

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

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

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

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 “na-

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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