# Mirage or Reality: Post-National Turkey and its Implication for Immigration

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# CARIM

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## Abstract

This research paper aims to explore to what extent Turkey has overcome its resistance to recognizing the multicultural reality of Turkish society, and whether the state in Turkey is indeed becoming multicultural and post-national.

These aspects have a direct bearing not only in terms of domestic politics but also in terms of immigration. Over the last couple of years, Turkey has emerged as a country of immigration. It would thus be very important to probe into the immigrants' status and find out to what extent Turkey's immigration and citizenship policies reflect and acknowledge multiculturalism or whether they still reflect the priorities and practices of a state and society based on cultural unity and homogeneity.

## Résumé

Le rapport de recherche examine dans quelle mesure la Turquie a pu surmonter sa réticence à reconnaître la réalité multiculturelle de la société turque et si et dans quelle mesure la Turquie se transforme en un état multiculturel et post national.

Ces questions ont un impact direct non seulement sur la politique intérieure du pays mais également sur l'immigration. En effet, au cours des dernières années, la Turquie est devenue un pays d'immigration. Dans cette perspective, il serait pertinent d'examiner le statut des immigrés en Turquie et d'étudier si les politiques d'immigration et de citoyenneté révèlent une approche multiculturelle ou si ces politiques reflètent plutôt les priorités et pratiques d'un état et d'une société basés sur l'unité culturelle et l'homogénéité.

## Introduction

The year 2008 was characterized by a number of major and unexpected developments in Turkey in respect to multiculturalism and post-nationalism.[1] Early in the year Turkey mounted a major military operation into northern Iraq in pursuit of the Kurdistan Workers Party (PKK). This operation was strikingly different from earlier ones of the 1990s. Unlike the previous ones it was mounted after a long internal public debate as well as long consultations with the international community, Iraqi central authorities and the Kurdish Regional Government (KRG). The military made an unusual effort to keep damage to civilians to an absolute minimum. In the wake of the military operation, the Turkish government broke a number of "taboos" by developing direct contact and dialogue with Kurdish authorities in northern Iraq. This was followed by the adoption of legislation to improve broadcasting in Kurdish in Turkey.[2] This development had been preceded by the election of outright Kurdish nationalist politicians to the parliament in July 2007, a development that occurred only once in 1991 and which had dire consequences.

A second set of major developments took place in respect to the Armenian question. The Turkish state has had a long record of resisting the recognition of the events of 1915 in the Ottoman Empire, culminating in deaths and displacement of almost the whole Armenian community of the Empire, as genocide. Turkey had also been keeping the frontier with Armenia shut since the early 1990s subsequent to the Armenian occupation of Azerbaijani territory. The most significant development consisted in the Turkish President's visit to Armenia early in September 2008. This has generally been acknowledged as an important step in reconciliation between the two countries. The visit was followed by rather unconventional remarks of a retired Turkish ambassador that Turkey should apologize to the Armenians and make it possible for those who are descendents of the victims of the 1915 events to return to Turkey and claim back their citizenship if they wished. Also, a group of intellectuals in December 2008 issued an apology to Armenians around the world and criticized the government for being silent over the sufferings of the Armenians.

These two sets of developments can be seen as signs of an emerging post-national Turkey. Turkey has long been associated with a national identity that is based on a conceptualization of a Turkish nation whose cornerstones are cultural unity and homogeneity. The Turkish Constitution states that the "Turkish State, with its territory and nation, is an indivisible entity. Its language is Turkish." (Article 3/1). The emphasis has been formally on "Turkishness" and informally on Muslim Sunni-Hanefi identity.[3] Since the establishment of the Turkish republic, this has come to mean that minorities, ethnic or religious, have not been able to express publicly their identity. Kurds, non-Muslim minorities such as Armenians, Assyrians, Jews and Greeks, as well as Alevis, a Muslim minority sect, have been excluded from the traditional Turkish identity and have suffered the consequences, politically, socially and culturally.[4] The Kurds on numerous occasions have rebelled and challenged the state's efforts to assimilate them. The non-Muslims have tended to emigrate while the Alevis have by and large tried to

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[1] The two terms "multiculturalism" and "post nationalism" are complementary in this paper and have to be understood in a joint analytical framework. Hence, while multiculturalism refers to a state composed of various ethnic and religious backgrounds living together, post nationalism refers to a process in which the state adopts and nurtures a national identity that acknowledges, respects, and takes into account this multiculturalism.

[2] A TV station in Kurdish was opened late in the year in 2008. Its creation provided a substitute for a former daily one-hour broadcasting program in place since 2004 considered as unsatisfactory by the Kurds of Turkey,.

[3] There is a wide body of literature on Turkish nationalism and "Turkishness" in the early years of the republic see for example H. Poulton, *Top Hat, Grey Wolf and Crescent: Turkish Nationalism and the Turkish Republic* (London: Hurst and Company, 1997).

[4] Peter Andrews in his seminal work *Ethnic Groups in the Republic of Turkey* (Weisbaden: L. Reichert, 1989) identifies more than 40 ethnic groups in Turkey. Space precludes covering all these groups. Instead in this report priority will be given to the Alevis, Kurds and major non-Muslims minorities.

survive under the given circumstances. A few, though, have joined extremist Marxist-Leninist underground organizations.

The decision of the European Union (EU) in December 1999 to declare Turkey as a candidate country for membership triggered a painful process of change and reform. The requirement to meet the Copenhagen political criteria led Turkey to introduce a wide range of reforms aiming to recognize greater cultural diversity. Those reforms included, for example, broadcasting and education in "mother tongue languages other than Turkish", public display of Kurdish identity as well as permission for Turkish citizens of Kurdish origin to adopt Kurdish rather than Turkish names. Similar developments have also taken place in respect to other minorities. However, the implementation of these reforms has been either slow or resisted by Turkish bureaucracy. Furthermore, Turkey experienced a major nationalist backlash during the years 2006 and 2007 culminating in social tension between Turks and Kurds as well as a rise in xenophobia. Yet, the year 2008 has seen some promising developments widely recognized as positive in terms of the emergence of a more "multicultural and post-national" Turkey.

Has Turkey finally overcome the resistance to recognizing the multicultural reality of Turkish society? Is Turkey indeed becoming multicultural and post-national? The answer to these questions has a direct bearing on whether Turkey can become a member of the EU or not. One of the requirements of EU membership is that accession countries recognize their cultural diversity and ensure the rights of minorities. This has implication not only in terms of domestic politics but also in terms of immigration. Over the last couple of years, Turkey has emerged as a country of immigration. Larger numbers of asylum seekers, irregular migrants and foreign workers are coming to Turkey. It would thus be very important to probe into their status in Turkey and find out whether they are protected by law. Indeed, citizenship and immigration policies can be very telling with regard to how a country defines itself. Are Turkey's policies of the kind that acknowledges multiculturalism or do they still reflect the priorities and practices of a state and society imagined to be based on cultural unity and homogeneity? This paper aims to explore these questions.

The paper is divided into three sections. The first section discusses how the founders of the Turkish republic adopted policies that put emphasis on ethnic nationalism and aimed at the development of a homogenous nation based on "Turkishness". This section will also discuss the immigration policies and practices associated with such a homogenous understanding of the nation. The second section will examine the reform process triggered by aspirations of membership to the European Union. Particular attention will be given to the impact of the promotion of multiculturalism in Turkey. This section will critically assess whether the reform process has indeed transformed Turkey and will attempt to answer the question whether multiculturalism in Turkey is a "mirage" or a "reality". The third and final section will focus specifically on immigration policies. Have Turkish immigration policies become more "multicultural" or "post-national"? What would a "multicultural" or "post-national" immigration policy in general and in the Turkish case actually mean? These questions will be examined in respect to legal immigration into Turkey as well as in relation to Turkey's asylum and irregular migration policies. In the final concluding section of the paper, it will be argued that Turkey compared to less than a decade ago is indeed much more "multicultural" and "post-national".

In this paper, these two concepts will be used in a somewhat interchangeable manner. A multicultural country would be one whose population is composed of various ethnic and religious backgrounds in the empirical sense of the word. A post-national state on the other hand would be a state that adopts and nurtures a national identity that acknowledges this multiculturalism. This would be a state in contrast to one that denies a multicultural empirical reality and instead advocates a national identity based on homogeneity. Such a state would be characterized by efforts to assimilate differences into the dominant or advocated national identity. There would be no public space for minority groups to express their identity leading to often repression and their exclusion. However, the stage at which a state becomes a post-national state is difficult to define. It might be more useful to talk about degrees of post-nationalism as states adopt and introduce policies that become more and more inclusive towards minorities excluded from given and established definitions of national identity.

A leading proponent of post-national identity has been Jürgen Habermas who argued that in a globalizing world it is increasingly important to develop post-national identities so as to achieve truly inclusive and pluralist democracies based on the rule of law and human rights. He has advocated the idea of "constitutional patriotism" to go beyond national identities that are ethnically, culturally or religiously defined and promote instead a sense of citizenship based on shared values. This, he argues, would lead to a civic identity that neither excludes nor marginalizes minorities.[5]

This notion of constitutional patriotism has become an important part of theories of postnationalism critical to the development of the European Union.[6] Habermas himself has advocated that European identity would need to be based on "constitutional patriotism" if it were to be truly post-national.[7] Since the adoption of Declaration on European Identity by the nine Foreign Ministers in Copenhagen in December 1973 there have been conscious efforts to develop a European identity that emphasizes pluralist democracy and cultural diversity. This has also been enshrined in the treaties of the Union. EU enlargement has paid particular attention to candidate countries aspiring to become members meeting the values associated with a European identity. It is with this in mind that the Copenhagen political criteria of 1993 were introduced and the European Commission was given the authority to monitor the performance of candidate countries. As Risse points out, "European institutions … deliberately try to construct a post-national civic identity in the Habermasian sense emphasizing democracy, human rights, market economy, the welfare state and cultural diversity." [8] It is not the purpose of this paper to examine to what extend current EU member countries live up to these values and norms. Instead the emphasis will be on an analysis of how far, if at all, Turkey has been able to adopt policies associated with multiculturalism and post-nationalism. Particular attention will be given to the relationship between post-national identity and immigration policies.

## Constructing a homogenous Turkish national identity: The assimilation and migration legacy

The Ottoman Empire was long known as a multi-cultural society. It was characterized by the millet system that allowed different religious communities to govern their own internal affairs. However, the arrival of the "age of nationalism" began to change this state of affairs as various ethnic and religious communities within the Empire like elsewhere in Europe began to press for their own national states. The end of the Ottoman Empire was particularly marked by the forced displacement of people. As nationalism set out to establish homogenous national identities, the multi-ethnic and multi-cultural order of the Ottoman Empire was undermined.9 The collapse of the empire and the rise of nationalism, especially in Eastern Europe and the Balkans, were characterized by the "un-mixing" of peoples.[10] This would lead to the dislocation of large numbers of Christians, Jews and Muslims.[11]

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[5] J. Habermas, "Appendix II: Citizenship and National Identity," in *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, transl. William Rehg (Cambridge, Mass.: MIT Press, 1996), pp. 491-515. See also J. Habermas, "The European Nation-State: On the Past and Future of Sovereignty and Citizenship," in C. Cronin and P. De Greiff (eds.) (Cambridge, Mass.: MIT Press, 1998) and J. Habermas, "The European Nation-state – Its Achievements and Its Limits: On the Past and Future of Sovereignty and Citizenship", in G. Balakrishan (ed), *Mapping the Nation*, (Verso, London 1996), pp.281-294.

[6] J. Lacroix, "For a European constitutional patriotism" *Political Studies* Vol. 50, No. 5, (2002), pp. 944–958.

[7] J. Habermas, "Citizenship and National Identity: Some Reflections on the Future of Europe" *Praxis International* Vol. 12, No. 1, 1992, pp. 1-19.

[8] T. Risse, "Social Constructivism and European Integration" in A. Wiener and T. Diez. (eds.) *European Integration Theory,* (Oxford University Press, 2004), p. 170.

[9] J. McCarthy, *The Ottoman peoples and the end of Empire* (London: Arnold, 2001), pp. 47-62.

[10] M. R. Marcus, *The Unwanted: European Refugees in the Twentieth Century* (Oxford: Oxford University Press: 1985). For the notion of state formation provoking forced migrations see A. Zolberg, 'The Formation of New States as a Refugee-generating Process', *ANNALS, AAPSS,* No. 467 (May 1983), pp. 24-38.

These displaced people came from a great variety of ethnic groups, including Armenians, Bosnians, Bulgarians, Circassians, Greeks, Kurds, Pomaks, Tatars and Turks. The population shifts of the Balkan and First World Wars were followed by a compulsory exchange of population between Greece and the new Turkish Republic, which saw the arrival of almost half a million Muslims.[12] This period was characterized by massive demographic changes which saw the size of especially the Armenian,[13] and Greek communities significantly shrunk. Turkey's non-Muslim population fell from about three per cent of the total population of Turkey to less than two per 1,000 in 2005 as a result of emigration.[14] The loss of the Armenian and Greek communities, accompanied by the estimated death of 2, 5 million Muslims in the wars, left the new Turkish republic considerably depopulated in comparison to the Ottoman Empire.[15]

This historical background characterized by the "un-mixing" of communities of the late Ottoman Empire and the loss of territories had a profound effect on the new Turkish state especially in respect to its nation-building policies. The founding fathers of the Turkish republic initially espoused a civic definition of citizenship and national identity. This vision was conspicuously reflected in the 1924 Constitution. According to Article 88, all citizens of Turkey irrespective of their religious or ethnic affiliations were defined as 'Turks'. However, state practice considerably deviated from this definition, especially from late 1920s onwards. Concerns about the territorial and political unity of the country in the face of Kurdish rebellions and an Islamic uprising against secularism led the state to downplay this civic understanding of national identity and instead emphasize homogeneity and "Turkishness".[16]

*(Contd.)* ————————————

[11] For details of the context and size of these forced migrations see A. Akgündüz, 'Migration to and from Turkey, 1783-1960', *Journal of Ethnic and Migration Studies*, Vol. 24, No. 1 (January 1998), pp. 97-120; A. İçduygu, Ş. Toktaş and B. A. Soner, 'The Politics of Population in a Nation Building Process: Emigration of non-Muslims from Turkey' *Ethnic and Racial Studies*, Vol. 31, No. 2 (2008), pp. 358-389; K. Karpat, *Ottoman population 1830-1914: Demographic and social characteristics.* (Madison: The University Press of Wisconsin, 1985); P. Loizos, 'Ottoman Half-lives: Long-term Perspectives on Particular Forced Migrations', *Journal of Refugee Studies*, 12 (3) (1999); J. McCharty, *Death and exile: The Ethnic Cleansing of Ottoman Muslims* (Princeton N. J.: Darwin Press, 1995); J. McCarthy *The Ottoman peoples and the End of Empire* (2001); A. Pallis, A. 'Racial Migrations in the Balkans during the Years 1912-1924', *Geographical Journal*, Vol. 66, No. 4, (October 1925) and S. J. Shaw, 'Resettlement of Refugees in Anatolia, 1918-1923', *The Turkish Studies Association Bulletin*, No. 22 ( Spring 1998), pp. 58-90.

[12] For the details of the exchange of population see K. Ari, Büyük mübadele: Türkiye'ye zorunlu göç (1923-1925) (Istanbul: Tarih Vakfı Yurt Yayınları, 2000) and S. Ladas, *The Balkan Exchanges of Minorities: Bulgaria, Greece and Turkey* (New York: Macmillan, 1932).

[13] J. McCarthy, *Muslims and Minorities: The Population of Ottoman Anatolia and the End of Empire* (New York: New York University Press, 1983), pp. 121-130. The number of Armenians who suffered the consequences of forced migration is highly contested. McCarthy estimates that almost 600,000 Armenians died during the First World War and the 1915 deportations while more than 880,000 fled from Turkey as refugees. Armenian as well as some Turkish scholars call the consequences of the 1915 Ottoman deportations of most members of the Ottoman Armenian community a 'genocide'. See for example V. Dadrian, *The History of the Armenian genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (New York: Oxford Bergham Books, 2003); and T. Akçam, *From Empire to Republic: Turkish Nationalism and the Armenian Genocide* (London: Zed Books, 2004). There are also scholars that contest that a 'genocide' occurred and attribute the fate of the Armenians to the politics of the First World War. See for example K. Gürün, *Ermeni Dosyası* (Istanbul: Remzi Kitabevi, 2005); Y. Halaçoğlu, *Ermeni tehciri* (Istanbul: Babıali Kültür Yayınları, 2004); K. Gürün, *The Armenian File: Myth of Innocence Exposed* (Mersin: Rüstem, 2001) and G. Lewy, *The Armenian Massacres in Ottoman Turkey: A Disputed Genocide* (University of Utah Press, 2005).

[14] İçduygu et al., (2008), p. 358. For details of the data on the size of minority populations in Turkish censuses see F. Dündar, *Türkiye nüfus sayımlarında azınlıklar* (Istanbul: Doz Yayınları, 1999).

[15] Estimated by McCarthy, (1983), pp. 133-134.

[16] For details on efforts to assimilate Kurds through resettlement see D. McDowall, *A modern history of the Kurds* (London: I. B. Tauris, 1996), pp. 184-211). After most of the Kurdish rebellions that occurred between 1924 and 1938, the state forcibly resettled the tribes involved and their leaders in western parts of Turkey. For an official account of all rebellions that took place after the establishment of the Turkish republic up to the Second World War see *Türkiye Cumhuriyeti'nde ayaklanmalar (1924-1938)* (Ankara: Gnkur. Basımevi, 1972). During this period 18 rebellions occurred and 16 of them involved Kurds in eastern Anatolia.

The identifying features of "Turkishness" as defined by state practice were the use of the Turkish language (or the willingness to adopt it) and membership in one of the Muslim Sunni ethnic groups closely associated with past Ottoman rule. Hence, Albanians, Bosnians, Circassians, Pomaks, and Tatars were very much included into this definition, while the Christian Gagauz Turks, members of other Christian minorities, Alevis and unassimilated Kurds were excluded from the national community. The emphasis on national homogeneity and unity - features of many East European and Balkan nationalisms in the same period influenced the Turkish elite as well.[17] In theory the Turkish experience was much closer to the French notion of citizenship but the practice would typically fall in line with the German or east European experience depicted by Kohn as well as Brubaker.[18] The debate on the extent to which Turkish national identity and citizenship were inclusive or exclusive is an unsettled one.[19] However, what is sure is that the Turkish state actively tried to assimilate different ethnic minorities into the Turkish national identity as long as they were Sunni Muslims. Hence for example the Kurds became "mountain Turks" and repressive policies were introduced to assimilate them and deny them any expression of their identity.[20] Non-Muslims were generally encouraged to emigrate[21] although there was a brief period in the 1930s when the notion of assimilating Jews was considered.[22] By and large, as a close observer of minority rights in Turkey notes the Turkish state developed a practice of seeing non-Muslims citizens as "domestic foreigners".[23] Nevertheless, numerous policies were adopted to bring about assimilation. These ranged from requiring the use of Turkish language and enforcement of "citizens speak Turkish" campaigns to the requirement of adopting surnames in Turkish.[24]

Migration was also used as a potent tool for *turkification* and assimilation of diverse identities in Turkey into a homogenous national identity. Numerous laws and regulations were adopted to implement this migration policy. The most famous of these was the Settlement Law (İskan Kanunu) of June 1934. At the time, the government was concerned because ten years after the establishment of the Turkish republic, many non-Muslim minorities were still not speaking the Turkish language, which was considered a fundamental aspect of national identity. Furthermore, there were large pockets in the country where languages other than Turkish were still dominant. These areas included not only the Kurdish-populated regions, but also those parts of the country settled by non-Turkish speaking immigrants, including Muslim refugees from the North Caucasus, Crimea and the Balkans. Many

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[17] S. Cagaptay, *Islam, Secularism, and Nationalism in Modern Turkey: Who is a Turk?* (London: Routledge, 2005), p. 65.

[18] R. Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge MA: Harvard University Press, 1992) and H. Kohn, *The idea of nationalism: a study in its origins and background* (New York: Macmillan Company, 1944).

[19] See K. Kirişci, "Disaggregating Turkish Citizenship and Immigration Practices", *Middle Eastern Studies*, Vol. 36, No. 3, pp. 1-22; A. İçduygu, Y. Colak and N. Soyarık, "What is the Matter with Citizenship: A Turkish Debate" *Middle Eastern Studies* Vol. 35, No. 4 (October 1999), pp. 187-208; B. Oran, *Atatürk Milliyetçiliği: Resmi İdeoloji Dışı Bir İnceleme* (İstanbul: Bilgi Yayınevi, 1999), A. Yıldız, 'Ne Mutlu Türküm Diyebilene': Türk Ulusal Kimliği Etno-Seküler Sınırları (1919-1938) (İstanbul: İletişim Yayınları, 2001) and Mesut Yeğen, "Citizenship and Ethnicity in Turkey" *Middle Eastern Studies*, Vol. 40, No. 6, November 2004, pp. 51-66.

[20] For a detailed study of the Kurdish problem see K. Kirişci and G. Winrow, *The Kurdish Question and Turkey: An Example of a Trans-State Ethnic Conflict* (London: Frank Cass, London, 1997).

[21] İçduygu et al. (2008) and Cagaptay, (2005).

[22] Cagaptay (2005), pp. 24-27. See also R. Bali, *Cumhuriyet yıllarında Türkiye Yahudileri: Bir Türkleştirme serüveni (1923-1945)* (Istanbul: İletişim Yayınları, 1999).

[23] B. Oran, "The Minority Concept and Rights in Turkey" in Z. Kabasakal-Arat (ed.) *Human Rights in Turkey* (Philadelphia: University of Pennsylvania Press, 2007), p. 51.

[24] For a detailed analysis of efforts of 'turkification' especially based on promoting broader use of the Turkish language see A. Aktar, 'Cumhuriyet'in ilk yıllarında uygulanan Türkleştirme politikaları', *Tarih ve Toplum*, No. 156 (December 1996), pp. 4-18; A. Yıldız, *'Ne mutlu Türküm diyebilene: Türk ulusal kimlğinin etno-seküler sınırları (1919-1938)* (Istanbul: İletişim, 2001).

deputies raised this concern over the language issue during the parliamentary debate that preceded the adoption of the legislation.[25]

The Settlement Law formed the legal basis of a complex and massive social engineering project aimed at constructing a homogenous Turkish national identity. The text of the law and some of the parliamentary debates about its passage revealed the government's image of the ideal Turkish citizen. In the words of one deputy, the law aimed at creating "a country which would speak one single language, think and feel alike".[26] The drafters of the law put it even more bluntly. They argued that with the implementation of this law, "the Turkish state would not want to suspect the Turkishness of any Turk (Turkish citizen)".[27] Under the Settlement Law, the regime forcibly moved thousands of individuals within Turkey and also encouraged immigration into Turkey from particularly the Balkan countries.

According to this law, only persons of "Turkish ethnic descent and Turkish culture" (Türk soyu ve kültürü) could immigrate, settle in Turkey and eventually receive Turkish citizenship. The law provided no clear criteria for defining Turkish ethnicity and culture. Instead, it empowered the Council of Ministers to decide which groups abroad qualified as belonging to Turkish ethnicity and culture. According to their decisions, Turkish-speaking communities in the Balkans, and to a lesser extent in the Caucasus and Central Asia, came within the scope of this law. Accordingly, many Albanians, Bosnians, Circassians, Georgians, Pomaks and Tatars benefited from its provisions. So did a small number of immigrants who came from Central Asia. In total, more than 1, 6 million immigrants settled in Turkey between the establishment of the republic and the mid-1990s. The state actively encouraged immigration into Turkey and provided resources for immigrants until the early 1970s. It maintained a specialized institution that was exclusively responsible for their settlement and their integration. [28]

Immigration flows also included refugees seeking asylum in Turkey before and during the Second World War as well as subsequently. The onset of the Nazi regime in Germany in 1933 led to a group of German-speaking refugees in Turkey. However, this group was not admitted to Turkey on the basis of any legal arrangement, but rather as a result of a deal brokered with the encouragement of Kemal Atatürk. A large number of these intellectuals were Jewish. However, Turkey's policy toward Jewish refugees from Nazi Germany was mixed. On the one hand, Turkey allowed some Jews from German-occupied Europe to transit to Palestine.[29] Yet, at the same time, Turkish authorities would not always allow ships carrying Jewish refugees to Palestine to berth in Turkish ports. On one occasion Turkish authorities would not allow the *Struma* in December 1941 with its load of about 770 refugees into Istanbul harbor for repairs. The ship was towed back to the Black Sea and left adrift. It was in February 1942 torpedoed, probably by a Soviet submarine, causing the death of all on board except one person.[30] During the course of the Second World War many people from the German-occupied

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[25] On these debates and the development of resettlement policies see K. Kirişci, 'Disaggregating Turkish Citizenship and Immigration practices', *Middle Eastern Studies*, Vol. 36, No.3, (July 2000), pp. 4-6. For the Turkish state's settlement policies see also E. Ülker, *Homogenizing a Nation: Turkish National Identity and Migration-Settlement Policies of the Turkish Republic (1923-1938)* (Masters Thesis prepared at Boğaziçi University, 2003), S. Cağaptay, 'Race, Assimilation and Kemalism: Turkish Nationalism and the Minorities in the 1930s', *Middle Eastern Studies*, Vol. 40, No. 3, (May 2004) and Cağaptay (2005).

[26] *TBMM Zabıt Ceridesi* I: 68, 14.6.1934, p. 141.

[27] '1/335 numaralı İskan kanunu layihası ve İskan murakkat encümeni mazbatası', p. 8 in *TBMM Zabıt Ceridesi*, Cilt 23, (Ankara: T.B.M.M., 1934).

[28] For the details of this immigration experience see K. Kirisci, "`Coerced Immigrants': Refugees of Turkish Origins since 1945" *International Migration*, Vol. 34, No. 3 (1996), pp. 385-413 and A. İçduygu and K. Kirişci, 'Introduction: Turkey's International migration in Transition' in A. İçduygu and K. Kirişci, (eds.) *Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey* (Istanbul: Bilgi University Press, 2009).

[29] S. Shaw, *The Jews of the Ottoman Empire and the Turkish Republic.* (New York: New York Univ. Press, 1991), p. 256 puts the number at around one hundred thousand. R. Bali, *Devlet'in Yahudileri ve 'öteki' Yahudi* (Istanbul: İletişim, 2004), p. 171 footnote 18 disagrees and argues that the numbers were more like 15 to 17,000.

[30] Bali, (1999), pp. 342-56.

Balkans also sought refuge in Turkey. They included Bulgarians, Greeks (especially from Greek islands on the Aegean), and Italians from the Dodecanese islands. There are no public records available for their number, but according to one source there were approximately 67,000 internees and refugees in Turkey at the end of the Second World War.[31] However, the majority of these people returned to their countries after the end of the war, except for those who fulfilled the conditions set by the Settlement Law.

Although Turkey's refugee policy significantly changed after the Second World War, it nevertheless remained a state policy to refuse refugees who were not of "Turkish descent or culture" to settle in Turkey. In this period, the Cold War became a determining factor of Turkish policy. Turkey had become firmly embedded in the Western Bloc, so it is not surprising that the overwhelming majority of the refugees came from the Soviet Bloc. In close cooperation with United Nations High Commissioner for Refugees (UNHCR), Turkey received refugees from Communist countries in Europe, including the Soviet Union. Such refugees, with the exception of small numbers, were resettled to the United States, Canada, and other countries.

Turkey also experienced mass influx of refugees in 1952, 1988, 1989 and 1991. Those in 1952 and 1989 involved Turks and Pomaks from Bulgaria, who were permitted to stay and settle in Turkey. On both occasions, the government adopted special policies to facilitate their integration into mainstream Turkish society. There were also Bosnian Muslims and Kosovo Albanians who fled to Turkey in great numbers during the 1990s. The government introduced a generous "temporary asylum" policy that gave these refugees access to education, employment and health possibilities, falling just short of full-fledged integration. Many of these refugees were housed in an exceptionally comfortable refugee camp near the Bulgarian border that had been constructed in response to the refugee influx from Bulgaria in 1989. Some of the refugees were also granted residence permits and stayed with relatives in large cities such as Istanbul and Bursa. Eventually, an overwhelming majority of these refugees returned.[32]

Their treatment was in stark contrast to the approximately half a million Kurdish refugees who fled across the Iraqi-Turkish frontier in 1988 and 1991 into Turkey. While the mass influxes from the Balkans were primarily seen and responded to in the context of addressing the suffering of people regarded as part of the Turkish national identity, the Kurdish influxes were seen from the perspective of national security and the negative impact on Turkish national identity. Interestingly enough, in the case of the first mass influx, state authorities even avoided the use of the term "Kurds". This coincided with a period when the Turkish state continued to deny the existence of "Kurds". The authorities also shied from using the term "asylum seekers or refugees" fearing that their use could impose international obligations upon Turkey. Again in contrast to the accommodation and other facilities provided for Bosnian Muslims and Albanians, Kurdish refugees had to put up with extremely difficult conditions as well as restrictions. The second influx coincided with a period when there was a relatively more relaxed climate in respect to Kurdish identity in Turkey. Nevertheless the crisis was still tackled from a national security perspective and the government engaged in an energetic diplomatic exercise for the creation of a "safe haven" in Northern Iraq to ensure the speedy return of the refugees.[33] Needless to say that ethnic and cultural consideration played an important role in explaining the difference of treatment with regard to refugees coming from the Balkans in comparison to the Kurds.

Turkey's policy towards asylum seekers and refugees coming from countries in Africa, Asia and the Middle East has also been determined by the Settlement Law of 1934. The revolution in Iran and

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[31] J. Vernant, *The Refugee in the Post-War,* (London: George Allen and Unwin, 1953), p. 244.

[32] See K. Kirişci, "UNHCR and Turkey: Cooperating towards an Improved Implementation of the 1951 Convention on the Status of Refugees", *International Journal of Refugee Law*, Vol. 13, Nos. 1-2, pp. 75-76.

[33] K. Kirisci, "'Provide Comfort' and Turkey: Decision Making for Refugee Assistance", *Low Intensity Conflict and Law Enforcement*, Vol. 2, No. 2, (autumn 1993), pp. 227-253.

the general instability in the Middle East, in parts of Africa and South Asia, led to an increase in the number of asylum seekers from these regions starting from the early 1980s. For a time, the government allowed the UNHCR considerable leeway in accepting refugees from these regions as long as these asylum seekers would later be recognized as refugees and resettled out of Turkey. However, the growth in the number of illegal entries into Turkey and in the number of rejected asylum seekers stranded led the government to tighten its policy. In 1994, the government introduced tough new regulations to govern asylum. This step led to an increase in the number of deportations and attracted criticism from refugee advocacy and human rights circles. Subsequently, the UNHCR and Turkey succeeded in developing a new system of asylum that today handles approximately 4,000 to 4,500 applications a year.[34] Government officials continue to expect that those who are not recognized as refugees will leave the country and those who are recognized are resettled out of Turkey. This practice is based on the manner in which Turkey acceded to the central international legal instrument on refugees, the 1951 Geneva Convention Relating to the Status of Refugees. This 'geographical limitation' has been a central characteristic of Turkey's asylum policies. In practice it has meant that Turkey is under no legal obligation to grant refugee status to asylum seekers coming from outside Europe. This policy is very reflective of the manner in which the Turkish state has defined Turkish national identity and its reform will constitute a test case for a more post-national Turkey.

The authoritarian policies of the Turkish state associated with maintaining a homogenous national identity have also forced some Turkish nationals, especially Kurds, to seek asylum in mostly West European countries at various times. The military intervention in 1980 reinvigorated the "mountain Turks" approach towards Kurds and introduced repressive measures against manifestations of Kurdish identity. The adoption of a constitution in 1983 and return to civilian rule did not change this trend. Instead, the growth of ethnic conflict in east and southeast Turkey, coupled with human rights violations by the state, led to an increase in asylum applications by Turkish refugees in Europe. Between 1980 and 2005 there were more than 660,000 applications involving mostly Alevis, Kurds and regime opponents.[35] Interestingly, the number of asylum applications from Turkish nationals has been decreasing over the last few years. Tighter asylum policies adopted by European governments have played a role in this shift. However, political reforms in Turkey that have increased public space for expression of cultural diversity and multiculturalism have also helped this reversal. These reforms and their impact on the definition of Turkish national identity will be studied in greater detail further on in this report.

The 1923 Lausanne Treaty that gave birth to the Turkish republic provided for extensive provisions to protect the minority rights of non-Muslim communities.[36] However, this did not prevent the introduction of policies that would seriously erode these rights. This took a number of forms ranging from forced migration to discriminatory practices in employment, taxation and property ownership. A case in point was the manner in which Jewish communities living in Thrace, the European part of Turkey, in 1934 were forced to abandon the cities and towns they lived in and move to Istanbul.[37] Against a background of deteriorating Greek-Turkish relations, on 6-7 September 1955, mobs rampaged through the streets of Istanbul, wrecking Greek businesses and homes, as well as those of Armenians, Jews and other non-Muslims. The initial reason for the outbreak of this violence was the news of a bomb that had exploded at the Atatürk museum in Thessaloniki, Greece. Subsequently, it was discovered that the bomb had actually been planted by a Turkish agent. The government failed to

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[34] K. Kirişci 'Turkey: Political Dimension of Migration' in P. Fargues (ed.) *Mediterranean migration Report 2005* (Florence: CARIM, European University Institute, The Robert Schuman Centre for Advanced Studies 2005), p. 351. For updated figures see K. Kirişci, "Managing Irregular Migration in Turkey: A Political-Bureaucratic Perspective" *Euro-Mediterranean Consortium for Applied Research on International Migration*, (Analytical and Synthetic Notes 2008/61, European University Institute, The Robert Schuman Centre for Advanced Studies), p. 8.

[35] İçduygu and Kirişci (2009), Table 3, p. 7.

[36] See Oran (2007).

[37] For more details see Cagaptay, (2005), pp. 140-151.

quell the mob violence and as a result, large numbers of Greeks left Istanbul over the next decade, their number declining from about 100,000 in 1960 to about 7,000 in 1978.[38]

Another important development that provoked the displacement of non-Muslims, in particular the Jewish community, was the November 1942 Law on the Wealth Tax (*Varlık Vergisi Kanunu*). This law claimed to combat all war profiteering by businesses in Turkey. But in its application it discriminated between Muslim and non-Muslim tax payers, and levied far heavier taxes on non-Muslims, leading to the destruction of the remaining non-Muslim merchant class in Turkey. Those who failed to pay their taxes by the February 1943 deadline were sent to labor camps in eastern Anatolia. All but few of the 6-8,000 people who were sent to labor camps were non-Muslims, especially Jews. Muslim taxpayers who failed to pay in full received lighter sentences.[39] As a consequence of Varlık Vergisi and the labor camps, the lives and finances of many non-Muslim families were ruined. This experience of discrimination and internment was an important factor in the exodus of much of the Jewish population to Israel during 1948 and 1949.[40]

There were also discriminatory employment practices that persisted well into recent times. The practice that developed in the 1930s and 1940s was one that would deny some of these professions to Turkish citizens belonging to non-Muslim minorities not to mention public sector professions such as employment with the security forces and the judiciary.[41] This practice of giving priority and privileges to people considered to be of 'Turkish' ethnicity survived well into recent times. As late as in 1981, the then military government introduced a law (No. 2527) enabling foreigners of Turkish descent facilitated access to employment in Turkey, including the public sector usually reserved to Turkish citizens. It is widely known in Turkey that it would not be possible to find non-Muslim Turkish citizens employed in the judiciary, police or for that matter in the Ministry of Foreign Affairs.[42] This latter is particularly ironic because non-Muslims were very prominent in the Ottoman Ministry of Foreign Affairs and also a member of Turkish delegation to the Lausanne conference in 1922 was Jewish.[43] The practice of denying employment in the public sector has continued until very recently. A newspaper reported that a young Turkish-Armenian woman who applied to become a stewardess with Turkish Airlines, a mostly state owned company, saw her job interview bluntly terminated when company representatives discovered her Armenian origins.[44] Currently, universities and medical schools are the only places were one can come across non-Muslim employees.

Another exclusionary manifestation of Turkish national identity took the form of the confiscation of some of the property of the foundations belonging to non-Muslim minorities. The Turkish government began the practice of nationalization the properties of such foundations in early 1970s. The practice went unchallenged well into the 1990s. It is only in the last couple of years in response to rulings of the European Court of Human Rights and more importantly EU reforms that the practice has been challenged. However, the issue of reparations and restitution of these properties remain unresolved. One final manifestation of discriminatory and exclusionary practices towards non-Muslim

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[38] A. Alexandris, *The Greek minority of Istanbul and Greek-Turkish relations* (1992), p. 294. Dündar, (1999), on the other hand on the basis of census results puts the figure for Greek speakers in Turkey in 1955 and 1960 at almost 147,000 and 138,000 respectively, p. 124.

[39] R. Akar, *Aşkale yolcuları* (Istanbul: Belge Yayınları, 1999), p. 109 and F. Ökte, *Varlık vergisi faciası* (Istanbul: Nebioğlu Yayınları, 1951), who gives the much lower figure of 1,400, p.157.

[40] R. Bali, *Cumhuriyet yıllarında Türkiye Yahudileri, Aliya, bir toplu göçün öyküsü (1946-1949)*, (Istanbul: İletişim, 2003).

[41] See for example A. Aktar, *Varlık Vergisi ve Türkleştirme Politikaları* (İstanbul: İletişim Yayınları, 2001).

[42] B. Oran, *Türkiye'de Azınlıklar: Kavramlar, Lozan, İç Mevzuat, İçtihat, Uygulamam*, (Istanbul: Tesev Yayınları, 2004), p. 75. A. Yumul, "Azınlık mıVatandaş mı?" in A. Kaya and T. Tarhanlı (eds.) *Türkiye'de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları* (Istanbul: TESEV Yayınları, 2005) provides an extensive analysis of such discriminatory practices.

[43] He was Hayim Nahum, 'Lozan Barış Konferansı', *Vikipedi*, http://tr.wikipedia.org.

[44] Reported by M. Kırıkkanat, "THY'nın ayrımcılık imzası" *Vatan*, 10 October 2006.

Turkish citizens have been the manner in which politicians and even ministers in government have identified them as threats to Turkish national identity and security. The forced displacement of Jews from Thrace in 1934 and the treatment of non-Muslims in Istanbul in September 1955 were very much a function of a mentality that defined them as threats to Turkey and "Turkishness". This mentality was still alive in the 1990s. For example the minister of the Interior Meral Akşener in 1997 referred to Abdullah Öcalan, the leader of the PKK who was engaged in extensive violence against the state and civilians in the 1990s, in an extremely pejorative manner as being of Armenian descent (Ermeni dölü). Clearly, the minister had paid little regard to the feelings of Turkish citizens of Armenian and Kurdish origin.[45] In a similar fashion after the destructive earthquake in August 1999 the former Minister of Health Osman Durmuş provoked considerable controversy when he made statements refusing humanitarian assistance from Armenia and donations of blood from Greece. The reactions he provoked prompted him to argue that he had been misunderstood and to retract his statements.[46] Nevertheless, as a member of a political party, the Nationalist Action Party (MHP), known for its right wing nationalist leaning, these statements would not be very surprising and is reflective of the persistence of an exclusionary understanding of Turkish national identity.

Alevis in Turkey who are a Muslim minority religious group have also encountered discriminatory practices. In spite of the absence of any specific laws or written regulations until recently the employment of Alevi citizens in higher echelons of the public sector was rare. Furthermore, the Directorate of Religious Affairs that governs Islam in Turkey did not recognize a separate Alevi identity and instead provided them with services based on the majority Sunni Hanefi branch of Islam. Alevis have traditionally been very supportive of the secular state in Turkey. Yet, a narrow definition of Turkish national identity focusing on Sunni-Hanefi branch of Islam has very much excluded the Alevis.

These discriminatory and exclusionary practices against minorities have in the last couple of years been increasingly challenged and a slow process of reform is unfolding itself. The process began roughly with the EU's decision in December 1999 to engage Turkey as a candidate country for membership. This process also involves a conspicuous effort to reformulate Turkish national identity and make it much more inclusive of Turkey's ethnic and cultural diversity. This process is beginning to provide better protection for minority rights and a greater possibility of public expression of cultural diversity. The next section will study this process of reform and transformation and examine to what extent this process has contributed to a multicultural and post-national Turkey.

## Turkey's EU membership quest and reform of its national identity

Turkey's quest to become part of Europe and, later, the European Union has been a long one. A westernization and modernization process started as early as the late 18th century in the Ottoman Empire. However, it was with the establishment of the Turkish republic in 1923 and with Mustafa Kemal Atatürk's reforms that Turkey embarked upon a systematic and profound modernization project. Atatürk defined his efforts to achieve a modern, secular, and Western society as a process of "catching up" with contemporary civilization, often referred to as "westernization".[47] This process was itself manifested an aspiration to become part of Europe. Especially after the end of World War Two, Turkey joined practically all the Western European economic and political regional organizations as well as NATO. Turkey was also keen on developing a relationship with the European Economic

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[45] The term is widely recognizable in Turkey and frequently referred to in contexts when narrow nationalist views are criticized see for example Yasemin Arpa, 'Ermenistan sınırı ne anlama geliyor' ntvmsnbc (Internet version) 1 April 2009 and Niyazi Ökdem, 'Velev ki Ermeni olsun' Star (Internet version) 22 December 2008.

[46] "Cahil Olabilirim", Hürriyet, 24 Ağustos 1999.

[47] For the analysis of this process see F. Ahmad, The Making of Modern Turkey (London: Routledge, 1993); E. Zürcher, Turkey: A Modern History (London: I. B. Tauris, 1998) and N. Berkes, Türkiye'de Çağdaşlaşma (Ankara: Bilgi Yayınevi, 1973).

Community (EEC) soon after it was founded in 1957. The government applied for associate membership in 1959. This application resulted in the Ankara Association Agreement in September 1963. The provisions of this Agreement envisaged a gradual process of economic integration between Turkey and the EEC as well as eventual membership. However, the issue of membership would not be taken up until 1987. Even then, in its opinion of December 1989, the Commission concluded that Turkey was not ready to be a member of the European Union for economic, political, and social reasons.[48] Turkey's human rights record and treatment of its minorities were important reasons justifying this rejection. Turkey was thought to have a strong sense of national identity leaving little room for diversity and pluralism. However, the Commission did not in any way question the right of Turkey to become a member of the EC sometime in the future.

Most of the 1990s were a very difficult period for Turkey as violence in southeast Turkey increased and the Kurdish problem, together with widespread human rights violations, led to a marked deterioration in EU-Turkish relations. Nevertheless, in spite of considerable resistance from human rights circles and the European Parliament, both sides in the end succeeded in signing the Customs Union Agreement of January 1996.[49] In Turkey, this new treaty was very much perceived as a vital step toward eventual full membership. The major breakthrough in terms of Turkey's transformation came at the December 1999 EU summit in Helsinki. Many factors played a role in this dramatic turnaround in the EU's position. These ranged from the formation of a social democrat government in Germany replacing the long reign of Helmut Kohl's Christian democrat dominated government to the end of violence surrounding the Kurdish problem in Turkey. This was also accompanied by additional factors such as promises from former Prime Minister Bülent Ecevit to liberalize Turkish politics[50] and the rapprochement between Greece and Turkey.[51] It was against this background that the European Council in December 1999 extended candidate status to Turkey and required Turkey to meet the Copenhagen political criteria to be able to start accession negotiations. The decision precipitated a process that would come to play a critical role in Turkey's transformation.[52]

The Copenhagen criteria related to issues that went to the very heart of how Turkish national identity and politics were conceived. Since the early 1950s Turkey had been a parliamentary democracy but had failed to consolidate pluralism and respect for diversity.[53] The intermittent military interventions and suspension of Turkish democracy were clear manifestations of the failure of pluralist democracy to develop and consolidate itself. The military, a conservative state bureaucracy as well as right-wing nationalist political parties were the leading resisters to reform. Hence, it was not surprising that the coalition government in power in the aftermath of the Helsinki summit became deeply

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[48] For these developments and a historical background to EU-Turkish relation see, A. Eralp, "Turkey and the EC in the Changing Post-War International System," in C. Balkır and A. M. Williams (eds.) *Turkey and Europe*, (London: Pinter, 1993); and A. Eralp, "Turkey and the European Community: Prospects for a New Relationship," in A. Eralp, M. Tunay and B. Yeşilada (eds.) *The Political and Socioeconomic Transformation of Turkey*, (Westport, Conn.: Praeger, 1996).

[49] S. Klaus, 'European Parliament in EU External Relations: The Customs Union with Turkey' *European Foreign Affairs Review*, Vol. 5, No. 2 (2000), pp. 215-237.

[50] The German Ambassador in Ankara reported that Ecevit's letter making these promises played an important role in swaying Schröder's opinion, *Turkish Daily News*, 9 December 1999.

[51] A. Heraclides, 'Greek-Turkish Relations from Discord to Détente: A Preliminary Evaluation' *The Review of International Affairs*, Vol. 1, No. 3, (2002) and Z. Öniş, 'Greek-Turkish relations and the European Union: A Critical Perspective' *Mediterranean Politics*, Vol. 6, No. 3 (2001).

[52] For the EU's impact on the transformation of Turkish domestic politics see F. Keyman and S. Aydın, CEPS, EU-Turkey Working Papers, "European Integration and the Transformation of Turkish Democracy," No. 2 (2004); M. Müftüler-Baç, 'Turkey's Political Reforms and the Impact of the European Union' *South European Society and Politics*, Vol. 10, No. 1, (2005), pp. 17-31 and F. Keyman and S. Aydın-Düzgit, "Europeanization, Democratization and Human Rights in Turkey", in E. LaGro and K. E. Jørgensen (eds.) *Turkey and the European Union: Prospects for a Difficult Encounter*, (Houndmills: Palgrave Macmillan, 2007).

[53] For a comprehensive study of Turkish democracy and its limits see E. Özbudun, *Contemporary Turkish Politics: Challenges to Democratic Consolidation* (Boulder, Co: Lynne Reinner, 2000).

divided. The Accession Partnership (AP) document by the European Commission detailing the political reforms that Turkey had to introduce was released in November 2000. The right-wing MHP was often the first obstacle in the way of some of the more critical reforms.[54] The absence of coherence and powerful political will to pursue reforms would, in turn, weaken the government's ability to mobilize support among crucial bureaucracies, such as the Ministry of Interior and Ministry of Justice, not to mention the military.

This was most clearly manifested during the preparation of the *National Program for the Adoption of the Acquis* (NPAA) and is very telling in terms of resisting the notion of adopting a more liberal and plural conception of national identity. In most other candidate countries, the preparation of such a document was quite straightforward and completed within a matter of weeks. Conversely, the Turkish process dragged for months. The government had to negotiate endlessly with different parts of the state apparatus in an effort to find an acceptable formulation for reforms, especially on the more sensitive issues like the lifting of the death penalty, the expansion of freedom of expression, and the introduction of cultural rights for minorities. There were a number of draft versions prepared. The final version fell well short of expectations and the AP itself.[55]

The wording adopted for the critical reforms that went to the heart of recognizing cultural diversity was vague and ambiguous. The AP emphasized the removal of "any legal provisions forbidding the use by Turkish citizens of their mother tongue in TV/radio broadcasting" and the need to ensure the "cultural diversity and guarantee of cultural rights for all citizens irrespective of their origin."[56] The NPAA was simply silent on the prospects of TV/radio broadcasting in mother-tongue languages other than Turkish and the reduction of the military's influence.[57] Instead, it noted that the official language of Turkey and that of education was Turkish. It did, though, stipulate that there could be no obstacles placed on the free use of other languages and dialects by people in their day-to-day lives. However, the NPAA did maintain that this freedom could not be used for the purposes of separatism giving in to the established view that any manifestation of "Kurdishness" could indeed amount to separatism punishable by the then Turkish Penal Code. The NPAA reflected a difficult compromise between the need to meet the Copenhagen criteria and the unwillingness to implement reforms on the most sensitive issues relating directly to the manner in which Turkish national identity is conceived.

It was not surprising that these issues were not addressed until mid 2002. Serious tensions occurred within the governing coalition. The spring of 2002 was characterized by a very heated, divisive, and contentious debate on membership to the EU. The standard accusations gained intensity: that the EU was a Christian club that would never admit Turkey, and that the reforms being demanded aimed to weaken Turkish national sovereignty and territorial integrity. A case in point was the aggressive and virulent manner in which the Secretary-General of the National Security Council, General Tuncer Kılınç (at an international military conference in Istanbul in March 2002), declared that the EU was a "Christian Club" and that it was a "neo-colonialist force determined to divide Turkey." He proposed that Turkey abandoned its bid for EU membership and aimed at closer relations with Russia and Iran. His remarks precipitated a lively debate in Turkey.[58] A former mayor of Istanbul, a politician and at the same time founder of a private university in Turkey, Bedrettin Dalan, argued on a television program that the EU demands for education reforms in Kurdish was part and parcel of a "divide and rule" policy to achieve the ultimate goal of reviving the Roman Empire. He also added that he was of

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[54] G. Avcı, 'Turkey's Slow EU Candidacy: Insurmountable Hurdles to Membership or Simple Euro-Skepticism?' *Turkish Studies*, Vol. 4, No. 1, (Spring 2003), pp. 149-170.

[55] K. Kirişci, 'Turkey and the European Union: The Domestic Politics of Negotiating Pre-Accession', *Macalester International*, Vol. 15, (Spring 2005).

[56] *Turkey: 2000 Accession Partnership*, Commission of the European Communities, Brussels, 2000.

[57] *Avrupa Müktesebatının Üstlenilmesine İlişkin Türkiye Ulusal Programı,* (Ankara: Ankara Üniversitesi Basımevi, 2001).

[58] For the controversial remarks of the General and brief coverage of this debate, see Avcı (2003), p. 164.

Kurdish origin.[59] Kemal Gürüz, former head of the Higher Education Board, a body that oversees all universities in Turkey, argued that anybody who demanded that there should be education in Kurdish were advocates of secessionism.[60] Similarly, a MHP minister in the previous government, Abdülkadir Akcan, noted that the EU was trying to replace the Lausanne Treaty with the Sévres Treaty by demanding these reforms.[61]

At the end, these critical reforms could only be adopted with the support of votes from opposition parties and pressure from a growing civil society supportive of EU membership. The MHP refused to lend its support. Two sets of reforms introduced in June and August critically strengthened the right to broadcast and educate in minority languages. Furthermore, the public use of Kurdish in the form of publications, concerts, and conferences (especially in Kurdish populated areas) became much more visible. Ironically, when the reforms were finally adopted in August 2002, they had gone well beyond what had been envisaged in the NPAA. Not surprisingly, the new version of the NPAA, published in July 2003, was in much greater harmony with the new Accession Partnership document adopted by the EU in March 2003.[62]

These reforms constituted revolutionary steps in the direction of transforming Turkish national identity. The engagement of the EU and its credibility were critical to propelling the process. The West and the EU had been traditionally seen as a threat to Turkish unity and security. This was particularly aggravated during the 1990s against the background of the Kurdish problem that challenged given conceptions of Turkish national identity. The EU's call for a political solution to the Kurdish problem and its advocacy of "minority rights" played into the hands of Euroskeptics, who argued that the EU was only interested in weakening Turkey's territorial integrity. For example, in 1995, Süleyman Demirel, former Turkish President, reacted in an unusually forceful way to remarks made by the visiting French Minister of Foreign Affairs Alain Juppé that Turkey should find a political solution to the Kurdish problem. Demirel argued that Juppé's statement was unequivocal evidence of Western intentions to create a Kurdish state in Turkey.[63] The decision of the EU at its Luxembourg Summit in 1997 to exclude Turkey from the list of candidate countries for the next round of enlargement aggravated the tension and mistrust between the EU and Turkey.

The first-ever report on Turkey that was prepared by the EC (in November 1998) provoked a negative reaction as well. The report assessed Turkey's progress toward pre-accession on the basis of the Copenhagen political criteria. The report found that Turkey fell short of meeting EU's criteria on respecting human rights, cultural diversity and the rule of law. Regarding the Kurdish problem, the report noted that, "Turkey will have to find a political and non-military solution to the problem."[64] The references to minority rights and the need for a political solution provoked criticism and led once more to accusations of European aspirations to undermine Turkey's national identity and territorial

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[59] *Haber Türk*, 25 February 2002.

[60] *Radikal*, 19 February 2002.

[61] *Hürriyet*, 28 February 2002. The Lausanne Treaty of 1923 had replaced the Sévres Treaty of 1920, which had never been ratified by the Ottomans, when Turkey emerged victorious from a war of liberation against occupying powers and achieved international recognition for its independence. Such arguments were indeed challenged and weakened as Turkey was able to adopt the necessary reforms to meet the Copenhagen political criteria. However, the kind of thinking associated with this "Sévres syndrome" remains popular and are easily revived.

[62] *National Program for the Adoption of the Acquis* (Ankara: Secreteriat General of EU Affairs, July 2003).

[63] *Turkish Daily News*, 10 October 1995.

[64] *Regular Report from the Commission on Progress towards Accession: Turkey*. Brussels:

European Commission, November 1998. These reports can be accessed from http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm.

integrity.[65] During an interview, President Demirel expressed his discomfort over the need to meet the Copenhagen criteria on minority rights because of Turkey's genuine fear of separatism. He argued that such criteria imposed on Turkey could complicate its prospects for membership in the EU.[66]

A positive move from the EU came with the AP, reinforcing the position of those circles in Turkey that advocated reforms and eventual EU membership. The document among a long list of economic, legal, and political reforms that Turkey had to introduce to meet the Copenhagen criteria also included the adoption of cultural rights for minorities. However, in a marked departure from the progress report of 1998, the document shied from using the term "minority".[67] Instead, the framers of the EU document chose to use a politically inoffensive and nuanced language. It called for lifting the restrictions that denied Turkish citizens the option to broadcast in their mother tongue. It also called for improving cultural diversity and securing cultural rights (including education in the mother tongue) of all Turkish citizens, irrespective of their origin. The wording clearly manifested a conscious effort to avoid the term "minority" and to emphasize cultural rather than minority rights. Indeed, this helped moderates to disarm the arguments of hard-liners in Turkey. The lack of references to minority rights and political solutions, especially regarding the Kurds, meant that hardliners could not argue their classic case based on the notion of the Sévres syndrome. Furthermore, it became much more difficult to accuse moderates of being traitors. Undoubtedly, these developments were very significant in the adoption of the critical reforms in October 2001, March and August 2002. These reforms forced the state to openly recognize the Kurdish reality and identity in Turkey and also achieved improvements in the rights of minorities in general.[68]

Nevertheless, the government still faced resistance. This time the resistance was in respect to implementation. It manifested itself most openly in the area of cultural rights.[69] There were, for example, reports of officials refusing to register Kurdish names for newborn babies until they were instructed to do so by court rulings favorable to complaints from the public. Similarly, some local police chiefs attempted to prevent concerts, conferences, or cultural activities held in Kurdish in southeastern cities or towns. On each occasion, it would be intervention from higher-level local government or courts or the prosecutor's office that would resolve the problem. There were also efforts by some officials to prevent courses in the Kurdish language by raising technical obstacles, claiming that the premises where such courses were planned did not meet building codes, for example. In a similar fashion the actual implementation of broadcasting in ethnic minority languages also met stiff bureaucratic resistance from the state operated Turkish Radio and Television Broadcasting Corporation (TRT) as well as the Radio and Television Supreme Council (RTUK).[70]

The election of the Justice and Development Party (AK Party) with an overwhelming majority in November 2002 helped to speed reforms. AK Party had run an election campaign on a promise of reforms and commitment to EU membership. The success of the new government in seeing through

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[65] See, for example, the commentary by Mehmet Ali Kışlalı, "Sèvres Korkusu," *Radikal,* 12 December 1998. For a general review of reactions to the report and a more moderate approach, see the commentary by a retired ambassador, Ilter Türkmen, "AB Raporuna Tepki," *Radikal,* 13 November 1998).

[66] *Radikal*, 4 February 1999.

[67] For a description of the sensitivities towards the term *minority* and its specific meanings in the Turkish context, see Kirisci and Winrow (1997), pp. 45–49.

[68] For a summary of the content of Constitutional amendments and "harmonization packages" adopted by the Turkish government between October 2001 and May 2004 as it relates to minority rights in Turkey see Oran, (2007). For these reform packages up to 2007 see also *Avrupa Birliği Uyum Yasa Paketleri* (Ankara: T.C. Başbakanlık Avrupa Birliği Genel Sekreterliği, 2007).

[69] For example a secret letter from the Secretary General of the National Security Council leaked to the press revealed that the NSC was against broadcasting in Kurdish reported in *Milliyet*, 19 May 2003.

[70] TRT energetically objected to broadcasting in Kurdish, reported in *Milliyet*, 16 October 2002 and actually mounted a legal challenge against the reform reported in *Milliyet*, 12 June 2003. For examples of technical and bureaucratic obstacles put in the way of Kurdish language courses see *Radikal*, 22 September 2003 and *Milliyet*, 18 October 2003.

the reforms led the European Commission in its annual progress report to conclude that Turkey had sufficiently met the Copenhagen political criteria.[71] It recommended that member states consider starting accession negotiations. Three critical developments helped the Commission reach this conclusion. Firstly, the government in June was able to put into place both radio and TV broadcasting by TRT in a number of ethnic minority languages including in two Kurdish dialects Kirmanji and Zaza.[72] Even if the broadcasting was limited to less then an hour a day and its content was severely restricted and controlled it still constituted a major step in the direction of pluralism. It was an open acknowledgement that the state has been forced to relax its narrow and exclusionary Turkish national identity and recognizing cultural diversity in Turkey.

Second, development concerned the decision to respect the ruling of the European Court of Human Rights and release Leyla Zana and her colleagues. Back in 1991, Zana was part of a group of Kurdish nationalist politicians who had entered the parliament on the ticket of the Social Democratic Populist Party (SHP). The SHP leadership at the time had hoped that by bringing Kurdish nationalists into the parliament it might actually be possible to start a dialogue to address the Kurdish problem. These hopes were precipitously dashed when Zana acted in a very provocative manner as she threw political slogans in Kurdish and displayed the flag of the PKK during the swearing in session of the new parliamentary session.[73] The political tension that followed played a role in the aggravation of the Kurdish problem and the rise of violence in Turkey. Eventually, Zana and a number of her Kurdish colleagues saw their parliamentary immunities stripped and eventually imprisoned on the grounds of advocating secessionism and supporting the PKK.

The final development - though strictly not part of the Copenhagen political criteria - concerned Cyprus. The Commission established a link between getting a date for accession negotiations and the solution of the Cyprus problem. The linkage provoked reactions in Turkey and arguments that the solution of the Cyprus problem had not been part of the Copenhagen political criteria. The controversy continued until the visit of Italian former Prime Minister Romano Prodi in January 2004, when he affirmed that the solution of the Cyprus problem was *not* part of the Copenhagen criteria, and that the Commission would base its final recommendation to the European Council only on the reforms and their implementation. However, he did note that the ultimate decision would be a political one and that the absence of a solution in Cyprus risked affecting the final outcome negatively. Subsequently, the government did indeed change its policy on Cyprus, and the Turkish Cypriot community overwhelmingly supported the Annan Plan at a referendum held in April 2004. Although the rejection of the plan by the Greek Cypriots prevented the island from being united, Turkey and the Turkish Cypriots were exonerated from the accusation that they prevented a solution.

The recommendation of the European Commission was followed by the European Council's decision in December 2004 to open negotiations "without delay". The actual negotiations however did not start until October 2005 as the EU, after considerable tension and acrimonious debate, had adopted the Negotiation Framework for Turkey.[74] Still, there was little rejoicing in Turkey as in parallel with this decision, virulent public and governmental opposition to Turkish membership in Europe increased. In Turkey this was accompanied by growing setbacks in respect to the implementation of reforms having a significant bearing on the emergence of a post-national Turkey.

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[71] Regular Report from the Commission on Turkey's Progress towards Accession (Brussels, 2004).

[72] The radio and television broadcasting were limited to one hour and forty-five minutes a day respectively. For a coverage of other restrictions and problems see Bahar Şahin, "Türkiye'nin Avrupa Birliği Uyum Süreci Bağlamında Kürt Sorun: Açılımlar ve Sınırlar" in Kaya and Tarhanlı (eds.) (2005), p. 120.

[73] For an analysis of the session and the politics of it see P. Robins, "The Overlord State: Turkish Policy and the Kurdish Issue," International Affairs, Vol. 69, No. 4 (October 1993).

[74] Negotiation Framework for Turkey, 3 October 2005.

Considerable back-sliding in respect to the implementation of the reforms was noticeable in 2006 and 2007. This period was marked with a distinct rise in Turkish nationalism.[75] There are a number of reasons behind this backlash that can be mainly attributed to Turkish domestic politics. Since 2005 Turkey had begun to experience a significant rise in PKK violent attacks on civilian and military targets accompanied by emotional funerals held for the victims. The ability of the PKK to operate from northern Iraq with impunity aggravated the situation. This led to urgent and often unequivocal demands from the opposition as well as the military to mount an armed intervention into northern Iraq. The level of tension created by these calls was further aggravated by a nationalist and confrontationist discourse adopted by some Kurdish leaders in northern Iraq. The back-sliding in the reform process was particularly visible in respect to freedom of expression. For example there was the opening of court cases against numerous individuals for the alleged inappropriate use of Kurdish language and expression of views threatening to the unity of the country. Even the Prime Minister was bitterly criticized for having referred, during a speech in Australia in 2000, to Abdullah Öcalan, the leader of the PKK, as "Sayın Öcalan" (Mr. Öcalan), a title in Turkish employed when attributing respect to a person. The common practice for many in Turkey is to use the populist title "teroristbaşı", chief of terrorists.[76] Furthermore, during this period Turkey also experienced occasions of attacks on Kurdish individuals just because they were Kurds as well as attempts at lynching of Kurds involved in actions of protests and public demonstrations. This raised the specter of large scale violent confrontation between ordinary Kurds and Turks. Such violence among ordinary civilians, as opposed to clashes between PKK militants and Turkish security forces, had not been experienced even in the worst days of violence during the 1990s.[77]

The "tug of war" between the traditionally secularist circles in Turkey such as the military, the judiciary, the Republican People's Party (CHP) and the governing AK Party over a range of legislation and policies was yet another reason delaying the reform process. The reluctance of the government to reform the infamous Article 301 of the Penal Code that continued to criminalize statements deemed offensive to "Turkishness" aggravated the back-sliding. This seriously undermined the gains made during earlier years in respect to promoting a culturally more plural and diverse Turkey. One case in point was the murder of Hrant Dink, a very prominent intellectual and journalist of Armenian origin in January 2007. Dink was a public figure engaged in efforts to reconcile Armenian and Turkish views on the fate of the hundreds thousands of Armenians that had perished during the First World War in the last days of the Ottoman Empire. Dink's efforts and the lively debate in 2004-2005 over the fate of the Armenians in Turkey very much reflected the freer climate that the reforms had created. However, this climate quickly eroded as court cases were opened against not only Dink but many others for allegedly violating Article 301. A nationalist lawyer and the chairman of an ultra right wing Turkish lawyers association, Kemal Kerinçsiz became a celebrity by petitioning prosecutors to open investigations and court cases against many public personalities. Those cases that indeed reached the courts often became public occasions for the display of nationalist slogans. The Nobel Prize winner in literature, Orhan Pamuk, faced a similar fate as a court case was opened against him in October 2005 and the supporters of Kerinçsiz turned his court appearances into major manifestations of Turkish neo-nationalism. Pamuk had been drawing some adverse public attention especially with his remark to a Swiss newspaper that "One million Armenians and 30,000 Kurds were killed in these lands, and nobody but me dares talk about it."

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[75] On the rise of nationalism see I. Grigoriadis, *Upsurge amidst political uncertainity: Nationalism in post-2004 Turkey* (SWP Research Paper, October 2005); P. Gordon and Ö. Taşpınar, 'Turkey on the Brink', *Washington Quarterly*, Vol. 29, No. 3, (Summer 2006), pp. 57-70; E. Uslu, "Ulusalcılık: The Neo-nationalist Resurgence in Turkey" *Turkish Studies*, Vol. 9, No. 1, (March 2008), pp. 73-97 and U. Özkırımlı, *Milliyetçilik ve Türkiye-AB İlişkileri* (Tesev Yayınları, Istanbul, 2008).

[76] *Radikal*, 27 March 2007.

[77] B. Şahin, "Türkiye'nin Avrupa Birliği Uyum Süreci Bağlamında Kürt Sorun: Açılımlar ve Sınırlar" in Kaya and Tarhanlı (eds.) (2005), p. 123.

The attitude and position taken by the government and state institutions played a role in exacerbating the situation too. The government remained paralyzed and failed to adopt legislation to rescind Article 301 or narrow down its content until April 2008. Many in Turkey have argued that the governmental reluctance to reform this article and take a much more principled stand against attacks on the freedom of expression and liberal intellectuals was an important factor that helped create an extreme nationalist environment conducive to the assassination of Dink. This reluctance was also complicated by the fact that the former President of Turkey Ahmet Sezer in October 2006 refused to congratulate Pamuk for his Nobel Prize adding legitimacy to nationalist arguments that this Prize had been given to him because he was denigrating Turkey and Turkish identity. The government also seemed to be reluctant or slow to clamp down on the excesses of nationalist groups. Even if the case against Orhan Pamuk was dropped in January 2006 it took a while before aggressive activities were finally stopped and investigations opened against a number of ultra-nationalist groups including ones composed of former army officers and bureaucrats. Subsequently many of the names associated with these extreme nationalist excesses were indicted under a highly visible judicial process called Ergenekon.[78]

In the spring of 2007, Turkey experienced considerable political instability characterized by unprecedented large public demonstrations accusing the government of pursuing policies aiming to undermine secularism in Turkey. Secularism has been a pillar of Turkish national identity as defined by the state throughout the republican period.[79] AK Party's aspiration to open greater public space for Islam in Turkey has been virulently resisted. The instability turned into a state of crisis when the Turkish military in April 2007 mounted what has come to be referred to as an "e-coup". The "e-coup" came on the immediate heels of the Prime Minister's, Recep Tayyip Erdoğan, announcement that Abdullah Gül, former Minister of Foreign Affairs, would be AK Party's candidate for the upcoming presidential elections. In a thinly veiled manner the military threatened to intervene if a candidate that they suspected would endanger Turkey's secular credentials were to be elected. Deniz Baykal the leader of CHP had long been attacking the AK Party for allegedly having a hidden Islamist agenda. This was also accompanied by public demonstrations attended by men, women and children in their hundred thousands chanting slogans in defense of the secular nature of Turkey. The heightened tension and deep sense of crisis was finally diffused with the government's decision to call for an early election in July rather than in November.

Yet, there are also many in Turkey as well as in Europe who argued that the slow down in reforms and accompanying political instability were also, even if partly, a function of the EU back-sliding on its commitment to Turkish membership.[80] This back-sliding first manifested itself in the adoption and problematic wording of the Negotiation Framework of October 2005. Austria and France resisted the adoption of this document. The ensuing compromise arrangements left doubts on the objective of the accession negotiations when the document on the one hand declared the purpose of negotiation process to be membership and on the other hand emphasized that the negotiation process would be open-ended. The document also foresaw the need to tie Turkey to the EU in the strongest manner

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[78] This complicated as well as controversial process has culminated in the indictment of a large number of retired high ranking military officers as well as prominent personalities on the grounds of planning to instigate chaos in the country and prepare the grounds for a military intervention. Indictments also allege that some of the personalities listed in the indictments have been involved in assassinations including links to the murder of Hrant Dink and threats to the life of Orhan Pamuk. Detailed information including the more than one thousand page indictment document can be reached via the web page of the Turkish daily *Zaman Today* in English, http://www.todayszaman.com. Most of the names listed in the indictments have been associated with neo-nationalist organizations. For details see Uslu (2008).

[79] A. Kuru, "Passive and Assertive Secularism: Historical Conditions, Ideological Struggles, and State Policies toward Religion" *World Politics*, Vol. 59, No. 4, (July 2007) and D. Jung, "Secularism: a Key to Turkish politics" in D. Jung and C. Raudvere (eds.) *Religion, Politics and Turkey's EU Accession* (Palgrave/Macmillan, 2008).

[80] On the link between political instability in Turkey and the weakening of EU's engagement, see Gordon and Taşpınar (2006) as well as *Turkey and Europe: The Way Ahead* ( International Crisis Group, Europe, Report 184, 17 August 2007) and A. Kaya and T. Tarhanlı, "Introduction: Türkiye'de Azınlıklar ve Anayasal Yurttaşlık" in Kaya and Tarhanlı (eds.) (2005), p. 16.

possible in the event that the negotiations did not lead to membership. Such wording had neither been adopted in case of previous enlargements in the past nor in the case of Croatia. This led many among the Turkish public as well as officials to believe that the EU held "double standards" and was not after all committed to Turkey's eventual membership. This sense of doubt was exacerbated by the decision of the European Council in December 2006 to suspend negotiations on eight chapters on the grounds that Turkey should open its harbors and airports to Cypriot shipping. In December 2007, at the end of the German presidency's term, the announcement by the French government that France would object to the eventual opening of additional five specific chapters on the ground that these chapters were directly linked to membership made matters worse.

The situation has also been aggravated by the constant questioning of Turkey's membership on the grounds of identity. This has played an important role undermining the hand of reformists in Turkey as much as it has weakened the transformation process. Particularly, the discourse of Nicholas Sarkozy and his readiness to dismiss the binding nature of previous EU *acquis* on Turkey has inflicted massive damage on the EU's credibility. The Turkish public has always doubted the credibility of the EU but has supported the prospects of eventual membership in return for reforms. Yet, in the course of only less than two years, levels of support for membership plummeted from approximately 70 to well below 30 per cent - at least according to some polls.[81] Furthermore, the constant rhetoric adopted by the governments of a number of member states such as Austria, Germany, France and the Netherlands that Turkey be given a "privileged partnership" instead of full membership has not helped either. It has reinforced the hand of those in Turkey that have argued that the EU is after all a "Christian Club" and that the EU has no intentions of admitting Turkey as a member. In all fairness EU institutions especially the European Commission and the Commissioner responsible for Enlargement, Olli Rehn, as well as a number of EU member state officials have stood by Turkey as well as the principle of *pacta sund servanda*, the principle to be bound with a agreement. Yet, these developments have been too meek to be registered by either the Turkish or European public opinions.

In spite of the turmoil in the country and the EU attitude, the country managed to hold peaceful national elections in July 2007 culminating in a massive victory for the governing AK Party. The electorate rewarded the government primarily for its reform policies and reluctance to become drawn into populist and nationalist politics that preceded the elections. The election was also important because for the first time since the elections in 1991 a group of Kurdish politicians representing the Democratic Society Party (DTP) were able to enter the parliament on a fairly Kurdish nationalist ticket. [82] The DTP members were very conscious not to repeat Zana's and her colleagues behavior. Instead they stressed the importance they attribute to looking for a solution through dialogue and parliamentary democracy. Yet, instability continued well into 2008. The country went through a major crisis over the election of the new president by the new parliament in August 2007. The election of the former Minister of Foreign Affairs, Abdullah Gül, was virulently opposed by the opposition party, CHP, the military and hard line secularist civil society. In March 2008, this culminated in a process that saw the governing AK Party being indicted. Court procedures opened on the grounds that the party was aiming to undermine secularism in Turkey. Furthermore, the rise in PKK violence continued to aggravate the tension in the country with ever rising calls in support of a military intervention into northern Iraq.

Yet, the year 2008 was also characterized by developments that suggest that after more than a two-year break, the process of Turkey's transformation toward a more post-national society may have

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[81] See Ü. Özkırımlı, *Milliyetçilik ve Türkiye-AB İlişkileri* (Tesev Yayınları, Istanbul, 2008). For an analysis of Turkish attitudes in response to EU skepticism see A. T. Esen and H. T. Bölükbaşı, "Attitudes of Key Stakeholders in Turkey Towards EU-Turkey Relations: Consensual Discord or Contentious Accord," in N. Tocci (ed.) *Talking Turkey in Europe: Towards a Differentiated Communication Strategy*, (Roma. Instituto Affari Internazionali, 2008).

[82] For an analysis of the Kurdish vote in the July 2007 national election see K. Kirişci, "The Kurdish Question and Turkey: Future Challenges and Prospect for a Solution", *ISPI - Working Paper* No. 24, (December 2007).

returned. In February 2008 the government authorized the military to intervene against the PKK in northern Iraq. The striking difference in this intervention compared to the numerous ones from the 1990s is that it was preceded by a long public debate in the country and also an effort to mobilize support from the international community as well as the Kurdistan Regional Government (KRG). Furthermore, during the actual operation utmost care was given to making sure that civilian Kurds would not be hurt. In a surprising manner the intervention culminated in an almost unexpected dialogue and cooperation to emerge between Turkey and the KRG.[83] For along time Turkey had considered the emergence of a Kurdish state in northern Iraq as a threat to its security and territorial integrity.[84] The intervention also coincided with the Prime Minister's announcement that the government would introduce by the end of the year a fully fledged TV station broadcasting in Kurdish.[85]

The process of actually setting up TRT-Şeş (Six in Kurdish) took a whole year. Numerous minor reforms had to be introduced. One such fascinating case involved the public use of the letters q, w and x. These letters do not exist in the Turkish alphabet and their public use was long considered a violation of a law dating back from 1928 that had Latinized the Turkish alphabet. Prosecutors regularly opened court cases against the public use of these letters even after the EU reforms. The population registry refused to register Kurdish names that employed these letters. There was even a case when the police at Istanbul airport refused the entry of a Kurdish child on a foreign passport because his name included the letter "W". The next day a newspaper carried in headline the contradiction in how Welat could not enter Turkey but William could.[86] Interestingly when TRT-6 eventually began broadcasting just before the end of the year all major newspapers carried the news in Kurdish headlines employing these letters. However, the next day they discovered that practically all had gotten their spelling in Kurdish wrong.[87] This is particularly telling given that more than ten per cent of Turkey's population is Kurdish[88] and that no major newspaper had enough command of Kurdish to be able to get their headlines printed correctly. In a symbolic gesture the Prime Minister also chose to use Kurdish to address the public in Diyarbakır during his visit there to launch TRT-6.

Late in February 2009, another taboo was broken as the leader of the DTP, Ahmet Türk, in the parliament addressed his group in Kurdish. It was interesting that the reaction it provoked was extremely subdued compared to what had happened in 1991 as Leyla Zana used the Kurdish language. Nevertheless, the military protested over the use of Kurdish in the parliament on the grounds that the official language of Turkey was Turkish and that the use of Kurdish in the parliament constituted a violation of Turkish law. Yet, the military went into pains to state that they were not against cultural diversity in Turkey and the enjoyment of cultural rights. However, this does overrule the fact that only Turkish is to be used in parliament.[89] Still, the military spokesman did call on the courts to fulfill their duty. It will be interesting to see if courts will indeed act. Earlier in December, a Kurdish MP had used Kurdish during his intervention in parliament and his speech was entered into the records as an "unknown language".[90] Developments in respect to creating greater public space for expressions of

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[83] A close and seasoned observer of the Kurdish issue in Turkey highlighted the growing cooperation and advocated its continued deepening, Mehmet Ali Birand, 'Ankara, giderek Irak Kürtleriyle yakınlaşıyor' *Milliyet*, 5 March 2009. See also K. Kirişci, 'Turkey's Kurdish Challenge' in G. Stansfield and R. Lowe *The Kurdish Policy Imperative* (forthcoming, Chatham House, London).

[84] On Turkey's traditional nervousness about a Kurdish state in northern Iraq, see A. Lundgren, *The Unwelcome Neighbour: Turkey's Kurdish Policy* (London: I.B. Tauris, 2007).

[85] *Radikal*, 19 February 2008.

[86] R. Başaran, 'Türkiye'ye William girebilir, Welat giremez' *Radikal*, 21 June 2008.

[87] *Radikal*, 31 December 2008.

[88] The size of the population of Kurds in Turkey is contested. Oran puts the current total at 12-15 million, Oran, (2004), p. 47.

[89] *Milliyet*, 27 February 2009.

[90] *Radikal*, 27 December 2008.

cultural diversity and incorporating them into a reformed Turkish national identity have not been limited to Kurds. Similar developments have occurred in respect to non-Muslim minorities and Alevis too.

The most striking developments took place in respect to the issue of the Armenian genocide, Armenians in Turkey and relations with Armenia. In a gesture of reconciliation, Turkish authorities had for sometime started to renovate several Armenian cultural and artistic artifacts in different places in Turkey. The development that attracted the greatest attention of course was the Turkish President Abdullah Gül's visit to Armenia in September 2008 at the invitation of the Armenian President Serge Sarkisian to watch the World Cup qualifying football match between the national teams of the two countries. The visit fueled interest and debate in Turkey on the Armenian genocide as result of which various debate programs on TV channels and books discussing what happened in 1915 were broadcasted and many books tackling this controversy were published. This has also been accompanied by a public interest in Armenian culture and history. These developments were actually recognized as positive by a prominent Armenian historian Ari Sarafian.[91] An even more striking development occurred as a retired Turkish ambassador declared soon after the visit of Gül to Armenia that Turkey should apologize for what had happened to Armenians during the First World War.[92] This was subsequently followed in December 2008 by the declaration of apology by a large group of Turkish intellectuals for "the Great Catastrophe that the Ottoman Armenians were subjected to in 1915." The apology stated that they "share in the feelings and pain of [our] Armenian brothers, and apologize to them."[93]

The declaration provoked strident criticism and protests from especially right wing nationalist circles. However, the Turkish President Gül announced that he considered it a sign of a democratic debate about a difficult period in history.[94] It was also interesting to note that the Turkish Ministry of Foreign Affairs took a position similar to Gül's response.[95] This is particularly important because Turkish diplomats had become targets of terrorist attacks by an extremist Armenian group known as the Armenian Army for the Liberation of Armenia (ASALA) in the 1970s and early 1980s. More than fifty retired ambassadors did sign a counter declaration protesting the apology as a sign of disrespect to their colleagues who had been assassinated by this group. Nevertheless a prominent Turkish columnist noted that in spite of the protests, attitudes toward the Armenian issue were dramatically changing in Turkey.[96] The significance of how these developments relate to a more post-national Turkish identity is captured by a fascinating debate that occurred over Gül's mother. A member of parliament from the main opposition party CHP, Canan Arıtman, tried to attribute Gül's liberal position on the Armenian issue to his mother in reality being of Armenian origin.

This precipitated indignant reactions from the public against ethnic discrimination including the leader of CHP. He grilled the MP on the grounds that a person's ethnic background should be "none of her business". The head of the Religious Affairs Directorate, Ali Bardakoğlu, in an interview expressed additionally his criticism of Arıkan's remarks. He argued that it was very important to recognize that "we are all the children of Adam and Eve" and he complained of intolerance in Turkey.[97] These official reactions were quite telling in terms of the manner in which the definition of Turkish national identity is evolving in the direction of greater recognition of diversity. It is possible to argue that it is converging closer to the massive civil society reactions to the assassination of Hrank Dink in January 2007. Civil

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[91] Armenian historian Ara Sarafian pointed out to this recent softening and added that Turkish public openly started to discuss Armenian history, culture and cuisine. See, "AP'de Ermeni Konferası" *ABHaber.com*, 13 November 2008.

[92] These remarks were made during an interview and published in *Taraf*, 8 September 2008.

[93] The apology is made through an online campaign, which can be reached from http://ozurdiliyoruz.com.

[94] İsmet Berkan, "Kisisel Bir Sey," *Radikal*, 19 December 2008.

[95] "Kampanya Açık Toplumun Göstergesi," *Taraf*, 18 December 2008.

[96] Cengiz Çandar, "Genelkurmay, Sivil Bireyler ve Ermeni Tabusu...", *Radikal*, December 20, 2008.

[97] *Milliyet,* 24 December 2008.

society organizations were able to draw large crowds of over one hundred thousand for his funeral carrying banners of "Hepimiz Ermeniyiz, Hepimiz Hrant Dinkiz (We are all Armenians, We are all Hrant Dink)". There were also many who argued that the assassination was provoked by racism and the reluctance to reform Article 301.[98] This was an unprecedented event in Turkey given the enemy stigma that has traditionally been attributed to the Armenian identity signaling the distance covered from the days when a minister could referred to Öcalan as "Ermeni dölü".

Another very important development came in respect to the liberalization of the laws regulating the property regime of foundations belonging to non-Muslim communities in Turkey. A Law adopted in 1936 had permitted the practice of nationalizing the acquisition of new property by non-Muslim foundations.[99] The government of the time in an effort to undermine the financial resources of Islamic foundations had introduced the requirement for religious foundations to provide a list of their wealth in terms of property.[100] It was only in the context of deteriorating Greek-Turkish relations that the practice of confiscating the properties of non-Muslim foundations, as opposed to Muslim ones, began in the 1960s.[101] The courts actually issued rulings referring to these foundations as belonging to "Turkish citizens of foreign nationality".[102] This discriminatory and exclusionary attitude towards non-Muslim citizens of Turkey had been a long standing practice and survived until lately. As late as 1988 a government decree "called Protection from Sabotages,[…], listed non-Muslims as "domestic foreigners" (Turkish citizens) and those from other races in the country as the most likely population that would yield to saboteurs".[103]

It was after a long and highly resisted process of reform that in 2008 finally non-Muslim foundations acquired the right similar to other foundations and started to have their properties recognized and registered. The first step came in August 2002 with the adoption of a harmonization package in the context of meeting the Copenhagen political criteria. However, the bureaucracy responsible for overseeing the operations of foundations, the General Directorate for Foundations (Vakıflar Genel Müdürlüğü), as well as the Interior Ministry and the Ministry of Foreign Affairs resisted the adoption of the reform insisting to maintain practices that would have continued to treat non-Muslims as "domestic foreigners".[104] Similarly, the leaders and politicians from opposition parties such as CHP and MHP constantly challenged the government on these reforms on the grounds that Turkish national security would be undermined. These factors complicated the implementation of the reform and the ability of non-Muslim Foundations to register their properties and recover the properties that had been confiscated. The difficulties encountered in the implementation of the reforms culminated in growing EU pressure for further reform. There were also numerous European Court of Human Rights (ECHR) rulings that condemned Turkey for violating the European Human Rights Convention and ordered Turkey to pay ever growing sums of reparations.[105]

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[98] *Radikal*, 20 January 2007.

[99] For an extenive analysis of the problem and the current situation, see the report by D. Kurban and K. Hatemi *Bir 'Yabancı'laştırma Hikayesi: Türkiye'de Gayrimüslim Cemaatlerin Vakıf ve Taşınmaz Mülkiyet Sorunu* (Istanbul, Tesev, 2009).

[100] Oran (2004), p. 84.

[101] Role of foreign policy is noted by İçduygu et al (2008), pp. 372-73.

[102] For examples of the use of this term by Turkish authorities see Oran (2004), pp. 74-76.

[103] Oran (2007), p. 51.

[104] See for details Oran (2004), pp. 105-110.

[105] For an analysis of the relationship between Turkey's reform process and the European Court of Human Rights rulings see Thomas Smith, "Leveraging Norms: The ECHR and Turkey's Human Rights Reforms" in Arat (ed.) (2007). For ECHR rulings concerning confiscations of property belonging to non-Muslim religious foundations see report by Kurban and Hatemi (2009). During a discussion of this report by Etyen Mahcupyan the coordinator of the study noted that "tax payers should be concerned" as Turkey has been ordered to pay 900,000 euros for failing to return or compensate for one piece of property belonging to a Greek Orthodox foundation, "Judiciary and state behind alienation of non-Muslims" *Today's Zaman* (internet version) 16 March 2008.

The government in February 2008 was able to introduce an additional reform that finally brought the practice of any sense of discrimination against non-Muslim foundation to an end. However, the debate preceding this last round of reform did reveal that an exclusionary understanding of Turkish national identity continued at least among members of the opposition party and some bureaucracies. Opponents of the reform argued that the registration and restitution of these properties should be made conditional to the condition of "reciprocity". In other words, the implementation of the reform would be made conditional to respecting the rights of Muslim foundations belonging to the Turkish minority in the western Thrace region of Greece. This clearly revealed the old mentality of seeing at least members of the Greek minority in Turkey not as fully fledged citizens of Turkey but as foreigners belonging to the Greek nation.[106] Interestingly the Prime Minister responded to these arguments and criticisms in a manner that contrasted with traditional practice stressing "reciprocity" and embraced non-Muslims and their foundations in Turkey.[107] This in many ways fell in place with earlier inclusive governmental practices towards non-Muslims. There have been many manifestations of these practices ranging from the Prime Minister showing close concern to the members of the Jewish community after the bombings of the Jewish Synagogue in November 2003 to the relatively new practice of publicly wishing well to Turkish citizens of Christian and Jewish background during their religious holidays as well as inviting the leaders of non-Muslim communities in state as well as local public functions. Furthermore, this government has been much more energetic in assisting the repair and restoration of religious sites belonging to non-Muslim communities.

A last example reflecting the transformation of the Turkish national identity involves this time a Muslim minority group known as Alevis. It is estimated there are about 12 million Alevis in Turkey and some of them are actually Kurdish.[108] The Alevis are heterodox Muslim minority with distinct religious practices that are seen as heretic by some members of the majority Sunnis of Turkey. During the Ottoman Empire they had by and large been discriminated and repressed. Hence, they became staunch supporters of the secular republic at its foundation and traditionally voted for secular political parties especially CHP. However, to their dismay they quickly came to realize that in spite of secularism, Turkish national identity very much excluded them. Exclusion and discrimination took a number of forms. Firstly, the Religious Affairs Directorate, established in 1924, completely excluded the Alevis and their practices in favor of a dominant Sunni Hanefi interpretation of Islam. This meant that until very recently the Alevis could not receive any financial assistance for their foundations and their places of worship known as "Cemevi (Cem House)". As recently as in January 2008 a higher court in Turkey ruled that a Cemevi could not be opened as a place of worship.[109] This is in spite of the liberalization of the Law on Public Works facilitating the construction of religious cites for worshiping.[110] Furthermore, Alevi villages were often assigned Sunni Imams with little knowledge or respect for Alevi rituals. This practice has traditionally been seen by Alevis as an effort on the part of the Turkish state to assimilate them into mainstream Sunni branch of Islam. Secondly, at school, Alevi children have been obliged to attend and participate in religious courses that again solely reflected the Sunni Hanefi tradition. Fourthly, Alevis have experienced a number of pogroms such as in Kahramanmaraş in 1978, Çorum in 1979 and Sivas in 1993. State authorities have been accused of responding too slowly to the violence against the Alevis and the destruction of their properties. Lastly, similarly to their non-Muslim counterparts, they too have been denied to hold positions in the higher

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[106] Oran sees the reciprocity practice as a blatant way of taking its own citizens as hostage for protecting its own nationals abroad (2004) p. 106.

[107] Reported in *Sabah*, 12 February 2008.

[108] The size of the Alevi population is contested. The estimated figure is quoted by Oran (2004) p. 45. He also notes that about 25 % Kurds would be Alevis. There is also a small Arab Alevi minority known as Nusayris. The *2008 Human Rights Report: Turkey* (2008 Country Reports on Human Rights Practices, U.S. Department of State, February 2009) puts the figure at between 15-20 million.

[109] *Radikal*, 13 January 2008.

[110] İçduygu et al (2008) p. 379.

echelons of the state bureaucracy often facing an invisible glass ceiling in the Police, Turkish Armed Forces as well as other bureaucracies including the Ministry of Foreign Affairs. Hence, often Alevis have had to hide or suppress their identity in the public or when looking for jobs.[111]

This discriminatory and exclusionary practice associated with the Turkish national identity is also undergoing change. Clearly, EU reforms have helped the process but the current government recently has been much more positive towards Alevis. The latter is particularly ironic because the governing party comes from a staunchly religious background dominated by Sunni Islam. For example the Prime Minister soon after the court ruling denying the possibility of a Cemevi being used as a place of worship announced that his government could not ignore the demands and grievances of Alevis.[112] The government initiated a number of programs to embrace Alevis as well as promised the teaching of the Alevi tradition in schools. In a fascinating development, the Minister of Culture and Tourism in December 2008 participated in the opening ceremony of the Alevi Academic and Cultural Institute during which he officially apologized for the past treatment of Alevis.

These developments were acknowledged and praised by the European Commission in its progress report of 2008.[113] The discrimination against Alevis and the problems they face are far from being resolved. Nevertheless, their problems are being openly discussed, and Alevi groups have become an active part of a burgeoning Turkish civil society.[114] There also seems to be a positive attitude on the part of the government as well as the main opposition party. Most recently, a lower court in the city of Antalya responded favorably to the complaint by the parents of an Alevi child that they did not wish their child to participate in religion classes on the grounds that the content of the course ran against their religious beliefs.[115] In Turkey, the law exempts non-Muslim children from compulsory participation in a standard course on religion. Many Alevi as well as other parents have objected to this requirement and have opened court cases seeking exemptions.

Space precludes the possibility to extend this analysis to include other minorities in Turkey. However, the above developments suggest that there is a greater recognition of ethnic and cultural diversity in Turkey. As mentioned before, EU induced reforms have played a critical role in this. Numerous laws have had to be reformed or replaced. Implementation is also gradually improving even if problems and resistance remain.[116] It is possible to say with considerable confidence that compared to less than a decade ago Turkish national identity has become much more inclusive, multi-cultural and post-national. Hence, it can be said that the engagement of the EU has indeed made a more post-national and multicultural Turkey a "reality" rather than a "mirage". However, the critical question still remains how far and to what extent Turkish national identity has become post-national. It is with this in mind that the next section will address the issue of immigration and will examine Turkish policies in this area.

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[111] Oran, (2004), p. 93.

[112] *Radikal*, 14 January 2008.

[113] *Regular Report from the Commission on Turkey's Progress towards Accession* (Brussels, 2008).

[114] Interestingly a commentary raising this situation in Turkey likened the Alevis to "blacks of Turkey that lack their Obama". See M. A. Birand "Obama'sız Türk zenciler: Aleviler" *Milliyet,* 12 November 2008 (internet version).

[115] *Milliyet*, 25 February 2009 (internet version).

[116] For a recent detailed account of problems associated with free expression of ethnic, cultural and religious identities, see *2008 Human Rights Report: Turkey* (2008 Country Reports on Human Rights Practices, U.S. Department of State, February 2009). For problems associated with non-Muslim minorities see Kurban and Hatemi (2009).

## Immigration and national identity

Turkey has longed been marked with migration both internally as well as in the form of emigration and immigration.[117] The extent of emigration from and immigration into Turkey has been elaborated in Section One of this paper. Both emigration and immigration were closely associated with the construction and definition of Turkish national identity that left little room for diversity.[118] Those individuals who could not assimilate into or felt excluded from such a Turkish national identity "exited" from Turkey.[119]

Still, in the last two decades or so the nature of immigration has been transformed as emigration has dropped significantly. Turkey is increasingly being referred to as a country in transition.[120] It is possible to identify roughly four types of immigration into Turkey.[121] The first one is the continuation of the "old" immigration in the form of immigrants of "Turkish descent and culture" settling in Turkey from the Balkans, former Soviet Union as well as Iraq and Afghanistan. This immigration was traditionally managed by the Law on Settlement of 1934 but increasingly takes place through naturalization often in the form of acquisition of dual-nationality. The numbers have significantly dropped compared to what they used to be until the end of the Cold War as the state has in general been discouraging such an immigration pattern. A second form of immigration results from an amalgamation of foreign nationals marrying Turkish nationals, taking up legal employment in Turkey or retiring in Turkey.[122] The latter group is composed particularly of European Union nationals. There are also a growing number of students coming from diverse backgrounds to study at Turkish universities often on scholarships. Some of these students stay on in Turkey. There is also a new trend particularly among football and to a lesser extent basketball, volleyball, track and field teams to employ foreign nationals some of whom become naturalized.[123]

A third group is composed of illegal migration into Turkey. It takes a number of forms. There are nationals of mostly ex-Soviet republics who enter Turkey legally but overstay their visas and work in Turkey illegally especially in the domestic work sector of large urban centers such as Istanbul.[124] There are also those who work in the entertainment industry often as sex-workers some of whom are actually victims of trafficking.[125] Furthermore, there are transit illegal migrants who are mostly

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[117] K. Kirişci, 'Turkey: A country of transition from Emigration to Immigration' *Mediterranean Politics* Vol. 12, No. 1 (March 2007), pp. 91-99 and İçduygu and Kirişci (2009).

[118] Kirişci (2000), Cagaptay (2005) and İcduygu et al. (2008).

[119] A. Hirschman, *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations and states* (Cambridge, Mass.: Harvard University Press, 1970).

[120] For an earlier and detailed discussion over the term "migration transition", see, for instance, S. Castles and M. J. Miller, *The Age of Migration: International Population Movements in the Modern World*, (2nd ed., New York: The Guilford Press, 1997).

[121] For an extensive study of these different forms of immigration in Turkey see Mediterranean reports as well as numerous reports of CARIM by Ahmet İcduygu, İbrahim Kaya, Kemal Kirişci and Lami Bertan Tokuzlu. See also chapters in second section of İçduygu and Kirişci (eds.) 2009.

[122] B. Kaiser, 'Life Worlds of EU Immigrants in Turkey' in E. Zeybekoğlu and B. Johansson (eds.) *Migration and labour in Europe* (Istanbul: MURCIR, Marmara University, 2003); B. Kaiser and A. İçduygu, 'Türkiye'de Yaşayan Yabancı Uyruklular' in Kaya and Tarhanlı (eds.) (2005); A. İçduygu, "Turkey and International Migration", *OECD Sopemi report for Turkey 2007-08*, (Istanbul: Koc University, 2008) and O. K. Unutulmaz, "International Retirement Migration in Turkey: Dynamics, Processes and Implications", MA Dissertation submitted to the Department of International Relations, (Istanbul: Koc University, 2007).

[123] There is a striking absence of systematic study of the "immigration" of athletes and students into Turkey.

[124] K. Kirişci, "Informal Circular Migration into Turkey: The Bureaucratic and Political Context" *Euro-Mediterranean Consortium for Applied Research on International Migration*, (Analytical and Synthetic Notes, European University Institute, The Robert Schuman Centre for Advanced Studies, May 2008).

[125] S. Erder and S. Kaska. *Irregular Migration and Trafficking in Women: The Case of Turkey* (Geneva: IOM, 2003). See also *2005 Turkey, Trafficking and Trends* (IOM, Ankara, January 2005) and Ç. Arslan et al., Combating Trafficking in

coming from third world countries and are trying to transit Turkey on their way to Europe. Some of these transit migrants actually become stranded in Turkey.[126] It is difficult to put a number on the size of irregular migrants in Turkey. The figures cited range from 150,000 to 1,000,000.[127] On the other hand, according to government statistics, there were, between 1995 and 2007, close to 700,000 illegal migrants stopped by the authorities. Roughly half of them were coming from third world countries and the other half mostly from ex-Soviet republics.[128] The actual stock of illegally employed migrants in Turkey in 2008 is estimated to be at between approximately 50,000 and 100,000.[129] One last group of immigrants in Turkey is composed of asylum seekers and refugees. Traditionally, Turkey received asylum seekers from the Soviet Bloc during the Cold War. A large proportion of the asylum seekers recognized as refugees were resettled out of Turkey. However, since the 1980s there have been a growing number of asylum seekers coming from outside Europe. There were more than 50,000 applications between 1995 and 2007. Almost half of them were recognized as refugees and were resettled with close to 10,000 cases rejected with another more than 13,000 cases pending.[130] The actual stock of recognized refugees that remain in Turkey is relatively small but the numbers are increasing and Turkey is also under pressure to allow them to stay on in Turkey.

It is difficult to put a total figure on the size of the stock of "new" immigrants in Turkey. Statistics on immigration into Turkey are notoriously problematic and difficult to obtain. These statistics are kept by different agencies and are not gathered in a systematic manner.[131] In any event, one source puts at least part of this "new" migrant stock composed of regular and irregulars as well as asylum seekers at 256,000 in 2007.[132] This figure for a country with a population of more than 70 million may seem particularly small. This figure is probably a conservative one considering that in the last five years preceding the end of 2007 almost 92 million foreign nationals entered Turkey.[133] Turkey's geographical location, the size of its economy, the prospects for EU membership and globalization are catalysts for an ever increasing "new" immigration into Turkey.

This "new" immigration into Turkey is challenging the premise of Turkish national identity as well as compelling the Turkish state to introduce reforms to manage this immigration.[134] These reforms partly aim to enhance border control and partly improve an immigration policy that was traditionally based on the cornerstones of nation-building and consolidation of a homogenous national identity.

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*(Contd.)*

Turkey: a Strategic Approach to Law Enforcement (IOM, Ankara, 2006) as well as US State Department *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Reports*. These reports are available at www.state.gov/g/tip/rls/tiprpt/.

[126] For examples of stranded migrants see D. Danış, C. Taraghi and J-F. Pérouse, "Integration in Limbo: Iraqi, Afgan, Maghrebi and Iranian Migrants in Istanbul" and K. T. Brewer and D. Yükseker "A Survey on African Migrants and Asylum Seekers in Istanbul" in İçduygu and Kirişci (eds.) (2009).

[127] A. İçduygu, "Turkey and International Migration", *OECD Sopemi report for Turkey 2005-06*, (Istanbul: Koc University, 2006).

[128] K. Kirişci, "Managing Irregular Migration in Turkey: A Political-Bureaucratic Perspective" *Euro-Mediterranean Consortium for Applied Research on International Migration*, (Analytical and Synthetic Notes 2008/61, European University Institute, The Robert Schuman Centre for Advanced Studies, 2008).

[129] İçduygu, *Sopemi Report* (2008), p. 22.

[130] K. Kirişci, "Turkey: Political Dimension of Migration", in P. Fargues (ed.), *Mediterranean Migration 2007-2009 Report* (CARIM, European University Institute, Robert Schuman Centre for Advanced Studies, Florence, 2009, forthcoming).

[131] İçduygu, *Sopemi Report* (2008), pp. 6-8.

[132] *Ibid*, p. 14.

[133] Kirişci (2008/61), p. 1.

[134] Castles and Miller (1997); A. İçduygu and F. Keyman, 'Globalization, Security and Migration: The Case of Turkey' *Global Governance*, Vol. 6, No. 3, (2000), pp. 383-398 and A. Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis, Minn.: University of Minnesota Press, 1996). All point out how globalizations encourages movement of people and challenges established traditional national identities in receiving countries.

Undoubtedly, the engagement of the EU has also had its impact both in terms of having to enhance border control as well as reform immigration policies.

The focus of the remainder of this section will be on the latter topic[135] and the discussion of the transformation of Turkey's policies on citizenship, employment of foreign nationals and asylum. These are three areas that have been most severely affected by "new" immigration patterns. The nature of reform and some time resistance to reform is very revealing in terms of the extent or limitations of an emerging post-national Turkey.

It has already been mentioned that the first and subsequent constitutions of Turkey adopted a civic republican-territorially defined citizenship. As discussed in section one the practice evolved in a different manner that revealed a very exclusionary understanding of Turkish national identity and citizenship. Turkish Citizenship Law (Law No. 403, adopted in 1964 previously Law No. 1312, adopted in 1928) is based on the notion of *jus sanguinis*. This puts it closer to the German practice, before the reform of immigrations laws, and Israel.[136] The Law however does make it possible for the acquisition of citizenship through naturalization. However, the practice of naturalization evolved in such a manner that it permitted little room for an inclusive and diverse understanding of Turkish national identity.

Overwhelming majority of acquisition of citizenship took place for those coming under the Settlement Law of 1934. Nevertheless, a long tradition of naturalization of foreigners who were not of "Turkish descent and culture" did develop. During the period before World War II, numerous nationals of East European countries such as Czechoslovakia, Hungary and Poland as well as Baltic states were naturalized, and the law did not require that many of these individuals took Turkish names and also nominally converted to Islam. In the 1930s, Jews were also naturalized, a practice that considerably differed from what was going on in Europe at the time. However, Armenians and Greeks were excluded from any possibility of naturalization, especially those who had earlier been stripped from Turkish citizenship or had been party to the exchange of populations between Greece and Turkey. Nevertheless, there was a period when Greek-Turkish relations improved in the 1930s and it became possible for Greek nationals to settle and work in Turkey. During this period there were a few who did also naturalize.[137] This relatively liberal climate towards Greeks changed however after the Second World War especially with the deterioration of relations between the two countries from mid-1950s onwards. This exclusionary practice in the naturalization process remains in place to this day. As recent as in 2004 an amendment was introduced to the regulations governing the implementation of the Citizenship Law that foresees an investigation of the descent of those applying for citizenship.[138]

According to the Citizenship Law of Turkey, Turkish citizenship can be acquired by parentage and Turkish descent, adoption, marriage and naturalization.[139] The Law makes it possible for foreign nationals who have resided a minimum of five years in Turkey and who meet certain criteria including an adequate knowledge of Turkish to become naturalized. Furthermore, the Law also authorizes the government to extend Turkish citizenship under "exceptional circumstances". The Law lays down these circumstances in detail. Athletes as well as for example artists and industrialists who are likely to make exceptional contributions to life in Turkey are included. Obtaining statistics on the acquisition of citizenship and especially naturalizations is particularly difficult. The naturalization process involves

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[135] For an extensive study of border management issues in Turkey, see K. Kirişci, *Border Management and EU-Turkish Relations: Convergence or Deadlock* (CARIM-RR-2007/03, European University Institute, Florence, 2007).

[136] Castles and Miller, (1997).

[137] Cagaptay, (2005), pp. 71-77.

[138] Oran, (2004), p. 74.

[139] L. B. Tokuzlu, 'Migration Law in Turkey' *Euro-Mediterranean Consortium for Applied Research on International Migration* (Analytical and Synthetic Notes – Legal Module, 2007/1, European University Institute, The Robert Schuman Centre for Advanced Studies, 2007), pp. 18-19.

numerous bureaucracies and once positively completed the results are announced in the Official Gazette. Data on overall acquisition of Turkish citizenship and their distribution across countries of origin is available. However, it is practically impossible to obtain statistics on the distribution of applications across countries. It is also impossible to obtain data on acceptance or rejection rates.

There were between 2000 and 2006 a total of just under 150,000 people who acquired Turkish citizenship.[140] The overwhelming proportion of the acquisitions occurred through marriage, through parentage and "exceptional naturalization" as well as re-acquisitions of citizenship by former Turkish nationals. The majority of those who acquired Turkish citizenship through regular naturalization, meaning the actual decision of officials, were less than 7,000. The overwhelming majority was foreigners of Turkish descent and non-Turkish foreigners were less than 10 per cent of this total.[141] The number of regular naturalizations has dropped in the last couple of years including people of Turkish descent. Studies based on interviews reveal that for example obtaining Turkish citizenship by Turks from Bulgaria and the Turcoman from Iraq has become practically impossible since 1989 and 2003 respectively.[142]

This resistance to granting Turkish citizenship through naturalization especially to foreigners who are not of Turkish descent is extremely telling. This is an area where the Turkish state remains determined to resist post-national pressures. It is a practice that clearly falls in contrast to developments especially in Western Europe which bases acquisition of citizenship increasingly on objective criteria rather than descent or culture.[143] Similar observations can also be made about dual citizenship. A growing number of European countries are permitting dual citizenship for immigrants who are becoming naturalized citizens.[144] Turkey too adopted the possibility of dual citizenship as early as 1981. The practice was adopted by a government appointed by the military further to their intervention in September 1980. Interestingly the amendment to the Citizenship Law that made this practice possible was actually debated in a session of the National Security Council. This amendment made it possible for Turkish nationals to acquire a second citizenship on the condition that they sought permission from Turkish authorities. The concern to control whoever benefited from the amendment was very evident. Furthermore, a feature of the amendment that often escapes the attention of observers is that the amendment also provided for the government the possibility of stripping individuals of their citizenship if they have been charged of endangering Turkish state security.[145] Hence, on the one hand, the amendment can be seen as a liberal development, yet on the other hand it reveals a definition of Turkish national identity that left little room for dissension let alone diversity. As mentioned earlier, the period coincided with a major growth in the number of Turkish nationals applying for asylum in Europe after having fallen foul with the military regime.

A second amendment was introduced to the Citizenship Law in June 1995 that allowed the possibility for Turkish nationals who were required to renounce their Turkish citizenship for obtaining

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[140] Calculated from Tables 14 and 15 in İçduygu, *Sopemi Report* (2008).

[141] *Ibid*, p. 18.

[142] A. Parla, D. Danış and M. Eder, 'Modalities of Organization among "New" Migrants: A Comparative Analysis of Bulgarian Turks, Iraqi Türkmen and Moldavians in Turkey" (Report for TUBITAK Project 106K102, 2008) and D. Danış and A. Parla "Nafile Soydaşlık: Irak ve Bulgaristan Türkleri Örneğinde Göçmen, Dernek, Devlet" *Toplum and Bilim*, N. 114, (2009), pp. 131-158.

[143] R. Baubeck et al (eds.) *Acquisition and Loss of Nationality, Vol. 2, Country Analyses: Policies and Trends in 15 European Countries* (Amsterdam University Press, 2005); C. Joppke, "How Immigration is Changing Citizenship: A Comparative View" *Ethnic and Racial Studies* Vol. 22, No. 4, 1999, pp. 629-92; C. Joppke, "Comparative Citizenship: A Restrictive Turn in Europe?" *Law and Ethics of Human Righs* Vol. 2, Issue 1, (2008) and T. Faist (ed.) *Dual Citizenship in Europe: from Nationhood to Social Integration* (Aldershot: Ashgate, 2007).

[144] M. M. Howard, "Variation in Dual Citizenship Policies in Countries of the EU" *International Migration Review*, Vol. 39, No. 3 (2005), pp. 697-720.

[145] Z. Kadirbeyoğlu, 'National Transnationalism: Dual Citizenship in Turkey' in Faist (ed.) (2007), p. 135.

the citizenship of the country they resided in to continue to be treated as if they were citizens short of enjoying political rights. The amendment was worded in such away to make sure that it would not open the way to persons who would not fit into the traditional definition of Turkish identity. The concern about "Armenians, Jews, Greeks etc…" benefiting from the provision of this amendment was openly raised by a member of the Turkish parliament. Clearly, "the tolerance of dual citizenship and special rights for those who relinquished their citizenship was intended to apply exclusively to Turkish emigrants who had left the country under specific conditions, the amendment was never intended to include the minorities who left Turkey before 1981".[146] The practice of dual citizenship in Turkey is in function of an understanding that falls short of a post-national conception of identity and emphasizes the concern to keep emigrants tied to Turkey and traditional Turkish national identity. When the parliament debated the issue, their concern was "how Turks are treated in other countries rather than the reciprocal rights of immigrants in Turkey".[147] There is hardly any debate in Turkey in political or for that matter academic circles about dual citizenship as a vehicle for integrating migrants that are present in Turkey. The issue is framed in a manner that only looks at the issue of welfare of Turkish immigrants living abroad. This is also reflected in the adoption of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families in September 2004. Nevertheless, there have been reports tackling, for instance, the case of numerous Turkish Jews in Israel reclaiming their Turkish citizenship especially after Israeli-Turkish relations had deepened and expanded from the mid-1990s onwards.[148]

A final reform to the Citizenship Law came in June 2003 when an amendment was introduced requiring a three-year waiting period before a foreign spouse could obtain Turkish citizenship. Previously Turkish men were able to extend their citizenship to their foreign spouses pretty much automatically. However, this was increasingly being abused by foreign women wanting to get Turkish nationality for employment purposes. Some of the women were themselves victims of traffickers. The amendment brought about a sharp decline in acquisitions of nationality through marriage. The figure for 2004 and subsequent years dropped on average below 500 acquisitions while in preceding years it had been over 7,000 a year.[149] The amendment also equalized the rights of men and women. Originally, Turkish women did not have the automatic right to pass on their nationality to their foreign spouses.

Another area that has seen considerable reform yet falls short of post-nationalization is in the area of employment of foreigners in Turkey. In February 2003 as part of the EU driven reforms the government introduced a new Law on Work Permits for Foreigners (Law No. 4817). The Law meant to facilitate obtaining of work permits that previously involved a complicated and highly bureaucratic procedure. More importantly, the government, as it adopted this new law, rescinded another law (Law No. 2007) dating from 1932. The latter reserved certain jobs, including domestic work, and professions only to Turkish citizens. Previously, from a legal perspective, it would have not been possible for foreigners to work in domestic care sector.[150] In recent years, immigration into Turkey has been characterized by feminization as the employment of foreign nationals in domestic care has expanded. The Law - at least theoretically - opened the possibility for immigrants especially in this sector to legalize their status. Still, a number of studies demonstrate that obtaining a work permit remains difficult and even if there is an interest in getting it the general belief among immigrants is that they would not be given one.[151]

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[146] *Ibid*, p. 137.

[147] *Ibid*, p. 138. For a similar observation see also B. Çiçekli, 'Turkish Citizenship Policy Since 1980', *Immigration, Asylum and Nationality Law* Vol. 17, No. 3, (2003), pp. 179-91.

[148] Information obtained from members of the Jewish community in Turkey.

[149] See İçduygu, *Sopemi Report* (2008), Table 14, p. 50.

[150] S. Kaşka, 'The New International Migration and Migrant Women in Turkey: The Case of Moldovan Domestic Workers' in İçduygu and Kirişci (eds.) (2009), p. 743.

[151] *Ibid*, p. 772. See also Parla, Danış and Eder (2008).

Statistics on work permits are difficult to obtain as well. The Ministry of Labor is responsible for processing applications and issuing work permits. However, the Ministry has traditionally been geared to collect and disseminate data on Turkish workers abroad. Nevertheless, the little data that is available suggest that in 2006 out of more than 186,000 legally resident foreigners in Turkey only less than 23,000 had work permits. The rest were students or had other reasons qualifying them to a residence permit.[152] At the end of 2005, there were only 48 immigrants with work permits for employment in the domestic care sector.[153] This clearly is a negligible figure that is far from reflecting reality. Instead these immigrants operate in a grey-zone of informality. The Turkish visa regime allows them to move back and forth between Turkey and their country of origin and if they overstay they are usually required just to pay fines.[154] Furthermore, these immigrants risk being abused by their employers and find themselves having to bribe the police when they are stopped in the street without a visa or a permit.[155] In contrast to the domestic sector, men usually work in the textile business and especially for companies that do business with the Middle East or ex-Soviet world. Like their women counterparts in the domestic sector, they mostly work in informality unless they acquire Turkish nationality through marriage or rarely through naturalization.[156]

Another important reflection of the emphasis put on ethnic and cultural affinity to foreigners of Turkish descent can be found in other laws governing employment. A law introduced in September 1981 (Law 2527) authorizes foreign nationals of Turkish descent and culture to exercise their professions and be employed both in the private as well as public sectors. The law does not actually define who would qualify as being of "Turkish descent" and instead introduces cumbersome bureaucratic process for its determination.[157] It is difficult to find any information and data on the number of persons who have actually benefited from this law to be able to assess its implementation. However, a number of recent studies based on surveys of Afghan nationals of Turkic origin, such as Kazakhs, Kyrgyz and Uzbeks, as well as Turkmen from Iraq and Turks from Bulgaria report complaints about how they are unable to or denied the possibility to enjoy the provisions of this and other laws that should allow them easier access to work permits as well as naturalization.[158] It would be difficult to conclude that this is a practice suggesting a gradual move towards a more egalitarian treatment of immigrants. It seems it has more to do with wanting to check larger waves of immigration.

Immigrant communities of Turkish descent have tried to circumvent these difficulties by developing informal practices. Associations representing immigrants especially from Bulgaria and Iraq have developed the practice of issuing identity cards that identify their co-nationals as being "Turkish" by descent. This is accompanied by an informal understanding that if such persons are stopped by the police they would not be deported and would instead be released. However, it seems that this practice works somehow haphazardly as on some occasions the holders of such cards are released while in other cases they are taken to custody for deportation purposes or are released in return for bribes.[159] The latter practice is also reported by illegal immigrants from the ex-Soviet world.[160]

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[152] See İçduygu, *Sopemi Report* (2008), Table 13, pp. 46-49.

[153] Kaşka (2009), p. 744.

[154] Kirişci (May 2008).

[155] Kaşka (2009), p. 771. For similar observations see also Parla, Danış and Eder (2008).

[156] Danış, Taraghi and Perouse in İçduygu and Kirişci (eds.) (2009); Parla, Danış and Eder (2008) and Danış and Parla (2009).

[157] Tokuzlu, (2007), pp. 10-11.

[158] Danış, Taraghi and Perouse in İçduygu and Kirişci (eds.) (2009); Parla, Danış and Eder (2008) and Danış and Parla (2009).

[159] Practice reported by *Ibid*.

[160] Kaşka, (2009), p. 771.

Discriminatory practices in respect to residence permits are also widespread. Residence permits are automatically issued for individuals obtaining work permits. Also retirees, students, asylum seekers, foreign spouses, etc… are entitled to residence permits. One way in which discriminatory practices manifest themselves is the way in which residence permits for Turkmen from Iraq and Turks from Bulgaria have on a number of occasions been automatically renewed without requiring the payment of the regular permit fees.[161] This contrasts with the fact that authorities usually insist that asylum seekers pay their full fees regardless of whether they may have the means or not. The practice that makes Turkish policy of residence permits least post-national is that it extends to immigrants none of the rights that have come to be known as "denizenship".[162] In many European countries, immigrants are able to enjoy permanent residence if they have fulfilled a minimum number of years in legal residence. Permanent residence comes with a range of rights that have become codified in EU *acquis* ranging from the right to participate in local elections to the right to family reunification.

Even though Turkish migrants have benefited extensively from family reunification program in EU countries Turkey currently does not have provisions for family reunification in relations to the 'new immigration' trends. This will be an area which will require the development of new legislation and a new outlook to immigration. Furthermore, Turkey does not have the practice of granting permanent residence. Only a few years ago, the possibility of acquiring a five-yearly residence permit was introduced for some foreign nationals working in Turkey. Previously, these permits needed to be renewed on a yearly or two-yearly basis. However, these permits are prohibitively expensive. The notion of non-nationals enjoying political rights is not even an issue of debate in Turkey. Actually, the *Action Plan on Asylum and Migration*, a document that in great detail identifies both national legislation as well as the EU *acquis* on asylum and migration that Turkey has to adopt, adopted in March 2005 notes that political rights to immigrants would be out of question.[163] Yet, interestingly enough, during the March 2004 local elections, in one of the radio stations, an English resident of the city of Marmaris, popular among European retirees, complained during an interview that he was a tax payer but was not allowed to vote in the local elections.

A final form of immigration that is clearly caught between practices and policies reflective of the traditional conception of Turkish national identity and pressures for post-nationalization is asylum. Section one already offered a brief discussion of Turkey's asylum policies. In the early and mid-1990s Turkish asylum policies were bitterly criticized especially in respect to denial of access to asylum and the violation of the *non-refoulement* principle. However, subsequently, Turkish asylum policy went through a major reform process driven by the UNHCR and the EU. This transformation and reform process have been studied in some detail in the report entitled *Border Management and EU-Turkish Relations: Convergence or Deadlock* in the framework of the CARIM project.[164] However, in the last two years or so the reform process has slowed and Turkish authorities have been reluctant to harmonize Turkey's asylum system completely with that of the EU. This can partly be attributed to the deterioration of EU-Turkish relations and the growing conviction among Turkish officials that the EU

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[161] Reported by Daniş and Parla (2009) as well as Tokuzlu (2007), p. 10.

[162] For a discussion of the term see T. Hammar, *Democracy and the Nation-State: Aliens, Denizens and Citizens in a World of International Migration* (Aldershot: Avebury, 1990) and Y. Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994).

[163] The Action Plan on "Asylum and Migration" was officially adopted by the Turkish government on 25 March 2005.

[164] K. Kirişci, *Border Management and EU-Turkish Relations: Convergence or Deadlock* (CARIM-RR-2007/03, European University Institute, Florence, 2007). For the role of the UNHCR in reforming the asylum system of Turkey see K. Kirisci, "UNHCR and Turkey: Cooperating towards an Improved Implementation of the 1951 Convention on the Status of Refugees" *International Journal of Refugee Law*, Vol. 13, No. 1/2, 2001 and K. Kirişci "Turkish Asylum Policy and Human Rights: Adjusting to International Norms and EU Accession Requirements" in Kabasakal-Arat (ed.) (2007).

is not serious about Turkey's membership.[165] This has aggravated the fear of Turkish officials that Turkey risks becoming a "buffer zone" between refugee generating regions of the world and the EU.

One of the areas that so far has defied reform concerns the lifting of the "geographical limitation" to the Geneva Convention Relating to Status of Refugees and introduction of fully fledged national status determination process. Turkey, together with Monaco, Congo and Madagascar, is among the only remaining countries that maintain a 'geographical limitation' as defined in Article 1.B(1)(a) of the Convention.[166] Accordingly, Turkey does not grant refugee status to asylum seekers coming from outside Europe and maintains a two-tiered asylum system. The first tier of this policy is centered on Europe and is deeply rooted in Turkey's role as a western ally neighboring the Soviet Union during the Cold War. During that period, in close co-operation with the UNHCR, Turkey received refugees from the Communist Bloc countries in Europe, including the Soviet Union. However, only a very small number were allowed to stay in Turkey, often as a result of marriages that took place with Turkish nationals. The rest were mostly resettled to the United States and Canada. The Settlement Law of 1934 basically prevented the possibility of allowing refugees who were not of "Turkish descent or culture" to remain and become integrated to Turkish society. The second tier relates to asylum seekers coming from mostly the Middle East and to a lesser extent Asia and Africa. Turkey continues to determine the status of these asylum seekers in close cooperation with the UNHCR and grants them temporary protection. However, there is a strict expectation that those who are recognized as refugees are actually resettled out of Turkey. Rejected asylum seekers technically are supposed to leave Turkey but more often they become illegal immigrants or try to make it to EU countries.

The accession process with the EU has brought on Turkey considerable pressure to post-nationalize Turkish asylum policy. The EU expects Turkey to introduce a string of major reforms. The most contentious issue is actually the lifting of the geographical limitation. The *Action Plan* lays out in broad outlines the tasks and time table that Turkey intends to follow to prepare Turkey for the development of a fully fledged national status determination system and adopt EU directives on asylum and migration in general. In this context, Turkey plans to make progress in setting up reception centers for asylum seekers, as well as develop a country of origin information system, introduce a national asylum law and set up a specialized administrative unit to deal with asylum. However, the document does not foresee the lifting of the geographical limitation before 2012 and pretty much makes it conditional to Turkey's membership to the EU.

Nevertheless, there are some developments suggesting that Turkey is taking steps toward preparing itself for an eventual introduction of national status determination. One important legislative development occurred in September 2006 as the Settlement Law of 1934 was significantly overhauled by the Turkish Parliament. This took place as part and parcel of the government's effort to adopt what is referred to as the "Ninth Reform Package" to bring Turkey closer to meeting its promises to the EU. This is likely to have significant implication in terms of Turkey's asylum policy in the long run. The new Settlement Law continues to limit immigration to Turkey to individuals and groups of "Turkish descent and culture". However, unlike its predecessor it is silent on what happens to refugees. The previous Law in Article 4 used language limiting full refugee status to individuals of "Turkish descent and culture" and called for the application of Nationality Law for other refugees.[167] It is difficult to tell how this recent development will impact Turkish asylum law and policy. This will also depend a lot on the kind of regulations adopted for the actual implementation of the new Law. Nevertheless it might still be possible that the new wording facilitates the eventual adoption of an Asylum Law that

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[165] For a detailed analysis see K. Kirişci, "Turkey: Political and Social Dimension of Migration", in P. Fargues (ed.), *Mediterranean Migration 2006-2007 Report* (CARIM, European University Institute, Robert Schuman Centre for Advanced Studies, Florence, 2007).

[166] J. van Selm, "European Refugee Policy: is There such a Thing?" (New Issues in Refugee Research, Working Paper No. 115, Evaluation and Policy Analysis Unit, May 2005) p. 4.

[167] For details see Kirişci in Fargues (ed.) (2007).

can indeed open the way for recognized refugees to stay on in Turkey rather than be resettled. Furthermore, this new Law is likely to facilitate the lifting of the 'geographical limitation' - at least in the long run.

In June 2006, the Police Department, responsible for asylum matters, circulated an internal regulation.[168] The document basically sends instruction to the Police in general to speed and facilitates the implementation of tasks laid out in the *Action Plan*. In its introduction, it recognizes that the regulation aims to meet the standards mentioned in the 1951 Geneva Convention and the EU *acquis*. It introduces very specific measures that aim to improve access to the asylum system and ensure continuity for the trained personnel in their current position rather than risk being moved to other irrelevant tasks as part of the standard rotation system. It lays out for the first time very specific rules concerning the process of identity determination of asylum seekers as well as clearly states that asylum seekers may well enter the country without identity and that this can not be held against them.[169] Furthermore, this internal regulation also identifies the procedures to be followed to determine the outcome of an asylum application and appeal procedures for rejected cases. It also incorporates elements from current EU directives concerning country of origin information, provision of translation facilities and a positive interview environment. Lastly, it underlines that refugees and asylum seekers who have a valid residence permit would be entitled to a work permit too and provides for the granting of "secondary" or "subsidiary" protection short of full refugee status.

Another legislative development occurred in January 2006 concerning the "time limit" with which asylum applications have to be made. Turkey's only internal piece of legislation on asylum, the 1994 Asylum Regulation, had introduced a five-day limit for lodging in asylum applications.[170] This had led to numerous deportation and violations of the *non-refoulement* principle. In 1999, the Regulation had been amended in an initial effort of reform, and the time limit was increased to ten days.[171] Against the background of a long period of reform and efforts to harmonize with the practices and policies of the EU, the government introduced a second amendment to the Asylum Regulation completely lifting the time limit and instead introduced the reference to "within a reasonable period of time".[172] This development is considered to be a major improvement that has mostly eliminated at least one basis for deportation of asylum seekers and is regarded to constitute an improvement in respect to access to asylum procedures.

However, the implementation of these legislative developments has fallen short of expectations. The provisions concerning work permits do not seem to work. There are also difficulties in obtaining and renewing residence permits. Often asylum seekers are not in a position to pay residence permit fees that amount to exorbitant sums especially for cases involving large families. This practice is of course in stark contrast with the occasional practice of issuing or renewing residence permits free for people who are considered to be of "Turkish descent" mentioned earlier. The more sinister problems in term of violation of human rights concern the deportation of asylum seekers and even refugees.

In contrast to previous years, for 2004, 2005 and 2006, reports by the UNHCR, and the US State Department concerning deportation of asylum seekers as well as refugees were published. Numerous Turkish human rights organizations such as Amnesty International of Turkey, Organization of Human

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[168] *Uygulama Talimatı*, Genelge No. 57, 22 June 2006.

[169] This is extremely fascinating because the principle that asylum seekers can not be denied access to asylum procedures on ground of false papers or no identity papers was a point that would come up regularly in the context of discussion of the 1951 Geneva Convention during training seminars.

[170] For the details of this Regulation see Kirişci (2007/03) and K. Kirişci, 'Is Turkey Lifting the "Geographical Limitation?: The November 1994 Regulation on Asylum in Turkey' *International Journal of Refugee Law* Vol. 8, No. 3, (1996), pp. 293-318.

[171] *Offcial Gazette*, No. 23582, (13 January 1999).

[172] *Official Gazette*, No. 26062, (27 January 2006). See article by a lawyer of the Turkish Branch of Amnesty International that assesses this amendment Taner Kılıç, "Türkiye İltica Alanında Yeni Basamak: 1994 Yönetmeliğini Değiştiren Yönetmelik". The article can be reached at: http://www.amnesty.org.tr/v2009200601.si**.**

Rights and Solidarity for Oppressed People (Mazlum-Der) and Helsinki Citizens' Assembly (HCA) have also reported cases of deportation and protested them. Another problem that is being increasingly referred to is the problem of accessibility to asylum procedures. A report by HCA in April 2008 also notes that asylum seekers have been experiencing difficulties in submitting their asylum applications.[173] Both the problems of *refoulement* and access to asylum procedures were raised by the Human Rights Watch as well.[174]

These developments clearly fall short of the idea of a post-national Turkey. Yet, there are nevertheless some developments to raise hope. In spite of the cool EU-Turkish relations considerable cooperation is actually taking place at a more technical level.[175] The EU continues to support a wide range of projects aiming at strengthening Turkey's administrative capacity in managing migration. For example even if there are serious problems in respect to Turkey's asylum policies at the strategic level after a very long process of negotiations both sides agreed in a project aiming to build reception centers for asylum seekers and illegal transit migrants. This project provides funds to support not only the construction of appropriate buildings but also capacity building programs such as training of personnel to run these centers as well as encourage closer relations between the authorities and non-governmental organizations and the UNHCR. The UNHCR office in Ankara too is actively engaged in efforts to support Turkey's effort to develop an administrative capacity for a reformed asylum system.[176] Both the EU as well as the UNHCR supports a string of Turkish non-governmental organizations dealing with various aspects of asylum.

Another important development in terms of the future reform of Turkish asylum system is the growing number of non-governmental organizations taking an interest in asylum issues.[177] A number of these NGOs provide humanitarian and social support. There are also those that run awareness campaigns and programs especially with the local authorities of provincial towns and cities where asylum seekers and refugees reside. More importantly, there are a number of NGOs offering legal support programs. For example HCA has published a *Handbook on Legal Assistance to Refugees* and provides free legal assistance to asylum seekers and has assisted a number of asylum seekers with court cases including filing complaints with the European Court of Human Rights.[178] Lawyers volunteering for Mazlum-Der have filed court cases on behalf of asylum-seekers to stop deportations. In at least three cases Mazlum-Der lawyers obtained "stay of execution" decision from the ECHR against deportation orders. In April 2008, in a completely new development these lawyers obtained a similar "stay of execution" decision from the ECHR on behalf of a Chechen refugee in Azerbaijan about to be deported to Russia. A recently established non-governmental organization in Izmir called Association of Solidarity with Refugees (Mülteci-Der) and closely associated with AI in Turkey has also been taking legal interest in that case of asylum seekers. Mülteci-Der takes a special interest in intervening with illegal transit migrants to assist potential asylum seekers.

Furthermore, a noteworthy development - in comparison to less than five years ago – is the burgeoning of a large group of civil society activists, media people, students, academics, experts and most importantly members of parliament taking interest in asylum issues. One striking manifestation

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[173] Unwelcome Guests: The Detention of Refugees in Turkey's Foreigners' Guesthouses (HCA, Istanbul, April 2008).

[174] Stuck in a Revolving Door: Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union (Human Rights Watch, November 2008).

[175] This has been confirmed by officials both on the European Commission and Turkish side during interviews, 1-3 July 2008.

[176] Background Note: Protection of Asylum Seekers and Refugees in Turkey (UNHCR, 8 May 2008).

[177] For a detailed coverage of the activities of non-governmental organisations dealing with asylum related issues see K. Kirişci and S. Artan, Asylum, Immigration, Irregular migration and Internally Displacement in Turkey: Institutions, Policies and Documentation (Document prepared for CARIM, European University Institute, Robert Schuman Centre for Advanced Studies, Florence, forthcoming).

[178] An English version of the Handbook is being prepared. The Handbook can be reached from the web page of HCA http://www.hyd.org.tr/.

of this development occurred during the fall of 2007 as the UNHCR in coalition with a number of human rights and refugee advocacy groups took the initiative to try to include the "right to asylum" in the draft constitution that the governing political party, Justice and Development Party was preparing. Subsequently for domestic political reasons, the preparation of this draft constitution was suspended. However, UNHCR, in cooperation with Bilgi University, organized a conference on the "right to asylum and constitutions" in November 2007.[179]

One last development which very much reveals the conflicting pressures operating within the Turkish state is the decision of the Ministry of Interior to appoint two special inspectors assigned to investigate problems associated with Turkish asylum policies and detention of illegal migrants. The decision came subsequent to the publication of the HRW's *Revolving Doors* in November 2008 laying out in detail the terrible state of some of Turkey's and Greece's detention centers for illegal migrants. The Report had also raised concerns about the treatment of asylum seekers and violations of their rights. The executive president of HRW was actually received by the Minister and held a meeting where these problems were raised and discussed. The two inspectors have also been cooperating with civil society and studied the report by the HCA *Unwelcome Guests*. These developments are quite unprecedented and reveal that there are groups within the state that on the one hand wants to see reforms through and on the other hand there are also groups who are at least reluctant to pursue the reforms energetically.

Asylum is the one area where the pressures for post-nationalization in the form of adopting and implementing the EU *acquis* are clearly most conspicuous compared to other immigration issues. The involvement of non-governmental organizations critical of government policies and demanding reforms as well as a the possibility to shape these reforms is yet another manifestation of these pressures. The impact that the HRW and HCA reports have had is very revealing as to how the state is divided. Yet, the division is not so much whether there should be reform or not but is more about the pace of change. The government appears to see the process of reform as part of the government commitments to the EU while bureaucracy establishes a link between the pace of reform and the EU's treatment of Turkey. Officials seem tempted to inject greater elements of post-nationalism to Turkey's asylum policy but are nervous or reluctant to do it fearing being left out in the cold by the EU. Nevertheless, it would also be naïve not to include the weight and the bureaucratic habits engrained in the traditional conception of Turkish national identity as a factor that slows reform. This is what makes Turkey's asylum policies so very much caught between the established practices that are a function of a traditional Turkish national identity and the growing demands for reform generated by post-national considerations.

In comparison to the developments occurring in Turkey in respect to recognizing and responding to ethnic and cultural diversity discussed in section two of this paper, post-nationalization of immigration in Turkey remains much more limited. Globalization and EU related reform is putting pressure on the Turkish state to reform. Yet, the state is oscillating between responding to demand for reform and the temptation to resist transformation and try to control and defend national identity. Yet, globalization does expose Turkish society increasingly to post-national developments and sometimes the state itself becomes a willing partner. A case in point is the manner in which sports in Turkey have become visibly multicultural and post-national. State authorities have closely cooperated with a range of track and field, basketball, football and volleyball teams enabling them to employ foreign athletes. Often they also help them to acquire Turkish nationality using the "exceptional circumstances" clause in the Turkish Citizenship Law. Hence, Turkish society is becoming accustomed to living with foreigners as well as "Turks" that would not easily fit into the traditional narrow definition of a Turk. Turkish society is becoming accustomed to seeing names in the Turkish national teams that are not classic Turkish names. Among them there are Turks clearly of foreign descent.

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[179] See Istanbul Bilgi Üniversitesi - Birleşmiş Milletler Mülteciler Yüksek Komiserliği Ortak Toplantısı: Anayasalar ve Sığınma Hakkı Tartışması, 21 Kasım 2007.

This was most visible in the case of the Turkish Olympic Team that participated in the 2008 Beijing Olympic Games as well as the preceding two.[180] Actually, the number of naturalized athletes in the Turkish Olympic national team was 15 in 2008, four in both 2004 and 2000 out of 68, 66 and 59 athletes making up the whole team respectively. The most prominent of such names is Elvan Abeylegesse. She was the world record holder of 5000 meters of June 2004 and represented Turkey at the Olympic Games in Athens as well as Sydney. In Sydney, she won silver medals in 10,000 and 5,000 meters. She is of Ethiopian origin and became naturalized in 1999. Her original name was Hewan but adopted the Turkish name of "Elvan" while keeping her surname. She is considered as the "darling" of the Turkish public not only because of her performance but also her devotion to "Turkishness". After she had originally broken the world record as well as won medals at the Sydney Olympic game, a debate in the Turkish media about her "Turkishness" took place. She responded saying that she felt hurt by the debate that questioned her Turkishness and added that as far as she went she was "as Turkish as any other Turkish girl".[181] Interestingly, many commentators and members of the public stood by her "Turkishness" against those who argued she was not a real "Turk" and instead just a "converted" person.[182]

Similarly, the public has also become very much at ease that the Turkish national football team has naturalized players. The Turkish national team that made it to the semi-finals during the 2008 European Championship had at least three such players, Colin Kazım Richards, Mehmet (Marco) Aurelio and Mert (Marcio) Nobre. They were originally from England and Brazil. The case of Colin Kazım Richards is especially interesting because he is the child of a Turkish woman from northern Cyprus and a father from Barbados. His case too precipitated debates about his "Turkishness" and has led one commentator to note how he is the second black player in the history of the Turkish national team. The first one being Vahap Özaltay who played in the national team in 1927 only once and then went on to play for the French team Racing in 1933. The commentator suspects that the rise of ethnic Turkish nationalism in the early 1930s prevented him from playing in the national team despite the fact that he was a very successful player. Ironically, he would return to Turkey and become the trainer of the Turkish national team that participated in the World Football Championship of 1954.[183] Furthermore, the volleyball national team that ran a very successful European championship competition in 2004 included a Russian, Nathalie Hanikoğlu. The presence of these athletes on the Turkish sporting scene clearly adds a visible post-national dimension to the traditional definition of Turkish national identity.[184]

Another fascinating aspect of this transformation is that marriages between Turkish nationals and nationals of former Soviet republics and the Balkans have been increasing. This is significant because contacts with these two worlds were very limited during the Cold War and also because marriages

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[180] The 2008 Turkish Olympic Team included Elvan Abeylegesse (5000 and 10000 meters) Ethiopian, Alemitu Bekele Degfa (1500 and 5000 meters) Ethiopian, Svetlana Sudak Torun (hammer thrower) Belarus, Selim Bayrak (10000 meters) Ethiopian, Melis Mey (long jump) South Africa, Bahram Muzaffer (boxing) Ozbekistan, Ramazan Şahin (wrestling) Dagestan, Melek Hu (table tennis) China, Cem Zeng (table tennis) China, Sibel Güler (taekwondo) Bulgaria, Serkan Atasay (swimming 200 meters medley) Ukraine, Iris Rosenberger (swimming 100 meters kelebek) Germany, Deniz Nazar (swimming 400 meters medley) Ukraine, Demir Atasoy (100 meters kurbağa) Ukraine.The 2004 Turkish Olympic Team included Elvan Abeylegesse (5000 ve 1500 metre) Ethiopian, Tezeta Dangersa (5000 metre) Ethiopian, Anzhela Atroschenko (Heptatlon) Belorussian, Natalia Nasaridze Georgian (Archery). The 2000 Olympic Team included Ramazan Phaliani Georgian, Selim Phaliani Georgian, Akın Kakauridze Georgian in Boxing, Natalia Nasaridze Georgian in Archery.

[181] "Her Türk kızı kadar Türk'üm" *Hürriyet*, 17 August 2008.

[182] For a commentary critical of "converted" athletes see Emin Pazarcı, "Devşir, topla, madalya al" *Bugün*, 22 August 2008. For a virulent defender of especially Elvan Abeylegesse as a "Turk" see Hıncal Uluç, "Ben de Türk Değilim" *Fotomaç*, 26 August 2008 and "Elvan ne çocuğu" *Fotomaç*, 20 August 2008. Uluç uses strong language and accuses opponents of athletes who are of foreign descent for being racist.

[183] *Bağış Erten*, "Milli formayı giyen ilk Siyah" *Radikal İki*, 20 August 2008.

[184] It is ironic that there was a time back in the 1950s and 1960s when Turkish national teams did have for example Greek and Armenian athletes from the once buoyant Greek and Armenian communities in Turkey.

with Western European nationals usually include significant numbers of Turks who have taken up the citizenship of their host country. The statistics do not give specific information on this. In 1980 for 1152 inter-marriages with nationals of West European countries there were only 42 inter-marriages with nationals of the Soviet Union and Balkan countries. In 2003, 2004, and 2005m the respective figures were 9684, 10,788 and 8,448 for West European countries and 6172, 4011, and 3,914 for former Soviet republics and Balkan countries.[185] These may be considered to be relatively small numbers. However, the trend is very significant and should also be indicative of the size of the more informal social contacts. A Turkish expert on Balkan politics at a conference made the remark that the explosion of social contacts between Turkey and the Slavic world is leading to a kind of re-Slavization of the Turkish people.[186] The earlier having taken place in the Ottoman times as societal identity was conceived in a much more multi-cultural manner.

Another area where the emergence of a more post-national Turkey can be observed is in respect to domestic work and the care sector. It has already been pointed out that there is a growing number of ex-Soviet nationals who are coming to work illegally in Turkish homes. The jobs are mostly in urban centers such as Istanbul, Ankara and Izmir. The households are usually relatively well off and professional households. Nevertheless, foreign women become part of family as well as neighborhood life bringing considerable cultural diversity. Traditional Turks are discovering the Gagauz Turks from Moldova who speak as good Turkish as an average Turk would but are not Muslims. Gagauz women are especially preferred by Turkish household because of their higher level of education, reputation for working hard and of course their knowledge of Turkish. A more fascinating development is the growing number of Armenian women working in households often taking care of the elderly and/or young children of professional families. This suggests that an important degree of reconciliation and trust between the two parties is emerging.

In spite of a gradual warming in Armenian-Turkish relations during the course of 2008 the Armenian border remains closed and the issue of recognizing the Armenian genocide continues to strain relations. Nevertheless, in the context of the work pursued by the Turkish-Armenian Reconciliation Commission (TARC) the Turkish government since January 2003 allows Armenian nationals to come to Turkey on a liberal visa arrangement.[187] There are frequent charter flights between Armenia and especially Istanbul. The number of Armenian nationals entering Turkey increased from approximately 17,000 in 2000 to almost 60,000 in 2008. It is an open secret that an important proportion of these people illegally work in Turkey and that they are tolerated by the government.

Symbolically, the most significant post-national gesture may have been the remark that a retired Turkish ambassador, Volkan Vural, made soon after the visit of the Turkish President Abdullah Gül to Armenia in September 2008, mentioned earlier in this report. Vural had served as an ambassador in Moscow just as the Soviet Union was dissolving and is known as the first Turkish diplomat to have made contact with the President of a newly independent Armenia. He had also been known as an advocate of the establishment of diplomatic relations with Armenia. During an interview Vural said that "if I was an official I would apologize for the pains that the Turkish state inflicted to Armenians and Greeks". [188] He also added that the Turkish state should allow those who fled and their descendants the possibility to become Turkish citizens if they wished. The current practice would not allow for this to happen. It is difficult to tell whether there would actually be Armenians and Greeks

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[185] These figures were obtained from the Department of Population and Citizenship (Nüfus ve Vatandaşlık İşleri Genel Müdürlüğü) of the Interior Ministry and compiled in G. Çatır, "Encounters in Turkey" term paper prepared for a course in Fall 2004 at the Department of Political Science, Boğaziçi University.

[186] These remarks were made during the discussion of Ş. Kut, "Turkey, Greece and the Balkans" paper presented at the Workshop on *Turkey's World in the Early Twenty-First Century*, 17 August 2004, University of Otago, Dunedin, New Zealand.

[187] Remark made by David Phillips, former president of TARC, during the presentation "Unsilencing the Past", Bilgi University, 18 March 2005, Istanbul.

[188] The text of the interview can be found in Neşe Düzel, "Ermeni ve Rumlar tekrar vatandaş olsun" *Taraf*, 8 September 2008.

that would take up the offer. Nevertheless, the Turkish daily *Hürriyet* did report the case of Hrant Topakian. He is a Lebanese Armenian whose grandparents fled the excesses of the Wealth Tax (Varlık Vergisi) of 1942 to Lebanon. He came and set up a shop in Istanbul fleeing the Lebanese war in 1983. He then became involved in humanitarian assistance projects during the 1999 earthquake in Turkey. However, his repeated efforts to get Turkish citizenship failed.[189]

Clearly, Turkish immigration policies are under pressure to become post-national at least for three reasons. Firstly, globalization is making Turkey increasingly an immigration country as an ever growing number of people find themselves in Turkey as asylum seekers and as transit, illegal or legal migrants as well as professionals, students, spouses, retirees etc… Current Turkish law and policies often leave them in limbo in terms of legal status and more often than not make it very difficult for them to obtain residence and work permits not to mention Turkish citizenship. This leads to an ever growing number of foreigners living in Turkey in informality. The situation exposes them to the dangers of living beyond the rule of law. Reconciling a narrowly defined, inward looking and exclusivist Turkish national identity with a Turkey that seeks EU membership and a Turkey whose economy was ranked the 17th largest economy in 2007 is becoming very difficult. Secondly, Turkey's ambition to become a member of the EU requires it to adopt the EU *acquis* that itself is supranational. The adoption of the *acquis* would address at least some of the problems associated with immigration into Turkey. However, the reforms that have been adopted so far remain limited and far from addressing the problems associated with immigration into Turkey. The contractual obligation is there even if many officials are sometimes deterred and disheartened from meeting these obligations because of the EU's treatment of Turkey. Thirdly, reforms within Turkey are generating an increasingly post-national Turkey. The state is slowly but surely reforming its legislation and policies so as to better accommodate Turkey's diversity ethnically, culturally as well as religiously. These reforms have also created a strong and vocal civil society that is monitoring and demanding further reforms. These reforms and demands are pushing Turkey towards the development of a much more post-national and multi-cultural definition of Turkish identity.

Inevitably, immigration policies have to reflect this transformation. This means that unlike in the past, foreign nationals who were not considered as falling within the traditional meaning of "Turkish descent and culture" but who have objective and organic ties to the country would indeed have to benefit from the rights and privileges that had solely been granted to those who were and are considered to be of "Turkish descent and culture". It is in that sense that retired ambassador Volkan Vural's remarks are important because he highlights the need to open the way to the descendents of non-Muslim minorities who were compelled to emigrate from Turkey to reclaim citizenship or immigrate to Turkey. This of course would also have to apply to individuals that are of Kurdish or Alevi background, two groups who were traditionally excluded from the traditional definition of Turkish national identity. Currently, Turkish immigration policies and the accompanying laws are far from responding to these three sets of pressures. It goes without saying that these laws and policies have been reformed and numerous positive developments have occurred but when all is said and done it would be difficult to argue that Turkish immigration policies reflect a post-national definition of Turkish national identity. Ironically, these policies have fallen behind some of the domestic reforms that have come to recognize greater ethnic and cultural diversity as well as pluralism inside Turkey.

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[189] Celal Başlangıç, "Deprem Gönüllüsü 'bizim Hrantik'" *Radikal* 27 November 2006. Actually, the uncle of Topakian's grandfather was a prominent Ottoman Pasha decorated by the Sultan for his services to the Empire.

## Conclusion

In this paper, I argued that the notion of a multicultural and post-national Turkey is not a mirage. The engagement of the EU has profoundly transformed Turkey. Baskin Oran, a prominent academic and advocate of minority rights in Turkey, argues that "history will refer" to the period of EU driven reforms as a period when minority identities began to be publically expressed for the first time in republican history. He uses the term "modernization tsunamis" and "second modernization process" [190] to refer to the reforms adopted in view of meeting the Copenhagen political criteria.[191] He argues that this is a process of transforming a "national" state into a "democratic" where policies of assimilation are becoming increasingly unacceptable.[192] (p. 125) Editors of a major study on minority rights and citizenship boldly state that EU's decision to engage Turkey in December 1999 as a candidate country "saved" Turkey from the paws of nationalism and created the possibility of promoting multiculturalism.[193]

On the other hand, this paper has shown that the "reality" of a multicultural and post-national Turkey remains blurred and uncertain. This is significant in terms of the EU on at least four accounts.

Firstly, there is a direct and positive relationship between the engagement of Turkey by the EU and post-nationalization of Turkey. As long as the EU remained engaged, in other words as long as EU membership prospects remained credible, reforms took place and implementation occurred. Yet, when the EU's engagement weakened and the credibility of Turkish accession was eroded, a nationalist backlash occurred between roughly 2005 and early 2008. During the course of 2008, there were developments supportive of cultural diversity and strengthening of the rights of Alevis, Kurds and non-Muslim minorities. Yet, it is doubtful that without credible EU membership prospects, what two prominent Turkish political scientists, Fuat Keyman and Ergun Özbudun, call a "constitutional, differential and multicultural citizenship", the nearest possibility to a multicultural and post-national Turkey, could consolidate and become an established "reality". [194]

Secondly, there is strong relationship between the post-nationalism of the EU and Turkey. The EU is clearly way ahead in terms of supporting a multicultural and post-national identity in member states. It would not be possible to envisage Turkish membership in the EU without Turkey catching up with the prevailing EU norms. Yet, if the ultimate measure of a post-national EU is to achieve a European identity based on a Habermasian "constitutional patriotism", briefly referred to in the introduction of this paper, then the EU still has some way to go. In a number of EU member countries both national and European identity continues to exclude migrants, especially Muslim ones. Turkish membership may prove to be critical in terms of achieving a truly multicultural and post-national EU. In that sense Turkey and the EU may well need each other.[195]

Thirdly, the area that is least "post-national" in Turkey is immigration. Turkish immigration policies fall short of the *acquis* in respect to EU's common immigration policy. This is also the area where officials are mostly sensitive to fluctuations in EU-Turkish relations. For example, it is doubtful whether Turkey will become "post-national" in the area of lifting the "geographical limitation" to the

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[190] Second to the modernization reforms introduced by Kemal Ataturk in the early years of the Turkish republic.

[191] Oran, (2004): Preface, p. 121 and p. 94.

[192] *Ibid*, p. 125.

[193] A. Kaya and T. Tarhanlı, "Introduction: Türkiye'de Azınlıklar ve Anayasal Yurttaşlık" in Kaya and Tarhanlı (eds.) (2005), p. 15 and p. 19.

[194] E. Özbudun and F. Keyman, "Globalization and Turkey: Actors, Discourses, Strategies" in P. Berger and S. Huntington (eds.) *Many Globalizations* (Oxford: Oxford University Press, 2002).

[195] K. Kirişci, "Religion as an Argument in the Debate on Turkish EU Membership" in D. Jung and C. Raudvere (eds.) *Religion, Politics and Turkey's EU Accession* (Palgrave/MacMillan, 2008).

Geneva Convention Relating to the Status of Refugees or introduce "denizenship" rights to immigrants or for that matter sign and implement a readmission agreement without credible EU membership prospects. This implies that Turkey would continue to be a transit country for asylum seekers and illegal migrants. It also implies that those migrants choosing to stay in Turkey would not be enjoying the same rights as their counterparts in the EU, hence there may always be the temptation to try to seek "greener grasses" in the EU rather than in Turkey.

Fourthly, there will be less likelihood of emigration from a Turkey that is more multicultural and post-national. I have pointed out that Turkey is a transition country from being an emigration to an immigration country. The level of emigration from Turkey to EU countries has dropped significantly in the last couple of years. Yet, the more Turkey becomes post-national and multicultural - that is the more Turkish national identity becomes "inclusive" of minorities - the lower will be the level of emigration to EU countries driven by cultural or political reasons. Instead Turkey will be receiving more and more immigration, including from EU countries, especially if Turkey reforms its immigration policies. Some of this immigration from the EU may also include former Turkish nationals who "fled" Turkey precisely on the grounds of an exclusionary Turkish national identity. However, as mentioned before, reforming Turkish immigration policies are unlikely to take place unless EU membership prospects are credible.

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