European Council, 1993). In doing so, the EU compels the candidate states to bear the costs of compliance during the accession process without taking any reciprocal responsibility.

The problems with conditionality are multifaceted. First of all, the EU accession conditions/criteria were not compiled from an already existing pool of policy templates, but were actually defined whilst the enlargement was already in progress. This is particularly significant where democratic conditionality is concerned. Applicant states are not only obliged to meet even higher standards than the current member states had before accession, but they also are bound to recognise the EU's supremacy to intervene in their various "sensitive" domestic policy areas where the existing member states have historically opposed the involvement of the EU for themselves (Pridham, 2002a; Grabbe, 2003). This explains why "respect for and protection of minorities", as one of the sine qua non conditions of accession articulated in the 1993 Copenhagen European Council, was one of the most controversial issues of debate during accession talks between the EU and the CEEs. The picture has also been the same for EU-Turkey relations. As Pridham (2002a, p. 203) points out, the EU's involvement in issues related to minorities in candidate states is an example revealing how "the EU has moved beyond conditions of formal democracy to those pertaining to substantive democracy or qualitative conditions." In addition, as an international organisation, the EU's "reactive reinforcement" strategy towards conditionality makes the enforcement of democratic conditionality much more complicated. As Schimmelfenning et al. (2002, p. 1) suggest, the EU "merely reacts to the fulfilment or non-fulfilment of its conditions by granting or withholding grants but does not proactively punish or support non-compliant states." Therefore, because conditionality "only works as a carrot, not as a stick" (Grabbe, 2003, p. 17), the EU democratic conditionality itself is actually short of what Pridham (2002a, p. 207) calls as "an integral approach to regime change." Candidate states accommodate change in their approaches towards minorities, but the fundamental logic of the political behaviour remains sceptic towards the very notion of minority rights.

Secondly, the ambiguities of conditionality lie in the fact that the accession criteria do not offer any tools either to implement or to measure it (Hughes et al., 2002, p. 3). Conditionality is not a one-off thing but is a process that comprises various aspects. However, this is a very complicated process as the level of uncertainty during the compliance of political conditions of membership, including the criterion of "respect for and protection of minorities," is higher when compared to other areas due to lack of Community competence in related areas (see Grabbe, 2003; Toppidi, 2003). Sasse (2005, p. 5), confirming this, argues that if Europeanisation is regarded as the development and institutionalisation of norms and practices in the EU before transferring them to the domestic policy contexts of the candidate states, then the conditionality of minority rights is problematic, since there are no commonly defined norms and practices in the EU on these issues. The main contradiction here is that the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional and Minority Languages (European Charter), which are the two key policy-instruments that the EU relies on when enforcing democratic conditionality on minority rights in candidate states, are actually not part of the acquis.

Finally, uncertainty that is built into the process of norm setting in democratic conditionality is also apparent in the process of monitoring compliance. The European Commission can officially monitor compliance of minority rights only through its progress reports. Although the overall tone of the progress reports has been influential in the candidate states for steering the political agenda according to the EU demands, compliance was limited to adaptation of new legislation and effective implementation of new reforms continues to be a crucial problem. In some cases, the ambiguities and inconsistencies surrounding conditionality make it difficult to analyse how much of Europeanisation in the accession countries takes place directly as a result of conditionality and how much of other endogenous and exogenous factors have been influential during the process (Grabbe, 2003, p. 311). Then again, the EU lacks a coherent approach to its conditionality on minority rights in candidate states in terms of identifying what Checkel (2000, p. 2) calls the "trigger actions" which define the kind of "performance" that will make the applicant move on to the next stage. According to Schimmelfenning and Sedelmeier (2004, p. 662), "conditionality might be encompassing, but it might not be effective in achieving rule transfer in certain issue areas or countries." Therefore, the effectiveness of conditionality is dependent on certain factors, the most important one being the costbenefit analysis of the applicant states. Schimmelfenning et al. (2002, p. 9) argue that

conditionality will be effective, if: i) "the international material rewards offered for compliance outweigh the domestic power costs"; ii) "the policy changes a government has to implement" are small or "these changes affect the government's power base" minimally; and iii) "one or more governmental actors reap net power benefits from compliance and possess the bargaining power to make other governmental actors comply." Since the EU fosters a reactive reinforcement strategy towards conditionality, in cases where there is limited or no compliance due to its costs, candidate states are left alone in dealing with a much undesired outcome of moving the stones from their places: social unrest. As Ozalins (2003, p. 220) rightly argues, "conflict prevention" and "promoting linguistic rights" might be very conflicting activities. The EU regards promoting linguistic/cultural rights in the scope of democratic conditionality as an important way of resolving conflict between different groups in its candidate states. However, means and ends are actually in conflict with each other, because the roots of conflict may be much deeper in the socio-political histories of the candidate and require a different approach in order to be resolved in the period of EU candidacy.

#### UNDERSTANDING REACTIONS TO EUROPEANISATION IN TURKEY

When Turkey was granted candidacy status at the Helsinki Summit in December 1999, the then government in Turkey had just completed the first six months in office. The government was a tripartite coalition in which three parties represented different electoral bases ranging from the centre-left (DSP) to centre-right (ANAP) as well as the far-right (MHP). As might be expected, the whole agenda about establishing pre-accession strategies for the EU caused a lot of backbiting and bickering in Parliament, especially among the governing parties, and also outside Parliament, among the non-political elite representing the Republican establishment. Nevertheless, the tripartite coalition government lasted longer than anticipated and the majority of the reform packages prepared for EU accession passed Parliament while the coalition remained in office until early general election in November 2002. The Justice and Development Party (AKP) won the election and its coming to power marked a shift in Turkish political history: it was the first non-coalition government since 1983; most of the well-established parties were wiped out; and Turkey's journey to join the EU was now in the hands of a party known for its Islamist roots. However, as Avci (2004, p. 210) rightly argues, "despite its political heritage [...] opportunity structures offered by European integration have lured the AKP away from Euro-scepticism" and the party labelled itself as "Conservative Democrat" by taking a position in the centre-right and presenting its political aspirations as "pro-European," "pro-reform" and committed to the IMF led economic programme.

Where the underlying motives behind the reactions of different political and non-political actors against Europeanisation in Turkey are concerned, it was not

actually the "anti" v. "pro" axis that divided the sides of the debate. As Aydinli and Waxman (2001, p. 384) suggest, the real division was rather between the "integralists" v. "gradualists" as the rift between different sides was not on Turkey's eventual membership to the EU, but it was on the "speed" and "management" of change. As the authors suggest, in the process of EU reforms, the integralist camp was mainly represented by "centrist political parties [especially ANAP], the media [except some individual columnists], the foreign ministry and the business world as represented by groups such as the Turkish Industrialists' and Businessmen's Association (TÜSİAD) and even the more conservative, Islamically oriented Private Industrialists' and Businessmen's Association (MÜSİAD)" who affirmed a rapid transformation with the belief that Turkey is capable of a transformation at this scale and EU reforms would be to Turkey's benefit in regard to democratisation and modernisation (Aydinli, Waxman, 2001, p. 385). In contrast with the integralists, the gradualists were the military, the coalition partner MHP, the Republican elite (mostly the centre-left) and some top level officers of the Turkish judiciary who regarded some of the EU conditions as very costly and argued that more time is needed for the society to 'digest' the changes. According to Kulahci (2005, p. 393), the EU had an influence on four important areas in Turkey: i) "capital/labour cleavage"; ii) "centre/periphery cleavage"; iii) "clerical/anticlerical cleavage"; and iv) "liberty/authority" political axis. Issues on democratisation that were crosscutting these areas, such as granting cultural rights to ethnic communities or diminishing the influence of the military in politics, were the ones seen as extremely "costly" because they required a paradigm shift in the political rhetoric as well as action (see also Kubicek, 2005).

The most complex intervening variable that influenced the dynamics of Turkey-EU relations was the "uncertainty" built into the process until the launch of accession talks in October 2005. As Grabbe (2003, p. 320) points out, the uncertainty about timing makes it very difficult for the candidate state to balance the costs with the benefits of the membership and, since there is a huge time lapse between the unfolding of costs and the prospect of rewards, conditionality becomes "a blunt instrument when it comes to persuading countries to change possible practices." This, in return, undermined the effectiveness of democratic conditionality that the EU enforced on Turkey. Following Schimmelfenning et al. (2003, p. 498), reinforcement of democratic conditionality in Turkey was mostly effective via intergovernmental bargaining - i.e., "the government's cost-benefit calculations and commitment to 'Europe'" due to lack of integration of the society at large to the process and the high level of "electoral volatility." However, as Pridham (2002a, p. 204) suggests, under political circumstances where there is excessive controversy over how to handle EU conditionality, "government leadership is a very difficult act in balancing these different domestic demands, all of which can materially affect its ability to succeed." Therefore, again following Pridham (2002b, p. 954), "strengthening executive and bureaucratic power without active popular engagement [...] creates a potential for widening the gap between political elite and masses [...] creating a disillusionment when democratic attitudes have not fully taken." In Turkey, it was exactly the strengthening of executive power and bureaucracy that caused a particular problem especially after the AKP had come into office following the November 2002 election. The AKP's Islamist roots continued antagonising the Turkish political elite, particularly the military, which regarded "its democratization attempts as attempts to weaken the secular, Kemalist aspects of the Turkish state and therefore as having a hidden Islamist agenda" (Müftüler-Bac, 2005, p. 25).

It is true that the AKP government used the EU cause as a "vincolo esterno" to rationalise its own policy agenda and challenged the prevalent discourses on issues such as ethnic homogeneity, secularism and the guardianship role of the military. Originating not within the Republican political establishment, the AKP government was able to adopt a more pragmatic and opportunist approach to policy during the EU process. However, it should also be noted that this approach of the AKP government was not unified across all cadres of the party. The Prime Minister's frequent departures from the official line on minority issues antagonised not only the Republican establishment represented by the CHP as the opposition in Parliament, but also some nationalist circles within the AKP cadres.

# THE IMPACT OF DEMOCRATIC CONDITIONALITY ON THE LANGUAGE POLICY OF BROADCASTING

The policy-process behind the change of the language policy for broadcasting in Turkey confirms that historical legacies are very influential in the translation of EU pressures to domestic responses. In the case of the CEEs, Hughes et al. (2002, p. 30) persuasively argue that these states should not be seen as a tabula rasa when assessing their transition processes since "the legacy of the old regime will continue to loom large over the transition process." This has also been valid for Turkey. It might even be argued that the situation in Turkey has been more complex, since what EU accession meant for the CEEs was dismantling their communist regimes, while Turkey has long been a liberal democracy, no matter how functional. Yet, in both contexts, the resistance to change occurred in similar groups.

In Turkey, outside the realm of formal politics, nationalist-right and left groups and the high ranking cadres of the military disputed the change in the language policy for broadcasting. For these groups, EU conditionality on cultural rights targeted transforming one of the basic features of the Turkish state: ethnic homogeneity. The line of the official discourse on minorities in Turkey was drawn with the Treaty of Lausanne signed in 1923 and according to this discourse minorities in Turkey were defined on the basis of differences in religion, not ethnicity. This is why the hard-liner Eurosceptics in Turkey regarded the EU's push towards the recognition of the Kurdish population as an ethnic minority as a threat to "national sovereignty." They disputed granting broadcasting rights to ethnic communities, especially to the Kurdish population, on the grounds that granting these rights without any restrictions would result in the politicisation of separatist movements. Throughout the whole process, debates on "national interest" and "national security" dominated the agenda. On the other hand, there were also conflicting voices in the Kurdish community between groups who welcomed EU driven democratisation agenda and the Kurdish nationalists who regarded any association with a minority status problematic, since they sought after the recognition of Kurds as one of two founding components of the Turkish Republic together with Turks (Oran, 2004, p. 77).

In the realm of formal politics, the way in which the short-lived DSP-MHP-ANAP tripartite coalition handled EU pressures on political conditionality offers a very interesting case since both conservative and reformist policy agendas were reflected during the governance of this coalition. Each of the three parties represented a different electoral base and was supported by different sets of political as well as non-political institutions. In general terms, whereas the military's view on cultural rights was fed into government through the DSP, the ANAP's approach was in line with the views of the corporations and pro-reform circles, and finally, the MHP's approach reflected the nationalist-conservative line of argument. However, it would be misleading to think that the discursive borders between these parties were clear-cut at all times. Their interests overlapped and they were all involved in very complex bargaining processes.

The policy process behind the fulfilment of EU conditionality on granting broad-casting rights in languages other than Turkish took almost three years to conclude. Initially, a three-step reform of the related legislation was required. Firstly, one of the most problematic articles of the 1982 Constitution had to be amended. Although there was no law in Turkey that effectively banned the usage of any language other than Turkish, two specific articles of the constitution allowed for the restriction of freedoms by leaving it to the authority of the legislator to exert restriction, if deemed necessary. Therefore, these articles had to be annulled. Secondly, Article 4/t of the Broadcasting Law No. 3984 that stipulated broadcasts to be in Turkish also had to be amended to pave the way for broadcasts in other languages. And finally, the broadcast regulator Radyo ve Televizyon Üst Kurulu (RTÜK) had to issue a directive to enable an effective implementation of the reform.

October 2001 amendments to the constitution were grouped as the first major EU related harmonisation package that was adopted in accordance with the National Programme prepared by the DSP-MHP-ANAP government in March 2001. It came, as a thirty-four-point package, before Parliament for deliberation and caused a lot of bickering. One of the coalition partners, the nationalist MHP, continuously campaigned against the reforms by vocalising an "ethnic separatism" threat. Nevertheless, thanks to the arithmetic of Parliament, the MHP could not prevent the enactment of the amendments to the constitution.

Following the amendments to the constitution, what was needed was to further amend the relevant article in the Broadcasting Law that stipulated the language of broadcasts as Turkish. Although this was a simple change in the wording of the article, the real controversy emerged when it was time to clarify who will do these broadcasts and what they would look/sound like. The initial idea was to allow private broadcasters to broadcast in Kurdish, rather than the public broadcaster the Türkiye Radyo Televizyon Kurumu (TRT). This preference was, in fact, very important as it revealed a lot about how policy-makers perceived cultural aspects of broadcasting in Turkey at a crucial time. All those ideas - universality of service, diversity of programming, and provision for "minority" audiences – that underpin the role of public service broadcasting were missing in the discussions in Turkey. Although two of the partners in the coalition government, the ANAP and DSP, emphasised the importance of broadcasting in minority languages for the "cultural enrichment" of the country, it was the political concerns that shaped the debate. Within the coalition government, it was the MHP that strongly opposed the idea of the TRT doing these broadcasts. The party leaders argued that it was not acceptable for the state – meaning the TRT – to broadcast in Kurdish as it would help the politicisation of "separatist" activity.

The military's influence on the process unfolded at this stage. The military wanted the TRT to carry out these broadcasts not because its public service remit required it to do so, but because it was the safest option. Just like the coalition partner, nationalist MHP, the military generals were also concerned about the possible separatist propaganda, but for them it would be the private broadcasters that could be inclined to do so. It was again the military's view that if carried out, these broadcasts should also be expanded to include other languages such as Arabic, Bosnian and Caucasian. This influence soon reverberated in the policy circles and in doing so, policy-makers found a way to shift the attention from the Kurdish question to broader issues of cultural rights of "Turkish citizens."

The strife between the coalition partners on how to handle EU conditionality continued until August 2002. The MHP continued to oppose the reforms, but the leaders of the opposition parties were eager to support the other two coalition partners in passing the laws related to the fulfilment of the democratic criteria. However, they used the EU cause as a trump card to guarantee that they would agree to call for an early general election. The DSP and ANAP were desperate in tackling the controversy and they tried hard to keep the momentum of the EU agenda so that Turkey could clinch a date from the EU at the then upcoming European Council Summit scheduled for December 2002. Reforms could be adopted this fast only if all parties had reached a consensus. The coalition partners agreed to call for an early election.

Parliament adopted the reform package in which the amendment to the Broadcasting Law was also included in August 2002 and the general election was held on 3 November 2002. There were now only two parties in Parliament: the AKP formed

the government and the CHP became the main opposition. The AKP was now responsible for implementing the amendment to the Broadcasting Law and ensuring the adoption of a regulation by the RTÜK to pave the way for broadcasts in other languages. However, the implementation process turned out to be full of twists and turns just like the policy-making process. There were still many uncertainties over who should carry out these broadcasts and what the content should be. The AKP wanted the RTÜK to be more active in the process, but the regulator remained hesitant as scepticism towards this reform was also prevalent among its members of the governing board. The public broadcaster TRT was also not eager to get involved in such a controversial process. Following the amendment to the Broadcasting Law in August 2002, it took almost two more years to implement this policychange. The dispute in 2003 between the regulator and the public broadcaster was a major factor behind this delay.

The public broadcaster TRT was actually pulled into this process without any discussion on its status as a public broadcaster. On the contrary, the ways in which the political establishment considered the TRT's role in this process perfectly revealed how much the Corporation was seen as a "state broadcaster" that was obliged to follow the view of the establishment. However, the way the TRT responded to the debate on EU conditionality on cultural rights was more problematic. Soon after it came to power, the AKP government decided that it should be the TRT carrying out these broadcasts and the regulator RTÜK prepared its first directive on the standards of these broadcasts accordingly. However, a very severe crisis emerged in June 2003 when it became clear that the TRT appealed to the Council of State for the annulment of the directive adopted by the RTÜK in December 2002 on the basis of "unconstitutionality." The TRT administration argued that this assignment was imposed on the 'autonomous' Corporation through the directive drafted by the RTÜK rather than through amending the TRT Law adopted by Parliament and RTÜK did not have any legal right to intervene in the workings of the public broadcaster. In July 2003, the Council of State ruled in favour of the TRT and annulled the directive drafted by the RTÜK. Therefore, the RTÜK had to prepare a new legislation. However, both the government and the regulator were still insistent that it should be the TRT carrying out these broadcasts and they started pressuring the Corporation's administration to take a step. The TRT yielded to the pressure as of May 2005 and announced that broadcasts were to begin in a few days and they would be in Bosnian, Arabic, Caucasian and the two dialects of Kurdish: Zaza and Kirimanji. After years of dispute, the first broadcasts were finally aired on 7 June 2004 in Bosnian and followed by Arabic. These broadcasts were limited to forty-five minutes daily and a total of four hours a week for television and an hour a day and five hours a week for radio. In its TV broadcasts the TRT used the same programme content with different voice-overs and only changed the music clips, there was no original content produced by the speakers of the languages announced. Even the same news stories were covered in all the broadcasts without any emphasis on the region or the community it addressed. The launch of broadcasts in languages other than Turkish was significant in stepping a huge stone in the name of the EU and was influential in Turkey's clinching a date from the EU to start accession talks as recommended by the European Commission in its 2004 Progress Report on Turkey. However, the TRT soon became the centre of criticism due to lack of quality in these broadcasts

Shortly after the start of the TRT's broadcasts a new battle emerged between the regional/local broadcasters in southeast Turkey and the RTÜK on expanding these broadcasts to local communities. The regulator RTÜK kept delaying issuing broadcast permits to the local and regional broadcasters, which were applying to benefit from the new law, on the basis that monitoring these broadcasts would be very difficult. As of March 2006, there were 12 applicants from the southeastern region who wanted to broadcast in Kurdish in accordance with the RTÜK's directive and the regulator finally gave broadcast permits to four of these applicants.

# **CONCLUSIONS**

The start of broadcast in languages other than Turkish was a great leap forwards in EU-Turkey relations and was very influential in Turkey's clinching a date from the EU to start accession talks. However, this was a very long process that began in May 2001 with the adoption of the constitutional amendments and concluded more than three years later with the start of the TRT broadcasts in five other languages/dialects in June 2004. This was followed by the issuing of broadcast permits to some regional and local broadcasters in southeast Turkey by mid-2006. All in all, the process behind the change of the language of broadcast media demonstrates how political actors in Turkey were in continuous conflict with each other throughout on how to handle EU driven political agenda. Turkey's response to EU democratic conditionality on minority rights in the context of broadcasting unveiled a great struggle between different actor constellations whose interactions were guided by differing calculations on the cost of compliance of EU democratic conditionality. Then again, uncertainties and ambiguities built into the EU's norm setting as well as compliance processes were also negative factors undermining the effectiveness of the democratic conditionality in the context of minority rights in Turkey.

In May 2008, the debate on broadcasting in minority languages in Turkey shifted to a new dimension. The AKP government announced a very detailed Southeast Action Plan to be completed by 2012. As an integral part of this plan, which aims at improving economic as well as social conditions of the region, the governing law of the public broadcaster TRT was amended in June 2008 and the TRT has allocated one of its TV channels for broadcasting full day in the Kirimanji dialect of Kurdish. This new channel named as TRT Şeş (TRT 6) went on air on the first day of 2009. Following this, the broadcast regulator RTÜK is also expected to allow private broadcasters extend their broadcast time.

It is for certain that the launch of a Kurdish-only channel is a milestone in Turkey after years of controversy. However, for the time being, full details of further initiatives to be realised for improving cultural rights in the context of broadcast media and their possible repercussions are not clear. Currently, Turkey moves at a very slow pace on its journey toward the EU and it is very early to comment on whether or how the government will attach an EU tie to its approach towards various issues of culture in the months to come.

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