Policy Change for the Displaced Kurds in Turkey: Europeanization and Conditionality

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Abstract

International and regional organizations can act as persuasive actors with regard to minority rights in a given country by raising awareness, putting the issue on agenda, and endorsing a new platform in a country which may lead to a policy change. Despite the general observation that Turkey's Europeanization process has had limited impact on the minority issues in Turkey, there are numerous examples that the European Union (EU) has played a constructive role in improving of rights and fundamental freedoms for the Kurdish populace living in Turkey. The Law on Compensation for Damage Arising from Terror passed in 2004 is a case worth addressing in order to ascertain both the symbolic and discursive policy change. The aim of this article is to explain how the EU used democratic tools to promote change in Turkey's political structure for the displaced Kurds. The Europeanization of Turkey, based on specific conditionality, is taken as primarily responsible for granted for the shift and the policy change. In this policy-oriented case study, hypotheses from Rationalist and Constructivist Approaches in Europeanization literature are investigated to explain the causes and constitutive relations of the policy shift from repudiate to compensation.

Keywords: Forced Migration, Displacement, Turkey, Europeanization, Conditionality

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Türkiye'de Yerinden Edilmiş Kürtler için Politika Değişimi: Avrupalılaşma ve Koşulluluk

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Özet

Uluslararası ve bölgesel örgütler, gündem yapmak ve politika değişikliği ile sonuçlanabilen yeni bir düzlemi desteklemek yoluyla bir ülkede azınlık hakları konusunda ikna edici bir aktör olarak hareket edebilirler. Türkiye'nin Avrupalılaşma sürecinin ülkede azınlık hakları konusunda sınırlı bir etkiye sahip olduğu genel gözlemine rağmen, Türkiye'de yaşayan Kürt nüfusun hak ve özgürlüklerinin geliştirilmesinde Avrupa Birliği'nin (AB) yapıcı bir rol oynadığı örnekler mevcuttur. 5233 Sayılı Terör ve Terörle Mücadeleden Doğan Zararların Karşılanması Hakkında Kanun hem söylemdeki hem de politikadaki sembolik değişimi ortaya koyması bakımından incelemeye değer bir örnektir. Bu makalede, demokrasi destekleyicisi olarak AB'nin yerinden edilmiş Kürtler hususunda Türkiye'de değişimi nasıl sağladığının açıklanması amaçlanmaktadır. Koşulluluk ilkesine dayalı Türkiye'nin Avrupalılaşması, değişimin ve politika değişikliğinin temeli olarak alınmıştır. Politika odaklı bu vaka çalışmasında Avrupalılaşma literatüründeki Rasyonalist ve Konstruktivist yaklaşımlarda yer alan hipotezler, inkardan tazminata, politikadaki değişimin nedenlerini ve yapısal bağlantılarını açıklamak için kullanılmıştır.

Anahtar Kelimeler: Zorunlu Göç, Yerinden Edilme, Türkiye, Avrupalılaşma, Koşulluluk

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Introduction

The rising roles and power of international organizations necessitate a re-thinking of the basic assumptions in International Relations that provides a state-centric approach where nation-states are defined as the sole actors of international order. The definition of a nation-state, which is based on territorial and authoritative sovereignty, is assumed to act by self-help and with selfish motives. A nation-state's ultimate goal is to ascertain as much power as possible in order to survive in an anarchic power struggle that is parallel with its primary interest - security.[1] Both the roles and influences of international organizations in a globalizing world create a more complex world order of state and non-state actors and interests, interdependence, and cooperation leading to institutions among like-minded actors.[2] As a consequence, the traditional divide between domestic and international politics and between international relations and comparative politics has entered into a new phase. The international community plays a significant role in shaping domestic policy and endorsing certain models of integration. In this new phase, the capacity of international organizations is to articulate the domestic policy of states, its effects on the reach of political agency and the relationship between public and private power transformation.

The European Union (EU), as a regional integration project with the ambition of becoming a global actor, is just one of many cases that have emerged as an international organization in this new phase of world politics. In Europe today, attention is increasingly given to the emergence of new practices of governance, and not simply the structures, beyond the state.[3] Moravcsik in particular, characterizes the EU as an inter-governmental regime, designed to manage the interdependence; a regime dominated by bargains decided upon between the larger member states.[4]

Despite this well-functioning managerial formula, Turkey's Europeaniza-

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1   Kenneth Waltz, *Theory of International Politics* (New York: McGraw Hill, 1979), s.118.

2   Richard Ned Lebow and Thomas Risse-Kappen, *International Relations Theory and the End of the Cold War* (New York: Columbia University Press, 1995), s.11.

3   Beate Kohler-Koch, "The Evolution and Transformation of European Governance," ECSA, accessed November 11, 2015, http://aei.pitt.edu/2312/1/002605_1.pdf

4   Andrew Moravcsik, "Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community", *International Organization* 45, no. 1 (1991), s.27.

tion process, with regard to Kurdish question within the current political debate, remains a controversial, complex and time-consuming process for both actors. Moreover, although Turkey's path to the EU has been a slow and tedious process, the Law on Compensation passed in 2004 represents both a symbolic and momentous meaning of which the causes are worth analyzing. In this context, this article aims to analyze the EU's impact on the policy shift from repudiate to compensation targeting displaced Kurds in Turkey as a case in order to exploit the role and influence of EU as an external and persuasive actor. The existing literature addresses the issue from three main aspects: 1) the state's motivation with references to nationalism and/or counterterrorism; 2) the outcomes of the policy in light of the motivations; and 3) the consequences of the policy from a displaced-perspective. This study aims to fill the gap in the literature that has largely ignored certain aspects of the policy change in the light of Turkey's Europeanization process. In this study, a qualitative methodological approach was employed to analyze the data collected from the review of the literature, reports published by national and international non-governmental organizations and relevant information issued from government agencies.

One of the most crucial questions I ask for the current study is, "What are the primary motivations for the policy makers in Turkey that have re-shaped their policy towards the displaced Kurds?" Is it domestic or international pressures and/or other factors that derived from the adoption of the law? In order to thoroughly discuss the answers to these questions, the following part of the paper explains the two-level game played by the Justice and Development Party (AKP) identifying the underlying interaction and interdependence of domestic and international dynamics and how this interaction culminated to the policy change. This article puts forward both the domestic and international motivations and the dynamics and their interactions as a causal explanation for the policy shift in Turkey.

The paper is composed of four parts. After reviewing the literature on the Kurdish displacement in the first part, I provide a short history of the Kurds in modern Turkey. Next, I discuss the origins and the implementation of their displacement. Lastly, I explain the law adopted in 2004 in detail making special references to its implementation in the light of Turkey's Europeanization.

The Displacement of the Kurds in the 1990s: A Literature Review

In terms of migration, Turkey is mostly perceived as either a country of transit, migrants moving between the East-West and/or South-North, or a country of origin, underlying those 'guest workers' to more industrialized European countries. However, there is virtually no research on Turkey's internal migra-

tion patterns of the displaced Kurds, who were forced to migrate from the east and south-eastern parts of Turkey in the 1990s. Although this displacement took place over the past several decades, academicians in Turkey were either unable or unwilling to examine this phenomenon until it was brought to light in the early 2000s by the international community.

Scholars who have examined the displacement of the Kurds in eastern Turkey have mostly referenced theoretical frameworks connected to nationalism, identity and conflict studies. In a multidisciplinary study that encompasses transnationalization, human rights and minority rights, Çelik claims the internal displacement of the Kurds exemplifies a conflict between ethnic, racial, linguistic ethnic groups and the government.[5] These state-centric and security oriented analyses are differentiated by their conclusions. The displacement is either examined as an instrument/outcome of an assimilation policy which has a historical path[6] or as a means applied by the state in its struggle against the PKK (Partiya Karkerên Kurdistan-Kurdistan Workers' Party).[7] On the other hand, there are studies that analysts subscribed to dominant state views for the causes of the displacement, which one may argue is selective and biased. Those analyses underline the same factors that are parallel with the dominant state reading, which essentially states the factors that caused internal displacements are the insecure environment generated by the separatist armed group[8] and the economic disadvantages of the region.[9]

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5   Ayse Betul Celik, "Transnationalization of Human Rights Norms and its Impact on Internally Displaced Kurds," *Human Rights Quarterly* 27, no. 3 (2005), s. 974.

6   Julide Karakoc, "Forced Migration in Turkey," CLAIM, accessed June 20, 2012, http://cn4hs.org/tr/forced-migration-in-turkey/ ; Murat Yüksel, "Forced Migration and the Politics of Internal Displacement in the Making of Modern Turkey: The Case of Dersim, 1937-1947" (Ph.D. Dissertation, Colombia University, 2008), s. 29.

7   Roberto Cohen, "Listening to the Voices of the Displaced: Lessons Learned," ReliefWeb, accessed June 8, 2014,http://reliefweb.int/sites/reliefweb.int/files/resources/4C29676F1C67CD45492574C7000CBE40-Full_Report.pdf ; Martin Van Bruinessen, "Kurdish Society, Ethnicity, Nationalism and Refugee Problems," in *The Kurds: A Contemporary Overview*, ed. Philip G.Kreyenbroek and Stefan Sperl (London: Routledge, 1992), s. 47.

8   İhsan Bal, "PKK Terör Örgütü Tarihsel Süreç ve 28 Mart Diyarbakır Olayları Analizi," *Review of International Law and Politics* 2, no. 8 (2006), s. 75-89; Yilmaz Simsek, "Terrorism and Migration in Turkey between 1992 and 1995," in *Understanding Terrorism: Analysis of Sociological and Psychological Aspects*, ed. Suleyman Ozeren, et all. (Amsterdam: IOS Press, 2007), s. 157.

9   M. Vedat Pazarlıoğlu, "1980-1990 Döneminde Türkiye'de İç Göç Üzerine

A number of scholars of political science and security studies have solely focused on the outcomes of the policy and its implementation and have followed a path to compare the policy objectives and the outcomes. Taspinar concluded the motivation and the outcome of the displacement was neither the forced migration nor other undemocratic practices that ended the Kurdish support and sympathy to the PKK.[10] A similar conclusion written by Hassanpour -Mojab and Bruinessen claims that Kurdish mobilization is an obvious outcome of the displacement that favoured the separatist group.[11] Ayata's study revealed similar results - the reconstruction of Kurdish identity in and through Europe allowed for a mobilization of ideas and resources of the Kurdish Diasporas that produced a "boomerang effect," which contested and resisted the politics of displacement and its denial of the Turkish state.[12] A similar finding was concluded by Gökalp, that the masses of the displaced Kurds tended to sympathize with the ethno-nationalist PKK and developed antagonism against the Turkish state.[13] Yildiz's study focused on the second-generation children of displaced Kurds. Her findings revealed that due to the drastic inequalities the children experienced, they have "increasingly become politicized and radicalized, reclaiming the spaces denied to their families."[14]

Ekonometrik Model Çalışması" (Çukurova Üniversitesi 5. Ulusal Ekonometri ve İstatistik Sempozyumu, 19-22 Eylül 2001), 1-24; Sinan Saraçlı, et all., "Türkiye'de Beşeri Kalkınmışlığın Coğrafi Dağılımının Çok Değişkenli İstatistiksel Tekniklerle İncelenmesi" (3. Bilgi Ekonomi ve Yönetim Kongresi, Osmangazi Üniversitesi, 2004).

10 Omer Taspinar, *Kurdish Nationalism and Political Islam in Turkey: Kemalist Identity in Transition* (New York: Routledge, 2005), s. 101.

11 Amir Hassanpour and Shahrzad Mojab, "Kurdish Diaspora," in *Encyclopaedia of Diasporas: Immigrant and Refugee Cultures around the World,* ed. Melvin Ember et all. (Berlin: Springer, 2005), 214–224; Martin van Bruinessen, "Shifting National and Ethnic Identities: The Kurds in Turkey and the European Diaspora," *Journal of Muslim Minority Affairs* 18, no. 1 (1998), s. 39–53.

12 Bilgin Ayata, "The Politics of Displacement: A Transnational Analysis of the Forced Migration of Kurds in Turkey and Europe" (Ph.D. Dissertation, Johns Hopkins University, 2011), s. 113.

13 Deniz Gökalp, "A Gendered Analysis of Violence, Justice and Citizenship: Kurdish Women Facing War and Displacement in Turkey," *Women's Studies International Forum* 33, no. 6 (2010), s. 562.

14 Yesim Yaprak Yildiz, "New Political Subjects: Children of Displaced Kurds," Forced Migration Review, accessed August 22, 2014, http://www.fmreview.org/young-and-out-of-place/yildiz.html

Sociology and social psychology studies that have examined the consequences of the forced migration from a displaced-perspective emerged as the third wave in the literature. Mutlu,[15] Saracoglu[16] and Darıcı,[17] are the early scholars who conducted surveys and/or interview-based studies in selected provinces. The Kurdish internally displaced persons' (IDPs) economic marginalization and social isolation in the receiving provinces were questioned more extensively in their studies. The Internal Displacement Monitoring Centre IDMC issued a report in 2014 that stated the process and the state plans of the IDPs lacked broader government support, thus hampering their local integration. Another study concluded that poverty had forced IDPs' children to work rather than studying in schools, and that some women had resorted to negative coping mechanisms, including prostitution, to get by.[18] Another IDPs centric study further questioned how displacement affected immigrants' entrance into the processes of politicization and mobilization.[19] On the other hand, findings in other studies have suggested that IDPs are often portrayed as potential criminals in their receiving provinces[20] and/or potential terrorists.[21]

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15   Yeşim Mutlu, "Turkey's Experience of Forced Migration after 1980s and Social Integration: A Comparative Analysis of Diyarbakir and Istanbul" (MA. Dissertation, Middle East Technical University, 2009).

16   Cenk Saracoglu, "'Exclusive Recognition': The New Dimensions of the Question of Ethnicity and Nationalism in Turkey," *Ethnic and Racial Studies* 32, no. 4 (2009), s. 640-658.

17   Haydar Darıcı, "Adults See Politics as a Game: Politics of Kurdish Children in Urban Turkey," *International Journal of Middle East Studies* 45 (2013), s. 775-790.

18   "International Displacement Monitoring Centre," IDMC, accessed August 5, 2014, http://www.internal-displacement.org/8025708F004CE90B/%28httpCountries%29/C1E13DE

19   Rüstem Erkan and Bagli Mazhar, "Göç ve Yoksulluk Alanlarında Kentle Bütünleşme Eğilimi: Diyarbakır Örneği," *Hacettepe Üniversitesi Edebiyat Fakültesi Dergisi* 22, no. 1 (2005), s. 105-124.

20   Yılmaz Ceylan, «Zorunlu Göç ve Suç İlişkisi (Muş İli Örneği),» *Akademik Bakış Dergisi* 32 (2012), 1-18; Aziz Yıldırım, "Kentleşme ve Kentleşme Sürecinde Göçün Suç Olgusu Üzerine Etkileri" (M.A. Dissertation, Ankara University, 2004).

21   Turgut Göksu and Veysel K. Bilgiç, "Kentleşme ve Göçün Teröre Etkisi," in *Terörün Soyal Psikolojisi*, ed. Murat Sever et al. (Ankara: UTSAM, 2010), s. 184.

The Kurds in Turkey and the Displacement

Under the Ottoman Derebey System, the Kurds had semi-autonomy in their region, the territory that is located in today's Turkey, Iran, Iraq and Syria. When the map of the Middle East was redrawn in the post-Ottoman period, the Kurds were mainly spread across areas between Turkey, Iraq, Iran and Syria. During Turkey's political transition from empire to republic, originated from Tanzimat era, the new elites desired to create a more centralized state, thus erasing the autonomy guaranteed for the largest ethnic minority in the region.[22] The Kurds collaborated with the Turks supported them during the War of Independence, with the expectation that the new regime would respect their rights and fundamental freedoms.[23] Nevertheless, the legal and international foundations of the Turkish state, *The Treaty of Lausanne (1923)* officially recognized only non-Muslim groups - Greeks, Armenians, and Jews - as minority groups. Contrary to Kurdish expectations, the new regime emerged as a 'Turkish' one with its centralized secular and nationalist characters – that of a 'nation state.' Turkish modernity and the state-formation processes excluded *Kurdishness* and constructed *Turkishness* as the superior identity.[24]

Such characteristics exhibited by the new regime coupled with the succeeding practices by the political elites delegitimized Turkey in the eyes of the Kurds.[25] In response, in early 1980s, the PKK as a terrorist organization took its position in south-eastern Turkey as well as in neighbouring countries and aimed to create 'Kurdistan', a state for the Kurds. Although various Kurdish uprisings had occurred before, the PKK insurgency marked a new phase in Turkey's "Kurdish question" and once again, threatened the nationalist discourse

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22 Derya Bayr, "Representation of the Kurds by the Turkish Judiciary," *Human Rights Quarterly* 35, no. 1 (2013), s. 117.

23 Mesut Yeğen, *Müstakbel-Türk'ten Sözde-Vatandaşa: Cumhuriyet ve Kürtler* (İstanbul: İletişim Yayınları, 2006).

24 İpek Demir, "Humbling Turkishness: Undoing the Strategies of Exclusion and Inclusion of Turkish Modernity," *Journal of Historical Sociology* 27, no. 3 (2014), s. 387.

25 Practices that delegitimized the regime on the eyes of the Kurds are: re-naming of the Kurdish settlements with Turkish ones; banning the use of Kurdish both in public and private life (music, novels, cinema etc.); forced migration; prohibitions on political activities and on parties established by the Kurds; systematic and planned human rights violations and torture. Ugur Ümit Üngör, *The Making of Modern Turkey: Nation and State in Eastern Anatolia, 1913-1950* (Oxford: Oxford University Press, 2012); H. Ayla Kilic, "Democratization, Human Rights and Ethnic Policies in Turkey," *Journal of Muslim Minority Affairs* 18, no. 1 (1998), s. 91-110.

and assimilative hegemony in Turkey.[26] During the early years of the conflict, the mainstream discourse under the rule of the Turkish military that gained power in the 1980 coup d'état perceived the uprisings as the wrongdoings of a people who were betrayers, impertinent, mad or exotic.[27] (Political) strategist contemplating the Kurdish question and counter-terrorism were assumed to be under the authority of the Turkish military. As an outcome, all political elites were required to follow a military/force-oriented policy under the pressure of the army.[28] In addition, Turkey's new constitution, adopted in 1982, gave extraordinary and unquestionable power to the Security Council and the military. Moreover, both the military's political autonomy and superiority gained legitimacy due to the undemocratic laws and new institutional settings in the political life.[29] Both motivations premised the adoption of the State of Emergency Law, thus paving the way to grotesque human rights violations and the decision of forced migration in predominately Kurdish populated provinces.

Institutions that were created under the supremacy of the military in politics played a decisive role from the onset and throughout the implementation of the displacement. The policies included: 1) The State of Emergency Governorship; 2) The Village Guard System; and 3) Region-related dynamics. The first institution that emerged under the adoption of the new constitution granted the military full authority over a region that encountered conflict. In 1987, Turkey's Council of Ministers declared a state of emergency in five provinces populated by Kurds; the number was later increased to nine (See Graph 1). According to the military authorities ,who had seized control of the provinces, the displacement of the civilian population was mandatory – first, to protect the Kurdish 'civilians' who were being pressured by the terrorists, and second, to prevent 'bad' Kurds in the region from "supporting" the PKK in the form of money, shelter and food.[30]

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26 Eylem Akdeniz and Emrah Göker, "The Historical "Stickiness" of Nationalism inside Turkey's Political Field," *Turkish Studies* 12, no. 3 (2011), s. 310.

27 Elif Çelebi et al., "Out-group Trust and Conflict Understandings: The Perspective of Turks and Kurds in Turkey," *International Journal of Intercultural Relations* 40 (2014), s. 64-75.

28 Ahmet T. Kuru, "The Rise and Fall of Military Tutelage in Turkey: Fears of Islamism, Kurdism, and Communism," *Insight Turkey* 14, no. 2 (2012), s. 38.

29 Ümit Cizre-Sakallıoğlu, "The Anatomy of the Turkish Military's Political Autonomy," *Comparative Politics* 29, no. 2 (1997), s. 152.

30 "Turkey's Failed Policy to Aid the Forcibly Displaced in The Southeast," Human Rights Watch, accessed September 10, 2014, https://www.hrw.org/reports/1996/Turkey2.htm#P92_11264

Graph 1: Provinces of origins and receiving provinces

Source: "Global Overview: People Internally Displaced by Conflict and Violence," Internal Displacement Monitoring Centre, accessed August 12, 2014

Next, the second instrument institutionalized under military rule, is *The Village Guard System (Köy Koruculuğu)*. Until this day, it has remained in operation. Essentially, the state's security forces trained and armed Kurdish villagers (i.e. village guards), either voluntarily or by force, to fight against the PKK.[31] In return for their service, the state provided the village guards a monthly salary. Initially, the system was implemented in 22 provinces; however, in 1993, 13 more provinces were added. Between 1985 and 2009, the number of village guards had reached 62,000. By December 2012, the number had risen to 65,413.[32] The village guard system created two primary outcomes; the villages that were selected by the state for the system would either be torched to the ground or forcibly evacuated by the state security forces if the villagers refused to accept the system. On the other hand, members of the PKK threatened villagers who participated in the system. In 2006, a field study conducted by the Foundation for Society and Legal Studies (TOHAV) described the dilemmas experienced by the villagers adversely affected by this system:

31 "Turkey: Forced Displacement Of Ethnic Kurds From Southeastern Turkey," "Human Rights Watch, accessed July 16, 2014, http://www.hrw.org/reports/pdfs/t/turkey/turkey94o.pdf

32 "Türkiye'de Koruculuk Sistemi: Zorunlu Göç ve Geri Dönüşler," Göç-Der, accessed August 5, 2014, http://www.hakikatadalethafiza.org/images/UserFiles/Documents/Editor/Goc-Der_Koruculuk-Raporu_2013.pdf

> *Some villagers who were forced to leave their villages said that*
> *they feared that if they accepted the village guard system, they*
> *would be subject to pressure from the PKK, but if they refused,*
> *they would be subject to pressure from the security forces, and*
> *that, denied any security at all in such a situation, they had no*
> *choice but to leave their village.* [33]

Table 1: Number of evacuated and burned villages
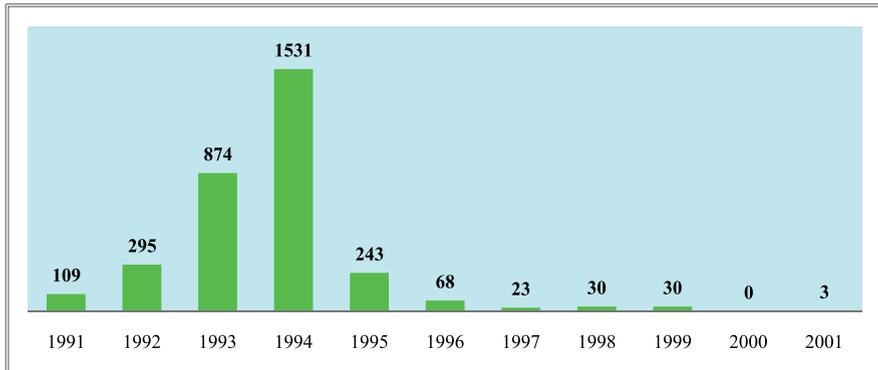
Source: Joost Jongerden, "Settlement Wars: An Historical Analysis of Displacement and Return in the Kurdistan region in Turkey at the Turn of the 21st Century" (PhD Dissertation, Wageningen University, 2006), 62.

Over a ten-year period (1991-2001), 3,206 villages were either evacuated or burned down (See Table 1). In 1994 alone, the number peaked at 1,532. According to data provided by the Turkish Statistical Institute, from 1990-2000, the number of displaced villages totalled up to 1,200 (See Table 2). Similar to other cases in the world and due to the complex nature of migration, there is little to none comprehensive or reliable official data regarding the numbers of displaced Kurds. In fact, the available statistics provided by various public bodies often conflict with one another, and at any rate, are substantively and temporally limited.[34]

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33 "The Problem of Turkey's Displaced Persons: An Action Plan for Their Return and Compensation," TOHAV, accessed July 17, 2014, http://www.tohav.org/wp-content/uploads/2013/01/action-plan-isimli-son.pdf

34 According to Internal Displacement Monitoring Center (2014) estimated numbers of the displaced Kurds is 954.000; according to Hacettepe University (2006) 954.000 - 1.201.000 and 3.000.000 for Kurdish Human Rights Project (2007).

Table 2: Number of displaced villages based on the provinces

City	1990	1997	2000
Adıyaman	-	1	-
Ağrı	1	3	1
Bingöl	4	36	29
Bitlis	-	60	60
Diyarbakır	-	57	45
Elazığ	7	14	9
Hakkari	-	25	27
Mardin	6	117	127
Muş	-	-	5
Siirt	8	58	69
Tunceli	4	80	72
Van	-	14	19
Batman	1	23	20
Şırnak	24	86	86

Source: M. Murat Yüceşahin, "Türkiye'nin Güneydoğusunda Nüfusun Zorunlu Yerinden Oluşu: Süreçler ve Mekânsal Örüntü," *Coğrafi Bilimler Dergisi* 4, no. 2 (2006), 24.

At the same time, there were several other regional factors that directly influenced the forced migration other than the State of Emergency Governorship and the Village Guard System. For example, one such belief portrayed the Kurds of not having a second option, other than to migrate involuntarily. A second factor claimed that because of the ongoing conflict in the region(s), fear and instability scared away any possible investments by business entities. Subsequently, the lack of investment and a rapid growth in population led to poverty and isolation, thus forcing people to migrate involuntarily. An alternative discourse to the military tutelage linked the increase in numbers of IDPs to impoverished conditions; hence, the state's social reforms and economic investments gained more popularity as the solution. Yet, another factor associated with the IDPs was the construction of dams for the Southeast Anatolian Project (GAP) since many villages were located below the dam water. Moreover, the state banned access to ranges and plateaus, thereby preventing villagers from herding their livestock and engaging in agricultural practices. A significant number of families migrated in a hope to find gainful employment

elsewhere. The final reason of the Kurdish mass exodus was due to the land-mines placed near the borders with Iraq and Syria. Even today, the detonation of landmines leads to numerous deaths and injuries every year,[35] yet, another reason of involuntary migration.

Despite the gravity of the social, economical, and political situation over the last two decades, problems associated with the displacement of the Kurds have not garnered sufficient attention in the national agenda.[36] Turkey's political elites have largely ignored the issue; merely asserting that whatever measures took place in the region was necessary in order to provide security and ensure the territorial integrity and survival of the Turkish state. Similar to the political life, the issue has received cursory attention in Turkey's academia and society. The average Turkish citizen knows very little about the forced migrations, mainly because the governors of the south-eastern regions were granted extra-ordinary powers in censoring the press and evacuating villages for security reasons.[37] Likewise, Turkey's public opinion has generally framed the conflict as one between the legitimate state and the PKK terrorists.

However, in July of 2004, the Turkish Parliament passed the Law on Compensation for Damage Arising from Terror (Law No. 5233). The new regulation stated that displaced Kurds could be fully compensated for material losses, which included land, homes and possessions that had been damaged by the PKK and/or security forces. This law was a milestone and became the symbol of change both in the discourse and policy that shifted from repudiation to compensation. Parallel with this symbolic and historical shift, the adoption of the law emerged as a way in dealing with the past and wrongdoings. What motivated the policy makers in Turkey to re-shape their policy towards the displaced Kurds? Did it have anything to do with domestic or international pressures and/or factors that derived from the adoption of the law? In order to explore these questions, the following sections of the paper detail the nested game played out by AKP through underlying the interaction and interdependence of domestic and international dynamics and how this interaction culminated with the policy change.

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35 In the period of 1984 to 2010 all known casualties in Turkey are 6,360 (1,269 killed; 5,091 injured). For the details visit, "Turkey: Casualties and Victim Assistance," Landmine and Cluster Monitor, accessed September 2, 2014, http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/3940

36 "The Problem of Turkey's Displaced Persons: An Action Plan for Their Return and Compensation," TOHAV

37 Van Bruinessen, "Kurdish Society, Ethnicity, Nationalism and Refugee Problems," s. 47.

How Europeanization and Conditionality Led to Policy Shift in Turkey

The EU is a persuasive international organization that institutionalized the strategy of conditionality for Turkey's economic and political liberalization in light of the Copenhagen criteria. The relationship between the EU and Turkey is asymmetrical, in that the EU adopts the role of policymaker and attempts to convert Turkey into the role of policy-taker. Put it another way, the relationship between Brussels and Ankara is defined in terms of demand and support. According to this top-down formulization, EU-Turkey relations are a controversial, complex and time-consuming process for both actors.

The conditions for Turkey's accession into the EU are difficult to internalize due to the nature of its character, which requires fundamental changes in the main pillars of the regime. Although Turkey-EU relations are evaluated in terms of EU conditionality, Europeanization poses a fundamental challenge to the understanding of nation-state and requires a transformation of basic governing structures and mentalities.[38] The Kurdish question has remained one of the most important topics in the discussion on nation-state, the main pillars of the regime and the mentality, which has positioned Turkey in one of the most difficult and complex cases. The discussion on mentality, dynamics of the regime and governing structures open political elites up for discussion whose domestic incentives with the EU incentives is a key determinant.[39]

The new Turkish elites that came to power in 2002 challenged the long-established security-oriented state policy towards the Kurds. They promised a new comprehensive and inclusive approach to the Kurdish question via an initiative entitled the 'Kurdish Opening.' The government passed numerous constitutional and legislative reforms, many of which benefitted the Kurds, including the displacement that is domestic and international causes are the subject of this study.

The first and foremost causal explanation attributed to this policy change is the role and influence of the EU, with whom Ankara goes through accession under the policy of conditionality. The Copenhagen conditions, which were adopted in 1993, required Turkey to achieve stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and the protection

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38   Kivanc Ulusoy, "The Changing Challenge of Europeanization to Politics and Governance in Turkey," *International Political Science Review* 30, no. 4 (2009), s. 364.

39   Gergana Noutcheva and Senem Aydin-Düzgit, "Lost in Europeanisation: The Western Balkans and Turkey," *West European Politics* 35, no. 1 (2012), s. 59-78.

of minorities.[40] The government's attitude has changed considerably since the initiation of Turkey's EU accession process, especially after 1999, when Turkey was given the candidate status. The role of the EU and the pressure put on Turkey became clearer in the progress reports authored by the Commission. In 1999, the Commission's progress report stated it was still monitoring the government's activities, which had ignored the forced emigration from the southeast to the major provinces.[41] Broadly speaking, the EU attached significance to: 1) the provision of compensation for the losses of the displaced Kurds; 2) the identification of the number, current conditions, needs, and expectations of the IDPs; 3) the facilitation of their return, reintegration, or resettlement; 4) the abolition of the village guard system; and 5) the clearance of landmines.[42]

Turkey, which had been pressured to change its policy since 1999, was heavily criticized in regard to the displacement. As a consequence, in its first National Programmes for the Adoption of the Acquis in 2001 and in 2003, Turkey promised to enact the draft act on the indemnification of losses resulting from terrorism and the fight against terrorism as part of its strategies for strengthening opportunities to redress the consequences of human rights violations.[43] In the Law's Preamble, the government referenced Turkey's commitment to enact the Law as promised in the National Programmes for the Adoption of the Acquis declared in 2003. In addition, the Preamble emphasised the ECHR's decisions towards the necessity of opening legal channels for compensations.[44] The EU's conditionality towards Turkey and the policy changes required by Brussels was linked during a meeting at the parliament for the adoption of the law. In his speech, Turkish Parliamentarian Naci Aslan, reminded Turkey's

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40 "Presidency Conclusions," Copenhagen European Council, accessed August 12, 2014, http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf

41 "1999 Regular Report from the Commission on Turkey's Progress towards Accession," European Commission, accessed August 2, 2014, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/turkey_en.pdf

42 Dilek Kurban, "Reparations and Displacement in Turkey: Lessons Learned from the Compensation Law," ICTJ, accessed August 12, 2014, http://www.ictj.org/sites/default/files/ICTJ-Brookings-Displacement-Reparations-Turkey-CaseStudy-2012-English.pdf

43 "Ulusal Program: İngilizce," Avrupa Birliği Bakanlığı, accessed November 28, 2015, http://www.ab.gov.tr/files/UlusalProgram/UlusalProgram_2001/En/npaa_ing_word.zip

44 "Terör ve Terörle Mücadeleden Doğan Zararların Karşılanması Hakkında Kanun Tasarısı ile İçişleri ve Plan ve Bütçe Komisyonları Raporları (1/793)," TBMM, accessed July 13, 2016, https://www.tbmm.gov.tr/sirasayi/donem22/yil01/ss650m.htm

commitment for the compensation of the exposure from terrorism and counter-terrorism.[45]

"The East and the Southeast" aspect of the AKP's party program listed the top priority in the region as guaranteeing the happiness, welfare, rights and freedoms of the regional population. The program also criticized the state's practices carried out during the State of Emergency in 1990s due to of targeting innocent citizens.[46] In parallel with the government's new vision, despite not having identified any specific IDPs, in 2005 the National Security Council recommended several precautions to the solutions of the economic, socio-cultural and public order related problems originated from the internal migration.[47] The leading Kurdish party during that time, the Democratic People's Party (DEHAP), also promised to compensate for all damage incurred from forced migration prior to the election.[48] The main opposition party, the Republican People's Party (CHP) echoed the same discourse and made the same commitment in its party program.[49]

The second dynamic that emerges on Turkey's constitutive path to Europeanization can be explored by the Constructivist Approach. According to this model, the EU is the formal organization of a European international community defined by a specific collective identity and a specific set of common values and norms. The analyses for the EU-candidate state relations focus on the interaction of those values, the remoulding of identity and the shaping of discourse about the European project.[50] There are two constitutive dynamics that influence the success of a policy change in a given state: 1) the legitimacy of the EU rule and, as a result, the likelihood of a rule being adopted increases if it is formalized; member states are subject to the rule as well, if the process

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45 "117. Birleşim," TBMM Tutanak Dergisi, accessed November 28, 2015, https://www.tbmm.gov.tr/tutanak/donem22/yil2/bas/b117m.htm

46 "Party Program," Ak Parti, accessed July 22, 2016, http://www.akparti.org.tr/english/akparti/parti-programme#bolum_

47 "29 Aralık 2005 Tarihli Toplantı," MGK Basın Açıklamaları, accessed July 20, 2016, http://www.mgk.gov.tr/index.php/29-aralik-2005-tarihli-toplanti

48 "Program ve Tüzük," DEHAP, accessed July 20, 2016

49 "CHP Seçim Bildirgeleri," CHP, accessed July 20, 2016, https://www.chp.org.tr/Public/0/Folder//52608.pdf

50 Thomas Risse-Kappen, "Exploring the Nature of the Beast: International Relations Theory and Comparative Policy Analysis Meet the European Union," *Journal of Common Market Studies* 34, no. 1 (1996), 53-80.

of rule transfer fulfils the basic standards of deliberation, and if the EU rule is shared by other international organizations; and 2) a state adopts EU rules if it expects these rules to solve domestic policy problems effectively.

Turkey's policy of displacement, which was primarily motivated by security concerns, did not coincide with Europe's way of thinking about and/or handing minority groups. According to Kymlicka, the two key norms in the West that have lowered the risk to states and the dominant national groups in accepting national minority are: 1) the existence of reliable human rights protections; and 2) the "desecuritization" of ethnic relations, in such that the treatment of minorities is viewed as an issue of domestic politics rather than as regional geopolitics (security).[51] The EU's rules on Kurdish IDPs are formally expressed and Turkey is subject to them as well, thus the process of rule transfer is required by the EU. Secondly, the policy of displacement applied by Turkey clashed with the basic standards of the EU. This was highlighted in the progress reports, which canalized Ankara for the policy shift. References to EU values and norms were clearly expressed by parliamentarian, Algan Hacaloğlu:

> *It should be noted proudly that - Turkey is taking serious steps towards achievement of European standards and democratization. Through many harmonisation laws in legislation, we meet the expectations of the EU on one hand, for our country, we have come from the ground to create a law that applies to our people for our country on the other hand.*[52]

Thirdly, the EU's critical stance against Turkey's displacement strategy is shared by other international organizations such as the United Nations (UN) and the Council of Europe. One milestone that increased the momentum of internationalization of the issue was UN Special Representative Francis Deng's trip to Turkey in order to observe the IDPs' situation. Both Deng's presence in the country and subsequently, a report he later wrote dealing his observation, brought international awareness to the subject matter and placed the Kurdish displacement on the agenda set by international organizations. More importantly, it awakened Ankara to engage with the issue. Francis Deng singled out Turkey as a critical case that denied the existence of IDPs' problems despite its large IDPs population.[53] The second international organization that put the

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51 Will Kymlicka, "The Internationalization of Minority Rights," *International Journal of Constitutional Law* 6, no. 1 (2008), 24.

52 "117. Birleşim," TBMM Tutanak Dergisi.

53 Bilgin Ayata and Deniz Yukseker. "A Belated Awakening: National and International Responses to the Internal Displacement of Kurds in Turkey," *New Perspectives on Turkey* 32 (2005), s. 25.

issue on its agenda was The Council of Europe, in which Turkey is also a member. The Council sent a group of experts to the Kurdish-populated regions and published at report in 2002 entitled "Humanitarian Situation of the Displaced Kurdish Population in Turkey."[54] The report expressed deep concerns of the current villages and hamlets being evacuated by the Turkish security forces and asked Turkey to stop these actions immediately. Following this report, the European Court of Human Rights (ECHR), as a body of the Council, became more involved in the proceedings of Kurdish victims that had been forced to migrate, and whose attempts in the domestic judicial level had failed. Turkey has been condemned numerous times by the Court and ordered to pay high amounts to the victims.[55] During the Parliamentary proceedings that discussed the law, several members from the government and opposition parties such as Atilla Kart and Mesut Değer underlined the decisions of the ECHR in which Turkey had to pay compensation.[56]

According to the second constitutive explanation from the Constructivist reading, a state adopts EU rules if it expects these rules to effectively solve domestic policy problems. The civil-military relations in Turkey and the current dynamics since the last decade have had more space to explain the policy change. Bilgin overemphasized that both Turkey's long standing for membership and democratization problems were broadly rooted in its security agenda and the solution was to be found in restricting the framing of issues as security problems.[57] For many years, both the Kurds and various conservative groups were identified on the Turkish security agenda as threats to national sovereignty and territorial integrity of a secular Turkish state. Civilian control of the military as a core pre-condition for the negotiation has been a way by which the EU has facilitated to limit the mainstream threat discourses on Kurdish sepa-

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54   "Humanitarian Situation of the Displaced Kurdish Population in Turkey," Council of Europe-Parliamentary Assembly, accessed July 5, 2014, http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=9670&lang=EN

55   Reçber v. Turkey (no. 52895/99), Yalçınkaya v. Turkey (no. 14796/03) and Yayan v. Turkey (no. 66848/01) were the cases in which the Court declared that Turkey violated Article-1 of Protocol-1 (Protection of Property). In other cases such as *Akdivar and others v. Turkey*; *Selçuk and Asker v. Turkey*; *Menteş and others v. Turkey*; *Bilgin v. Turkey*, and *Dulaş v. Turkey,* the Court concluded that security forces deliberately destructed Kurds' properties, livelihoods and houses; and forced them to leave their villages in a state of emergency. For the details visit, "HUDOC," European Court of Human Rights, http://hudoc.echr.coe.int/eng#{"documentcollectionid2":["GRANDCHAMBER","CHAMBER"]}

56   "117. Birleşim," TBMM Tutanak Dergisi.

57   Pınar Bilgin, "Making Turkey's Transformation Possible: Claiming 'Security-Speak' not Desecuritization!," *South East European and Black Sea Studies* 7 (2007), s. 561.

ratism.[58] The conservative AKP, receiving a substantial number of votes from the Kurds, strategically went through the EU reforms firstly as a response to their dissatisfaction of the domestic status quo; and secondly, to empower their position and legitimize their policy preferences. The Europeanization process, with its emphasis on the establishment of civilian control over the military, gave the AKP and the conservative groups, a window of opportunity to curtail the military's influence in the political and public spheres.[59] During the reforms, the Europeanization of Turkey, considered as a pathway, led to the empowerment of previously securitised groups in the 2000s, against the status quo.[60] In addition, Europeanization empowered the government, by providing a source of legitimacy for the internal changes that many also desired regarding civil-military relations. In other words, the EU requirements were not solely interpreted as a conditionality pressure, but rather, as a window of opportunity to broaden the political, economic and cultural opportunity spaces that were limited during the February 28th process.[61]

Once the compatibility of EU membership, as well as the conservative-democratic character of Turkey as the new discourse was established, a new vision for the state-Kurds relations and its implementation of the new policies started being discussed among the policy-makers. Reforms, especially with respect to the Kurdish issue(s) that had been traditionally perceived as constituting threats to Turkey's national security, suddenly began to change. The promises and prospects of EU membership shaped reform-related issues in becoming 'de-securitised' and thus, carried over into the 'normal' politics influencing this syndrome upon which Turkish politics receded.[62] The previous discourse, - the 'bad' Kurds who were blamed for having ties with foreign enemies - , entered into a new phase of politics that referenced more on their rights and fundamental freedoms - otherwise known as the 'Kurdish Opening.'

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58   Sinem Akgul Acikmese, "EU Conditionality and Desecuritization Nexus in Turkey," *Southeast European and Black Sea Studies* 13, no. 3 (2013), s. 316.

59   Dilek Yankaya, "The Europeanization of MÜSİAD: Political Opportunism, Economic Europeanization, Islamic Euroscepticism," *European Journal of Turkish Studies*, no. 9 (2009), s. 4.

60   Tanja A. Börzel and Thomas Risse, "When Europe Hits Home: Europeanization and Domestic Change," *European Integration Online Papers* 4, no. 15 (2000), s. 4.

61   Yankaya, s. 5.

62   Rabia Karakaya Polat, "The 2007 Parliamentary Elections in Turkey: Between Securitisation and Desecuritisation*,*" *Parliamentary Affairs* 62, no. 1 (2009), s. 129-147.

All of these dynamics that give support to the causal explanations for the policy change still overlook questions of timing and the onset of the new initiatives aimed to changing the structure of the regime. As the rationalist model emphasizes, the processes that terminated the control of the military by the elected government empowered the civilians through dismissing the military as a veto player from the political arena. The military and their civilian allies' political influence have weakened while new Muslim conservative elites have become increasingly influential in the decision-making processes at the expense an aging, pro-military, and generally assertive secularist elite.[63] This re-distribution of political power decreased the numbers of veto players and minimized the costs of adopting specific policies. The political climate for the adoption of laws was favourable, firstly due to the external pressures, and secondly, due to the re-distribution of power among the elites in Turkey, which was also directly linked to the accession negotiations.

It is also significant to consider and to discuss the details of alternative causal explanations that originated from domestic sources of change linked to Kurdish activism and the PKK. Contrary to what we previously thought, the AKP's Kurdish initiative introduced competition and discomfort that challenged the political hegemony of the PKK amongst the Kurds. As a consequence, the survival of the PKK canalised them into the continuity of radicalization rather than moderation.[64] Secondly, during the election held in 2002, the AKP won nearly two-thirds of the parliamentary seats while DEHAP did not win one seat due to their 6.22% of the total votes that was less that the threshold, 10%. Due to the political conjecture at that particular time, domestic dynamics aggravated the government to take initiatives, which on the contrary threatened the Kurdish Opening.[65]

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63 Kuru, s. 39.

64 Güneş Murat Tezcür, "When Democratization Radicalizes: The Kurdish Nationalist Movement in Turkey," *Journal of Peace Research* 47, no. 6 (2010), s. 775-789.

65 Murat Somer and Evangelos G. Liaras, "Turkey's New Kurdish Opening: Religious versus Secular Values," *Middle East Policy* 17, no. 2 (2010), s. 152-165.

Conclusion

Turkey's long stance for membership in the EU and complex democratization process have multi-dimensional, interdependent and multiple actor dynamics which require a more comprehensive analysis including both national and international aspects. The internally displaced Kurds examined in this study is a prime case of the interaction and influence of two levels - national and international. It is significant to observe how the bureaucratic and institutional politics can be re-defined and re-structured if a given state engages in negotiations with an international organization over sensitive issues such as minority rights.

Forced migration in Turkey is a prime example of how displacement, associated with claims of security and counterterrorism can be problematized after the involvement of international organizations. At this point, two general observations are noteworthy. First, international organizations may enter a country into the process at a macro level 'de-securitization' for minority-related issues. Second, a new inclusive and comprehensive approach may come to light if the external actor(s) has both the capacity and the instruments for policy change.

With the assistance of the international community, the adoption of the law in 2004 appears to have been a successful example of policy change. The internationalization of the topic, the agenda set by the EU and other organizations successfully pressured Turkey to both stop the undemocratic displacement practice and introduce a new vision and rehabilitative measures for the displaced Kurds. After coming to the power in the 2002 election, AKP was able to play the two-level game of Europeanization and domestic re-distribution of power interchangeably which favoured the displaced Kurds.

Twenty years following the internal displacement of the Kurds in Turkey, the government initiated the Kurdish Opening. It might be an important step in improving the rights and fundamental freedoms of the Kurds in general and more specifically, the livelihoods of the Kurdish IDPs. However, the emerging policy discourse also has important shortcomings and fails to address the key issues pertinent to the IDPs problem in Turkey. In spite of the Compensation Law in 2004, Turkey's way of dealing with the past remains conflictual due to the elusive goals mandated by law that call for the return, resettlement, and rehabilitation of the IDPs.

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