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The impact of Europeanisation on policy-making in Turkey:
controversies, uncertainties and misfits in broadcasting policy, 1999-2005

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The Impact of Europeanisation on Policy-Making in Turkey: Controversies, Uncertainties and Misfits in Broadcasting Policy, 1999-2005

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ABSTRACT

The recognition of Turkey's candidacy for European Union (EU) membership at Helsinki European Council Summit in December 1999 marked a profound shift in EU-Turkey relations, which has been difficult and turbulent for decades. Turkey started undergoing a drastic transformation after the Helsinki Summit and was successful in clinching a date from the EU in October 2004 to launch accession talks. In between these two dates the two consecutive governments issued a series of new legislations in order to comply with EU conditionality, particularly with political criteria also known as the 'Copenhagen criteria' and finally started membership negotiations in October 2005.

This study aims to investigate and analyse the impact of the EU on policy-making processes in Turkey between 1999 and 2005 by focusing on a specific policy area: broadcasting. At the simplest level, it is motivated by an academic interest in the complexity of Turkey's ever-lasting association with Europe and seeks to explore the dynamics of the post-Helsinki candidacy process by employing various theoretical tools offered by research on Europeanisation. Thus, although it questions the whole rationale of the pre-accession process in Turkey, it looks into the domestic arena of broadcasting policy-making to explore how 'EU accession conditionality' is translated into domestic policy responses.

It concludes that Turkey's response to EU conditionality was not unified across different issues of broadcasting policy. Its response to 'democratic conditionality' was directly influenced by prevailing ideas about 'the credibility of the EU' as well as calculations of the 'costs of compliance', and its response to '*acquis* conditionality' resulted in a regulatory chaos. Overall, this research reveals that where broadcasting policy-making is concerned, changes as a result of the EU's impact on Turkey were limited. Rather than transformation, the outcome of this process was a minimal degree of adaptation.

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Glossary of Abbreviations

AKP	Justice and Development Party
ANAP	Motherland Party
AP	Accession Partnership
BYDK	High Auditing Board of the Prime Ministry
CanWest	CanWest Global Communications Corporation
CEEs	Central and Eastern Europe countries
CHP	Republican People's Party
CME	Central European Media Enterprises
CoE	Council of Europe
DSP	Democratic Left Party
DYP	True Path Party
EC	European Community
EEC	European Economic Community
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
FP	Virtue Party
HYK	Communications High Council
IMCA	International Media Consultants Associés
IMF	International Monetary Fund
KKR	Kolberg Kravis Roberts & Co.
MGK	National Security Council
MHP	Nationalist Action Party
MÜSIAD	Independent Association of Industrialists and Businessmen,
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
OECD	Organisation for Economic Co-operation and Development
OMC	Open method of coordination
OSCE	Organisation for Security and Co-operation in Europe
PKK	Kurdish Workers Party
RATEM	Professional Union of Radio and Television Broadcasters
RK	Advertising Council
RTL	Radio Télévision Luxembourg
RTÜK	Radio and Television Supreme Council
RTYK	High Commission for Radio and Television
SBS	Scandinavian Broadcasting System (Broadcasting Group)
SP	Felicity Party
TAF	Turkish Armed Forces
TBMM	Turkish Grand National Assembly
TESEV	Turkish Economic and Social Studies Foundation
TGRT	Türkiye Gazetesi Radyo Televizyonu
TGS	Journalists' Union of Turkey
TİAK	Turkish Audience Research Board
TK	Telecommunications Authority
TMG	Telegraaf Media Groep N.V.
TMSF	Savings Deposit Insurance Fund
TRT	Turkish Radio and Television Corporation
TÜPRAŞ	Turkish Petrelium Refineries Corporation

TÜRK-İŞ	Confederation of Turkish Labour Unions
TÜSİAD	Turkish Industrialists' and Businessmen's Association
TVYD	TV Broadcasters Association
TWF	Television Without Frontiers (Directive)
UK	United Kingdom of Great Britain and Northern Ireland
UNESCO	United Nations Educational, Scientific and Cultural Organization
US	United States of America
YÖK	Turkish Higher Education Council
YTB	Local Televisions Union

Chapter 1:

INTRODUCTION

1.1 The Background and the Subject of the Research

Turkey's association with the European Union (EU)[1] dates back to 1959, when Turkey applied for 'associate membership' to the then European Economic Community (EEC). After forty-five years of a very complex and often very controversial engagement, Turkey is now an official 'candidate' country to the EU and is in the process of accession talks. Its candidacy status was first recognised at the European Council Helsinki Summit in December 1999 and at the end of five years of a long political reform process, during which numerous new laws were adopted and the existing ones were amended in the country, EU leaders made a historical decision in December 2004 and announced the launch of accession talks. Turkey started membership talks with the EU in October 2005. This study looks into this six year long period – from the recognition of Turkey's candidacy to the start of accession talks – by focusing on a particular policy area: broadcasting.

The 'widening' and the 'deepening' of Europe as a consequence of the ongoing institutionalisation processes of the EU continues to attract a wide range of academic interest. These processes, which are thoroughly discussed in this study, primarily manifest themselves in the context of EU enlargement. From a historical point of view, the EU is one of the most fascinating transnational projects in Europe emerged in the aftermath of the Second World War and the dynamic character of European integration makes the EU a very intriguing object of research. In this respect, this study is firstly motivated by an academic interest in understanding how the EU matters for its members and the candidate states. The burgeoning literature on 'Europeanisation', which this study also situates itself in, very persuasively argues that EU influence on a domestic context is dynamic and multifaceted. This complexity comes from the fact that the EU has both supra-national and intergovernmental aspects and its influences vary across policy areas as well as the domestic context it targets. Therefore, the

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[1] The EU in this study is used as a blanket term which covers the European Community (EC) and its member states as well as the key institutions of the EC: the Council, the Commission, the European Parliament, the European Court of Justice.

question of how the EU matters might sound very straightforward, but any research that is built on this question has to relate two diverse levels of politics and policy-making to one another. Then again, where Turkey is concerned, the significance of this question is indisputable. Turkey's membership prospect has moved many stones from their places both in Turkey and the EU. Although the future scenario on whether Turkey will join the Union one day is still very unclear, the interaction between Turkey and the EU, without doubt, will have greater implications for both parties than one might anticipate today. Therefore, considering the importance of the start of the membership talks, there could not be any better time to ask broader questions on the nature of the relationship between the EU and Turkey.

Although it seems unrelated at first, another academic endeavour that motivated this study was to look into broadcasting as a policy issue from a different perspective. 'Globalisation' has gained a wide currency in media policy scholarship since the 1980s and has been identified as an overarching imperative to explain/analyse the shifts in approaches to broadcasting policy in different parts of the world. My scepticism towards the ways in which various phenomena – be it related to the movement of the capital or the changing role of the state – are analysed from a single perspective made me return to the studies on policy-making itself rather than taking globalisation for granted, both as a phenomenon and a theory. However, this does not mean to suggest that globalisation is an irrelevant concept where the scope of this study is concerned. On the contrary, globalisation is recognised as an important factor to consider in understanding the institutionalisation practices of the EU as well as the responses of its member and candidate states to these practices. Yet, globalisation is not regarded as an independent variable in this study. On the other hand, 'Europeanisation as a phenomenon' is also worthy of empirical investigation and 'Europeanisation as a theory' helps to formulate better questions rather than finding better answers. The subject matter of this research requires a through understanding of both phenomena, but its theoretical tools are accumulated from research on Europeanisation.

Turkey's EU membership prospect, which became a political project by the end of 1999, offered a great cause to relate the above mentioned academic interests in one study. Broadcasting has been one the first policy areas that was subject to EU influence in Turkey in the aftermath of the Helsinki Summit in 1999. This influence had two components. As widely known, the EU links membership to the fulfilment of two types of 'conditionality' by the candidate countries. The first type of EU conditionality is broadly called 'democratic

conditionality' and refers to the criteria established in 1993 at the European Council Copenhagen Summit. According to democratic conditionality, candidate states are required to accomplish "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" (EC, 1993) to join the EU. The second type of conditionality is identified as "acquis conditionality" by Schimmelfenning and Sedelminer (2004: 663) and refers to the whole body of EU core legislation known as the *acquis communitaire* with which candidate states are required to comply in their domestic policy frameworks. It was due to the democratic conditionality that broadcasting in Turkey was subject to the EU influence shortly after being granted candidacy status in December 1999. From the very beginning, the 'Kurdish question' in Turkey, especially in the south-east, has been a great concern for the EU. The European Commission, as early as 1998, cautioned Turkey to produce a solution to the problem and suggested that ensuring effective legislation that would allow all Turkish citizens to enjoy 'cultural rights' irrespective of their ethnic origin would be an important step. This meant that Turkey had to change its policy on the language of broadcasts to allow broadcasts in languages other than Turkish, particularly in Kurdish. On the other hand, where the 'acquis conditionality' is concerned, the European Commission started to pin down the 'misfits' in broadcasting regulation in Turkey from 2000 onwards, following the publication of its first fully-fledged Progress Report on Turkey. Major discrepancies between the EU and Turkey were identified in the areas of: i) definitions; ii) jurisdiction; iii) freedom of reception; iv) alignment with the Television Without Frontiers Directive; v) independence of the regulatory authority; vi) limits on foreign capital, and finally vii) the independence of the public broadcaster.

This is therefore a policy-oriented study that focuses on the ways in which various policies as well as non-policies on broadcasting policy emerged in Turkey in the context of Turkey-EU relations, from 1999 to the end of 2005. It seeks to explore how the above mentioned conditions of accession asserted by the EU were translated into the processes of policy-making as well as implementation. By situating the analysis around the questions on Europeanisation, this study aims to offer analytical insights into the 'time' (the making of the decisions), 'timing' (the order of decisions), and tempo (the speed) of the process (Radaelli, 2003: 48). In this respect, although it questions both the processes of European integration and approaches to Europeanisation in Turkey, it does not offer any novel analysis on issues such as why the EU wants to pursue its enlargement to include Turkey or why Turkey has persisted in its desire to join the EU for decades. These are regarded as ontological inquiries

on the 'nature' of the EU both in relation to the institutions involved in the process as well as the countries associated with it either as member or candidate states. Therefore, some widely-acclaimed scholarly perspectives on the 'why' questions of Turkey-EU relations are presented here simply for contextualising the key historical shifts that preceded the conclusion of the 1999 Helsinki Summit. The originality of this study lies in its approach in analysing the question of what happened after the decision was taken in 1999, with particular reference to policy-making in broadcasting.

1.2 The Problematic and the Key Research Questions

The main objective of this research is to analyse the complex interaction between Turkey and the EU on the issues of broadcasting policy. It foremost seeks to explore what 'interaction' might entail in regard to two different levels of politics and policy-making: European and domestic. Once this abstract notion of 'interaction' is put into an analytical context, the scope and the limits of it can then be empirically analysed. The reason why 'Europeanisation' emerges as the main problematic within the analytical framework of this research is because, in very general terms, Europeanisation is regarded as the main zone of interaction between the EU and Turkey. This zone surfaces as a process, which is not only about the 'transfer' of rules/norms but also about their 'reception' in the context of EU conditionality. This is why Europeanisation is seen "as a problem, not as a solution" in this research (Radaelli, 2004: 2).

What is put under a lens in this research in relation to Europeanisation is in fact the notion of 'change'. As Börzel and Risse (2003: 60) suggest, "the issue is no longer whether Europe matters but how it matters, to what degree, in what direction, at what pace, and at what point of time". Yet, as Mörth (2003: 160) puts it, "a perspective that focuses on a close interaction between the EU level and the domestic level means that the source of change cannot be easily determined". For instance, in the case of the interaction between candidate states and the EU, the 'conditionality factor' that frames the level of interaction makes us think that change is an inevitable consequence of the EU impact due to the asymmetrical relation between the EU and the candidate. However, as the literature on Europeanisation suggests and also as the analysis presented in this study confirms, there is nothing inevitable about Europeanisation. Change itself is also a dynamic analytical category. Therefore, change is not just an outcome of the EU impact; it is also where the EU impact begins at a different level. This is why there is a particular emphasis in this study to consider the EU impact as 'differentiated'. The analysis

presented here validates that 'change' as the outcome of the EU impact is also differentiated in the Turkish context.

Then again, any attempt to unfold the correlation between the EU impact and the domestic change is an analytical challenge. Where Turkey is concerned, the complexity of its interaction with the EU cannot be adequately captured if the 'EU impact' is reduced to a unidirectional process. It is true that due to the hierarchical and asymmetrical nature of EU conditionality, we might assume Europeanisation as a top-down process. However, the actual EU impact is context, time and issue based. Therefore, as Goetz (2002: 4) convincingly argues, "Europeanization is circular rather than unidirectional, and cyclical rather than one-off". This inevitably requires us to develop a bottom-up reach design, which "starts from actors, problems, resources, style, and discourses at the domestic level" to look into "if, when, and how the EU provides a change in any of the main components of the system of interaction" in the domestic level (Radaelli, 2004: 4) Therefore, the main research questions of this study are designed to unpack the multifaceted dynamics of the relation between the EU and Turkey by leaning the focus towards the domestic. These questions are as follows:

- How does Europeanisation affect the interests and ideas, actors and institutions within Turkey, who/which are involved in broadcasting policy formulation? What are the dynamics of the policy process in Turkey, in which broadcasting policy has been regarded both as a national concern and also as part of the pre-accession strategies to the EU?

- How is EU conditionality translated and accommodated in different policy issues on broadcasting in Turkey? Are there any 'sheltered' policy areas in broadcasting that remain unaffected by the EU impact?

- How do the dynamics between different actor constellations within the nation-specific cultural, economic and political contexts of broadcasting in Turkey impinge on the time, timing and the tempo of the policy response to Europeanisation?

- In cases where change is evident, can it be precisely identified as an outcome of the EU impact? Are there any other factors that might have influenced the outcome?

- In cases where change is evident, is this change limited to a policy change? Can any change be identified in the cognitive, discursive and identity formation aspects of policy-making?

1.3 Approaches to Policy and Policy-making: Implications on Methodology

Considering that this is a policy-oriented study, it has to identify where its approach to policy and policy-making derives from. Some of the key conceptual debates in policy studies were instrumental in discovering some specific areas of inquiry that might be relevant in the context of this research.

This study acknowledges one of the key assumptions in policy analysis is that policy is very difficult to locate and there is always the danger of "becoming embroiled in definitional debates" (Ham and Hill, 1993: 4). Therefore, rather than trying to define what policy is, it starts off by embracing one of the central approaches to policy in the field and does not use the concept synonymously with 'decision'. As Ham and Hill (1993: 11) rightly points out, "policy may sometimes be identifiable in terms of a decision, but very often it involves either groups of decisions or what may be seen as little more than an orientation". Approaching policy from this perspective corresponds to Colebatch's (2002: 23) call to recognise the two interrelated dimensions to policy: vertical and horizontal. In its vertical dimension, policy is seen as a "rule" and the emphasis is on "instrumental action, rational choice and the force of legitimate authority" (ibid.). On the other hand, in horizontal dimension policy is seen as "the restructuring of action" which "recognizes that policy work take place across organisational boundaries as well as within them, and consists in the structure of understandings and commitments among participants in different organisations as well as the hierarchical transmissions of authorized decisions within any one organization" (ibid.).

This horizontal dimension of policy is particularly important as it allows us to challenge the mainstream 'sequential' understanding of policy-making. As John (1998: 25) precisely puts it, "[i]n no way does the policy process correspond to the linear model except in the minimal sense that a formal policy has to be proposed, legislated on and implemented". On the contrary, "[p]olicy will often continue to evolve within what is conventionally described as the implementation phase rather than the policy-making phase of the policy process" (Ham and Hill, 1993: 12). Therefore, once we recognise the complexities built into the policy-making process, it then becomes easier to reflect upon two important issues in policy-making: 'nondecision-making' or 'inaction' (Heclo, 1972) and 'implementation' (Pressman and Wildavsky, 1972).

Nondecision-making is integral to the policy processes since "much political activity is concerned with maintaining the status quo and resisting challenges to the existing allocation of values" (Ham and Hill, 1993: 12). However, nondecision-making is also a very broad category and we should be able to identify the difference between the deliberate choices of policy-makers not to generate any policy on certain issues and issues that do not even succeed to penetrate into the policy agenda. Specifically on the latter, Bachrach and Barratz (1970) argue that:

> [N]ondecision-making is a means why which demands for change in the existing allocation of benefits and privileges in the community can be suffocated before they are even voiced; or kept covered: or killed before they gain access to the relevant decision-making arena; or failing all these things, maimed or destroyed in the decision-implementing process (Bachrach and Barratz, 1970: 44).

Nondecision-making in the sense described above is very difficult to investigate and requires a different research design that incorporates a multitheoretic framework to understand the dynamics of human agency operating in and interacting with the structures in and out of the machinery of the state and the socio-economic matrix that it is situated in. From this perspective nondecision-making is a process. On the other hand, where the scope of this study is concerned, nondecision-making is considered as an 'action' within the policy-process. To put it differently, non-action itself is regarded as a policy. This is particularly important in the Turkish context, since where approaches to broadcasting policy are considered, non-policy emerges as a deliberate policy in Turkey (Kejanlioglu, 2004). This is why we need to look into the question of implementation from a different perspective.

From a rationalist perspective, implementation is regarded as the accomplishment of "the desired objective" as intended by policy-makers (Colebatch, 2002: 52). However, as John (1998: 29) points out, what makes the classic view on implementation problematic is the assumption that policy emerges in a sequential top-down order, whereas in real life "[i]t is not often possible to specify a clear relationship between policy intentions and outcomes" and "decision-makers continually reconsider policy problems and their solutions over long time periods". Therefore, as Ham and Hill (1993: 102) suggest, "[t]he examination of the implementation process must be concerned with the nature of policy, the inter- and intra-organisational context within which it is implemented and the external world on which it is expected to impact". In this view, the emphasis is on interaction among different policy actors involved in the process. This corresponds to Colebatch's (2002: 53) account on how

implementation is seen in the horizontal dimension of policy: "an exercise in collective negotiation".

The top-down bias has been challenged by 'incrementalism' which "views policy-making as a continuous, exploratory process; lacking overriding goals and clear-cut ends, policy-makers tend to operate within the existing pattern or framework, adjusting their position in the light of feedback in the form of information about the impact of earlier decisions" (Heywood, 2000: 32). This incrementalist challenge has been important as it shifted the focus from the government's actions to the participation of lower levels of government, bureaucrats and interest groups. However, as John (1998: 30) notes, developing a separate research agenda for analysing implementation did not turn out to be fruitful as the view on the need to consider the policy-process as a whole – from policy formulation to implementation – became prevalent in policy analysis. This is the view that is also supported in this study.

1.4 Towards a Theoretical Framework: An Orchestration of Approaches to the Policy Process

Although looking into the policy process in its entirety is crucial, finding a theoretical approach that can be applied to the analysis of all possible areas of inquiry under one framework is very difficult. Where the scope of this research is concerned, there is an additional complexity since Turkey is chosen as the political context and broadcasting as the policy area as the objects of analysis. The theoretical debates mentioned here are all derived from a need to understand how politics operate in West European as well as North American contexts. The shared experiences of the development of industrial, capitalist and liberal democracies in these political contexts resulted in the emergence of similar political problems and similar ways of looking at these problems. This does not mean that these theoretical perspectives are not applicable to Turkey. On the contrary, there is a particular need to look into politics and policy-making in Turkey through these perspectives. However, where Turkey is concerned, it is necessary to explain the political context more in-depth and in its own historicity. This requires embracing a multiplicity of approaches rather than rigidly adopting a single way of explanation. Additionally, as noted, it is not only the country but also the selected policy area requires a comprehensive analytical perspective since issues on broadcasting cut across different policy areas. Therefore, the preferred approach to theory in this study corresponds to how historical institutionalists in political science and constructivists

in international relations approach to theory. According to these schools of thought, "theory is about simplifying a complex external reality, but not as a means of modelling it" and this is why theory is seen as "a guide to empirical exploration" (Hay, 2002: 46). To put it differently, the complexity of the world of events taken into consideration lead the analysis in this study since political systems are regarded as open and context specific. This is why the research behind this study is not designed to test some selected assumptions on the dynamics of the relationship between Turkey and the EU.

Following Scharf's (2000: 763) distinction between 'problem oriented' and 'interaction oriented' policy research, this study fits in with the latter where the focus is on "the interactions between policy makers and of the conditions that favour or impede their ability to adopt and implement" certain policies. Therefore, what the term 'conditions' imply can only be revealed if the 'institutions' that affirm those conditions are identified. This is why 'new institutionalism'[2] appeared to be one of the main approaches that guided this study. In their seminal work on what new institutionalism entails in studying political life, March and Olsen (1984: 742) suggest that "[i]nstitutions seem to be neither neutral reflections of exogenous environmental forces nor neutral arenas for the performances of individuals driven by exogenous preferences and expectations". Over the years, March and Olsen further developed their approach to new institutionalism and in a more recent article they argue that "[i]nstitutions are not simply equilibrium contracts among self-seeking, calculating individual actors or arenas for contending social forces. They are collections of structures, rules and standard operating procedures that have a partly autonomous role in political life" (March and Olsen, 2005: 4).

It is true that there is a controversy around the all-encompassing definition of institutions as used in new institutionalist approach. John (1998: 64), for instance, criticises the approach on

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[2] New institutionalism is a response to the ongoing impact of 'behaviouralism' in political science since 1970s and is also a reaction to the institutional analyses of policy-making that regarded policy-making as a closed system (George and Bache, 2001: 20). As Rosamond (2000: 113-14) puts it, "[t]he revival of institutionalism in political science, represents an attempt to counter both the behaviouralist emphasis upon political outcomes as the product of aggregated societal behaviour and a crude emphasis on political outputs as derivatives of the straightforward interplay of actors' interests". In a similar vein with the institutionalist perspective, new institutionalists emphasised the importance of formal institutions – parliaments, executives, judiciary – in determining the policy outcome, but they have also integrated the analyses of informal institutions – policy networks, interest groups – in terms of their involvement in the process. However, institutionalist literature should not be considered as a single body of research and as Rosamond (2000: 114) argues, "different institutionalisms operate with quite different views about the nature of reality and the relationship between structure and agency". These different institutionalisms are: i) *rationalist choice*; ii) *historical*; and iii) *sociological* institutionalism. For a variety of perspectives on institutionalist thinking, new institutionalism(s) and the EU, see: Pierson (1996), Bulmer (1998), Schneider and Aspinwall (2001), Lowndes (2002), March and Olsen (2005).

the basis that it includes "too many aspects of political life under one category". In a similar vein, Lowndes (1996: 182) also recognises 'institution' as "a slippery term because it is used to refer to social phenomena at different levels". She proposes some elements that can serve what she calls as "a baseline definition". These elements are: i) "institution is a middle-level (or 'meso') concept which implies that instititutions "are part of the broad social fabric, but also the medium through which day-to-day decisions and actions are taken"; ii) "institutions have formal and informal aspects" meaning that "they involve formal rules and laws, but also informal norms and customs"; ii) "institutions have a legitimacy and show stability over time" (ibid., 183). In this view, despite its flaws in its methodological stance, new institutionalism proved to be useful in describing why certain things are the way they are in Turkey in the context of this study. As it is further analysed, where the formal policy-processes are concerned, established parliamentary procedures provided opportunities as well as constraints for the policy actors in formulating specific policies on issues of broadcasting. On the other hand, the cognitive aspects of institutions that manifest themselves in the forms of ideas, norms and interests are also considered as significant in this study since these are all relevant in explaining issues such as the role of the army in Turkish politics; the conflict between different political parties on how EU conditionality should be handled in the case of broadcasting, and how bureaucratic politics operate in Turkey in the context of broadcasting policy-making. Then again, as the next chapter highlights, new institutionalism is also increasingly becoming a prevalent approach to study the EU impact on domestic politics. These studies challenge the critique of new institutionalism for not being effective to explain change by looking into mechanisms of change from different variations of new institutionalist perspective.

In relation to new institutionalism, approaches to bureaucratic politics were also constructive in developing the analysis in this study. As Ham and Hill (1993: 48) suggest, "[t]he debate about the nature of the state is a debate about the nature of bureaucracy". Therefore, any research on politics inevitably has to give an account on the role of bureaucracy within that political context. In this study, bureaucrats are not seen as actors providing continuity and stability to the policy process. In contrast, bureaucracy is regarded as rigid, slow and not capable of being able to provide sufficient expertise to policy-makers on issues in their areas. In the context of broadcasting policy, this is particularly evident in how the regulatory bodies operate. The implementation problem in broadcasting policy in Turkey is partly due to the limitations of resources to carry out these policies, but it has also a great deal to do with how

administrative bodies that are responsible of implementing these policies perceive themselves in their own settings and how they act upon these perceptions.

Then again, all these issues on institutions and bureaucratic politics are related to how we coneptualise 'power' and the relationship between structure and agency. There is no doubt that power is central to political analysis, but what is most difficult is to differentiate "the analysis of power from its critique" (Hay, 2002: 185). Considering that this is a policy-oriented research, its approach to power is inevitably influenced by the "faces of power" debate in political analysis (Heywood, 200: 35). According to this debate, pluralists locate power in the 'decision-making process' and see power as relational and authoritarian, whereas neo-elitists include the 'agenda-setting' process where informal processes are also significant in understanding how policy issues are filtered during the process into the location of power. And finally, a Gramscian perspective developed by Lukes (1974) stretches the location of power to 'preference-shaping' to reveal the difference between the real and perceived interests. In this respect, the 'faces of power' debate was important in identifying the dynamics of power within the context of the policy processes analysed in this research.

And finally, there is the issue of structure and agency. Together with the debate on how to identify power in political analysis, the question of how to approach the relationship between structure and agency in a political context is very complex. As Hay (2002: 90) puts it, "the question of structure and agency is not a 'problem' to which there is, or can be, a definitive solution". Yet, as McAnulla (2002: 272) rightly argues, "it is an issue on which we cannot avoid adopting a position". There are mainly two positions to adopt in this debate. We may either follow Giddens' 'theory of structuration' and argue that structure and agency are closely intermingled or we may dispute this position and regard structure and agency as related but separate entities. It is the latter position that is favoured in this study: the 'strategic-relational' approach developed by Jessop (1990) and Hay (1996). According to this approach, "[t]he key relationship […] is not that between structure and agency, but rather the more immediate interaction of strategic actors and the strategic context in which they find themselves" (Hay, 2002: 128). Approaching to structure and agency question from this perspective is also in line with the new-intuitionalist emphasis in this research.

1.5 Data Collection and Research Design: The Limits and Limitations

Questions about research design in political research somewhat reflect the position of mainstream comparative politics, which Hopkin (2002: 266) identifies as "positivist at heart". On the other hand, there is no doubt that conducting a policy-oriented research is a very complex process and it hardly corresponds to any of the two 'ideal' models of research design: linear and wheel (Burnham et al., 2004: 45). The 'real' world of politics and policy-making is very chaotic and this inevitably limits the quality and the reliability of the data gathered from that world to use in the design of a particular research.

The research behind this study relied heavily on documentary sources: parliamentary hearings, parliamentary committee reports, parliamentary enquiries, official communications of the President, think-tank reports, research reports, party programmes, government programmes, state development plans, public announcements, law proposals (drafted by MPs), draft laws (prepared by governments), progress reports, EU Directives, European Council conclusions, accession partnerships, enlargement strategy papers, judicial rulings, legislations, directives, constitutions, annual reports, memoirs, institutional publications, business association reports, and finally newspapers.

Despite the range and diversity of the documentary sources used behind this research, there might still be a concern over the quality of these sources. Where the traditional classification between 'primary', 'secondary' and 'tertiary' sources is concerned (see Burnham et al., 2004: 165), majority of the sources listed above fall into the category of 'secondary' sources. Although this mainstream classification has been challenged by political scientists who emphasise the importance of official policy documents in policy analysis, a caveat remains. This time the distinction is made between 'soft' and 'hard' primary resources, and according to this new classification, "the greater the difficulty of manipulating or concealing evidence of what really occurred at the time, the more reliable ('harder') the source" gets (Moravcsik, 1998: 82). Therefore, sources such as legal documents, reports, parliamentary records, journalistic commentaries are regarded as 'soft' sources that are open to 'distortion' and 'speculation', whereas "internal government reports, contemporary records of confidential deliberations among key decision-makers, verbatim diary entries, corroborated memoirs by participants who appear to lack an ulterior motive for misrepresentation, and lengthy interviews with numerous policy makers" are classified as 'hard' sources and they are considered as more reliable (ibid.).

However, the distinction made between first, secondary and tertiary sources or between soft and hard primary sources is problematic. Firstly, as Kejanlioglu (2004: 38) convincingly argues, at the analysis stage, since both types of sources are reconstructed through interpretation, "there is no need for the fetishisation of documents". Secondly, where Turkey is concerned, reaching 'hard' primary sources is easier said than done. The supremacy of 'oral' culture over the written one is still apparent in Turkey; it is extremely difficult to find written accounts of the witnesses or the participants on the events and processes under discussion. Therefore, the sources used in this research are not classified on a hierarchical basis; however, the accuracy of the data gathered from these sources is checked repeatedly. This was especially important where the utilisation of the data gathered from the press coverage of the processes is concerned since newspapers used in this study also represent a particular point of view or an interest bound to the media group they belong to. The differences between these views and interests and how they manifested themselves in the coverage of the same events and issues were particularly emphasised throughout the analysis.

A limited number of 'elite interviews' were also conducted at an early stage of this research. Unfortunately, my experience in elite interviewing confirmed that "it is a technique whose exercise benefits from the accumulation of experience" (Burnham et al., 2004: 219). The data I gathered from nine interviews that I conducted with officers, regulators and senior broadcast executives helped me explore and refine some key areas of inquiry, but as the research progressed, new areas emerged that made me reorganise my research concerns. The data I gathered from these interviews were significant in supporting the accuracy of certain events or the validity of some assumptions on those events, but none provided incisive revelations to delve into. Nevertheless, the whole experience was extremely valuable.

There are two main limitations of this research that need clarification at the beginning. The first limitation is in fact observed in most of the policy-oriented research: being descriptive. I deliberately described the interactions between different policy and non-policy actors in a chronological order in certain parts of this study to explain how the process of policy-making evolved. My intention was to analyse these processes through the exposure of escalating conflicts that result in the emergence of a chaotic political world. But the second limitation is a matter of technicality. Considering that the tools and the language of policy-making differ in every country, I tried to explain the sources of policy-making procedures either in the text or in the footnotes where I deemed necessary. Additionally, I used the official English

translations of some of the key legal documents (e.g., the Broadcasting Law, the Constitution, and the National Programme), but I translated the excerpts that I used from newspapers, commission reports, parliamentary hearings, etc. I tried to preserve the 'rhetorical tone' in these excerpts, despite the danger of making them sound odd in English.

1.6 The Organisation of the Thesis

The chapters in this study are organised as follows:

Chapter 2 discusses the key theoretical positions in Europeanisation research. Firstly, it compares the concept with other rival concepts such as internationalisation and globalisation. It then unpacks the concept by looking into the governance and institutionalisation aspects and discusses the ways in which change as an outcome of the EU impact is explained in the literature. It finally considers the 'conditionality factor' that is used to explain the dynamics of Europeanisation in the EU candidate countries.

Chapter 3 is a contextual chapter describing the key historical shifts in Turkey-EU relations. This chapter explains these shifts in Turkey's almost half a century long association with Europe by revealing how legacies of the past still influence Turkey's approach to the EU. The details on the political context of the period from 1999 to 2005 are explained in this chapter. General accounts on how political parties, business circles, the army and the civil society organisations consider the EU impact and Europeanisation processes are also presented here.

Chapter 4 is the first analysis chapter, which looks into the impact of EU *acquis* conditionality on broadcasting policy-making in Turkey. The Broadcasting Law enacted in 1994 was not amended until 2001 despite its major discrepancies. The chapter offers a brief historical overview of the emergence of broadcast media market in Turkey by identifying key historical moments and the market's chacteristics. After this overview, the policy-process behind the amendments to the Broadcasting Law No. 3984 which was first adopted in May 2001 and later vetoed by the President is examined. Parliament readopted the same amendments Law unchanged a year later. The chapter demonstrates how the government tried to attach an EU tie to its policy agenda although the motive behind the amendments was not to comply with the EU. This package came to parliament as a result of the pressures of the big media groups in Turkey and the controversy around the package centred on issues such as the lifting of the

restrictions on ownership limits and the proposed new composition for the governing body of the regulator. The second and the final policy-process analysed in this chapter is on the attempts to open the broadcast media market to foreign investment, which was not initiated but promoted by the AKP government from late 2004 onwards. This was also a deregulatory policy change that the government wanted to pursue under an EU conditionality cover. The chapter concludes with a discussion on Europeanisation in the context of the policy-processes.

Chapter 5 considers the impact of democratic conditionality on broadcasting policy-making in Turkey by examining the policy-process behind the change in the language policy for broadcasting. This was actually the only policy change that was made as a direct response to the EU pressures. By asserting its influence through the enforcement of democratic conditionality, specifically the Copenhagen criterion on "respect for and protection of minorities", the EU required Turkey to lift all the restrictions on the enjoyment of cultural rights in Turkey and allow broadcasts in languages other than Turkish, particularly in Kurdish. This chapter looks at the policy process behind this change in the language policy for broadcasting in Turkey, which was a very long process full of controversies and bickering among political and non-political actors. Among different actor constellations, it was the army that asserted greater influence on the policy process and the implementation of the policy afterwards.

Chapter 6 looks into the conditions of public service broadcasting in Turkey. The analytical framework of this chapter is to some extent different than the other two analysis chapters since majority of the public service broadcasting related policy issues emerged during the time span covered in this research were not associated with Turkey's relations with the EU. Apart from the public broadcaster TRT's involvement in broadcasts in languages other than Turkish, there was not any direct association between policies generated to regulate the TRT and the EU agenda. However, where the core of these policy issues is considered, the links between the debates in Europe and Turkey can be clearly identified on a different level. Issues such as the financing of public service broadcasting, questions on accountability and efficency are also relevant in the Turkish context and they need to be further analysed. All of these issues are examined in this chapter.

Chapter 7 presents the conclusions of this study and offers a final discussion on how and why the EU's impact differed across policy areas in broadcasting in Turkey.

Chapter 2:

UNDERSTANDING EUROPEANISATION

2.1 Setting the Context: 'Europe Matters'

The increasing impact of the European Union (EU) institutions and policy processes on national policy agendas in Europe and the ways in which this challenge is being contested at the national level has been of increasing interest in policy studies in recent years. As Schimmelfenning and Sedelmeiner (2002: 501) argue, "'Europe' has increasingly come to be defined in terms of the EU; the 'Europeanisation' or the 'Europeanness' of individual countries has come to be measured by the intensity of institutional relations with the Community and by the adaptation of its organizational norms and rules". Undoubtedly, the eastward enlargement process of the EU, which resulted in the inclusion of ten more countries to the Community by mid-2004, has played a major role in triggering academic interest in analysing the underpinnings of European integration and enlargement processes both at the Community and national levels. There are continuing attempts by the disciplines of international relations and political science to develop further analytical insights on Europe so that its reality can be adequately captured. These considerations have resulted in the emergence of a voluminous research focusing on the phenomenon of 'Europeanisation' to identify various aspects of the policy processes within the European polity. In simple terms, the main consensus among scholars researching Europe is that 'Europe matters' (see Knill and Lehmkuhl, 1999; Radaelli, 2000; Cowles et al., 2001). The real challenge is to discover how it matters.

Sjursen (2004: 3) suggests that one way of understanding the order emerging in Europe is to look at how "different ideas about what the EU ought to be about" are projected on "the processes of determining what should be done with regard to concrete policy-issues and areas" within the EU. In this respect, broadcasting is a unique policy area to look at since different realities on the EU emerge depending on which aspect of broadcasting policy we focus on and how we position the EU vis-à-vis the domestic context that it interacts with. As various commentators suggest, broadcasting has always been a controversial area of policy in the EU and the dynamics of broadcasting policy in Europe today implies an 'in-betweeness' in

which broadcasting is still a highly regulated field at the national level but is also gradually becoming a sub-field of the diverse communications policy of the EU (see Collins, 1994; Hitchens, 1997; Levy, 1999). As Humphreys (2006: 305) argues, the EU constantly coerces the member states to adopt a mutual regulatory framework both in the areas of telecoms and broadcasting to strengthen the European Single Market vis-à-vis the pressures of globalisation. Then again, in most European countries regulators are still facing crucial dilemmas as 'industry' oriented regulatory approaches generate new challenges. Issues such as media pluralism and diversity and the future of public service broadcasting are among the most important. However, facing similar challenges does not mean that member states have the same responses to EU's involvement in their domestic politics. Although member states increasingly pool more of their policy competences to the EU to resolve the drawbacks of global pressures on their media markets, broadcasting remains a much politicised policy area in the national domain. The zone of interaction between the EU and its member states is where various economic, social and political interests conflict or compete with each other rather than act in harmony. This is why the EU impact on the domestic regulatory framework for cultural, political and economic aspects of broadcasting remains a contested debate.

On the other hand, the rules of the game in this interaction are very different in the context of EU enlargement. As the experiences of the accession countries of Central and Eastern Europe (hereafter CEEs) revealed, it was mainly the 'conditionality factor' that moulded the direction and the scope of EU influence on broadcasting in these countries. Therefore, in very general terms, if EU influence on broadcasting in member states is about developing joint responses to commonly shared problems through regulatory harmonisation, this is not the case in the context of enlargement. Member states are influenced by the EU, but they also influence it as they are actively engaged in institution-building processes by providing input. However, for candidate states that aspire for membership, EU influence on broadcasting is predetermined by the asymmetric relation with the EU.

In this respect, this chapter seeks to unpack the literature on Europeanisation focusing on a very straight-forward question: 'How does Europe matter in the national contexts?'. The first part focuses on rival concepts such as 'internationalisation' and 'globalisation' to discuss why research on Europeanisation serves as a better theoretical ground in developing policy research on Europe. In the following part, different theoretical approaches offering various ways of analysing Europeanisation are discussed by looking into the EU impact on member

states. Finally, in the last part, the experiences of accession countries and the applicant states are considered in relation to what Europeanisation implies in the context of EU enlargement.

2.2 Research on Europe: Puzzling with the Concepts

The ways in which the EU and its member states operate challenge traditional ways of seeing 'international' and 'domestic' politics as different spheres requiring different theoretical approaches of analysis as the lines between these two categories are less clear cut. In very simple terms, in contemporary Europe, the policy issues which were formerly regarded as national and domestic are increasingly being considered at the European level and this results in the 'Europeanisation' of individual national agendas. However, this is not solely a top-down process; member states themselves are active in every level of institutionalisation within European polity. This emerging polity and related Europeanisation processes influence policy-making dynamics not only in the member states but also in the applicant states in various ways.

Analysing the EU impact on a particular national context is indeed a very difficult task since even simple policy routines within the EU requires sophisticated theorising. As suggested earlier, the complexity of the EU mainly comes from the fact that it has both 'supra-national' and 'intergovernmental' aspects which are managed in different ways in various policy debates. This is one of the main reasons why there is an increasing tendency to conceptualise the EU as an 'arena' rather than an 'actor' in recent policy studies (see Goetz, 2002). As Laffan (1998: 241) argues, "we need to abandon the notion that the EU is something, and consider it as always *becoming* […] The Union is crafted onto existing forms of political order but in turn contributes to the transformation of such forms" (emphasis in original). This also results in the diversification of the theoretical approaches of these studies focusing on the dynamics of the European polity.

Research on Europeanisation reveals that different countries experience the 'European impact' in different ways. The 'how' and 'why' questions regarding the differences between various countries shaping the framework for empirical research are far more complicated, but very intriguing as well. Did Hungary experience Europeanisation in the same way as Poland did? Did the adaptational pressures lead to similar levels of policy convergence among the accession countries? Why do countries respond to European policy obligations at a different

pace? In which ways will Turkey's pre-accession process be different? What these questions imply are much more focused on the dynamics of change rather than the incentives for change. In this respect, although research on Europeanisation greatly benefits from the existing theoretical frameworks offered by the mainstream political science literature in terms of its intersections with the studies on comparative politics, international relations and integration theories, it also indicates a new theoretical orientation within research on Europe. This shift can only be fully understood by highlighting how certain key concepts are challenged by new theoretical perspectives. As in the case of research on Europe, Europeanisation is increasingly becoming the key analytical concept to explain various political phenomena, which have been previously identified as 'internationalisation' or 'globalisation'. Therefore, although these categories are by no means mutually exclusive, their analytical significances within their own research agendas need to be clearly specified.

2.2.1 Internationalisation and Europeanisation

'Internationalisation' as one of the central themes used within international relations theory does not directly relate to the policy processes in the EU. It is rather a concept that has been widely used to denote fundamental changes in intra-state affairs during the twentieth century. As Navari (2000: 1-2) argues, "the increasing density of diplomatic encounters", "institutionalisation" of international organisations and "changes in the concept of sovereignty" were key appearances of internationalisation especially in the second half of the century.[3] Obviously, these appearances cannot just be seen as 'European' in character, but they rather have to be considered within the context of international politics. However, paradoxically, European integration is regarded as the most sophisticated form of internationalisation taking place since the second half of the last century. As Laffan (1998: 236) argues, "the process of institution building, law making, policy integration and market creation in the EU has produced a European model of internationalization with distinctive characteristics".

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[3] Of course, the historical context that led to internationalisation of not only states but also the societies cannot be captured just in a few lines. Where the causal dynamics behind internationalisation have been concerned, what comes to mind first is simply the impact of the two world wars on the nations, especially the consequences of the Second World War. However, as Navari (2000: 13) notes, "various causal theories drew on different 'causal orders' – biological and technological, social and political – and that explanations for each trend mixed elements from different causal arenas". Therefore, what is argued here in this section of the study is just a brief account on the general implications of the concept. For more information on various critical perspectives on internationalisation, see: Havila et al. (2002), Milward (2003), Goldmann et al. (2000), Goldmann (1994), Biancardi (2003), Iriye (2001), Iriye (2004), Long and Schmidt (2005).

In its broad sense, internationalisation implies a characteristic shift regarding the intensification of the relations between different societies. As Laffan (1998: 235) notes, "the international system is characterised by increasing interconnectness and interdependence which is driven by capital flows, technology, investment patterns, growing linkages between societies and more rapid dissemination of ideas". Internationalisation from this perspective is a process in which not only relations across borders intensify by various means, but also the problems they face within become much more familiar to one another. Goldmann (2001: 10-17) classifies internationalisation according to three dimensions; *internationalisation of problems* refers to a political agenda of a country that is increasingly defined by conditions or events outside its borders and is forced upon it by factors and actors beyond its control. *Internationalisation of societies* or *societal internationalisation* comprises the intensification of all kinds of human relations across nation-state borders. Finally, *internationalisation of decisions* is used to refer to two changes in the way political decisions are made: an increase in the degree of 'internationality' of decision-making, and the proliferation of international decision-making to new policy areas. According to Goldmann, the increasing practices of "consultation with others before national decisions are made, negotiated agreements, decision-making by intergovernmental organization and supra-national decision-making" in contemporary world politics reinforce the arguments on internationalisation of policy-making (ibid., 16).

As the basic characteristic of European integration is increasingly identified as "integration via policy-making" (Richardson, 2001: xvi), the inquiry into the dynamics of internationalisation of decisions within EU polity becomes a profound research interest. This way of conceptualising European integration requires distinguishing between three levels: "the internationalisation of *problems on political agendas*, of *societies* for which politics is made, and of *the making of political decisions*" (Goldmann, 2001: 9; emphasis in original). For instance, the issue of 'illegal immigration' is clearly an international problem – even beyond the borders of Europe – but the increase in the percentage of immigrants in the total population of various European countries imply the societal dimensions of immigration phenomena above all other issues as in the case of debates on 'multiculturalism' or 'diasporas'. Finally, harmonisation of immigration policies of various countries mainly refers to a change in the level of policy-making.

On the other hand, how to study the EU in general and European integration in particular has always been a contentious debate within international relations scholarship. 'Neo-

functionalism' as theorised by Ernest Haas (1958), and later developed by Leon Lindberg (1963) and Philippe Schmitter (1966) was the main paradigm of integration theory until late 1960s.[4] Neo-functionalism was significant as a 'pluralist theory' in contrast with the earlier realistic accounts of international politics. It challenged the understanding of state as 'a single unified actor' and emphasised the importance of non-state actors and interest groups in international politics[5] (George and Bache, 2001). Neo-functionalism formed a theoretical basis for the analysis of the 'process' of European integration in which 'supranational' actors alongside with 'national political elites' were given a central role as the driving forces (Cram, 1996). However, the integration process slowed down in the early 1960s as the European Community witnessed two crises that a key member state, France, was responsible for (see Rosamond, 2000: 75). Finally, the 1973 oil crisis deeply affected the whole debate on integration in Europe.

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[4] Before neo-functionalism there have been other approaches that were influential in understanding European integration, but were not fully developed as theory. Among these, the first approach was 'federalism', which was mainly a political project rather than a theory, developed by the early founders of the European Coal and Steel Community (ECSC). The second approach was 'funtionalism' and developed by David Mitrany (1933), who argued that 'function' should determine the 'form' and a territorial closure. For more on these approaches, see: Burgess (2003), and Rosamond (2000).

[5] From late 1950s to early 1960s 'spillover' was the key concept of neo-funtionalist thinking. It was first formulated by Ernst Haas and further developed by Leon Lindberg to explain the underpinning logic of regional integration. Lindberg (1963) defined spillover as "a situation in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action, and so forth" (as quoted in George and Bache, 2001: 10). Spillover thesis was first used, particularly by Haas, to suggest that economic integration in one sector will automatically generate integration in other sectors which will consequently increase the competence of supranational regulation (Rosamond, 2000: 60). There were two types of spillover identified in early neo-functionlist thinking: 'functional' and 'political'; 'cultivated' spillover was also included in the literature of later studies (George and Bache, 2001). Functional spillover, which was also sometimes referred as *technical* spillover, occurs when co-operation in one policy area or sector creates pressure for co-operation in other area as happened in the case of the single European market (Jensen, 2003). Political spillover added the dimension of 'political pressure(s)' to highlight how different actors of different sectors or policy arenas engage/collaborate/advocate for further integration once they start benefiting from its consequences as happens in "package dealing" in treaty revisions (Jensen, 2003: 85). Finally, cultivated spillover is used to explain how supranational actors, especially the European Commission, set an agenda to motivate member states for further integration. In short, as Rosamond (2000: 63) puts it "the spillover hypothesis seemed to suggest that integration was a linear, progressive phenomenon; that once started, dynamics would be set in place to continue the momentum". However, shortly after the formulation of the spillover reasoning and neo-functionalist theory in general, the momentum of integration in Europe slowed down and various crises emerged. Even Haas himself, by mid 1970s, recognised the failure of the spillover hypothesis in capturing the reality of European integration and its ignorance in considering the continuing importance of the nation states (Jensen, 2003: 89). However, neo-functionalist thinking and spillover hypothesis regained popularity by late 1980s and early 1990s with the advent of enlargement and the establishment of the single European Act and the creation of the 'European Union'. Having said that, this time, neo-functional thinking was not regarded as a 'grand theory' but it was rather used as a reference point to develop further theoretical insights to explain the processes of political and economic integration (Jensen, 2003: 90). In this respect, the "transaction-based theory of integration" as developed by Stone Sweet and Sandholltz (1998) is a milestone as it revises neo-functionalist thinking by contesting the supranationalism vs intergovernmentalism debate.

Within the context of this backlash, Stanley Hoffman (1964) developed an 'intergovernmentalist' critique of neo-functionalism and his theorising was rather a revival of the realist thinking in international relations theory as the key emphasis was on the importance of the states (especially the governments) in international politics (Cram, 1996; George and Bache, 2001). Although Hoffman recognised the importance of non-governmental actors in the process of integration, he argued that integration is primarily an intergovernmental process where decisions on 'high politics' (security, defence, foreign policy) are considered (George and Bache, 2001).[6]

As the integration process accelerated again throughout the 1990s, the scholarly debate on theorising integration developed extensively around supranational vs intergovernmentalist approaches as both conceptualisations provided valuable insights. However, integration theory is later challenged by scholars of comparative politics and policy analysis who prioritised the questions of 'how' rather than the questions of 'why' in their research agendas. The main focus of research on internationalisation in general and on European integration in particular has been criticised for focusing extensively on 'high-politics' and of ignoring the multifaceted dynamics of the EU as a system of governance which interact with the domestic policy settings of the member states. As the argument goes, domestic political context has been mainly used to explain internationalisation of integration although it should have been the object of analysis in the context of European integration. Hix and Goetz (2000: 1-2) account for three reasons for the exclusion of research on national politics within research on European integration: i) the impact of the division of scholarship within the discipline of political science: the political domestic institutions and processes were mainly the research interests shared by scholars of comparative politics, whereas international regimes and European integration were the subjects of international relations; ii) there has been a widespread scepticism among the scholars of comparative politics as they regarded research

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[6] However, Putnam's (1988) theorising of "two-level games" which describes various "domestic power-seeking" and "international bargaining" interests of the national executives as "taking place simultaneously" has influenced further development of intergovermentalist thinking (as cited in Rosamond, 2000: 136). 'Liberal intergovernmental' analysis of European integration by Moravcsik (1993, 1998) which was drawing on the 'two-level game' approach is important as it regards the emergence of the "rational state behaviour" not as a closed process but rather as an outcome of "state-society interaction" (as cited in Rosamond, 2000: 136). Moravscik (1994) argued that the European Union institutions have been strategically used by the national governments to further exploit domestic opportunities (as cited in Cram, 2001: 64). On the other hand, 'supranational governance' approach can be seen as a reaction to Moravscik's consideration of giving a prior status to national governments vis-á-vis supranational institutions and on his assertion on the possibility of analysing the EU as a "single regime" (George and Bache, 2001: 26). It was Sandholtz and Sweet (1997, 1998) who first voiced this challenge first by emphasising the emergence of 'transnational society' and the importance of 'supranational politics'.

on European integration as a political project that does not provide generalisable knowledge; iii) the impact of European integration on domestic policy contexts was not regarded as significant enough to observe empirically. However, Rosamond (2000) is sceptic about the usefulness of generating knowledge on integration and the EU by encapsulating the analysis in one of the pillars of scholarship. As he argues, the dichotomy on 'international relations' vs 'comparative politics' "rests on a narrow and largely anachronistic view of international relations scholarship in general and international theory in particular" (ibid., 157).[7]

As Rosamond (2000: 161) suggests, in the core of this scholarly battle lays the question of what should be studied in the context of the EU. Not surprisingly, although new research agendas may develop, different disciplines provide theoretical insights that were built on their conventional methodological stances in their contributions to new inquiries. Early research on European integration developed in international relations literature, to a greater extent, is an ontological inquiry into the changing nature of the formation of nation-state with a particular focus on the reasons and consequences of this change.

If this whole scholarly debate is well-understood, the emergence of Europeanisation as a new research agenda can then be fully contextualised. Research on Europeanisation has developed within the context of the shift in literature on Europe from ontological inquiry to post-ontological one (Caporaso, 1996). Put differently, there is an increasing necessity to better understand what integration processes imply in relation to particular national contexts and their policy-making processes. Research on Europeanisation is shaped predominantly around the questions of 'how' in relation to the processes and outcomes within the EU. Therefore, although conceptualisations of Europeanisation are in a "dialectical relationship with European integration" (Howell, 2004: n/p); as Radaelli (2003: 33) puts it, "the post-ontological focus of Europeanisation brings us to other, more specific, questions, such as the role of domestic institutions in the process of adaptation to Europe". In this respect, Europeanisation is regarded as a middle-range theory developing its research agenda on the limitations of grand theories of policy studies (Howell, 2004). As Radaelli (2004: 3) argues, research on Europeanisation deals with major issues covered in the areas of international

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[7] Rosamond (2000: 15-16) outlines four different approaches in the literature on the EU and European integration and argues that all of them can be developed from various theoretical perspectives. Studies differ on the basis of whether they regard the EU as: i) an international organisation; ii) a unique appearance of 'regionalism' in the global political economy; iii) a complex policy system; and iv) a *sui generis* phenomenon that cannot be generalised or used on a comparative basis. Rosamond situates the debate on the dichotomy within the scholarship of political science as emerging between the third and fourth approaches.

relations, theoretical policy analysis and comparative politics, but its primary theoretical incentive is "bringing domestic politics back into our understanding of European integration, without assuming that the balance of power between the state and the European institutions is being tilted into one direction or another".

This theoretical positioning is particularly important as it sets a definitional distance between Europeanisation and other concepts, mainly 'convergence', 'harmonisation' and 'political integration'. Radaelli (2000: 6; 2003: 33) argues that convergence as well as divergence can only be the consequences of Europeanisation and the change in various domestic contexts may not be in 'harmony' with one another as research on Europeanisation recognises 'diversification' as well. Therefore, research on Europeanisation offers new and more dynamic understandings on issues of 'national adaptation to Europe', 'policy convergence/divergence' and finally on the relation between the 'structure' and 'agency' within European integration processes (Radaelli, 2003).

2.2.2 Globalisation and Europeanisation

Globalisation as an analytical concept has always been one of the most difficult ones to contextualise in a precise framework. There is almost no discipline or a field of research that does not have a say on globalisation one way or the other, varying from economics to cultural studies. However, the debate on globalisation is so fragmented that as Held and McGrew (2003: 2) put it, "multiple conversations coexist (although few real dialogues), which do not readily afford a coherent or definitive characterization". In a similar vein, Scholte (2000) argues that:

> Yet despite this feverish output of words, we arguably still have far to go in consolidating concepts, methods and evidence with which to identify and measure globalisation […] ideas of globalisation have readily become so diverse, so broad, so changeable – in a word, so elusive – that one can pronounce virtually anything on the subject (Scholte, 2000: xiii).

In very simple terms, globalisation refers to "widening, deepening, and speeding up of worldwide interconnectedness" (McGrew, 2004: 20). Within the globalisation literature this phenomenon of interconnectedness is generally discussed under three broad categories: economy, culture and politics. Obviously, these categories are not mutually exclusive, they are complementary. Additionally, there are also differences within the ways in which each category is taken into consideration. Held and McGrew (2003: 2), for instance, distinguish

between the 'globalists', "who consider the contemporary globalization is real and significant historical development"[8] and the 'sceptics', "who conceive it as a primarily ideological or social construction which has marginal explanatory value".[9] These positions are important for identifying what fits in where in the disorderly scholarly production on globalisation.

One of the initial approaches to globalisation relates the phenomena to latest phase of capitalism in which transnational corporate activities have made national economies increasingly interdependent and integrated with one another (Goldmann, 2001: 18). In this approach, globalisation is primarily identified as an economic phenomenon and particular emphasis is given to the impact of new technologies of transport, communications and data processing and on the organisation of the global economy around 'post-industrial', 'knowledge-based' and 'service-based' economies (Scholte, 2000: 20).[10] However, for globalists, a more multidimensional conception, which crosscuts economic, technological, cultural and political processes, is needed to capture the complexity of the phenomenon of globalisation (Held and McGrew, 2003: 6).

Not surprisingly, in relation to the processes stated above, the debate on 'cultural globalisation' is the most contentious one. Here, globalisation is used in the sense that not only particular cultural products, life styles and consumption patterns become similar across the world but also the organisational structures within the societies are somewhat 'equalized' (Goldmann, 2001: 18). For sceptics, the claim about equalisation or homogenisation mainly has negative connotations in which Westernisation in general and Americanisation in particular have been regarded as the pivotal dominators in the process, with the praising of consumerism, spreading of mass media products and the domination of the English language (Scholte, 2000: 23). However, understanding globalisation as a one-way flow prevents capturing what differences in experience tell us and as Waters (2001: 186) puts it accurately, "a

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[8] The concept of 'globalist' as used in this context is quite similar to the ways in which it is used in international relations theory. As the globalist international relation scholars argue "the external behaviour of the states" can only be understood from a historical perspective, by situating the state in the global "big picture" and by particularly focusing on "mechanism of domination" and "the development and maintenance of dependency relations" (Vioti and Kauppi, 1999: 9).

[9] Elsewhere, McGrew (2004: 20) prefers using the term 'hyperglobalists' to globalists and includes a third perspective, *transformationalist*, to differentiate scholars who recognise globalisation as a shift occurring in the organistion of states and societies but do not overstate its normative implications.

[10] However, where their understandings of the association between 'capitalism' and globalisation is considered, some approaches declare the decline if not the death of capitalism by suggesting that this new global economic order should be regarded as a new mode of production, whereas some others have not endorsed these claims and emphasised the importance of the recognition of the continuation of capitalism within the globalisation processes no matter whether there are shifts or not.

globalized culture is chaotic rather than orderly – it is integrated and connected so that the meanings of its components are 'relativized' to one another but it is not unified or centralised or harmonious". Some scholars such as Appadurai (1990: 296) argue that globalisation is not the homogenisation of cultures but rather is the diversification of cultures in which "the new global cultural economy has to be understood as a complex, overlapping, disjunctive order, which cannot any longer be understood in terms of existing centre-periphery models".[11]

Clearly, these debates are carried out in a very wide-range of scope and they cannot be fully captured within short theoretical extracts as outlined here. Moreover, the debate on politics and globalisation adds new aspects to the ways in which various dimensions of 'global economy' and 'global culture' are understood. Within the debate on 'global politics' what is problematised is again the thorny linkage between 'structure' and 'agency'. Put differently, in order to attribute a 'global' character to politics, an assertion should be made regarding the change/transformation that is taking place in the ways in which we know what politics and policy-making is all about. This assertion inevitably directs the research agenda to question the role of the state. Obviously, these are not novel problematics in social sciences. Yet, what is important within the context of this research is to understand how different concepts – internationalisation, globalisation and Europeanisation – depart or overlap when they are used to explain the same phenomenon.

Central to globalist thinking rests the argument that globalisation is changing the ways in which social and political life is organised and this in return results in "the transformation of dominant patterns of socio-economic organization, of the territorial principle, and of power" (Held and McGrew, 2003: 7). As the argument goes, the 'sovereign' state is undermined and weakened as it cannot control the economic and cultural interconnectedness, transnational corporations become more powerful and governments are obliged to pool their policy

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[11] In his theorising, Appadurai (1990: 20-3) makes a distinction between what is regarded as the globalisation of culture as homogenisation and the usage of 'instruments of homogenisation', such as advertising, fashion and language. Robertson (1992), in a similar vein, by relating the debate on globalisation to the more sophisticated issues stemming from the debates on modernity/post-modernity as well as modernisation/post-modernisation also argues that the world becoming more 'united' does not necessarily mean that it is more 'integrated'. The question on 'what are the aspects of modernity that cause globalisation?' has been a key issue of debate. This debate manifests itself also in Giddens's theorising as he considers globalisation as one of the most visible consequences of modernisation. According to Giddens, the development of global network of communication and global systems of production and exchange resulted in a "reordering" of the social life, which he refers as "time-space distanciation" (1990: 14). However, Giddens's emphasis on the emergence of global communication networks and systems of production has been just one of the explanations. As Scholte (2000: 24) highlights, in some other interpretations there were other aspects emphasised, such as the modern capitalist economy, the rise of modern rationalist knowledge or the modern bureaucratic state as the causes of globalisation.

competences to supranational levels of global policymaking. However, sceptics, although they recognise the 'challenge', continue to regard the state as the central location of power.[12] The questions on how to contextualise 'global politics' in general and what to understand from the shifts in the sovereignty of states in particular mainly derive from different articulations of the 'spatial scale' of globalisation. Within international relations theory, internationalisation or even regionalisation is still widely used to distinguish the phenomena from its spatial dimension so that states can still be regarded as clearly detached units (McGrew, 2004: 24). However, as Scholte (2000: 46) asks: "Yet can *all* talk of globality be dismissed as fad and hype? Are ideas of globalization *always* reducible to internationalization, liberalization, universalization or westernization?" (emphasis in original). As he puts it:

> Whereas international relations are *inter*territorial relations, global relations are *supra*territorial relations. International relations are *cross*-border exchanges *over* distance, while global relations are *trans*border exchanges *without* distance. Thus global economics is different from international economics, global politics is different from international politics, and so on. Internationality is embedded in territorial space; globality transcends that geography (Scholte, 2000: 49; emphasis in original).

Then, of course, in relation to the scope of this research, the key question is: 'what does the whole debate on Europeanisation offer that is different than what has been stated?' Clearly, different understandings of Europeanisation, inevitably, crosscut with the underlying themes of the debate on globalisation. Even without knowing anything about Europeanisation, one can recognise the underlying territorial dimension embedded in the concept. For instance, the conceptualisation of the link between globalisation and Europeanisation as offered by Wallace (2000a: 370) is very interesting in a sense that it derives from a historical account of the importance of "the management of borders" in Europe. Wallace regards Europeanisation as "the development and sustaining of systematic European arrangements to manage cross-border connections such that a European dimension becomes an embedded feature which frames politics and policy within the European states" (ibid.). As she suggests, although Europeanisation is not an even process across the continent, it is a particular way of

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[12] The main problem of the globalist arguments on the 'weakening of sovereignty of the state', in fact, stem from the non-contextualised and vague usage of the concept of 'sovereignty'. Krasner (1999: 35) distinguishes at least four different types of sovereignty: i) *interdependence sovereignty* ("the ability of a government to actually control the activities within and across its borders"); ii) *domestic sovereignty* ("organization of authority within a given polity"); iii) *Westphalian sovereignty* ("the exclusion of external authority"); iv) *international legal sovereignty* ("the recognition of one state by the other"). As he rightly points out, "[r]egardless of how sovereignty is understood, it is difficult to make a case that contemporary developments, notably globalisation, are transforming the nature of the system. There has never been a mythical past in which states were secure in the exercise of either their control or their authority […] Globalization has raised some new and unique problems of sovereignty as control, but states have confronted comparable challenges in the past." (ibid.)

responding to globalisation and countries that are subjected to various effects of globalisation are, in fact, the active agents formulating this response. Therefore, the commonalities between European countries in their encounters with globalisation processes resulted in the emergence of a particular management and institutionalisation of various resources as in the case of the EU.[13]

However, considering globalisation and Europeanisation as entirely overlapping processes will also be analytically misleading. As Rosamond (2000: 183) rightly points out, reducing Europeanisation to a coping strategy against the side-effects of globalisation gives the misconception that globalisation is an exogenous process that occurs outside Europe or the EU and consequently affects the inside. Graziano (2002: 3) suggests that the notions of "controlling" and "responding to" globalisation were attached to the articulations of Europeanisation within the public policy perspective during the 1990s but "there does not seem to be much evidence of a voluntary and acknowledged acceleration of European integration as a response to globalisation".[14]

Wallace's framing of Europeanisation as a response to globalisation is actually not a simplification of the linkage between the two. Wallace's main concern can be seen as a motivation to further question what makes the EU a distinct/specified form of regional integration within the global context when compared to the other instances around the world (Wallace, 2000a: 369). Elsewhere, she expresses the same concern by reversing the concepts when she notes that "we need to ask if globalization takes a particular form in western Europe" (Wallace, 2000b: 48). Her understanding of the complexity relating the two phenomena becomes very evident when she suggests:

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[13] Wallace's arguments are very rich in metaphors. She considers the concepts of the 'domestic', 'European' and 'global' as "magnetic fields", in which "the strongest may vary between the issue areas and between countries, as well as over time" (2000: 371). She also uses a second metaphor, which she calls the "Heineken test" by referencing a British advertisement for the beer brand in which Heineken is described as "the beer that reaches the parts of the body that other beers do not reach". With this very simple and humorous analogy she argues that both of the processes – globalisation and Europeanisation – trigger an adaptive behaviour once they encounter with the domestic (ibid., 372). The ways in which this notion of 'adaptive behaviour' is theorised within Europeanisation research, will be analysed further in-depth in the following sections.

[14] Graziano (2002: 5) links the concepts of globalisation and Europeanisation within a comparative basis, in which his dimensions of comparison are derived from a secondary literature. He particularly focuses on various differing aspects of policy-making and policy-processes in relation to Europeanisation and globalisation to clarify the distinctiveness of each concept in analytical terms. As far as his approach is concerned, globalisation and Europeanisation can be compared in three dimensions in terms of: i) market orientation (market making vs market correcting); ii) governance (intergovernmental vs multilevel); iii) decision-making (closed vs open). In these dual classifications, the former characteristics are assigned to globalisation, whereas the latter ones belong to Europeanisation. However, although Graziano's comparative plot may be used as a starting point, it is not adequate to explain why certain policy areas in the EU do not fit in what has been suggested.

> Here there is something of a chicken and egg debate. Is the EU a reaction to globalization, or is it an agent of globalization? Perhaps the important pressures are global, and the europeanization of certain policy activities is in essence a response to globalization. On the other hand, perhaps the existence of the EU has produced a different form of globalization in western Europe from that in other parts of the world (ibid., 49).

Therefore, as Rosenburg (2003: 93) precisely puts it, the problem with globalisation theory is that it "presents itself initially as the *explanandum* – globalisation as the developing outcome of some historical process – is progressively tansformed into the *explanans*: it is now globalisation which explains the changing character of the modern world" (emphasis in original). Therefore, in Rosenburg's terms, what is needed is to distinguish the theory of globalisation from globalisation theory.

This caution is also valid for Europeanisation. However, research on Europeanisation has a lot to contribute to this debate in its own terms. The critical emphasis on the importance of conceptualising Europeanisation as not something that explains, but something to be explained has been evident in Europeanisation research since the beginning. Despite the differences between various understandings of the concept, the assertions of different studies within Europeanisation research are not disconnected. Different understandings of Europeanisation actually cover different aspects of the same research interest.

2.3 Unpacking Europeanisation: The Implications of the Concept

There is clear evidence of increasing usage of the concept of Europeanisation in the literature on Europe (see Featherstone, 2003: 5). When the contextual meanings of the concept are considered, Featherstone (2003: 6-12) illustrates that although Europeanisation is heavily used as "adaptation of policies and policy processes" in the literature, it has also been used as a "historic phenomenon", "transnational cultural diffisuion" and as "institutional adaptation". As Radaelli (2000, 2003) notes, although the wide usage of the term reveals the liveliness of the debate in the academic milieu, there is the danger of stretching the concept to elusive conceptual frameworks in which it lacks a precise meaning, and there are also the risks of concept misformation and degreeism.[15]

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[15] Building on various works of Sartori (1970, 1984 and 1991) on developing a conceptual analysis, Radaelli (2000) emphasises the importance of the difference between 'intension' and 'extension' in research on Europeanisation. According to this categorisation, 'intension' represents endogenous properties of the concept,

Featherstone (2003: 3) describes Europeanisation in regard to both its maximalist and minimalist significance and argues that – like globalisation – it can be a very good starting point in understanding the current changes in European politics and societies only if it gains a precise meaning. In a maximalist sense, he identifies Europeanisation as a process of structural change affecting not only various actors and institutions but also ideas and interests, and suggests, "this structural change that it entails must fundamentally be of a phenomenon exhibiting similar attributes to those that predominate in, or are closely identified with, Europe" (ibid.). On the other hand, in a minimalist sense, Europeanisation is directly related to policy-making at the European level and is about the implications of EU policies in the national context. Héritier (2001: 1) who considers this implication as transformation suggests that "the transformation not only involves policy aspects *strictu sensu*, such as the general problem-solving approach and policy instruments used, but also the administrative structures and patterns of interest mediation in which the implementation of these policies is embedded." In this sense, the scope of Europeanisation is not limited to member states actively taking part in the processes but it also includes the accession countries and the applicant states.

Rather than considering Europeanisation as a "new theory" or an "ad-hoc approach", Radaelli (2004: 2-3) suggests that it "should be seen as a problem, not as a solution" and should be conceptualised as "a set of post-ontological puzzles", a way of "orchestrating existing concepts" in political science that enables a shift of focus in relation to theories of integration, theories of governance and classic themes in comparative politics, and its potential can be better realised if it is regarded as "something to be explained rather than something that explains". He goes on to argue that although it is early to say whether studies on Europeanisation will be able to foster a progressive research agenda or not, they are important in terms of the insights they brought on three topics: i) they offered a way of understanding the domestic impact of international politics; ii) on the relationship between agency and change; iii) they contributed to the formulation of research frameworks by linking approaches of international governance to the models of domestic politics.[16]

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whilst 'extension' refers to the empirical cases that the concept is applicable. Radaelli argues that in the early stages of research, as in the case of research on Europeanisation, the importance given to extension rather than intension is explicable as the more the concept can be observed empirically the more the research agenda is justified. However, as he argues, the danger of 'degreeism' that arises "when differences in kind are replaced by differences of degrees" will also be the case for research on Europeanisation, if the question of "what is not Europeanized?" cannot be answered (Radaelli, 2000: 4).

[16] Clearly, encountering the problem of linking the empirical evidence to the abstraction of theorising is not a recent case in political studies. As early as 1960, the pioneering scholar in international relations theory, Stanley

Although scholars of Europeanisation view the diversity in approaches to the concept as useful in building adequate conceptual frameworks in early stages of an emerging research agenda, some others argue that diversification may also result in intellectual segregation in the field. For instance, Olsen (2002) regards the research on Europeanisation as a "disorderly field" and argues that more academic effort should be invested in understanding the dynamics of the contemporary European polity rather than dealing with what Europeanisation "really is". As he notes:

> [T]he empirical complexity and conceptual confusion should lead not to despair, but to renewed efforts of modelling the dynamics of European change. An immediate challenge is to develop partial, middle-range theoretical approaches that emphasise domains of application or scope conditions and that are empirically testable. A long term challenge is to provide a better understanding of how different processes of change interact and make institutions co-evolve through mutual adaptation (Olsen, 2002: 923).

The reason why there is still a kind of an on-going reflection on various definitions of Europeanisation can be related to the problematic nature of the concepts that it deals with. It does not only refer to various institution building practices taking place in the European level, but it also suggests the ways in which these practices are tackled in the national level and fed back into the process of 'high politics' in the European level. Radaelli (2004: 6) distinguishes three main conceptual frameworks used in research on Europeanisation each focusing on a different aspect of the process. As he suggests, Europeanisation can be seen as "governance", "institutionalisation" and "discourse". What these approaches say about Europeanisation are not in contradiction with one another and they are useful in developing viable links between the empirical data and the theoretical arguments. Otherwise, there is the possible danger of over estimation: the empirical evidence of change and impact and the possible direction of the two (whether it is top-down or bottom-up) may totally be misinterpreted if the 'cause and effect' links are not well-formulated within the research design on Europeanisation.

2.3.1 Europeanisation as Governance

The European integration literature has long dealt with issues of governance by centralising its focus on the changing characteristic of the 'Westphalian state' and its normative implications.

Hoffmann was making a distinction between "theory as a set of answers" and "theory as a set of questions" in research on international relations. According to this distinction, the emphasis is on uncovering the phenomena itself in the former, whilst the emphasis on the latter shifts to formulating the most appropriate methodological tools and frameworks for studying the same phenomena (Hoffman, 1960). Radaelli's arguments on how to approach Europeanisation as a methodological issue is very similar with this strand of theorising.

Until the early 1990s, the question whether the emerging European polity weakens or strengthens the 'sovereignty' of the individual states shaped the research agenda on European integration. The implications of transferring national policy competences to EU level can also be traced back in the early conceptualisations of Europeanisation. For example, Lawton (1999) used the concepts of 'Europeanisation' and 'Europeification' in different ways and argued that Europeanisation entails the transfer of sovereignty to the EU level, whereas Europeification is power sharing between national governments and the EU (as cited in Radelli, 2003: 29). The over-emphasis on the state and related state-centric perspectives of understanding the EU has then been challenged by scholars of comparative politics and public policy analysis, who shifted their attention from understanding the integration process and its impact on the notions of state to the EU itself, which they have regarded as a dynamic and complex system of governance. The conceptual frameworks of various understandings of Europeanisation as governance were developed from this perspective.

The underlying emphasis in various understandings of Europeanisation as governance is on the process by which member states reach common understandings of governance as a result of the dynamics between the actors (see Majone, 1996; Scharpf, 1999; Giuliani, 2003; Bache, 2003; Kohler-Koch and Eising, 1999). In this view, questions on whether Europeanisation should be seen as a new way of governance or an amalgamation of existing systems, and the quality of Europeanisation as a governance set the research agenda of scholars focusing on the governance aspects of Europeanisation (Radaelli, 2004: 6).

In his detailed account, Olsen (2002: 923-4) seeks to develop an understanding of changes as a result of Europeanisation by directing questions of 'what', 'how' and 'why' and refers to Europeanisation as a governance and defines it, "as changes in external territorial boundaries" and as "the development of institutions of governance at the European level". Within his conceptualisation, the former change indicates a system of governance by which Europe becomes a "single political space" and the latter change implies a "collective action capacity" which results in the establishment of legal and normative bounds between the members. From a similar perspective, Schimmelfenning and Sedelminer (2004: 661-2) make a distinction between the "internal" and "external" dimensions of governance in the EU according to which the former indicates "the creation of rules as well as their implementation in national political systems", whereas the latter "is exclusively about the transfer of given EU rules and their adaptation" (as in the case of accession countries).

Research on Europeanisation as governance is important because it challenges seeing the EU as a *sui generis* phenomenon. For scholars of comparative politics and policy analysis, the importance of understanding day-to-day policy processes and institutional arrangements of the EU was overshadowed by the emphasis on 'history-making decisions' of the European integration process (Hix, 1994; Peterson, 1995). Research on the governance aspects of the EU offered valuable insights on how interaction takes place among 'formal' policy actors and 'informal' societal actors within the European polity by shifting the emphasis from the intergovernmental vs supranational dichotomy. As one of the early advocates of this type of research on the EU, Hix (1994, 1999) applied the conceptual tools of 'new institutionalism' to study the EU. For the scholars of comparative politics, issues related to the "authoritive allocation and distribution of resources" and "the representation and intermediation of interests in a political system" within the EU were actually being tackled in similar ways as occurring in national politics and therefore could be studied with the tools of comparative political science (Rosamond, 2000: 107). The study of the EU has expanded to include the analysis of how 'policy networks'[17] and 'epistemic communities'[18] operate within European polity, which were earlier developed as concepts of public policy analysis.

Obviously, for the scholars of comparative politics and policy analysis, the EU offers a vast amount of empirical incidents to develop further insights into politics in the European scale. The only problem here is, if the governance in the EU can fully be pictured with our

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[17] 'Policy networks' is one of the most debated but also contested concepts in policy studies. Börzel (1997: 1) suggests a very basic definition of a policy network: "a set of relatively stable relationships which are non-hierarchical and interdependent nature linking a variety of actors, who share common interests with regard to a policy and who exchange resources to pursue these shared interest and acknowledging that co-operation is the best way to achieve common goals". However as Peterson (2004: 127) suggests, "there exists no theory of policy networks that would lead us to predictive claims about European integration or EU policy-making". Börzel (1997: 1) also confirms this observation and categorises the literature on policy networks in terms of: i) the methods used (quantitative versus qualitative network analysis); ii) the conceptual base preferred (policy networks as a typology of interest intermediation vs policy networks as a specific form of governance). Börzel suggests that the latter distinction is more relevant as the two methodological approaches stated in the former one are not exclusive but complementary. Therefore, as highlighted by Börzel, the interest intermediation school "interprets policy networks as a generic term for different forms of relationships between interest groups and the State" whereas the governance school "conceives policy networks as a specific form of governance, as a mechanism to mobilise political resources in situations where these resources are widely dispersed between public and private actors" (ibid., 2). There are also significant variations in the literature between the two schools. Regarding the ways in which policy networks concept has been applied to the study of European governance, Börzel notes that research differs "according to whether they treat European governance as dependent or independent variable and to whether they apply policy networks as analytical tool or theoretical approach" (ibid., 8).

[18] The concept of 'epistemic communities' was developed by Peter Haas who defined it as "a network of professionals with recognised expertise and competence in a particular domain and an authoritive claim to policy-relevant knowledge within that domain or issue area" (Haas, 1992: 3). Haas argues that epistemic communities influence decision-making by asserting knowledge or "interpretation" on complex policy issues especially when there is an "uncertainty" and policy-makers are in need of 'expertise' to define their interests. See also footnote 23.

understanding on how national politics work, then what is left significant about the EU? What is 'new' about the governance in the EU, if we claim it to be more than a 'blend' of existing governance patterns? More precisely, what is Europeanised in European politics? Respectively, Rosamond (2000: 110) neatly draws the lines of the debate:

> Yet, in spite of the efforts to use the EU to answer broader questions about politics, it remains stubbornly distinctive. Any full-scale attempt to plunge the study of the EU into the waters of comparative politics and policy analysis leaves itself open to the observation that the EU is not necessarily a precise analogue for the processes of politics *within* nation-states. Indeed the EU may be read as a hybrid form: neither political system nor international organization, but something in between (emphasis in original).

This 'hybrid' form or the 'new' governance architecture has been mainly shaped by two benchmarking events in the EU; the member states' agreement on the Single European Act in 1985 and the respective accomplishment of the Single Market Programme by the end of 1992. As Young and Wallace (2000: 86) argue, "the single market has been elevated so much that for many it is taken to constitute the critical turning-point between stagnation and dynamism, between the 'old' politics of European integration and the 'new' politics of European regulation".

It was within this context that Marks et al. (1996) applied the concept of 'multi-level governance' for describing the 'new' governance architecture in the EU. The multi-level governance perspective, as Rosamond (2000: 110) notes, "amounts to the claim that EU has become a polity where authority is dispersed between levels of governance and amongst actors, and where there are significant sectoral variations in governance patterns". Multi-level governance theorists depict the EU as a political system in which decision-making capacities are shared by numerous actors who are positioned in different levels of governance – i.e., supranational, national, regional and local (George and Bache, 2001: 25). In this respect, the governance in the EU is argued to be dispersed along 'horizontal' and 'vertical' segments of the polity. The concept of multi-level governance, therefore, mainly emphasises the "increased interdependence of governments operating at different territorial levels […] between governments and non governmental actors at various territorial levels" (Bache and Flinders, 2005: 3).

Once the multi-level structure of the European polity is identified, then the modes of policy formulation and interaction among actors in the policy process become central concerns.

Bulmer and Radaelli (2004: 4-7) distinguish three modes of governance in the EU that differ according to the 'type' of policy. Accordingly, the governance in the EU appears as: i) *negotiation* (if the interests of the member states are alike, then reaching on an agreement happens quickly);[19] ii) hierarchy (the EU either introduces '*positive integration*' by correcting the results of the market or it generates '*negative integration*' by abolishing the rules);[20] iii) *facilitated coordination* (the EU functions as a forum for policy transfer, learning and socialization).

Table 1. Governance, Policy and the Mechanisms of Governace by Bulmer and Radaelli (2004: 8)

Mode of Governance	Type of Policy	Analytical Core	Main Mechanism
Negotiation	Any of those below	Formation of EU policy	Vertical (uploading)
Hierarchy	Positive integration	Market-correcting rules; EU policy templates	Vertical (downloading)
Hierarchy	Negative integration	Market-making rules; absence of policy templates	Horizontal
Facilitated coordination	Coordination	Soft law, OMC, policy exchange	Horizontal

2.3.2 Europeanisation as Institutionalisation

Research on governance aspects of Europeanisation has vastly contributed to the field by revealing the dynamics of European-level political processes and the consequent emergence of a European polity as a distinct form of governance. At the same time, the understanding of Europeanisation as institutionalisation has also triggered the development of a significant

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[19] Research into policy formulation in the EU reveals important insights into various modes of reaching an agreement when formulating a policy in the European level. In their very interesting article, Elgström and Jönsson (2000: 685) set these modes as 'negotiation', 'bargaining' and 'problem-solving'. As they argue, what characterises the policy-making in the EU is related to the differences between and within these modes. Elgström and Jönsson emphasise the difference between bargaining and problem-solving approaches and between "distributive" and "integrative" negotiations in terms of the weight given to "self-interests" or "common interests" on a particular policy issue. Therefore, on the issues where self-interests are more determining than the common interests, the policy attitude is shaped more as bargaining and/or as distributive negotiation and the parties aim at "getting as much as possible", "relative advantages" are prioritised, the attitudes are "conflictual" and "manipulative tactics" are carried out. On the contrary, where common interests are identified as more important than the self-interests, the policy approaches are shaped as more problem-solving oriented and negotiations tend to be more integrative. In this case, policy-making is more "creative" and "co-operative" as there is a goal of "creating value" and the emphasis is on the "absolute advantages" (ibid., 685-6). However, Elgström and Jönsson also specify contextual factors that influence the policy attitude. As they argue, these factors are: i) decision-making rule; ii) level of politicisation; iii) stage in the decision-making process; iv) type of policy; and v) network characteristics (ibid., 690).

[20] These two modes of policy-making in the EU – positive integration vs negative integration – were earlier identified by Knill and Lehmkuh (1999: 2) as operating under different mechanisms of Europeanisation. As they argue, Europeanisation as a positive integration can be regarded as an 'explicit' mechanism, since it dictates an institutional model, which forms a benchmark for adjustment. However, Europeanisation as a negative integration is rather an 'implicit' mechanism, since it influences the way things are done, which result in the altering the opportunity structures, the distribution of power and resources. Knill and Lehmkuh (1999) also suggest a third mode – framing – that they define as a 'weak' mechanism of Europeanisation implying 'indirect' impact. In this third level, Europeanisation can be traced in the ways in which the beliefs and expectations of the domestic actors are changed. For Knill and Lehmkuh, different policy types can integrate various aspects of these mechanisms depending on the subject matter.

research agenda that opens up a complementary debate on the issues of "national adaptation", in other terms, "the ways in which existing political structures and models are being redefined by the emergence of this new level of governance" (Harmsen, 2000: 52).

Research on Europeanisation provides very rich empirical insights into its subject matter, and its conceptual frameworks are mainly derived from the new-institutionalist theoretical perspectives. As a matter of fact, institutionalist analyses of Europeanisation contributed a lot to the revision of the prior institutionalist theorising (Vink, 2002: 10).

The scholars who define Europeanisation as institutionalisation (see Cowles et al., 2001; Börzel, 2004; Olsen, 2002; Radaelli, 2003) recognise the multifaceted interlink between the two understandings of institutionalisation: the creation of politico-administrative models at the European level and the reorientation of national models as a response to emerging European polity. However, in recent studies on Europeanisation, the emphasis is not particularly on the emergence of both formal and informal ways of doing things at the European level, but it is rather on how they are transferred and institutionalised within the national context (Radaelli, 2004). Therefore, Europeanisation is most commonly defined as "a process by which domestic policy areas become increasingly subject to European policy-making" (Börzel, 1999: 574).

Radaelli (2003: 35-6) suggests that Europeanisation may in fact affect a wide range of areas in a national context, mainly: i) macro-domestic structures (political and legal structures, the public administration, intergovernmental relations and the structures of representation); ii) public policy (actors, problems, style, instruments and resources); and iii) cognitive and normative structures (discourses, values and norms, policy paradigms and narratives). These domains overlap with what Börzel and Risse (2000) suggest as the major dimensions of the domestic effect of Europeanisation: polity, policies and politics. In a similar vein, Héritier (2001: 3) argues that Europeanisation covers "European decisions, the processes triggered by these decisions as well as the impacts of these processes on national policies, decision processes and institutional structures". However, Cowles et al. (2001: 4-5) make a distinction between "institutions" and "domestic structures" and argue that Europeanisation affect both the "policy structures" and the historical/cultural specific "system-wide domestic structures".

Among various understandings of Europeanisation, the definition offered by Radaelli (2003) appears as the most comprehensive one. It recognises the weaknesses of earlier approaches and seeks to clarify the important aspects of empirical analysis regarding the research agenda on Europeanisation. Radaelli (2003: 30) suggests that his definition recognises "the importance of change in the logic of political behaviour […] refers to process of institutionalization […] accommodates both organisations and individuals […] broad to cover variety of interests […] can be applied to both the member states and to other countries". Europeanisation as he defines refers to:

> processes of (i) construction, (ii) diffusion, and (iii) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies (ibid.)

However, noticeably, most of the empirical research on Europeanisation mainly focus on 'policy change' and confirms the validity of the European impact whereas research into Europeanisation in terms of changes in domestic structures and cognitive/normative structures gives a greater role to the internal dynamics within a given context and issues of explanation and measurement are more complicated. The analytical difficulty of identifying and measuring the 'change' or the 'impact' as a consequence of Europeanisation is a central concern in the literature on Europeanisation. The effects of Europeanisation are generally regarded as "asymmetric" and "irregular" (Featherstone, 2003: 11-12). As Héritier (2001) adequately puts it:

> [T]he process patterns and policy outcomes of Europeanization have not been uniform across the member states and do not reflect either the well-defined will of a "unified supranational actor," or a pervasive problem-solving rationality that imposes itself "automatically" so as to increase the overall efficiency of European policy decisions in the context of a transnational interdependence of policy problems. Instead, the political reality of European policymaking is "messy" insofar as it is uneven across policy areas and member states, institutionally cumbersome, and subject to the dynamics of domestic politics, each with its own particular logic. As a consequence, the outcomes of European policymaking tend to be much more diverse than one would expect and preclude any simplistic explanation of Europe-induced changes (Héritier, 2001: 2).

Taking up from this point, Radaelli (2003: 37) suggests that a further distinction is needed to distinguish the European elements within a specific national policy-making context from the underlying characteristics of the European impact itself. As he crucially points out, the change that is observed at the domestic level may not be related to Europe but rather be the outcome

of other processes. Featherstone (2003: 11-12) also argues that "the key point here is that of causality, between structure and agency: convergence may occur as a loose transnational phenomenon and may be described as Europeanisation, but for the European Union to be identified as a prime agent, or facilitating structure, in this process requires evidence of direct casual effect". Here both scholars draw attention to a possible risk of degreeism as a result of giving great supremacy to the role of the EU, which may result in seeing the whole process as a one way flow. What makes Europeanisation a more intriguing research issue is actually its 'interactive' aspect. Héritier (2001) accurately describes what 'interactivity' means in the context of Europeanisation;

> [W]e can detect a parallelism between European and national policy developments that, although they evolve independently of one another, also intersect and have a reciprocally reinforcing, counteracting and neutralizing impact. That is, endogenous national policy developments and Europe-generated processes of transformation merge and influence each other (Héritier, 2001: 2).

Drawing upon the arguments of various scholars, Radaelli (2000: 14-15; 2003: 37) develops a typology for analysing 'change' as a consequence of Europeanisation covering the "magnitude" and the "direction" of change. Change may be in the form of: i) *inertia* (there is no change as the European level practice is totally incompatible with the domestic one); ii) *absorption* (change occurs as adaptation where certain changes are accommodated in the domestic context but the fundamental logic of the political behaviour remains the same; iii) *transformation* (a fundamental, paradigmatic change);[21] iv) *retrenchment* (occurs paradoxically when domestic policy becomes less European than it used to be).

Bache and Marshall (2004: 6) offer a different understanding of 'change' where they distinguish between the "direct-indirect" and the "voluntary-coercive" dimensions of Europeanisation effects. Accordingly, the European impact may be 'intentional' (or 'direct') and either 'voluntarily' accepted or 'coercively' realised despite the opposition at the national level. However, it may also be 'unintentional' (or 'indirect'). In this case, Europeanisation may either unintentionally affect a policy area that was not predicted before (voluntary-indirect

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[21] Certainly, 'transformation' is a very dynamic concept. The kind of change it implies is not only a matter of degree but also of quality. Therefore, the empirical appearances of change may differ according to the grounds that we define what transformation is all about. Radaelli (2003: 39-40), drawing upon Laird's (1999) work, distinguishes four "processes" of transformation that can facilitate the empirical research: i) *interaction* (do institutions get stronger positions in their interactions with other institutions or do they lose their power?); ii) *robustness* (do institutions gain more power gradually in terms of their organisational structures?); iii) *equilibration* (how do institutions reach a balance when they face with a crisis? Do they seek new alternatives rather than using existing institutional frameworks?); iv) *discourse* (are there any discourses available to facilitate change?).

Europeanisation) or coercive-direct Europeanisation may act as a 'spillover' for the emergence of coercive-indirect Europeanisation in other areas.

Table 2. Types of Europeanisation

	Voluntary	Coercive
Direct	intended impact of an EU initiative unopposed by dominant Member State actors	intended impact of an EU initiative opposed by dominant Member State actors
Indirect	unintended or inadvertent impact of an EU initiative on the Member State unopposed by dominant Member State actors	Spillover consequences of coercive-direct Europeanisation in one area to another.

Source: Bache and Marshall, 2004

Once the aspects of change are identified, then the mechanisms of change become a central interest. From the institutionalist perspective, the process of Europeanisation is explained in two different frameworks (mechanisms) according to the focus given either on the actors involved or the institutions that are subjected to the shift. As Börzel and Risse (2000: 2) note, the rationalist/actor based and the sociological institutionalist perspectives depict "two logics of change" that "are not mutually exclusive" and "often occur simultaneously or characterize different phases in a process of adaptational change". The differences in their explanations of change are, of course, rooted in their understandings of the concept of Europeanisation in general. The following section is devoted to highlight the main arguments on the particular mechanisms of Europeanisation.

a) Rationalist/Actor Based Intitutionalist Perspective

Börzel and Risse (2000) suggest that Europeanisation may trigger a domestic change under two conditions: i) there must be a certain degree of incompatibility between the European and national levels; and ii) institutions or actors may be willing to respond to the 'adaptational pressures'.

As Aspinwall and Schneider (2001: 7) argue, "the starting point of all rationalist reasoning on the EU is the assumption that actors in all relevant-decision making arenas behave strategically to reach their preferred outcome". Therefore, the rationalist institutionalist approach seeks to explain Europeanisation with the actions of the policy actors who promote or resist the changes within the national policy-making context that emerge as policy demands come from

the EU. Within this context, the emphasis is on match/mismatch (Héritier et al, 1996; Héritier 2001) or fit/misfit (Börzel, 1999; Cowles et al., 2001) that is particularly important to regard the "reform capacity" of the national policy actors against the European policy demands. Börzel and Risse (2000: 5-6) suggest that misfit can be either in the form of "policy misfit" and/or "institutional misfit" that is mainly about general perceptions on how things are done. In this respect, the degree of adaptational pressure deriving from Europeanisation is very much dependent on the degree of misfit and this in return asserts how much change is needed in the domestic context (Cowles et al., 2001) The more congruence between the national and supra-national policy fabrics exists, the easier accommodation of Europeanisation takes place within the national context (Héritier 2000; Knill and Lehmkuhl, 2000; Börzel, 2002).

Encountering 'adaptational pressures' as a consequence of the fit/misfit in a particular national context does not necessarily mean that Europeanisation will trigger a change (Cowles et al., 2001). For example, Radaelli (2004) is critical about the notion of fit/misfit and the importance of pressure offered by the institutionalist perspective in understanding the process of Europeanisation. As he argues, the domestic actors seeking for new opportunity structures can use Europe as a force for change even if there is no existing pressure from EU institutions and the notion of fit/misfit is socially and discursively constructed.

Within the actor based institutionalist perspective, 'the logic of consequentalism' (March and Olsen, 1998) is emphasised in explaining the process of Europeanisation according to which societal and political actors are equipped with new opportunities as a consequence of the misfit between the European and the domestic levels. In this respect, "Europeanization leads to domestic change through a differential empowerment of actors resulting from a redistribution of sources" (Börzel and Risse, 2000: 2). However, the capacity of the actors to make use of new opportunities provided by Europeanisation is explained to depend on two core factors: i) multiple veto points, and ii) the presence of formal institutions that will facilitate actors to pursue their interests (Cowles et al., 2001; Börzel and Risse 2000). According to the 'multiple veto points' perspective, "if the power is dispersed across the political system and more actors have a say in political decision-making, Europeanisation is difficult" (Cowles et al., 2001:9). Additionally, the degree of change may likely differ according to the attitudes of the existing formal institutions. Institutions may provide actors "material"

and "ideational" sources to foster change or they may show resistance (Börzel and Risse 2000:1).[22]

b) Sociological and Historical Intitutionalist Perspectives

Whereas rationalist accounts of Europeanisation seek to explain 'change' by focusing on the preferences of actors, historical and sociological institutionalist perspectives attribute a greater role to existing institutional arrangements in shaping the possible outcomes of Europeanisation.

Historical institutionalism suggests that "institutions are not necessarily the product of neutral bargaining or efficient historical evolution. They have ideas built into them, which then influence the chances of agents" (Aspinwall and Schneider, 2001: 11). Within the sociological institutionalist approach the change generated from the Europeanisation process is regarded as a "socialization" and "collective learning process" that manifest itself as new administrative ideas and belief systems (March and Olsen, 1998; Knill and Lensehow, 2000). Both approaches use the notion of the 'logic of appropriateness' to explain how "actors are guided by collectively shared understandings of what constitutes proper, i.e. socially accepted behaviour in a given rule structure" (Börzel and Risse, 2000: 8). Here, 'logic of appropriateness' is used as "the variant that focuses on the cognitive dimension of institutions that provide particular interpretations of the world that convey ideas and belief systems" (Héritier, 2001: 4). According to historical institutionalism, these 'collectively shared understandings' are "path dependent" as former institutional frameworks and the structural arrangements within these frameworks determine what is available and possible for the actors (Aspinwall and Schneider, 2001: 10). On the other hand, sociological institutionalism refers to the concept of "institutional isomorphism" to imply that institutions that interact with one another or share a similar environment have the tendency to develop 'homogeneity' in terms of their 'normative' and 'cognitive' structures (Börzel and Risse, 2000: 8).

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[22] Börzel (2002: 194) very rightly points out the possible 'costs' of Europeanisation from the perspective of the national executives. As she argues, the implementation costs will be less, if there is a better fit between the European and domestic politics. Policy-makers may foster one of the three strategies against Europeanisation depending mainly on the country's level of economic development: i) pace-setting (active persuasion), ii) foot-dragging (resisting costly policies by blocking or by delaying) and iii) fence-sitting (establishing strategic alliances with the pace-setters and foot-draggers without revealing a certain policy attitude) (ibid., 194). Börzel argues that "uploading" national policy concerns to the European level as in the case of 'pace-setting' strategy is the most effective in terms of "maximising the benefits and minimising the costs" as uploading has the advantages of: i) "reducing the need for legal and administrative adaptation in downloading"; ii) "preventing competitive

As it was the case for actor based/rationalist perspective, the importance of the presence of mediating factors is also emphasised within the historical and sociological institutionalist perspectives. Two mediating factors are argued to influence the degree of change: i) the presence of "norm entrepreneurs" or "change agents" to "persuade others to redefine their interest and identities";[23] ii) the characteristics of the "political culture" (whether it is build on "consensus-building" and "cost-sharing" or not) (Börzel and Risse, 2000: 9). Although there is an underlying emphasis on 'culture' in both of the approaches, sociological institutionalism develops a more dynamic understanding of culture as it contextualises the concept by linking it to the ways in which it is constructed among actors as norms and identities.

In terms of analysing change, a great attention is given to 'learning,' especially within sociological institutionalist literature. As Börzel and Risse (2000: 2) draws attention, "sociological institutionalism suggests that Europeanization leads to domestic change through a socialization and *collective learning process* resulting in norm internalization and the development of new identities" (emphasis added). They elsewhere argue that "actors are socialized into new norms and rules of appropriateness through processes of arguing, persuasion and social learning to redefine their interests and identities accordingly" (Börzel and Risse, 2003: 66). With its emphasis on learning, sociological institutionalism implicitly challenges the rational institutionalist account by questioning the possible lack of change in the ideas and interests of actors even when they are 'empowered' as a consequence of 'redistribution of power resources'. Here, learning is argued to establish "an agency-centered mechanism to induce such transformations" (Cowles et al., 2001: 12). As Bulmer and Radaelli (2004: 11) point out, "it [*learning*] becomes an especially important feature of where the EU does not work as a law-making system but, rather, as a platform for the convergence of ideas and policy transfer

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disadvantages for domestic industry"; and iii) "enabling national governments to address problems which preoccupy their constituencies but can no longer be dealt with effectively at the domestic level" (ibid., 196).

[23] 'Norm entreneurship' is one of the most interesting concepts in research on Europeanisation. Börzel and Risse (2000: 9) suggest that there are two types of norm entrepreneurs: *epistemic communities* and *advocacy* or *principled issue networks*. As Radaelli (1999: 757) suggests, epistemic communities along with 'technocracy' and 'bureaucratic politics' imply "different modes of the politics of expertise". According to Radaelli, understanding the role and politics of expertise in the EU is particularly important as the debate on the 'democratic deficit' of the EU is in fact the criticism of the increasing technocracy in the Union that favours 'expertise' to democratic participation and consensus building in policy-making. Epistemic communities are identified to influence policy-making when 'uncertainty' occurs as policy-makers facing uncertainty are not able to define their interests properly and actors providing "interpretation" are in a key position by facilitating the policy-makers in understanding the complex issues surrounding them (Radaelli, 1999: 762; George and Bache, 2001: 25). The establishment of the monetary union is one of the most significant cases in which the role of expertise was very influential in shaping the policy. However, advocacy or principled issue networks are different than the epistemic communities in a sense that they are linked to each other as they share same values, norms, beliefs rather than knowledge (Keck and Sikkink 1998, as cited in Börzel and Risse, 2000).

between member states. This is especially the case with the open method of coordination (OMC)".

However, the scope of the concept of 'learning' in explaining policy change is very broad. Within Europeanisation research, as shown by Schmidt and Radaelli (2004: 7), the concept of learning is distinguished between "simple institutional learning" (absorption) and "thick learning" (transformation). Yet, the reality of the European polity reveals that thick learning is unusual and as pointed out by Cowles et al. (2001: 12), it "usually takes place after critical policy failures or in perceived crises when actors reassess their set of preferences [...] or even collective identities". This is simply why greater attention has been given to reveal different aspects and even forms of simple learning. Within this context, 'discourse' comes to foreground as an important concept to be further analysed in explaining dynamics of change as discourses are essential in shaping ideas, values and beliefs that will trigger or halt the process of change (Schmidt and Radaelli, 2004).

2.3.3 Europeanisation as Discourse

Certain aspects of historical and sociological institutionalist approaches clearly overlap with the understanding of Europeanisation as 'discourse' in which Europeanisation is regarded as a facilitating power for transformation of the cognitive and normative activities and preferences of the policy actors (Schmidt and Radaelli, 2004). Here the emphasis is rather on the 'qualitative' change caused by European policy processes and on the importance of the consequent shift in the 'logic' of policy-making (Héritier, 2001). Europeanisation can make an impact on the policy actors in reframing the existing policy problems and in evaluating the outcomes of choosing either a cooperative or a confrontational policy style on a particular policy issue. As Hay and Rosamond argue (2002), Europeanisation can form a discursive framework through which other discourses on globalisation are internalised and institutionalised within the domestic policy context. Or, in some cases, Europeanisation can also be used by domestic actors to push a certain policy agenda. For instance, in his analysis of the Danish reformation of taxation and competition legislations in the 1990s, Kallestrup (2001: 21) conclude that these policy reforms were legitimised with a discursive reference on the 'inevitability' of and the 'necessity' for adaptation to the EU although the EU itself did not demand these reforms. In both instances, as Schmidt and Radaelli (2004) suggest, discourse is

a constitutive aspect of change that makes it easier to coneptualise how agency and structure are linked. As they put it:

> Discourse is fundamental both in giving shape to new institutional structures, as a set of ideas about new rules, values and practices, and as a resource used by entrepreneurial actors to produce and legitimate those ideas, as a process of interaction focused on policy formulation and communication (Schmidt and Radaelli, 2004: 192).

Schmidt (2000: 278) elsewhere argues that processes of globalisation and European integration amplify the need to legitimise the necessity of change by policy-makers so that they get the approval of the public. In this respect, it is still arguable whether adaptation is inevitable, but the ways in which policy-makers present their choices are all about convincing the public about the 'inevitability' of change. According to Schmidt (2000):

> Such a legitimating discourse is especially important because the push for change comes not from bottom up, that is, from popularly expresses of support for global and European-induced change, but rather from the top-down, from modernising governmental as well as business elites intent on promoting national economic and institutional changes as the only solution to domestic as well as European and global economic and political problems (Schmidt, 2000: 278).

In a similar vein, Hay and Rosamond (2002: 163) confirm that pressures for convergence are associated with globalisation and European integration in the policy rhetoric, but they also emphasise the importance of how "their strategic deployment and their domestic associations and connotation remain strikingly different in different national settings". Therefore, globalisation and Europeanisation rhetorics can also be used by policy-makers to justify their administrative and policy failures in front of the public (see also Rosamond, 1999).

But, of course, the key question here is then: 'what is discourse?' Are discourses different from ideas? If so, how are they different? Schmidt (2000: 279) identifies the nature of discourse on two dimensions: i) the ideational dimension of discourse which constitutes its cognitive and normative functions; ii) the interactive dimension of discourse which constitutes its coordinative and communicative functions. Accordingly, when a discourse is used to represent a set of 'ideas' it actually refers to "the sum of political actors' public accounts of the polity's purposes, goals and ideals which serve to explain political events, to justify political actions, to develop political identities, to reshape and/or reinterpret political history, and, all in all, to frame the national political discussion" (ibid.). In this respect, discourse functions to support the idea that 'the preferred policy is the most appropriate one among other choices' (cognitive function) and 'it is the best option for the sake of the nation' (normative function). On the

other hand, the interactive dimension of discourse refers to the creation of a "common language and an ideational framework" by policy-makers to frame the policy process (coordinative function) and it also implies the rhetorical frameworks used by the policy-makers to convince the public on the aptness of their policy choices (communicative function) (ibid., 285).

Obviously, ideas and discourses are very much linked. Fouilleux (2002: 7-8) distinguishes discourses from ideas by emphasising the 'instrumentality' of discourses. Ideas refer more to the perceptions of the policy actors about the reality they belong to, whilst discourses refer to the ways in which same actors communicate these ideas to other actors as well as to the public. Both are important in explaining change. To quote Hay (2002):

> For ideas often hold the key to unlock political dynamics – as change in policy is often preceded by changes in the ideas informing policy and as the ability to orchestrate shifts in societal preferences may play a crucial role in quickening the pace, altering the trajectory or raising the stakes of institutional reform (Hay, 2002: 278).

Where Europeanisation is concerned, ideas and discourses are crucial in two ways. Firstly, in the case of enlargement, we need to take into account the role of ideas and discourses to understand the process of 'collective decision-making' for enlargement. For instance, Schimmelfening (2001: 76) introduces the concept of "rhetorical action" to conceptualise the calculated usage of "norm-based arguments" by policy actors to pursue their commitments to enlargement. In a similar vein, Sjursen and Smith (2001: n/p) argue that "enlargement is not merely reactive" and is "influenced by explicitly political objectives that aim to reshape political order in Europe". For them, 'legitimacy' is particularly important since "if applicant states do not feel that the EU's enlargement policy is legitimate, not only could the EU find it difficult to exercise influence over those states […] but doubts about the legitimacy of the EU's decisions to include or exclude states could damage the credibility of the borders of the EU" (ibid.). Therefore, as Hughes et al. (2004) suggest:

> The rhetoric surrounding enlargement and EU conditionality was strongly embued by a *mission civilasatrice* approach of 'Europeanization'. The perception was prompted whereby the political and economic models in core members states were seen as normatively 'superior' and readily transferable to displace 'inferior models' in candidate countries, and where a speedy substitution of values by candidates and their compliance with EU norms was equated with the quality of their commitment and Europeanness (Hughes et al., 2004: 13; emphasis in original).

Although, this rhetoric on enlargement was pivotal in justifying EU conditionality to become a member of the 'club', it would not be sufficient to understand the dynamics of

Europeanisation from a non-membership perspective. Europeanisation of candidate countries that joined the EU in 2004 was in fact a very multi-layered process that needs to be explored with a particular focus on how EU conditionality operated in relation to Europeanisation.

2.4 Europeanisation from a Non-Membership Perspective: Insights on the Accession Process

The dynamics of European integration and enlargement processes, which resulted in the inclusion of ten more countries to the EU by mid-2004, triggered new research questions in European Studies. Clearly, the final phase of the EU's eastwards enlargement has not been realised over a short period of time, but on the contrary, it took more than ten years to conclude. Over this period of time, not only the EU institutions evolved in different degrees but also the accession countries have undergone a major transformation of their socio-political and economic spheres. As Grabbe (2003: 303) argues, when the impact of the EU on accession countries is compared with the existing member countries, "the effects are likely to be similar in nature, but broader and deeper in scope".

An extensive body of the research focusing on the dynamics of Europeanisation from the perspective of the accession countries mainly problematise the experiences of eight CEEs as the new-comers to the Community. The underlying argument within these studies is that similar to west European context, the effects of Europeanisation have been differential for different CEEs and "EU pressures for adaptation have produced diverse and ambivalent responses and outcomes" (Hughes et al., 2002: 1). These differences are at first hand related to the structural dissimilarities among the CEEs, but they also need to be linked to how the governance of EU enlargement operated in relation to each and every candidate country. Moreover, the EU gain a more powerful status vis-à-vis the candidate countries in the process of Europeanisation as this is "an asymmetrical relationship which gives the European Union more coercive routes of influence in domestic policy making processes" (Grabbe, 2003: 303). As Grabbe puts it, "the applicants cannot influence EU policy making from the inside, and they have a stronger incentive than existing member states to implement EU policies because they are trying to gain admission" (ibid.). In a similar vein, Schimmelfenning and Sedelminer (2004: 61) suggest that "the desire of most CEE countries to join the EU, combined with the high volume and intrusiveness of the rules attached to its membership, have allowed the EU an unprecedented influence on the restructuring of the domestic institutions and the entire

range of public policies in these countries". In this respect, there is a crucial difference between "acting within the EU policy cycle" and "interacting within the EU system" (Lippert et al., 2001: 984).

The key concern here is not to identify in which ways the mechanisms of Europeanisation operate similarly for candidate countries when compared with the members, but on the contrary, the focus is on the differences and offering various explanations for the differing mechanisms. As Schimmelfenning and Sedelminer (2004: 662) put it, the "external governance" dimension of the EU in the enlargement process, which is mainly about the 'rule transfer' (and its related aspects; "what is exported" and "how rule transfer happens") is the central focus to explain the underlying mechanisms of possible change(s) as an outcome of Europeanisation effects.

The main policy strategies of the EU in the enlargement process towards the applicant states are identified as a "policy of conditionality" and "accession negotiations" (see Checkel, 2000; Schimmelfenning et al., 2003). Checkel (2000: 1) defines conditionality as "the use of incentives to alter a state's behaviour or policies through which international institutions promote compliance by national governments". As Checkel notes, conditionality is originally attributed to the strategies of international organisations such as the World Bank and IMF, but the use of 'political' conditionality as a way of endorsing socio-political reforms along with the economic ones has been increasingly used in recent years (ibid.).

At this point, it is important to note that 'accession conditions' within the EU were not compiled from an already existing pool of policy templates, but they were actually defined whilst the enlargement was already in progress. The case was very different for the Mediterranean applicants who became members to the EU in the 1970s and the 1980s (Grabbe, 2003: 305). As Pridham (2002a: 205) suggests, it was first with Spain's application that the notion of 'democratic conditionality' emerged as a concern in the then EEC due to the implications of the Franco regime in Spain, but before that being a 'liberal democracy' was seen a sufficient condition to consider an application. Therefore, as Grabbe (1999: 7) points out, in the case of the CEEs, applicants were obliged to meet even higher standards than the current member states had. The accession conditions or criteria for the CEEs were first formulated in 1993 at the Copenhagen European Council Summit where the member states officially expressed the launch of the eastward enlargement process of the EU. As stated in

the summit, "[a]ccession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required" (EU Council, 1993). By phrasing it this way, the EU compelled the CEEs and other candidate states to bear the costs of compliance during the accession process without taking any reciprocal responsibility.

The core aspect of the 'obligations of membership' set in the Copenhagen Summit refers to the required commitment of the applicant state "to converge with a maximalist version of the EU policies" (Grabbe, 2003: 307). This convergence mainly covers embracing the whole body of the core legislation of the EU, which is widely known as the *acquis communitaire*, to the domestic legislative framework of the applicant states. As declared in the Copenhagen Summit, accession is also linked to the 'ability' of the applicant states "to assume the obligations of membership by satisfying the economic and political conditions required" (EU Council, 1993). These *sine qua non* conditions are: i) the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; ii) the existence of a functioning market economy; and iii) the capacity to cope with competitive pressure and market forces within the Union. However, as Grabbe (1999: 6) suggests:

> The first two Copenhagen conditions require definitions of what constitutes a 'democracy', a 'market economy' and 'the capacity to cope with competitive pressure and market forces', highly debatable and slippery concepts. The EU has never provided an explicit definition of these concepts, although implicit assumptions about their content were made in the Commission's opinions on readiness for membership (see Section II below). There is thus no published rationale for how various EU demands will bring applicants closer to west European political and economic norms.

As might be seen, the accession criteria as stated in the Copenhagen Summit implicitly indicate two contexts of conditionality for accession; the "acquis conditionality" and the "democratic conditionality" (Schimmelfenning and Sedelminer, 2004: 663). However, again as Grabbe (1999: 6-7) points out, "the *acquis* is a dynamic concept because the body of legislation grows all the time [...] the edges of the *acquis* remain fuzzy in legal terms because parts of it are open to interpretation [...] it develops as a result of processes that inform debates over policy substance and agenda-setting, such as policy practices [...] is thus open to minimalist and maximalist interpretations". On the other hand, where the democratic conditionality is concerned, it is important to see that political criteria entitle the EU the supremacy to intervene in various 'sensitive' domestic policy areas of the applicant states where the existing member states have historically opposed the involvement of the EU for themselves (Pridham,

2002b; Grabbe, 2003). This, according to Pridham (2002a: 203), confirms that "the EU has moved beyond conditions of formal democracy to those pertaining to substantive democracy or qualitative conditions such as the role of political parties and political participation, the independence of the media and an active civil society as well as human and minority rights". But then, as an international organisation, the strategy of the EU in regard to conditionality is "reactive reinforcement" by which the EU "merely reacts to the fulfilment or non-fulfilment of its conditions by granting or withholding grants but does not proactively punish or support non-compliant states" (Schmmelfenning et al., 2002: 1).[24] In this respect, conditionality, as argued by Grabbe (2003: 17), "only works as a carrot, not as a stick". Therefore, according to Pridham (2002a: 207), "what EU democratic conditionality lacks is an integral approach to regime change".

The ambiguities and inconsistencies surrounding conditionality make it difficult to analyse how much of Europeanisation in the accession countries took place directly as a result of conditionality and how much of other endogenous and exogenous factors have been influential during the process (Grabbe, 2003: 311). Lippert et al. (2001: 981-2) present three theses on the impact of accession on the applicant states: i) "adaptation-by-anticipation"; ii) "non-convergence"; and iii) "strengthening-the-role-of-civil-servants" thesis. Adaptation-by-anticipation thesis relates the generation of administrative reforms to the eagerness of the state that was using membership as an incentive to modernise the state. Non-convergence emphasises the differentiated outcomes of the accession process on the applicant states, and finally strengthening-the-role-of-civil-servants thesis gives the central role to the formal policy actors (especially to the executive) as the administrative aspects of the accession process increases bureaucratisation. From a similar perspective, on the hypothesis of convergence with EU institutional models as an outcome of the accession process, Grabbe (2001) points out three factors of relevance. The first factor is "the speed of adjustment", which identifies the adaptation process as "much faster and more thoroughly […] with very limited scope of negotiating transitional periods" (ibid., 1014). The second factor, which is "the openness of CEE national elites to EU influence", corresponds to "adaptation-by-anticipation" thesis offered by Lippert et al. (2001: 981). Accordingly, as the CEEs were already in search of a

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[24] Schmmelfenning et al. (2002: 3) also identifies "proactive reinforcement" in regard to strategies of conditionality of international organisations apart from the EU. As they argue, proactive reinforcement can either be "coercive" or "supportive". Accordingly, in the former strategy, the international organisation may reinforce the compliance of the conditions by imposing 'punishment' so that non-compliance becomes much more costly than the compliance. Alternatively, the international organization may prefer to foster a supportive reinforcement strategy to allow the state to comply the conditions by reducing the costs.

'*vincolo esterno*'[25] (external tie), national elites are "open" to EU influence (Grabbe, 2001: 1014). And finally, the third factor on convergence suggested by Grabbe (2001: 1015) is "the breadth of the EU's agenda for institutional and policy change in CEE".

The ambiguities of conditionality lie in the fact that the accession criteria do not offer any tools either to implement or to measure it (Hughes et al., 2002: 3). Conditionality is not a one-off thing but is a process that comprises various aspects. As identified by Checkel (2000: 2), for any type of international organisation using conditionality, the process starts with the determination of a set of "pre-conditions" to be fulfilled before accession, but it also covers "trigger actions" that define what kind of "performance" will make the applicant move on to a further stage and finally there are also "policy provisions" that are least binding commitments. However, where the EU is considered, there have been major ambiguities and uncertainties that were criticised by the applicant states for not being offered the same benefits and for being obliged to fulfil normative standards that even the member states have not reached yet, such as 'minority protection' (Schimmelfenning et al., 2002: 11)[26]. Moreover, as Grabbe (2001, 2003) argues, the EU operates with different actor groupings and this makes enlargement and issues of conditionality more complex. According to Schmmelfenning and Sedelmeier (2004: 662), "conditionality might be encompassing, but it might not be effective in achieving rule transfer in certain issue areas or countries". Therefore, the effectiveness of conditionality is dependent on certain factors, the most important one being the cost-benefit analysis of the applicant states. Schimmelfenning et al. (2002: 9) argue that conditionality will be effective, if: i) "the international material rewards offered for compliance outweigh the domestic power costs"; ii) "the smaller the policy changes a government has to implement or the less these changes affect the government's power base"; and iii) "one or more governmental actors reap net power benefits from compliance and posses the bargaining power to make other governmental actors comply". Elsewhere, Schimmelfenning together with Sedelmeier (2004: 664-66) emphasise the importance of "determinacy" and "credibility" of the conditions for effective rule transfer and suggest that rule transfer is more likely to be effective if rules are "clear" and "set as conditions for rewards" (ibid., 664). On the issue of credibility, they note that the EU "must be able to withhold the rewards at no or low costs to itself" and "has to be

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[25] The term was first used by Dyson and Featherstone (1996) to identify the policy strategy of the states and its domestic actors that are seeking to rationalize their policy preferences by showing them as deriving from the EU. In doing so, opposition can be eliminated.
[26] On the issue of 'uncertainity', Grabbe (2003: 318-23) argues that there are five dimensions of uncertainty; uncertainty about: i) "the policy agenda that should be undertaken by the applicants"; ii) "the hierarchy of tasks"; iii) "timing"; iv) whom to satisfy; and v) "standards and thresholds".

able to less interested in giving the reward than the target government is in getting it" (ibid., 666).

To sum up, as Hughes et al. (2004: 26) suggest, "[a] useful initial hypothesis would be that EU conditionality does not have a uniform logic, but rather has a waspish nature that shifts and transforms depending on the content of the *acquis*, the policy area, the country concerned, and the political context". In this respect, although this research aims at looking in the dynamics of EU influence on broadcasting policy-making in Turkey, it first needs to present the political context through which EU-Turkey relations has developed over the years. This is particularly important since Turkey's association with the EU has been very different than those of the CEEs. This difference inevitably influenced how EU conditionality was first perceived and later translated into specific policy initiatives in Turkey both in the course and the aftermath of the Helsinki Summit in December 1999. Therefore, the next chapter delves into the dynamics of Turkey's association with the EU by putting EU-Turkey relations in a historical context.

Chapter 3:

SO NEAR, YET SO FAR:
THE CONTEXT OF TURKEY– EU RELATIONS

> Dozens of countries in the last century have joined many international organizations without this issue becoming a focal point of their identity or the key political controversy of the day for them. In fact, it could be argued that the question of Turkish membership in the EU is proportionately the most important issue of this type for any state in history (Rubin, 2003: 1).

3.1 Introduction: The Shadows of the Past

In December 1999, after almost a five decade long association with the EU, the European Council in Helsinki concluded that "Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States" (EU Council, 1999). In March 2001, Turkey announced its first version of 'National Programme for the Adoption of the *Acquis*' (hereafter National Programme) introducing the policy framework and the time frame for accomplishing a comprehensive agenda of political and economic reform. The real challenge has begun following the European Council's decision in December 2004 to start accession talks with Turkey on 3 October 2005.

In this section, the contours of Turkey-EU relations are presented by tracing back what Raymond Williams (1961) called "the structure of feeling". Here, no novel analysis of this forty-five years long period of Turkey's engagement with the EU is developed, but instead, a well-organised background of Turkey-EU relations is presented by highlighting the key shifts over the years and their political and societal implications that emerged accordingly. Within the scope of this research, the reason why this historical background should be captured is very evident. The initial answers to the why questions on the differentiated impact of the EU and Europeanisation on different domestic contexts and across various policy areas are, in fact, hidden in the individual histories of the countries that interact with the EU. Although, at its current stage, the 'accession talks' have added new dynamics to the ways in which Turkey

has been positioned vis-à-vis Europe in general and the EU in particular, these dynamics are loaded with the traces of the past.

This history of Turkey-EU relations presented here is a mere extract in the history of Europe and Turkey that could have been articulated very differently. The arrival of Turks to Asia Minor in the eleventh century is, in fact, the starting point of what one might call the 'Turkish issue' as emerging within the proximity of Europe. Taking up from this starting point, Erdogdu (2002: 40) identifies four "turning points" in the history of relations between Europeans and Turks: i) the Paris Conference in 1856; ii) the establishment of Republic of Turkey in 1923; iii) the application of Turkey to the ECC for associate membership in 1959; and iv) the end of the Cold War.

The history of relations between Turks and Europeans that precedes the establishment of the Turkish Republic in 1923 and the institution building processes in Europe in the aftermath of the Second World War needs a different conceptual perspective. There is a voluminous literature focusing on different periods in the history and raising questions such as 'what is Europe?', 'is Turkey part of Europe?' or 'why Turkey wants to be part of Europe?' which are, undoubtedly, still relevant in the context of Turkey-EU relations today. However, questions as such are regarded 'ontological' inquiries that did not guide the set of questions formulated in this research. Therefore, in this section, the focus is deliberately shifted to the aftermath of the Second World War. In this respect, certain initial arguments that have been elaborated through similar interpretations of various scholarly periodisations on Turkey's association with the EU before the second half of the twentieth century are adhered to rather than challenged. Within this scholarly work there are mainly two points that are relevant to the scope of this research.

Firstly, the question whether Turkey is European is not novel and has always been an issue of debate. The politicisation of the quest for a definition of a 'European identity' coincided with the decadence of the Ottoman Empire in the early nineteenth century. The history of emerging nation-states in Europe following the French Revolution of 1789 is also the history of the construction of Europe as an 'idea'. The key mechanism operated in this construction was 'otherisation' through which 'ethnocultural' differences were first created and then used as an argumentative justification for legitimising the idea of Europe and Europeaness (Müftüler-Baç, 2000: 25). Various negative connotations attached to the 'Ottoman Empire' and

'Turkishness' have well served for the construction of what the idea of Europe and Europeaness was all about by defining what it was not. Europe was 'enlightened', 'civilised', 'Christian', whereas the Ottoman was 'dark', 'despotic', 'barbarian' and 'Muslim'. For the Ottoman Empire, its image that was 'fearfully' perceived as a threat in Europe was not a challenge during its growth and expansion.[27] This might be helpful in understanding why some scholars such as Erdogdu (2002: 41) recognise the initiation of 'Westernisation' as a project in the Ottoman Empire in the early seventeenth century solely having a 'pragmatic' basis that manifested itself with an aspiration not to lack behind technological developments. As the argument goes, there was not any 'ideological' tie attached to this project. However, what Erdogdu identifies as the continuation of this rationale by the Turkish political elite in the construction of their understanding of 'Westernisation' is, in fact, not that much tenable following the stagnation period. The reformation process of the *Tanzimat* period (1839-1876) in the decline of the Ottoman Empire was a quest for 'Westernisation' or 'Europeanisation' in its own right targeting the reformation of the administrative structures by diminishing the influence of religion on the establishment (Kalaycıoğlu, 2005: 19). A reform process on such a scale, taking place in the decline of an Empire, undoubtedly, embodies a discursive dimension that challenges the idea of 'good governance' and the 'way of life'. In this respect, as Heper (2005: 43) suggests, the quest for Europeanisation in the Ottoman polity could well be regarded as the "Europeanization of identity", which emerged as "state Europeanization". In the course of the decline of the Ottoman Empire, the military emerged as both the object and the subject of modernisation that eventually led to the establishment of the Turkish Republic in 1923 (Karaosmanoglu, 2000; Heper, 2005: 33). Inevitably, the architects of the early Westernisation projects in the Ottoman Empire became familiar with not only the technical advancements in the West but also with the newly emerged nationalist and libertarian ideals of Europe (Müftüler-Baç, 2000: 28). Nevertheless, although early Westernisation projects triggered the questioning of certain dichotomies, mainly 'modern vs traditional' and 'West vs Islam', the underlying motive for both the modernists and the traditionalists was the same (Kalaycıoğlu, 2005: 20). Both of these camps "were still motivated by the goal of rendering the Ottoman political system viable" (ibid.).

The 'viability' of the Ottoman political system was increasingly coming under scrutiny in the context of rising nationalisms in the Balkans starting from the late nineteenth century. It was the Turkish subjects of the Ottoman Empire resident in the Balkans who were dislocated, if

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[27] For changing images of Turks in the European thought from sixteenth to eighteenth centuries, see: Cirakman

not killed, because of their religio-ethnic 'identities'. Kalaycıoğlu (2005: 21) argues that the rise of Balkan nationalisms and the treatment of Muslim Turks triggered an in-depth questioning of their own ethnic and national identities among Turkish intellectuals, officers and soldiers. By the beginning of the twentieth century, Turkish intellectuals had a different focus in their thinking of 'Turkish nationalism'. What was debated at the time was framed as the rise of 'pan-Turkic' nationalism, which had a greater focus on 'ethnicity', although the religious sentiments were still intact. The signing of the *Treaty of Servès* in August 1920 with the Western powers at the end of the First World War was the breaking point for the Turkish nationalists from the Ottoman order. *Servès* was designed for the partition of the Ottoman territories, but was never implemented as it was not recognised by the newly established Turkish Parliament in Ankara in April 1920. *Servès* was surpassed by the *Treaty of Lausanne* in 1923 following the proclamation of the Republic. This historical background is very important in understanding why Turkey responded very negatively to EU conditionality on granting broadcasting rights to ethnic communities in Turkey. This issue is discussed in Chapter 6.

This carries us to the second point that needs to be highlighted before contextualising Turkey-EU relations. The question whether Turkey is European or not has always been asserted together with another question: why does Turkey want to become part of Europe? The answer to this question can only be fully developed with a very close look into the early history of the Turkish Republic. Within the Republican project, 'modernisation' and 'Westernisation' have always been interlinked and even used synonymously. As it is continuously repeated, the War of Independence was a war against the 'Western occupation', but not against the 'West' or "a Western type of polity" (Karaosmanoglu, 2000: 207). On the contrary, uniting with 'Western civilisation' was presented as the ultimate aspiration of the Republican elite and an integral part of the nation-building project. However, although Western occupation was brought to an end with the War of Independence, the Turkish political elite remained cautious about the possible 'tendencies' of the Western countries to 'divide' Turkey in some way. It is this context where issues on 'national sovereignty' and 'unity' gained increasing importance. This fear has often been referred to as the '*Servès syndrome*' and as Yilmaz (2006: 29) suggests, the Serves syndrome together with the '*Tanzimat Syndrome*' "represent two premises of the genealogical narrative of modern Turkish nationalism", which in return constitute "the two pillars of nationalist Euroscepticism in Turkey". He argues that:

(2001).

> The Sèvres syndrome is more central, focuses upon Turkey's foreign relations, and offers a general account of the Western strategy towards Turkey and of what Turkey should do in order to put off direct foreign intervention and subversion. The Tanzimat syndrome, on the other hand, focuses upon domestic politics and identifies the West's likely collaborators within Turkey itself. These potential collaborators of the West have typically been identified as the Christian minorities (Armenians and Greeks); Muslim but non-Turkish communities (Arabs and Kurds); Muslim and Turkish but over-Westernized segments of the society (Yilmaz, 2006: 29).

This concern on security and unity emerged as one of the landmarks of the political culture in Turkey. Additionally, the underlying aspects of the modernity and nation-building project in Turkey did not develop in isolation from the Ottoman legacy. As Heper (2000: 66) puts it, the state had precedence over the society within the Ottoman political culture and this in return led not only the belief on the welfare of the society relying on the state, but it also "led to the emergence of a center-periphery cleavage along cultural lines".[28] Heper (2000: 71-2) suggests that the Republican modernisation project inherited this "Ottoman desire for a strong state that would regulate the polity and society from above" which in return resulted in the "bifurcation of the elite". As the argument goes:

> On the one side stood the state elite (Atatürk, Inönü, the intellectual-bureaucratic elite and, increasingly, military officers), who acted as guardians of the secular-democratic state and believed in rational democracy. On the other side was the political elite- until the early 1970s, the leadership cadres of political parties other than the Republican People's Party [29], and after 1975, those of the Republican People's Party as well- which tried to render the Republican modernization project more palatable to the masses. The political elite subscribed to popular democracy and placed narrow interests over the general public interest. For the state elite, the Republic came first and democracy second. For the political elite, the reverse held true (ibid.).[30]

The civil-military relations in Turkey actually developed in this context. The influence of the army on politics in Turkey has always been one of the central criticisms of the EU. However, as this influence is deeply rooted in the very Republican foundations of the Turkish state and broadened to the civil sphere, it is not something that can be easily abandoned. As noted by various scholars, the military was both the object and the subject of the modernisation project (Heper, 2005) and the military has always presented itself both as the 'defender' and the

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[28] For the origins of the theory of this dichotomy, see the seminal work by Mardin (1973).

[29] The Republican People's Party (CHP) is the first political party in Turkey. Until the first multi-party elections in 1946, the CHP was the centre of Turkish politics.

[30] It should also be noted that despite the wide currency of this centre-periphery dichotomy in analysing Turkish politics, there has been some criticisms of the emphasis on continuity of this perspective for taking the state as accepted and neglecting the impact of social-formation on the emergence of this dichotomy. See: Güngen and Ergen (2005).

'guardian' of the secular Republic (Cizre, 2004; Narli, 2000). This self-proclaimed dual role of the Turkish military has often been used to explain why and how Turkey had gone through three direct military interventions (in 1960, 1971 and 1980) and one 'post-modern coup' (in 1997).[31] As Heper (2000: 74) argues, "none of those interventions ended up in a long-term authoritarian regime. This was because the military officers perceived democracy not as a means (popular representation), but as and end (rational policymaking)".[32] However, this is one of the main reasons why the consolidation of democracy beyond parliamentary politics has always been problematic in Turkey.

The Turkish project of modernity is, in fact, a research project in itself. Up to the early 1990s, the Turkish experience has often been cited as a 'success story' that inspired movements elsewhere for liberation and independence. However, since the early 1990s, there have been more critical voices that seek to unearth this story and the project itself by particularly focusing on the problematical aspects, ambiguities and the downfalls that existed from the very beginning. As Köker (1990) suggests, the missing link in the Republican modernisation project was the lack of a perspective on democratisation that derived from a pluralistic view of the society as valued in Western democracies. Modernisation in Turkey is seen as a project imposed by the modernising elite from top-to-down with the aim of establishing a Republic that is 'secular', 'ethnically homogenous' that would modernise through a 'linear' process (Kasaba, 1997: 17). From this perspective, the rise of the Kurdish separatist movements and the political Islam in the second half of the 1980s is regarded as the manifestations of the crisis of the Turkish modernity project.[33] But recently the emphasis of this critical literature is more on the complexity and the uniqueness of the Turkish experience of modernity rather than its compatibility with Western paradigms (see Navaro-Yashin, 2002; Kandiyoti and Saktanber, 2002).

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[31] For a brief account on the grounds of military action in 1960, 1971 and 1980 together with an analysis of the political context preceding the so-called 'post-modern coup', see: Lombardi (1997), and for a detailed account specifically of the post-modern coup, see: Heper and Güney (2000).

[32] Narli (2000) discusses the civil-military relations in Turkey within the 'concordance model' as developed by Schiff (1995) to explain how military intervention occurs. As the argument goes, the ways in which the military, the political elite and the society reach an agreement and cooperation on: i) the composition of the officer corps; ii) the political decision making process; iii) recruitment method; and iv) military style influence the civil-military relations in a particular national context. According to Narli (2000: 119) what is seen in Turkey is an "imperfect concordance" that is: the concordance exists between the military and the society on the role and the status of the army in Turkish politics, but it is not the case between the military and the political elites. As Heper (2005: 35) suggests, the establishment of the National Security Council (MGK) with the 1962 Constitution "institutionalized the (guardianship) role of the military" and although MGK was set up as an 'advisory body' on the issues of internal/external security, the imprinting of the notion of security in the constitution provided the legal ground for the army for intervention in politics.

This is the background context in which Turkey-EU relations developed. Below, the history of this relation is presented in two major parts. Firstly, the ways in which Turkey positioned itself in the emerging structures of Europe in the aftermath of the Second World War until 1999 are highlighted. In this first part, special emphasis is given on: i) how Turkey's quest for membership developed in the wake of the Mediterranean expansion of the then EC and the changing character of the European integration process; ii) the emergence of accession criteria in the EU and Turkey's isolation from the eastern enlargement in the course of the European Council Luxemburg Summit in 1997; iii) the period that led up to the European Council Helsinki Summit in 1999, which marked a shift in Turkey-EU relations. In the second part, the democratisation process triggered by the EU is contextualised. The first section in this part reveals the political context of first wave of Europeanisation in Turkey from the conclusion of the Helsinki Summit in 1999 to general election held in November 2002. This section is followed by a discussion on how political and non-political actors, namely political parties, the army, business circles, non-political elite and the public reacted to political processes triggered by EU influence.

3.2 Europe-Turkey Relations, 1945-1999: From 'Strategic Partnership' to 'Candidacy'
3.2.1 The Aftermath of the Second World War

Having 'Westernisation' as the core aspect of its 'modernisation' project since the establishment of the Republic, Turkey drew the main lines of its foreign policy by presenting itself as the 'alliance' of West. As Eralp (1993: 23) argues, within the scope of Turkish policy in the immediate aftermath of the World War II, both Europe and the US were regarded "as the two pillars of what was seen as a progressive and powerful alliance". The way Turkey positioned itself as such was not an issue of debate until the1980s as the institutionalisation of the EC was initially driven with concerns over security and economic integration in Europe, neither the political nor the cultural dimension of European integration was apparent at that time (Önis, 2001: 106). In the eye of the EC, alliance with Turkey had a great strategic importance due to Turkey's geo-political positioning. Turkey's membership in security oriented arrangements as well as its engagement in newly emerging economic cooperation in post-war Europe was welcomed without any discussion on whether it is European enough to be eligible for such a partnership. Turkey became the member of Council of Europe in 1949, fought together with the Western Alliance in Korea in 1950, joined NATO in 1950 and the

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[33] For a very good discussion on the critique of the Turkish experience of modernity, see: Bozdoğan and Kasaba

OECD in 1961. As Müftüler-Baç (2000: 29) puts it, "Turkey's incorporation into western security arrangements after World War II seemed to afford Turkey the European legitimacy it always sought." For Europe the new 'others' were now the Soviets and the Communist Bloc.

In this context, Turkey's application to the EC for associate membership in 1959 was, in fact, a natural step in the process of increasing cooperation between Turkey and Europe (Erdoğdu, 2002: 41). Besides, at the time, Turkey was going through an economic crisis under the rule of the Democratic Party and there was an urgent need to find new financial sources. There was also another motive behind the timing of Turkey's application to the EC as it happened to be two weeks after the application of Greece to the EC. Eralp (1993: 26) identifies the "Greek factor" regarding the timing of Turkey's application that "can be understood in terms of the long-standing conflict between the two countries" that manifested itself in the psyche of Turkish political elite that believed in the necessity of being "present on each and every platform where the Greeks figured".

Despite a delay in the signing of the Association Agreement due to the 1960 military coup in Turkey, there was not any evident opposition to Turkey in terms of its part in Europe when the Agreement was signed in Ankara in 1963 (Tekin, 2005). The Agreement laid out a multi-staged association that was designed to progress over three phases that would finalise with Turkey's joining the Customs Union by 1995. The rationale behind the EC in establishing this multi-staged integration, which was also agreed by the Turkish political elite, was to protect the Turkish economy and its ongoing industrial development from the possible destructive affects of the European free market (Önis, 2000: 467). This argumentation proved its validity in the upcoming years following the 1973 oil crisis, which resulted in "the emergence of tension between two of Turkey's basic national projects, Westernisation and development, which had hitherto seemed quite compatible" (Eralp, 1993: 29).

During the 1970s, Turkey's association with the EC was rather uneasy and very thorny. When issues on how to tackle the final phase of the preparatory stage were on the agenda between the EC and Turkey, the second military intervention in Turkey took place in March 1971. Turkey's intervention in Cyprus in 1974; the increasing scepticism on the benefits of the Association Agreement; serious economic and political problems emerging in the Turkish domestic context; and finally the 1980 military intervention gave great damage to Turkey's

(1997).

association with the EC (Önis, 2000; Eralp, 1993). Nevertheless, up until the 1980 military intervention, the EC was keen on maintaining its relations with Turkey at a certain level. In his focus on EC-Turkey relations during the 1973-1979 period, Ugur (1996: 13) suggests that the policy approach of the EC was "to strike a balance between the EU's desire to minimize its commitments towards Turkey, and the need to prevent the latter's alienation". The EC "adopted a wait-and-see attitude in its relations with Turkey" in the short aftermath of the 1980 military intervention (Eralp, 1993: 32). However, In January 1982, the EC decided to suspend the Association Agreement and froze political relations. Turkey's first serious marginalisation in Europe occurred at this time. From the late 1970s to the early 1980s, when Turkey was surrounded by all sorts of political and economic problems, the Mediterranean expansion began to gain momentum within the EC.

3.2.2 The Mediterranean Expansion and the End of the Cold War

There was not any apparent Mediterranean dimension attached to the early institutionalisation processes of the EC until 1973, when the first wave of enlargement was concluded to include Denmark, Ireland and the United Kingdom to the Community (Williams, 1993: 45). The EC maintained its relations with the Mediterranean countries situated in its far reach under bilateral 'trade' and 'association' agreements. However, by the end of 1970s, the EC was in urgent need of expanding its market to strengthen its position against the US and Japan and a second wave of enlargement within its immediate borders to include southern Mediterranean countries – Greece, Spain and Portugal – was inevitable (Eralp, 1993: 30). Besides, this time, there was a political dimension attached to the enlargement process as the EC as well as the applicant countries – particularly Greece – regarded membership of these countries to the Community as a way of "strengthening" and "consolidating" their patchy democracies (Önis, 2001: 107). This was, in fact, the first time that the EC was attaching a 'political' dimension to enlargement.

Turkey's economic position vis-à-vis the Southern-trio before the second wave of enlargement was actually not that much different. They also shared similar drawbacks in the consolidation of the democratic regime in their own domestic political spheres. Önis (2001: 112) identifies Turkey's exclusion from this second wave of enlargement as "a case of self-exclusion as opposed to exclusion by the community itself". Turkey's failure in applying to the EC at the same time as the Southern-trio has always seen as a 'missed opportunity'.

When parliamentary democracy was restored in Turkey in 1983 following the third military intervention in 1980, the economic and political parameters in Europe were already transformed drastically. On the political front, the southern enlargement brought a new set of political issues regarding principles of democracy, human rights and the rule of law. Kahraman (2000: 5) identifies this deepening focus on political issues as "a reformulation of the external identity of the community" that eventually influenced the determinants of further expansion of the EC. This external identity became very apparent in the late 1980s when the Soviet Block was in the process of dissolution.

On the economic front, the EC was increasingly becoming aware of its "loss of global competitiveness" vis-à-vis Japan and the US in the early 1980s and the launch of the Single Market Programme was regarded as "a principal response to these economic weaknesses" (Williams, 1993: 55). The completion of the Single Market was an original goal of the Community as articulated in the Treaty of Rome, but the conclusion of the Customs Union in 1968 was not more than a phase, which was no more sufficient to uplift the European economy. In this respect, signing of the Single European Act in 1986 was the initiation of the process of gradual removal of the existing non-tariff barriers for the free movement of people, goods, services and money (see McCormick, 2002).

In the Turkish case, the 1980s came along with a great transformation marked by radical structural changes in the economic sphere. Under the leadership of Turgut Özal, the then Prime Minister of Turkey, the highly protected Turkish economy under the 'import substitution industrialisation' policy framework of the 1960s and the 1970s was altered to an export-oriented, liberal economy. Given this dynamic, Turkey's application for full membership to the EC in 1987 was seen as an extension of this radical transformation (Balkir and Williams, 1993: 14). As Önis (2001) puts it:

> Turkey's position under Özal was no longer the timid and defensive attitude, which had characterised its approach to a potential customs union in the early 1960s and 1970s. With a more open economy and substantially stronger industrial base, Turkey in the late 1970s adopted a more positive approach towards the Community based on the notion of active participation and geared towards maximising the opportunities provided by the Community (Önis, 2001: 113).

This emerging "notion of active participation" was also very much related to the realisation of the fact that unless there was a financial benefit obtained from the EC, there was no point in pursuing an 'association' (Eralp, 1993: 35). Association in the form of Customs Union was, in

fact, a very asymmetrical relation in which Turkey had to bear the costs without having any say in the decision making processes (Erdoğdu, 2002: 44). However, on the basis of Turkey's 'courageous' move towards the EC, paradoxically, there was the failure of Turkish political elite to fully understand where Europe was heading in economic and political terms. They had the misperception that committing to the liberalisation of the economy would justify Turkey's eligibility for full membership (Kahraman, 2000:5). In contrast, following the launch of the Single Market Programme, the emerging economic imperatives of the EC were making the conditions of membership more demanding and complicated. According to Williams (1993: 60) "the competition, liberalisation and harmonisation rules, and reductions required in state procurement and state subsidies significantly increased the problems of adaptation for new member states". Additionally, together with the imperatives of economics, it was also the imperatives of politics that were increasingly gaining importance in mapping out the significance of integration in Europe in the late 1980s. In the eye of the EC, "the mere existence of representative democracy no longer sufficed as a qualification for full-membership" (Önis, 2001: 113). However, while the EC was strengthening its emphasis on the importance of democracy, human rights and the rule of law, the political regime in Turkey was increasingly being challenged by two movements in the course of late 1980s: 'Kurdish separatism' and 'political Islam'. The then EC and now the EU has always been critical about the ways in which these challenges have been politically handled. As Eralp (1993) adequately puts it:

> While the former [*Europe*] regarded democracy as a *sine qua non* for inclusion into Europe, Turkey's leaders considered it to be an internal problem. Furthermore, Turkish leaders saw democracy in relative rather than absolute terms and believed that relations with Europe would resume a smooth course once Turkey was able to announce a timetable for transition to its version of democracy. The inability of Turkish policy makers to assess correctly the importance played by Europe on the questions of democracy, even in the view of the Greek, Spanish and Portuguese examples, served to escalate tensions between Turkey and the EC (Eralp, 1993: 32).

The response to Turkey's application for membership was announced by the European Council in 1990. Following the publication of the Commission's opinion on Turkey in December 1989, the Council rejected Turkey's application on the basis of political reasons as it was expected (see EC, 1989). However, the doors were not completely closed as the Commission confirmed Turkey's "eligibility for membership". Turkey was left with the Customs Union together with an open-ended ticket to Europe. As Önis (2000: 469) argues, the Turkish political elite was content with the result as full membership was still an option for

the future and the Customs Union "constituted the deepest form of integration possible short of full membership", which put Turkey "ahead of all the other potential applicants."

Whilst Turkey was moving to a new phase in regard to its association with the EC, the EC itself was also moving to a new phase in the course of the collapse of the Soviet Union. The central issue for the EC was now how to integrate former communist CEEs to the political and economic structures of the EC without upsetting the balance between 'widening' and 'deepening' (Kahraman, 2000: 6). Although Turkey's position vis-à-vis Europe might seem as 'marginalisation', it was hardly 'isolation' where changes in the bigger political scale were concerned. When the Soviet Union dropped out from the bipolar equation of global powers, it was only the US that remained unchallenged. Turkey was much closer to the US than ever from late 1970s onwards, but what actually increased the intensity of this partnership was the Gulf Crisis in 1990 (Balkir and Williams, 1993: 14). Turkey's importance was once again confirmed in having a 'geostrategic role' especially in relation to the Middle East. This time, having the US as its supporter, Turkey embraced the 'role model' post in the region much more willingly.

It would be fair to argue that Turkey boosted its self-confidence in the early 1990s by pursuing its new role in Middle East, Central Asia and Caucasuss. As Ugur (1996: 21) suggests, this is why establishing a Customs Union, which was earlier regarded as 'costly', became a viable option once again despite the lack of any financial assistance due to the Greek veto. Eventually, the Customs Union came into effect in January 1996.

3.2.3 The Copenhagen Criteria and Beyond

In the course of the 1990s, the EU directed all its energy and resources to integrating the CEEs to Europe in cultural, political and economic terms. As suggested by Sjursen (2002: 508) the eastern enlargement was "based not only on the norms of a liberal-democratic international community but on a community based identity". As the East-West conflict within Europe was over, the discursive incentive – the unification of Europe – became increasingly apparent in the justification of the eastern enlargement. Turkey was excluded from this "civilizational project" (Önis, 1999: 108) on the basis of its "incompatibility" (Tekin, 2005: 288). This exclusion became a fact at the European Council Luxemburg Summit in December 1997, where the CEEs were organised in a two-tier structure for membership.

Turkey was left out with some open-ended statements as articulated in the Presidency Conclusions of the Summit:

> The Council confirms Turkey's eligibility for accession to the European Union. Turkey will be judged on the basis of the same criteria as the other applicant States. While the political and economic conditions allowing accession negotiations to be envisaged are not satisfied, the European Council considers that it is nevertheless important for a strategy to be drawn up to prepare Turkey for accession by bringing it closer to the European Union in every field (EU Council, 1997).

Although the grounds for Turkey's exclusion were not well-documented in the conclusion of the Luxemburg Summit, the enlargement strategy for the CEEs was much clearer when compared to the conclusions of the earlier summits. The EU developed the major principles of its enlargement strategy and its concomitant policy tools within the period between the European Council Copenhagen Summit in June 1993 and to the Luxemburg Summit in December 1997. In the Copenhagen Summit in 1993, the EU established the initial criteria for accession which then famously became known as the 'Copenhagen Criteria'. In the Essen Summit in December 1994, the general framework of the pre-accession strategy to prepare the CEEs to accession was formalised. The following Madrid Summit in December 1995 was important in terms of defining the challenges waiting for the EU in the course of enlargement. However, these challenges were not seen as a 'burden' and the EU expressed its eagerness to bear the 'costs' of enlargement. As it is stated in the Presidency Conclusions of the Madrid Summit:

> That next enlargement provides a great opportunity for the political reunification of Europe […] enlargement is not an easy exercise. Its impact upon the development of the Union's policies will have to be assessed. It will require efforts both by applicants and present Union members that will have to be equitably shared. It is therefore not only a great chance for Europe but also a challenge. We must do it, but we have to do it well (EU Council, 1995).

The adoption of the strategy paper 'Agenda 2000' by the European Commission in July 1997, just a couple of months before the Luxemburg Summit, was the finalisation of the enlargement strategy. Within the Agenda 2000 framework, the EU added two more pre-accession instruments to its enlargement strategy. Firstly, it introduced 'accession partnerships' to set the agenda and the timetable for the candidate countries in implementing the pre-accession strategy. Secondly, the EU extended the participation of the CEEs in community programmes to prepare them for accession. The all-embracing strategy of enlargement of the EU was set.

The European Council Luxemburg Summit in December 1997 was, in fact, designed to celebrate the return of the CEEs back 'home'. In her qualitative analysis on how various EU actors articulated different reasons in order to justify the eastern enlargement, Sjursen (2002: 508) very neatly reveals that "a sense of 'kinship-based duty' contributes to an explanation not only of the general decision to enlarge to central and eastern Europe but of the differentiated support for enlargement to this group of states in comparison to Turkey" (see also Inthorn, 2006). The language used in the Presidency Conclusions of the Luxemburg Summit illustrates how Turkey's position vis-à-vis Europe was sealed within the ambiguous realm of 'strategic partnership' once again:

> The European Council recalls that strengthening Turkey's links with the European Union also depends on that country's pursuit of the political and economic reforms on which it has embarked, including the alignment of human rights standards and practices on those in force in the European Union; respect for and protection of minorities; the establishment of satisfactory and stable relations between Greece and Turkey; the settlement of disputes, in particular by legal process, including the International Court of Justice; and support for negotiations under the aegis of the UN on a political settlement in Cyprus on the basis of the relevant UN Security Council (EU Council, 1997).

The Agenda 2000 strategy paper was actually signalling the exclusion of Turkey from the enlargement process, as there was not any concrete reference to Turkey in the enlargement agenda. It was this report that the agenda in Luxemburg was based on but at the summit, the EU leaders were actually much more 'self-assured' in phrasing Turkey's lacking behind the political criteria of membership. The reason for this attitude was simple. The 'Copenhagen criteria' of 1993, which can be regarded as the initial policy approach of the EU for enlargement, were enshrined in the Treaty of Amsterdam signed in October 1997.[34] The emphasis on democracy and human rights was no longer a subjective reference point; it was now a 'norm' as articulated in the binding legal framework of the EU.

Turkey's reaction to the conclusions of the Luxemburg Summit was very strong. The then Prime Minister, Mesut Yılmaz, declared that Turkey was freezing its relations with the EU but would continue bilateral relations with European countries. The Helsinki Summit was in fact the lowest ebb in Turkey-EU relations heading to a very uncertain future.

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[34] Article 6(1) of the Treaty stipulates: "The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law". Article 49 stipulates: "Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union".

3.2.4 The Helsinki Turn: Turkey as a Candidate for Accession

The history of Turkey-EU relations shifted to a new phase when Turkey was granted candidacy at the European Council Helsinki Summit in December 1999. Where the exclusion of Turkey from the enlargement package of the Luxemburg Summit is concerned, the Helsinki Summit marked a very drastic turn in the EU's attitude towards Turkey. By the time of the Helsinki Summit there was not any 'improvement' in Turkey on the basis of earlier criticisms that were put forward as the justification of its exclusion from the eastern enlargement. The shift in the EU was rather the culmination of changes of the perception on Turkey and its role in Europe by individual countries, which then led up to recognition of Turkey in Europe as a candidate in the EU level. Önis (2000: 470) identifies the EU's turn in its foreign policy on Turkey at Helsinki Summit as a typical example of the underlying traits of EU foreign policy in general: "paradoxes and ambiguities". Önis recognises these ambiguities as the "bye-products" of the EU's foreign policy that swings "between the principles of *idealism* and *realism*" (ibid.; emphasis added). In the Turkish context, this fluctuation operates as follows:

> [A]n idealistic perspective pointed towards exclusion of Turkey from potential full membership of the Union on consideration of its deficient record in terms of democracy and human rights. Yet, a realistic understanding of the situation drew attention to the important role of Turkey for the EU as an economic and strategic partner. Given the tremendous resentment on Turkey's part at the decision taken at Luxemburg, there was growing recognition on the part of the European elites, during the course of 1998 and 1999, that Europe's own economic and security interests would not be adequately served if Turkey was allowed to drift in isolation and authoritarianism (Önis, 2000: 470).

Shortly after the Luxemburg Summit, EU leaders realised the fact that the prevailing foreign policy stance of the EU towards Turkey, which aimed at preserving the relation between Turkey and Europe as an "undivided but not united" (Erdogdu, 2002: 48) partnership was no more tenable. It was certain developments that facilitated this volte-face in European leaders' attitudes towards Turkey after the Luxembourg Summit. Firstly, the replacement of the Christian Democratic government with the Social Democrats after the 1998 elections in Germany worked greatly to Turkey's benefit. Social Democrats led by Chancellor Schröder promoted Turkey's membership to make Europe more 'multi-ethnic' and 'multi-cultural' and not keep it as a 'Christian Club' (Önis, 2000: 470; Avci, 2002: 98; Kirisci, 2004: 41). Secondly, in the course of 1999, the relations between Greece and Turkey started changing as well. The consecutive earthquakes in both countries united them as never happened before. As Önis

(2000: 473) suggests, experiencing these similarly destructive disasters "resulted in a bottom-up process of self-questioning and self-criticism in both societies, a process which has also subsequently influenced political leadership in both countries". Additionally, the Greek political elite increasingly realised that, in the long run, Turkey's isolation would give more harm than bring benefit to the interests of Greece both at the national and the EU levels (Önis, 2000: 470; Avci, 2002: 98). And finally, as an external factor of Turkey-EU relations, the US constantly lobbied in favour of Turkey's membership.

However, as Ugur (2003: 171) argues, "the *absence* of these developments cannot explain EU's failure to put forward the same offer two years ago in Luxemburg" (emphasis in original). It is clear that the Greek veto has long been decisive within the EU in terms of the Community's overall decisions on Turkey, including the conclusion of the Luxemburg Summit. As Önis (2001: 113) rightly points out, the question of whether Greece has been used "as a scapegoat by other dominant powers within the Community who basically subscribed to the decisions taken by the Union" needs to be further explored. Nevertheless, granting a candidate status to Turkey at the Helsinki Summit in December 1999 was a huge step in resolving the "anchor/credibility dilemma" as identified by Ugur (1999, 2003). It was this dilemma that marked Turkey-EU relations for decades as "Turkey's European orientation has been a non-credible commitment and the EU has failed to emerge as an effective anchor for Turkey's policy reform" (Ugur, 2003: 165). In a similar vein, Önis (1999: 130-1) suggests that both southern and eastern enlargement waves entailed a strong "mix of conditions and incentives" to promote transformation of the political regimes of these countries; whereas for Turkey "the conditions imposed have been harsh, but the incentives that would elicit the desired response from the political and business elites have not been forthcoming". In this respect, scholars agree that Helsinki Summit was a 'turning-point' both for Turkey and Europe as "it tightened the rules of the game […] by providing a front-loaded package of democratisation reforms to be undertaken by Turkey and a back-loaded package of rewards (accession negotiations) to be granted by the EU" (Ugur, 2003: 174).

3.3 Turkey-EU Relations in the Aftermath of the Helsinki Summit

3.3.1 The Political Context

When Turkey was granted candidacy status at the Helsinki Summit in December 1999, the then government in Turkey was just over its first six months in office. Following the dominant pattern in the 1990s in Turkey, the general elections of April 1999 concluded with the establishment of a coalition government. This time it was a tripartite coalition between the Democratic Left Party (DSP), the Motherland Party (ANAP) and the Nationalist Action Party (MHP). At first sight, this was rather an 'awkward' coalition as these parties were supposedly representing a different political agenda that might have made the possibility of a 'competent' partnership less likely. The DSP has been conventionally situated on the centre-left, whereas the Motherland Party (ANAP) on the centre-right and the Nationalist Action Party (MHP) on the far-right of the political spectrum in Turkey. The other two parties, the Virtue Party (FP) and the True Path Party (DYP) formed the opposition.[35]

The twenty-first term of the Turkish Parliament with its three-party governing coalition was a difficult one. The whole agenda about establishing pre-accession strategies to the EU caused a lot of backbiting and bickering in Parliament, especially among the governing parties, and also outside Parliament, among the political elite. Nevertheless, the tripartite coalition government lasted more than it was anticipated. Moreover, majority of the reform packages prepared in the name of the EU passed when this government was in office until the time of the general election held in November 2002.

The EU Commission drafted the first Accession Partnership (AP) document for Turkey in November 2000 to identify short and medium priorities and intermediate objectives for Turkey and was approved at the European Council Summit at Nice in December 2000. According to the AP (2000), the EU required Turkey to implement certain political criteria such as strengthening legal and constitutional guarantees for the right to freedom of

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[35] The Turkish political scenery was very diversified until the November 2002 election in regard to the number of political parties represented in Parliament. In fact, the history of political parties in Turkey reveals a lot about the ways in which Turkish political culture is institutionalised since the establishment of the Republic. Recent research reveals that from 1923 to 2006, 228 political parties were established in Turkey. 49 of these could attend general elections and so far 22 were represented in Parliament. Again, of these 228 parties 178 were closed. Among the closed political parties, 30 per cent were banned by the state. Only after the military intervention, the number of political parties withdrawing from political life amounts to 100 (For more details on all these figures, see: Kaynar, 2007). Where November 2002 election is considered, 16 parties attended the election, of which seven had already seats in Parliament. For a list of these 16 political parties, thier ideological positions and orienatations towards the EU, see: Appendix II. For an edited collection in English, see: Rubin and Heper, 2002.

expression; freedom of association and peaceful assembly; reinforcing the fight against torture and ill-treatment and all violations of human rights; improving functioning and the efficiency of the judiciary, maintaining the de facto moratorium on death penalty; and finally, removing all the legal barriers prohibiting the use of mother tongue of Turkish citizens in broadcasting in the 'short term', which was foreseen to happen sometime in 2001 (ibid., 7). Regarding the scope of the 'medium-term' political criteria, the EU required Turkey to guarantee full enjoyment of all human rights and fundamental freedoms; set up a constitutional basis and formulate the legal framework for these rights and freedoms; abolish death penalty; lift the state of emergency in remaining cities in the south east; align the constitutional role of the National Security Council (MGK) and ensure cultural diversity and guarantee cultural rights for all citizens and in every field, including education (ibid., 11). These were all controversial issues in Turkey.

Turkey's official response to the AP document was the preparation of the "National Programme for the Adoption of the *Acquis*" (hereafter National Programme), which was approved in March 2001. The National Programme was drafted at a time when Turkey was in the midst of a very serious financial crisis that erupted in February 2001.[36] Nevertheless, despite the crisis, the coalition partners reached a consensus and finalised drafting the programme. However, although the time framework outlined in the National Programme was mostly in accordance with the AP, there were also some important discrepancies and uncertainties. For example, in the document, Turkey expressed its commitment to the realisation of reforms on the issues of 'individual rights and freedoms' and 'freedom of thought and expression' alongside with some other important issues emphasised by the EU in the "short *or* middle term" (National Programme, 2001: 5; emphasis added). The preference of such a phrasing gives one the idea that there might have been some political bargaining in the drafting of the National Programme. Because the National Programme was prepared in a very short period of time by the coalition government and was not discussed in Parliament, this bargaining actually took place behind closed doors. It was, in fact, the MHP leader Devlet Bahçeli who pressured the other coalition partners to phrase the document as such.

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[36] This crisis that is often cited as the 'Crisis of February 21' is regarded as one of the most destructive economic crises in the history of the Republic. It sparked after a MGK meeting during which President Sezer and Prime Minister Ecevit had a row over the management of the banking sector, but full details on what has really happened at the meeting were never made public. Just in two days, all the markets crashed down and the crisis forced the government to abandon its controlled currency regime that was an important part of the IMF-supported economic stabilisation programme for the preceding three years. The crisis also resulted in an important change in the Cabinet. The World Bank Vice-President Kemal Dervis was appointed as the new state

Throughout the whole process, Bahçeli remained opposed to EU reforms and constantly bargained with his coalition partners on the management of EU political criteria.

Following the adoption of the National Programme, the first step was to make the necessary amendments to the constitution. The constitutional amendments were seen as the prerequisite for the reformation of the related laws. Parliament adopted a package of thirty-four amendments to the constitution in October 2001.[37] At the time of the parliamentary discussions, the composition of Parliament was different. The Constitutional Court declared its decision of closing the Virtue Party that was one of the two opposition parties in Parliament on 22 June 2001 on the grounds of its anti-secular activities. Following the closure, the seats of the party were divided between two newly established parties; the Felicity Party (SP) and the Justice and Development Party (AKP). However, more than the fragmentation in Parliament, it was the strife within the coalition partners on the issues of EU conditionality that affected the workings of Parliament. The crisis in government heightened in the aftermath of the October 2001 and in less than a year the tripartite coalition government fell apart and Parliament approved an early general election to take place on 3 November 2002. The bargaining in Parliament on setting a date for an early election went along with the bargaining on the issues of abolishing the death penalty and granting broadcasting and educational rights to ethnic communities, specifically to Kurds. This process is thoroughly analysed in Chapter 5.

Despite the intensity of 'Punch and Judy' politics in the aftermath of the constitutional amendments, Parliament was successful in adopting three major reform packages as of August 2002. The motive behind the timing and the speed of the reform packages was to clinch a date from the EU at the upcoming December 2002 Copenhagen Summit to begin accession talks. However, in its long awaited 2002 Progress Report on Turkey, the European Commission acknowledged Turkey's "noticeable progress towards meeting the Copenhagen political criteria" but remained silent about whether or when to begin the accession talks. The Commission was still critical about the lack of effective implementation of political criteria and

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minister in charge of the economy. Dervis was directly involved in the drafting of the National Programme and later influenced the establishment of a new party.

[37] By amending the Constitution, Parliament took the first step to tackle the most controversial issues in the scope of the Copenhagen criteria. It limited the execution of death penalty; withdrew the language bias to pave the way for broadcasts in other languages than Turkish; increased the civilian powers in the MGK; removed the legal barriers to freedom of assembly and demonstrations; enhanced property rights and made it more difficult to ban political parties.

emphasised that there were still lots to be fulfilled in regard to changing the 'mental set' in Turkey.

The result of the 3rd November general election was a great surprise to the country. Despite increasing Euroscepticism in Turkey, the public did not vote for the nationalist and anti-EU MHP. Interestingly, it did not vote for the liberal and pro-EU ANAP either. The AKP, which presented itself promoting 'conservative democracy', headed the general election by getting the 34 per cent of the votes.[38] From the former composition of Parliament, there was only one more party who managed to pass the national threshold. The CHP got 19 per cent of the votes and became the second party and main opposition. All the other parties were wiped out. It was in 1983, almost two decades ago, that ANAP came to power by getting 45 per cent of the votes. After two decades, Turkey was witnessing another milestone in its political history. AKP now had 353 of the 550 seats in Parliament.

From the early days of its establishment the AKP was very favourable towards Turkey's EU membership. This approach was even enshrined in the party programme.[39] In her comparison of the positions of the political parties in the post-Helsinki period Avcı (2004) suggests:

> The AKP, on the other hand, has preferred to 'decouple' the EU issue from ideology politics. If ideology were sufficient to predict party positions, the AKP should be more opposed to the EU. Yet despite its ideological heritage, the AKP prefers a more Europhile stance. Utility rather than ideology has come to the forefront when approaching or framing the issue of membership. This of course does not mean that ideological tendencies are irrelevant, but rather that opportunity structures offered by European integration have lured the AKP away from Euro-scepticism (Avcı, 2004: 210).

However, the AKP's Islamist roots continued to antagonise the Turkish political elite, particularly the army. On the other hand, the AKP's liberal undercurrents were a matter of concern within the party itself. The conservative wing of the AKP cadres was also critical of the EU agenda. The reactions of the AKP and other political parties to Europeanisation are further assessed in the following section.

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[38] The turnout rate in 3 November 2002 election was 79.14 per cent.
[39] See: The Justice and Development Party (2001) Development and Democratisation Programme, 19 August 2001, Ankara. Available at: http://www.belgenet.com/parti/program/ak_1.html [Retrieved 15.12.2004].

3.3.2 Reactions to Europeanisation: Political Parties, the Army, the Public and Beyond

   a) Political Parties

Turkey has been undergoing a drastic transformation since the Helsinki Summit in 1999, where key decisions on the enlargement of the EU were taken. Turkey's 'journey' to Europe has been officially started at Helsinki, where it was granted candidate status and shifted to a new phase in October 2005 with the start of accession talks. In between two dates, Turkey has gone through a very important process of 'Europeanisation' of its public policies to fulfil the candidate criteria. However, as Tocci (2005: 75) notes, just like any other country in transition, the relation between the domestic change in Turkey and EU conditionality has not been a "linear relationship", but it has rather been a multilayered process.

Research conducted in April/May 2000 among sixty-one MPs in Parliament precisely reveal how the policy-makers at that time regarded Turkey's EU bid at the very beginning of the candidacy process. Müftüler-Bac and McLaren (2003) in this research illustrated that the MPs regarded political problems such as human rights violations and democratisation as the most important obstacle for Turkey's accession to the EU (43 per cent). In relation to this, most of the MPs (33 per cent) regarded the improvements in human rights and democratisation as the most important advantages of becoming an EU member, whereas 27 per cent of the respondents saw the advantage in socio-economic development. When the possible disadvantages/costs of becoming a member were asked, 26 per cent responded that there would be none; 24 per cent mentioned "cultural degeneration" and 23 per cent emphasised "economic deterioration". On the issue of sovereignty, 44 per cent of the MPs surveyed stated that there would be an increase in Turkey's sovereignty once it becomes a full member. And finally, some responses to other questions on the euro, possible changes in the structure of the EU member states revealed the fact that the Turkish MPs had a limited knowledge on how things work in the EU.

The results of this research confirm, to a great extent, what Rumford (2003: 379) observes in the Turkish political elite: "[c]osmopolitan and transnational processes of democratisation are frequently perceived by Turkey's Kemalist political elites as being contrary to the interests of democratic harmony and a threat to national integrity". However, it is also important to recognise the fact, which was also pointed by Rumford (ibid., 381), that the uncertainty surrounding the political climate in the process of democratisation has been an important

factor influencing the reactions of the Turkish political elite against Europeanisation. As Kulahci (2005: 393) argues, the EU had an influence on four important areas in Turkey: i) "capital/labour cleavage"; ii) "centre/periphery cleavage"; iii) "clerical/anticlerical cleavage"; and iv) "liberty/authority" political axis. In this respect, issues on democratisation that were crosscutting these areas, such as granting cultural rights to ethnic communities or diminishing the influence of the army in politics, were seen extremely 'costly' (Kubicek, 2005: 365). November 2002 elections are particularly important in this context as it took place at a point when the debate on the costs and benefits of compliance with EU conditionality reached its peak in Turkey. As Kulahci (2005: 393-4) rightly points out, although elections and electors are not regarded as important factors in research on the effects of EU conditionality on the domestic context, they have great importance in the Turkish context to understand Turkey's reactions to Europeanisation and EU conditionality.

Where the coalition government of the time is considered, the ANAP and its leader Mesut Yılmaz was the most proactive in pushing the EU agenda (Önis, 2003: 17). In contrast, the major party DSP and its leader, the then Prime Minister Bülent Ecevit, was not efficient in leading the agenda and moderating different sides of the debate.[40] However, not surprisingly, it was the MHP and its leader Devlet Bahçeli who had the most rigorous anti-EU stance. Bahçeli started blocking the Europeanisation process shortly after the adoption of the National Programme in March 2001. He was the main actor of major crises during the process and he constantly kept 'pace-setting' and 'foot-dragging' to contest the reforms.[41] As Canefe and Bora (2003: 128) points out, MHP's positioning in Turkish politics should be regarded as the continuation of the "nationalist-conservative" tradition, which is in fact a blend of other traditions of "Turkism, Islamism, cultural purism, defensive nationalism and reverse Orientalism". As the analysis in Chapter 5 confirms, the MHP's foot-dragging during the discussions on granting broadcasting rights to ethnic communities in Turkey, especially to Kurds, was completely based on these sentiments.

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[40] There is actually a great paradox here. The Left in Turkey – of which its centre is represented by the DSP – swung between pro-Europe and Eurosceptic stances throughout the whole debate. This paradox should be understood in relation to the party's positioning in Turkish political life and the dynamics within the party. For a very interesting critique of the organisational structure in the DSP and Ecevits's leadership, see: Kiniklioglu (2002).

[41] I borrow 'pace setting' and 'foot dragging' concepts from Börzel (2002), who uses these concepts to explain how EU member states upload their policies to the EU level in order to minimise the costs of Europeanisation in their domestic policy environments. The reason why I use these concepts to characterise the MHP leader Devlet Bahçeli's approach towards the EU agenda is because I identify these as strategies deliberately used by him

However, in terms of the political context of Europeanisation in Turkey, the most important party is, undoubtedly, the AKP. Its election victory in November 2002 marked a great shift in Turkish politics. This shift can only be understood in the context of first the rise of political Islam in Turkey from late 1970s onwards and then of its transformation in the late 1990s. Within this transformation, the changing attitude of Islamist parties towards the EU is also very important. The AKP is actually very unique in terms of how it used the EU in a very pragmatic way. From the very beginning of its establishment, the AKP situated itself in the centre-right and presented its political aspirations as 'pro-European', 'pro-reform' and committed to the IMF led economic programme. As Dogan (2005: 430) suggests, "for the pragmatic AKP leadership, the quest for EU membership is a useful way of avoiding conflict, staying in power and executing their declared program, which is not in conflict with the EU case". Kulahci (2005: 402) takes this argument one step further by stating that "the AKP concentrated significantly on using Europe in order to transform Turkish domestic polity to the extent that this can ensure further the political survival or even the *consolidation* of the party as well as Sunni political Islam". And in this respect, according to the author, "AKP is closer to *absorption* which 'indicates changes as adaptation' than *transformation* which is about paradigmatic change" in relation to the substance of Europeanisation it governs (ibid.; emphasis in original).[42] Although Recep Tayyip Erdoğan, the leader of the AKP and the current Prime Minister, has many times declared a non-attachment with Islamic circles and labelled the party as 'Conservative Democrat', this perception on "its democratization attempts as attempts to weaken the secular, Kemalist aspects of the Turkish state and therefore as having a hidden Islamist agenda" has continued (Müftüler-Bac, 2005: 25). For the Kemalist political elite, the AKP was not sincere about EU reforms and would not hesitate to veil its 'anti-secular' policy agenda under the 'democratisation' cover. Therefore, as might be expected, it was foremost the Turkish army that was very 'vigilant' about the rise of the AKP in particular and the whole EU agenda in general. As of May 2007, this mistrust of the secular circles towards the AKP resulted in a very severe crisis that unfolded during the Presidential election.

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throughout the process. In this respect, I do not use these concepts in order to indicate an aspect of Turkey-EU relations, but instead I use them to specify an aspect of domestic politics.

[42] Dogan (2005) and Kulahci (2005) both acknowledge that this shift in rhetoric in Islamic parties towards Europe took place before the AKP. As Dogan (2005: 428) puts it, when the army pressured the Welfare Party (the predecessor of the AKP) to resign from the coalition government in 1997 by announcing its 'February 28 memorandum', the cadres of the party realised that any level of democratisation that would be triggered by the EU would also help to secure their political future. Moreover, Islamist business entrepreneurs represented by MÜSIAD (the Independent Association of Industrialists and Businessmen) demanded this shift to promote their businesses. This shift was also demanded by the socio-economic Islamic capital. In Turkey, the debate on 'liberal Islam' or 'Islamic liberalism' emerged in this context. See also: Önis (2001b).

b) The Army

Where the underlying motives behind the reactions of different political and non-political actors against Europeanisation in Turkey are concerned, it was not actually the 'anti' vs 'pro' axis that divided the sides of the debate. As Aydinli and Waxman (2001: 384) suggest, the real division was rather in between the "integralists" vs "gradualists" as the rift between different sides was not on Turkey's eventual membership to the EU, but it was on the "speed" and "management" of change. The authors argue that in the process of EU reforms, the integralist camp was mainly represented by "centrist political parties [especially ANAP], the media [except some individual columnists], the foreign ministry and the business world as represented by groups such as the Turkish Industrialists' and Businessmen's Association (TÜSIAD) and even the more conservative, Islamically oriented Individual Industrialists' and Businessmen's Association (MÜSIAD)" who affirmed a rapid transformation with the belief that Turkey is capable of a transformation on this scale and EU reforms would be to Turkey's benefit in regard to democratisation and modernisation (ibid., 385). In contrast with the integralists, the gradualists were the army, the MHP, the Republican elite[43] (mostly the centre-left) and some top level officers of the Turkish judiciary who regarded some of EU conditions very costly and argued that more time is needed so that the society could 'digest' the changes. This division offered by Aydinli and Waxman (2001) is extremely useful, but it would also be fair to argue that the army's stance in the debate has been definitely more influential than any other group during the whole process.

The ways in which the army got involved with the political process of Europeanisation in Turkey by no means has a linear manifestation. Despite the substance of its influence, the army itself was also affected by the process. As noted earlier, the army's involvement in politics in Turkey has often been justified on the grounds of its 'guardianship' of the secular Republic role. Yet, as Cizre (2004) suggests, from the second half of 1980s onwards:

> The main instrument affecting the military's expanded influence over Turkey's development and its autonomy from civilian actors has been the redefinition of the 'national security concept'. Internal political discord has been re-interpreted in the language of internal security threats. Hence, *Islamic activism* and *Kurdish nationalism* were singled out as internal security threats and given primacy over the external ones (Cizre, 2004: 108; emphasis added).

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[43] The term 'Republican elite' is used interchangeably with the term 'Kemalist elite' in this study.

It is this context where the 'sensitivities' of the army overlapped with the EU agenda. The army's reaction against EU reforms had more to do with its scepticism towards the 'competence' of Turkish politicians to tackle all the related issues attached to the 'democratisation' debate (Heper, 2005: 37). According to the top level army generals, EU-driven democratisation initiatives were all related to the crucial aspects of sovereignty, which in return increased various concerns on national security. To put it differently, what the EU regarded as the 'meddling' of the army in politics in Turkey, the army itself regarded as 'appropriate'. The main instrument that the army asserted its influence over civilian politics was its significance in the National Security Council (MGK). This is why the MGK became the target of EU criticism. Although the EU has never attached the 'elimination of the influence of the army' to its conditionality, the criticism has been significant in almost every progress report.[44] The EU had the belief that MGK's influence on politics could only be 'reduced' by increasing the civilian powers represented in the Council.

Despite its general scepticism towards the EU related reforms and having conflicting views on related matters, taking an anti-EU stance was simply not affordable for the army.[45] This became very significant for the top level army officials when hardcore Eurosceptics – the MHP and the nationalist left – started using the army to support their arguments against EU reforms when the debate on granting cultural rights to Kurds was at its peak. The army was also very well aware of the fact that a 'transformation' within was inevitable, otherwise the most important future prospect for the country would just vanish. Besides, all in all, EU membership was an integral part of the modernisation project as articulated in Kemalist ideology. 'Uniting with the West' was set as the ultimate national target for Turkey since the establishment of the Republic and EU membership corresponded to what 'West' came to represent itself as in 2000s. Therefore, the army would conflict with itself if it opposed Turkey's EU membership prospect. It is this context that the army's attitude towards EU reforms eventually altered from a very negative reactionary approach to a supportive role in two years time. Consequently, the army did not only turn on the 'green lights' for EU reforms related to the political criteria, but it also agreed on the subsequent reforms on the structure and functions of the MGK. Accordingly, first, the number of the civilians in the MGK was increased from five to nine with the constitutional amendments that Parliament adopted in

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[44] For instance, see: European Commission (1999: 8; 2001: 13; 2002: 25).
[45] For a very interesting comparison between the then Secrretary-General of the MGK, General Tuncer Kilinc, and General Hilmi Özkök, the then Chief of Staff, in regard to their reactions to the EU reform in 2003, see: M. Heper (2005).

October 2001. But, the most important structural changes took place after the adoption of the seventh reform package in July 2003. With the changes, the MGK was turned into an advisory body that would no longer "recommend measures" that the government "has to give top priority" as stipulated in the 1982 Constitution, but it was now to "convey its views upon request" that would only be "assessed" by the government. Additionally, the Secretary General post of the MGK would no longer be occupied by a military general and was replaced by a civilian in August 2004.

To put in very simple terms, the outcome of the influence of the EU on democratising policy-making in Turkey by asserting indirect pressure for reducing, if not completely eliminating, the intervention of the army in politics proved to be an example of Europeanisation as "absorption" (Radaelli, 2003: 37). Limited changes were accommodated within the legislative framework, but no change could be made in the fundamental logics of the policy actors and in the dynamics of their relationship. The army kept intervening in politics and the particular developments in Iraq and their perceived impacts on Turkey became the key grounds on which the army legitimised its intervention on the basis of 'national security'. As of 2006, the picture was much more complicated. The AKP government tried to rebuff the army's influence in politics by overtly challenging it in public but since it was not successful in reconciling the nationalist and anti-EU sentiments among the public, the army kept steering the political agenda by relying its guardianship role. To put it differently, the army never exposed its Euroscepticism by directly targeting the EU; it veiled its scepticism by criticising the AKP government. Within this context, the army strengthened its status as the most trusted national institution in the public eye but the EU reform process started losing its momentum since the AKP government was stuck in the hurdles of domestic politics.

c) The Public, Civil Society, Business Circles and Other Non-Political Actors

Overall, it would be fair to argue that the process of change in Turkey following the Helsinki Summit in 1999 to December 2004 when Turkey clinched a date from the EU for the launch of accession talks was initially a top-down democratisation process in which domestic political constraints directed the agenda to a larger extent. However, discussing this process only in relation to parliamentary politics and excluding the role of the civil society, business circles and the public would be misleading.

Then again, defining what civil society refers to in the Turkish context is a very difficult task. As Kubicek (2005: 366) put is, "Turkish civil society has traditionally been portrayed as weak, passive, and controlled or channelled by the state through corporatist structures". The reason why Turkish civil society developed as such is obviously a historical matter, which has been usually discussed in the context of 'centre vs periphery' dichotomy in Turkey. The *étatism* tradition in Turkey in which the *raison d'etre* and the prolongation of the state is prioritised over the prosperity of the individual, centre asserted itself the role to educate the "ignorant masses" of the periphery that were always seen as rebellious and disorderly (Kalaycıoğlu, 2002: 250). As Güneş-Ayata (1994: 49) suggests, this "dependency of the periphery on the centre […] has led to the endurance and proliferation of personal dependencies in the form of patron-client relationships" and under these circumstances the development of an autonomous, decentralised and self-instructed civil society was not possible. But Kalaycıoğlu (2002) persuasively argues that:

> [I]t is not the strength but the relative weakness of the Turkish state that impedes the full development of civil society. The weakness leads to lack of regulatory, extractive and distributive capacity on the part of the state, which renders the elite (centre) vulnerable and fearful about the discontent of the masses (periphery) (Kalaycıoğlu, 2002: 261).

From the 1980s onwards another type of civil society formation began to emerge in Turkey, which quickly became highly politicised. According to Keyman and Icduygu (2003: 222-5), four interrelated processes influenced the formation of civil society in Turkey: i) the emergence of alternative modernities (e.g., the rise of political Islam); ii) the legitimacy crisis of the strong-state tradition (e.g., the rise of identity politics); iii) the process of globalisation; and finally iv) the process of European integration. However, Keyman and Icduygu (2003: 228) regard the formation of civil society parallel to these processes as having a "boundary problem" since "to what extent civil society organizations in Turkey are in fact operating as 'civil society organization' in terms of the scope and the content of their activities, their relation to the state, and their normative and ideological formations" is very problematic. Although exact figures vary, as of 2004, there were over 100,000 associations in Turkey. Some of them grouped around issues such as business, academic, human rights, peace, and environment and so forth, but only a limited number of these actively engaged with influencing policy-making processes (see Göksel and Güneş, 2005). However, two of these associations is worthy of mentioning here. The first one is the Turkish Economic and Social Studies Foundation (*Türkiye Ekonomik ve Sosyal Etüdler Vakfı* – TESEV) and the second one is

the Turkish Industrialists' and Businessmen's Association (*Türkiye Sanayici ve İşadamları Derneği* – TÜSİAD).

TESEV is an Istanbul based think-tank established in 1994 which promotes a policy agenda through studies it publishes. It is funded by private sector and its research agenda focuses on three major areas: 'democratisation of Turkey'; 'governance and transparency'; and 'foreign policy and international relations'. TESEV contributed to the EU debate by actively engaging with political circles. One of its most important contributions to the process was to provide financial support for a major national survey conducted in May and June 2002. This survey was conducted at a time when the controversy over EU conditionality on the protection of minority rights in Turkey was at its peak. It consisted of interviews with 3,060 citizens and aimed at measuring the attitudes of the public toward the EU in general and EU conditionality in particular (TESEV, 2002). This survey was significant since it was the first time that the voice of the public was heard and the results were striking. The survey revealed that the majority of the public was in favour of basic rights and freedoms (73 per cent). However, the results changed when these rights and freedoms were phrased as the requirements of EU conditionality. In this case, the support of the public was dropped to 41 per cent for the condition to abolish the restrictions on broadcasting in citizens' own native languages and to 38 per cent for the condition to abolish the death penalty. When some of these conditions were phrased as "the only condition to join the EU", there was not much of a difference in general, but most of the support came from the Kurdish speakers. Accordingly, when asked whether they approve abolishing restrictions on the language of broadcasting, if it is presented as the only condition for EU membership, 38.9 per cent of the public of which 69 per cent consisted of Kurdish speakers approved. When a similar question was presented on the issue of abolishing restrictions on education in native languages, 37.3 per cent approved of which 68 per cent consisted of Kurdish speakers. All in all, the survey concluded that the Turkish public had a very limited knowledge on the EU and their attitudes were context-dependant. In October 2002, just before the elections on the 3rd of November, and in January-February 2003 a follow-up research was conducted. This research revealed that the public's attention to the EU agenda dropped after the elections. The results of this follow-up research confirmed that party affiliations did not matter for the public in their attitudes towards Turkey's EU membership. It was rather personal expectations and geographical as well as generational differences that mattered. This also explains why political parties did not solely focus the election 'Europe'. However, the lack of information about the process made the public more

vulnerable to manipulation. Therefore, Çarkoğlu (2004: 42) who was the head of the research group conducted these surveys concludes that "leadership and public relations campaigns in favour of EU membership may be highly effective" in the long-run given the fact that EU support levels in Turkey change in clusters, not margins (see also Çarkoğlu, 2003).

The most vocal group in their support to the EU related reforms was the national business community in Turkey, mostly represented by TÜSİAD. TÜSİAD has been very active in pressuring the consecutive governments to improve the civil and human rights in the country since 1997 especially by delivering public statements and publishing its own reports. Its representatives in Brussels carried out a very active lobbying role during the process leading up to the Helsinki Summit in December 1999. The involvement of TÜSİAD in the EU agenda is, of course, directly related to how big Turkish business corporations viewed the prospective of Turkey's EU membership as a great benefit to their current and future investments. In this respect, it can well be argued that in TÜSİAD's democratisation agenda, the emphasis on the urgency of improving democracy in Turkey was grounded in its reaction to the lack of economic stability in the country. As Gündem (2004) suggests:

> TÜSİAD progressively pushed for smaller and accountable government and the implementation of the rule of law as a means of accomplishing a stable and predictable environment in which a competitive market system could flourish. Stability, predictability and accountability emerged as the key concerns underlying TÜSİAD's drive for democratization (Gündem, 2004: 86).

It is true that TÜSİAD has always been a very influential organisation, but this influence became very powerful in the context of Turkey-EU relations. As Gündem (2004: 103) points out, "TÜSİAD's lobbying activities are very effective because the organization knows the style to act. Their activities are persistent, morally charged and professional." It is organised in such a way that it "fills the diplomatic and social gaps that other actors are ill-equipped to fill" (ibid., 100) However, in contrast with the business circles, the labour unions in Turkey were very sceptic about the EU agenda. The Confederation of Turkish Labour Unions (*Türkiye İşçi Sendikaları Konfederasyonu* – TÜRK-İŞ) situated itself in line with the nationalist-left and right circles, which kept bringing up issues on national sovereignty and autonomy in their criticisms towards the EU (Önis, 2003: 20). In this respect, the contradiction between the two is remarkable.

The emphasis on economic issues was also evident in the views of the non-political actors in Turkey. Although it is limited in scope, the only available research revealing the perspectives of academics, journalists and government ministers alongside with businessmen was conducted by Lauren M. Mclaren in Ankara in March-April 1999.[46] Mclaren (2000: 118) observes "disconnectedness" between the EU and the Turkish elites regarding the problems with Turkey's membership to the EU. As she suggests, "this imbalance appears in the form of over-emphasis on economic problems and a lack of emphasis on political problems, such as human rights violations, the lack of civilian control over the military, and the resolution of the Cyprus dispute with Greece" (ibid.). However, in the aftermath of the Helsinki Summit in December 1999, the core of the EU process was not an interpretation of these non-political actors on what they believe the core of the EU process should be, the EU itself asserted the core of the process by prioritising the compliance of EU democratic conditionality.

3.4 Conclusion

When EU-Turkey relations are put in an historical context, it is seen that one way or the other Turkey has always been part of the process of European integration from the very beginning, without integrating with Europe. The most challenging question at this point is whether being an official candidate and starting accession talks will really be effective enough to overcome the legacy of Turkey's almost half century long association with European integration. Clearly, this is not only a matter of Turkey's 'performance' as a candidate country, but is also a matter of the EU's commitment to enlargement.

The most complex intervening variable influencing the dynamics of Turkey-EU relations continues to be 'uncertainty' built into the process. As the experiences of the CEEs confirmed, the stick of conditionality works at its best when candidates are given a concrete timetable regarding when they will have the carrot of membership. As Grabbe (2001: 320) points out, this uncertainty about timing makes it very difficult for the candidate state to balance the costs with the benefits of the membership and since there is a huge time lapse between the unfolding of costs and the prospect of rewards, conditionality becomes "a blunt instrument when it comes to persuading countries to change possible practices". Where

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[46] McLaren (2000: 117) regards these groups as belonging to what she calls as "Turkish elite". In fact, the research, in her own terms, was conducted with the aim of providing "some insight into Turkish opinions relating to Turkey's application for full membership to the EU by interviewing Turkish elites". However, although I found some of the conclusions of this research extremely useful, I still believe that it suffers from certain definitional problems, especially regarding the notion of the 'elite'.

Turkey is concerned, the EU is neither committed to any timetable to be announced in a foreseeable future, nor is Turkey entitled to demand one. This, in return, undermines the effectiveness of democratic conditionality that the EU reinforces on Turkey. On the other hand, Schimmelfening et al. (2003: 496) argue that in Turkey where the society is not well-integrated to the process and there is a high level of "electoral volatility", reinforcement of democratic conditionality can mostly be effective via intergovernmental bargaining – i.e., "the government's cost-benefit calculations and commitment to 'Europe'" (ibid., 498). In this respect, it is true that EU conditionality has proven to be effective following the adoption of the National Programme in March 2001 when 'democratisation' became the catch-phrase of the emerging reform agenda. However, since democratic conditionality was perceived to be very 'costly' by the establishment, compliance has been limited and subjected to bargaining between different actor constellations. Accession negotiations are carried our between the Turkish government and the European Commission on behalf of the EU, but since there is too much dispute in Turkey over how EU conditionality should be handled, "government leadership is a very difficult act in balancing these different domestic demands, all of which can materially affect its ability to succeed" (Pridham, 2002a: 204). As Pridham (2002b: 954) elsewhere suggests, "strengthening executive and bureaucratic power without active popular engagement […] creates a potential for widening the gap between political elite and masses […] creating a disillusionment when democratic attitudes have not fully taken". In Turkey, it was exactly the strengthening of the executive and the bureaucracy that caused a particular problem. The Kemalist elite, especially the army, was/still is very uncomfortable with the additional power the EU process gave to the AKP government in executing the contested EU democratic reforms. As Schimmelfening et al. (2003: 507) observes, "[a]lthough there is a cleavage within the Turkish elite between reform-oriented and pro-European forces, on the one hand, and hard-line Kemalists on the other, the veto position of the military works against structural change".

In this framework, broadcasting regulation is a very intriguing area of enquiry to look into the ways in which EU influence operated in Turkey in the post-Helsinki period on different grounds. Firstly, it is one of the first policy areas where Turkey was introduced to EU democratic conditionality. Thus, the above mentioned political struggle between different actor constellations in Turkey on the issues of Turkey's EU bid first unfolded in the context of broadcasting policy-making, specifically at a time when granting broadcasting rights to ethnic communities became a central issue in the political agenda from 2001 onwards. In this

respect, the policy-process behind the change of language policy in broadcasting offers us valuable insights on how EU conditionality operated from policy formulation to the implementation phase. Secondly, although EU influence is most apparent where political conditions are concerned, Europeanisation has broader implications for the regulation of broadcasting in Turkey. The EU also channels the international/global competitive pressures on the Turkish broadcasting market to a certain direction to make sure that Turkey's response to these pressures as a candidate country does not conflict with EU's objectives in regard to the European Single Market. In relation to this, the debate on opening the broadcasting market to foreign ownership in Turkey offers a very interesting case. Thus, the above-mentioned political context of EU-Turkey relations and specific remarks on politics and policy-making in Turkey are also significant in understanding how EU influence has operated beyond the context of democratic conditionality in Turkey in the aftermath of the Helsinki Summit in 1999. The following three chapters will be looking into the policy-processes behind key regulatory issues of broadcasting that emerged between 1999 and 2005 in the context of the dynamics of Turkish politics presented in this chapter.

Chapter 4:

**APPROACHES TO BROADCASTING REGULATION
IN THE POST-HELSINKI PERIOD:
THE *ACQUIS* CONDITIONALITY vs TURKISH POLITICS**

> Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies.
> Groucho Marx (1890-1977) – American Comedian
>
> Broadcasting […] is a social invention, not a technical one.   (Seaton, 1981/1997: 111)

4.1 The Context

By the time Turkey's EU bid became a political reality following the Helsinki Summit in 1999, there were a number of issues regarding the regulation of broadcasting in Turkey which were highly contentious but could not be resolved due to the ongoing deadlock in the field. This deadlock was mainly the by-product of the complexity of the relation between the state actors and the media owners as well as the lack of independence of the regulatory authorities from political circles.

In the following chapters, the changes in the regulatory framework for broadcasting from 1999 to 2005 are assessed by relating the key policy issues to the debates on accession to the EU in general and EU conditionality in particular. It is true that broadcasting was one of the first policy areas that Turkey was acquainted with EU influence, but this influence operated differently for different policy issues in broadcasting. The first EU influence was an outcome of the EU's emphasis on the political criteria as stated in the Copenhagen European Council Summit in 1993. The EU required the candidate countries to achieve "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" to obtain membership (EU Council, 1993). In the eye of the EU, Turkey had the basic institutional structures required in a democratic society, yet there were all sorts of crucial shortcomings regarding the effective functioning of the democracy. Therefore, it was in the scope of the political criteria that the EU pressured for more democratisation in the field of broadcasting on the issues of freedom of expression, freedom of press and minority rights

once it granted Turkey candidacy status in the Helsinki Summit. Leaving the quality of the implementation aside, this pressure was particularly forceful in the launch of the debate on granting broadcasting rights to ethnic communities and the consecutive policy change in the language of broadcasts in Turkey, which is the focus of the next chapter in this study.

Alongside with this democratisation agenda, the EU has been also monitoring the compliance of the *acquis* criteria for the 'audio-visual' sector in Turkey. However, when the first Progress Report on Turkey was published in November 1998, it was evident that the European Commission had very limited information on the conditions of the sector in Turkey. Regarding broadcasting, the 1998 Report concluded that:

> On the basis of information currently available, however, it is difficult to assess the extent of the harmonisation achieved by Turkey in this field, in particular as far as the 'Television without frontiers' Directive […] is concerned. Further contacts with the Turkish authorities will be necessary (European Commission, 1998: 47).

A similar comment was also made in the second 1999 Progress Report, but this time the European Commission cautiously commented that "Turkish broadcasting legislation *can not be considered as being in full conformity* with the *acquis*" (European Commission, 1999: 39; emphasis added). The reluctance of the European Commission in drafting a more detailed assessment of the audio-visual sector in Turkey was mostly due to its lacking of sources to obtain more information, which was also acknowledged in both reports. However, it is also important to note that Turkey's position vis-à-vis the EU was still very unclear even at the time when the second report was published. Regular reports were important for assessing the pre-accession process in candidate countries and Turkey was, in fact, the only non-candidate monitored by the European Commission.[47] Besides, as widely known, the main audio-visual policy tool of the EU within the scope of the community *acquis* has been the Television Without Frontiers Directive. Therefore, in its early reports, the European Commission did not go any further than emphasising the importance of compliance with the directive in the Turkish case. After Turkey was granted candidacy status at the Helsinki Summit in December 1999, the scope of the assessment as developed in the progress report became more in-depth. The 2000 Progress

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[47] The decision to prepare progress reports on the status of each candidate country was confirmed at European Council Cardiff Summit held in 15-16 June 1998. In the case of Turkey, the Council asked the Commission to prepare the report on Turkey on the basis of Article 28 of the Association Agreement and the conclusions of the Luxemburg European Council. Article 28 of the Agreement stipulates that "as soon as the operation of the Agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of the accession of Turkey to the Community" (EEC Council, 1963).

Report on Turkey published in November was the first fully-fledged report prepared by the Commission. Even the name of the main broadcasting regulatory authority in Turkey was cited for the first time in this report, not surprisingly, under the section of 'civil and political' rights. The very first remark of the Commission on the Radio and Television Supreme Council (*Radyo ve Televizyon Üst Kurulu* – RTÜK) was a referral to its sanctioning activities. In its overall assessment of the culture and audio-visual policy in Turkey, the EU Commission concluded in its 2000 Progress Report that:

> A preliminary analysis of the Law on the Establishment of Radio and Television Enterprises and their Broadcasts suggests that the legislation is not aligned with the *acquis*. Major discrepancies have been identified, in particular, concerning definitions, jurisdiction, freedom of reception, and discrimination on the grounds of nationality, promotion of European and independent works, advertising and teleshopping, and protection of minors. Furthermore, the law sets limits to the share of foreign capital in radio and television enterprise. (European Commission, 2000: 59).

This conclusion was particularly important as it set the contours of the EU's *aquis* criteria regarding broadcasting in the scope of pre-accession talks with Turkey.[48] In this chapter, taking up from this conclusion, the ways in which certain issues on broadcasting were brought into the policy agenda and their specific policy outcomes are analysed. Specifically, the chapter looks at: i) EU influence on the emergence of new policies to regulate broadcasting and ii) the ways in which the then tripartite coalition government from April 1999 to November 2002 and the consecutive AKP government that has been in office since November 2002 used the EU as a 'discursive tool' to change the regulatory framework for broadcasting by promoting certain policy options but not others. In order to do so, a particular attention is given to what Colebatch (2002: 23) identifies as the 'horizontal' dimension of policy in which policy is regarded as "the structuring of action" and the focus is on interaction between different policy actors. Since EU influence has not always been direct, but also engineered by policy-makers seeking to exploit new approaches to broadcasting policy, EU influence identified throughout is also contextualised within this horizontal dimension as well.

In this chapter, before moving on to the anlaysis of the policy issues, a brief historical overview of the emergence of broadcast media is presented in order to give an idea about the origins of the complexities of broadcasting in Turkey. The first policy process analysed after

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[48] Until the 2003 Progress Report, the European Commission also cautioned Turkey on the contradictions between its commitments in the WTO/GATTS framework and those related to *acquis* conditionality. This

this overview is the amendment of the Broadcasting Law No. 3984 (hereafter Broadcasting Law) that was enacted in 1994. The Law amending the Broadcasting Law was first adopted in May 2001 and vetoed by President Necdet Sezer. Despite this veto, Parliament adopted the same Law unchanged a year later in May 2002. The impasse continued following the Constitutional Court's intervention upon the President's claim of unconstitutionality until September 2004 when the Court announced its final verdict. The first section of this chapter looks at this process by putting the scope and the timing of the amendments package in a context. The reactions that occurred at various stages during the policy process which influenced the policy outcome are also highlighted here. The following section gets into detail by focusing on specific policy issues such as ownership regulations and the regulation on the composition, supervision and the functions of the regulatory authority for broadcasting (RTÜK), which were the major issues covered in the draft law. The third section covers other amendments that are specifically relevant to Turkey's conformity with the Television Without Frontiers Directive, mainly the regulations on advertising/teleshopping/sponsorship and the lifting of the ban on the re-transmission of broadcasts in Turkey.

The second and the final policy-process analysed in this chapter is on the attempts to open the broadcast media market to foreign investment, which was not initiated but promoted by the AKP government from late 2004 onwards. The chapter concludes with a discussion on Europeanisation in the context of the policy-processes analysed in the chapter.

4.2 A Brief Overview of Broadcasting in Turkey
4.2.1 From Commercial Radio to Public Service Broadcasting

Radio broadcasting in Turkey started in 1927. Considering that the Turkish Republic was established just a few years earlier in 1923, when broadcasting in Europe was in its infancy, Turkey's swiftness in adapting wireless technology to create a broadcasting system was remarkable. What made broadcasting a very important social invention in the Turkish context was the pivotal role attributed to it in the nation-building project of the Republican elite. Therefore, the history of broadcasting in Turkey cannot be considered in isolation from the history of Turkey's nation-building project, incorporating deep-rooted discourses on modernisation, development, industrialisation and westernisation (Çelenk, 2005). As Cankaya (2003: 18) observes of the 1920s, launching radio broadcasting was not simply an option but a

caution was withdrawn when Turkey declared at WTO Doha Round of negotiations that it will not offer to make

necessity for the young Turkish Republic. Radio could provide a means of galvanising public support for the Republican agenda and for elite in search of new venues to spread its reforms.

However, in the 1920s, Turkey was a very young and impoverished Republic. It was clear at the very beginning that the required technical infrastructure could only be built by foreign companies expanding into new markets. Consequently, it was a French company – *Telephonie Sans File* – that won the state bid to set up the infrastructure of the Turkish PTT (Kejanlıoğlu, 2001: 87). The company started building transmitters in 1925 and two of them were equipped to transmit radio broadcasts (Cankaya, 2003: 19). However, the state did not have the financial resources to run a broadcasting corporation and the best way to start broadcasts was to let a private company run broadcasting as a business. In the early years of the Republic the most significant economic policy was to support the creation of a national bourgeoisie by transferring the management of the public economic enterprises to national private companies in which politicians either held shares or were active in their administration (Kejanlıoğlu, 2001: 87). This model was also adopted in broadcasting and in 1926 Turkish Wireless Telephony (*Türk Telsiz Telefon AŞ.* – TTAŞ) was the first and only joint-stock company to be granted a ten year broadcasting licence. In order to finance its broadcasts, TTAŞ was also active in radio merchandising receiving a tariff on broadcasting sets. The shareholders of TTAŞ were the Anatolian News Agency, the Bank of Affairs, two MPs and a retailer (see Kocabaşoğlu, 1980). What made this model very interesting was the fact that broadcasting became part of the state machinery from day one even though it was not directly run by the state. The state did not even feel the need to regulate broadcasting with a separate law, instead applied existing legislation that regulated wireless communication and telephony.

During the first ten years, radio broadcasts were limited to between 4 and 5 hours a day both for Radio Istanbul and Radio Ankara. The 1929 economic crisis hit Turkey severely and had a very negative impact on the expansion of broadcasting. Nevertheless, what makes this period significant is the rise of broadcasting as a cultural phenomenon, which centred on utilising its content, particularly entertainment, to convey the modernisation/westernisation project of the state to its public. Indeed, this strict top-down approach to modernisation even resulted in the banning of Turkish music from the air in 1935 for almost two years (Cankaya, 2003: 23).

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any commitments in the audio-visual sector.

The broadcasting licence of the TTAŞ was not renewed in 1936 on the basis that it did not provide the standard of broadcasting that was expected from it (Cankaya, 2003: 25). For example, in its first decade, the number of radio receivers sold did not exceed 10,000 and broadcasting still lacked a professional perspective and was not institutionalised (Kejanlıoğlu, 1997: n/p). Moreover, in the 1930s, there were also changes in the state's approach to economic and political life due to increasing international tensions. Turkey quickly became protectionist and statist, which also resulted in the nationalisation of broadcasting (Kocabaşoğlu, 1985: 2733). The PTT was given control of radio between 1936 and 1940 and once this "transitional phase" was completed, the "period of state monopoly" began, lasting until 1964 (Kejanlıoğlu, 2001: 88). From 1940 onwards, broadcasting in Turkey was run by the Press Department until the establishment of the Turkish Radio Television Corporation (*Türkiye Radyo Televizyon Kurumu* – TRT) as an autonomous public body in 1964.

It was during the years of the Second World War that radio broadcasting in Turkey started to fully establish itself. Ankara became the heart of broadcasting and the new Radio Centre with its powerful broadcast transmitter, constructed by the Marconi Wireless Telegraph Company, became one of the most advanced broadcasting centres of its time in Europe. The popularity of radio increased during the war years as it became a key source of information for the public. As of 1939, the number of radio sets had increased to 56,000, but in terms of broadcast technology Turkey continued to depend upon the West (Kocabaşoğlu, 1980: 142). Where programming was concerned, however, the state increasingly became more conscious about how to use the radio for propagandist ends. Turkey's foreign policy at the time was based on not getting involved in the war, while its domestic policy centred upon coping with the war's impact in a manner that did not compromise its nation-building agenda. Under the single party regime, the then government used the radio to realise both of these objectives. As Cankaya (2003: 34) puts it, the demands of the listeners were not reflected in programming output and with its state-centric and paternalistic style the radio told the public "what was good and right for them".

In 1946, Turkey moved from a single-party regime to a multi-party system. Four years later, after the election of 1950, the Democratic Party (*Demokrat Parti* – DP) came to power, staying in office for a decade. It was the reaction of the public to the strict statist regime of the Republican People's Party (*Cumhuriyet Halk Partisi* – CHP), imposed in a top-down fashion, that brought the DP to power. As Kejanlıoğlu (1997) suggests, the DP's populist approach to

politics and its pro-market economic policy influenced its approach to broadcasting as well. For instance, the DP government breached the secular code, established under one party rule, by introducing religious programming from late 1950s. It was again the DP government who introduced advertising to finance programmes. It is also important to remember that from the second half of the 1940s onwards, Turkey sought to develop its economy by establishing close ties with the West, especially the US. Turkey was included in the Marshall Aid Plan in 1948 and joined NATO in 1950. As a consequence, increased ties with the West also had a direct impact on Turkish broadcasting. For instance, broadcasters were trained by Americans and special programmes on Marshall Aid, NATO, UNESCO and the United Nations were introduced, while collaborations with the BBC and Voice of America also began (Cankaya, 2003: 50). Additionally, the country's third broadcasting station was established in Izmir in 1951 with the technical aid of the American News Centre. It was incorporated into the state broadcasting network a couple of years later (Kocabaşoğlu 1985: 2734-2735).

However, under the DP rule broadcasting increasingly became a propaganda tool, especially after the party's second election victory in 1954. This is why the 1950s are known as the "partisan radio" years (Aksoy, 1960). The DP's control over broadcasting reached a stage where even the opposition was barred from the air. In the following years, the DP government's mismanagement of politics and the economy resulted in great social unrest and Turkey dragged into a process where the contours of its political life changed drastically. The first military intervention in Turkey's political history took place in May 1960 and the public was informed about this intervention via a radio broadcast. Later it became clear that one of the reasons why the army had stepped in was due to the increasingly partisan use of the radio by the DP.

Although it appears to be contradictory, the 1960 military intervention was aimed at restoring democracy to Turkish politics. The 1961 Constitution, drafted after the coup, has always been regarded as Turkey's most advanced constitution with its emphasis on democratic rights and freedoms. This emphasis on democratisation was also reflected in the new broadcasting order that was soon to emerge. Article 121 of the 1961 Constitution proclaimed the establishment of an "autonomous public juridical person" for the administration of broadcasting in Turkey. It was on this basis that the Turkish Radio Television Corporation (TRT) was established by law in May 1964. The Corporation started operating with 13 radio broadcast transmitters and

was able to reach only 42.6 per cent of the population; there were approximately 2 million radio sets in the country (Kocabaşoğlu 1985: 2736).

The TRT's autonomy did not last long and was abolished after the second military intervention in 1971. The Corporation's troubled association with autonomy inevitably affected the organisation of television broadcasting in Turkey, which was introduced in 1968. The implications of this lack of autonomy on the management and the financing of the TRT are considered in-depth in Chapter 6. However, it is important to note here that the constitutional and legal basis of the TRT's autonomy did not prevent policy-makers from asserting their influence over the Corporation. Its technical outlook and broadcast content advanced over the years, but it always remained in the centre of controversy.

From 1965 onwards, the TRT directed its focus towards television broadcasting with television itself introduced with the help of German technical aid. The first technical personnel of the television centre were trained in Germany and Britain while collaborations with these two countries also continued in the area of programming in television's early years (Kejanlıoğlu, 2001: 93; Cankaya, 2003: 81). Unfortunately, archival information on the early years of Turkish television is very limited.

Throughout the 1970s, tensions between officials at the TRT and various governments continued. In terms of its organisational structure and programming output, the radio channels of the Corporation were divided into three stations and among them TRT 1 started broadcasting 24 hours a day in the mid-1970s. By this stage, television broadcasts were also able to reach 55 per cent of the population and with advertising for television programmes introduced in 1972, this type of financing soon became the main source of revenue for the Corporation (Kejanlıoğlu, 1997).

The 1980 military intervention introduced a new regulatory framework for the TRT. It was the government of the Motherland Party (ANAP) that introduced this law in November 1983 which had originally been drafted by the National Security Council. This law was heavily influenced by the 'national security' oriented perspective of the army and introduced a new regulatory body, the Radio Television High Board (*Radyo Televizyon Yüksek Kurulu* – RTYK), to monitor broadcasts.

The ANAP was in office from 1983 to 1991 and its approach to broadcasting gradually transformed television in Turkey. As Kejanlıoğlu (2001: 94) suggests, a transition from a state monopoly to a dual system of broadcasting started to unfold from the second half of the 1980s. The key signals of this transition were: i) a steady increase in independent productions aired by the TRT (see also Çelenk, 1998); ii) the introduction of Cable TV by the PTT in 1998; iii) the handover of broadcasting transmitters from the TRT to the PTT. However, these were not standalone policies and they were, in fact, the by-products of the restructuring of the economic and political spheres in Turkey in accordance with the recently introduced neoliberalist agenda. This process began in January 1980 with the launch of a new economic restructuring programme. It aimed at liberalising the Turkish economy by abolishing state-protectionism and introducing an export-led growth policy. Similar to the developments taking place in Western Europe in the area of broadcasting, neoliberalism meant the introduction of a deregulatory (or actually a re-regulatory) policy framework, which emphasised the benefits of competition in the market, the ineffectiveness of state monopolies, the importance of convergence, and the prevalence of consumer choice.

Throughout the 1980s, Turkey had witnessed the transformation of its press, which resulted in the creation of a media sector during the 1990s. This transition from press to media altered all the organisational structures of the press sector, from ownership patterns to editorial management and created the rules of the game for the emerging media (Adaklı, forthcoming). The milestones of this transition are briefly discussed below to demonstrate the background story of the breakdown of the state monopoly in broadcasting in 1990.

4.2.2 From Press Barons to Media Tycoons: The Emergence of the Turkish Media Market

Until the 1980s, the press sector in Turkey was dominated by four major newspapers (*Cumhuriyet*, *Milliyet, Tercüman* and *Hürriyet*) run by family firms. As Adaklı (forthcoming) suggests, although the press started to industrialise from the 1950s onwards, 'artisan-like' organisational structures and editorial processes were its prevalent characteristics. These papers were owned by various well-known families, whose members did not just run the press but also worked as journalists. This structure started to change from the late 1970s onwards due to the increasing interest of business groups in expanding to the press sector. The acquisition of *Milliyet* by the Doğan Group in 1979 was a milestone in the transformation of

the press sector. As Adaklı (2006: 131) argues, the acquisition of *Milliyet* by the Doğan Group was not a simple handover operation. Rather it was the beginning of the 'factory-like' organisational structure of the press, triggering vertical and horizontal integration in the sector and resulting in the gradual merging of the press with non-media businesses such as banking, tourism and energy. This transformation even altered the physical organisational structures of the press. The head offices of the newspapers that were traditionally based in a specific part of Istanbul called 'Bab-ı Ali', gradually transferred to the big 'media plazas' built in the outskirts of Istanbul (see Tuncel, 1994). What Fleet Street in London signified for the traditional British press until the 1980s, Bab-ı Ali was its equivalent in the Turkish context; they shared the same finale.

According to Sönmez (1996: 77), the economic and political atmosphere in Turkey throughout 1980s created the motives for the expansion of business groups into the media sector. These venture capital groups wanted to expand their economic bases through the power of owning media. This resulted in the emergence of a very hazardous interdependence between the new press owners and the political elite. Owning media proved to be a very effective way of having financial deals with the state, which were arranged by politicians who were in constant need of media support to protect their own power base. As Tuncel (1994: 34) persuasively argues, these new newspaper owners used the 'press as the fourth estate' argument to conceal their real interests. In this respect, it is not a coincidence that the banking sector was also transformed as a result of these emerging business patterns. As of the early 1990s, all of the big business groups in Turkey owned a bank as well as a media organisation. These banks did not have to contribute to the accumulation of real capital by supplying credit to markets; instead, they were used by the parent business groups to borrow credit from the state to finance their own businesses (Adaklı, forthcoming). As Tuncel (1994: 37) points out, the sum of the amalgamation of business, media and banking sectors drastically altered the way things were originally done in each area. What this meant for the press was the emergence of "aggressive bosses, professional managers, extravagant headquarters to boost the feeling of power and high-tech" (ibid.). By the end of the 1980s, the parent groups of *Milliyet*, *Sabah*, *Hürriyet* and *Tercüman* newspapers started to publicise their eagerness to invest in private radio and television broadcasting in Turkey (Kejanlıoğlu, 2004).

However, it was another business group that took the first step to breakdown the TRT's monopoly in broadcasting. By the end of 1989, the preparations of Rumeli Holdings, owned by the Uzan family, to launch Turkey's first satellite TV station were all over the papers. The

then Prime Minister of the ANAP government Turgut Özal publicly announced his support by declaring that there was no legal barrier for satellite broadcasts targeting a Turkish audience. Turkey's first private channel, Star 1, started to broadcast in March 1990 from Germany just a few months after Özal's statement. What was most interesting was that a few months later the Turkish public realised that the Prime Minister's oldest son was also one of the shareholders of Star 1's parent company (Çaplı and Dündar, 1995: 1377).

As Kaya (1994: 393) suggests, this operation was a complete *fait accompli* as there was no political debate on the introduction of private television via satellite. Nobody knew how the process would evolve as there was no preparation at all of a legal framework to regulate private broadcasting. In the following years, private broadcasters started to mushroom one after another and a chaos emerged. The Uzan family launched another channel in January 1992 and four other new channels were introduced in the same year. In 1993, the owners of *Milliyet* (and *Hürriyet*), *Türkiye*, *Sabah* and *Zaman* all launched their own broadcasts. In the meantime, new radio stations also started to proliferate. As of January 1993, there were 110 radio and 76 television broadcasting transmitter towers erected across the country in the country (Çaplı, 1994). This chaos resulted in an 'electronic pollution' due to constant frequency interference. On the other hand, the Turkish public seemed to be very positive about the ongoing changes since identities (ethnic, religious, sexual) previously excluded from public debate, were now able to articulate themselves in the context of the emerging private media market (Şahin and Aksoy, 1993).

In just a few years, a broadcasting 'market' had emerged in Turkey without any regulation or accompanied supervision. The November 1992 election ended the ANAP's almost decade long office in power. The new coalition government announced that resolving the chaos in broadcasting would be their first priority. There were two major issues to deal with. Firstly, according to the constitution, the TRT continued to hold the monopoly in broadcasting. Therefore, the related article of the constitution needed to be amended to legalise the launch of private broadcasters. Secondly, a broadcasting law needed to be issued to regulate the proliferating broadcasting market. However, despite the urgency of the situation it took more than a year to amend the constitution. TRT's monopoly was not abolished until July 1993. It took another year for Turkey's first broadcasting law to be adopted with Parliament passing this law in April 1994 (see Çaplı, 1994; Kejanlıoğlu, 2004)

The Broadcasting Law of 1994 envisaged the establishment a new regulatory body called the Radio and Television Supreme Council (*Radyo Televizyon Üst Kurulu* – RTÜK). Its initial responsibility was to map out a frequency plan, allocate frequencies to broadcasters and award them with licences. However, the regulator became the centre of controversy from day one. According to the initial criticisms, the appointment procedures for the members of its governing board were open to political influence and the board was endowed with extensive punitive powers (Çaplı, 1991).

From 1995 onwards, the key debate with regard to broadcasting market regulation centred on the allocation of frequencies. There were already five big business groups (*Doğan*, *Bilgin*, *Aksoy*, *İhlas*, *Uzan*) operating in the broadcasting market and there were others (*Çukurova*, *Doğuş*) publicising their increasing interest in media. As Adaklı (2001: 160) puts it, these groups competed vigorously with each other because they all regarded owning media as instrumental for having access to political circles. In this respect, what they were actually competing for was not the broadcasting market itself, but rather the increasing benefits that could be gained from the new wave of privatisation, as well the financing of their expanding businesses through state funds. None of them wanted to be excluded from the frequency allocations.

By the end of 1995, the frequency plan was completed and broadcasters were already asked to apply to the RTÜK to be considered in the allocations. This was a very important phase in the development of the broadcasting market in Turkey. Broadcasters occupied scarce sources originally belonging to the public without paying any licence fee for five years. This was a huge step in establishing the rules of the game from a regulatory perspective.

After a long wait, the RTÜK completed the applications procedures and announced that tenders would take place in September 1997. The plan was to start awarding licences for local television stations with national television licences as the next step. However, the National Security Council (MGK) interfered in the process on the basis that wealthy Islamic circles could be the winners of these allocations and pose a threat to national security once they were awarded with broadcasting licences (Çaplı, 2001: 52). The Ministry of Interior acted upon the MGK's 'advice' to suspend the allocations and the regulator ceased the process. According to the procedures advised by the MGK, the RTÜK would ask the owners and the top managers of the broadcasters to provide a 'national security clearance' document to be attached to their applications, with the Prime Ministry authorising these documents. The regulator announced

that this process would be concluded by the end of 1999. However, no progress could be made until 2001.

The RTÜK attempted to complete frequency allocations and licensing once again in April 2001. This time several broadcasters filed a court case against the tenders on the basis that the RTÜK's decision to consider applications processed before 1995 was a breach of the freedom of communication. According to the regulators announcement, only eleven licences would be awarded meaning that five broadcasters would be excluded. The Council of State ruled in favour of the broadcasters and revoked the tender process. However, in his memoirs, the then head of the RTÜK Board, Nuri Kayış, presents a very different picture on why broadcasters disputed the tenders. Turkey was hit by two consecutive economic crises in November 2000 and February 2001, and the last thing broadcasters wanted was to pay millions of dollars for these licences. Kayış openly writes in his memoirs that broadcasters were very vocal about the financial constraints with the top level executives of one TV channel even contacting him to request a rescheduling of the tendering process (Kayış, 2006: 105-6). All in all, broadcasters gained what they wanted and a great source of revenue for the state was eroded. As of today, private and radio television broadcasters continue to operate without a licence. Discussions about a digital switchover are currently in progress and in effect this means that the debate over the allocation of terrestrial frequencies is over. These issues are further considered in the following sections of this chapter.

Nevertheless, it is true that the consecutive crises in November 2000 and February 2001 had a dramatic impact on the reorganisation of the broadcasting market in Turkey. The business-media-banking cycle is no longer valid. The Banking Regulation and Supervision Agency (*Bankacılık Denetleme ve Düzenleme Kurulu* – BDDK) revoked the banking licences of many business groups which also operated in media. The Saving Deposit Insurance Fund (*Tasarruf Mevduatı Sigorta Fonu* – TMSF) took over the management of bankrupt banks. This transition even reached a stage where the TMSF became a key media owner in the broadcasting market as of 2004. The TMSF's involvement in the field resulted in the emergence of new policy issues, which are analysed in-depth in the next chapter.

Currently, there are three major cross-media groups in Turkey: *Doğan*, *Merkez* and *Çukurova*. However, in April 2007 the TMSF confiscated all the media assets of the Merkez Group due to breach of contract. Within these three groups, the Doğan Group has the biggest share of

the market. There are also smaller cross-media groups such as *İhlas*, *Doğuş* and *Samanyolu*. Where the broadcasting market is concerned, there are 23 national and 16 regional television broadcasters; 36 national and 100 regional broadcasters. The figures about local radio and television broadcasters constantly change.

Table 3. Major cross-media groups in Turkey (March 2007)

	Dogan (Owner: Aydin Dogan)	Merkez* (Owner: Turgay Ciner)	Çukurova (Owner: Mehmet Emin Karamehmet)
National terrestrial television	Kanal D, CNN-Türk, Star	ATV	Show TV
Cable/ Satellite	Dream, FunTV, Galaxy	Kanal1	SkyTurk (news channel), DigiTurk and Lig TV (digital packages)
Radio	Hür FM, Radyo CNN-Türk, Radyo D	Radio City	Alem FM
Newspaper	Hürriyet, Milliyet, Posta, Radikal, Referans, Turkish Daily News, Fanatik	Sabah, Yeni Asir, Takvim, Pasfotomaç, Cumhuriyet (Partial)	Aksam, Günes, Tercüman
Publishing	Online publishing, magazine publishing, book publishing, print distribution, music publishing, music and books retail, printing	Online publishing, magazine publishing, book publishing, print distribution, printing	Online publishing, magazine publishing (Alem, Platin), book publishing, printing
Other media	Production, DHA News Agency, media marketing	Production, Merkez News Agency, media marketing	Eksen facility provider, media marketing (MEPAS)
ICT	ISP, telecoms, cable operator		GSM operator Turkcell, telecoms, ISP (Superonline), cable operator (Topaz)
Non-media	Energy, automotive, health, trade, manufacturing	Energy, construction, hospitality	Trade, automotive, steel, manufacturing, hospitality, maritime and air freight

Source: Adapted from Capli and Tuncel, 2005
* The TMSF confiscated this group in April 2007 and took over the administration of tits media companies.

Considering that all major media groups have business interests with the state, the editorial lines of their newspapers and broadcast media are carefully crafted. Lack of editorial independence is a serious issue in the Turkish media. Throughout the 1990s, Turkey witnessed 'media wars' between big media groups sharing similar interests in regard to their businesses with the state. The restructuring of the banking sector, in some ways, had a positive impact on how media operates by forcing the players to become more business oriented since they lost their banking arms. However, this also led to tabloidisation and sensationalisation of media.

Within the dailies used in this research, The Doğan Group's interests were mostly reflected in the editorial line of its newspaper *Hürriyet*. It was another daily *Yeni Şafak*, owned by the Albayraklar Group, contested the Doğan Group's interests throughout the period covered in this research. *Yeni Şafak*, with its religious conservative line, was highly critical about Aydın

Doğan for pressuring the government for its own business interests. In the later satges, *Yeni Şafak* supported the AKP. The ways in which the columnists of these dailies disputed eachother are revealed in further sections.

4.3 The Battle for Amending the Broadcasting Law of 1994
4.3.1 The Draft Law Comes to Parliament

Although amending the Broadcasting Law was on the political agenda since 1997, it took seven years to conclude the process. The first amendment proposal was drafted by a State Minister from the ANAP that was the then leading party of the three-party-coalition government and was led by Mesut Yılmaz. The major force pressuring the then government for amending the Broadcasting Law was the big media groups who were lobbying against the restrictions on ownership and the ban on media proprietors having more than a 10 per cent share in any media enterprise to take part in public tenders or any related businesses as well as to operate in the stock market. Turkish media moguls, particularly Aydın Doğan, wanted to take part in privatisation tenders, but regulations restricting the financial operations of media owners continued to be a major barrier. The first amendment proposal dated November 1997 was placed on the parliamentary agenda in May 1998; however, it was rebuffed by the then opposition parties – FP, DYP, CHP.[49] Shortly after the establishment of the DSP-MHP-ANAP coalition government in April 1999, the debate came back once again. This time the conditions were different as Turkey's EU bid offered new opportunities for the policy-makers that are in search for approval for their policy agenda on broadcasting.

The changes proposed in a twenty-four-point amendments package was mainly on: i) the definitions and standards of broadcasts; ii) the ownership structures in media enterprises and the financial operations of their proprietors; iii) the composition, revenues and workings of the regulator RTÜK; and iv) the sanctions and fines imposed by the RTÜK. The amendments package also introduced a new regulatory body – i.e., the Telecommunications Authority (*Telekomünikasyon Kurumu* – TK) to carry out frequency planning; lifted the ban on retransmission and made the public broadcaster TRT responsible for launching and operating the broadcasting transmitters. Interestingly, although the amendment to the ownership

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[49] For full discussions, see: TBMM Journal of Minutes (21 May 1998) Term: 20, Legislative year: 3, Session: 92, Vol. 52. Ankara: TBMM.

regulations was the focal point of this proposal, there was no mention of it in the general justification statement of the draft law on the amendments. Yet, there was one reference to the European Convention on Transfrontier Television in the justification of the proposed changes on the standards of the broadcasts.[50]

The new draft law signed by the Cabinet[51] was presented to the Presidency of Parliament in June 2000 and Parliament started discussing the proposal in May 2001, shortly after the announcement of the National Programme. When considered in relation to the EU agenda, although the timing of this amendment proposal was explicable, the scope of the amendments was rather awkward. In the National Programme, under the section on 'Culture and Audio-visual Policy' Turkey confirmed that the relevant articles of the Broadcasting Law were in accordance with the major EU Directives – i.e., the TVWF (89/552 and 97/36) and further alignment would be carried out in time for the non-conforming articles. Additionally, it was also stated that "[a]t this stage there is no need for institutional change within the Supreme Board of Radio and Television" (National Programme, 2001: 392). However, the contradiction was that one of the key amendments proposed in this draft law was on changing the composition of the regulatory board. Additionally, where other issues are concerned, the amendments package was far from bringing any solution to any of the regulatory problems in broadcasting in Turkey let alone complying with EU standards in broadcasting.

In Turkey, according to the parliamentary procedures, the draft laws are first discussed and redrafted if seen necessary in related parliamentary committees before it comes to Parliament. In this case, it was the Constitutional Committee that discussed the amendments to the Broadcasting Law. The minutes of the meeting summarised in the Committee's report is very interesting on two grounds. Firstly, what Schimidt (2000) argues about the ways in which policy-makers use discourse to legitimise their preferred policies can also be traced in this context very explicitly. The State Minister briefing on the details of the package justified the proposed amendments by relying heavily on discursively loaded statements that contained phrases such as "in the course of globalisation", "with the aim of expanding the limits of freedom"; "ending the conflict between the fast changes in the communications sector and the socio economic dynamics", etc.[52] Secondly, the discussions in the Committee also reveal

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[50] See: "Draft Law Amending Certain Articles of the Law on the Establishment and Broadcasts of Radio and Television, the Press Law, the Income Tax Law and the Corporate Tax Law", 14 June 2002, Ankara, p. 18.

[51] In Turkish political vocabulary the Cabinet is called as 'Council Of Ministers'. In this study, the term is left as it is if it takes place in an official document.

[52] Constitutional Committee Report, Initial No: 1/705, Decision No: 10, 21 May 2001, Ankara.

how the then government was not successful in using EU cause to justify its own policy agenda on broadcasting by simply contradicting its declared commitments to the EU. For instance, where the specific amendments to the composition of the RTÜK Board were considered, the same State Minister justified the amendments on the basis of the need to comply with the international agreements in the course of Turkey's accession to the EU. However, no such necessity was mentioned in the National Programme that was drafted by the government just a couple of months earlier. During the meeting, the representatives of the opposition parties did not only expose this contradiction but they also suggested that the whole package is problematic as many amendments do not comply with EU norms in broadcasting regulation. The most problematic amendment was removing the limitations on media ownership and there was a great confusion in the meeting on whether the new approach would be effective. The Committee members, on one hand, were cautious about the new regulation knowing that monopolisation continues to be a serious problem in Turkey; but, on the other hand, all believed that transparency of ownership would bring real proprietors of media enterprises into light and the rules of the game for free movement of the capital should be clarified as in the EU. The discussions in the Constitutional Committee were important in signalling how the actual parliamentary debate would take place, which is the focus of the following section.

The amendments package was an issue of controversy outside Parliament as well. The TV Broadcasters Association (*Televizyon Yayıncıları Derneği* – TVYD) lobbied in favour of amending the Broadcasting Law for almost a year and it showed its support for the draft law by issuing a public statement a couple of days before it came to Parliament. In this statement the members of the TVYD – i.e., top level executives of the broadcasting organisations – asserted that during its seven years long enforcement the existing law created a 'transparency' problem in the Turkish media and this new draft law provided the chance to overcome it. In their eyes, illegality through establishing 'shell corporations' emerged as an accepted practice since the existing law limited the shares and business ventures of the media proprietors (*Radikal*, 25 May 2001). However, the then head of the sole regulator for broadcasting, Nuri Kayış, did not share this view and he was in fact one of the most vocal opponents of the amendments. Kayış, sent a personal letter to the MPs two days before the discussions on the amendments began in Parliament and suggested that it would be a great mistake to pass this law since the amendments would give pace to monopolisation in the Turkish media and terminate the independence of the RTÜK. He also emphasised that most of the amendments proposed

were in contradiction with EU norms and the proposed changes in the structure of the RTÜK did not comply with what was stated in the National Programme submitted to the EU.[53]

Parliament discussed the draft law in seven sessions from 23 May to 6 June 2001. The opposition parties tried to block the discussions by using every opportunity laid out in the internal regulations of Parliament, but they were not successful. The draft law amending the Broadcasting Law of 1994 was adopted on 07 June 2001.[54] However, the process did not conclude there. According to the procedures in Turkey, the President has the right to veto the law and this was exactly what President Necdet Sezer did. President Sezer did not ratify the law but sent it back to Parliament for further discussion in the light of his sixteen-page long declaration grounding the terms of his veto on 18 July 2001. According to the President, monopolisation and cartelisation in the media industry were still crucial problems and the proposed amendments reinforced the situation rather than taking active measures against it; the financial ties between the media and the state should be prohibited and necessary measures should be taken to avoid the usage of media to assert power in the state tenders; the impartiality of the regulator RTÜK should be ensured and its members should be chosen among those having expertise in the relevant fields to broadcasting; and the law should be eliminated from the indefinite and non-objective criteria and definitions for punishing the broadcasters.[55]

4.3.2 The Aftermath of the President's Veto

Following the President's veto, it took almost a year for Parliament to discuss the law once again. One of the valid reasons behind this delay was the significance of the EU agenda in which the priorities were reshuffled. When the draft law came in front of Parliament the first time in May 2001, the Inter-party Conciliation Committee was in its final phase for concluding its proposal to amend the constitution to pave the way for further alignment of the legislation in the scope of EU conditionality and the commitments laid out in the National Programme. The enactment of the constitutional amendments package in October 2001 was followed by the amendments of the Turkish Civil Code in January 2002, the enactment of the first EU harmonisation package in February, and the second package in March 2002. Therefore,

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[53] The full letter can be reached at: http://www.tissad.org.tr/RTÜK_aciklama.html
[54] Law No. 4676, Law Amending the Radio and Television Law, Press Law, Income Tax Law and Law on Institutional Taxes, 7 June 2001, Ankara.
[55] Official Communication of the President to the Turkish Grand National Assembly, 18 June 2001, Ankara. The full veto statement of the President can be reached at: http://www.belgenet.com/2001/RTÜK_veto.html

although in relation to broadcasting policy the debate on granting broadcasting rights to ethnic communities was a key issue in the political agenda, there was not much room for further discussing the vetoed broadcasting law until mid-2002. The reason why the draft law was brought in front of Parliament once again in May 2002 was never made clear by any coalition partner. However, the reason was actually very clear. Turkey's biggest media tycoon Aydın Doğan acquired a 51 per cent share of the state petroleum enterprise Petrol Office (POAŞ) together with a bank and did not want the regulations in the Broadcasting Law to get in his way. Some columnists writing at that time claimed that the media – i.e., the Doğan Group – started fostering a new agenda on the rising of a 'new' leader in the centre-right that would replace the ANAP leader Mesut Yılmaz unless the draft law was adopted.[56] What Aydın Doğan wanted was the elimination of the Law from regulations restricting the financial operations of media proprietors as well as the limitations on ownership. Therefore, one of the ways to pressure the government to bring the broadcasting policy amendments back to the agenda was to use his newspapers. In this respect, all the news stories on the leadership of the centre-right political wing in Turkey were, in fact, engineered.

The opponents of the amendments started raising their voice against the government soon after it became clear that the draft law would be brought in front of Parliament once again sometime in May 2002. The Local Televisions Union (*Yerel Televizyonlar Birliği* – YTB) sent letters to the MPs; five local television stations in Izmir blanked their screens for five minutes to protest the amendments; different organisations kept organising press conferences and issued public statements. In contrast with the TVYD's support for the draft law, the Professional Union of Radio and Television Broadcasters (*Radyo Televizyon Yayıncıları Meslek Birliği* – RATEM) sought after support of the press associations and internet service providers associations to voice its criticisms (*Yeni Şafak*, 17 April 2002; 24 April 2002). Nuri Kayış, the then head of the RTÜK, although generally disregarded by the mainstream press, continued to be very vocal at every possible occasion by criticising the changes that the new law might bring and overtly accused media proprietors for pressuring the government to bring the draft law in front of Parliament despite the veto.[57] The most striking comment came from President

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[56] On 6 April 2002, the daily *Hürriyet*, owned by the Doğan Group, made a news story on this so-called 'new leader'. This link between the broadcasting law and the timing of the agenda setting on the possible upcoming of new establishment in the centre-right was captured by some columnists of another daily: *Yeni Şafak*. For this story see, *Hürriyet*, 5 April 2002; M. Barlas (*Yeni Şafak*, 10 April 2002); T. Kıvanç (*Yeni Şafak*, 9 April 2002).

[57] According to a news website, Nuri Kayış in a panel organised in Izmir, brought up the issue once again and claimed that an MP who was also the member of the Constitutional Commission told him that they know that the President was right on his grounds of veto but they have to pass the draft law as the way it is as the "bosses" want it that way (*Haberx*, 30 April 2002).

Sezer who was asked by a journalist at an official reception on whether he believed there was a disagreement between him and the government on drafting policies as he vetoed 'some' laws. President Sezer, knowing that this question implicitly addressed the RTÜK Law, stated that he reminded Prime Minister Ecevit once again of their conversation that took place almost a year earlier. The President told journalists that during that informal conversation the Prime Minister expressed his support for the President's veto of the law since he also had issues about it (*Yeni Şafak*, 24 April 2002). In short, the coalition partners were divided in their views on the draft law and apart from the big media groups there was not any single institution that supported the amendments.

Although the Prime Minister's discomfort about the amendments package was disclosed to public, Yılmaz Karakoyunlu, the State Minister responsible from the press, kept rejecting any possibility to withdraw the draft law from the agenda and delivered statements such as "let's pass the law this time and do the better one later" (*Yeni Şafak*, 01 May 2002). It was clear that the government would play the deaf card by disregarding criticisms and insist bringing the draft law in front of Parliament no matter what. The draft law was finally taken into the parliamentary agenda by the beginning of May 2002. This time the discussions were more nerve-racking than before. The first dispute was on whether the draft law should be reassessed by the Constitutional Committee or Parliament should discuss the vetoed articles straightaway. Since the workings of Parliament were also partially amended with the constitutional changes of October 2001, Parliament could now discuss only the articles stated in the President's veto. However, the SP and the AKP parties, with the belief that they could gain more time if not rebuff the amendments package, argued that the former regulations should be applied since the President vetoed the law before the constitutional amendments. Despite the protests in Parliament, the Presidency of Parliament represented by an MHP MP rejected sending the draft law back to the Constitutional Committee and announced the launch of the discussions to take place the following day.[58]

During the discussions on the following day, the tension reached a peak when State Ministers started blocking opposition MPs from commenting on their own proposed changes on the articles. The MPs even got in a physical fight during the discussions and the President of the AKP party group declared that they would withdraw from the Inter-party Conciliation

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[58] For full discussions, see: TBMM Journal of Minutes (1 May 2002) Term: 21, Legislative year: 4, Session: 94, Vol. 93. Ankara: TBMM.

Committee working on drafting the constitutional amendments that would be the first set of EU related reforms. The leaders of the tripartite coalition finally agreed on postponing the discussions for a short time so that the tension could settle down (*Hürriyet*, 6 May 2002). Meanwhile, the vice chairman of the SP organised a press conference to announce that they would struggle to block the passing of the package and wanted support from other parties, civil society organisations and the media. Not surprisingly, this press conference was only covered by the daily *Yeni Şafak*, which was known to be close to the party line (*Yeni Şafak*, 5 May 2002). Additionally, different organisations were already vocal against the law, but they were not represented in the mainstream press. On 3 May, World Press Freedom Day, press related associations together with the Journalists' Union of Turkey (*Türkiye Gazeteciler Sendikası* – TGS) issued a public statement campaigning against the law with a particular emphasis on the concentration and cartelisation in media.[59] The TGS later sent letters to the MPs; journalists associations in the local level kept organising press conferences; the Internet Service Providers posted protest statements on their websites, but none of these protests made a difference at all (*Zaman*, 14 May 2002).

The discussions were finalised in two weeks and the vetoed package adopted unchanged later on 14 May 2002.[60] Since President Sezer did not have any right to veto it for the second time, he referred the case to the Constitutional Court. In June 2002, the Court issued an order to suspend the enforcement of certain articles and finally gave its final verdict to annul two articles in September 2004: the article amending the composition of the RTÜK Board and the two paragraphs of the article amending the media ownership regulation.[61] The annulment of the article on the composition of the RTÜK Board resulted in a deadlock that could only be resolved in July 2005. In 2005, the debate on relaxing the limits on foreign ownership of media enterprises was introduced once again and another round of political rows began.

4.3.3 The Press Coverage of the Debate

Following the debate on amending the broadcasting law through the press coverage reveals another story on the complexity of the relations between media proprietors, the state and the

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[59] Full statement can be reached at:
http://www.byegm.gov.tr/YAYINLARIMIZ/AyinTarihi/2002/mayis2002.htm
[60] Law No. 4756, Law on the Amendment to the Law on the Establishment and Broadcasts of Radio and Television, *Official Gazette* No. 24761, 21 May 2002, Ankara.
[61] The Decision of the Constitutional Court, Initial No: 2002/100, Decision No: 2004/9, 21 September 2004, Ankara.

press in Turkey. As might be expected, the mainstream press owned by the Doğan Group covered the debate as the supporter of the proposed changes. The most well-known and influential columnists celebrated the amendments, especially those on media ownership, by arguing that the changes not only would bring transparency to the media capital but they would also help to prevent concentration in media market. None of these arguments were, in fact, strongly grounded. Besides, there were actually different sets of issues needed to be considered separately, but it was not possible to do so as the influential columnists of Doğan papers – particularly *Hürriyet* – constantly kept 'gate-keeping'. They tried to present the amendment on relaxing the limits of share that individuals or companies could hold in media enterprises as something that would bring 'transparency' to the media capital and would consequently help to 'unmask' media owners having 'separatist' and 'Islamic revivalist' tenets. For them, the media capital that masks a hidden agenda was dangerous, not the Doğan Group that was in a vigorous search to expand its businesses. When President Sezer vetoed the law, none of the columnists from the Doğan Group dailies commented on it. Moreover, the news on the veto was not even treated as an important news item in these papers. In *Hürriyet*'s coverage on the veto, one of the key warnings of the President on the possible cartelisation and monopolisation in media as a result of the lifting of restrictions was not even mentioned (*Hürriyet*, 19 June 2002).

However, a key event revealed the contradictions of different *Hürriyet* columnists, which was also important in terms of seeing the bigger picture in which columnists of the biggest daily in Turkey militantly supported their parent group's interests. Just a couple days before the discussions began in Parliament in May 2001; Oktay Ekşi, the leading columnist of *Hürriyet* and the chairman of Turkish Press Council, wrote in his column that he supported the amended law's proposals for regulating shares in media enterprises as it would also bring transparency to media capital. However, in the same column, Ekşi stated that he did not approve the amendment allowing media proprietors to bid in public tenders and the existing regulation should be kept for the sake of 'public interest' due to the massive power that people achieve by owning media (O. Ekşi, *Hürriyet*, 22 May 2001). The next day, Ekşi changed his tone in his column and stated that although he expressed his disapproval against the particular amendment in his previous column, he felt himself obliged to quote 'two other views' on the issue. As he wrote, 'some' argued that not only the amount of shares in radio and television should be taken as a base to limit media proprietors to bid in public tenders, but others having shares in the press as well as web-casters or web-publishers should also be limited. And the

second argument, as he quoted, was that the state should be responsible of punishing media owners who abuse their power in order to win a public tender rather than disallowing them from bidding altogether (O. Ekşi, *Hürriyet*, 23 May 2001).

It was Nazlı Ilıcak, an FP MP and a columnist of the daily *Yeni Şafak* who commented first on this contradiction and questioned Ekşi about why he changed his opinion (N. Ilıcak, *Yeni Şafak*, 6 June 2001). Ekşi, in return, suggested that his views did not change and offered a very interesting distinction between his views as the chairman of the Turkish Press Council and the leading columnist of a daily in Turkey. This distinction is worthy of quoting here:

> Why would Oktay Ekşi, the chair of the Press Council, write any of his views that he holds under this title in his column in Hürriyet? Is Hürriyet a publication of the Council? [...] The truth of the matter is that *a leading columnist of a newspaper reflects the editorial policy of the paper more than his individual view.* This is the ground rule. Oktay Ekşi, the writer of this column for many years, revealed his view on the issue that Nazlı Ilıcak has been talking about the first – and most likely the last – time. What has been done was professionally wrong. What makes Hürriyet different is that it was tolerant about it (O. Ekşi, *Hürriyet*, 8 June 2001; emphasis added).

Oktay Ekşi's comments are striking as they reveal what journalism is/became in Turkey. This is exactly one of the core aspects of the transformation of the press in Turkey since 1980s through which Adaklı (2006: 12) identifies the press in today's Turkey as "a sector that is embedded into the big capital groups". In this context, Oktay Ekşi did not hesitate to prioritise the interests of the Doğan Group in the discussions on the Broadcasting Law despite his status as the chair of the Turkish Press Council of which its members at the time were highly critical on the proposed changes in the regulatory framework. This contradiction eventually led to a bigger dispute in the course of other events and the Merkez Group (owning the television channel *ATV* and the dailies *Sabah, Takvim, Fotomaç*) was the first to resign from the Council membership in April 2005. Ergun Babahan, the then editor-in-chief of *Sabah*, announced the Merkez Group's decision on the resignation via his column in *Sabah* criticising the Council for acting according to the benefits of the media group that its chair is entitled to. Babahan stated in his column that "[i]n a country aiming at the European Union membership, the existence of a representation system that is mono-vocal and relying entirely on the benefits of a particular group is not acceptable" and from now on they would recognise the Journalists Association of Turkey as the sole organisational representative of media and journalists (E. Babahan, *Sabah*, 9 April 2005). Merkez Group's resignation from the Council was shortly

followed by the resignations of the Çukurova Group (owning *Show TV*, *Sky Türk* channels, *Akşam* and *Güneş* dailies), and two other dailies: *Yeni Şafak* and *Dünden Bugüne Tercüman*.

The real name behind *Hürriyet's* editorial line was not Oktay Ekşi, but it was in fact Ertuğrul Özkök, the editor-in-chief of the paper. This corresponds to Adaklı's (2006) observation on how the traditional segregation between the editorial and administrative operations of the press enterprises got blurred in Turkey from the 1980s, which resulted in the editor-in-chiefs of major dailies prioritising the interests of their parent group's in generating content. As Adaklı (2006: 341-4) suggests, Ertuğrul Özkök as a major figure in the Doğan Group for many years is a perfect example for this new generation of editors in Turkish dailies. A careful examination of Özkök's comments in his column during the battle for amending the Broadcasting Law supports Adaklı's arguments. Throughout the debate, Özkök wrote in favour of the proposed changes. According to him, bringing an 'audience share' criterion for regulating media ownership would prevent 'black money' operations in media by shedding light on the 'already-known-secrets' behind media capital. On the issue of banning media proprietors from biddıng in the state tenders, Ertuğrul Özkök argued that Turkey could not afford excluding media proprietors from these tenders since they are the real entrepreneurs of the country and the revenue expected from privatisation would fall if they are excluded. His suggestion to prevent media owners to use their power to assert influence on the outcome of state tenders was to make sure that the Public Tenders Law includes necessary measures against the misuse of power (E. Özkök, *Hürriyet*, 23 May 2001).

It was in fact very obvious that Ertuğrul Özkök's perspective on the debate was one of the two 'other' views that Oktay Ekşi felt himself 'obliged to cite' in his column the same day and contradicted himself considering what he expressed in his column just a day before. This line of thinking was also supported by other important *Hürriyet* columnists such as Fatih Altaylı and Emin Çölaşan. Çölaşan vigorously attacked the FP MPs in his column, accusing them for acting for the benefit of Islamic capital behind certain media enterprises with their attempts to block the discussions in Parliament (E. Çöleşan, *Hürriyet*, 8 June 2001). The major target of Çölaşan was Nazlı Ilıcak – an FP MP and a columnist of *Yeni Şafak* – who was one of the major figures that was vocal against the financial operations of Aydın Doğan and the draft law both in Parliament as well as via her column. Çölaşan, at some point, shifted the whole debate to a very personal level and accused Nazlı Ilıcak of abusing her political status to channel her 'deep resentment' and 'hatred' against Aydın Doğan (E. Çöleşan, *Hürriyet*, 9 June 2001). This is

one of the perfect examples that reveal how 'bullying' in the Turkish press can steer the debate on important issues.

Hardly surprisingly, the President's veto of the draft law was covered none of the columnists of the Doğan Group's dailies. They were all silent until May 2002, when the government decided to bring the draft law back to the agenda once again. Yet, when it was adopted in Parliament unchanged, the next day headline of *Hürriyet* was just the way one could expect: "The era of transparent broadcasting begins" (*Hürriyet*, 16 May 2002).

As seen, changes in media ownership regulations dominated the debate on the amendments package, but it was not possible to discuss the overall change in approach to broadcasting policy in a broader scope. Understandably, the controversy between the 'pro vs anti-Doğan Group' camps was most heard. The amendments proposed in the draft law had actually broader implications on the regulation of broadcasting in Turkey. Since the amendments package was not well-designed, the changes it brought were very problematic. Some of its implications were directly related to Turkey's compliance with EU standards in broadcasting. Additionally, the process got further complicated following the Constitutional Court's intervention in June 2002 by suspending the enforcement of two core amendments in the package: the new ownership regulations and the composition of the regulatory body. The section below looks into the scope and the implications of the key amendments in the package further in-depth.

4.4 The Scope of the Amendments to the Broadcasting Law
4.4.1 Ownership Regulations

When the long awaited Broadcasting Law came into affect in 1994, the key policy concern was to carry out the frequency allocations as soon as possible to regulate the *de facto* operations of the broadcasters, not regulating ownership. As Çaplı and Tuncel (2005: 1573) suggests, following the breakdown of the state monopoly in broadcasting in Turkey in the early 1990s, the policy rationale behind the ownership regulation was not to design precautionary measurements to prevent concentration in the media market, but it rather aimed at preventing "media outlets from serving their owners' interests". However, as stated earlier, over the years, frequency allocations became the key deadlock in the broadcasting sector in Turkey since the regulatory body RTÜK was not successful in executing the allocations despite its various

attempts. Consequently, the mushrooming of commercial broadcasters got out of control and the loopholes in media ownership regulations enshrined in law were abused by the media proprietors to increase their power.

In the Broadcasting Law, media ownership was regulated under Article 29. First of all, the Law outlawed "political parties, associations, labour and employer unions, professional associations, co-operatives, foundations, local governments and companies established or partially owned by local governments, commercial companies, unions, and organisations and enterprises dealing with investment, import, export, marketing and financial affairs" to own any media as well as have partnerships with media enterprises having a broadcast permit. In regard to share limits of individual media proprietors, the same article stipulated a 20 per cent ceiling in broadcasting enterprises. The same ceiling was applied to the total shares of individuals having shares in more than one media enterprises. Shareholders' next of kin were banned from having a share in the same media enterprise. The same corporation could only set up one radio and television broadcasting enterprise. Cross-media ownership as well as foreign ownership was also limited to 20 per cent. One foreign investor could have a share only in one media enterprise. And finally, the law prevented individuals having a 10 per cent share in a broadcasting enterprise to take part in state tenders and related businesses.

As strict as it seemed on the paper, these limitations on ownership did not restrain the emergence of media tycoons in the Turkish media sector as the media proprietors abused the loopholes in the monitoring of the law and kept 'veiling' their actual shares. The proposed amendment was in a way bringing transparency to these shares as constantly emphasised by its supporters. With the proposed amendment, limits on ownership were removed. According to the new regulation, 'annual viewing or listening ratio' was brought in as the new ownership criterion. If the average annual viewing or listening ratio of a broadcasting enterprise was to exceed 25 per cent, then the capital share in that enterprise could not exceed 50 per cent. Additionally, in the case of owning more than one radio and television that exceed the annual rating ratio, the shareholders were asked to decrease their shares under 50 per cent through selling certain amount of their shares. The amended article also stipulated that the broadcast permits of the enterprises would be annulled in case of violation of the regulation. However, as rightly pointed out by Çaplı and Tuncel (2005: 1574), the usage of 'ratio' here was very problematic. Although 'share' and 'rating' were taken as the basis in audience measurement, the law did not clarify what is meant by ratio.

The aim of this amendment was practically impossible to implement when the fragmented structure of the broadcasting market in Turkey is considered. None of the radio and TV stations could exceed this 25 per cent share anyway. Individual shares have always been much lower. On the other hand, this ratio measurement might have suggested a new way of measuring the size of the market as well. According to the new regulatory framework, it was the RTÜK's responsibility to establish a new audience measurement system, but it was not clear how it would do it. In Turkey, TV audience measurement has been carried out by AGB Anadolu since 1989.[62] As of 2006, AGB Anadolu had people-meters only in 2,201 household measuring national TV channels that subscribed to the system.[63] However, there has always been a controversy around the reliability of the data provided by AGB Anadolu. Given this, it was clear that RTÜK could not take the audience figures provided by AGB Anadolu as the basis of regulating ownership since the data provided was limited. Then again, if the regulator chose to establish its own measurement system, a couple of years and extensive financial investment was needed to carry out these required measurements. All of these points were expressed by the MPs from the opposition parties during the parliamentary discussions. With its own proposal to amend the article, the government decreased the proposed 25 per cent audience threshold to 20 per cent, but no further change was made.[64]

Within the same article, the most controversial amendment was on the financial operations of the media proprietors. As noted earlier, the existing Broadcasting Law barred anyone having more than 10 per cent share in any media enterprise from the state tenders and any other related businesses. With the amendment, this ban was totally removed. After years of lobbying, the government gave the media proprietors – especially Aydın Doğan – what they pressured for. As far as the discussions in Parliament a year after the President's veto are concerned, although a few MPs from the governing coalition parties commented on the related amendments anyway, the same justifications were continuously articulated. Rather than questioning why the existing regulatory framework could have never been applied since the beginning, they targeted the law itself. An ANAP MP stated that with these amendments they

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[62] AGB Anadolu is the subsidiary of AGB Nielsen Media Research, the joint venture between AGB Group and Nielsen Media Research International set up in 2004. It was the Turkish Audience Research Board (*Türkiye İzleyici Araştırmaları Kurumu* – TİAK) that commissioned the conducting of the audience measurement research to AGB Anadolu.

[63] These people-meters were set up in twenty-one cities and the provinces of these cities having more than 20,000 residents. The scale was stated to represent 40,900,052 people living in the selected areas who are over five years old. For further information, see the official website of RTÜK: http://www.RTÜK.org.tr

[64] TBMM Journal of Minutes (31 May 2001) Term: 21, Legislative year: 3, Session: 111, Vol. 65. Ankara: TBMM.

aimed at 'strengthening competition' and any abuse of power could be prevented in the framework of the Law on Competition.[65] In a similar vein, but in contrast to the party's conventional leftist tradition, a DSP MP echoed the editorial line of the editor-in-chief of *Hürriyet*, Ertuğrul Özkök. A short excerpt from his speech in Parliament is worthy of quoting here:

> Today, in Turkey, as far as I know, except from the Koç Group, Sabancı Group and the Anadolu Group, all capital groups own radio and television. If you ban all capital groups from public tenders when this is the case, how will we carry on with privatisation? […] By excluding media groups from the tenders, are we going to give away the state enterprises as a gift to the freeholders or to the three groups I have mentioned above?[66]

This DSP MP's comments, of course, unfold a bigger picture on privatisation policies in Turkey, through which politics of left need to be further discussed. At this point, it is also important to note that the amendments package in general and this particular article regulating ownership and the financial operations of media proprietors was an issue of internal strife between the MPs of the coalition government. As presented earlier, a reading through the minutes of the discussions in the Constitution Committee finalising the draft reveals that policy-makers were divided from the beginning on the amendments proposed. The ones opposing the amendments stated that the new article would be against EU norms, the constitution and the existing ban on cartelisation. They argued that unless the existing limitations in the law were preserved, monopolisation in the media would emerge and this would consequently lead to the establishment of a 'media state' as freedom of communication that is integral to any democratic regime would deteriorate. On the other hand, others supporting the amendments argued that the existing regulation was not applicable and needed to be amended as it represented a view of 'close society'. For them, everybody should know who owns what in Turkey and media owners should be aware of their rights and responsibilities. Therefore, as it was also suggested during the discussions in Parliament, the possible downsides of the proposed amendments could well be balanced by adding media ownership provisions to the Law on Competition. However, this debate could not be taken one step further in the actual parliamentary sessions and MPs from the opposition parties kept

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[65] TBMM Journal of Minutes (23 May 2002) Term: 21, Legislative year: 3, Session: 107, Vol. 64. Ankara: TBMM, pp. 21-3.
[66] ibid., 25.

criticising other MPs for expressing different views in the backstage, yet still voting in favour of the amendments in Parliament.[67]

When President Sezer vetoed the law, not surprisingly, his criticisms towards the amendments to Article 29 were central in his statement justifying his veto:[68]

- There was no clarity in how the 'audience ratio' criterion is used;

- The 20 per cent audience threshold was not applicable considering that the highest audience share in Turkey is 14-16 per cent. As he suggested, a 'rating' threshold would be a better way of regulating media ownership;

- The amendments would facilitate the cartelisation of big capital groups in the fields of radio and television broadcasting. Citing Article 167 of the constitution, the President stated that cartelisation and monopolisation is barred in Turkey and the State has a direct responsibility in ensuring the well-functioning of the markets as well as the enjoyment of the basic freedoms in communication by preserving this ban;

- Allowing media proprietors to bid in the state tenders could result with unfair competition and engineered speculation in the stock market. President Sezer stated that all media should have a public service remit and by removing the restrictions enshrined in law, media were encouraged to further commercialise without any measures to prevent the misuse of the media accompanied. According to Sezer, Turkey neither had a well-developed democracy, nor completed its privatisation processes and therefore existing limitations on the financial operations of the media proprietors should be preserved to prevent the organic interdependence between the state and the media.

When the vetoed amendments package came in front of Parliament once again in May 2002, there were some important changes in the political agenda. The Virtue Party was closed by the Constitutional Court in June 2001 for 'posing a threat to the state' and therefore the main opposition now was split between the SP and the AKP parties. Additionally, political circles were much more committed to the EU agenda this time and lots of political bargaining already started taking place particularly on the issue of broadcasting rights in languages other than

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[67] Yet, in the final voting, three MPs from the DSP voted against the law and three MPs (including one state minister, one MP from the DSP and one from the ANAP parties) used abstaining vote. Among the DSP cadres, there was only one MP who was against the amendments throughout the whole process: Uluç Gürkan. Gürkan was the only MP who stood up against his party leadership and tried to influence policy by proposing changes during the parliamentary discussions on the most controversial articles such as Article 29. In his speeches addressed to Parliament during the amendment discussions both before and after the veto, Gürkan strongly criticised the proposed changes by arguing that the proposed draft law is in contradiction with the EU standards as well as democratic norms. He could not make any difference, but his opposing stance as an MP of the ruling party was constantly emphasised by the MPs from the opposition during the discussions. For the records of his speeches; see: TBMM Journal of Minutes (30 May 2001) Term: 21, Legislative year: 3, Session: 110, Vol. 65. Ankara: TBMM, pp. 57-8.

[68] Official Communication of the President to the Turkish Grand National Assembly, 18 June 2001, Ankara.

Turkish that was integral to EU political criteria. Therefore, this time, the EU cause was much more articulated by the opposition party members to oppose the Broadcasting Law and to emphasise its contradictions with Turkey's commitments to the EU. MPs from both parties in opposition once again disputed the amendments, but with the help of the DYP's 'hidden support' for the government, Article 29 – just like the rest of the law – passed from Parliament without any further change.[69]

President Sezer had to ratify the law as he did not have any right to veto for the second time. However, he brought the law in front of the Constutional Court for the suspension of certain articles, including pargraphs (d) and (e) of Article 29. The Constitutional Court first suspended related paragraphs in June 2002 and then annulled them in September 2004 following the assessment of other applications.[70] In this respect, the story of Article 29 is a unique example revealing the dynamics of policy-making in Turkey. A very important broadcasting policy issue could not be resolved within parliamentary politics. It was the civil bureaucracy – i.e., the Constitutional Court in this case – that finalised the debate. As there has not been any further attempt to open up the debate, limitations on ownership and financial operations of domestic media proprietors as enshrined in the Broadcasting Law remained valid. As of 2005, regulations on media ownership became the centre of attention on a different but related ground: foreign investors managed to penetrate into Turkish market by veiling their real shares in media assets they acquired with their Turkish investor partners. This process is thoroughly analysed under section 4.6 in this chapter.

4.4.2 Regulating the Regulator: Issues on the Organisation of the RTÜK
a) The Composition and the Supervision of the RTÜK

As noted in the previous chapter, shortly after RTÜK was established in 1994, it became the centre of criticism due to its overtly political composition. RTÜK's impartiality has been in question from the very beginning and with the scope of the sanctioning powers it had, which its board did not hesitate to apply quite often, it was seen as a 'penalising' body, rather than a regulatory one over the years.

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[69] Law No. 4756, Law on the Amendment to the Law on the Establishment and Broadcasts of Radio and Television, *Official Gazette* No. 24761, 21 May 2002, Ankara.

[70] Apart from the President, 117 MPs representing various opposition parties – mainly from the AKP and the SP parties – applied to the Constitutional Court following the adoption of the law. In Turkey, it takes a very long time for the Constitutional Court to announce its reasoned ruling; this is why the process of the annulment of

As stipulated in the Broadcasting Law (Article 6), the RTÜK Board consisted of nine members and all are appointed by Parliament. Among these nine members, Parliament elected five members upon nominations of ten candidates by the party/parties forming the government and the other four were again elected by Parliament upon nominations of eight candidates of the opposition party/parties. The candidates are required to have 'experience' in the fields of "press, broadcasting, information and communications technologies, culture, religion, education and law". The term of duty for the board members was set as six years and three members had to be renewed every two years.

Although, as enshrined in law, the RTÜK is an 'autonomous' and 'impartial' public legal person, this highly complex calculation behind the election of the members of its governing board reveals the political struggle that has been at stake behind the regulation of broadcasting from the very beginning. In order to restrain political influence over the election of its members, any discussion over the nominations in Parliament is barred and 'secret voting' is preferred as the election method. Yet, considering the dynamics of politics in Turkey, these measures are far from being influential. As Yıldız (2003: 46) observes, the members of the RTÜK Board have always been associated with the political parties that they were nominated by. Moreover, politicians constantly kept intervening in the day-to-day working routines of the RTÜK. In this respect, the personal memoirs of Nuri Kayış (2005) – the head of the RTÜK Board from May 2000 to June 2002 – is a great source portraying how far these interventions could go.[71]

Taking all these dynamics as the background of the amendments package, one could easily expect that the proposed draft law would bring a kind of solution to the composition of the RTÜK Board that has been a major problem since 1994. However, that was not the case. As Çaplı and Tuncel (2005: 1551) suggests, "[w]hile the new law was being drafted, it was almost impossible to reach a consensus on the main parameters of the representational aspects of the regulatory body. The need to bargain and compromise between conflicting interests overrode all other concerns". The new draft law amending the Broadcasting Law did not change the number of the RTÜK Board members, but it re-regulated the nomination and election

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certain articles took two years to conclude. See: Constitutional Court Decree No. 2004/9, 21 September 2004, *Official Gazette* No. 25593, 24 September 2004, Ankara.

[71] It is interesting to note that the DSP MP Uluç Gürkan, who was the only MP from the ruling party standing against the draft law throughout the whole process, in his interview he gave to Yıldız (2003: 48) stated that Nuri Kayış 'was the only person who gave the due of the seat he occupied'.

processes for the membership posts. According to the new Article 6, the term of duty for the members was decreased to four years and among nine members of the RTÜK Board:

- five members are to be appointed by Parliament, from the nominees of the political party groups determined according to the seats distribution in Parliament;

- two members are to be appointed by Council of Ministers, from four nominees of the Higher Education Council (academics in electrical or electronic engineering, communication, culture/arts and print/audiovisual media fields);

- one member is to be appointed by Council of Ministers, from two nominees jointly presented by the two largest associations of journalists and the Press Council;

- one member is to be appointed by Council of Ministers, from two candidates nominated by the National Security Council, from among civil servants.

It is very ironic that this new 'mixed' system in the election of the RTÜK Board members was justified on the basis that it would help members distance themselves from any type of influence and enable them to make 'impartial' and 'independent' decisions. Clearly, the means and ends were totally at odds with each other. The power of the elected was completely disregarded with this amendment. Additionally, by allowing the Cabinet (Council of Ministers) to appoint four members out of nine, the amendment made the government gain great influence over the composition of the governing board.

There were also other important problems with the proposed amendments in regard to Turkey's commitments to the EU as a part of the candidacy process. Firstly, the involvement of the National Security Council (MGK) in the regulation of broadcasting through the appointment of one of the two candidates it nominates could not be justified at a time when reducing, if not completely eliminating, the army's influence on Turkish politics was increasingly becoming a crucial issue within the conditionality of Turkey's EU membership. Secondly, as a member of the Council of Europe, Turkey was part of the debate on strengthening the independence and functions of the regulatory authorities for the broadcasting sector, which was recommended to member states and adopted by the Cabinet in December 2000. The proposed composition was totally in contradiction with what was adopted in the Council of Europe that stated: "The rules governing regulatory authorities for the broadcasting sector, especially their membership, are a key element of their independence. Therefore, they should be defined so as to protect them against any interference, in particular by political forces or economic interests" (CoE, 2000). All of these points were emphasised by the opposition MPs during the discussions in Parliament before and after the President's

veto.[72] When the amendments came to Parliament the second time in May 2002, the government was in the midst of an internal strife on how to manage EU conditionality on broadcasting rights in languages other than Turkish. Therefore, this time, the opposition MPs were very keen on reminding the government of Turkey's commitments to the EU.[73]

On the other hand, in his veto statement, President Sezer made no reference to Turkey's EU process. On this specific amendment, what he basically opposed was the selection of the board members by Parliament no matter what kind of nomination method was chosen. For him, the RTÜK had immense regulatory powers that required it to be impartial, but the proposed composition, in contrast, would allow the selection of individuals with certain political leanings. This is why he only commented on the first sub-paragraph of amended Article 6 and it was this paragraph that the Constitutional Court first suspended the first sub-paragraph of the amended article in June 2002 and then annulled it in September 2004 (see Appendix I).

The Constitutional Court's decision process juxtaposed with the renewal of the head of the RTÜK Board both in June 2002 and September 2004. As the law stipulated the renewal of the head of the board every two years, the then head of the RTÜK – Nuri Kayış – was in the final days of his duty when the draft law was brought in front of Parliament in May 2002. In June 2002, just a few days before the Constitutional Court announced its decision, the RTÜK members elected the new head of the board: Fatih Karaca.[74] As the Court decided to suspend the related article, there was no change in the existing composition of the board. Throughout the policy process regarding the debate on changing the language policy for broadcasting in Turkey, as is further analysed in the following chapter, Karaca was the head of the RTÜK Board.

However, issues related to the selection and appointment of the RTÜK Board got complicated following the Constitutional Court's ruling on suspending the enforcement of the

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[72] For full records of the discussions, see: TBMM Journal of Minutes (24 May 2001) Term: 21, Legislative year: 3, Session: 108, Vol. 64. Ankara: TBMM, pp. 14-20.

[73] TBMM Journal of Minutes (14 May 2002) Term: 21, Legislative year: 4, Session: 99, Vol. 95. Ankara: TBMM.

[74] Karaca, who does no more have any association with the RTÜK, was a member of the board since 1995 and was also one of the most influential members throughout the beginning. Yet, it was widely known that there was a great dispute within the RTÜK Board and Karaca was one of the main actors. This dispute reached to a point that none of the RTÜK members publicly backed Nuri Kayış in his lobbying against the draft law and just two months before the due of Kayış's end of term Karaca asked for his resignation from Kayış with the backing of some other members. Although the reasons behind this final conflict were totally different, it could be well

related paragraph in June 2002. The Constitutional Court granted six months to the government to issue new legislation that would begin once the Court publicised its reasoned decision. As it takes quite a long time for the Constitutional Court to release its reasoned decisions, the government was stuck in tackling the issue on how to appoint new members for the RTÜK Board. By 2004, most of the board members' term of duty was already over and new members had to be appointed as soon as possible. The only solution was to change one article of the constitution so that RTÜK could be converted to a constitutional body. As odd as it might sound, first setting up a statutory body and then granting it a constitutional status was not something novel in Turkish policy-making.[75]

The method was not novel, but the composition of Parliament was completely different from how it was when the draft law was brought to Parliament in May 2002, almost a year after the President's veto. The AKP was now leading the government following the November 2002 elections and the CHP was in opposition. Both parties agreed on drafting a proposal to amend the Article 133 of the constitution regulating "Radio and Television Administrations and State-Financed News Agencies".[76] The related article was amended by the end of May 2005 and by doing so the regulation on the composition of the Board became identical with how it was in the original Broadcasting Law.[77] Accordingly, it would consist of nine members to be elected by Parliament upon the nomination of political party groups determined according to the Presidency Council formulation quota. This meant that at least six members would be elected from the AKP's and the other three would be elected from the CHP's nominations. To prevent another crisis, both party representatives were in close contact throughout the whole process. The CHP leader Deniz Baykal compromised on his earlier decision not to approve any amendment to the constitution as long as no attempt was made to abolish the 'immunity' law for the politicians. On the other side, the AKP agreed not to nominate controversial names for membership (*Radikal*, 27 April 2005, 24 May 2005; *Hürriyet*, 28 April 2005).

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argued that it was rather the final phase of a long running polarisation in the board. Karaca was elected as the new chair with five votes against four in June 2002 (N. Akman, *Zaman*, 9 June 2002; *Zaman*, 12 February 2002).

[75] One example is the establishment of the Turkish Higher Education Council (*Yükseköğretim Kurulu* – YÖK).

[76] As noted earlier, Article 133 was first amended in 1993 to lift the state monopoly in broadcasting in Turkey to pave the way for the establishment of private broadcasting market. After this amendment the article stipulated: "Radio and television stations shall be established and administered freely in conformity with rules to be regulated by law. [2nd paragraph] The unique radio and television administration established by the state as a public corporate body and the news agencies which receive aid from public corporate bodies shall be autonomous and their broadcasts shall be impartial."

[77] TBMM Journal of Minutes (24 May 2005) Term: 22, Legislative year: 3, Session: 101, Vol. 85. Ankara: TBMM.

As might be expected, President Sezer vetoed the proposed law amending the constitution on the basis that it would give rise to party favouritism in the candidacy nominations for the RTÜK membership and once again he emphasised the importance of establishing an independent and impartial regulatory body for broadcasting.[78] Following the President's veto, the Constitutional Committee had one final meeting to discuss whether any changes were required. Reading the minutes of this meeting reveals that members of the Committee regarded this amendment as a return to the prior practice that had been applied since the establishment of the RTÜK, which was not in contradiction with the practices in different European countries. The members agreed that there was no other way to end the deadlock. They also emphasised that the members' selection method could not be seen as the only criterion to ensure independence; the candidates themselves and established working practices had equal importance.[79] The Committee decided to pass the proposed amendment to the constitution to Parliament without any further change made with a majority vote. Finally, Parliament voted the proposed amendment to the constitution and passed it without discussing it any further.[80]

As seen, the composition of the RTÜK Board was at the heart of the debate of the independence of RTÜK throughout the amendment process of the Broadcasting Law. When the amendments are seen in their integrity, it was actually quite evident that the then tripartite government aimed at asserting greater influence on the RTÜK by various means. If one of the major blows to the independence of the RTÜK Board was the amendment to its composition, the second one was the amendment to the supervision of it as stipulated in Article 9 of the original law. With an added sub-paragraph, the supervision of the RTÜK Board was granted to the High Auditing Board of the Prime Ministry (*Başbakanlık Yüksek Denetleme Kurumu* – BYDK).

During the discussions on the article, the opposition parties strongly disputed the proposed amendment and stated that if there would be a type of supervision and/or inspection regarding the activities of the board members, the responsible body should be the Turkish Court of Accounts (*Sayıştay*), which was responsible for auditing the revenues and the expenditures of the government offices operating under the general and annexed budgets on

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[78] Official Communication of the President to the Turkish Grand National Assembly, 10 June 2005, Ankara.

[79] TBMM Constitutional Committee Report, Initial No: 1/1052, Decision No: 5, 14 June 2005, Ankara.

[80] Law No. 5370, Law Amending an Article of the Constitution of the Republic of Turkey, *Official Gazette* No. 25854, 23 July 2005, Ankara. For the records on the Parliamentary session, see: TBMM Journal of Minutes (21 June 2005) Term: 22, Legislative year: 3, Session: 114, Vol. 88. Ankara: TBMM.

behalf of Parliament, not the BYDK.[81] This was also emphasised by President Necdet Sezer in his veto statement. Following the President's veto, it was the AKP MPs who argued against the amendment this time, but they could not make any difference.

b) The Functions of the RTÜK: To Regulate or to Monitor?
i.)   Deadlock in Regulation: Frequency Allocations

When RTÜK was established by the Broadcasting Law of 1994, it was designed both to regulate the broadcasting market as well as monitor whether the broadcasts comply with the standards enshrined in law. The main regulatory responsibility assigned to RTÜK was to allocate frequencies and award licences to the broadcasters.[82] However, due to the reasons outlined earlier, RTÜK was not able to carry out its initial regulator responsibility. The last attempt to carry out the tenders in April 2001 overlapped with the process of amending the Broadcasting Law. RTÜK could not succeed once again as the broadcasters appealed to court at the Council of State and won their case.[83]

It is in fact very interesting to see that the DSP-MHP-ANAP coalition was already in search of a different policy regime to end the deadlock in frequency allocations as a part of the process to amend the Broadcasting Law. Yet, there was a very interesting and even hardly explicable contradiction in the timing of the draft law coming in front of Parliament in May 2001 and the announcement of the tenders for the frequency allocations a month earlier, in April. To put it differently, if the allocations could be carried out in April 2001, what was proposed in the draft law to change the approach in planning and allocating the broadcasting frequencies would be completely ineffective. This reveals that within the period between the referral of the draft law to the Presidency of the Assembly in June 2000 and the beginning of discussions in Parliament in May 2001, the government either disregarded the RTÜK's schedule for the

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[81] For the complete record of the discussions on the article, see: TBMM Journal of Minutes (24 May 2001) Term: 21, Legislative year: 3, Session: 108, Vol. 64. Ankara: TBMM, pp. 29-35.

[82] Broadcasting Law, Article 8.

[83] The reason why some broadcasters took the issue in front of the Council of State was related to the RTÜK's earlier announcement that only eleven licences would be granted to national broadcasters. This meant that five broadcasters would be excluded from the tender. The Council of State found the broadcasters claimed that excluding five broadcasters would be in contradiction with the equality principle stated in the Constitution. The then head of the RTÜK, Nuri Kayış, reacted against the decision and accused broadcasters of trying to keep their de facto broadcasts and escaping the financial responsibilities that they had to bear once the tenders are carried out. Interestingly, the ignorance of the mainstream press – especially of those belonging to the *Doğan Group* – to cover this important issue makes us think that everybody was in fact quite pleased with the decision of the Council of State. See: *Medyakronik*, 25 April 2001.

frequency allocations or knew that the tenders would not be carried out one way or the other. This issue was never discussed.

What was proposed in the draft law was a dramatic change in the regulatory regime for broadcasting. With the amendment to the Article 24 of the Broadcasting Law, the government proposed to take the responsibility for frequency planning from the RTÜK and assign it to another regulatory body that was established a year before: the Telecommunications Authority (*Telekomünikasyon Kurumu* – TK).[84] TK's main responsibility was originally to facilitate the developments in the telecommunications sector during the liberalisation and privatisation process. The amendment to Article 24 included the TK in the regulation of broadcasting by assigning it the responsibility for frequency planning, which was actually completed by the RTÜK years ago. Additionally, with the amendment, the authority to approve the frequency plan and decide the numbers and the timing of the frequency allocations was given to another council: the Communications High Council (*Haberleşme Yüksek Kurulu* – HYK).[85] As the amendment stipulated, HYK would ask RTÜK to initiate the tender process for allocating frequencies once it approved the plans. This new approach to broadcasting regulation made the issue more complicated. First of all, it terminated the main regulatory function of the RTÜK and reduced it to a monitoring body. Secondly, out of the blue, the HYK became the main decision maker on the most problematic issue of broadcasting regulation in Turkey. Yet, as also noted by Çaplı and Tuncel (2005: 1555), HYK did not have the competence to carry out the supervisory role to tackle the frequency allocations since it was just a board without any organisational structure that was supposed to convene only twice a year. It can be argued that the rationale behind the policy preference of the government at the time to equip the HYK with such a massive authority in broadcasting regulation was related to the politically complex nature of the problem. After years of chaos, only top level government officials could end the deadlock in frequency allocations and the HYK had a perfect composition through which any type of *fait accompli* could be put into practice. This was actually what happened in March 2005. The HYK decided that there was no interest in pursuing analogue frequency allocations any longer and the planning of digital switchover in Turkey would be the next step (*Hürriyet*, 30 March 2005).

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[84] TK was set up by law in January 2000 and it was in fact the continuation of the body formerly known as Wireless General Directorate under a new organisational chart.

[85] HYK was set up in 1983 to approve communications policies in Turkey. Its members are the Minister of Internal Affairs, the Minister of Transport, the Under-Secretary of the National Intelligence Organisation and the Head of Electronic Communications of the General Staff, meeting under the presidency of the Prime Minister (or a State Minister authorised by the Prime Minister).

These contradictions in the proposed regulation were emphasised by different MPs during the discussions in Parliament. They mainly criticised the government for further damaging the independence of the RTÜK by giving greater authority to the HYK, which represented civic and military bureaucracy. Yet, their efforts to change the article did not make any difference.[86]

The debate on how and when to switchover to digital has been on the RTÜK's agenda since late 2002. In fact, a road map for digital switchover was prepared by the RTÜK in 2002 and it was influential behind the decision of the HYK in March 2005. Yet, only from mid-2005 onwards, 'digital switchover' became the catch-phrase in broadcasting related circles. The then head of the RTÜK, Fatih Karaca, announced that Turkey was aiming at 2014 for the switchover, which he thought to be quite late. By the end of 2005, which is the cut-off date for this research, there was no significant progress regarding the switchover policy. It is still unknown to what extent the designed road map will be employed. In its current stage, the approach of the policy makers within the AKP government suggests that switchover to digital is mainly regarded as a technological turn resembling the switchover to colour TV in Turkey more than two decades ago. Although switchover to digital may help to end the frequency deadlock in Turkey, it is as yet unknown whether the full potential of digitalisation would be realised in the long run.

ii.) To Monitor or to Sanction?: The Debate on Broadcasting Standards

The vagueness of broadcasting standards and the ways in which the RTÜK relied on these standards to sanction broadcasters were at the centre of criticism towards the RTÜK from the very beginning (Çaplı, 2001). When the RTÜK was established in 1994, in contrast to the former regulator it replaced – High Commission for Radio and Television (*Radyo Televizyon Yüksek Kurulu* – RTYK) – it was granted the authority to sanction the broadcasters, the most extreme being the confiscation of the broadcaster's licence. The sanctioning powers of the RTÜK were always regarded as far too broad and anti-democratic and since the regulator did not hesitate to exercise these sanctions quite often, it started to be regarded as a 'penalising' and 'censoring' authority more than a broadcasting regulator (Kejanlıoğlu et al., 2001: 134).[87] In the amendments package presented to Parliament first in May 2001, the then tripartite

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[86] For the complete record of the discussions on the article, see: TBMM Journal of Minutes (30 May 2001) Term: 21, Legislative year: 3, Session: 110, Vol. 65. Ankara: TBMM, pp. 30-7.
[87] From 1995 to 2005, RTÜK issued 2951 warnings and suspended 1034 channels. See: Çaplı and Tuncel (2005: 1560).

government wanted to reformulate broadcasting standards and the types of sanctions stipulated in law. However, none of these changes were in fact well-formulated and the amendments further complicated the situation.

At the core of the problem was Article 4 of the Broadcasting Law which laid out the standards that broadcasts should comply with. Within the twenty-point list, together with some universal standards for broadcasting as enshrined in domestic regulations of almost every European country that is party to European Convention on Human Rights or the Convention on Transfrontier Television, there were plenty of other standards as well. As Irvan (1999: 264) argues, the rationale behind these standards was to protect the state and the individual from broadcasts by obliging the broadcasters to be in line with the 'establishment' rather than promoting a pluralistic view on what broadcasting meant for the society. According to some of these most contentious standards stated in the Broadcasting Law, the broadcasts should be in compliance with:

- the existence and independence of the Turkish Republic and the indivisible integrity of the State with its territory and nation (Article 4/a);

- the national and moral values of the community (Article 4/b);

- general moral values, tranquillity of the community and Turkish family structure (Article 4/d).

- the principle on not allowing broadcasts that shall instigate the community to violence, terror, ethnical discrimination or incite hate (Article 4/g);

- the general objectives and basic principles of the Turkish national education system and the principle on the fostering of the national culture (Article 4/u).

When the sanctioning powers of the RTÜK are combined with the ambiguity of these standards, the picture emerging from the broadcasting scenery in Turkey has always been very problematic. For instance, as Yıldız (2004: 79 and 80) presents in his research, during the period from 1994 to 2002, RTÜK suspended the broadcasts of sixteen radio stations for 2,781 days and three TV stations for 458 days on the grounds of violation of Article 4/a; forty-four radio stations for 8,620 days and nineteen TV stations for 1,662 days on the grounds of violation of Article 4/g.[88]

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[88] At this point one might question how RTÜK monitors both radio and TV broadcasts all over Turkey. Actually, it has been running a massive operation from the beginning. Under the 'Head of Monitoring and Evaluation Department' there are forty-one personnel (who are called 'experts') responsible for monitoring and recording the broadcasts. RTÜK also has regional branches. However, it collaborates with the local police forces

When the Broadcasting Law was to be amended in May 2001, new regulations regarding broadcasting standards as well as the sanctioning powers of the RTÜK were in the whole package. However, the picture did not get any better as the amendment proposed on Article 4 did not shorten the twenty-point list; in contrast, it became longer. The standards were basically rearranged according to the proposed amendment and two additional ambiguous standards were enshrined. The first one stipulated that "any programme item that leads people to commit a crime or raise the feeling of fear shall not be broadcast" (as amended Article 4/k) and the second one stipulated that "the broadcasts shall not encourage the use of violence or incite feelings of racial hatred" (as amended Article 4/v; see Appendix I).

The real change was on the sanctioning powers of the RTÜK, which was one of the central issues on which the broadcasters kept pressuring the government to be amended. According to the amendment to Article 33 of the Broadcasting Law, the RTÜK could no longer suspend the broadcasts of any TV or radio station altogether, but instead it could now suspend the particular programme violating the broadcasting standards. Moreover, the RTÜK now was required to warn the channel before suspending the programme and it could not suspend the airing of the programme more than twelve times. In the case that a programme was suspended, the broadcaster had to fill in the schedule with a different programme of public service nature focusing on "education, culture, traffic, women and children's right, physical and moral development of adolescents, struggle against drugs and harmful habits". The RTÜK had the right to impose fines as a last resort in case of the repetition of the violation.

The amendments brought to both articles – Article 4 and 33 – were full of problems. Firstly, the vagueness of the broadcasting standards, which was an initial criticism expressed by various circles against the Broadcasting Law for more than a decade, remained unchanged. The opposition parties, especially the FP, put forward their most well-grounded criticisms towards the draft law in Parliament during the discussions on this article. An FP MP criticised the over-protectionist rationale behind the standards for disregarding the protection of a democratic society.[89] The same MP also criticised the 'militaristic' tone in the standards through the usage of vague concepts such as 'national security', 'indivisible integrity' and 'fear'.

in cities out of its reach to monitor local broadcasts, which has been criticised by broadcasters. Since the beginning of 1998, the RTÜK also uses an audience/listener complaint phone line that has been often used as a complementary justification for its decisions, see: Kejanlıoğlu et al. (2001: 123-30) and Yıldız (2004: 70-6). Specifically on the RTÜK's view on its complaint line as discussed in its own magazine, see: Karakaşoğlu (1998); Kent (1999); Özdiker (1999).

As he stated, this vagueness of the concepts was totally in contradiction with not only what Turkey should do in relation to its commitments to the EU but also with the main principle of the Convention on Transfrontier Television that necessities clarity in the definition of standards.

Secondly, the fines set in the amendment of Article 33 were extremely high. In the case of repetition of a violation, the amended article proposed the fines to amount to approximately US$189,000 for national TV broadcasters. There was neither a reasonable logic nor a thorough thinking behind these fines. What was proposed here completely contradicted the practicalities of broadcasting in Turkey. If applied, these fines had the potential to do great harm particularly to regional and local broadcasters which have been already operating under extensive financial constraints. This was emphasised by the opposition parties during the discussions in Parliament. Going through the minutes of these discussions, although it is not clear whether the government was influenced by the opposition parties or not, the government ministers themselves proposed a change on the article to make it more flexible. This was actually one of the few articles where government ministers changed the original proposal with a further amendment. The government's new proposal was accepted and rather than a definite fine, lower and upper limits were classified.[90]

The amendments to Article 4 and 33 were both criticised by President Sezer in his veto statement. The President stated that the vagueness of broadcasting standards is in contradiction to the initial principal of clarity in the penal code. He emphasised that the obligation of the broadcasters to comply with these ambiguous and subjective standards would result in uneasiness on the side of the broadcasters and therefore jeopardize their journalistic practices. And specifically on the amendment of the sanctioning powers of the RTÜK, President Sezer stated that the new regulatory framework contradicted the constitution by giving judiciary powers to the RTÜK, which was in fact set up as an administrative body.[91] However, his criticism did not make any difference and when the draft law came in front of Parliament the second time in May 2002 the amendments were readopted unchanged.

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[89] TBMM Journal of Minutes (23 May 2001) Term: 21, Legislative year: 3, Session: 107, Vol. 64. Ankara: TBMM, pp. 45-6.
[90] ibid., 79-80.
[91] Official Communication of the President to the Turkish Grand National Assembly, 18 June 2001, Ankara.

4.5 Issues on Turkey's Compliance with the European Standards for Broadcasting

4.5.1 European Convention on Transfrontier Television and Television Without Frontiers Directive

The Convention of Transfrontier Television (hereafter Convention) is the first European level policy instrument provididng certain principles for the transfrontier circulation of television programmes. As an initiative of the Council of Europe, the Convention lays down certain 'minimum' regulatory principles on issues regarding individual rights; the responsibilities of broadcasters; the promotion of European programming; advertising; teleshopping, and sponsorship. These principles have been important as the Convention formed a basis for the drafting of the Television Without Frontiers Directive (hereafter TWF) in 1989, the same year that the Convention was presented to signature of the members states. In contrast to the Convention's approach to implementation of its principles, which left the decision to apply more or less stringent rules to the State Parties, the TWF's approach to implementation to almost the same principles was very different. Leaving aside the question whether it was successful or not, the TWF was in fact the first legal instrument which served to Europeanise certain aspects of the member states' broadcasting regulations above the national level. In this respect, the TWF is now an integral part of the entire body of the EU law, the *Acquis Communautaire*. It is binding not only for the member states, but also for the candidate countries, including Turkey.

Turkey became a signatory to the Convention in 1992 and ratified it a year after. The principles outlined in the Convention also served as a base for the Broadcasting Law of 1994. There are explicit references to the Convention enshrined in law (see Article 8, paragraph f and p). Therefore, neither the Convention nor the TWF are unfamiliar legal instruments in Turkey. However, there are major problems in Turkey's compliance with the principles outlined in both policy instruments and the emergence of these problems dates back to the drafting of the Broadcasting Law. As Kejanlioglu (2004) neatly portrays, the drafting of the Broadcasting Law was in fact more a process of political bargaining than consensus building. The articles adopted from the Convention greatly suffered from misinterpretation as well as mistranslation (Pekman, 1994). The Broadcasting Law of 1994 was originally designed to regulate both radio and television broadcasts, but the Convention only dealt with television broadcasts. The majority of the discrepancies resulting from the misinterpretation/mistranslation of the Convention were about the regulations on advertising

and teleshopping, and retransmission of broadcasts. Additionally, issues such as how to promote European works, broadcasts of major events, protection of minors were totally disregarded. These long-neglected discrepancies surfaced when the European Commission started monitoring Turkey's progress in the alignment process. The Commission, in every progress report, constantly emphasised Turkey's non-compliance with the provisions of the TWF and asked for a policy change.

Among these discrepancies there are two issues that need further consideration: regulations on advertising/teleshopping and retransmission of broadcasts. Regulations for broadcast advertising will be an important problem in the near future since there are already huge gaps in the implementation of the relevant principles in the Convention in the Turkish context. On the other hand, the issue of retransmission of broadcasts became a major crisis between Turkey and the EU in the course of 2001 following the banning of the retransmission of Deutsche Welle and BBC Turkish broadcasts.

a) Advertising/Teleshopping/Sponsorship

Both in the Convention and the TWF, great importance is given the development of a European level of regulatory framework for the commercial activities of broadcasters, mainly in the form of advertising. When both legal instruments are situated in a historical context, the rationale behind this consideration becomes very clear. Advertising became the driving force of the commercial media market in the 1980s in the course of increasing importance of information and communication industries in Europe. Yet, the key aim of the TWF was to promote the effective functioning of the Single Market by ensuring the free movement of broadcasts in Europe, whereas the underlying motive behind the Convention was mainly related to Council of Europe's greater aims of 'safeguarding' and 'enhancing' pluralism as well as Europe's cultural heritage. In this respect, although the TWF differs from the Convention's emphasis on culture by its emphasis on the Single Market, they use very similar – in most of the cases even identical – instruments to achieve their objectives.

In Turkey, the regulations on advertising outlined in the Convention (Articles 19 to 22) were tailored to the Broadcasting Law of 1994 (Articles 11-16), but the spirit of the Convention's principles was lost during the adaptation (Pekman, 1994; Kejanlioglu et al., 2001). Leaving the translation mistakes aside, the major problem was to adopt the Convention's principles to

regulate radio broadcasts as well, which had nothing to with the Convention. The regulations on advertising were considered as a part of the 'Obligations of Private Radio and Television Enterprises' and the importance given to advertising regulation as a separate issue in the Convention was disregarded. The provisions in the law were later rearranged as part of the May 2002 amendments package, but no other correction was made.

When compared with the 1989 version of the Convention, the adoption of the provisions on the duration and the placement of advertising in the programmes was the most problematic. According to the Convention (Article 14/3), broadcasters could insert only one advertising break for each complete period of forty-five minutes during the transmission of the feature films and films made for the television and a further commercial break would be allowed only "if their duration is at least twenty minutes longer than two or more complete periods of forty-five minutes". To simplify this calculation, only two breaks for a ninety minute and three breaks for a hundred minute programme would be allowed (Pekman 1994 and 2001). However, in the Turkish Broadcasting Law (Article 21/3) this became: "*may be interrupted once for each complete period of forty-five minutes.* If a film lasts longer than forty-five minutes, it may be interrupted once for each additional period of twenty minutes after the first complete period of forty-five minutes". On the other hand, regarding the placement of advertisement, the Convention (Article 14/2) required the protection of the integrity of the programmes by allowing advertisements to be placed between the parts in programmes having natural breaks (such as sports, concerts, theatrical performances) or only after elapsing twenty minutes between each consecutive commercial break during programmes lacking natural breaks (Article 14/4). In the Broadcasting Law, these two separate paragraphs were consolidated and the regulation which emerged from this consolidated article was totally different than that envisaged in the Convention. Accordingly, Article 21/2 of the Broadcasting Law stipulates as follows:

> In programmes consisting of autonomous parts or in sports programmes or similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or in the intervals. A period of at least twenty minutes should elapse between each successive advertising break.

As Pekman (1994: 72) suggests, the provisions on advertising in the Broadcasting Law, despite being adopted from the Convention, were very misleading and almost impossible to implement. The logic behind placing advertising by taking a forty-five minute long programme as a base in the Convention was completely misinterpreted. The broadcasters were obliged to

give a commercial break after forty-five minutes and allowed to give as many breaks as they wanted following the first with twenty minutes elapsed-time between each.

Although the problems in the drafting of the provisions on advertising in the law were not minor, the real problem was in fact quite different. Overall, most of the provisions of the convention were adequately enshrined. However, the real problem was about the implementation. In the mid-1990s, Turkey witnessed the mushrooming of new broadcasting channels, without any adequate regulation accompanying the process. All of these channels were – and still are – basically targeting the same advertising cake, which was not big enough to accommodate all. When the political instability and the consecutive economic crises were added on, the advertising market was a battle zone for broadcasters who kept breaching the law with their practices for the sake of increasing their share of the cake. And for the RTÜK, as the regulator, the situation was much more complex. It hardly implemented the provisions laid out either in the Broadcasting Law or in its directive[92] regulating advertising and kept ignoring the breach of the law by broadcasters. The independence of RTÜK, which was discussed earlier, was not only a matter of its positioning vis-á-vis political powers, but it was also a matter of its relation to the broadcasting market as a whole. As Pekman (2001: 226) suggests, the RTÜK's incompetence in regulating advertising is easier to explain when its income budget is considered. At the end of the day, one of the main sources of income of the RTÜK was 5 per cent share of annual gross advertising revenues transferred from both radio and television enterprises.[93] Pekman (2001) relates the reasons for the reluctance of broadcasters to comply with the provisions on advertising enshrined in law to the vigorous competition in broadcasting market:

> In a context, where there is an issue of political-economy, there is no point in wondering about calculating whether advertising on radio and television should be three or five minutes, whether this is a surreptitious advertising or not, or whether another one [advertisement] is harmful for children or not (Pekman, 2001: 237).

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[92] Directive on the Principles and Rules of Radio and Television Broadcasts, *Official Gazette* No.22296, 28 May 1995, Ankara. This Directive was replaced with another having the same title on 17 April 2003, *Official Gazette* No. 25082, 17 April 2003, Ankara.

[93] Article 12 of the Broadcasting Law lists RTÜK as follows: a) Television and radio frequency annual allocation fees from private radio and television enterprises; b) Five percent share of annual gross advertising receipts of private radio and television enterprises; c) When needed, appropriations included under the section on transfers in the budget of Turkish Grand National Assembly Presidency; d) Administrative fines imposed on the radio and television enterprises in accordance with the Article 33.

However, from 2004 onwards, RTÜK started becoming very critical about the breach of advertising provisions, as there was an increasing unrest in the society about the lacking of quality in broadcast content in general. Although people kept bombarding RTÜK to complain about broadcasts in general as well as TV advertisements, it was the Advertising Council (*Reklam Kurulu* – RK) that was most active in imposing sanctions on the broadcasters on the basis of breaching the Law on the Protection of Consumers.[94] Therefore, it is not surprising that the RTÜK's warnings mainly targeted advertisements breaching the principle on the protection of children from harmful content. However, the real struggle between the RTÜK and the broadcasters was different. RTÜK's directive was already in conflict with the European standards of broadcast advertising since it legitimised the exploitation of advertising insertions in the form of framing, sub-titling, pop-ups and even programme sponsorship. Yet, broadcasters wanted more and kept pressuring RTÜK to relax the existing rules. In February 2005, the RTÜK amended its directive and increased the maximum length of advertising breaks between the programmes; legalised advertising insertions within the programmes, and relaxed the rules on sponsorship. It is clear that this will be a serious problem between Turkey and the European Commission in the later stages of the alignment process.

To sum up, the current regulatory framework for television advertising in Turkey does not comply with the European standards as laid out either in the Convention or the TWF Directive. However, it should also be noted that there have been all sorts of implementation problems concerning the TWF Directive all around Europe most evident being on the provisions of European programming quotas.[95] Following the revision in 1997, the TWF Directive has been undergoing another revision process since May 2003. The European Commission presented its first draft directive amending the TWF on 13 December 2005. The draft directive is a milestone in the mutation of the TWF Directive going as far as to change its name to "Audio-visual Media Services Directive". This is particularly important since the approach in the new directive mirrors a radical departure from its origins; broadcasting is now defined as a "traditional", "linear media service". The new directive expands its scope to include different sorts of "non-linear" media where on-demand media consumption is

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[94] Alone in 2004, the RK imposed sanctions on forty-eight radio and television broadcasters. See: *Netgazete*, 23 January 2005.

[95] Research on the policy processes behind the materialisation of the TWF Directive suggests that the Community level policy framework arising from the TWF Directive was more of a product of bargaining and negotiation rather than consensus building. The TWF directive in fact reflects the ongoing tensions between the member states as well as between the European Commission acting on behalf of the interests of the EU and the Council of the European Council representing the interests of the member states. This is mainly why the issues

prevalent. This new approach has very important consequences for the regulation for advertising as well. Interestingly, the Commission used the same rhetoric on the importance of the changes in media technologies as well as media consumption patterns not only for justifying the need for relaxation of the rules on advertising, but also to expand its scope of regulation to include online content, which was not an issue before. Therefore, according to the new directive, although the quantity of advertising would not be increased, insertion rules would be made more flexible and most importantly product placement would now be allowed, on-demand content would also be subjected to minimum level of regulation.

In this framework, although the regulation of television broadcasting in Turkey does not comply with the current standards in Europe, it is still early to depict how the future changes in the TWF Directive will influence advertising regulation in Turkey. Additionally, in the short term, it is not likely that RTÜK will change its 'light-touch' approach to regulating television advertising since the broadcasters are very effective in pressurising RTÜK.

b) Retransmission of Broadcasts

Facilitating the transfrontier transmission and retransmission of television programmes within member states through a minimum set of rules has been the initial objective of both the Convention and the TWF Directive. In this respect, both policy instruments recognise that 'transfrontier television' is possible only if programmes transmitted in one member state would be made available for reception in another member state without any restrictions employed. The provisions concerning the regulation of retransmission of television programmes in both the Convention (Article 4) and the TWF Directive (Article 2a) are designed in a way that the country of origin of the programmes would be where the programmes are subjected to regulation and retransmission of these programmes in other member states could not be restricted. The restriction of retransmission would only be accepted if violation of the provisions was in evidence as described both in the Convention (Article 24) and the TWF Directive (Article 2a).

When the Convention was tailored to broadcasting legislation in Turkey, 'retransmission' was one of the major concepts that were seriously misinterpreted. In the Convention (Article 2b)

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concerning promoting European programming via increasing quotas and the broadcasting of major events have been most difficult to legislate in the European level.

retransmission was defined as "the fact of receiving and simultaneously transmitting, irrespective of the technical means employed, complete and unchanged television programme services, or important parts of such services, transmitted by broadcasters for reception by the general public". However, in the Broadcasting Law of 1994 (Article 3/n amended as 3/r in May 2002), retransmission was defined as "receiving completely or partly of radio and television program services in an unchanged form and transmitting simultaneously or later by the general public, irrespective of the technical means employed, by the competent broadcasting enterprise". This definition was very ambiguous since – from a technical point of view – broadcasting a programme later than its original transmission time could not again be named as 'transmission' (Pekman, 1994: 69; Kejanlığlu, 2004: 430).[96]

The ambiguity in the definition of the concept of 'retransmission' was in fact a minor issue when compared to the regulatory framework laid out in Article 26 for retransmission of broadcasts. Article 26 was totally in contradiction with the Convention since it stipulated that only retransmission via 'cable' would be allowed. As Pekman (1994: 70) suggests, this article was designed to prevent the repetition of early experiences in Turkey when municipalities facilitated the retransmission of satellite broadcasts that originated in Europe by relaying the signals to their residents through massive dishes.[97] Then again, as stipulated in Article 26, broadcasters that were established outside Turkey, but targeting the domestic audience in Turkey were also banned from transmitting their programmes. The rationale behind this provision was to block satellite broadcasts in Kurdish targeting the Kurdish population in the south eastern region. Turkey wanted to prevent the broadcasts of first *MED-TV* and later *Roj TV* on the basis of this article. In both cases, the debate resulted in major political crises in which Turkey condemned several European countries (Britain, Belgium and Holland) for allowing these broadcasters to use their territory to broadcast their 'separatist propaganda' targeting the south eastern region in Turkey. On the other side of the fence, these countries and the EU accused Turkey of violating human rights and fundamental freedoms.

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[96] It gets more complicated when the original text is compared to its official translation. The adverb 'sonra', which is 'later' in English, is replaced with the phrase "with a delay" in the official translation of the law used by RTÜK. In this respect, the English translation of the law is closer to the spirit of the Convention since the word delay may refer to a technicality.

[97] In Turkey, when private broadcasting began via satellite in 1990, the mayors of several cities quickly established television stations in their constituencies to turn the satellite transmission to terrestrial broadcasts to be distributed to the local inhabitants via giant dishes. Considering that the satellite dishes market for households were yet to emerge, what the mayors provided was a very creative public service. See, Çaplı (2001: 47).

Retransmission of broadcasts was one of the most troubled issues between the EU and Turkey following the RTÜK's decision to ban two very important stations at different times: *BBC Turkish* and *Deutsche Welle* on the grounds that they posed a threat to security. BBC Turkish was, in fact, one of the first radio services of the BBC World that was broadcast on the FM Band. Although retransmission was not allowed according to the Broadcasting Law, the first members of the RTÜK Board allowed the retransmission of the BBC Turkish programmes in 1993. BBC Turkish continued its broadcasts until 1999 without any interruption. However, in 1999 RTÜK ordered a suspension of thirty days for *Radyo Foreks* – an Istanbul based radio station hosting the BBC Turkish service – due to the coverage of the PKK in the BBC Turkish broadcasts. Although the tailoring of the Convention to the domestic law during the drafting of Broadcasting Law was completely wrong, RTÜK's interpretation of the provision in 1999 further complicated the issue. Following the suspension, it took eighteen months for the BBC Turkish service to be able to retransmit its broadcasts to the Turkish audience. In April 2001, RTÜK allowed a radio station to retransmit Deutsche Welle programmes for a couple of hours per day. Following the RTÜK's decision, the BBC Turkish service also applied for permission to restart its broadcasts in Turkey. In June 2001, NTV Radio became the service's second host in Turkey and retransmission from the FM band began once again. However, the attitude in the RTÜK Board towards the BBC Turkish and the Deutsche Welle services changed in a couple of months and the members decided to ban both services in August 2001. Ironically, even the then head of the RTÜK Board Nuri Kayış could not suggest any specific reason for this change. As he sarcastically writes in his memoirs:

> Some board members have probably approved the transmission of these broadcasts only because they woke up from their right sides on 11 April 2001, and they disapproved on 8 August 2001 because they woke up from the left side (Kayış, 2006: 42).

The decision to ban retransmission of both services was not taken unanimously. Nuri Kayış argued against this decision, but could not influence other members. However, Kayış was so determined that he did something extremely unusual; he filed an appeal before the court for the annulment of the decision. In Turkish broadcasting history there was no other case that manifested the internal disputes within RTÜK so explicitly. Nuri Kayış, in his memoirs, reasoned his appeal by quoting his own statement of appeal:

> Ceasing the broadcasts of the Deutsche Welle and the BBC radios will put Turkey in a difficult position. Turkey will look like an anti-democratic, censoring country in which there is no freedom of communication. One of the basic principles of international law is the principle of reciprocity. If Turkey ceases the broadcasts of foreign radios, European countries might also limit the broadcasts of Turkish radios and televisions […] Ceasing the broadcasts of the Deutsche Welle and the BBC would mean restricting their freedom to disseminate thought and right to information (Kayış, 2006: 43).

As might be expected, reactions of the international circles, especially of the EU, human rights watchdogs, press associations were not much different. It was especially the Foreign Ministry that had to bear the consequences of RTÜK's decision. Both in Britain and Germany, Turkish ambassadors were given notices. As Nuri Kayış writes in his memoirs, the then Foreign Minister İsmail Cem kept sending official letters to RTÜK to 'remind' board members of the importance of reassessing and annulling their decisions. However, as Kayış suggests, the board members ignored these letters on the grounds that RTÜK is an independent regulatory body and that was how they interpreted the relevant provision in the law (ibid., 43).

The Administrative Court rejected Kayış's appeal on the grounds that only broadcasters subjected to this decision could bring the case in front of the court. Nuri Kayış appealed against the Court's decision by applying to the State Council. The Council approved Kayış's claim and sent the case back to the Administrative Court for reassessment. However, the political agenda changed before the Court concluded its reassessment. Amendment to Article 26 was in the package adopted by Parliament unchanged in May 2002. If the President did not veto the amendment package in June 2001, it was less likely that RTÜK could ban the retransmission of the BBC and Deutsche Welle programmes since the amendment to Article 26 legalised retransmissions. It is very interesting to note that the RTÜK Board banned the retransmission of these programmes at a time when amending the Broadcasting Law was already on the agenda. It is hard to say whether RTÜK members ignored the scope of the amendments or they would still be able to justify their decisions on the basis of the amended article. The amendment to Article 26 in May 2002 was still full of restrictions. According to the amended Article 26, only 'occasional' retransmission was allowed and suspension was justified on the basis of Article 25 and 33 of the law, which regulated suspension and sanctions.[98] As might be expected, the EU was very critical about the existing restrictions.

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[98] Among these two articles, Article 25 is particularly important since it grants the Prime Minister the authority to suspend a broadcast "in cases of acute necessity for reasons of national security or of a strong possibility that public order may be disturbed". The same article also stipulates that the Council of State would be the court in charge for assessing the appeals against relevant decisions.

Consequently, the Article was amended once again in August 2002 as a part of the third EU reform package.[99] The difference between occasional and regular retransmission was withdrawn. The crisis between the EU and Turkey could only be settled after this amendment. Currently, the retransmission of both the BBC Turkish and Deutsche Welle programmes are legal in Turkey.

4.6 Who Owns the Media?: The Debate on Opening the Turkish Media to Foreign Ownership

4.6.1 The Background

As noted earlier, the major structural change in Turkish broadcasting market started to unfold following the two consecutive financial crises in November 2000 and February 2001. As happened in every financial crisis in Turkey, it was again the banking sector that was most affected. Besides, the banking sector in Turkey was already in flux at the time since the whole sector was suffering from the lack of effective macroeconomic policies governing financial markets in which banking was the key activity. Not surprisingly, this flux was the by-product of the mismanagement of the liberalisation of the financial system that was introduced in the early 1980s which became unmanageable by the end of the 1990s. As explained in the previous chapter, in the early 1990s, it was under these circumstances that the large business conglomerates started acquiring the already existing banks or setting up new ones to finance their businesses. At the same time, acquiring media became a key interest for these conglomerates who were very well aware that owning media would strengthen their business ties with consecutive governments seeking for more and better publicity (Çaplı and Tuncel, 2005: 1576). This bond between media, politics and finance started fracturing when the Savings Deposit Insurance Fund (*Tasarruf Mevduatı Sigorta Fonu* – TMSF) took over nine banks in 1999. By 2002, twenty banks were taken over by the TMSF.

Following the takeovers of the management of the businesses of the Media Group in 2000 and the Aksoy Group in 2001 in return for their debts resulting from the ill-management and corruption in their banks, the TMSF took over the Imar Bank of the Uzan Group in July 2003. The Uzan Group was one of the major players in media market in Turkey owning the second biggest mobile phone operator Telsim, seven radio stations, two television channels and one daily newspaper. TMSF seised all these assets in February 2004 in return for the debts

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[99] Law No. 4771, Law on the Amendment to the Law on the Establishment and Broadcasts of Radio and

of the Uzan Group due to its siphoning of around US$6 billion from its bank. After this final handover operation, the TMSF became the key player in the Turkish media sector. However, this was a serious problem since all the assets owned by the TMSF were considered as the assets of the state as stipulated in the Banks Act enacted in 1999. Thus, by 2004, the key player in media in Turkey was not the TMSF, but the Turkish state. As might be expected, it was foremost the RTÜK that was most affected by this awkward situation as the regulator. Shortly after the takeover operation was concluded, the RTÜK started pressuring the TMSF to sell all the media assets it owns and withdraw from the broadcasting market.

From the perspective of the TMSF, especially for its chairman Ahmet Ertürk, it was time to open the Turkish media to foreign investment thinking that the goal behind these sales should not just be to hand them to market players but also to receive considerable amount of revenue. Where Turkey's position vis-á-vis the EU was considered there could not be any better timing for opening the media to foreign ownership since Turkey's closure to foreign ownership in its media market has already been criticised by the European Commission in its various progress reports on Turkey.[100] At least from the EU perspective, Turkey had to open its media market to European investors sooner rather than later. However, neither the regulatory framework nor the dominant political rhetoric was ready for a policy change in media ownership of this scale. Firstly, as stipulated in the Broadcasting Law (Article 29/h) amended in May 2002, foreign ownership in media was only 25 per cent (up from 20 per cent before the amendment), and one foreign individual could have shares only in one radio or television enterprise. Secondly and most importantly, despite the AKP government's liberal approach to media ownership policy, there was a rigorous opposition to opening media ownership to foreign investment. The support for keeping media as 'national' as possible was even apparent in the AKP cadres below the government level. As might be expected, the opposition party CHP was also against foreign media ownership, but the strongest opponent was President Necdet Sezer.

By September 2004, the RTÜK and the TMSF started publicising their own perspectives on how to sell the Uzan Group's media assets, especially its Star TV. The chairman of the TMSF, Ahmet Ertürk, was in favour of selling all the Star TV's assets in one lot, whereas Fatih Karaca, the then head of the RTÜK, persisted in arguing that rather than sale of assets, sales of shares should be the approach. According to the regulator, frequencies could not be sold to

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Television, *Official Gazette* No. 24841, 9 August 2002, Ankara.

foreigners since the issue of frequency allocations was still in deadlock and Star TV was a *de facto* broadcaster just like the others. Additionally, as the argument went, the RTÜK was not in a position to approve any sales exceeding the 25 per cent ceiling of foreign ownership. Under these circumstances, although the TMSF could have already sold what it owned with the authority granted to it by law, it was well aware that the aftermath of these sales would result in chaos. The chaos meant that either the RTÜK might not approve the sales or the TMSF would have to pay compensation to third parties who owned shares in these media assets. Considering that the real owners of the media were veiled on paper as the shares were distributed to close staff, even to secretaries and auxiliary staff working for these media proprietors, compensation procedures would simply further complicate the process. After auditing all of the company records of Uzans' assets, the TMSF knew the real picture of media ownership patterns in Turkey more than anybody else. Therefore, the TMSF could only sell these assets when the gaps in the legislation were filled in. Eventually the RTÜK also agreed the sales of the frequencies, which meant that amending the legislation was now inevitable.[101]

4.6.2 How and How Much To Sell? The Battle over Per Cents of Shares

The details of the draft proposal to amend an article of the Banks Act (No. 4389) and the Article 29 of the Broadcasting Law were originally prepared by the TMSF. Seven AKP MPs adapted this draft as a proposed law and presented to the Presidency of the Assembly by the end of December 2004.

According to the proposal, the TMSF was granted the authority to sell not only more than 49 per cent of the shares of the companies that it overtook the management of, but also the assets of these companies together with its shares to foreign individuals of groups. With the amendment, the TMSF was also exempted from certain procedural requirements as stipulated in the Law on Procedures for Recovery of Public Receivables (Law No. 6183) to make the selling procedures bureaucratically more straight forward. Additionally, no reimbursement claim could be made once the assets were handed over to the buyer. Only compensation claims limited to the tender price added to its legal interest rate were to be accepted, including those put forward by the third parties affected from these sales. In order to avoid the delay that due to the length of the paper work resulted from the sales, the amendment also

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[100] See: European Commission (2000: 37; 2002: 72; 2003: 70).

[101] For a collection of news articles on this debate, see: *Haberanliz*, 30 September 2004; *Radikal*, 3 December 2004; *Netgazete*, 26 December 2004; *Yeni Şafak*, 1 January 2005.

stipulated the conclusion of the handovers in a month's time. And finally, limit of foreign ownership in media as stipulated in the Broadcasting Law was increased to 49 per cent from 25 per cent.

As was usual practice, both of these amendments were proposed with short statements added to the text justifying the reasons why they were needed. However, the justification of the second amendment on increasing the limits of shares available to foreign ownership in media was significant as it linked the policy to the EU cause:[102]

> In view of the harmonisation process with the European Union, the amendment to this paragraph aims to encourage the international investors to bid in possible auctions and thus to further the competition by increasing the share of foreign capital in private radio and television broadcasting establishments.

The draft proposal was discussed in the Planning and Budget Committee in January 2005 for the first time. However, the committee could not decide on the final version of the proposal in its first meeting. The decision was to set up a sub-committee to discuss the amendments in-depth before finalising the proposal in the main committee. The sub-committee met twice in February and concluded its discussions. The main points from these discussions were also included in the minutes of the main committee meeting held in March; and a couple of important points emerged from the sub-committee meetings: i) the general belief was that these amendments should be brought in front of Parliament as a draft law presented by the government, not as a proposal signed by a couple of MPs since the scale of the amendments marked an important shift in media ownership policy originally promoted by the government in office; ii) it was emphasised that the RTÜK should present its opinion on the issue since there were different approaches to regulate foreign ownership in different countries and the regulator should advise on which one would best fit Turkey's conditions. The sub-committee also emphasised that the possible buyers should be aware of the deadlock in frequency allocations and they would be operating under the same circumstances as exisiting broadcasters.[103]

Apart from these important debates, the most important change proposed in the sub-committee was to fully open the media to foreign ownership rather than limiting it to 49 per cent. Therefore, in its final two meetings held in February and March 2005, the approach to

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[102] Law No. 5317, Law Amending the Banks Act and the Radio and Television Law, 16 March 2005, Ankara, p.3.

foreign media ownership as discussed in the Plan and Budget Committee was drastically different from the original proposal. RTÜK's position was clear in these final meetings; it was against the increase in the limits of media shares open to foreign ownership. There were two conflicting views on the table. Some argued that the RTÜK's view should be considered carefully and removing the limits on foreign ownership should be assessed particularly in relation to Turkey's concerns on security and its 'psychology'. Others argued that removing the limits for foreign ownership would raise the standards of competition and besides, foreign media could not attempt to disregard the 'national sensitivities' since broadcasting standards enshrined in law would be binding for them as well. Additionally, rather than limiting the per cent of the shares that foreign investors can buy, a limitation on the numbers of media enterprises that one foreign investor could have a share of was presented as a better policy approach by the market liberalisers during the discussions. Although it was not agreed by all the members, especially by those representing the CHP, the main committee finally reached a conclusion and revised the original proposal. According to the new amendment proposed, the limits on foreign ownership of a single media enterprise was scrubbed all together, but the number of media enterprises that could have foreign investors with more than 50 per cent shares were limited to one quarter of the broadcasting market. Besides, prohibition on cross media ownership was kept and foreign ownership was allowed neither for regional nor for local media.[104] The proposed law on amending the relevant legislations was now ready to be discussed in Parliament.

4.6.3 The Proposal Comes to Parliament

Parliament started discussing the proposed amendments in mid-March 2005, shortly after the main committee submitted its conclusion to the Presidency. There were mainly two arguments that shaped the debate throughout. The AKP ministers and its MPs in general supported opening the media to foreign investors with the underlying motive that foreign ownership would increase competition in the broadcasting market. For them, this competition would consequently bring 'quality' to the broadcasts in Turkey, which they argued to be in sharp decline. As they also argued, the working conditions in the broadcast media would also improve once foreign ownership was introduced as foreign investors would bring new business models.

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[103] Planning and Budget Committee Report, Initial No: 2/363, Decision No: 24, 9 March 2005, Ankara.

The opposition MPs of the CHP, on the other hand, were against the proposed amendments on various grounds. The first criticism they put forward was on the technicality of the law. They argued that since it was the government who promoted policy change on this scale, it should be the one officially proposing it to Parliament. Regarding the scope of the amendments, as might be expected, the CHP's criticisms were grounded on its anti-IMF and anti-privatisation stance. As the bottom line, for the CHP MPs, broadcast media had 'strategic national importance' due to their influence on public opinion and agenda setting; therefore, should not be sold to foreigners. As they argued, although Turkey's future membership prospects to the EU were as yet unclear, the government was using the EU as a tactical shield to justify opening the broadcast media to foreign ownership. From their perspective, as one MP put it very strikingly: "[T]his sale is not the sale of a soft drink firm. This sale is directly related to freedom of thought, freedom of press that form the public opinion."[105]

This CHP's resistance to open the broadcast media market to foreign investment could in fact be regarded as a resistance to globalisation, which manifested itself with the surfacing of various fears. At various times during the parliamentary discussions on the amendments, the CHP MPs vocalised these fears in different ways. These were: a belief that foreign media would not act in a responsible manner and consider Turkey's 'national sensitivities'; RTÜK would not be able to monitor these media; these media under foreign ownership might well support ethnic, sectarian movements and carry out missionary activities to spread Christianity; and finally, they might not even need words to influence society and use 'subliminal' visual techniques instead. These MPs, strangely enough, were expressing these assumptions at a time when Turkey was expected to start accession negotiations with the EU in a couple of months. Clearly, as discussed earlier, the long established 'Serves syndrome', that is a deeply rooted mistrust of foreigners having an interest in Turkey, was still intact and evident in the opposition's approach to foreign investment in media. Just to give one concrete example, one CHP MP stated that:[106]

> News and informational programmes are the most important tools to influence, control the entire society. Besides, they [*foreign media*] don't need to use words […] Control can be achieved through images and commercials that pass so fast that cannot be recognised. Therefore, under these circumstances, it is not possible to talk about competition. And it is not possible to talk about carrying out the necessities of the relationship with the European Union. The competition here can only be described as

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104 ibid.
105 TBMM Journal of Minutes (15 March 2005) Term: 22, Legislative year: 3, Session: 70, Vol. 77. Ankara: TBMM, p. 66.
106 ibid., 76.

> the competition between the ones who want to protect the unity and the integrity of our country and the ones who try to wipe away the *Lausanne.*

The contradiction was that this line of thought was also shared by some of the AKP MPs. For some MPs, their government was in conflict with its own foundations, namely with its 'conservative' character. It was an influential name in the AKP, Nevzat Yalçıntaş (Istanbul constituency), who vocalised the opposition in the ruling party during the parliamentary discussions. Yalçıntaş strongly criticised his own party and argued that 'conservatism', which was argued to be one of the AKP's policy stance, should be apparent in the party's approach to national and moral values. Yalçıntaş, at one point, even suggested that if the whole operation was aimed at rescuing Star TV, either a 'national charity' could be set up or Star TV could be sold to the state broadcaster, the TRT.[107] During the discussions, Nevzat Yalçıntaş, together with three other AKP MPs proposed an amendment to limit foreign ownership to 49 per cent, which was initially proposed in the first committee before it came in front of Parliament. This amendment proposal was also backed by some other AKP MPs. However, the government ministers did not accept the proposal.

It was Abdüllatif Şener, the State Minister and the Deputy Prime Minister, who had to defend the proposal on removing the limits on foreign media ownership. As might be expected, Şener's first emphasis was on the importance of increasing the competition in the broadcast media market. He reminded all the MPs that Turkish media have been open to foreign investment from the beginning and foreign players have already been part of the market. Şener tried to explain the regulatory framework in the EU by emphasising the free market character of the EU. Regarding the fears mentioned earlier, he stated that perceiving foreign media ownership as a threat to 'our' national interest was simply not realistic. He argued that foreign capital would always be very considerate about the sensitivities wherever it operated knowing that acting the opposite way would mean losing audiences.[108] Interestingly, Şener presented the twenty-three-point broadcasting standards enlisted in the law as the initial reference point that the foreign media owners would be obliged to comply with. The standards Şener relied on were the same with the ones that the AKP criticised as being ambiguous and even anti-democratic before the 2002 general elections at the time when the Broadcasting Law was amended.

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[107] ibid., 86.
[108] ibid., 90-2.

The discussion on the amendments was finally concluded in one session and the AKP succeeded in taking the first step to open a quarter of the Turkish broadcasting media market to foreign investment by using its majority in Parliament. Yet, most of the MPs, especially those from the opposition, were sure that President Sezer would certainly veto the law, which was not even approved by the broadcasting regulator, the RTÜK. They were correct.

4.6.4 The President's Veto and its Aftermath

As it was expected, President Sezer vetoed the law. He had three major criticisms. Firstly, he did not approve the regulation to be applied if any of the TMSF tenders was annulled. The amendment stipulated that in case of annulment of the tender, no demand could be made to the buyer to return the assets back to the TMSF, which was a precautionary measure to discourage third parties (especially any member of the Uzan family) from applying to the court for the annulment of the tenders. President Sezer stated that if the assets would not be returned back to the TMSF in case of an annulment, then the annulment decision of the court would in fact be inoperative since a new tender could not be announced without anything to sell. Secondly, the President stated that by bringing an upper limit to the possible compensation charges, the proposed amendment was intervening in the competence of the judiciary. As he argued, if the tender was somehow annulled by the court due to misconduct, then the tender price might not represent the actual value of the asset and the third parties might be able to prove that the cost of their damages exceeded this upper limit. And finally, on the issue of opening the broadcasting media market to foreign investors, the President grounded his veto on similar lines to the other opponents of the law. He basically stated that foreign investment in media without any limits would be in conflict with "national interests" and the "common good".[109] Considering that the President is the highest officer of the Turkish State, his views on foreign ownership cannot just be seen as 'personal'. His opposition was also shared by some other circles both from the nationalist right and left.

In his veto statement, President Sezer suggested that the Turkish legislative framework required broadcasts to be carried as 'public service' and the frequencies that have been used by the broadcasters belonged to public. According to him, the reason why broadcasting should be regulated was due to the power that media hold in asserting influence over the public, which has the right to receive impartial and objective information. The President regarded

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[109] Official Communication of the President to the Turkish Grand National Assembly, 31 March 2005, Ankara.

impartial and objective broadcasting as the *sine qua non* of the principle of public service. Although there was nothing special about these views and they could be emphasised by any political figure in any other country, the President's scepticism towards foreign ownership media along these lines and on the eve of the start of the accession talks with the EU was remarkable. In his statement, President Sezer openly challenged the justification of the amendment abandoning the 25 per cent foreign ownership limit in broadcast media and argued that the initiatives had nothing to do with the harmonisation process with the EU. By referencing a Constitutional Court decision taken in 1994 on privatisation, which concluded that privatisation should not be understood as foreign ownership, the President suggested that broadcasting should be considered along the same line. As he stated:

> Bringing certain limitations or restrictions to the rights granted to foreigners should be understood along the lines of protecting the state, securing its prolongation. Rendering realistic restrictions to prevent the supremacy of the foreigners on issues of vital importance and issues that have a direct affect on the future of the state is a must for protecting sovereignty and the national interests.[110]

Under these circumstances, the AKP government could no longer pursue its case. The President's veto heightened the tone of criticism towards the AKP. Days before the President's veto, there were angry voices heard in various dailies, even in the ones known to be close to the AKP cadres. It was the same criticism although articulated in different venues: the AKP had become far too liberal and started contradicting its own societal and electoral basis, which favoured national capital and had conservative values (See F. Koru, *Yeni Şafak*, 18 March 2005; N. Şener, *Sabah*, 18 March 2005). The problem for the AKP and of course for the TMSF as well was to tackle the problem as soon as possible by coming up with a new approach to selling these media assets without losing not only too much credibility but also profit. However, some officials were already talking about the inevitability of a decrease in the financial value of these assets as a result of the veto (N. Şener, *Milliyet*, 2 April 2005).

Following the veto, although Abdüllatif Şener, the State Minister and the Deputy Prime Minister, openly challenged the President in his statements to the press by emphasising the importance of EU harmonisation process and by disputing the unconstitutionality claims, he started working on a new formula with the chairman of the TMSF, Ahmet Ertürk. The new formula became clear in a very short time. They both agreed to change the proposal according

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[110] ibid.

to the President's veto and keep the existing 25 per cent foreign ownership limit. The TMSF would now target the domestic market players to sell Star TV. The new proposal came in front of Parliament by the end of May and in just one session it was adopted without any further discussion.[111]

Thinking that the veto might decrease the value of the Uzan Group's media assets, the TMSF decided to divide the media group into ten and sell each asset separately and 5 September 2005 was announced as the auction date for Star TV (*Dünya Gazetesi*, 18 July 2005). The initial value of Star TV was declared as US$155 million. Following the announcement of the auction date, there were already nine contenders lined up in a week. Interestingly, despite the decision to keep the existing foreign ownership limits, there were global media players among the contenders which were anticipating a change in ownership regulations in Turkey one way or the other. Some of these players were: RTL (Germany), SBS Broadcasting (Netherlands), Canwest (Canada) (*Yeni Şafak*, 25 July 2005). However, the TMSF postponed the auctions to 21 September to increase the competition and provide additional time to the applicants for the preparation of the paperwork (*Milliyet*, 24 July 2005). 26 September 2005 was now the new auction date for Star TV.

The winner of the auction for Star TV was the Doğan Group. Işıl TV Broadcasting which belonged to the Doğan Group offered two times more than the estimated price and acquired it for US$306 million. Yet, shortly after the sale there were doubts that the Competition Authority might approve the acquisition since the Doğan Group had already a dominant position in the broadcasting market. In that case, Star TV would be handed over to the second contender, the Ciner Group. By the end of October, the Competition Authority announced its decision: the acquisition was approved.[112]

The result of the auction of the Uzan Group's radio stations was actually more remarkable. The most aggressive contenders for the radio channels auctions turned out to be the Canadian group Canwest. Canwest acquired two of the Uzans' radio stations – Super FM and Metro FM – for US$56 million. It also won the second round auctions of two more radio stations of the Uzans' – Joy FM and Joy Turk FM – in January 2006 for US$5 million. Of course, CanWest

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[111] Law No. 5354, the Law on Amending the Banks Law, *Official Gazette* No. 25828, 28 May 2005, Ankara. For the official records of the Parliament, see: TBMM Journal of Minutes (25 May 2005) Term: 22, Legislative year: 3, Session: 102, Vol. 85. Ankara: TBMM.

[112] For a collection of news articles on this debate, see: *NetGazete*, 7 October 2005; *Hürriyet*, 8 October 2005; *Akşam*, 7 October 2005.

did not enter any of these auctions by itself, but it rather acted together with a Turkish partner: Turkcom. In doing so, the shares were veiled and Canwest's acquisitions perfectly accorded with the existing regulatory framework which did not allow one foreign investor to have shares in more than one media asset and set 25 per cent limit. In short, the resistance to opening the broadcasting market to foreign ownership failed in a way. Star TV was acquired by the most dominant group in Turkish media market, but a new international player also made a way into the Turkish broadcasting market. The rest was yet to come. Turkish media proprietors have long been in search of partnerships with foreign investors and they were ready to challenge the resistance in their own ways.

4.6.5 Who Wants to Own Media in Turkey? The Winners and the Losers

Without a doubt, Turkey emerged as a very important market for international investors once its EU bid and the prospect of the launch of accession talks by the end of 2005 became a solid process in the final months of 2004. The Turkish media market became the centre of attention following the signs of a possible market liberalisation to sell the media assets owned by the TMSF. Turkey's growing potential was assessed and confirmed also by international consultants such as International Media Consultants Associés (IMCA) and Morgan Stanley. For months and months, the Turkish press covered news stories on the international media market players who aspired to enter to the Turkish media. The most important candidates were: the biggest media mogul in the world Rupert Murdoch; the owner of the Chelsea Football Club Roman Abramovich; the second biggest broadcasting company in Europe, the SBS Broadcasting Group; the owner of the American company CME and also the heir of the cosmetics empire Estee Lauder, Ronald Lauder; and the Canadian group Canwest.

a) The SBS Broadcasting Group

As early as March 2005, one of the most eager contenders to buy Star TV was the SBS Broadcasting Group. The SBS is based in Luxemburg and was established in 1989 in Sweden. KKR and Permira, two private equity firms, acquired the SBS in 2005 and 20 per cent shares of the company is hold by Netherlands based Telegraaf Media Groep N.V. (TMG). The Group has very important investments all around Europe with eighteen commercial TV stations, twenty-one premium Pay-TV channels, fourteen radio networks and ten stand-alone radio stations. It is also active in publishing for broadcasting and owns three television guides

published in various European countries. The company became an important player in the Central and Eastern European media markets during the initial pre-accession period in the mid-1990s, benefiting hugely from the liberalisation processes. For the SBS, Turkey was an ideal market to enter, with its growing advertising market. However, when there was no change made in the 25 per cent limit for foreign ownership in media, the SBS changed its plans. When Markus Tellenbach, the CEO of the SBS Televisions, came to Istanbul in June 2005 for a conference, he gave a very striking interview to some of the Turkish dailies. Tellenbach made very clear that they would only invest in countries where they would be accepted and wanted to be there and stated that Turkey has not yet been ready for that. The way he expressed his views on the overriding attitude in Turkey towards foreign investment in media is worthy quoting here:

> Media is a very sensitive topic in Turkey for the policy-makers as well as for the regulators. For me, what is most important is the recognition of the policy-makers and the regulators that foreign ownership is not a threat. They act as if they are protecting Turkey from the evil empires that would conquer the lands of the country and eat all children. We are just businessmen who do commercial broadcasting business as an industry […] For many companies wishing to enter the Turkish market, there is no other interest than expending their businesses as the professional operators. We neither belong to one entrepreneur nor to a group that promote certain interests. We are independent because we are a publicly-held company and everything we do is monitored […] We should be able to defend our businesses in front of our shareholders in the stock-exchange and it will be very difficult to do so unless we have 51 per cent share (*Vatanım*, 15 June 2005).

Markus Tellenbach was not only well aware of the resistance to foreign investment in Turkey, but he was also well informed on the political psyche behind this resistance. As the CEO of the SBS Televisions, he used every chance to make clear his company's position. Although Tellenbach continued to emphasise the SBS's interest in Turkish media even though the regulatory framework was very strict, the SBS did not pursue seeking a Turkish partner to join the auctions for any of the Uzan's media assets any further.

b) Rupert Murdoch – News Corporation

International media mogul Rupert Murdoch's interest in Turkey was known for a long time. Although no progress was made, as early as 1989, Murdoch made a deal with the public broadcaster TRT, which was in the process of making its third channel a pay-TV service (see Kejanlıoğlu, 2004: 287). This time Murdoch was an important contender to buy the Turkish pay-TV platform Digiturk, which was owned by the Çukurova Group, another media group

indebted to the TMSF due to the mismanagement of its bank, Pamukbank. However, the sale of Digitürk did not materialise and Rupert Murdoch shifted his interest to other venues in Turkey. As might be expected, Murdoch's interest in buying media in Turkey was also a great chance for all the media proprietors looking for international partnerships. Not surprisingly, the first one approaching Murdoch was in fact Aydın Doğan, 'the' Rupert Murdoch of Turkey. Cüneyd Zapsu, an AKP MP, got in contact with Murdoch in New York on behalf of Aydın Doğan and told him that Doğan was in search of international partnerships to sell 50 per cent shares of his major dailies as well as his broadcasting group (*NetGazete*, 4 April 2005). Although it was meant to be secret, the get-together of Murdoch and Zapsu in New York was all over the papers in Turkey, informing that the parties agreed in 'principal'. Therefore, from May 2005 onwards, Murdoch's interest in buying media assets in Turkey was frequently covered in Turkish dailies.

Murdoch's connection with the AKP was particularly interesting. Despite the prevalent resistance to opening the media to foreign ownership, the AKP government pursued a shift in policy through its lobbying activities. Even Prime Minister Erdoğan was involved in these lobbying activities. In June 2005, Turkish dailies covered news stories announcing that Tayyip Erdoğan scheduled a visit to the US to attend to the Sun Valley Summit in California in July 2005 as the keynote speaker, during which he would meet Murdoch. Prime Minister already knew that not only Murdoch but also other international media players would lobby on policy matters by vocalising their expectations for the preparation of a new regulatory framework that would enable them to enter into the Turkish media.

However, Murdoch did not wait for a new regulation to enter in to the Turkish media. News Outdoor acquired 60 per cent shares of a well-known Turkish outdoor advertising company – Kamera Reklam – in June 2005. This was a very strategic acquisition since one of the major share holders of the company had family ties with Cüneyt Zapsu. Shortly after the acquisition, columnists revealing these close connections speculated that Murdoch started building up strategic partnerships before confirming his interest in the auction of Star TV (see M. Övür, *Sabah*, 23 June 2005).

Interestingly, Murdoch neither bid for Star TV nor pursued talks with the Doğan Group. By September 2005, Murdoch's News Corporation started talks with Enver Ören, the owner of Ihlas Holding, the parent company of the TGRT channel. Ören wanted to sell his entire

shares in the Holding, including 56.5 per cent of the shares of the TV channel of which broadcasting rights were held by the holding's subsidiary Huzur Radio TV. Ören's timing for publicising his interest in selling his stake is not a coincidence. Knowing the international media conglomerates' interest in Turkey, especially in Star TV, he simply wanted to benefit from the glut of interest. Following Star TV's acquisition by Doğan Group in September, all the attention was diverted to the sale of the TGRT. By November 2005, together with News Corp, Canwest and Central European Media Enterprises (CME, owned by Ronald Lauder) were lined up to strike a deal with Enver Ören. After months of talks behind talks, News Corp was the winner. In July 2006, News Corp acquired Ören's stake for US$98 million together with Ahmet Ertegün, founding chairman of Atlantic Records, who was also a Turkish citizen.[113] All the partnership procedures were carried out according to the book. Since the restrictions on foreign ownership did not allow Murdoch to be the 'big' partner, he appeared as the 'small' partner on paper with 22 per cent stake as the News Netherland B.V. However, the joint-stock company which was set up to run the channel had a totally different ownership structure. The News Netherland B.V. held 99 per cent of the shares in this company, whereas Ahmet Ertegün hold only one per cent (*Vatanım*, 2 November 2006).

Although the time span of this study does not go further than December 2005, it is important to cite some major reactions to Murdoch's entry to the Turkish media market by acquiring an important television channel which used to represent the liberal Islamic capital in Turkey. As might be expected, there were mixed reactions. Some insisted on not believing the sale since they have never heard any Murdoch representative commenting on the acquisition publicly. Besides, it was confusing for many that Ertegün was also involved with another contender, CME, owned by Ronald Lauder. Others tried to predict what kind of commercial and political interests Murdoch might have in Turkey by commenting on his history of strategic media market oriented moves around the world. Some columnists emphasised Murdoch's neo-conservative agenda may not be appreciated by the Turkish public, whereas others argued that News Corp. is a commercial entity and has the potential to increase the benchmark in broadcasting in Turkey (see T. Kıvanç, *Yeni Şafak*, 26 July 2006; S. Yılmaz, *Milliyet*, 5 September 2005; A Saydam, *Akşam*, 26 July 2005).

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[113] Turkish dailies were very quick to trace Ahmet Ertegün's citizenship records. Following the acquisition of the TGRT, it is revealed that Ertegün actually renounced his Turkish citizenship in 1967, but regained it in August 2005 to be able to buy the TGRT with Murdoch (see for instance, K. Ercan, *Sabah*, 4 August 2006; *Milliyet*, 4 August 2006).

Murdoch's entry into the Turkish market in July 2006 perfectly proved how neither the general resistance against foreign media ownership nor the existing restrictions in the regulatory framework prevented the entry of foreign ownership to Turkish media. The debate which was initially on how to sell Uzan Group's media assets quickly gained a different dimension. In fact, it was neither surprising nor inevitable to see Turkish media proprietors seeking to benefit fully from this changing media environment.

Ahmet Ertegün's unexpected death in December 2006 further complicated the position of Murdoch in the Turkish broadcasting market. Since Ertegün did not have any Turkish heirs, his 75 per cent share in the TGRT was supposed to be handed over according to the Broadcasting Law if his partnership with Murdoch would still be effective. Some members of the RTÜK Board, nominated by the CHP, filed a court case against the annulment of the regulator's earlier decision to approve the acquisition. However, the Administrative Court in charge rejected the application. As of February 2007, the TGRT logo was replaced with 'Fox' since Ihlas Holding retained the royalty of the TGRT brand. The controversy over Ertegün's shares continues.

c) Canwest Global Communications Corporation

Among international media conglomerates having an interest in Turkey, the Canadian group Canwest was actually the least known. Canwest, besides having a reach of more than 94 per cent of English-speaking population in Canada through Global Television owned by its subsidiary Canwest Media works, is also known through its operations in New Zealand, Australia, the Irish Republic and the UK media markets.[114]

Canwest was, in fact, the most aggressive contender during the auctions of the Uzan's Group's media assets conducted by the TMSF. In September 2005, it acquired four of Uzans's radios – Super FM (national), Metro FM (national), Joy FM (local/Istanbul) and Joy Turk FM (local/Istanbul) – out of seven by paying US$61 million in total. The minimum price set by the TMSF was US$18.5 million for Super FM and US$15.5 million for Metro FM. By paying almost double the expected sales, Canwest revealed how aggressive it planned to be in

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[114] Canwest is the first international media company that was granted a radio broadcasting licence in September 2005. A year later it got its second licence. Currently, it operates the radio brand "Original106" in the Solent region and Bristol. It also held interests in TV3 television network in Ireland, but it sold its interests to the UK-based private equity firm Doughty Hanson & Co. in August 2006 for approximately €132m. See: www.canwest.global.com

entering the Turkish media. However, it could not win the auction for Star TV and had to withdraw for the auction when the Doğan Group offered US$306.5 million, doubling the minimum price of US$155 million. After the auctions were concluded, some commentators argued that Canwest could have been the winner of the Star TV's auction had it not paid too much for its radio stations (see A. Ayaydın, *Sabah*, 27 September 2005).

The question emerging at this point is the same: how did Canwest manage to acquire four radio stations in Turkey when the same restrictions for foreign media ownership were intact? As might be expected, everything was according to the book. In the auctions for Super FM and the Star TV, CGS was the bidder. And CGS was set up as a joint-stock company in which Canwest's Netherlands based subsidiary CGS NZ TV had 25 per cent share and the private Turkish investment company Turkcom had a 75 per cent share. The real name behind Turkcom was Mehmet Kutman, who was the owner of the Global Investment Holdings in Turkey, which acted as an adviser to Turkcom during the process.[115] Kutman was a relative of Mesut Yılmaz, who was the Prime Minister during the 53rd and 55th governments as the head of the ANAP and the Deputy Prime Minister during the tripartite coalition from 1999 to 2002. As it was claimed, the Israeli billionaire and the shipping tycoon Sami Offer was the name who mediated between Canwest and Mehmet Kutman.[116] For other stations acquired by Canwest, the subsidiaries of Turkcom were the bidders on paper: it was Pasifik Radio and TV for Metro FM, Galata Radio and TV for Joy FM and Haliç Radio and TV for Joy Turk FM. Canwest appeared to have a share only in Super FM and in all the others it was shown as the advising company.

This Israeli connection was particularly important considering that Canwest was set up by Israel (Izzy) Asper who was a Jewish businessman and a Ukrainian immigrant. Asper was the leader of the Manitonba Liberal Party from 1970 to 1975 and his support for Israel was well known. As might be expected, this Israeli connection was particularly discomforting for columnists writing for liberal Islamic dailies, especially for *Yeni Şafak*. However, *Yeni Şafak* was also known for its support for the AKP government in general and these columnists framed their reactions more in terms of a cynical inquiry on why Canwest would insist entering into

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[115] Global Investment Holdings (*Global Yatırım Holding*) operates in the infrastructure, energy and finance sectors. It also owns a public equity house called "Global Securities" (*Global Menkul Değerler A.Ş.*) which provides corporate finance, fund management and securities services since 1990.

[116] Mehmet Kutman sold his shares in the Turkish Petrelium Refineries Corporation (*Türkiye Petrol Rafineleri A.Ş. – TÜPRAŞ*) amount to 14.76 per cent to Sami Offer in 2005 for $446 million. For details, see: Adaklı (2006: 359).

Turkish market knowing that the existing regulation sets a limit on ownership rather than attacking the web of relations involved (see, T. Kıvanç, *Yeni Şafak*, 24 September 2005; F. Koru, *Yeni Şafak*, 24 September 2005). In contrast to this cynicism, the AKP leader and the Prime Minister Necmettin Erdoğan was extremely pleased with the outcome. During an opening ceremony of a factory in Izmit he expressed his views on the auction of Super FM as follows:

> A Canadian company won the auction for Super FM. Turkey is now departing from monopolisation. Monopolisation in the media is now due to end. This will bring strength, competition, and control over our markets (*Hürriyet*, 22 September 2005).

Following Canwest's acquisitions of four radio stations in Turkey, all eyes were on the company's next move. Canwest could not win the Star TV auction, but its representatives did not delay in announcing the company's interest in the TGRT channel. Some commentators even claimed that Canwest did not increase its bid for Star TV since it was already in talks with Enver Ören for the TGRT (*Haber7*, 27 September 2005). However, as noted earlier, Ören set the pace of talks with all the contenders lined up to buy his shares in the TGRT. At some point, he even considered auctioning his shares, but this alienated all the contenders. Ronald Lauder was first to withdraw from talks, followed by Canwest (*Vatanım*, 5 October 2005).

Canwest took over the management of the four radio stations in September 2006, with a seven month long delay. Following the auctions, Canwest had issues with RTÜK and also with Mehmet Kutman on matters of ownership structures. CanWest was so frustrated by the bureaucratic procedures that it even considered handing the radio stations back to the TMSF, but the TMSF mediated between the parties for tackling the issues.

4.7 Conclusion

This chapter looked into the dynamics of broadcasting-policy making in Turkey by particularly focusing on three issues: i) the May 2002 amendments to the Broadcasting Law of 1994; ii) compliance of broadcasting regulation with European standards laid out in the Convention on Transfrontier Television and the TWF Directive; and finally iii) the controversy over foreign media ownership. In all these cases, EU influence operated differently.

The policy-process behind the amendments to the Broadcasting Law has very clearly revealed that policy-makers used EU conditionality as a 'discursive' tool to justify their own political

agenda. The market pressures on policy-makers to further liberalise the broadcasting market by lifting the restrictions on ownership was on the agenda since 1997. Thus, the origin of the process had, in fact, nothing to do with Turkey's EU bid. Yet, it is true that Europeanisation might have an impact on a particular domestic policy context in such a way that existing policy issues might need to be reframed/redefined in relation to Europe. However, this was not the case where the amendments to the Broadcasting Law where concerned. Following the discussion offered by Schmidt (2000: 279-80) on the ideational dimension of discourse, the discourse on the EU used by the government ministers in the early stages of the policy-process aimed at justifying the 'relevance', 'coherence' and 'applicability' of the proposed changes. On the other hand, the adoption of the amendments by Parliament should not be interpreted as a successful utilisation of EU discourse. In the adoption of the amendments, self-interests of the then government, which were originally dictated by the interests of powerful media proprietors, determined the policy agenda. Since there were no common interests shared by all party groups in Parliament in regard to proposed amendments to the Broadcasting Law, the policy attitudes of the parties during the parliamentary discussions were extremely 'conflictual' and even 'manipulative'. The ways in which the government ministers used tactics to block the amendment proposals of the opposition parties and different levels of bargaining took place at different stages during the process are important examples revealing the conflictual and manipulative aspects of policy-making which were not dictated by EU accession conditions.

It is very clear that one of the reasons why the policy-process behind the amendment package was this controversial was because the then government attached an EU dimension to its policy agenda to justify it. However, since the EU connection was not well-grounded and well-presented, the partners of the coalition government were not able to explain the drawbacks of the adopted amendments in a similar way to how they justified them. For instance, the need to comply with the TWF Directive was presented as the justification of the amendments to the broadcasting standards enshrined in the Broadcasting Law, but the policy outcome was still far from compliance. Additionally, there was not even a consensus between the government representatives on whether the amended law would be fully supported or whether there would be room for self-reflexive criticism on its drawbacks. Just to give one example; following the re-adoption of the amendments package in May 2002, the State Minister in charge of the press briefed the European Commission representative in Ankara on the amendments and stated that the amended Broadcasting Law was in accordance with the Copenhagen criteria. Just a

month after this briefing, the ANAP leader and the Deputy Prime Minister Mesut Yılmaz responded to an official enquiry on the compliance of the amended Broadcasting Law with the EU standards submitted by an AKP MP. Yılmaz in his response conceded that the compliance of the new law was dubious. Additionally, he condemned his coalition partners for not reaching an agreement on the details to improve the provisions of the law (*Yeni Şafak*, 30 June 2002).

The chapter also illustrated that the most contentious policy issue in Turkey is regulating media ownership. Media proprietors are very powerful and policy-makers cannot risk acting against their interests. The relationship between media proprietors and the state becomes more problematic since the regulator RTÜK is also highly politicised and not able to impose any effective regulation on the key issues of media. Neither the 25 per cent ceiling on ownership nor the 10 per cent limit for media proprietors for participating in public tenders and stock exchange were applied in practice. As a result, 'nominal/veiled ownership' became very common in Turkey. As explained in this chapter, the core of the amendments package was to lift all the restrictions on media ownership and the financial operations of media proprietors stated in the Broadcasting Law. According to the process analysed here, the timing of the amendments package was the outcome of the lobbying of media proprietors, particularly of Aydın Doğan. However, there is still something unclear about the proposed media ownership regulation. The proposed 20 per cent 'audience threshold' for regulating media ownership echoes the European Commission led policy initiative in the early 1990s to replace traditional regulatory instruments for ownership control with an audience share model.[117] It is very difficult to suggest a causal link between the debates in the EU on this model and the proposed instruments in the amendments package in Turkey. Where the details of the proposed amendment are concerned, the suggested model was in fact very under-developed. Concerns over media pluralism and diversity were very much in the heart of the debates in the EU, but in Turkey, these concerns were not articulated even in the official justification statement of the amendments package.

The controversy over the regulatory framework for media ownership in Turkey also had implications for the debate on opening the broadcasting market to foreign ownership. As suggested earlier, media ownership is foremost associated with political power in Turkey and the abuse of this power is a fact rather than a probability. Interestingly, the EU connection

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[117] For a detailed analysis of this debate in the EU, see: Harcourt (1998, 2005).

that was again used to justify the policy agenda it made the debate more controversial. The AKP's liberal approach to foreign ownership could not transform the deeply embedded mistrust of EU conditionality of any kind. This mistrust was even evident in the cadres of the AKP. The President's veto on the grounds of a rejection of the EU cause and his emphasis on issues of national sovereignty should also be understood in this context. However, at the end of the process, although the 25 per cent limit on foreign ownership was preserved, the entry of the foreign capital could not be prevented. This chapter demonstrated that the loopholes in the Broadcasting Law made it possible for foreign capital to break in to the broadcasting market both in the case of News Corporation and the Canwest Group. Both companies found Turkish partners and made deals to acquire their shares at some point in the future.

The analysis presented in this chapter has also confirmed that it is very difficult to locate where the policy exactly occurs in Turkey. The policy-process behind the amendments package revealed that policy did not emerge as a consequence of the actions and preferences of the formal policy actors involved in the process. The policy-process behind the amendments package was a political battle between the government, the opposition and the President. However, at the end of the process, it was in fact the judiciary, specifically the Constitutional Court, that determined the policy outcome. The Court's ruling on annulling the amendments to media ownership regulations and the provision on the composition of the RTÜK Board caused a serious deadlock in the field. The media ownership issue could not be brought back to Parliament again and the regulatory gap on the composition of the RTÜK Board could only be resolved in July 2005. However, the key question here is how far we can cast the Constitutional Court as a policy actor in its own right? It is the routine responsibility of the Constitutional Court to consider the claims of unconstitutionality that are referred to it and since the Constitution of Turkey is a rigid one, these cases take place very often. In this respect, the Court is neither an agenda-setter nor can we distinguish a body of media case law derived from its rulings. Therefore, where the amendments to the Broadcasting Law are considered, the Court's ruling was significant; however, the Court did not point to any approach to future policy.

Except the issue on lifting the ban on retransmission of broadcasts, EU conditionality proved to be ineffective on all the other policy issues focused in this chapter. In its 2001 Progress Report on Turkey, the European Commission stated that "[t]he new law […] represented a clear step backwards for Turkey away from compliance with international media standards"

(p.77). However, the criticisms of the EU did not make any difference to the policy-makers' approach to the issue. When the amendments were readopted unchanged in Parliament in May 2002, a year after the President's veto, the EU was again disappointed. Jean-Christophe Filori, the EU's enlargement spokesman, emphasised the law's incompatibility with the Copenhagen criteria in international circles and the assessment on broadcasting sector in the 2002 Progress Report was highly critical. However, discrepancies in the Broadcasting Law remained unaffected.

Although the European Commission was very critical about how policy-makers in Turkey handled the amendments process, the major area where it wanted to see progress was actually related to broadcasts in languages other than Turkish. There was no mention of a change in the language policy for broadcasting in the amendments package EU. Turkey took the first step to comply with this particular EU conditionality in October 2001. This controversial process is the next chapter's subject.

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Chapter 5:

**DEMOCRATIC CONDITIONALITY AND MINORITY RIGHTS: THE
CONTROVERSY OVER THE LANGUAGE POLICY AND BROADCAST MEDIA
IN TURKEY**

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> At the heart of debates concerning minority languages
> are questions of politics and culture – politics because
> issues concerning minority languages are essentially
> concerned with issues of power, culture because language
> difference (whether in the form of separate languages, or
> simply in the form of subcultural differences of
> vocabulary) is at the heart of cultural difference
> (Cormack, 2005: 108).

5.1 Background

This chapter looks at EU influence on broadcasting policy in Turkey by focusing on the policy
process behind the new regulatory framework for broadcasts in languages other than
Turkish.[118] The process began in October 2001 following the adoption of the amendments to
the 1982 Constitution and concluded in June 2004 when the Turkish public broadcaster TRT
started its first broadcasts in five other languages. As of 2006, some local radio and television
stations in south eastern Turkey were also permitted to broadcast in Kurdish within the
framework of the new legislation. However, as the analysis in this chapter reveals, both the
legislation and its implementation are far from fulfilling the expectations, especially of the EU.

Looking into the dynamics of the policy process behind the change of language policy for
broadcast media in Turkey is very important since it is the major policy change that was made
as a response to the EU pressures. From the very beginning, one of the EU's main concerns
has been the reconciliation of the Kurdish question in Turkey and the improvement of the
conditions of Kurds in all spheres. The only way the EU could assert influence on the issue
was through the enforcement of democratic conditionality, specifically the Copenhagen
criterion on "respect for and protection of minorities". The first Regular Report on Turkey

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[118] Technically speaking, the analysis covers the policy process behind these laws: i) Law No. 4709, Law on
Amending Certain Articles of the Constitution of the Turkish Republic, *Official Gazette* No. 24556-bis, 17
October 2001, Ankara; ii) Law No. 4771, Law on Amending Various Laws, *Official Gazette* No. 24841, 9 August
2002, Ankara; iii) Law No. 4928, Law on Amending Various Laws, *Official Gazette* No. 25173, 19 July 2003,
Ankara; iv) Directive on Radio and Television Broadcasts to be Made in Different Languages and Dialects
Traditionally Used by Turkish Citizens in their Daily Lives, *Official Gazette* No. 25357, 25 January 2004, Ankara.

published in 1998 sets the framework on how the EU links the Kurdish issue to its conditionality of treatment of minorities in Turkey:

> The Turkish authorities do not recognise the existence of a Kurdish minority, considering them to be simply Turks of Kurdish origin. Kurds […] are economically and socially disadvantaged, and in the provinces where the state of emergency is in force they suffer all the consequences of continued terrorist action and the restrictions on the normal exercise of civil and political rights resulting from the state of emergency […] Turkey will have to find a political and non-military solution to the problem of the south-east. The largely military response seen so far […] It has also damaged Turkey's international image. *A civil solution could include recognition of certain forms of Kurdish cultural identity and greater tolerance of the ways of expressing that identity*, provided it does not advocate separatism or terrorism (Progress Report, 1998: 20; emphasis added).

There is no doubt that any discussion on 'cultural identity' is directly related to the usage of language. That's why the EU started emphasising the lack of broadcasting content and educational rights for the Kurdish population just after indicating what the 'misfit' is in relation to the minority rights in Turkey. On the other hand, it is hardly surprising that the 'Kurdish issue' emerged as one of the most difficult challenges that Turkey encountered within the 'democratisation' process as a candidate country to the EU. What the EU asked for was actually a paradigm shift in the state's policy towards the recognition of ethnic minorities in general, but also to the Kurdish question in particular, both dating back to the establishment of the Turkish Republic in 1923. Therefore, the first political reaction to EU conditionality was a condemnation of the EU for trying to create a new minority group in Turkey. It should also be remembered that the first Progress Report on Turkey was drafted only a year after the EU leaders declined to grant candidate status to Turkey. In relation to this, the EU further complicated EU-Turkey relations by openly identifying the Kurdish population as a minority group in Turkey in its first Progress Report, which has never been officially recognised as such. Then again, the EU's approach to Kurdish question in Turkey was not welcomed equally in Kurdish community. For Kurdish nationalists, minority status has always been very problematic since they argued Kurds to be one of two founding components of the Turkish Republic together with Turks (see Oran, 2004: 77).

Turkey's response to EU conditionality on minority rights can only be understood if the sources of the official discourse on minorities are uncovered. In the background of the Turkish Republic there is the legacy of the Ottoman Empire which ruled over a very diverse, multi-ethnic and multi-religious population for centuries. The Ottoman political regime was not based on a hierarchy drawn on the basis of ethnicities, but instead it was based on religion.

Accordingly, Turks, Kurds, Arabs and many others were perceived as the Muslim subjects of the Ottomans Dynasty; whereas Greeks, Armenians and Jews were the non-Muslim subjects. As Oran (2004: 48) puts it, since in Islamic tradition all Muslims are seen as a part of the 'whole' [*ümmet*], the Muslim subjects were seen as the superior nation [*millet*] in the Ottoman Empire, and non-Muslims were seen as minorities that were separate nations having different religions. This minority definition became the official state policy of the Turkish Republic as articulated in the *Treaty* of *Lausanne* in 1923, which included provisions on protecting minorities in the newly established republic. Again as Oran (2004: 61-2) highlights, the Treaty of Lausanne differs from other international agreements on protecting minorities in the aftermath of the First World War since it replaced the definition of minority that was internationally recognised along the lines of 'race, language and religion' with the concept of 'non-Muslims' to define minorities in Turkey. In doing so, not only differences of race and language were excluded from the definition of minority, but also differences based on the fractions within the Muslim faith were also eliminated. In a similar vein, when the Kurdish issue came up during the negotiations, the Turkish delegation rejected the British delegation's argument that Kurds should be treated as a distinctive 'race' and emphasised the unity of the Turkish and Kurdish populations under the newly established republic (Taspinar, 2005: 76). In short, one of the core pillars of the Turkish modernisation project – establishing an ethnically homogenous state – was in fact solidified in Lausanne. Of course, there is still the question of how Turkey challenged internationally recognised norms on minority protection even then. As Oran (2004: 62) puts it, Turkey had a great bargaining power during Lausanne negotiations since it won its War of Independence that was fought from 1919 to 1923. Therefore, the Treaty of Lausanne did not only end the First World War for Turkey, but it also confirmed Turkey's success in its fight to become a self-governing nation-state.

In this respect, it is easier to understand why Eurosceptics in Turkey – especially the army, the national right and left wings – perceive the key EU conditionality to recognise minority rights as a threat to 'national sovereignty'. Eurosceptics want to hold on to the official line drawn at Lausanne and oppose EU pressure to articulate the Kurdish question in the frame of minority rights. On the other hand, pro-reform circles, especially academics, argue that it has always been a historical mistake to see the rights articulated in the Treaty of Lausanne as only granted to non-Muslims. As they emphasise, apart from non-Muslims; 'Turkish nationals', 'Turkish nationals of non-Turkish speech' and even 'inhabitants of Turkey' were listed as the recipients of various rights as articulated in different provisions of the Treaty (Oran, 2001 and 2004).

Therefore, the Article 39/4 of the Treaty, which is relevant to the discussions on EU conditionality, is actually very clear regarding its recipient:

> No restrictions shall be imposed on the free use by *any Turkish national of any language* in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings (emphasis added).

But of course, when the debate heated up in the course of 2002, there was a very specific reason why some circles insisted on maintaining the official definition of minority as non-Muslims and not let the EU meddle in cultural politics in regard to the Kurdish issue. Granting cultural rights to Kurds including the right to broadcast was an issue of debate since the beginning of the 1990s (see Kejanlıoğlu, 2004: 376; Kubiliay, 2004: 73-4), but this debate was overshadowed by the armed struggle with the PKK.[119] In a similar vein, the nationalists and conservatives from either end of the political spectrum as well as the high-ranking generals of the army supported the view that once the restrictions in language policy for broadcasting are lifted in order to comply with the EU, the consequence would be the creation of new platforms for the PKK and its sympathisers to carry out propaganda activities. In doing so, the Kurdish question was once again reduced to a question of 'national security'. In his analysis of the continuities in the Turkish State Discourse (TSD) towards the Kurdish question, Yegen (1999: 555) points out the fact that "[w]henever the Kurdish question was mentioned in TSD, it was mentioned as an issue of either political reaction, tribal resistance or regional backwardness, but never as an ethno-political question". The controversy around granting broadcasting rights in Kurdish confirmed that this discourse would also be preserved in the context of EU politics.

In this respect, it is evident why the policy process behind the fulfilment of EU conditionality on granting broadcasting rights to ethnic communities in Turkey took almost three years to conclude. Within the DSP-MHP-ANAP coalition government, there was hardly a consensus on how EU conditionality on minority rights should be handled. On the contrary, the MHP leader and coalition partner Devlet Bahçeli soon became the main antagonist behind a major

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[119] The PKK (Kurdistan Workers Party) was founded by Abdullah Öcalan as a Kurdish Marxist-Leninist organisation in 1977 with a separatist agenda. It gained popularity in south-eastern Turkey in the course of increasing oppression of the military regime following the 1980 military intervention. By 1985 the PKK became very active in deploying a guerrilla war against the security forces and the conflict reached its peak in 1993. From 1993 onwards the army carried out massive counter-insurgency operations to weaken the PKK and the conflict resulted in a huge death toll claimed to amount tens of thousands of people. Its leader Abdullah Öcalan was captured in February 1999 and started preaching for a democratic solution to resolve the Kurdish question. Currently, the PKK is recognised as a terrorist organisation by some states and international organisations such

crisis in the government. As the political representative of the far nationalist right in Turkey, he constantly contested EU-driven reforms on minority rights by 'pace-setting' and 'foot-dragging'.

On the other hand, the AKP government positioned itself differently within this debate. On the Kurdish issue, as of the end of 2003, Prime Minister Erdoğan challenged the prevalent state discourse on 'Turkishness' by opening up a debate on the need to overhaul the heavy loaded blood-tie connation in the term by developing a new understanding of Turkishness along the lines of its territorial dimension. The reason why Tayyip Erdoğan, but not anybody else was able to take this step, was actually very simple. Traditionally, the centre of politics in Turkey has always been occupied by political parties that share the same Republican sentiments on governance and preserve the prevalent discourses on ethnic homogeneity, secularism, the guardianship role of the army so forth. In this respect, not coming from the political establishment made the AKP government adopt a more liberated approach to policy during the EU process. Additionally, the talks with the EU provided the AKP with the opportunity to frame the existing policy issues differently than how they were articulated before. However, the Prime Minister's departure from the official line on minority issues antagonised not only the Republican establishment represented by the CHP in Parliament, but also some nationalist circles within the AKP cadres. In October 2004, the release of a report commissioned by the Human Rights Advisory Council of the Prime Ministry to its Minority and Cultural Rights Commission provoked such a huge political row that even some government ministers rejected any involvement with the commissioning of this report.[120] As of the summer 2005, Prime Minister Erdoğan kept repeating his calls for a democratic solution to the Kurdish question, but he could not prevent the rekindling of violence in the south-east.

This is the brief background summary of the main historical and political developments that is linked to the policy process on allowing broadcasts in languages other than Turkish. This chapter starts off by identifying the grounds of EU's policy competence on the issues of minority protection. The analysis that follows looks into a four-year period, from the constitutional amendments of 2001, which was the first political step taken to pave the way

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as the US, the EU and NATO. Its current alleged political successor is the Democratic Society Party (*Demokratik Toplum Partisi* – DTP). For more on the PKK, see: Taspinar (2005: 94-113).

[120] Human Rights Advisory Council of the Prime Ministry (2004) *A Reporrt on Minority and Cultural Rights*, Minority and Cultural Rights Commission, 22 October 2004, Ankara.

for these broadcasts, until the end of 2005. Although a chronological order of the events is followed, each sub-heading indicates a 'defining point' that carries the whole process to another stage. The chapter concludes with a discussion on what the dynamics of this policy process tell us about Europeanisation of broadcasting policy in Turkey.

5.2 Protection of Minorities in the EU: Relevant Policy Instruments

5.2.1 The Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages

The main policy instrument of the EU to assert influence on the protection of minorities in the candidate states is the political conditionality articulated in the 'Copenhagen criteria' of 1993. Although the historical background in the EU that led to the adoption of this political criterion was explained to a large extent in Chapter 3, there are some other policy instruments that need to be taken into consideration at this point to see how policies on languages and media became central to the debates.

The debate on minority rights in Europe is first developed within the scope of 'human rights', and its linkage to 'languages' and 'media' has been part of the debate from the early 1980s onwards (Cormack, 2005: 110). It was not the EU, but the Council of Europe (CoE) and the Organisation for Security and Co-operation in Europe (OSCE)[121] that actively shaped the debate (Smith, 2003). Because of its limited policy competence to intervene in the cultural matters of its member states, the EU's approach was based on that as developed by the CoE and OSCE. However, the debate on minority rights in Europe became very important once EU took steps to enlarge eastwards. Although at the core of the enlargement project lay economy and security were prominent concerns, the question of how to combine the 'Western' ideas of what Europe is all about with the unfolding multi-ethnic characteristic of post-communist Central and East Europe within the future of EU eventually became more significant. In this respect, the "Framework Convention for the Protection of National Minorities" (FCNM), which was first signed on 1 February 1995 and came into force on 2 January 1998, is very important. The FCNM is, in fact, the first binding multilateral agreement

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[121] OSCE was first established as a 'conference' in 1973. The idea on having an international debate on Security in Europe was on the agenda since the beginning of 1950s, but the psyche of the Cold War prevented the establishment of an international initiative. With the disintegration of communism and the Soviet Bloc, the role of the OSCE in Europe became more significant. The working structure of the OSCE changed over the years and it gained more competence in the area of international conflict prevention, crisis management, post-conflict rehabilitation. It has now fifty-five states as members, including Turkey.

specifically on the issues of minority rights. It is important to note that 'linguistic rights' in the context of minority rights is an integral part of FCNM. However, the specific agenda on linguistic rights in Europe facilitated the establishment of two other international documents: the "European Charter for Regional and Minority Languages" (hereafter European Charter) and the "Universal Declaration of Linguistic Rights" (hereafter Barcelona Declaration), which can be regarded as parallel developments.[122]

In the European Charter, traditional regional and minority languages are defined as languages that are used by the nationals of the State Parties. Therefore, languages used by immigrants are excluded from the Charter, but languages that are used within a specific territory in a state or languages that are used by certain communities without a territorial specification are included. It is Article 11 of the Charter that deals with media and it lays out what states can "encourage and/or facilitate" in the field of media to promote regional or minority languages, but does not suggest any ways of doing so.[123] And in the Barcelona Declaration, it is Section IV that deals with the issues of "communications media and new technologies".[124]

The initial problem shared by both the FCNM and the European Charter is, not surprisingly, the lack of clarity in terms and definitions. In both of the documents there is not a clear definition of what constitutes 'minority'. Commentators such as Grin (2003: 9) see the European Charter as an "aspirational" text that was inspired by the notion of 'diversity'. According to the author:

> The Charter is not about rights. It is not about standards. It is not about national minorities. It is not even about the members of minorities. It does not mention peace and security either. The Charter is about languages – more precisely, the regional and minority languages of Europe – and about the measures required for safeguarding their existence in the long run (Grin, 2003: 10; emphasis in original).

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[122] It was the Council of Europe that fostered the agenda for the European Charter since 1988, which was later adopted as a Convention in November 1992 and came into force in March 1998. On the other hand, the Universal Declaration of Linguistic Rights was drafted at the end of the 'World Conference on Linguistic Rights' that took place in Barcelona in June 1996. The declaration was signed by UNESCO, the PEN Clubs and by various NGOs; however, it has not yet been adopted by the United Nations. The underlying aim of the declaration was "to correct linguistic imbalances […] in the maintenance of harmonious social relations".

[123] As stated, states should have at least one radio station, one TV channel and one newspaper in the regional or minority languages operating on a regular basis. Additionally, states should allow the reception and retransmission of radio and television broadcasts from the neighbouring countries.

[124] It is especially Article 35 that is very important within the scope of this research. According to Article 35, "[a]ll language communities have the right to decide the extent to which their language is be present in all the communications media in their territory, whether local and traditional media, those with a wider scope, or those using more advanced technology, regardless of the method of dissemination or transmission employed."

However, reducing an international legal instrument – on which dozens of countries negotiate – to an aspirational text may risk overlooking the political struggles behind the drafting of international documents as such. The reason why the states that are party to these agreements cannot agree on a definition is actually very straightforward: any debate on minorities within a specific national context is, in fact, part of the debate on issues of sovereignty within the borders of that state. As Smith (2003: 5) notes, a similar controversy has occurred in the activities of the OSCE as well, which resulted in a distinction between 'national' minorities that are seen as "historically rooted 'indigenous' groups" and the category of minorities "under the label of 'ethnic'/'new'/'immigrant'". This is a very complex dimension of the international debate on minority rights emerging following the involvement of the OSCE. To quote Smith (2003):

> One reason why existing OSCE member states were so reluctant to sanction a far-reaching policy based on positive rights was the fear that this might have a destabilizing effect on their own societies as well as those of the post-communist East. Thus far, for instance, the policies of European international organizations have eschewed the multinational paradigm of statehood in favour of a more limited conception of minority rights (Smith, 2003: 7).

In a similar vein, Ozalins (2003: 220) rightly argues that 'conflict prevention' and 'promoting linguistic rights' might be very conflicting activities. In countries where there are human rights violations, promoting linguistic rights for minority groups may actually promote conflict. In this respect, it is hardly surprising that although Turkey is a member of the CoE as well as OSCE, it signed neither the FCNM nor the European Charter. And all of these are very relevant to the ways in which the dynamics of the process on granting cultural rights to ethnic communities in Turkey evolved as presented here.

5.2.2 Monitoring Compliance

The problems with compliance and monitoring are, inevitably, related to this lack of clarity of definitions. Within the context of the CoE, the monitoring of the implementation the FCNM is laid out in Article 25. As stated, the State Parties are obliged to prepare regular reports every five years regarding the implementation of the FCNM to the Committee of Ministers. The reports are then assessed by the Advisory Committee consisting of twelve experts. The Advisory Committee gives its response to the Committee of Ministers as 'opinions'. However, as Perez-Solla (2002) notes:

> National legislators may opt for self-definition by national minorities, or they may construct their own definition. Article 3 (1) of the FCNM obliges State Parties to guarantee freedom to every member of a minority to decide freely whether or not to be treated as a member of the minority. This presents a legal question for monitoring in Europe: how to interpret the individualist approach assumed by existing instruments. Current protection mechanisms do not envisage, in general, the recognition of collective rights, even in states that have ratified the FCNM (Perez-Solla, 2002: n/p).

The lack of clarification of definitions and monitoring has also been a problem in the procedures of the European Commission in assessing the performance of the candidate states from Central and Eastern Europe during their pre-accession period (see Hughes and Sasse, 2003). The EU's approach to minority issues in candidate countries was and still is very much in line with the approach of the CoE, but the EU Commission gradually started developing its own instruments in defining the 'conditionality' and assessing the compliance with it. Apart from the Copenhagen criteria, it was mainly through the 'Europe agreements' or commonly known as the 'association agreements' that the EU Commission communicated the importance of "respect for and protection of minorities" in candidate countries bidding to become a member of the EU. Together with the Europe agreements, the accession partnerships and the national programmes for the adoption of the *acquis* are an important part of the pre-accession strategy building both for the EU and the applicant states.[125] The EU, in return, assesses the performance of compliance through the publication of regular reports on each candidate country. All of these instruments are actually designed to assist candidate countries along the way to the accession. However, it is important to note that the EU has developed these tools over the years after the Copenhagen Summit in 1993. This takes us back to how the EU approaches 'conditionality' as an international organisation. In this respect, the design of the pre-accession strategy from the EU's viewpoint has the exact characteristic that was argued by Grabbe (2003: 17) that it "only works as a carrot, not as a stick". To put it differently by quoting Schmmelfenning et al. (2002: 1), once again, the EU "merely reacts to the fulfilment or non-fulfilment of its conditions by granting or withholding grants but does not proactively punish or support non-compliant states". The EU's approach to the compliance with the conditionality of "respect for and protection of minorities" in candidates countries is very much shaped within this framework.

Despite the controversies around the European Charter and the FCNM, the European Commission cited both of these policy instruments in its progress reports on Turkey to base

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[125] For more on how these instruments work, see: Baun (2000).

its criticisms.[126] In doing so, it can be argued, the EU tried to justify the appropriateness of its conditionality. However, in Turkey, the costs of compliance with conditionality on minority rights were perceived to be so high that no change could be made in the 'mental set' of policy-makers as well as the officialdom. Therefore, it is still very unclear whether changes in the policy framework will accumulate towards 'transformative change' at some point in the future.

5.3 Analysis of the Policy Process
5.3.1 An Overview of the Key Stages in the Process

In order to comply with EU conditionality on granting broadcasting rights to ethnic minorities in Turkey a three-step reform of the related legislation was required. Firstly, one of the most problematic articles of the 1982 Constitution had to be amended. Secondly, Article 4/t of the Broadcasting Law that required broadcasts to be in Turkish should also be amended. And finally, the regulatory authority RTÜK had to prepare a directive specifying standards of these broadcasts.

October 2001 amendments to the constitution came as a thirty-four-point package in front of Parliament. It was the first major EU related harmonisation package that was adopted in accordance with the National Programme prepared by the DSP-MHP-ANAP government in March 2001. Since the government declared its commitment to take the necessary pre-accession initiatives to fulfil democratic criteria in the short term, the constitutional amendments were seen as the prerequisite for the reform of the related laws. These amendments were followed by the enactment of various reform packages harmonising the Turkish legislation with the EU *Acquis*. Between February 2002 and July 2004, Turkey achieved significant legislative progress by passing eight reform packages in Parliament.

The policy process behind the October 2001 constitutional amendments is very interesting on various grounds. First of all, although the long-standing debate in Turkish politics that a more civilian constitution is needed was significant, the major driving force was exogenous this time: EU conditionality. This was even explicitly stated in the justification of the proposal for changing the constitution.[127] In regard to timing, apart from the time frame set in the National

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[126] See: for example, the section on "minority rights and protection of minorites" in 1999 Regular Report on Turkey's Progress Towards Accession, p. 14.

[127] As it is quoted from the official proposal for changing the constitution: "The necessity to renew the 1982 Constitution of the Turkish Republic emerged in accordance with the needs emerging during the time of its implementation, with the expectations of the public and in the light of new political prospects. Additionally, in the period of full membership to the European Union, it is inevitable to realise certain changes in the

Programme, the approaching publication date of the 2001 Progress Report in November also provided an important impetus.[128] Secondly, had there been no pressures of the membership candidacy, it would have been almost impossible to get the amendments through Parliament given its composition at the time. The composition of Parliament was different during the drafting of the amendments and the dynamics in Parliament drastically changed when the Constitutional Court announced its decision to ban the Virtue Party from politics in June 2001. As noted earlier, the SP and the AKP were established as splinters of this party.

The constitutional amendments package caused a lot of bickering in Parliament. Although the spirit of the 1982 Constitution was a controversial issue in itself, in regard to the agenda on EU conditionality on broadcasts in languages other than Turkish, it was a specific statement repeated in Articles 26 and 28 of the constitution that was at the heart of the controversy. In Article 26 it was stated that "no language prohibited by law may be used in the expression and dissemination of thought"; and Article 28 stipulated that "publication may not be made in any language prohibited by law". In both cases, the 1982 Constitution did not order but allowed the restriction of freedoms by leaving it to the authority of the legislator to exert restriction, if deemed necessary. These provisions were used by the legislators in 1983 to enact a law prohibiting broadcasts in any other language than Turkish.[129] This law was later abolished in 1991. Therefore, although there has not been any law in Turkey that effectively banned the usage of any language other than Turkish, unless this particular statement was annulled, prohibiting another language would still be probable according to the constitutional framework.

Legislative preparations gained momentum following the constitutional amendments. According to the calendar stated in the National Programme, 'the short term' was due to end by 19 March 2002, which meant that the Turkish government had to act promptly in issuing related legislation of alignment in accordance with the constitutional amendments. The revision of the current regulatory framework for broadcasting to pave the way for broadcasts in languages other than Turkish was pivotal at this time. The significance that the EU gives to

Constitution as a prerequisite to fulfil the economic and democratic criteria and accomplish related necessary legal arrangements" (Law No. 4709, the Law on Amending Certain Articles of the Constitution of the Turkish Republic, Official Gazette No. 24556, 17 October 2001, Ankara).

[128] Especially Mesut Yılmaz, the leader of ANAP and the partner of the coalition, was very vocal in reminding about the approaching publication of the report of the Commission on Turkey's progress, see: *Milliyet*, 26 June 2001.

[129] Law No. 2932, the Law on Broadcasts other than Turkish, *Official Gazette*, No. 18199, 22 October 1983, Ankara.

Turkey's progress on the issue was even 'unofficially' conveyed to the government via Turkey's top-level officers in Brussels (*Radikal*, 29 February 2002). Therefore, two of the coalition partners – DSP and ANAP – aimed at adopting the second reform package in Parliament before the due date and include the amendment to the broadcasting legislation in this package. In doing so, the government wished to improve its status in the eyes of the EU before 2003 with the belief that any change in the agenda of the EU might influence Turkey negatively.[130] However, due to strife between the coalition partners, the required change to be made in the Broadcasting Law could not be accomplished as a part of the second reform package adopted in March 2002.

The bickering within the coalition government was also the reflection of the shift in attitudes to the EU which came to dominate the discussions on the second reform package. This shift was triggered by certain events[131] and resulted in the manufacture of a very negative and reactionary atmosphere towards the EU. Political links between Turkey and the EU were downgraded to a debate about 'sovereignty' and centred on three issues: 'the abolition of death penalty'; broadcasting in Kurdish; and education in Kurdish. In the eye of hard-core Eurosceptics – mainly the nationalist right and left – the EU was 'asking too much' and intervening in Turkey's internal politics or to put it bluntly, 'they' were trying to 'divide' us by intervening in the Kurdish question. The coalition partner, the nationalist MHP used this argument to campaign against the EU. These reactions represented the surfacing of two major 'fears' in Turkey: 'ethnic separatism' and '*irtica*' (religious fundamentalism). It was believed that granting cultural rights – broadcasting and education in the mother tongue – to ethnic minorities could trigger the 'awakening of the national consciousness', especially in the case of the Kurdish population.

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[130] There were mainly two reasons behind the development of this perception. Firstly, the Presidency of the EU was to pass on to Greece from Denmark by the beginning of January. Turkish politicians had the belief that the six months long Greek Presidency might work to Turkey's disadvantage, which never happened. Secondly, the accession preparations of ten candidate countries to become members by mid 2004 were expected to speed up from the second half of 2003 onwards. In Turkey, it was again believed that the shift in the European agenda could distract the attention away from Turkey. This was also a misperception. This scepticism actually reveals the lack of knowledge on the day-to-day politics of the European Union. See: D. Zeyrek, *Radikal*, 24 December 2001.

[131] At the beginning of February, a series of internal emails sent by the Representative of the European Commission to Turkey, Ambassador Karen Fog, to the EU officials were leaked to the press. These internal emails were published in *Aydınlık*, which is a weekly paper run by the left-wing Worker's Party. Although these emails were personal 'commentaries' of Karen Fogg on EU-Turkey relations, they revealed a great deal about Fogg's personal contacts in EU related circles, her views on the Cyprus issue and so forth. The content of these emails quickly ignited a major crisis.

One of the reasons, maybe the major one, for the heightening of Euroscepticism was the influence of the army. The Eurosceptics in Turkey were encouraged to express their arguments by a false belief that the army was also against Turkey's accession to the EU. The army's involvement in the debate was expected, but its influence on the process was controversial. It was controversial because Parliament took the first step to diminish the influence of the army on politics in Turkey by increasing the civilian powers in the Security Council (MGK) – the main institutional body through which the army asserts its influence – within the October 2001 constitutional amendments. The amendment rephrased the role of the MGK by emphasising the 'advisory' nature of its 'decisions'. According to the new composition of the Council, deputy prime ministers and the minister of justice became the new additional members. In doing so, the number of civilian members was increased from five to nine, whereas non-civilian members remained five.[132] This was, in fact, a very important step. However, the influence of the MGK on Turkish politics was not something that could be diminished either with rephrasing the nature of its 'decisions' or its composition, especially where the scope of EU reforms was considered. The aftermath of the constitutional amendments would prove the validity of this argument. Even the European Commission in its 2001 Progress Report on Turkey, commenting on the constitutional amendment, acknowledged that "[t]he extent to which the constitutional amendment will enhance de facto civilian control over the military will need to be monitored" (European Commission, 2001: 19). What is interesting in this specific case on broadcasting is that the government itself invited the army to have a say in the process by officially consulting the General Staff of the army and by deliberately taking the key decisions at a couple of important MGK meetings.

The army's influence on the process unfolded at a stage when the question was whether the public broadcaster TRT or the private broadcasters should do these broadcasts. The initial view was to allow private national broadcasters to carry out these broadcasts since the coalition partner MHP opposed the TRT's involvement in the debate due to reasons that are highlighted further in this chapter. However, the army wanted the TRT to carry out these broadcasts not because its public service remit required it to do so, but because it was the 'safest' option. The army generals believed that if the scope of these broadcasts was extended to include private broadcasters, 'separatist propaganda' might be an issue.

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[132] According to the new composition, the MGK members are: the President, Prime Minister, Chief of the General Staff, ministers of National Defence, Internal Affairs, and Foreign Affairs, the Commanders of the Army, Navy and Air Forces and the General Commander of the Gendarmerie.

As of May 2002, the strife between the coalition partners on how to handle EU conditionality reached its peak and an unexpected crisis emerged behind the scenes. Rumours about the wellbeing of the 77 year old Prime Minister began to spread in political circles. Two of the opposition parties – DYP and SP – were very quick to proclaim that a new temporary government should be set up as soon as possible since the government was no longer competent. The Prime Minister Ecevit tried to govern the coalition from his sick-bed, but he could not prevent the sharpening of divisions within the coalition partners. As of July 2002, all the possible options to progress with EU reforms were exhausted. The MHP resisted compromising on the issues of abolishing death penalty and granting education and broadcasting rights in languages other than Turkish. The leaders of the opposition parties were eager to support the government in passing the laws related to the fulfilment of the democratic criteria, but they used the EU cause as a trump card to guarantee that the DSP and ANAP parties agree to call for early elections. The two remaining coalition partners – DSP and ANAP – were desperate to tackle the controversy and were trying hard to keep the momentum of the EU agenda so that Turkey could clinch a date from the EU at the upcoming European Council Summit scheduled for December 2002. Reforms could be adopted this fast only if all parties reach a consensus. In this respect, an early election was inevitable.

Parliament adopted the reform package in July 2002 and the general election was held on 3 November 2002. There were now only two parties in Parliament: the AKP formed the government and the CHP became the main opposition. The AKP was now responsible for implementing the amendment to the Broadcasting Law and ensuring the adoption of a regulation by the RTÜK to pave the way for broadcasts in other languages. However, the implementation process turned out to be full of twists and turns just like the policy-making process. There were still many uncertainties over who should carry out these broadcasts and what the content should be. The AKP wanted the RTÜK to be more active in the process, but the regulator remained hesitant. Additionally, the public broadcaster TRT was not happy about being asked to get involved in such a controversial process. Although the Broadcasting Law was amended in August 2002 to pave the way for broadcasts in languages other than Turkish, it took almost two more years to implement this policy-change. The dispute between the regulator and the public broadcasters was a major factor behind this delay.

5.3.2 The Constitutional Amendments

a) The Preparation Phase

The 1982 Constitution, which was drafted after the military coup in 1980, has long been the centre of controversy in Turkish politics. It is seen as deficient because since military rule ended in 1983, there has been a debate on the need to draft a 'new' constitution as partial amendment has not been regarded as an adequate solution. However, over two decades, the political will to enact a new constitution did not occur, but the debate yet remained and heated up before every election. The most extensive amendments to the constitution preceding the 2001 reform package were realised in 1995. By mid 2004, the 1982 Constitution was amended nine times; in total sixty-five articles were amended and three articles were withdrawn in total.[133]

This time, the proposal for amending the constitution was prepared by a sub-committee and finalised by an Inter-party Conciliation Committee whose members represented all political parties with seats in Parliament. Two MPs from each political party acted as members to the committee. The method preferred for the drafting of the proposal was important in two respects. Firstly, as this was the last phase of the continuing debate on the need for a civilian constitution, the initial aim was to amend all the articles that were believed to be hindering Turkey's progress towards the accession to the EU. Secondly, because the political composition of Parliament was very fragmented and different political parties had different interests and concerns regarding Turkey's membership candidacy to the EU, the drafting of the proposal had to be based on a solid political debate that would lead up to a consensus which could only be reached within a certain legislative framework.[134] In this respect, the drafting of the proposal for changing the constitution was, in fact, a bargaining process that was initiated in the name of Europe, but was shaped according to the competing political interests of the parties. These were very difficult to reconcile. This is mainly why the proposed fifty-one amendments as drafted by the sub-committee were decreased to thirty-seven when finalised at the Inter-party Conciliation Committee after months of debate.[135]

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[133] For a detailed list of the amendments, see: http://www.belgenet.com/arsiv/anayasa/1982_dm.html

[134] In Turkey, the process for changing the constitution is different to that for enacting ordinary laws. Constitutional amendments can only be proposed with the consensus of at least one-third of the total number of the MPs in Parliament (which is 186 members). The proposal is then discussed twice in Parliament. For the final approval, the secret ballot of at least three-fifths (330) of the total number of members is required.

[135] This draft that was prepared by the sub-committee was not made available to public. According to the press coverage of the debate, it was stated that, in the preparation of the draft the considerations of experts, academics, NGOs and the expectations of various social groups were integrated to the proposal. However, the

The 1982 Constitution is a rigid constitution that places heavy emphasis on 'national unity' and the 'integrity of the state'. Article 3, which is one of the few articles that cannot be amended under any circumstances, stipulates that "The Turkish State, with its territory and nation, is an indivisible entity. Its language is Turkish." Even this article alone reveals the limits of any discussion on minority rights within the constitutional framework. Therefore, the official justification of Article 26 was carefully crafted; there was not any reference to EU conditionality. As stated, "to broaden the limits of freedom of thought and freedom of speech" was the underlying objective of the proposed amendment.[136] However, as quoted below, the proposed amendment contradicted this justification. Although the phrase stating "no language that has been prohibited by law in expressing or disseminating thoughts can be used" was withdrawn from the text, the second paragraph of the article that lays out the conditions for restriction of the exercise of these freedoms was extended so broadly that the article became more ambiguous than it was before:

> The exercise of these freedoms may be restricted for the purposes of preventing crime, punishing offenders, withholding information duly classified as a State Secret, protecting the reputation and rights and the private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary (Article 26/2, before the amendment).

> The exercise of these freedoms may be restricted for the purposes of protecting national security, public order and public safety, the basic characteristics of the Republic and safeguarding the indivisible integrity of the State with its territory and nation, preventing crime, punishing offenders, withholding information duly classified as a state secret, protecting the reputation and rights and private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary (Article 26/2, after the amendment).

b) Parliamentary Discussions on the Amendments

The parliamentary discussions of the 2001 constitutional amendments are worthy of looking at since the amendments package was the first major EU related legislative initiative that materialised with the involvement of all parties in Parliament from the drafting stage to the end. There are two important themes arising from these discussions and both reveal how the then members of Parliament perceive the dynamics of the process.

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representatives of the political parties put reservation on most of the articles before it was to be debated within the Inter-party Conciliation Committee. For more information regarding the political stance of different parties on the initial draft, see: *Milliyet*, 24 May 2001; *Sabah*, 24 May 2001.
[136] Law No. 4709, Law on Amending Certain Articles of the Constitution of the Turkish Republic, *Official Gazette* No. 24556-bis, 17 October 2001, Ankara.

Firstly, the whole process was regarded by every political party as worthy of appreciation as it contributed to the 'culture of reconciliation', which is not something that occurs very often in Turkey. The 1982 Constitution was seen as the major hindrance for democracy in Turkey and the proposed amendments were seen as an important step towards establishing a more civilian constitution as the 1982 Constitution was drafted under the military rule. As stated by a DYP MP:

> [T]he characteristic of the Turkish constitutions is that they are made by the state, not by the nation. They are the blessings [*lütuf*] of the centre to the provinces […] Although I don't question their good will; constitution makers prioritised their views before the social necessities, demands, principles whilst they were making these constitutions. There was no participation, no voice of the public. Therefore, Turkish constitutions are constitutions without the public.[137]

Despite its rhetorical power, this remained a cautious statement. Hardly surprisingly, since all political parties were very keen on not 'offending' the army in any way, all of the speakers were very careful in how they criticised the 1982 Constitution. They criticised it for excessively favouring 'statism' without condemning the military regime that drafted the constitution that way. Yet, they celebrated the proposed amendment package as the result of 'the will of the public'. As one MP from the SP stated during the discussions on amending the Article 13 of the constitution in accordance with the principles of the European Convention on Human Rights:

> [U]p until now, in all the workings [of drafting constitution], the State has been considered as given; the nation is described according to the state […] Here, for the first time, again, the state and the individual were written as equals […] This is a very important change in Turkey in terms of constitutional studies.[138]

Within the 'festive' mood of reconciliation, self-criticism was hardly articulated. The majority of the MPs addressing Parliament regarded the proposed amendments as being 'not enough' to fulfil what was actually needed. However, none of the MPs raised the fact that the extended original amendment package was reduced to its current scope due to the disputes between the political parties during the drafting process. Additionally, although the need to clarify the conceptual ambiguities and vagueness in the constitution has long been emphasised, similar problems were raised in the drafting process of the amendments. During the discussions,

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[137] TBMM Journal of Minutes (24 September 2001) Term: 21, Legislative year: 3, Session: 131, Vol. 70, Ankara: TBMM, p.19.
[138] TBMM Journal of Minutes (25 September 2001) Term: 21, Legislative year: 3, Session: 132, Vol. 70, Ankara: TBMM, p. 23.

among six parties, this was mainly criticised by the SP and AKP MPs. As an SP MP commented:

> [T]he 1982 Constitution cannot be constructed [*adam olmak*] by alterations, fixtures, we need to know this […] We have always feared of fears, always slept over and waken up with apprehensions [*vehim*] […] Let's scare these fears, let's get rid of these apprehensions […] We still insist on using the same words, concepts like 'national security', 'public order'. I like them too, but Gentlemen, do we need them?![139]

The second and the most important theme arising from the discussions was clearly the 'impact' of the EU on the whole process. Various discourses on 'globalisation' and 'Europeanisation' overlapped in these discussions. As stated by the AKP spokesman:

> [T]he necessities of both globalisation and integration with the European Union oblige Turkey to re-evaluate its system. Turkey is seriously in the need of renewal in each and every sphere; political, judicial, and economic. This need for renewal is not only an obligation that has emerged due to external conditions or international conjuncture.[140]

One of the most common repeats of the speeches was the 'motivation' behind these reforms. The key question was: 'whom are we making these changes for?' All of the speakers, no matter which party they represented, suggested that these changes were not made due to the EU pressures, but were rather made since the 'country' needed these changes. Although, there were significant references to the Copenhagen criteria and the issues of 'conditionality', the MPs were rather 'uncomfortable' in relating the constitutional amendments directly to the EU. However, not surprisingly, this emphasis on the internal needs for change shifted to an emphasis on external demands from the EU when the MPs started discussing the amendment on Article 26 under the heading of 'Freedom of Expression and Dissemination of Thought' in the 1982 Constitution. Simply, the MPs did not want to diverge from the official state line on the Kurdish issue. It was now mainly the MPs from the opposition parties raising the 'EU asked for it' line. Although the MPs approved the related amendment, they directed some indirect criticisms as well. During the discussions only three MPs from different parties delivered a statement. The MHP did not have any say during the discussion on the related article. It was an AKP MP who regarded the criteria as "imposed" alongside confirming Turkey's need to have a more 'libertarian' constitution:

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[139] TBMM Journal of Minutes (24 September 2001) Term: 21, Legislative year: 3, Session: 131, Vol. 70, Ankara: TBMM, p. 14.
[140] ibid., 8.

> [P]roblems in implementation that emerge in relation to the world's progress, the longing of the public for a more libertarian, more civilian constitution […] will not remove from the agenda the necessity of drafting the constitution from scratch […] Besides, unfortunately, we are face to face with the need or the imposition on the rapid reflection of the economic and political criteria to our internal law.[141]

Interestingly, and maybe not coincidentally, the next speaker was from ANAP, representing the Diyarbakır constituency that is well known for its high Kurdish population. As might be expected, during the parliamentary discussions on the EU agenda, all of the MPs from the ANAP and DSP gave full support to the reforms either on a personal basis or as a party representative. Therefore, this MP's statement representing the ANAP party line was important in view of his constituency. As he stated:

> [I]n contemporary democracies, rights deriving from people's identities always receive respect and immunity. Of course, this respect and immunity can never be converted to armour that protects a separatist movement; however, giving people the possibility of developing their ethnic and cultural characteristics within the framework of national unity is also the requisite of a democracy […] A right which is not used is not a right just like a freedom that is steered by an ideology is not a freedom. Why can't we see the consequences of convicting our millions of Kurdish speaking citizens who use the media of the illegal organisations by language prohibition? Besides, up until today, no legal and rational justifications could be brought forward – except the ideological and security related ones – for the continuation of this prohibition.[142]

The last statement was delivered by a DYP MP, who mainly followed the opposition line emphasising that EU pressures 'will bring harm':

> The constitutional changes on the agenda were, unfortunately, prepared as a result of coercion of the integration process with the European Union […] We consider adopting constitutional amendments before the progress report is submitted to the European Union on 22 November 2002 as a necessity […] The two most important dangers emerging from globalisation are tendencies towards minority racism and religious radicalism […] As the proposal amending the constitution is not a product of a social demand, but is in the framework of demands required from us in the accession document to the European Union, this issue is disregarded.[143]

These extracts from the speeches delivered by various MPs are important as they also reveal how the discussions on EU-Turkey revolved around issues on national sovereignty and security. The process of amending the constitution was the first occasion that relations with

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[141] TBMM Journal of Minutes (25 September 2001) Term: 21, Legislative year: 3, Session: 132, Vol. 70, Ankara: TBMM, p. 43.

[142] ibid., 44.

the EU officially became the main agenda in Parliament, but the majority of the then members of Parliament had very limited knowledge of how EU conditionality actually works. Therefore, they were careful in how they acknowledged EU influence on the process. The effort they put into emphasising their commitment to 'national sovereignty' even resulted in the rejection of a technical but a very important amendment proposed in the package. According to the 1982 Constitution, international agreements carry the force of law once adopted by Parliament by a law approving the ratification. However, Article 90 regulating the 'ratification of international treaties' did not state what would happen in case of conflict between the domestic laws and international agreements. In international law, international agreements are considered above national legislation and the proposed amendment would just provide a technical clarification by putting this hierarchical significance in text. As simple as it sounded in technical terms, this amendment was very important for two reasons. Firstly, Turkey has always been either very hesitant in ratifying international agreements or has put reservations on various articles of these agreements that it was a party to. Amending the related article of the constitution could have potentially increased Turkey's credibility in the international arena as an EU candidate. Secondly, unless this uncertainty was resolved, the number of cases brought against Turkey before the European Court of Human Rights would have kept increasing. These points were even emphasised by some speakers during the discussions. However, unexpectedly, the amendment could not get enough votes from Parliament either in the first or in the second round.[144]

In its 2001 Progress Report on Turkey, the European Commission welcomed the constitutional amendments and stated that "Parliament worked swiftly and effectively", but it also emphasised the importance of "effective implementation" (European Commission, 2001: 125). Abolishing the death penalty, allowing broadcasting and education in languages other than Turkish (meaning Kurdish) were now the three major issues that had to be implemented by amending related legislation. However, this was easier said than done. Treating these three issues as one big issue of a requirement of EU conditionality gradually undermined the significance of each one that should be approached separately. Therefore, the adoption of the constitutional amendments was the beginning of a very long implementation process full of bickering in and outside of Parliament.

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[143] ibid., 45.

[144] For the first tour discussions of the proposed amendment, see: TBMM Journal of Minutes (28 September 2001) Term: 21, Legislative year: 3, Session: 135, Vol. 70, Ankara: TBMM, pp.8-13; for the second tour discussions, see: TBMM Journal of Minutes (3 October 2001) Term: 21, Legislative year: 4, Session: 3, Vol. 71, Ankara: TBMM, pp. 19-23.

5.3.3 The Aftermath of the Constitutional Amendments
a) Debates on Amending the Broadcasting Law: The Increasing Tension

The amendment to be made in the Broadcasting Law was, in fact, very simple and straight forward. The regulator RTÜK briefed policy-makers that broadcasting in Kurdish would be possible once the Article 4/f of the Law, which stipulates that "Broadcasts shall be in Turkish language", was amended. However, there were two other important issues. Firstly, given the dynamics of the tripartite coalition government, it was very clear from the beginning that reaching an agreement on issues such as who will do these broadcasts and how they will look/sound would be very difficult. In relation to this, the second issue was on the timing of amending the Broadcasting Law. Two of the coalition partners – DSP and ANAP – aimed at committing to the schedule expressed in the National Programme and passing the amendment before March 2002, preferably within the second Reform Package together with other legislative reforms. However, it soon became clear that this time frame was not realistic since the 'controversy' around the issue was very critical.

As stated earlier, the initial idea was to allow private broadcasters to broadcast in Kurdish, rather than the public broadcaster the TRT (*Radikal*, 12 March 2002). This preference was, in fact, very important as it revealed a lot about how policy-makers perceive cultural aspects of broadcasting in Turkey. All those ideas – universality of service, diversity of programming, and provision for 'minority' audiences – that underpin the role of public service broadcasting were missing in the discussions in Turkey. Although the other two partners in the coalition government (ANAP and DSP) were stressing the importance of broadcasting in minority languages for the 'cultural enrichment' of the country, it was the political concerns that shaped the debate. Within the coalition government, it was the MHP that strongly opposed the idea of the TRT doing these broadcasts. The MHP leader Devlet Bahçeli argued that it was not acceptable for the state – meaning the TRT – to broadcast in Kurdish as it would help the politicisation of 'separatist' activity.[145]

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[145] In fact, this perception of the use of broadcasting as 'propaganda' was there from the very beginning. It is very interesting that at the beginning of the debate, in the second half of year 2000, the head of the National Intelligence Organisation (MIT) suggested that broadcasting in Kurdish by using the regional TRT channel Gap-TV would be a good idea to reach the 'citizens' in the eastern part of Turkey. Although the DSP and the ANAP were positive about the idea, the MHP and the General Staff of the army gave a very quick negative reaction. The timing of the General Staff's statement on the issue was very interesting as it coincided with the departure of the Prime Minister Bülent Ecevit to the EU Summit in Nice in December. The Prime Minister was shaking hands with the EU leaders and posing for the pictures of the 'future of Europe' for the very first time as the representative of a 'member candidate' country in Nice, whilst the General Staff, the most influential establishment in Turkey, was expressing its views directly for the very first time on the issue of broadcasting in

However, anyone with a rudimentary understanding of media economics would know that broadcasting in any other language than Turkish would not appeal to national commercial broadcasters. Simply, it would not be profitable. Broadcasting in other languages would only be profitable for regional or local broadcasters. However, as the issue of 'security' was at the core of the debate, monitoring these broadcasts at the regional and local levels meant allocating extra funds for adopting a monitoring technology and recruitment of new personnel for RTÜK. Therefore, although both options were on the table at the beginning, a version of French Corsica model soon became the prevailing option for regulating these broadcasts.[146] According to this, broadcasts in Kurdish were to be transmitted from GAP-TV, the regional channel of the TRT. The programmes would last one hour per day and the content would be news. There would be no entertainment, sports or education content. However, neither the question of which dialect of Kurdish would be used nor whether the proposed one-hour would be broadcast as a single, continuous hour or would be divided into different slots within the daily schedule was answered. Since coalition partners were not able to overcome their internal strife, the final decision was to discuss the details of the implementation in the upcoming National Security Council meeting scheduled for the end of March 2002 (*Radikal*, 14 March 2002).

The RTÜK, as the regulator for broadcasting, could actually decide on the model to be adopted and regulate related technical details of these broadcasts by drafting a directive. However, rather than acting as a 'policy entrepreneur', the RTÜK made it very clear that it does not have the required competence on finalising the decisions on the details of these broadcasts and the timing and the substance of the amendments to be made on the issue was up to legislators, depended on their 'political will' (*Radikal*, 1 March 2002). The reluctance of the RTÜK to become more active in the debate was actually the by-product of Euroscepticism prevalent among its members of the governing board. The then head of the RTÜK Nuri Kayış, who lobbied against the amendments to the Broadcasting Law a year earlier, was this time openly critical about EU conditionality on broadcasting. In March 2002, at a time when everything was in flux and anti-EU attitudes were on the increase in political circles, Nuri Kayış publicly announced that he did not approve EU reforms and was sceptical about the legitimacy of EU conditionality. Murat Yetkin, the Ankara representative of *Radikal*,

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Kurdish and stating that "the discussions on Kurdish TV correspond to the demands of the PKK". E. Çölaşan, *Hurriyet*, 29 November 2000; E. Özkök, *Hurriyet*, 8 December 2000.

[146] In France, broadcasts in Corsican are carried out by the designated state radio and television channels in France. These broadcasts are aired two times a day in twenty minutes long blocks and consist of news, culture, arts and music content.

who was also one of the hosts of the programme revealed the contradictions in Kayış's approach to the EU reforms agenda:

> [A] view that became wide spread backstage started almost accusing the officially declared goal of Turkey's EU membership as 'betraying the motherland'. The articulation of this view by some bureaucrats carry the EU debates to an uneasy dimension [...] Nuri Kayış, in a live broadcast, crticised "the promises and compromises given to the EU". When we reminded him that these promises are given via the National Programme that has also been approved by MGK and signed by Prime Minister Ecevit who had him elected as the head of RTÜK, he then said that the National Programme should "certainly be changed" [...] He has finished his word by saying "I am a bureaucrat of Ankara, not Brussels". We then did not ask 'is Ecevit not the Prime Minister of Ankara'. The statements of Kayış do not only represent his attitude as the head of RTÜK, but it also reflects the tendency in the bureaucracy that has been growing in the last couple of weeks (M. Yetkin, *Radikal*, 5 March 2002).

By the end of March 2002, divisions within political circles on how to handle EU conditionality were very sharp. The tripartite coalition government's decision to determine the policy approach to be adopted in amending the Broadcasting Law in the MGK meeting was important in revealing the seriousness of the strife within the government. All three partners had a different perspective on the issue. The DSP leader and the Prime Minister Bülent Ecevit was now more positive about the idea that it should be the TRT carrying out these broadcasts; the ANAP leader Mesut Yılmaz still believed that private broadcasters could also broadcast in Kurdish, and the MHP leader Devlet Bahçeli was still against the involvement of the TRT in these broadcasts since he believed "broadcasting in Kurdish by the state can be regarded as the language of the state, which means creating a minority or recognising a minority" (*Radikal*, 25 March 2002). However, Bahçeli confirmed that he would agree the private broadcasters carrying out these broadcasts as long as the decision is taken in the MGK.

However, the long awaited MGK meeting did not conclude with a definite decision. What came out was rather a set of 'assessments', especially on the status of the TRT. Where the follow-up statements are considered, there were two important issues arising from the meeting. Firstly, broadcasting in Kurdish by the TRT was presented as an important step towards weakening the satellite broadcasts of MED TV to the region. The Turkish government was many times in conflict with first Britain and later with Belgium over MED TV for its pro-PKK broadcast. Therefore, what appeared as significant in the meeting was not the EU dimension of the debate, but was rather concerns over 'national security' and 'counter propaganda'. Secondly, for the very first time broadening these broadcasts to include some

other local languages was expressed (*Radikal*, 30 March 2002). In doing so, it was believed, the emphasis on the Kurdish issue would be displaced by bringing in other languages spoken in Turkey to the agenda. Once gain the army was very influential in moulding the policy.

b) The Army 'Communicates' to the Public, 'Advises' the Government

Although the army remained sceptic about EU related reforms throughout the process, it used different tactics to steer the political agenda and asserted its influence on policy-making in different ways. In March 2002, following the unfolding of the crisis on the leaking of the internal communication of the Representative of the European Commission to Turkey with EU officials in Brussels to the press, the army was very quick in expressing its views through various means, particularly by sending letters to journalists. In these very carefully crafted messages, the army spokesmen confirmed the army's criticism of how the EU agenda was being 'handled' without directly targeting either the government or the EU itself. It was İsmet Berkan, the editor in chief of *Radikal*, who quoted from a letter, sent from the Head of the Press and Public Relations Office of General Staff to another columnist at *Posta* daily to clarify the army's standpoint in the debate. It was stated in this letter:

> [T]he Turkish Armed Forces, throughout its history, has pioneered the innovations and Westernisation in this country. It is not possible for Atatürk's Army to take a different line today. What is for the benefit of this country and the Turkish nation is always sacred for the Turkish Armed Forces. However, the Turkish Armed Forces are also against accession to the European Union by saying yes to everything unconditionally, without questioning whether this would really be for the benefit of the country. We support Turkey's accession to the European Union cordially, if it is to enter with pride, self-esteem and on equal terms (quoted in I. Berkan, *Radikal*, 2 March 2002).

The way İsmet Berkan commented on this quotation was very important as he revealed how the army, the nationalist left and the right wings (particularly the coalition partner MHP) united around "a common denominator in the discursive level". Berkan noted that he agreed with the army's call for the importance of thoroughly assessing the value of the EU conditionality, but he also suggested that the army's perspective on the debate:

> Was gradually adopted with pretty bad intentions by both the nationalist left and the nationalist right. In this way, by using this discourse, both the MHP and the nationalist left try to suggest that the TAF [*Turkish Armed Forces*], in fact, is against the European Union like them (I. Berkan, *Radikal*, 2 March 2002).

Berkan's observation was very accurate. The MHP's foot-dragging and insistence on taking the key decisions at the MGK meetings from the beginning had very much to do with its leader Devlet Bahçeli's search to justify his antagonistic position within the coalition government. On the other hand, from the end of February to mid-March 2002, well-known columnists of major dailies in Turkey commented on the importance of not falling into the trap of these 'engineered fears'. It is true that the media in Turkey have never been in the position of attacking let alone overtly criticising the army, but nevertheless journalists reporting or commenting on the process during that time tried to shift the debate to a discursive level by emphasising the importance of keeping the EU prospect alive for the country. Under these circumstances, the army could neither afford to be associated with the nationalist MHP nor contradict its Republican legacy by rejecting EU conditionality, which was a major milestone in the accomplishment of the country's 'national project'. Therefore, when the Prime Minister's Office consulted the General Staff of the army on its view regarding broadcasting in Kurdish, the General Staff delivered its opinion as 'positive', but under two conditions: only if the broadcasts were to be 'limited' and 'kept under control' (*Radikal*, 11 March 2002).

By approving broadcasts in Kurdish, the army distanced itself from the MHP's position on the issue. However, this does not mean that the army generals were pleased with the reform agenda. In the later stages, they continued to communicate with the public via the columnists of some dailies that they trust. For instance by the end of May 2002, just before a critical MGK meeting at which crucial issues regarding the accession criteria would be discussed, the army expressed its views via Emin Çölaşan's column in *Hürriyet*, who is known to be close to the military establishment. Emin Çölaşan presented the army's views on broadcasting in Kurdish as if they were his 'impressions' of what the General Staff of the army thought on the issue. According to these 'impressions', the army believed that: i) Kurdish broadcasts could only be made by the TRT from its regional channel TRT-GAP in the form of news at some hours of the day and in different dialects such as *Zaza* and *Kirmançi*; ii) commercial channels could not broadcast in Kurdish since monitoring them would be impossible; iii) publication of newspapers, and magazines in Kurdish would be fine as there would not be great interest in them; iv) the issue of the language of these broadcasts should not only be considered for Kurdish but also for other 'mother tongue languages' such as Arabic, Bosnian and Georgian and they should begin simultaneously with broadcasts in Kurdish (E. Çölaşan, *Hürriyet*, 30 May

2002). This last point was particularly important because it aimed at shifting the focus from the Kurdish issue and its relation to broadcasting to a more general level.

In the later stages, the army continued to get involved in the process through its role in the Security Council meetings. By delaying the key decisions to be taken in these meetings, the government also demonstrated that it did not want to handle this issue without the approval of the army.

c) The 'Foot-dragging' of the MHP

As of May 2002, there was no concrete steps taken on the issues of EU democratic conditionality, although it had been six months since Parliament adopted the constitutional amendments. Speeding the process was important because the government had approximately two months to prepare the necessary legislations before Parliament finished its working term in July. In the meantime, something very important happened to boost the positive mood. The EU declared that it would include the 'PKK' and 'DHKP-C' in its list of outlaw terrorist organisations. With this announcement, as stated in *Radikal*, two new opportunities came into sight for Turkey. Firstly, "The European Union took an important step to undermine the notion that it wants 'to divide' Turkey" and secondly, the "easiness" that this step would bring "would make Turkey take more concrete steps on the issues of the death penalty, broadcasting and education in mother language and the withdrawal of the state of emergency. The calendar of full membership negotiations that Turkey pursues will come into view once these steps are taken on time" (D. Zeyrek, *Radikal*, 4 May 2002).

In response, Prime Minister Ecevit charged the Ministry of Foreign Affairs and the Turkish Secretary General for European Union Affairs with preparing an 'informational report' and an 'action plan' on the timing and the substance of what had to be done to allow Turkey clinch a 'date' from the EU to begin the accession talks at the European Council Summit in Copenhagen, scheduled for December 2002. Indirectly, this action plan was, in fact, the draft of the second reform package, which could not be discussed until then due to disagreements between the coalition partners. The decision was to organise a 'Leaders Summit' that would take place in the second week of May. The Ministry of Foreign Affairs and the Turkish Secretary General for the European Union Affairs prepared the plan in just four days at the end of a non-stop working routine. The details on the content of the report and the action

plan were clear. As stated in the publicised report: i) all the efforts presented until now would be wasted if the "resistance on a couple of issues on democratic criteria remains"; ii) Turkey should begin the accession talks before the enlargement because getting a date from the EU could be much more difficult afterwards; iii) abolishing the death penalty is essential and urgent, whereas there is more flexibility for issuing legislation for broadcasting and education in languages other than Turkish (*Radikal*, 8 May 2002).

However, this much needed boost of morale faded very quickly. Due to the Prime Minister's ill-health, the Leaders Summit was delayed and could only took place at Başkent Hospital. The outcome of the 'summit' was a disappointment. The DSP and ANAP were ready to abolish the death penalty and prepare the legislation to amend the Broadcasting Law to pave the way for broadcasting in languages other than Turkish, but the MHP leader Devlet Bahçeli still remained opposed. Bahçeli even criticised the announcement of the plan to public without the approval of all the party leaders (*Milliyet*, 27 December 2002).

President Sezer intervened in the dispute and invited the leaders of the coalition government as well as the opposition parties to discuss EU related issues. In doing so, the President took the initiative to act as a moderator to overcome the crisis and motivate Parliament to continue working on what was needed to be done in the name of Europe. However, the MHP leader Devlet Bahçeli, who was the main actor in the dispute, was also very prompt in giving his response. Bahçeli stated that his party was not against the EU, but their attitude on the issue of education and broadcasting in mother language would remain the same. Bahçeli, with his statement, did not only challenge the President but also his coalition partner, Mesut Yılmaz, who earlier stated that issues on education and broadcasting could be tackled in Parliament (*Radikal*, 24 May 2002). Whilst Bahçeli was making these statements, Mesut Yılmaz was holding a press conference in Brussels after the European Convention meeting and emphasising the importance of political criteria stating that every candidate should fulfil the criteria and this was not an issue of "bargaining". But he also added that Turkey had some "sensitive" concerns and he thought that "eventually, with common sense, we will overcome all the difficulties" (*Radikal*, 24 May 2002).

Back in Turkey, the President's effort to make all the political leaders reach a consensus on the issues of the EU by inviting them to a meeting, to the "EU Summit" as the press preferred to call it, was in trouble. As MHP was resistant to compromise, the government was already

divided and the opposition leaders were ready to shift the agenda from the EU to domestic politics. The government deficit that emerged because of the dispute in the coalition on the issues of the EU and the prime minister's ill health as an add-on factor created a great opportunity for the opposition parties to play on their own domestic policy concerns. Their common message was straightforward: the required majority to pass the EU laws could be achieved according to the parliamentary arithmetic, but the existing coalition was no longer capable of governing the country and proceeding with the EU agenda. It was first the AKP that called for early general election (*Radikal*, 25 May 2002).

In the midst of the political disagreements, it was not only President Sezer who tried to form a path for consensus among political parties. One of the most influential pressure groups in Turkey, The Turkish Industrialists' and Businessmen's Association (TÜSIAD) placed a full-page advertisement in leading newspapers by the end of May. The headline of the declaration was: "Turkey: What kind of a future?" and TÜSIAD had a very angry message to deliver to policy-makers:

> Every Turk wants to realise their ideals as soon as possible […] Turkey has the political and economic power to achieve the EU membership […] Turkey's membership of the EU is state policy. EU membership will increase Turkey's international economic power and its democratic respectability […] EU membership should not be used as a means of struggle in Turkey's domestic politics. What is in question is a country's hopes and ideals. The EU membership is the guarantee the future of our youth (*BELGEnet*, 29 May 2002).

TÜSIAD's push towards the EU was very important since TÜSİAD talked on behalf of the biggest corporations in Turkey. TÜSIAD is, in fact, the heart of Turkish economy. TÜSİAD did not only lobby on EU-related issues, but it also produced concrete policy proposals. Just after the publication of its statement, TÜSIAD announced its policy proposals on the issues of death penalty, education and broadcasting in languages other than Turkish. The report, which was titled "Democratisation Perspectives in Turkey and EU Copenhagen Criteria: Opinions and Priorities", was prepared by Prof. Dr Süheyl Batum, the dean of Faculty of Law, Bahçeşehir University.[147] In his report, Batum's principal suggestion was that Turkish policy-makers were right in defining who would be defined as a minority within the national territory just like other European countries defined, but it had to recognise 'cultural rights' as a

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[147] Batum, S. (2002), "Democratisation Perspectives in Turkey and the EU Copenhagen Criteria: Opinions and Priorities", May 2002, *TÜSIAD-T/2002-05/325*. Istanbul: TÜSIAD. Available at: http://www.tusiad.org/turkish/rapor/dem/dem.pdf [Retrieved 17. 12. 2004].

candidate country as it committed to do so both in the 2000 'Accession Partnership' document and the National Programme issued in 2001. Therefore, as he argued, policymakers should approach the issues of broadcasting not on the basis of 'minority rights' but on the basis of "cultural rights as in the context of individual freedoms".[148] Although tracing the influence of this report on the debate is not easy, it would be fair to argue that there was a clear shift from the use of the phrase 'minority languages' to other phrases such as 'mother tongue languages' or 'traditionally used languages' in the following months. The confusion on how to pitch the debate was for a very long time apparent in the press coverage. Although the debate was mainly reported as 'broadcasts in Kurdish' as this was central to the debate, eventually different ways of phrasing the issue started to appear in the press. However, this confusion in terminology in the routine coverage of the press does not suggest any negativity of the press towards these reforms. In contrast, majority of the headlines used at this time were either just informative or slightly sarcastic about these constantly remerging conflicts.[149]

The clarity that emerged after the MGK meeting took place by the end of May 2002 eased the weeks of tension that dominated the debates. The picture on how EU conditionality would be handled started to unfold after the MGK meeting. On the issue of abolishing the death penalty, the decision made was to adopt the 'Hess Model',[150] which would replace the death penalty with 'life imprisonment' and amnesty or conditional release from life imprisonment would be prohibited with an amendment to the constitution. And on the issues of broadcasting and education, the prevailing view was that the 'State' – meaning the public broadcaster TRT – should take the initiative.

The approaching 'Leaders Summit' was now the main item on the agenda. However, there were still problems. Prime Minister Ecevit's health remained poor and the position of MHP as a coalition party remained unclear. Especially on the issue of abolishing the death penalty, all of the party leaders, the ones in coalition as well as the ones in opposition, wanted to include the MHP in the final decision since no body wanted the MHP to take this an election pitch. In this respect, it was very interesting to see how the election agenda was coming into view along with the EU agenda.

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[148] ibid., 13-14.

[149] Even skimming through the bibliography of this research listing the newspaper articles used would confirm this case.

[150] The Hess Model is named after Rudolf Hess, who was Adolf Hitler's deputy in Nazi Germany. He was sentenced to life imprisonment at the end of his prosecution at Nurernberg Trials, which were held from 1945 to 1949.

President Sezer's approach to this summit was interesting because he also invited some top-level officers so that they can contribute to the debate. Their knowledge on the technicalities of EU conditionality was definitely deeper than the leader of the political parties in Parliament and unlike the party leaders they were not biased towards election politics. For instance, Volkan Vural, the Secretary General for the EU, was invited by President to brief on what has been done so far for the EU and what else should be done, including the possible options that all the party leaders could agree on. According to the press, Vural was planning to give the message that unless the political criteria are fulfilled there is no way to begin the accession talks and the 'medium term' was no longer 2004, but is the end of 2002 (*Radikal*, 6 June 2002). Then again, Akın Alptuna, the Deputy Undersecretary of the Foreign Ministry responsible of the EU, was also invited to brief on the EU's political calendar that Turkey needs to be aware of throughout pre-accession period. In short, President Sezer filled in all the gaps that might emerge due to lack of knowledge by including the 'expert' view to this crucial meeting.

The Leaders Summit took place at the beginning of June as scheduled, but in the absence of Prime Minister Ecevit and Tansu Çiller, the leader of the main opposition party DYP.[151] At the end of the summit, it was announced that the common goal for all the party leaders attending the summit was 'EU membership'. However, it soon became clear that the MHP leader Devlet Bahçeli was still an opponent to EU reforms and was planning to withdraw from the government, if his partners choose to collaborate with the opposition parties to pass EU reforms. Devlet Bahçeli once again suggested that the EU was imposing its own agenda on Turkey by presenting it as a pre-condition to start accession talks. Bahçeli declared that he would consider remaining in the coalition government only if the issue of abolishing the death penalty is excluded from the second reform package and brought to Parliament as a separate agenda (*Radikal*, 7 June 2002). Just a couple of days after the summit, the vice chairman of the MHP announced that his party agreed to let the way to its coalition partners to seek the support of the opposition parties to pass the law abolishing the death penalty, but it would not tolerate the same strategy being applied to legislation on granting education and minority rights in languages other than Turkish (*Radikal*, 11 June 2002).

In short, there was only one option left for the DSP and ANAP to progress with EU reforms: to begin talks with the opposition leaders.

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[151] Çiller, before the summit, announced that she would not attend the summit in the absence of the Prime Minister as it would mean accepting that the country did not have a prime minister (*Radikal*, 4 June 2002). She was actually using Prime Minister's ill-health to make early elections issue as the centre of the agenda

d) The Battle over Early Elections

Seeking the support of the opposition parties' to abolish the death penalty was actually a blind alley. Supporting this might turn out to be far too costly for the opposition parties in the general election. Abolishing death penalty might be perceived by the public as an EU-led favour to the PKK leader Abdullah Ocalan, who was in jail since 1999. No mainstream party leader could take this risk at that time. For instance, within the AKP, some MPs were uneasy about the 'unconditional support' that their party leader, Tayyip Erdoğan, declared earlier. Against the criticisms from his MPs, Erdoğan shifted his stance and declared that they would support the law under two conditions: the proposal should be drafted by the Ministry of Justice and the constitution should be amended at the same time to include the statement that life imprisonment would not be subject to amnesty (*Radikal*, 12 June 2002). In a similar vein, the DYP leader Tansu Çiller was also insistent that the law abolishing the death penalty should come to the parliamentary agenda as a government proposal, which was what the MHP opposed from the beginning.[152] The EU process once again reached impasse because of the conflicting views on abolishing the death penalty. Where the arithmetic of Parliament was considered, there was no other option left to move forward.

While the calculations on the arithmetic of votes in Parliament were going on, all of a sudden the SP proposed a law on broadcasts in 'mother tongue languages' on the 12 June. The proposed law was amending the related article (Article 4) of the Broadcasting Law. Clearly, the SP's move was merely 'symbolic' as it was trying to present itself as a 'sensible' party that was taking a step forward whereas the others were busy with their bargaining and disputes. The SP's proposal was later dropped from the parliamentary agenda.

However, in a politically astute move, it was the leader of the ANAP, Mesut Yılmaz, who suggested in his party group meeting that the priorities in EU reforms could be swapped and the issue of abolishing the death penalty could be discussed later. The latest plan was to tackle the issues of granting 'cultural rights' first. This was, in fact, very important because for the very first time the dispute over abolishing the death penalty might not overshadow other issues. Additionally, the notion of 'cultural rights' was, for the very first time, becoming an

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[152] The arithmetic of Parliament got very complicated at this point. At least 330 votes were needed to pass a proposal to change the constitution, whilst 367 votes were needed to approve the changes without a need to go for a referendum. At the time being, the distribution of the seats in Parliament was as follows: DSP: 128, MHP: 126, DYP: 85, ANAP: 79, AKP: 53, SP: 48, TDP: 3, BBP: 1, Independent: 14, Empty: 13.

important aspect of the EU debate. Surprisingly, now it was the DYP leader Tansu Çiller, who offered support to Mesut Yılmaz first. Çiller made a complete u-turn and announced that her party had no further conditions and would support the reforms. However, it should also be noted, neither Mesut Yılmaz nor Tansu Çiller was free from the 'indirect' influence of the EU in reaching this point. Throughout the dispute, the EU was actually passing on its views on the debate through various European Ambassadors in Ankara (*Radikal*, 22 June 2002). The EU was very critical about the ways in which the political parties used EU related reforms to pursue their own domestic agendas.

Shifting the agenda from the issue of abolishing the death penalty to the reforms on cultural rights was exactly what the MHP did not want to happen. The MHP leader Devlet Bahçeli who earlier suggested that his party would not approve if his coalition partners seek the opposition's support to pass EU reforms on broadcasting and education in languages other than Turkish. The MHP leader Devlet Bahçeli was very prompt in responding to the shift in the agenda by naming Tansu Çiller's u-turn as a 'political manoeuvre' and condemning his coalition partners for changing their views "every three months" (*Radikal*, 24 June 2002).

On the other hand, Prime Minister Bülent Ecevit was not convinced by the ANAP leader's Mesut Yılmaz to separate the abolition of the death penalty from the package and seek support of the opposition leaders to pass the necessary laws on the other issues. This meant the shattering of the coalition. Moreover, the working group that was set up by the DSP and ANAP to discuss EU reforms, mainly how to tackle the issue of abolishing the death penalty, was not able to begin its meetings as the DYP and AKP did not send any members.[153] In the final Leaders Summit, the ANAP leader once more asked the MHP leader Devlet Bahçeli for his support on EU reform package. However, Bahçeli once again stated that if his coalition partners looked for support from the opposition leaders on tackling the issues of cultural rights, then as a coalition partner he would consider this to be a problem. In response, Ecevit assured the MHP leader that they would only ask for the support of the coalition parties on the issue of abolishing the death penalty, but not on any other matter. The final decision was to put aside the controversial issues for some time and focus on the other reforms that Turkey committed to fulfil in the National Programme (*Radikal*, 3 August 2202).

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[153] The AKP and the DYP was expecting an official invitation to participate in this commission. Additionally, all the opposition leaders wanted the commission to consider the reform package as a whole and not separate the issues of cultural rights and the debate on abolishing death penalty. The MHP was against the idea of setting up a working group/commission from the beginning, see: *Radikal*, 2 July 2002.

After months of meetings and lobbying, the conflict remained unresolved and the decision to keep the coalition running actually meant nothing. The EU bid had turned out to be a vicious circle after months of discussion. Prime Minister Ecevit was insistent on not destroying the government, but all the possible options to progress with EU reforms were exhausted as of July 2002. The legislative year ended at the beginning of July and Parliament closed for the summer recess. It was Günter Verheugen, the Enlargement Commissioner, who expressed the disappointment of the EU when he stated that the Commission would not accept any political bargaining to begin membership negotiations. This statement showed that the EU was certain that Turkey would try to bargain over the timing of the reforms by delaying the process in the following months. However, İsmet Berkan wrote in his column in *Radikal* that although he was not optimistic about the future of the debate, a strong government would always have a strong basis to initiate a ground for bargaining despite what the Commisisoner Verheugen stated (İ. Berkan, *Radikal*, 24 June 2002). The unfolding of events proved him to be correct.

After this point, it was clear that the tripartite coalition government was no longer effective. Apart from the ongoing disputes, the Prime Minister's political leadership capacity was already in question due to his poor health. The MHP leader Devlet Bahçeli already started lobbying for the elections to take place on the 3rd of November. The need for a new government model had become undeniable. The ANAP leader Mesut Yılmaz and the deputy Prime Minister Hüsamettin Özkan, who was also known to be the Prime Minister's best ally and once his likely successor, began to discuss the possible options and they agreed that the best way to proceed was to set up an interim government that would function from September onwards, which would exclude MHP and take in the DYP instead. Additionally, Prime Minister Ecevit would resign from office and someone else would replace him. The new government would announce the timing of the next election, which should also be agreed by the opposition parties and not take place before mid-2003. The new government then would speed up the process to fulfil EU reforms until election time (*Radikal*, 5 June 2002). The response from the DYP to the whole plan was positive.

Prime Minister Ecevit reacted against the new wave of lobbying. He was very bitter as Hüsamettin Özkan, his ally and once his likely successor, abandoned him. Ecevit refused to step down and kept delivering 'the government is up and running' messages in front of the press. Özkan resigned both from his government post and the DSP by the beginning of July 2002. A flow of resignations followed shortly after. Among these, the resignations of Foreign

Minister İsmail Cem and the Minister of Economy Kemal Derviş were serious blows to the government. When the number of resignations from the DSP reached fifty-nine MPs by mid-July, the coalition government lost the confidence vote in Parliament. Former Foreign Minister İsmail Cem launched a new centre-left and pro-reform political party named as 'New Party' (*Yeni Parti* – YTP) together with sixty-three deputies.[154] Finally, in an emergency parliamentary session that was held on the final day of July, Parliament set the date for the next national election: 3 November 2002, eighteen months earlier than scheduled.[155]

e) The Impasse Ends: The Reform Package is Ready

From the beginning of the mutiny in the DSP to the launch of the election date a process of political bargaining took place in Turkey. Of all the political parties in Parliament, it was ANAP and its leader Mesut Yılmaz, who was most keen on tackling the EU agenda before the elections. Yılmaz assigned his bureaucrats to draft the EU laws. At the beginning, the idea was to involve other political parties in the process by setting up a joint committee to draft the EU package. If only the ANAP drafted the EU reforms, the other parties might again block the EU agenda in order not to allow the ANAP use the EU cause for its own benefit to appeal to the electorate. Therefore, seeking for consensus on EU reforms could make all the parties more committed to the process and not make the EU debate a matter of election politics. However, the party leaders had their own tactics and they wanted to secure the elections date first before moving forward in the EU agenda (*Radikal*, 17 July 2002; *Radikal*, 19 July 2002).

Even the MHP leader Devlet Bahçeli, the name behind the crisis, announced that his party was eager to support the proposal to call the Parliament for an emergency session to discuss the EU laws, if the elections would be scheduled for the 3rd of November. Bahçeli's last minute declaration of support for the EU reforms, which he opposed for almost a year, was an evident strategy to achieve success in the upcoming election. In his own terms, 'the others' were engineering an "excessive expectation" regarding the EU and they were presenting as if the "EU door would open" once Turkey accepts conditions on abolishing the death penalty,

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[154] When it was first launched, the New Party increased the expectations of its possible future success as it consisted of maybe the most respected politicians in Turkey, especially Ismail Cem. However things turned upside down in a very short time. The new part was expecting the Minister of Economy, Kemal Derviş, to join to the party, but Derviş first withdrew his resignation upon the request of President Sezer and then he could not decide which party to join, speculation heightened. Derviş, after a series of meetings, joined to the CHP by the end of August. The ongoing speculations and conflicting statements of the New Party MPs damaged the 'New Party' in an irreversible way. For day by day developments, see: *BELGEnet*, 18 July 2002.

granting education and broadcasting rights in other languages. Bahçeli, as he believed, challenged the 'sincerity' of other party leaders by pressuring them to pass the EU laws and shop for their votes for the elections at the same time. In doing so, the MHP leader was not only 'correcting' his 'spoilsport' image, but also aimed at presenting his party as the only one 'understanding the sensitivities of the country' (*Radikal*, 15 July 2002; 16 July 2002; 20 July 2002).[156]

The ANAP tried to push for the EU laws to be discussed in the same session as the proposal for setting the elections date. However, its plan did not work. The EU package could not be discussed on the same day with the proposal on setting the date for the elections since the Presidency of Parliament decided to treat two issues as separate agendas to be discussed in different sessions. Parliament set the election date first before starting discussions on the third reform package.

As far as the EU's own agenda was concerned, scheduling the elections for the beginning of November was, in fact, very bad timing. The next EU summit that would take place in Copenhagen was already scheduled for December 2002 and the next Progress Report on Turkey would be announced by mid-October. This meant that Turkey could only get a positive report, if the political criteria were realised by then. Having a positive report was very important for Turkey as any possibility of clinching a date from the EU to begin accession talks at the Copenhagen Summit was very much dependent on the content of the report. EU leaders were going to meet in Brussels on 29 October to have a preliminary session for setting the agenda on enlargement that would lead to final decisions at the Copenhagen Summit in December. Thus, Turkey had no more than two months to finalise the majority of the EU reforms.

This was a very big matter for Turkey and Turkish policy-makers. It was either the beginning or the end of the 'real' EU journey. It could be a new beginning, if all the necessary EU laws could be passed by Parliament in a very short period of time, which would be miraculous. It could be the end of the EU debate, if the political parties used the EU debate negatively to gain more votes from the elections and resist moving further in terms of EU reforms.

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[155] TBMM Journal of Minutes (31 July 2002) Term: 21, Legislative year: 4, Session: 123 (emergency), Vol. 101, Ankara: TBMM.
[156] For a very interesting interpretation of the Devlet Bahçeli's political motivations within the coalition, see: A. Özgürel, *Radikal*, 26.07.2002.

5.3.4 The Enactment of the Reform Package
a) Parliamentary Discussions on the Amendments

The prospect of early elections gave a great momentum to the process. The fourteen-point reform package together with the proposal to hold elections on the 3 November was referred to the Presidency of Parliament by the end of July 2002.[157] The fourteen-point proposal called the 'third reform package' came in front of Parliament at the beginning of August. As it was stated in the general justification of the proposal, the aim of the package was to harmonise Turkish civil law with recent amendments to the Constitution and also to make the necessary changes to various laws as expressed in the National Programme.[158]

Within the package there were two proposed changes to the existing broadcasting law. The related article on amending the Article 4 of the broadcasting law granted broadcasting rights in languages other than Turkish and was proposed as the eighth point in the whole package. The justification of this was stated as being "to expand the sphere of cultural life in the context of individual rights and freedoms and in accordance with Turkey's goals in the document of accession partnership and National Programme within the process of Turkey's membership to the European Union".[159] The second amendment was related to Article 26 prohibiting retransmission of broadcasts. The amendment lifted the ban on retransmission and assigned the RTÜK the duty to prepare the regulatory framework.[160]

In the assessment of the proposal for the fourteen-point package, the 'Justice Committee' was the main committee; the secondary committees were the 'Constitutional Committee', 'Internal Affairs Committee', 'National Education, Culture, Youth and Sport Committee', and the 'Health, Family, Labour and Social Affairs Committee'. The Justice Committee agreed on the proposal with minor changes. On the article amending the broadcasting law, the Committee made an add-on to the proposal and simplified the paragraph (f) of the Article 4 of the law listing broadcasting standards.[161] The MHP representatives attached a statement of reservation regarding the proposed amendments in every committee report.

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[157] TBMM Journal of Minutes (01 August 2002) Term: 21, Legislative year: 4, Session: 124 (emergency), Vol. 101, Ankara: TBMM.
[158] Law Proposal on Amending Various Laws and Holding the General Elections on 2 November 2002, Sunday, 25 July 2002, 21/4, File No. 2/1020, Ankara.
[159] ibid., 8.
[160] This was explained in Chapter 4, pp. 112-15.
[161] TBMM Justice Committee Report, File No. 2/1020, Decision No. 34, 31 July 2002, Ankara.

Among the secondary committees' reports, the one prepared by the National Education, Culture, Youth and Sport Committee was the most interesting. The committee did not make any comment on the proposed amendment to the Broadcasting Law allowing broadcasts in languages other than Turkish by stating that it 'is not in the competence of the committee's expertise'. On the other hand, the Committee's comments on granting 'education' rights in languages other than Turkish in the same package reveal its political stance very clearly. Quoting from the report:[162]

> Language unity [...] is the most important element that makes a society one nation [...] In our country there are nearly 50 dialects and local accents. Perceiving them as a separate language can cause great dangers, harm the language unity, endanger the unitary structure [...] It is true that we support the European Union as the Turkish nation. However, it is not possible to compromise our national sensitivities or our identity. Our accession to the European Union should be realised by keeping these concerns, the elements that will give harm to our unity and integrity must be avoided.

As might have been expected, the discussions on the fourteen-point proposal, the third reform package, were very intense, starting from the very first session. The next elections date was now set and the third reform package was, in fact, part of the deal. What the MPs stated in these discussions either on behalf of their parties or as personal views were crucial as this might be the last time that the EU bid was discussed in Parliament as it was currently composed. Therefore, these discussions were about ideas of Europe in terms of its influence on national matters and ideas of Turkey in a yet unclear journey towards accession to the EU. Now the MPs from MHP were eager to deliver a comment on almost every article and the underlying statement of these comments were the same: 'there is a very dangerous agenda behind all the demands of the EU and now it is time to prove for all the MPs how much they love the country, how much patriot they are'. MPs from other parties were outraged at almost every comment delivered by an MHP MP. The opposition parties knew that unless they give full support, there was no other way to move forward. During the discussions, they took this as the opportunity to criticise the tripartite coalition government for not including the opposition in the debate in the drafting of the National Programme, which launched the debate on EU reforms. They condemned the MHP leader for causing this much trouble by opposing EU reforms that were listed in the National Programme that he approved as a

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[162] TBMM National Education, Culture, Youth and Sport Committee Report, File No. 2/1020, Decision No. 20, 30 July 2002, Ankara.

coalition partner.[163] Even the ANAP leader and the deputy Prime Minister Mesut Yılmaz indirectly criticised his coalition partner MHP. Quoting from Yılmaz's speech:

> Is it really possible to believe that the European Union membership will constitute danger for Turkey whilst it brings good for other countries? If the issue is considered within the scale of reason, fairness and conscience, everybody will acknowledge that it is not the case. We need to see the European Union membership neither as a magic wand, nor as a cursed baton, but as a boosting engine that will help us to realise the leaps forward that we need in all fields.[164]

It is noteworthy that although the themes unfolded were similar to the ones emerged during the discussions on the constitutional amendments, there were some significant changes in the ways in which MPs used the EU cause this time. The general knowledge about the EU was much more in-depth and the MPs were more articulate in their comments. This clarity might have also had something to do with the 'confidence' that the MPs had gained over time as the EU was the main agenda of policy-making for quite some time. However, it would be hard to say that this confidence was directly related to having more knowledge about the EU. It might instead be related more to the upcoming general election. These were the final days of Parliament as currently composed and the political performance of the MPs would have important consequences.

As the decision was to pass the package at once, it was already past midnight when the MPs started discussing Article 8 amending the Broadcasting Law. It was an ANAP MP who first commented on the amendment on behalf of her party. Nesrin Nas, in her statement, emphasised that the fuss about granting broadcasting rights came from "ungrounded fears, meaningless worries" and the changes were required, if Turkey would become "strong and effective" within the "competitive" environment of the "global world".[165] This emphasis on 'globalisation' and the influence of new communication technologies on making the language prohibitions redundant was very significant in most of the comments. The MPs from different parties were now supporting the same argument: as long as these broadcasts are monitored, they would not be 'harmful' to the unity and the sovereignty of the country. For the very first time, the statements of these MPs were full of expressing phrases like 'cultural diversity',

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[163] Discussions on the third reform package were much more intense than the discussions of the constitutional amendments. Even the delivery of the general comments on the overall package took a full day and resulted in the production of fifty-four pages of minutes of the day. See, TBMM Journal of Minutes (1 September 2002) Term: 21, Legislative year: 4, Session: 124 (emergency), Vol. 101, Ankara: TBMM.

[164] ibid., 11.

[165] TBMM Journal of Minutes (2 September 2002) Term: 21, Legislative year: 4, Session: 125 (emergency), Vol. 102, Ankara: TBMM, p. 97.

'cultural richness', 'the necessities of contemporary broadcasting', and 'a need for a different perspective for broadcasting'. It was an YTP MP, from Hakkari, which also has a high Kurdish population, who expressed his views as "a person from the region", as he put it. Evliya Parlak suggested that the people of the region already had access to satellite broadcasts of MED-TV, transmitting PKK propaganda and if "we" do not want to go through "that period of terror", "than we shall not be afraid of lifting the bans".[166] To quote from his speech:

> My mother tongue is Kurdish; I also like its music and listen to it as well. In the past, when it was prohibited, I used to beg people and request from whomever I found that had it [*Kurdish music*] as there was almost none. However, when it became unrestricted, tax stamped, nobody had that earlier excitement, that enthusiasm any longer […] Now, liberating these broadcasts within a legal framework will provide this unity; there is nothing to be afraid of'.[167]

The article amending the Broadcasting Law (Article 4) was adopted with 267 votes against 114. As might be expected, the MHP did not support the amendment.[168]After a marathon session, the discussions on the fourteen-point proposal, the third reform package, came to an end at 06:30 in the morning, following the general voting of the whole package. The proposal became law after the approval of President Sezer in just a couple of days. The rest was about tackling the scope and the timing of the implementation of the law.[169]

b) Intensification of Lobbying and EU Response: The Emphasis on Implementation

After two years of political debate, the legal ground for allowing to "broadcast in different languages and dialects used traditionally by Turkish citizens in their daily lives" was ready. It was a very long process and the focus had shifted from EU conditionality on 'minority' rights to issues of broadcasting in 'traditionally used languages and dialects'. Although the core of the debate remained the same during the whole process, this shift in phrasing was actually very significant as it confirmed the continuing resistance to frame the issue in the context of minority rights. The implementation of the third package was now subject to the adoption of related regulations. However, the MHP opposed approving the implementation and since it

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[166] ibid., 102.
[167] ibid., 103.
[168] ibid., 106.
[169] Law No. 4771, Law on Amending Various Laws, *Official Gazette* No. 24841, 9 August 2002, Ankara.

was the cabinet that held the power to approve international agreements and directives, it was apparent that the implementation process could only begin after the elections. The reaction of the MHP did not end with a crisis this time as both coalition leaders and the opposition parties wanted to see the feedback from the EU before the implementation of the reforms. The important dates were the announcement of the progress report on the 16 October and the EU Summit on 29 of the same month (*Radikal*, 6 August 2002).

As might be expected, the initial aim was not to wait in silence. Shortly after the passing of the third reform package in Parliament, the discussions on how to pursue a lobbying campaign began. The aim was to convince the EU to give a date to Turkey in the upcoming EU Summit to start the accession talks in return for overcoming the domestic strife and achieving a progress with EU reforms agenda. However, related political circles were not quick enough to take action on lobbying. The launch of the official campaign was scheduled to take place by the beginning of September. The messages to be delivered in these lobbying activities were clear: i) Turkey proved its political will to join the EU by passing EU harmonisation laws package even at the time where political uncertainty was at its peak; ii) Now it was the EU's turn to take a constructive step by either confirming the beginning of accession talks or by announcing a date clarifying when the accession talks could begin. However, these messages were rather brave as political circles in Turkey knew very well that what really mattered for the EU was the implementation of the law. To implement the final harmonisation package, five directives needed to be drafted and there were some other necessary changes in the existing regulations. Although, it was forecast that the implementation of the law in the package would take a year, it was clear that things needed to be tackled much earlier.

Meanwhile, the MHP applied to Constitutional Court for the annulment of various articles of EU harmonisation package including the ones abolishing the death penalty and allowing broadcasts in mother tongue languages. The Constitutional Court decided to discuss the MHP's application a day before the announcement of the 2002 Progress Report on Turkey. When the date arrived the result was very straightforward: the Constitutional Court rejected MHP's application by a unanimous vote. In doing so, the Constitutional Court symbolically demonstrated that it supported EU reforms.[170]

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[170] For related coverage of the press, see: *Radikal*, 14 August 2002 and 5 October 2002; M. Yetkin, *Radikal*, 9 October 2002.

In its Progress Report on Turkey, although the EU Commission acknowledged the "noticeable progress towards meeting the Copenhagen political criteria" it remained silent about whether or when to begin the accession talks with Turkey (European Commission, 2002: 46). The Commission criticised the lack of implementation and emphasised that there was still much to be achieved in regard to changing the 'mental set'. As a response, the Foreign Ministry issued an official statement expressing gratitude to the EU for recognising Turkey's progress, but in the same statement the Ministry criticised the report stating that the Commission's recommendations were very limited in scope and Turkey would like to see some concrete steps being taken by the EU in the upcoming summits in Brussels and Copenhagen in regard to the future of EU-Turkey relations.[171]

After the release of the progress report, there was less than a month until the elections. In other words, nothing much could be done in the name of the EU in this very short time anyway. Nevertheless, from the release of the 2002 Progress Report up until the elections, it was 'self-reflection' time for policy-makers, especially for the government and for all the EU related circles. All believed that the gaps in the report were the result of certain 'misunderstandings' and all of the responsible institutions should take the necessary steps. Surprisingly, this time, it was the Secretariat General of the MGK, who declared full support to future EU related reforms in the progress report follow-up meetings organised by the Secretariat General for EU Affairs. This simply meant that compared with the drafting period, military related circles were now much more relaxed about the implementation of the reform package (*Radikal*, 16 October 2001).

Now the plan was to prepare a report for the EU Commission to 'correct' the 'misunderstandings'. In the report, the steps that were taken for the implementation of the reform package that were not acknowledged by the Commission due to shortage of time would be explained. More importantly, policy-makers decided to assure the EU that they would not delay the implementation of the broadcasts in mother tongue languages to 2003 as stated in the Progress Report. RTÜK was already working on the possible alternatives for drafting "The Directive on Radio and Television Broadcasts in Different Languages and Dialects Traditionally Used by Turkish Citizens in their Daily Lives", which was then the working title. RTÜK suggested that these broadcasts could be realised by; i) either the TRT; ii) or by national broadcasters; iii) or by local broadcasters. The first option was most favoured

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[171] For the full statement, see: *BELGEnet*, 9 October 2002.

by the army; the second one was not commercially viable as national broadcasters did not want to get involved in activities that would cost them and gain less in return. The final option, allowing local broadcasters carry out these broadcasts, was actually the best option that might help the whole reformation reach its potential. The general view was that the EU would be satisfied even if only the TRT carried out these broadcasts. However, when asked its view on the issue, the TRT stated that within the scope of the TRT Law[172] it would not be possible to broadcast in any other language. On the other hand, the Turkish Secretary General for the EU Affairs suggested that RTÜK might consider the 'French model' and stated that all broadcasters whether commercial, national or regional should be given the opportunity, if they applied (*Radikal*, 15 October 2002). There was not much time left for any further discussion on implementation as the country was ready to host the general election.

5.3.5 The Aftermath of the Elections, the Role of the AKP Government

The general election held on 3 November 2002 concluded with the AKP's victory. The Foreign Ministry and the Secretary General for the EU Affairs briefed AKP politicians on what had been done so far and what more needed to be done regarding EU related reforms. From the beginning AKP was very keen on pursuing the EU agenda. The most controversial reforms were already adopted and what was left was much easier to realise. The AKP government had to promote the reforms in non-political circles by establishing cooperation with the civil society organisations; amend the laws that are in conflict with EU reforms; ratify all the international agreements that were signed earlier; establish a parliamentary committee for the coordination of EU reforms; implement the democratic reforms, and not allow any incidence of torture. Erdoğan presented all these points as a list of 'what to do first' to European ambassadors in Ankara. The aim was to package all these items as a law and bring them to Parliament before the Copenhagen Summit in December. By doing so, as the plan goes, clinching a date for launching the accession talks would become possible (İ. Berkan, *Radikal*, 14 November 2002). Regarding EU conditionality on broadcasts in languages other than Turkish, the decision was to go for the 'only-TRT' option. According to the first directive prepared by the RTÜK, these broadcasts could not exceed forty-five minutes per day, four hours per week for radio broadcasts and thirty minutes per day, two hours per week for television broadcasts; television broadcasts would include subtitles and radio broadcasts would be followed by a translated programme; the content could include news, music and

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[172] Law No. 2954, The Radio and Television Law of Turkey, *Official Gazette* No. 18221, 14 November 1983,

culture but not language learning. The directive neither stipulated which languages or dialects would be used nor whether these broadcasts would be nation wide or regional.

The conclusion of the European Council Copenhagen Summit was a disappointment for Ankara. The Council declared the conclusion of accession talks with ten of the other candidates.[173] However, according to the Franco-German proposal that was agreed before the Summit, Turkey would not be given a date before December 2004. The AKP leader Tayyip Erdogan criticised the EU for having double standards and the EU in return insisted on the necessity to see greater implementation of the reforms. However, the Summit was over and all the parties had to move on. The following months would bring great changes in the international agenda. For Turkey, Cyprus became the main issue. The international agenda was dominated by the 'possible' US military operation in Iraq, which very quickly shifted the debate in Turkey as well.

Although the legal basis for EU related reforms was in place, there were problems with the implementation process. Although the first directive made the TRT responsible for these broadcasts, the debate on whether the TRT or the commercial broadcasters should carry out these broadcasts continued. Conflicting statements were being heard at every level of politics and the officialdom. Additionally, the battle was now mainly between the RTÜK and TRT. Although the TRT officials kept saying that 'everything is ready', a major crisis unfolded by mid-2003 and the broadcasts could not begin. It took almost two years for the TRT to air these broadcasts due to great hesitation and resistance. It was 7 June 2004 when the TRT finally aired its first radio and television broadcasts allowed by the legislation. This period, from mid-2002 up to June 2004 is further analysed in the following chapter on public service broadcasting in Turkey.

However, in the meantime, the AKP government enacted three more reform packages to harmonise the domestic laws with the EU framework. In the sixth reform package, Article 4 of the Broadcasting Law amended once again to pave the way for the commercial broadcasters to broadcast in other languages.[174] All of these developments were strictly

Ankara.

[173] Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia.

[174] The sixth EU package (Law No. 4903) was first enacted in the parliament on 19 June 2002. However, it was vetoed by the President and the second tour discussions could only begin by mid July. As the President did not have a second veto right, it became law once it was published in the Official Gazette. Therefore the correct

monitored by the EU. The 2003 Progress Report on Turkey published in November 2003, despite its overall positive content, was still critical of the lack of progress in the field of broadcasting.

The new RTÜK directive regulating broadcasts in languages other than Turkish came into force on 25 January 2004.[175] According to the new directive, now the 'national' commercial broadcasters would be able to carry out these broadcasts, once their application was approved by RTÜK. Their applications required the submission of the programme proposals, daily, monthly and yearly schedules approved by the executive board of the organisation, related documentation showing that the editor-in-chief and the news staff – including the presenters – were eligible as stated in the RTÜK Law and other related regulations. The directive even stipulated on how the studio and the presenter should appear: no symbol, sign or voice except the ones representing the 'Turkish Republic' could be used. It was the General Secretary of the MGK, the General Staff, and the National Intelligence Service that asked for the inclusion of this requirement. In doing so, they aimed at preventing the possible usage of visuals for propaganda.

The new directive was not about making these broadcasts possible, it was about the opposite. This was even acknowledged by the Foreign Minister Abdullah Gül who stated that he found the directive "very limited" (*Radikal*, 12 December 2003). However, Fatih Karaca, the head of RTÜK, insisted that the directive was not limiting as what 'they' meant by 'national' broadcasters in the directive included cable and satellite broadcasters as well (*Radikal*, 19 Novemebr 2003). Although the directive was sent for approval to the Prime Ministry on the due date (18 November 2003), it was not published. The directive was sent back to the RTÜK and two changes were made: the title of the directive was changed[176] and the statement "broadcasting organisations are obliged not to use any symbol, sign and voice in the studio design and the audio effects, except the ones that have been symbols of the Turkish Republic" was replaced with "are obliged not to include symbols that consist of a criminal element". The rest of the scope of the directive remained the same.

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reference for the sixth package is: Law No. 4928, Law on Amending Various Laws, *Official Gazette* No. 25173, 19 July 2003, Ankara.
[175] Directive on Radio and Television Broadcasts to be Made in Different Languages and Dialects Traditionally Used by Turkish Citizens in their Daily Lives, *Official Gazette* No. 25357, 25 January 2004, Ankara.

No commercial broadcaster applied to RTÜK. It was clear from the very beginning that none of the national commercial broadcasters would show any interest in broadcasting in any other language than Turkish. In the eyes of the commercial broadcasters, as stated earlier, it was not economically feasible. Broadcasters were very positive about the directive, but they were expressing similar concerns. In fact, although the main issue was presented in the scope of media economics, it was clear that the national broadcasters did not want to stick their fingers into the 'bee hive'. Some of these broadcasters earlier received warning from RTÜK for broadcasting songs in Kurdish. The broadcasters did not have any faith in RTÜK.

Despite the lack of interest on the side of the national broadcasters, local broadcasters were very keen on such broadcasts from the very beginning. As of mid-September 2004, four local broadcasters applied the RTÜK to broadcast in Kurdish.[177] The regulator did not reject these applications straightaway, but told them to carry out the procedures as stated in the directive and to hand in the related documentation. Diyarbakır Bar Council took a legal step for the annulment of the directive on the basis of unconstitutionality since the directive did not allow local and regional broadcasters to carry out these broadcasts. Following the publication of the second directive, it filed a court case with the Council of State once again.[178] Together with the Bar Council, the local radio and television broadcaster *Gün* also applied to the Council of State. However, the Council of State rejected both applications (*Radikal*, 23 October 2004). And RTÜK kept sanctioning some local radio stations.

By the end of 2004, there was a great division between the politicians and the bureaucracy on the issues of broadcasting in other languages. The government was satisfied as the TRT was already broadcasting on radio and television in five other languages and dialects. The AKP government, it believed, 'justified' itself in the eyes of the EU. Therefore, politicians distanced themselves from the debate about expanding these broadcasts to regional or local broadcasters and leaving this issue to be handled by RTÜK. This attitude became very apparent after the publication of the 2004 Progress Report on 6 October 2004 and the Recommendation Document, which was a threshold for the government. Accordingly, the

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[176] When it was first published its title was "The Directive on the Language of Broadcasts", the new title was "The Directive on Radio and Television Broadcasts to be made in Different Languages and Dialects Traditionally Used by Turkish Citizens in their Daily Lives".

[177] These broadcasters were *Gün TV*, *Söz TV*, Aktüel Radyo ve Televizyon (*ART*) from Diyarbakır and *Çağrı TV* from Batman.

[178] The Diyarbakır Bar Council first applied to bring the case in front of the Council of State on the 28 January 2003. The second application took place on the 28 January 2004. The details can be found on the Councils website: http://www.diyarbakirbarosu.org.tr

European Commission announced that Turkey had 'fulfilled' the political criteria and could begin the accession talks and was recommended to begin to the negotiations.[179] The real confirmation came from the European leaders who agreed at the Brussels European Council Summit in December to begin accession talks on 3 October 2005.

RTÜK did not give any response to the applicants. By August 2005 there were nine local and one regional broadcaster that applied to RTÜK. RTÜK kept asking the applicants to submit their 'missing' documents. However, in the meantime another very important issue was developing in Turkey. Prime Minister Erdoğan started articulating a 'Kurdish issue' in terms of democratisation. Intellectuals from all over the country issued a statement calling for the PKK to cease-fire. This was followed by a debate on 'sub identity vs dominant identity'. The debate heated up very quickly and became very controversial. However, following his tour to Diyarbakır, Prime Minister Erdoğan asked the 'authorities in charge', implying RTÜK, to carry out the necessary preparations to expand broadcasts in languages other than Turkish to include local broadcasters.

However, as the composition of the RTÜK Board changed by mid-July 2005, everything was on hold. By the end of 2005, which is also the end of the time span that this analysis covers, there was no progress on the issue.

5.4 Conclusion

The policy process behind the change of the language policy for broadcasting in Turkey tells us a lot about both the EU's approach to minority rights as a part of democratic conditionality and also the limits of change in Turkey in regard to EU conditionality.

What we already know from the literature on Europeanisation in the CEEs that "the issue of minority rights is a test for the very notion of conditionality" (Sasse, 2005: 4). As Grabbe (2004: 319) notes, where political conditions of membership are concerned, including the criterion of 'respect for and protection of minorities', the level of uncertainty is higher when compared to other areas since there is no "Community competence" in these areas (also see Toppidi, 2003). In a similar vein, Sasse (2005: 5) argues that if Europeanisation is regarded as the development and institutionalisation of norms and practices in the EU before transferring

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[179] European Commission (2004), Recommendation of the European Commission on Turkey';s Progress

them to the domestic policy contexts of the candidate states, then the conditionality of minority rights is problematic since there are no commonly defined norms and practices in this issue in the EU. The main contradiction here is that the EU relies on policy-instruments that are not part of the *Acquis*. Additionally, there is a crucial gap even in the ways in which Copenhagen criteria are enshrined in the Amsterdam Treaty of 1997. Again as Sasse (2005) reveals:

> [I]t [*the Treaty of Amsterdam*] incorporated all of the values set out by the EU in the first Copenhagen criterion in Article 6 (1) […] but expressly excluded 'respect for and protection of minorities'. That Article 6 (1) draws on the Copenhagen criteria is specifically alluded to in Article 49, which specifies that the principles laid out in Article 6 (1) are preconditions for any state applying for EU membership. This inconsistency was addressed in a footnote in the Commission's Regular Reports of 2002 (Sasse, 2005: 4).[180]

Once the internal contradictions and deficiencies in the EU on the policy tools that are used to justify the democratic/political conditionality on minority rights are uncovered, then it becomes easier to understand the shortcomings of the monitoring of compliance in the candidate states. Uncertainty that is built into the process of norm setting is also apparent in the process of monitoring compliance. The European Commission can officially monitor compliance of minority rights only through its progress reports. Although the overall tone of the progress reports have been influential in the candidate states for steering the political agenda according to the EU demands, compliance was limited to adaptation of new legislation and effective implementation of new reforms continues to be a crucial problem. This is also the case for Turkey.

The ambiguities and uncertainties mentioned above are also apparent in the European Commission's approach to minority rights in Turkey. It is very interesting to see that only the 1998 Progress Report stated that Kurds are not recognised a 'minority' in Turkey. In all the other reports the Commission used the phrase 'Kurdish citizens of Turkish origin'. The contradiction here is that although the European Commission addresses the Kurdish question in-detail under the sections on 'minority rights and protection of minorities' in every report, the Commission itself does no longer call Kurds as a minority in Turkey. However, as of 2000, the Commission became more specific in regard to its expectations from Turkey on the issues

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Towards Acession, COM (2004) 0656, 6 September 2004, Brussels.
[180] In the 2002 Progress Report on Turkey, this was stated in the second footnote.

of minority rights. From then on, the emphasis was more on 'cultural rights' for "all Turks irrespective of their ethnic origin".[181]

But, of course, the deficiencies in the EU's approach to minority rights in candidate countries, in this case in Turkey, cannot be used to undermine the importance of the 'Kurdish question' in Turkey. As the analysis in this chapter has revealed, EU political conditionality on minority rights was also a great test in terms of seeing the limits of Europeanisation in Turkey. Although conditionality was influential in the policy change, a 'transformation' that marks a 'paradigmatic change' was not possible. In this case, Europeanisation was accommodated in the domestic policy framework, but the fundamental logic of political behaviour remained the same. To put it differently, the idea of broadcasting in languages other than Turkish was by no means seen as a reflection of a pluralistic view of society. On the contrary, concerns over 'national unity' have always been prevalent.

The policy-process behind the change of the language policy for broadcasting in Turkey confirms that historical legacies are very influential in the translation of EU pressures to domestic responses. In the case of the CEEs, Hughes et al. (2004: 30) persuasively argue that these states should not be seen as a "*tabula rasa*" when assessing their transition processes since "the legacy of the old regime will continue to loom large over the transition process". This is also valid for Turkey. It might even be argued that the situation in Turkey is more complex since what EU accession meant for the CEEs was dismantling their communist regimes; however, Turkey is liberal democracy, no matter how it functions. Yet, in both contexts the resistance to change occurred in similar groups. In Turkey, outside the realm of formal politics, it was the nationalist-right and left wings as well as the high ranking cadres of the army that disputed the change in the language policy for broadcasting. For these groups, EU conditionality on cultural rights targeted transforming one of the basic characters of the Turkish state: ethnic homogeneity. They disputed granting broadcasting rights to ethnic communities, especially to the Kurdish population, on the grounds that granting these rights without any restrictions would result in the politicisation of separatist movements. As it has been explained in this chapter, throughout the whole process, debates on 'national interest' and 'national security' dominated the agenda. On the other hand, the ways in which the short-lived DSP-MHP-ANAP tripartite coalition handled EU pressures on political conditionality offers a very interesting case since both conservative and reformist policy agendas were

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[181] 2000 Progress Report, pp. 18, 19, 21, 72.

reflected during the governance of this coalition. These three parties represented a different electoral base and were supported by different sets of political as well as non-political institutions. In general terms, the army's view on cultural rights was fed into government through the DSP, whereas the ANAP's approach was in line with the views of the business corporations and pro-reform circles, and finally the MHP's approach reflected the nationalist-conservative line of argument. However, it would be misleading to think that the discursive borders between these parties were clear-cut at all times. As the analysis has revealed, their interests overlapped and they were all involved in very complex bargaining processes.

The struggle between the AKP government and the old establishment was different. On the issues of cultural rights, the AKP's approach to policy was based more on problem-solving rather than confrontation. However, the AKP government could not eliminate the army's influence on how EU conditionality on cultural rights would be handled. The contours of the policy were mostly sketched before the AKP came into office and the army was directly involved in this earlier decision-making process. Additionally, the AKP as a very fresh and also inexperienced government would not antagonise the army. In this respect, in the later stages, the clash between different actor constellations on the issues of cultural rights did not occur at the policy-making level, but it unfolded at the implementation level.

This chapter has also confirmed once again the weaknesses of the RTÜK as the regulatory authority for broadcasting due to its highly politicised institutional structure. The RTÜK could not distance itself from day-to-day politics and act as a 'policy entrepreneur'. On the contrary, it even took a political side that was in favour of the status-quo. The then head of the RTÜK Nuri Kayış publicly contested the legitimacy of EU conditionality by disputing the reforms on cultural rights. His successor Fatih Karaca's approach was much more balanced, but the RTÜK's involvement in the debate during the policy-making phase was limited to transferring technical knowledge to policy-makers. However, as has been discussed in this chapter, the dynamics were different during the implementation phase of the policy. The dispute between the TRT and RTÜK on the implementation, which is further analysed in the next chapter, left RTÜK in a very awkward position as the regulator. After this dispute, the RTÜK was caught up between the AKP government pragmatic approach to policy and the 'national security' constraints imposed by the army. The process behind the drafting of the second directive as explained above in the chapter revealed this tension.

What has not been fully covered in this chapter is the Turkish public broadcaster TRT's involvement in the process. The TRT's foot-dragging to carry out these broadcasts and its dispute with the RTÜK on the issue tells us a lot about the nature of public service broadcasting in Turkey. However, the TRT's response to EU conditionality on cultural rights can only be fully understood if it is analysed in relation to the TRT's institutional context. Clearly, this institutional context cannot be seen in isolation from the ways in which the TRT is organised, managed and financed. All of these issues are thoroughly assessed in the next chapter.

Chapter 6:

PUBLIC SERVICE BROADCASTING IN TURKEY:
RETHINKING EUROPEAN QUESTIONS, FACING DOMESTIC CHALLENGES

> Only strong public television organizations can be expected to serve the public interest 'from inside': giving priority to the vulnerable values at stake in how broadcasting performs; and treating them, not as just imposed requirements for obligatory or token conformity, nor just as instrumentally as means to audience maximization, but as ends in themselves (Blumler and Hoffmann-Riem, 1992: 2002).

6.1 The Context

This final chapter looks into certain policy issues on the organisation, management, financing and the culture of public service broadcasting (PSB) in Turkey.[182] However, in contrast to the preceding chapters, here the dynamics of the Turkish PSB system are assessed in relation to the debates on the PSB in Europe, rather than pursuing direct links between Turkey and the EU. The reason for this is very simple: apart from the influence of change in language policy of broadcasting in Turkey in respect to conditionality of its membership, there is not any evident link between Europeanisation and policies generated to regulate public broadcasting following the Helsinki Summit in 1999. However, the challenges that the Turkish Radio Television Corporation (TRT) has been facing since the early 1990s correspond to what European public broadcasters have been going through since the 1980s. Despite the supremacy of domestic policy concerns in regulating PSB in different European states, there is an evident increase in the EU's influence on broadcasting polices of its member states through a combination of direct and indirect policy instruments. As it is further highlighted, the regulation of PSB in member states is also not exempt from this process of Europeanisation. Therefore, if Turkey does not cut off from the candidacy process in the following years, it will be subjected to the processes of 'policy transfer' and 'policy learning' as a consequence of its interaction with different institutions of the EU as well as other member states. In this respect,

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[182] The financial figures used in this chapter are gathered from numerous parliamentary reports, auditing documents, parliamentary enquiries and material published by the TRT.

all the current debates on PSB at the EU level will soon be directly relevant to the policy debates that will emerge in Turkey.

The Turkish case is in fact very different when compared to the earlier conditions of the accession states of Central and East European (CEEs) as well as to other candidate countries. As it has been widely expressed by scholars involved in European enlargement, establishing an independent and well-functioning public service broadcaster in the CEEs was integral to the EU's integration strategy framework in the 1990s. We know from the burgeoning literature on the transformation of media systems in the CEEs that establishing European-modelled PSB organisations was actually a very troubled process, which failed in many ways. As Jakubowitz (2002: 55) argues, in the context of the CEEs, what failed was the "imitation and indeed transplantation of foreign patterns and arrangements", which were "part of the top-down social engineering element of transformation". Harcourt (2003: 316) neatly portrays, how not only the EU but also the US experts and actors were involved in the processes of 'transplantation' of regulatory framework for media markets of the CEEs, which turned out to be a "battle of the models". As she puts it, what was promoted in the European model was the importance of 'plurality', 'diversity', 'editorial independence' etc., which were thought to be achieved best with the establishment of a public service broadcaster, whilst the American model gave greater emphasis to the functioning of the commercial market for the achievement of the same 'ideals' (Harcourt, 2003). Nevertheless, this was an important battle since it was the first time that a 'European' template for broadcasting, which embraced the core notions of PSB, was presented to the candidate states in the framework of enlargement. The debates centring on the problems of implementation of this template inevitably reflect the tensions surrounding the condition of PSB in Europe since the late 1980s.

Where Turkey is concerned, it is very important to distinguish the institutional setting of its broadcasting from those of the CEEs before accession. Neither PSB nor commercial media are novel concepts in Turkey. As portrayed in the earlier chapters, what is seen in Turkey from an outset is a vivid media market, functioning in its own right and facing some major challenges. These challenges did not surface in the context of Turkey's quest for EU membership. The transition of West European television markets from the late 1980s onwards, which was comprehensively analysed by Dyson and Humphreys (1988 and 1990); Negrine and Papathanassopoulos (1990); Siune and Truetzschler (1992); Blumler (1992), and Humphreys (1996) also resonated in Turkey in the course of early 1990s. Therefore, from the

EU's perspective, PSB in Turkey has not been a policy area that needs to be first introduced and then Europeanised as in the case of the accession states. On the other hand, the cultural and institutional context of PSB in Turkey has most of the drawbacks of the current PSB systems in the CEEs that emerged after Europeanisation, the most important being its lack of "social embeddedness and the right democratic context in which to operate" (Jakubowitz, 2002: 55). Public broadcasting in the CEEs is no longer run purely by the state, but they are still not accountable to the society as much as was desired by the EU. This in-betweeness for the institutionalisation of the broadcasting culture has also been correct for the TRT. Therefore, it is not strange to see that the progress reports from 1998 to 2005 contained no significant emphasis on the functioning of PSB, except the faults in the areas of implementing the policy change in the language of broadcasts. It can be well argued that the EU simply took PSB in Turkey at face-value. However, the recent Progress Report, published on 8 November 2006, hints at a change for the very first time in the EU's perspective towards the condition of PSB in Turkey. Similar to all preceding ones, the 2006 report also confirms the lack of satisfactory alignment in media and audio-visual policy in Turkey, but this time the European Commission expresses its concern related to PSB as well as the regulation of broadcasting in general in Turkey: "[T]he issue of the independence, including adequate funding, of the Public Service Broadcaster TRT, and the Radio and Television Higher Council (RTÜK) remains a matter of concern." (European Commission, 2006: 43). Although this concern is not taken any further in the final report, it is important to see that the EU has started recognising the real problems underlying the functioning of PSB in Turkey.

Within this framework, the dynamics of PSB in Turkey are going to be the focus of this chapter. However, before going into the analysis of particular policy problems, I'll first shortly discuss certain aspects of what Tracey (1998: 259) calls the "narrative history of public broadcasting". Under the same section, I am going to link this discussion to the ways in which various issues on PSB are pooled into the supranational agenda of the EU to highlight the Europeanised elements of the overall debate. By doing so, I aim at developing a reference framework so that I can discuss the peculiarities of the Turkish case and highlight the underlying aspects of various policy issues in the context of the differences as well as the similarities they hold, which is the section that follows the discussion on the EU's involvement in the regulation of PSB in Europe. In this section specific attention is given to the implications of 'autonomy' of the public broadcaster in the Turkish context, in political as well as financial terms. Both the approaches of the policy-makers to regulatory issues

concerning public broadcasting and the ways in which the TRT operates in this regulatory framework are directly related to how the notion of autonomy is perceived in Turkey. Therefore, the discussion offered in this chapter is significant in following the analysis of the issues that emerged from 1999 to 2005. These issues are concerned with the restructuring of the TRT; the never ending Director General (DG) crises in the Corporation; the state subsidiaries, and the TRT's involvement in the process of implementing EU conditionality on cultural rights in Turkey. The chapter concludes with a final discussion of the conditions of PSB in Turkey in the context of pre-accession to the EU.

6.2 Defining Public Service Broadcasting and the Involvement of the EU
6.2.1 Echoes from the Past

For almost three decades there has been an ongoing debate on how to define public service broadcast*ing* and how to make this definition serve for the survival of public service broadcast*ers* striving to adjust to forces of commercialisation, competition, growth of new technologies and audience fragmentation. In this respect, there has always been an inherent tension between the descriptions of what actually existed and the debates on how things should actually be. Collins (1998: 53), for instance, looking back at the debates in the 1990s on PSB, argues that there has been a distinction between 'inductive' and 'deductive' approaches and "inductivists have been concerned with the actual historical practice of public service broadcasters, whereas deductivists have focused on a theoretical ideal of public service broadcasting". Although this is a valid distinction, to look into these debates from a different perspective by following Tracey's (1998: 277) analogy of a 'Russian Matryoshka doll', which he uses to suggest that "any narrative of the contemporary condition of public broadcasting becomes an unfolding of plots within plots" is far more captivating.

Tracey's simple analogy very effectively leads us to question whether distinguishing what Collins (1998: 54) calls an "analytical distinction" between the public service broadcast*ers* and public service broadcast*ing* is possible or not. As Humphreys (1996: 111) warns us, different political contexts of history, culture and politics provide an important reference for the explanation of differences in practice. For that reason, any inquiry that links a particular institutional setting of broadcasting to a broader polity that it operates within certainly requires debating various cultural and political meanings attributed to broadcasting as well as normative reflections on good governance, citizenship, democracy, cultural life, etc.

Additionally, emphasising this linkage between the so-called "worlds of things" and "the worlds of ideas" is particularly important for policy oriented research. As Kejanlıoğlu (2004: 189) points out, any research that intends to analyse policy, inevitably includes an element of 'policy advocacy' since it is based on values just like any other research.

In this respect, what is striking in the earlier debates on PSB is more about what can be identified as 'the conditions of reasoning'. There are some important points that emerge from these debates carried out in the late 1980s and the early 1990s, which are relevant to the recent debates in various ways. The first point is related to how the approach towards the conditions of PSB shifted in critical research when compared to the earlier academic debates and how 'neo-liberal rhetoric' started adopting a similar language from the late 1980s onwards. In his very controversial article published in the course of changes in the organisation and regulation of the media markets, Burgelman (1986: 173) argues that researchers who came to support PSB from the threats of liberalisation and deregulation were in fact very critical about the same institution in terms of its relation to the state before these threats emerged. A similar remark was also made by Barnett and Docherty (1991: 23) who suggest that although there has been a greater belief in the public-service ethos, earlier debates were different in terms of their "connotations of nineteenth-century paternalism, more reminiscent of government bureaucracy than individual altruism". Interestingly, criticisms put forward against public service broadcasters until the 1980s, were later vocalised by market-liberalisers. However, in the early 1990s, critical research on PSB diverted from an inquiry into the nature of the relationship between the state(s) and the broadcaster(s), to a more normative level that focuses on the relationship between the broadcaster and the society/audience that it addresses. This shift in focus should also be considered in the context of the increasing prevalence of *Habermasian* thinking in social research in the early 1990s, especially the notion of 'public sphere', which influenced much of the work on PSB (Dahlgren, 2004: 15). On the other hand, in recent years, this *Habermasian* framework has also been under increasing criticism and so has research on PSB that has drawn on it,[183] but the notion of 'public sphere' is still very much used in policy rhetoric both in domestic and EU levels. Therefore, it is important to understand the shifts in focus in the debates on PSB from the 1980s onwards within its own historicity before situating the policy rhetoric on the PSB in today's context.

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[183] For instance, as known by scholars involved in this debate, this Habermasian framework was very much in the centre of the seminal works of Garnham (1986, 1994), who was very influential in the establishment of this new research agenda. For a very interesting critique of his earlier research and his response to it, see: Jacka (2003), and Garnham (2003).

The second point emerging from the earlier debates is the increasing importance of policy oriented research in analysing West European media markets in the last two decades. The broadcasting regulatory regime in majority of West European states was relatively stable for almost four decades and was very much based on the notions of the 'welfare state' model of liberal democracy. However, in the course of the 1980s, this model was in flux and much sought after "new communications policy paradigm" required a more complex understanding of politics, economy and culture (for this periodisation, see van Cuilenburg and McQuail, 1998). It was mostly political scientists who filled this gap by looking into the dynamics of change in public regulation and the role of the states in regulating media markets in Europe. Within this canon, the research focus has now shifted to the dynamics of supranational and intergovernmental policy-making on the national policy agendas. It is very interesting to observe how policy oriented research moved from a quite descriptive research design to a very sophisticated one over two decades. Recent research on broadcasting policy in Europe today deals with very important political questions on how various institutions of the EU operate to foster a policy agenda for an EU level broadcasting regulation for more political as well as economic integration. As it is highlighted in the following section, this body of work is very important for understanding the current debates on the conditions and the future of PSB in Europe.

And the final point on the relevance of the past debates to the recent ones is about the 'timing' and the 'overarching theme' of the debates. In retrospect, one can see that the ever continuing quest for a definition of PSB in different political circles is in fact all about justifying/defying its privileged funding and academic research inevitably starts from this pro/anti stance. As witnesses of the changes in the course of 1990s, Barnett and Docherty (1991: 24) note that what triggered the debate on the conditions of PSB was the increase in the number of public inquiries initiated by West European governments as well in countries such as Canada, Australia and New Zealand on the future of their PSB systems, especially on the alternative methods of funding. Therefore, for instance, in Britain, it was not a coincidence that the academic debate sparked off following the conclusions of the Peacock Committee on the future funding of the BBC and the publication of the study of the Broadcasting Research Unit (BRU) in 1986. BRU defined the principles of PSB as: geographic universality; universality of appeal; catering for minorities; recognition of national identity and community; distance from the state and the market; universality of payment; competition in good programming rather than in ratings, and liberating programme makers. This British-focused

concept was later challenged and re-contextualised by scholars such as Blumler (1992) and Brants and Siune (1992) to provide an encompassing model for the West European model. Their interpretations were then challenged by scholars such as Syversten (1999) and Ward (2002) for not being able to provide adequate frameworks for accounting for the national variations of practice and regulation.

In this respect, it is hardly surprising that the current debate on how to define PSB in a digitalised communications environment is actually a response to the emerging policies on how to regulate digital switchover. Again in the case of Britain for instance, it is very important to see how the government's policy target to complete digital switchover by 2012 dominated the debates on the recent licence fee settlement between the BBC and the government. Clearly, how to fund public broadcasters once the digital switchover is completed is one of today's core debates of policy in many other European countries as well. In these debates one can see that same definitions and concepts are vocalised again, but what is different today is that the dichotomy of citizen vs consumer, which dominated the debates in the 1990s, is no longer the major argumentative line that divides the commercial lobby from public service advocates. For instance, as Karpinnen (2005: 2) puts it, 'pluralism' and 'diversity' which have been the core concepts of media policy are now more forcefully used by both sides and very interestingly "it seems that the discourse of consumer choice has become prevalent enough to force the defenders of public service to increasingly adapt it too" (ibid., 7). On the other hand, what is striking is that the EU's involvement in the regulation of media markets in Europe intensifies this relocation (or dislocation) of definitional and normative concepts on what constitutes 'public service' in broadcasting. To put simply, none of these debates are solely domestic debates any longer and the EU's influence on domestic policy agendas for the regulation of the PSB is increasingly becoming more relevant.

6.2.2 The EU's Involvement in the Debates on PSB in Europe

a) The Battle Between Actors

The EU's involvement in the regulation of the media markets in Europe has been one of the most contentious debates of recent years. At first sight, there seems to be a contradiction between different studies that see the EU primarily having an economic, 'deregulatory' agenda for the media markets and others attributing a socio-cultural and political, 're-regulatory' role beyond its economic imperatives. It is true that as long as we see the EU as a monolithic bloc,

we can easily find empirical evidence for these arguments. However, once we see the EU as an 'arena' for/of policy, different realities start to emerge. As various commentators suggest (Hitchens, 1997; Collins, 1998; Levy, 1997), what makes media policy a very complex issue in the EU is the existence of competing policy goals (between fostering Single Market initiatives and promoting pluralism and diversity); competing policy instruments (between liberalisng and protective measures), and finally competing powers of struggle (between the institutions of the EU as well as between the states and the EU). Therefore, the Community rhetoric about PSB cannot be regarded in isolation from these debates.

The debates on PSB in the EU have been carried out primarily on two axes. The first of these axes is directly related to European governance and the role of the media in fostering a more democratic polity in Europe. The EU has been the centre of criticism due to its lack of accountable and democratically elected institutions of governance as well as due to the gap between its governing institutions and the citizens, which is referred to as the "democratic deficit" (Ward, 2002: 1). Thus, as Collins (1994: 23) puts it, "[t]he achievement of the Community's political goals are widely perceived to depend on *changes* in European culture and consciousness, and here the European audio-visual industries assume a central role" (emphasis added). The EU gained this required cultural competence once the Maastricht Treaty came into force in 1993. In this respect, it is not a coincidence that EU policy-makers in the early 1990s adopted much of the rhetoric used in academic as well journalistic circles about the formation of the 'public sphere' and the particular role that PSB was assumed to have in this process (Harrison and Woods, 2001: 480).

On the other hand, the second axis of the PSB debate in the EU centres on the increasing involvement of various institutions of the EU in setting a European-level regulatory framework for media markets of Europe, including the public sector of broadcasting. In the late 1980s there were in fact two parallel processes evident in the EU. On one hand, there was a policy agenda promoted specifically by the European Parliament to establish a pan-European channel that would emphasise 'unity' and support European content production to protect the European audio-visual industry from the increasing threats of commercialisation and Americanisation of content (for this debate see, Collins, 1994; Humphreys, 1996; Wheeler, 2004). As Levy (1999: 41) suggests, this "dirigiste agenda" was also supported by the Audio-visual Directorate, the film industry, independent producers and majority of the public service broadcasters. On the other hand, there was an increasing push towards market

liberalisation in accordance with the targeted completion of the Single Market by 1992. The European audio-visual industry was seen as losing its strength vis-à-vis the American competition and harmonisation of national media regulations to allow free movement of television services was seen as crucial to boost the industry (Humphreys, 1996). The 'policy entrepreneur' behind this liberal agenda was the European Commission and its economic imperatives were supported by the Internal Market Directorate, the Telecommunications and Information Society Directorate, the commercial broadcasters and advertisers. In this respect, the TWF Directive was designed to create this much sought after single audio-visual market in Europe. However, as commentators suggest, the period between the publication of the Green Paper TWF in 1984 to the adoption of the TWF Directive in 1989 was in fact very significant in terms of the ways in which all the above mentioned EU institutions as well as the member states, the media groups and the advertising industry tried to exert influence on policy (Harcourt, 2005; Levy, 2002). As a matter of fact, what surfaced in the drafting of the TWF Directive was the multi-layered dynamics between the supra-national and intergovernmental aspects of the EU. During the process, neither the supporters of liberal/deregulatory nor interventionist/dirigiste approaches managed to exert full influence, but they all bargained as well as negotiated on various issues. Similar struggles over policy were also evident in the subsequent policy initiatives on regulating media ownership, competition and convergence (see, Humphreys, 1996; Harcourt 1998, Harcourt, 2004).

Following the adoption of the TWF Directive, the supporters of PSB criticised the EU for undermining the public service ethos by prioritising economic goals before cultural ones. Venturelli (1998: 226), for instance, argues that "[t]he decline of public-service broadcasting […] is linked directly to the liberalization environment created by the television directive". However, recent analyses of policy-making in the EU, which particularly focus on European level broadcasting policy initiatives since the 1980s, offer us a different picture on the nature of the problem. As Humphreys (2006: 306) points out, broadcasting is a very challenging sector to subject to EU level positive regulation (market-correcting and re-regulatory) since it is still seen in the competence of the national governments due to its politically sensitive character, which makes it harder to reach an intergovernmental agreement in the EU level. Therefore, as Harcourt (2005: 2) portrays, the EU uses a combination of 'soft' and 'hard' laws to foster its policy agenda for more EU level policy convergence. In a similar vein, Humphreys (2006: 310) also draws attention to how EU institutions utilise "coercive" and "voluntary" transfer of policy to push its EU level regulatory agenda. Accordingly, coercive

policy transfer stem from the rulings of the European Court of Justice (ECJ) and the Competition DG as well as the EU Directives, whilst voluntary transfer occurs as the result of interaction between 'policy networks' and 'epistemic communities' as well as benchmarking and target-setting in policy debates. However, the problem with the EU institutions, according to Harcourt (2005: 2), is their reliance "on a policy framework dependent upon technocratic solutions to policy problems based upon economic arguments". In the case of the TWF Directive, for instance, since the policy was developed as a Single Market initiative, it had to be justified on economic grounds, which made the negotiations in the name of public interest much harder to press (Harcourt, 2005: 65). On the other hand, the earlier rulings of the EJC that confirmed broadcasting as a 'tradable service' had a great impact on how the European Commission framed this economic rhetoric and justified its position to regulate the European media market. Therefore, much earlier than the European Commission's push towards more market integration for broadcasting, it was in fact the ECJ that influenced the direction of the European audio-visual policy framework (Harcourt, 2005: 23; Ward, 2002: 57). The EJC did not only justify the EU's involvement in broadcasting regulation of its member states, but it also altered the 'cultural paradigm' underpinning the main policy approach to broadcasting in the member states by rejecting the view that public broadcasters should be treated differently. However, as Harcourt (2005: 38) concludes, on the issue of the funding of PSB, the Court was much more cautious in not exposing a definitive approach. As a consequence, the European Commission, more specifically its Competition Directorate, became more influential in steering the agenda.

b) Issues on Funding the Public Broadcasting Sector in the EU

Considering that the EU did not have any policy competence in mandating cultural matters of the member states before the enforcement of the Maastricht Treaty in 1993, it is explicable why various EU institutions based their earlier rulings or policy frameworks on economic but not cultural grounds. However, it was this economic rhetoric that made the organisation of PSB more difficult to sustain in relation to what competition indicates in the context of the Single Market. In the mid-1990s, the key question was whether the funding arrangements for public service broadcasters could have been justified within the EU. The powerful media groups started objecting to the privileged status of public broadcasters, especially of those which receive 'mixed' funding, by filing complaints to the European Commission (for these complaints, see Ward, 2002: 97-102 and Smith, 2001). As commentators suggest, the long-

term goal of the commercial media in pursuing these complaints was to push the policy-makers to define PSB in such a restricted way that only a few broadcasters are financed by public revenues to fulfil strictly imposed mandates so that commercial revenues could be shared by commercial media only and PSB could be marginalised (Smith, 2001; Barnett, 2006; and for a commentary that supports this line of argument, see Collins, 1998b).

However, the European Commission had difficulties in responding to these complaints and the cases became pending. The Competition DG's earlier efforts to open these cases to debate by circulating a report drafting the possible guidelines on funding broadcasting did not reach a conclusion in 1995 (Levy, 1999: 96). In the late 1990s, some new cases emerged and some of these complaints came back. Member states finally managed to agree on an initial approach to clarify the scope of funding of the PS broadcasters according to the principles laid out in the 'Amsterdam Protocol' annexed to the Treaty of Amsterdam in 1997. Accordingly, it was confirmed that "[f]unding is granted to broadcasting organisations for the fulfilment of the public service remit as conferred, defined and organised by each Member State, and insofar as such funding does not affect trading conditions and competition in the Community". However, the Protocol produced more confusion on the side of the public broadcasters as well as the Competition DG. In the case of the broadcasters, although the competence of the member states was seen as primary in determining the scope and the funding of PSB, the EU still asserted its competence by urging public broadcasters to distinguish their activities from their commercial counterparts and be transparent in spending the public money (Coppens and Saeys, 2006: 266). On the other hand, for the Competition DG, there was still the problem of how to apply the EU level competition regulations to resolve the ongoing complaints on the funding of various public broadcasters, especially those having mixed revenues.

The Competition DG attempted one last time in 1998 to pursue an EU level approach to the issue by circulating a policy discussion paper outlining possible options for funding PSB in Europe. The first model, which was preferred by the DG itself, was based on the BBC model imposing a clear distinction between the public and commercial broadcasting sectors. The second model was a dual funding model allowing public broadcasters to benefit from state subsidies as well as to collect commercial revenues, but required the imposition of certain content obligations. And finally, the third model was based on the establishment of a kind of 'public fund', whereby funding would be allocated to both public and commercial broadcasters on the basis of their offers (see Ward 2002: 103-5). The most contentious parts

in the discussion paper were related to the Competition DG's suggestions on the obligations of public broadcasters and the limits of their commercial activities for those having dual funding. Accordingly, the DG proposed imposing stricter obligations on these public broadcasters, including more thorough content requirements, and urged them to set up a transparent accounting system to distinguish their commercial activities from their public service output (see Ward, 2003).

The Competition Directorate's policy paper met with hostility from the member states, who wanted to preserve their policy competence in the financing of their public broadcasters. Additionally, the European Commission distanced itself from the proposals, which consequently resulted in the withdrawal of the discussion paper. Under the pressure of the member states, rather than developing a coherent EU level policy framework, the Commission decided to continue examining the complaints on a case-by-case basis in the framework of Article 90(2) of the Treaty.[184] Therefore, as Smith (2001: 8) puts it, "[i]t thus seems probable that future attempts to escape from the impasse will involve less contentious forms of regulatory supervision, focusing on the need for analytical accounting and financial transparency rather than further elaboration of the public service remit". This was also evident in the Commission's decision in 2001 on the application of state aid rules to broadcasting. Although the Commission confirmed the social significance of the PSB in member states, it still asserted its influence over the member states by defining the conditions that should be fulfilled. According to this new framework, member states are now expected to 'officially' define the tasks they enforce on their PSBs; assess whether these task are realised and be proportionate on how public funding is allocated to the PSBs so that the market players are not disadvantaged (Coppens and Saeys, 2006: 267). The policy-process behind the new BBC Charter in the UK offers a very interesting case to see how these concerns are translated in the national level of policy-making. However, much less obvious is the significance of all the issues covered in the context of a non-member country, Turkey.

Clearly, Turkey was not directly involved with these debates as was the case of the member states. Yet, as stated earlier, Turkey went through similar processes simultaneously with its West European counterparts. Additionally, Turkey indirectly took part in these debates both

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[184] Article 90 (2) stipulates "Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the rules contained in this treaty, in particular to the rules on competition, insofar as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the Community."

as a member of the European Broadcasting Union (EBU) and also through the international networking activities of its broadcasting regulator RTÜK. As is illustrated below, there have been many commonalities between the Turkish and European experiences. Therefore, once these commonalities are revealed, the reverberations of the policy debates in the EU on the current conditions of the PSB in Turkey become more apparent.

6.3 Framing the Turkish Experience: Public Service Broadcasting in Turkey

Very similar to the processes experienced in many West European countries, the breakdown of the monopoly of the Turkish public broadcaster TRT in 1990 was one of the many outcomes of the processes of the reorganisation of the economy, the rise of the market-driven politics, the introduction of new technologies and the transformation of the social and cultural spheres from the mid-1980s onwards. However, what was experienced differently in Turkey was the TRT's incompetence to respond to these changes until the late 1990s and the lack of debate on the conditions of PSB in Turkey, let alone any apparent social concern about the demise of 'vulnerable values' in broadcasting. In the midst of increasing audience fragmentation and decreasing advertising revenues, the TRT continued to expand its broadcasting operations since the general state policy framework obliged the state broadcaster to introduce new services on education, culture and international broadcasts (Kejanlıoğlu, 2004: 380). The problem was that no strategic planning was tied in with this expansion. As of 1992, there were six TV channels and four radio stations under the TRT's broadcasting network, which had to compete with six commercial TV and dozens of radio stations, and many others were ready to proliferate (Şahin and Aksoy, 1993). However, as Çelenk (2005: 128) observes, from the introduction of first private TV channel in 1990 to the end of 1992, there was no indication of change in the TRT's programming output as a response to competition. According to Çelenk, this might either be due to the TRT's lack of vision in foreseeing how quickly new entrants might flourish in this newly emerging broadcasting market, or might be related to the TRT's self-identification in the midst of these changes that assumed no need for any change in its position since the TRT's revenues did not rely on advertising (ibid., 129). Yet, the sharp decline in advertising revenues became a very serious problem in a very short time, in the course of 1994. The reason why the financial crisis influenced the TRT so severely was due to its lack of financial autonomy, which gradually obliged the organisation to compete with its rivals for more commercial revenues (Kejanlıoğlu, 2004: 381). And of course, lacking financial autonomy meant also lacking

political autonomy, which coupled together made the TRT's accountability to the public more problematic. These problems did not emerge due to the introduction of commercial TV, as noted earlier, they existed for decades. The transformation of the broadcasting market in the 1990s just made these problems more visible and acute. Therefore, the welcoming of commercial TV in Turkey with great enthusiasm was no surprise. There was in fact no room for the TRT to manoeuvre in the midst of these changes as it did not have any political and financial autonomy to do so. As Kejanlıoğlu (2004: 372) points out, during the period from 1991 to 1994, which was significant in the transformation of broadcasting market in Turkey, the majority of the debates about the condition of the TRT continued to be about the tensions in the management level of the organisation and the discontentment of various political circles with the TRT's programme output. In short, the TRT's future was no matter of concern in political circles and kept attracting the same criticisms and attacks.

The first four years following the introduction of commercial broadcasting in 1990 were chaotic. Until July 1993, the TRT awkwardly retained the state monopoly in broadcasting granted to it by the constitution despite the mushrooming of commercial stations one after another. After years of political dispute, the TRT's legal situation finally became clear following the amendment to the related article of the constitution. The amendment was significant in terms of legalising commercial broadcasting, but it was also significant in granting back the TRT an 'autonomous' status, which was abrogated in 1971, following the second military intervention. However, the constitutional autonomy was an important but not a sufficient step. This autonomy had to be translated into operational provisions in the TRT Law, which was the main legal framework that governed the operations of the TRT. Unfortunately, it never happened.

The Broadcasting Law, which came into force almost a year after the constitutional amendment, strangely enough incorporated provisions on the TRT, although it was originally designed to regulate the commercial broadcasting sector. Firstly, the TRT was obliged to comply with the broadcasting standards outlined in the law. Secondly, together with the commercial broadcasters, the TRT was also obliged to allocate 5 per cent of its annual gross advertising revenues to finance the Supreme Council (RTÜK). Finally, and most importantly, the Broadcasting Law granted exclusive rights to RTÜK in relation to the appointment of the Director General and Board of Directors as well as the conditions for their dismissal. Accordingly, if the TRT violated the broadcasting standards stated in the Law, RTÜK would

first warn the TRT and if its broadcasts need to be suspended, the term of duty of Director General and Board of Directors would automatically end (see Aziz, 1993: 65-6). Although the 1993 constitutional amendment granted autonomy to the TRT, the subsequent regulatory framework adopted a year later made it impossible to exercise.

During the second half of the 1990s, what the competition meant for the TRT was not only related to the sharp decline in advertising revenues and loss of the audience; the TRT started losing its skilled personnel as well. Commercial broadcasters headhunted the majority of qualified TRT staff with enormous salary offers. As might be expected, this personnel 'draining' of the TRT had influenced the TRT's programme output very negatively (Çaplı, 1997; Çaplı and Tuncel, 2005: 1562). Under this picture, restructuring was inevitable for the TRT. In 1998, the TRT management commissioned *McKinsey & Company* to develop a new organisational structure. After four months of research and investigation within the TRT, *McKinsey & Company* prepared a report on the initial steps to be taken for restructuring the organisation. *McKinsey & Company* concluded that the TRT should: i) replace its bureaucratic governance structure with and institutional one that is less hierarchic; ii) down-size its personnel and the scope of its operations; ii) improve the identity of its channels; iii) adopt an adequate cost and performance analysis system; iv) increase productivity and efficiency by adopting an "internal market model", and v) plan ahead for the digital switch-over.[185] It was Yücel Yener, the then Director General of the TRT, who initiated the restructuring programme and pushed it forward. However, Yener could get enough support from neither the political circles nor from the TRT's personnel. In a very short time the restructuring programme turned out to be a project applied with a top-to-bottom approach despite increasing internal resistance. Additionally, the financial cost of the project became the target of the political circles. Since no change was made in the TRT Law in relation to the requirements of the restructuring programme, no progress could be made. Following Yücel Yener's resignation in 2003, the TRT was dragged into very severe management crisis. For the AKP government, which was in office for less than a year, the management of the TRT became a serious problem and by the end of 2005 it was still so.

Regulations on the TRT in the Broadcasting Law were later amended in 2002 due to different reasons as it is further analysed in this chapter. However, no significant improvement in the status of the TRT was made. On the contrary, policy-makers kept demanding too much from

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[185] McKinsey & Company, Başarılı Bir Gelecek İçin Değişim Programı Tasarısı, Ankara: TRT.

the TRT without improving its conditions. These demands increased and the problems got bigger in the context of Turkey's EU bid. Naturally, no discussion on public broadcasting in a particular national context can be developed unless the implications of 'autonomy' for the PSB in that context are uncovered. No matter what the day-to-day imperatives of politics are, autonomy continues to lie in the heart of the debates on PSB. In this respect, the current crisis of public broadcasting in Turkey is rooted in the TRT's lack of autonomy, in all aspects.

6.3.1 Going Back to Basics: The Importance of Autonomy

a) Political Implications

There is no doubt that 'autonomy' is a very contentious concept. It is very abstract and it can only be achieved (assuming that it is something to achieve) if certain other conditions exist. In this respect, what Prosser (1992: 175) argues for the concept of PSB is also valid for the concept of autonomy that it "must be assembled from a number of diverse sources rather than being rooted in any authoritative legal concept". Clearly, these sources are embedded both in the political culture as well as public life of any particular national context. In the Turkish case, paradoxically, the 1961 Constitution, which was drafted after the military intervention a year earlier, proclaimed an "autonomous public juridical person" status for the Turkish broadcasting service.[186] This legal autonomy was then translated into operational enforcements in the establishment of the TRT, which was realised in the regulatory framework of the first TRT Law enacted in May 1964.[187]

The establishment of the TRT as autonomous public body was in fact a top-to-down approach to policy that can only be understood within the specific historical context of the events that led up to military intervention in 1960 and the subsequent political environment (see Şahin, 1981; Aziz, 1999; Kejanlıoğlu, 2001). As commentators argue, the adoption of broadcasting autonomy was a reaction to the ruling Democratic Party's partisan usage of radio in 1950s in Turkey (Aziz, 1999; Şahin, 1981). To put differently, autonomy was never seen *a sine qua non* of broadcasting, but it was rather seen as a solution to avoid further political controversy. Looking back at Turkey's political history before the Democratic Party regime, which was the single party rule under the Republican Peoples Party (CHP), reveals that autonomy of broadcasts was not an issue of debate; it did not even take place in any

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[186] Article 121 of the 1961 Constitution.
[187] Law No.359, Law on Turkish Radio Television Corporation, *Official Gazette* No. 11596, 02 January 1964.

legislation. Putting aside the period when radio broadcasts were carried by a private company between 1927 and 1936, broadcasts were always run and monitored by the institutions of the state (Aziz, 1991 : 89). Therefore, autonomy had no institutional basis in Turkey and as Şahin (1981) notes there was no consensus on its meaning either. Even within the TRT there were different views on how autonomy should be interpreted. Şahin (1981) suggests that some circles in the TRT at that time believed in the "strict" implementation of autonomy as laid down in the constitution, whereas the producers arm of the Corporation favoured a more "dialectical view" that attributed a historical responsibility to the TRT in the "transformation of the socioeconomic base in the direction of true social balance". Clearly, this view of autonomy of the public broadcaster is very parallel to the social role attributed to PSB in post-war Europe, especially in the case of the British example, the BBC.

However, the autonomy of the TRT soon became a political problem, especially after the introduction of television broadcasts in 1968. As Mutlu (1999: 20) suggests, governments were not able to "digest" autonomy and the "price of autonomy" turned out to be very harsh for the TRT. The more the TRT fought for autonomy, the more the Justice Party in office asserted indirect pressure on the TRT by refusing to increase the licence fees, blocking state funding and delaying staff appointments (Şahin, 1981; Mutlu, 1999). And finally, with another constitutional amendment, the TRT lost its autonomy after the 1971 military intervention. Ironically, it was no longer autonomous, but was still obliged to be 'impartial'. Additionally, the amendment to the constitution in 1972 also specified the broadcasting standards that the TRT had to comply with:

> the requisites of the integrity of the state with its territory and people, to the national, democratic, secular and social Republic based on human rights, to the national security and public morale in the selection of news and programs, in their elaboration and presentation and in the performance of their functions to assist culture and education, as well as in the principles of ensuring authenticity of news and in the selection of the organs, their powers, and their duties and their responsibilities shall be regulated by law.

Clearly, the scope of this amendment was far beyond the purpose of constitutional law-making. It simply stipulated a regulation which could have been drawn by law (Kejanlıoğlu, 2004: 184). It was also significant in establishing the legacy of one of the major problems of Turkish broadcasting policy: the ambiguity of broadcasting standards, which could not be corrected even years after the introduction of commercial television.

The amended TRT Law that came into force in March 1972 increased the powers of the Director General whilst decreasing the competence of its Executive Board. The irreversible damage was about the changes in the appointment of the Director General. The law politicised the post by giving the Cabinet in office the power to appoint the DG. Under the heightening political pressures, no DG could manage to keep the post for a full term. The instability of Turkish politics damaged the TRT management as well. The DG of the TRT was replaced with someone else every time governments changed. From 1964 to 1990, the DG of the TRT changed eleven times; it was only the first DG that could hold the post for seven years. And from the 1970s onwards, the 'DG crises' became synonymous with the TRT. As it is further analysed in this chapter, since the resignation of Yücel Yener from his DG post in March 2003, the TRT has been undergoing one of its most severe DG crises in its history that could still not be resolved.

b) Financial Implications

When the TRT was established in 1964, the adoption of the 'licence fee model' was seen as integral for providing financial autonomy to the TRT alongside political autonomy granted under the constitutional framework. However, within Turkey's unique political culture and public life, the licence fee model could not be sustained. Firstly, radio broadcasts were commercially funded since 1951 when advertising was allowed. The European – or more precisely British – understanding of 'broadcasting as a decommodified sphere' (Keane 1993) in the aftermath of the Second World War did not thrive in the Turkish context. In this respect, the TRT's accountability to its public was always very different from its European counterparts. The Turkish public remained reluctant to pay the fee and an efficient fee collection system could not be set. The Ministry of Transformation, which was responsible for allocating the licence fee revenues to the TRT collected by the Turkish PTT, kept using its power as a political pressure.

One of the major changes in the funding of the TRT took place in 1972 when advertising on television was allowed. As Kejanlıoğlu (2004: 186) precisely puts it, although commercialisation did not seem to make sense for an organisation under state monopoly, it had drastic impact in the financial collapse of the TRT especially after the breakdown of the state monopoly in 1990. However, most important changes in the financing of the TRT took place in the mid-1980s. In 1984, the licence fee was replaced with the tax revenues collected

from the sales of the radio and television receivers. Additionally, another source of revenue was designed for the TRT: taxation on electricity consumption. As of today, the TRT's main sources of income are: i) tax levied on all electricity bills; ii) allocations from the general budget; iii) sales tax levied on the purchases of radio and television sets, and iv) advertising. TRT's revenues are regulated by law[188] and its budget has to be approved by the State Planning Office and the Ministry of Finance before it comes in front of the Executive Board for final approval. As it is further analysed, from 1999 onwards, the taxation on electricity consumption became an issue of a huge political battle between the electricity providers, the TRT and the two successive governments.

The major impact of competition on the TRT was the sharp decline in its advertising revenues over the years. In 1997, the advertising revenues of the TRT amounted to less than US$3.5 billion, which was 2 per cent of all its revenues. The advertising revenues started to increase during Yener's term, but the TRT never managed to have a strong position in the broadcasting market. Over the years the TRT actually earned very little amount of its income. Additionally, the severe managerial crisis in the TRT following Yücel Yener's resignation in March 2003 and its mismanagement by his successor Şenol Demiröz gradually put the TRT in an extremely frail position. As the table below reveals, the revenues obtained from taxes levied on electricity bills and radio and television sets gradually became the main sources of income that funded all the operations of the Corporation. In 2002, the sum of these two revenue sources amounted to 67.8 per cent (US$29.3 million) of its all revenues; in 2003 this ratio was again 67 per cent (US$216,428,880) and in 2004 it was 73.3 per cent.

Table 4. Net Income of the TRT – Breakdown by revenue source (2000-2005)

Source of revenue	Share of total revenues					
	2000	2001	2002	2003	2004	2005
Tax on electricity	45.5	52.6	62.5	53.7	46	46
Sales tax	13.6	5.2	5.4	14	21	33
Advertising	6.3	4.9	8.9	10.4	12	8
Other	34.6	37.3	23.2	21.8	21	13
Total net income (USD)	356,694,081	276,099,026	332,303,151	379,674,616	369,676,123	403,648,311

Source: TRT

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[188] Law No. 3093, Law on the Revenues of the Turkish Radio and Television Corporation, *Official Gazette* No. 18606, 15 December 1984.

On the other hand, where the TRT's operations are concerned, it was in fact the personnel costs that the huge bulk of the Corporation's income was spent on. In 2000 the personnel costs of the TRT amounted to US$115,554,870 and following a steady increase over the years it amounted to US$179,489,089 as of 2004.

Table 5. Expenditure of the TRT – Breakdown by type of costs (2000-2005)

Type of expense	Share of total expenses (per cent)					
	2000	2001	2002	2003	2004	2005
Personnel	47.1	39.4	37.3	44.1	40	49
Programming	24.6	29.6	45.4	41.6	36	36
Running Costs	22.6	22.7	5.6	5.9	6	5
Other	5.6	8.3	11.6	8.4	16	10
Total expenses (USD)	237,116,223	198,134,115	265,834,237	336,042,551	445,648,096	389,367,610

Source: TRT

The main reason behind this huge burden of personnel costs is the wrong personnel recruitment strategy that has always been a major problem in the TRT. As Çaplı and Tuncel (2005: 1565) precisely put it:

> Staff recruitment has been a contentious issue throughout the history of TRT. Working for TRT has always meant security, a good salary and highly satisfactory retirement benefits. As a result of various demands and pressures, thousands of people were recruited by TRT with no expertise in broadcasting, but with fortunate connections. This led to overmanning and underqualified personnel.

From 1990 to 1997, the total number of the TRT personnel swung between 5,857 and 6,442, the lowest being in 1997 and the highest in 1998. It reached to its peak in 2000 with 8,171 personnel following the reallocation of the personnel that run the broadcasting transmitters under the management of the then PTT since 1989. With the handover of these transmitters back to the TRT in 1998, 1,841 technical personnel joined the TRT. Another factor that resulted in an increase in personnel costs was the restructuring programme under the Yener administration that gained momentum by the end of 1999. The then DG Yücel Yener favoured a more competitive strategy to strengthen the TRT by directing considerable financial sources to produce popular programming. In 2001, personnel costs of the TRT amounted to US$81,864,868, which was US$28,205,542 more than the previous year, and in 2002 it amounted to US$98,928,537. During his term in office, Yücel Yener was highly criticised for inflating the TRT cadres.

6.3.2 From Hope to Despair, 1999-2005: Issues on the Regulation and Management of the TRT

The acceleration of Turkey's relations with the EU in 1999 coincides with the restructuring of the TRT, which was a very radical project initiated by the then DG Yücel Yener, who was appointed to the post in July 1997. From March 1999 onwards, the Yener administration was heavily involved in the restructuring programme to improve the TRT's condition in the broadcasting market. As is further analysed, the programme eventually failed due to lack of political as well as institutional support, but it was very much in the centre of political attention until the elections in November 2002. Yener's successor Şenol Demiröz, who was appointed to the post in 2004, did not show any commitment to the programme either.

In the post-Helsinki period, there were two major issues that both administrations had to deal with. The first one was not related to Turkey's EU bid, but it was relevant in the context of the debates on the financing of PSB in Europe. In July 1999, the management of the radio and television transmitters were taken from the Turkish PTT and transferred back to the TRT. During the time, the cost of this handover was predicted to amount US$468 million. The annual cost of running the transmitters was calculated to reach something between US$110-150 million. Additionally, as of 1998, the TRT had 6,442 personnel and the handover meant an extra 1,841 personnel added to the payroll. In short, the question of how to finance this operation was an important political concern in the second half of the 1999. The then DSP-MHP-ANAP coalition government wanted to increase the TRT's revenues obtained from the taxation levied on the electricity consumption by increasing its share to 7.0 per cent from 3.5 per cent, but this was rejected by the Constitutional Committee before it came to Parliament. The government decided to finance the operation differently, but the controversy on subsidising the TRT remained. The most destructive blow to the TRT came from the AKP government in February 2003. The 3.5 per cent revenue share on the electricity bills was reduced to 2.0 per cent. The shrinking of its budget influenced the TRT so badly that in mid-2005 the Demiröz administration reached a stage where selling some of the TRT's assets was seriously considered as an option to relax the Corporation's finances.

During the period from 1999 to 2005, the second major issue that the TRT was involved in was directly an outcome of Turkey's relations with the EU. As analysed in the previous chapter, during the process of changing the language policy of broadcasts to allow broadcasts

in languages other than Turkish, the TRT was in the centre of the debates. Previously, I looked into this process mainly from the perspective of policy-making, but in this chapter, I specifically focus on the role of the TRT in the process. This is particularly important since the Yener administration's attitude towards the issue tells a lot about how the TRT perceives its own role as a public service broadcaster. This case reveals that the TRT simply dragged its feet in carrying out one of the initial roles that is traditionally attributed to public broadcasters in Europe: catering for a variety of social and cultural groups. It is true that policy-makers wanted the TRT to carry out these broadcasts since this was considered the least risky way of handling EU conditionality, but on the other side of the fence, the TRT was also not able to approach the issue in a different way. The politics of broadcasting was in the centre of the debate and there was almost no consideration of the social and cultural aspects of broadcasting. TRT's reluctance to make any positive contribution to the debate on changing the language policy of broadcasts in Turkey takes us back to the question of autonomy.

a) The 'Yener' Administration and the Restructuring Programme

Yücel Yener, who was first appointed as the DG to the TRT in 1997 was one of the most ambitious DG figures in the TRT's history. He was the first DG who was appointed to the post from the inner circle of the organisation. Yener was the architect of the 'restructuring programme' that took shape after the TRT's consultation of *McKinsey & Company* in mid-1998. Although his term in office was due to end in July 2001, he was reappointed by a political manoeuvre in August 2001 supported by the DSP-MHP-ANAP coalition that came into office in May 1999. However, Yener gained more enemies than supporters during his term. He was accused of treating the TRT as his 'farm', which even became the title of a book in which his administration was heavily criticised. Yener eventually resigned in March 2003.

The restructuring programme started following the establishment of a coordination office in March 1999. TRT consulted *McKinsey & Company* a second time for designing the phases of the programme in July 1999. After four months of research, *McKinsey & Company* concluded its recommendations. The programme had three arms. The first one aimed at altering the management structure in the TRT, which was extremely hierarchical and heavy-handed. *McKinsey & Company* recommended the TRT to convert all of its units to business units except the management of its channels. The second arm was about the operations of the TRT. *McKinsey & Company* proposed the TRT to downsize its personnel, abolish its regional

organisations and privatise its auxiliary services. And the final arm of the programme was about improving the TRT's public image. Accordingly, the TRT had to change its visual identity as well as its channels' content portfolio.

Clearly, the most important barrier for the TRT was the TRT Law itself. Unless the TRT's constitutional autonomy was translated into enforcements guaranteeing TRT's managerial autonomy with an amendment to its binding legislation, there was no way that the TRT could carry on with the restructuring programme.[189] It was certain that the Yener administration took a great risk in launching this programme before the necessary changes in the regulatory framework were made. However, although there was not any public debate on amending the TRT Law at that time, there were some important political hints that soon the TRT Law might be brought to the political agenda. For instance, the eighth Development Plan outlining Turkey's targets for the years 2000-2005 had also provisions on the TRT under the section outlining Turkey's policy targets in the areas of information and communication technologies between the years 2000-2005. In this eighth Development Plan, which was adopted by the Cabinet in June 2000, it was confirmed that "the regulatory changes that are required in relation to the restructuring of and providing a healthy financial structure to the TRT will be realised."[190] Therefore, it can be well argued that despite the lack of debate, the condition of the TRT was somehow politically recognised. Yet no change was made in the TRT Law in the following years.

Since the TRT Law limited the options that could be realised in the restructuring programme, the Yener administration focused heavily on one arm of the project: strengthening TRT's public image. New projects were commissioned to international marketing and PR companies. *Strateji Mori* carried out two research projects for the TRT; the first project was a marketing research on media consumption patterns of the public and the second one was about developing a new institutional identity for the TRT according to the results of this marketing research. From May 1999 to October 2000, the TRT paid more than US$250 thousand to *Strateji Mori*. Additionally, the new visual identities and related marketing and PR packages for the TRT's new institutional identity were designed by *Pittard Sullivan*. In return, the TRT agreed to pay US$2.8 million. TRT's new visuals, including its new logo, and new channel

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[189] Article 16 of the TRT Law No. 2954 describes the organizational structure of the Corporation that the TRT is obliged to operate in. This article had to be amended in Parliament to allow the TRT administration to make the necessary structural changes designed as a part of the restructuring programme.

[190] Prime Ministry State Planning Organization, 8th Development Plan (2000-2005), 27 June 2000, Ankara, p.159.

identities were first introduced in January 2001. However, if audience share figures would be the main indicators of the TRT's new image, the picture in 2002-2003 did not reveal much of an improvement. In 1999, the average audience share of the TRT1 was 10.9 per cent and 3.1 for TRT2. In 2002, TRT1 had 7.1 per cent share whereas TRT2 had 1.2 per cent. And in 2003, TRT1 had 7.0 per cent audience share and TRT2 had 1.8 per cent.

As of May 2001, TRT spent US$6.2 million for the restructuring programme and the final budget was predicted to amount to US$30 million. The restructuring programme became the target of the opposition parties that were very critical about the Yener administration from the very beginning. Especially the Islamic party FP, which contained the AKP's initial cadres, kept pressuring the government on the TRT by bringing up official enquiries to be replied either by the then Prime Minister Bülent Ecevit or the related ministers during the routine parliamentary discussions. Most of these questions were on issues such as the financial details of the restructuring programme; the reasons why Turkish marketing and PR companies were not commissioned to create the new logo; the numbers of the TRT personnel under the Yener administration. The official responses to these enquiries usually drafted on similar lines and did not contain any additional information different than what the TRT publicized.

The criticisms of the opposition parties against Yücel Yener heightened when the tripartite coalition government changed the regulatory framework during the Broadcasting Law amendment talks in May 2001 for the benefit of the TRT. With the annulment of Article 35 RTÜK's authority to monitor the TRT broadcasts and sanction the TRT administration in cases of violation was ceased. Additionally, the TRT was exempted from the obligation to pay RTÜK the 5 per cent share of its annual gross advertising revenues with an amendment to the Article 12 of the Broadcasting Law.[191] Just a couple of days prior to when the amendment talks were due to end, the government proposed a further amendment to one of the temporary articles of the package. Instead of the existing RTÜK Board, the new board that was to be established once the amendment package came into effect would be responsible for nominating candidates for the TRT's DG post. By doing so, the term of duty of Yücel Yener, which was due to end in July 2001, was automatically extended. During the talks, the FP MPs from the opposition were enraged about the amendments and accused the government of politicising the TRT to their own advantage, but they could not prevent the adoption of the

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[191] For full discussions in the Parliament on the amendment to the Articles 12 and 35, see: TBMM Journal of Minutes (30 May 2001) Term: 21, Legislative year: 3, Session: 110, Vol. 65. Ankara: TBMM, pp. 6-15; and TBMM Journal of Minutes (31 May 2001) Term: 21, Legislative year: 3, Session: 111, Vol. 65. Ankara: TBMM, pp. 28-38.

amendment package.[192] As highlighted in the previous chapter, since new RTÜK Board could not be composed due to the President's veto, Yücel Yener continued to hold the post.

The opposition parties were not able to assert any influence on the amendments, but they persisted in directing official enquiries on various issues related to the TRT to be answered by the government. After the closure of the FP, it was the SP and AKP MPs who drafted these enquiries. They kept enquiring about similar issues again and again: why certain newspapers were excluded from certain morning shows, whether this or that personnel were recruited according to the legal procedures, what were the criteria for the selection of the dramas, etc. One SP MP even placed more than ten enquires on the TRT in a single day in July 2002.

However, the dynamics of the relations between the TRT and the government changed once Yener started to procrastinate regarding the government's EU related democratic reforms. The Yener administration was in disagreement with the government on how the issue on minority language broadcasts should be handled. TRT had gone through an investigation by the High Auditing Board of the Prime Ministry in September 2002, just two months before the elections. Although the auditing revealed wrongdoings of the Yener administration, no legal case was brought. As might be expected, Yücel Yener's position as a DG was no longer tenable after the AKP headed the elections in November 2002. Yener eventually resigned in March 2003. After his resignation, TRT had gone through another investigation. In June 2004, upon the President's assignment, State Auditing Office of the Presidency investigated every detail took place between 2000 and 2002. The Cabinet also approved the Yener administration's wrongdoings and recommended further investigation. However, the State Council revoked the Prime Minister's endorsement to further investigate the DG, his vice-chair and the members of Board of Governors in February 2005. By doing so, all the Yener administration related issues were set aside.

b) The AKP and the Director General Crisis

Yener's resignation in March 2003 was the beginning of a long-term chaos in the TRT. Following the routine procedure, the RTÜK Board appointed three candidates for the TRT's DG post, one to be appointed by the Cabinet. As might be expected, the name supported by the AKP was the strongest candidate for the post. In this case it was Şenol Demiröz, the

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[192] For full discussions, see: TBMM Journal of Minutes (5 June 2001) Term: 21, Legislative year: 3, Session: 112,

former head of Cultural and Social Affairs Office of Istanbul Metropolitan Municipality. However, the appointment of Demiröz to the DG post was not a straightforward process as it took nine months due to RTÜK's mistakes during the nomination process.

According to the legislation, the DG candidates for the TRT must not have any affiliation with any political party. It is the responsibility of the RTÜK's to make sure that its nominees comply with the rule. However, the then attorney general of the Supreme Court detected that one of the candidates – Mehmet Nuri Şahin – decieved RTÜK with false paperwork and was incorrectly nominated for the post along with other candidates, including Şenol Demiröz (*Hürriyet*, 1 May 2003). This revelation put RTÜK in a very troubled position since it had no idea on how to proceed; the nomination process should either be conducted from scratch or a new candidate could be nominated by keeping the existing two other nominees that comply with the rules. Considering how politically sensitive the issue was, RTÜK decided to consult legal experts as well as the Prime Ministry. However, the Minister in charge – Beşir Atalay – rejected RTÜK's request for consultation on the grounds that it should have the responsibility to decide on the procedure that should be followed (*Hürriyet*, 6 May 2003).

The situation got more complicated when the legal experts from Ankara University, Department of Law presented their views on the issue. The legal experts concluded that the current RTÜK Board could not nominate candidates for the TRT's DG post as the amended article of the Broadcasting Law regulating the composition of the board was annulled by the Constitutional Court following the President's veto in June 2001 (*Hürriyet*, 15 May 2003). They decided that Şahin's candidacy was aborted due to his unlawful act; the candidacy of the other nominees should no longer be effective; the other nominees could not take this issue to court; three new candidates should be nominated from the existing list of applicants. In the meantime, Şahin appealed to court for the suspension of the execution on the termination of his candidacy. RTÜK decided to wait until the related court concludes the case (*Hürriyet*, 21 May 2003). The Administrative Court in charge concluded the case in favour of Şahin and suspended the execution. Following this, RTÜK decided to nominate the same three candidates for the post. The Court's intervention made the process much easier for RTÜK, but once again the civil judiciary asserted influence on broadcasting regulation by means of its ruling.

Vol. 65. Ankara: TBMM, pp. 115-24.

As might be expected, Şenol Demiröz was appointed by the Cabinet from the three nominees presented by RTÜK. The AKP was successful in placing a pro-AKP DG to the one of the most politicised management posts in Turkey, but the controversy was far from being over. Considering the President's well-known attitude towards 'partisan appointments', it was clear that this appointment would also not be approved by him. That was what exactly happened; President Necdet Sezer started another crisis by not approving Şener's appointment on the grounds that existing RTÜK Board had no authority to nominate candidates for the DG since with the last amendment in the Broadcasting Law it was suggested that 'new' RTÜK members would be responsible for the nomination (*Hürriyet*, 11 June 2003). This was a serious blow to government as the rule of veto for the appointments was different and the President had the authority to veto Demiröz's appointment indefinitely. Therefore, it would not make any sense for the government to present the appointment to the President once again knowing that it would not be approved. The only way to overcome the deadlock was to amend the related article of the Broadcasting Law once again to allow the current RTÜK Board nominate the candidates (*Hürriyet*, 10 July 2003). This amendment passed in Parliament by the end of July when the crisis was in its fifth month.[193] During the discussions in Parliament, now it was the CHP MPs in opposition who accused the AKP of politicising the TRT to their own advantage; the same way the AKP MPs had opposed legislation extending Yücel Yener's term of duty two years earlier.[194]

Following the amendment to the legislation, everything started from scratch and RTÜK announced the DG post once again. Although it was clear that Demiröz would again be nominated, there were 114 applications in a month (*Hürriyet*, 28 August 2003). As might be expected Demiröz was one of the three names nominated by RTÜK, but once again the civil judiciary intervened upon the appeal by one of the candidates – Aydoğan Kılınç – who was not short listed. Kılınç in his appeal claimed that RTÜK did not apply the rules stated in its own directive during the nomination process. The Court once again ruled in favour of the applicant and suspended the execution (*Hürriyet*, 8 October 2003). Although President Sezer was well-known for his prompt responses in approving (or disapproving) the legislation he would receive, on this occasion he only reached a decision after a month and a half. Following the announcement of the Court's ruling, the President once again rejected the appointment of

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[193] Law No. 4951, Law on the Amendment to the first Temporary Article of the Law No. 4756 Enacted on 15 February 2002, *Official Gazette* No. 25183, 29 July 2003, Ankara.
[194] For full discussions, see: TBMM Journal of Minutes (22 July 2003) Term: 22, Legislative year: 1, Session: 109, Vol. 65. Ankara: TBMM, pp. 63-72.

Demiröz on the grounds that the process has been damaged due to RTÜK's errors (*Hürriyet*, 16 October 2003). RTÜK's appeal against the Court's decision was also rejected and the Court annulled the nomination process in December 2003. The crisis was in its ninth month. In order to end the deadlock, RTÜK decided not to appeal against the Court's decision and short listed Kılınç together with two other names, one being Şenol Demiröz once again. Clearly, RTÜK persisted in nominating what the AKP government wanted despite the controversy around the nomination process and the President's constant vetoes.

The crisis reached a conclusion only after seven months of long controversy. President Sezer finally approved the appointment of Şenol Demiröz; who started his new post as the DG of the TRT on 12 January 2004. However, the term of duty of Demiröz happened to be much shorter than anticipated. Demiröz could not resolve the problems that the Corporation inherited from the former administration. Furthermore, he conflicted with his staff and in the later stages also with the government. Dealing with the managerial problems of the TRT turned out to be one of the worst experiences of the AKP government.

c) TRT under the AKP Rule: The Decline and Fall of the TRT

After a seven month long period of governance by a deputy after Yücel Yener's resignation, the TRT finally had a DG in January 2004. However, having a DG did not improve the condition of the Corporation. During his first year, Şenol Demiröz encountered two major challenges. The first of these challenges was the heightening of allegations of misconduct in the corporation, which forced Demiröz to apply to the Prime Ministerial High Auditing Board for an investigation. And the second challenge was in fact a serious blow to the TRT. In February 2004, the AKP government decreased the TRT's share that was collected from the electricity consumption bills to 2.0 per cent from 3.5 per cent. The fiscal balances of the TRT crashed following the AKP's cut on the TRT's main source of revenue.

The allegations of misconduct extended back to the Yener administration. As it was claimed, there was a kind of beneficiary link effective in the TRT, mainly in the drama department (*Vatanım*, 12 February 2005). Accordingly, the independent production companies, which were commissioned to produce dramas were actually either set up by close relatives of the head of the drama department or certain companies known to be in the close circle of some high level executives of the Corporation were favoured more than the others. Additionally,

although the TRT personnel cannot work for any project outside the corporation unless being authorized, it was claimed that the TRT staff were recruited in the technical teams of these drama productions. The allegations proved to be correct following the unexpected visit of the TRT officials to the production set of the rumoured TV drama as assigned by Şenol Demiröz. Demiröz launched an investigation on the staff involved in this misconduct (*Sabah*, 14 February 2005).

However, Demiröz was also accused of favouring his close circles in commissioning the independent productions. Additionally, the shuffles he made in the key posts in the Corporation made the political circles, especially the CHP opposition very uncomfortable. The CHP MPs even revealed the conflicting responses that Demiröz provided for the official enquires made by a CHP MP on the issue whether the rumours to change the channel identities launched by the former administration were correct or not. Demiröz denied the plans for change in one response and confirmed it in the other (*Radikal*, 16 February 2005). The way CHP MPs questioned the TRT administration and revelations of the accusations to the public made the AKP government very uncomfortable. As a result, the government decided to assign one of its officers as a General Secretary to the TRT. This was the first disclosure of conflict between the government and Şenol Demiröz. In return, Demiröz decided to call for a more through official auditing to be conducted by the State Auditing Committee under the Prime Ministry. The major reaction to Demiröz's call came from the recently recomposed Executive Board of the TRT. The Board members, who were appointed by the government, perceived Demiröz's call for auditing as a challenge and they did not approve his budget (*Radikal*, 16 February 2005).

The launch of an official auditing in the TRT changed all the dynamics between the government and the Corporation. As early as March 2005, there were already rumours that the AKP government would pressure Demiröz to resign (*Radikal*, 4 March 2005). Demiröz was invited to give a brief on the management and finances of the TRT to a parliamentary sub-committee dealing with the state economic enterprises in April 2005. The picture Demiröz presented to the committee proved that the TRT was in its worst condition in its history. According to this picture, even the payment of staff salaries after May was in danger. TRT was face to face with such a severe financial crisis as a consequence of the cut down in electricity revenues that its expenses were constantly more than its revenues. Demiröz stated that unless the TRT was granted a financial and managerial autonomy with an amendment to its law,

there was no way the Corporation could survive against today's market forces (*Hürriyet*, 13 May 2005). The statements of Demiröz were also striking in terms of how the daily routine in the TRT was seen by the top-level executive of the Corporation. At some point during the committee meeting Demiröz stated that:

> Broadcasting is not a job that can be done by civil servants. When the working day is over, 3700 staff members leave the central broadcasting house, hop on the bus and go home, just like a factory worker. The real broadcasting time begins after the official working hours (*Netgazete*, 11 May 2005).

As might be expected, the details of this meeting were extensively covered by the press due to the controversies around the TRT and its DG. In the following months, Demiröz's relationship between the government and even with the TRT personnel became more strained. The publication of Demiröz's assertions on the typology of the TRT presenters at an informal interview with a journalist heightened the antagonism in the Corporation towards the DG (see *Sabah*, 28 June 2005). For the first time in the TRT's history, the TV presenters issued a public statement condemning the DG of the Corporation for insulting his own personnel with unacceptable claims on their appearances (*Milliyet*, 2 July 2005). After this point, for the AKP government that was already in search of an option to let Demiröz go, there was no way to repair the damage. Demiröz applied for early retirement in August 2005, before completing his second year in office. Just a couple of weeks before his decision to quit his post, there were already speculations in the newspapers on the possible names for the next DG to come (see, *Sabah*, 13 July 2005).

The 'Demiröz experience' of the TRT was later severely criticised by the politicians and the press. Some journalists condemned Demiröz for not having any vision on what PSB should be about (see H. Şahin, *Radikal*, 3 August 2005), whereas opposition MPs and the union representatives accused the government for proposing such a controversial name for the TRT's DG post (see *Sabah*, 1 August 2005).

One of the major disputes between the AKP government and the CHP opposition was over the Islamisation of the TRT's programme output. The allegations started when Şenol Demiröz was in office, but it became a huge controversy following his resignation. Just a couple of months before the retirement of Demiröz, it was first Emin Çölaşan who wrote in his column in *Hürriyet* that Islamisation is in increase in the TRT broadcasts (E. Çölaşan, *Hürriyet*, 3 June 2005). After Demiröz retired, it was again another *Hürriyet* columnist who revealed that a

particular Islamic sect in Turkey asserted influence on the TRT's religious programming (Y. Bayer, *Hürriyet*, 1 October 2005). The controversy reached its peak when an extract of a debate that took place in one of the TRT's programmes was published by another daily having its headlines as "Tribute to Sharia [*Islamic Law*] on the TRT" (*Vatanım*, 29 October 2005). Just in a few days the issue was brought up in Parliament by a CHP MP as an official enquiry addressed to Prime Minister Erdogan to reveal their discomfort. Soon after, questions on the silence of the regulator RTÜK and the Courts in charge arouse. However, as explained earlier, according to the Broadcasting Law amended in 2002, the relation between the TRT and RTÜK was now limited to the nomination of the DG and the members of the Executive Board. The RTÜK could not intervene in the matters of the TRT. Therefore, its statements on the issue were just the expressions of wishful thinking that the new DG to be appointed might end the chaos (M. Mutlu, *Vatanım*, 2 November 2005). However, the appointment of the new DG became another saga of a well-known TRT crisis. Apart from an internal investigation, no other action was taken regarding the accusations of Islamization of the TRT.

By the end of 2005, Islamisation of the TRT was only one of aspect of the crisis of the TRT. The controversy coincided with the uncovering of a series of bribery allegations targeting the adviser to the former DG Şenol Demiröz. According to these allegations, the former head of the television department favoured certain production companies during the programme commissioning process in return of huge sums of financial benefit. The Chief Public Prosecutor's Office in Ankara filed a court case but to date it has not been concluded yet.

No new DG could be appointed to the TRT since the retirement of Demiröz. Since August 2005, the TRT is run by a deputy and this is the second DG crisis between the AKP; the TRT and the President. However, the dynamics of this ongoing crisis are not covered in this chapter since it falls beyond the time scope of this study.

6.3.2 Issues on the Financing of the TRT: Debates on State Subsidies
a) The Handover of the Broadcast Transmitters

Up to 1989, the TRT was responsible for the establishment and the management of the broadcast transmitters in Turkey. However, the then ANAP government adopted a new law (Law No 3517) in January 1989 instructing the handover of the broadcast transmitters to the PTT on the basis of merging the infrastructure and the management of broadcast and

communications networks. As Kejanlıoğlu (2001: 94 and 2004: 327) persuasively argues, this was actually an outcome of the then government's continuing effort to increase the PTT role in the communications field at a time when 'convergence' of broadcasting and telecommunications was already included in the policy vocabulary. The idea was to prepare the ground for the introduction of commercial television in Turkey by empowering the PTT to expand the infrastructure. However, this debate turned out to be one of the most complicated policy-processes of broadcasting policy-making in Turkey. Shortly after the adoption of the law, the then opposition Social Democratic Populist Party (*Sosyal Demokrat Halkçı Parti* – SHP) brought the law before the Constitutional Court on the basis of incongruity of the law with certain articles of the constitution, but most importantly with Article 133. As explained earlier, Article 133 of the 1982 Constitution stipulated the state monopoly in radio and television broadcasting. On this case, the Constitutional Court confirmed the incongruity of the law with this article and annulled majority of the provisions in the law.[195] However, in order to avoid a legislative gap, the Court granted a six months period to legislators to draft a new law. Accordingly, the new law was supposed to be adopted by January 1991 at the latest, but it did not happen. The PTT, TRT and the ministries in charge could not reach an agreement on the details (see Kejanlıoğlu, 2004: 301-4). The impasse continued until July 1999. In the meantime, the drive behind the initial policy lost its significance since commercial broadcasting started via satellite, and the PTT directed its investments in cable and commercial broadcasting remained to be a non-regulated field until April 1994. In June 1994, the telecommunication services were separated from the PTT and the Turkish Telecom continued to operate the transmitters. It was mostly the personnel in charge of running these transmitters that were influenced from this handover and the following regulatory impasse. As a consequence of the handover, 1,841 members of personnel lost their privileges when they were on the TRT's payroll (see Cankaya, 2003: 221).

Almost a decade later, the DSP-MHP-ANAP coalition government decided to end the impasse by drafting a law to return the transmitters and their personnel back to the TRT. In the proposed draft, the law was justified on the basis of the need to fill the gap in the legislation. However, there was actually another reason behind the timing of this law that was not officially stated in the justification of the law. The then government wanted to conclude the privatisation of the Turkish Telecom that has been on the agenda for more than a decade. Handing the transmitters back to the TRT would increase the value of the Turkish Telecom

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[195] Constitutional Court Decree No. 1989/9 E., 18 May 1990, *Official Gazette* No. 20586, 26 July 1990, Ankara.

since all the costs of running them would be abandoned with the handover. This was particularly emphasised during the discussions of the Constitutional Committee, before it came in front of the Parliament.[196]

However, one of the key concerns was the financing of this handover. A new source of revenue had to be provided to the TRT so that the Corporation could be able to overcome the financial burden of this operation, particularly the personnel costs. The government proposed financing the TRT through a combination of sources: i) the TRT's share of revenues from the electricity consumption would be increased to 7.0 per cent; ii) the Corporation would no longer be responsible of contributing to the Social Assistance and Solidarity Fund; and iii) the Turkish Telecom would apply a 5.0 per cent increase to service charges to fund the TRT with this additional revenue. In the draft law, the government also granted the cabinet the right to increase all the amounts stated in this article twice as much.

The Planning and Budget Committee, which was the main committee responsible of finalising the draft before it was taken into the parliamentary agenda, blocked the government's plans to finance the handover through the sources stated above. Firstly, it limited the increase of the TRT's revenue share of the electricity bills to 7.0 per cent the most by keeping the existing 3.5 per cent limit as the threshold. Therefore, even if the cabinet would decide to increase the TRT's share twice as much, it could not be more than 7.0 per cent. Secondly, the Committee withdrew the provision on the telecommunications revenue share. As it was expressed in the Committee's report, some members considered the state subsidiaries that TRT received as contradictory with the dynamics of the liberal market economy. For them, the TRT had a 'bulky' organisational structure; it should be restructured urgently and should be granted with financial and managerial autonomy so that it could compete with its commercial rivals rather than relying on the state subsidiaries.[197]

Similar remarks were made during the discussions in Parliament. It was mainly the DYP and FP MPs from opposition who were very critical about the financing of the TRT. The DYP MPs argued that this handover should be financed through the general budget rather than relying on the electricity revenue share. In a similar vein, the FP MPs also emphasised that the government should never increase the per cent of this share since the steady increase in electricity consumption would gradually result with an increase in the TRT's revenues in any

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[196] TBMM Constitutional Committee Report, Initial No: 1/376, Decision No: 14, 30 June 1999, Ankara.

way. Although it was not a very novel idea, the SP MPs also suggested that a consortium in which the TRT as well as commercial broadcasters take place could run these transmitters rather than just the TRT. This idea would later be fed into the package amending the Broadcasting Law in June 2001. Apart from these points, the noteworthy remarks were the comparisons that both the government representatives as well at the opposition MPs made between the BBC and the TRT. For the coalition government MPs the TRT was ahead of the BBC in regard to total broadcast time and the scope of its operations and for the MPs from opposition the TRT was far behind the BBC in regard to its revenues and should have been downsized to two TV channels.[198]

The parliamentary discussions were concluded with the adoption of the Law regulating the details of the handover of the broadcast transmitters from the Turkish Telecom to the TRT.[199] However, the ways in which this handover will be financed without putting the: TRT under a huge financial burden remained unclear. The government tried to push the agenda once again in the following months by issuing a new draft law. The aim of the government was to finance the TRT through what was called a 'telecommunications share'. When the broadcast transmitters were handed over to the then PTT in 1989 by law, the taxation on the PTT services was reduced to 0.1 per cent from 6.0 in order to finance the PTTs cost at that time. As of 1999, the DSP-MHP-ANAP government wanted the Turkish Telecom to finance the TRT's cost of transmitters by transferring this 5.0 per cent revenue share back to the TRT since it was now the TRT that would run the transmitters. However, the government's plan was blocked once again by the Planning and Budget Committee. The Committee agreed on only a one-off payment over the 2.5 per cent of the Turkish Telecom's year 2000 gross revenues.[200] Although the DYP in opposition supported the law, for the FP even this revised version was controversial. During the discussions in Parliament, the FP MPs argued that financing the TRT through subsidies could no longer be justified since the TRT continued to

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[197] TBMM Planning and Budget Committee Report, Initial No: 1/376, Decision No: 2, 30 June 1999, Ankara.

[198] For the full records of these discussions, see: TBMM Journal of Minutes (1 July 1999) Term: 21, Legislative year: 1, Session: 29, Vol. 21. Ankara: TBMM.

[199] Law No. 4397, Law on the Handover of the Radio and Television Transmitters to the Turkish Radio and Television Corporation and the Amendment of Certain Articles of Different Laws, *Official Gazette* No. 23751, 10 July 1999, Ankara.

[200] TBMM Planning and Budget Committee Report, Initial No: 1/589, Decision No: 77, 24 December 1999, Ankara.

be an 'unsuccessful' and 'insufficient' broadcaster.[201] Yet, regardless of the FP's dispute, the law was adopted by Parliament.[202] The one-off payment was made to the TRT.

Additional to the issue of financing the management costs of the TRT's broadcast transmitters, there is another very important policy issue that should be shortly discussed here. As noted earlier, one of the main consequences of lacking strategic policies to regulate the emerging dual broadcasting system in the early 1990s in Turkey was the mushrooming of broadcasting transmitters all over the country, particularly in the big cities. The private broadcasters, one after another, erected their own transmitter towers and built partnerships neither with each other nor with the TRT. Among the amendments to the Broadcasting Law that came in front of Parliament first in May 2001 and adopted the second time after the President's veto in May 2002, there was a very important additional article aimed at regulating this chaos for the very first time. According to the amended Broadcasting Law, the private broadcasters were instructed to shut down their individual towers and start broadcasting from the transmitters run by a company either set up by the TRT or by a consortium in which all the private broadcasters as well as the TRT participated. As might be expected, neither the TRT nor the private broadcasters welcomed this new regulation. For the TRT, this meant extra financial costs and dealing with big media conglomerates might also be costly in political terms. On the other hand, for private broadcasters, TRT's lack of autonomy was a very serious consideration. They had the belief that in case of conflict the TRT might react according to the political pressures and cease the broadcasts of private broadcasters without any notice. Due to these concerns no progress on the issue could be made. However, the issue recurred in 2006 in the context of Turkey's switchover plans to digital by 2014.

b) The Electricity Market vs the TRT: The Controversy over the Subsidiaries

Political reactions against financing the TRT through state subsidiaries, especially through a 3.5 share of revenue that the Corporation receives from the electricity bills, gradually turned into an organized lobbying by the corporate actors of the electricity market in the course of 2002. It was mainly the Union of Chambers and Commodity Exchanges of Turkey (*Türkiye Odalar ve Borsalar Birliği*, TOBB) that was actively involved in this lobbying. In February 2002,

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[201] For the full records of these discussions, see: TBMM Journal of Minutes (28 December 1999) Term: 21, Legislative year: 2, Session: 46, Vol. 22. Ankara: TBMM.
[202] Law No. 4499, Law Amending the Revenues of the Turkish Radio and Television Corporation Law, *Official Gazette* No. 2392, 30 December 1999, Ankara.

TOBB published a report on the reasons why the energy costs were very high in Turkey and the possible ways to reduce these costs (*Hürriyet*, 2 February 2002). According to the report, in the EU member states, the average cost of industrial electricity consumption was 4.3 cent, whereas in Turkey this average amounted to 6.5 cent. As might be expected, the report concluded that the 3.5 revenue share transferred to the TRT was one of the reasons for the high energy costs in Turkey.

Together with the TOBB, the Electricity Market Regulatory Authority (*Elektrik Piyasası Düzenleme Kurulu*, EPDK) also started campaigning against the TRT's revenue share. The EPDK was established in 2001 by law to guarantee a fair competition in the energy market, which required all the energy costs derive solely from the dynamics of the market by September 2002. In this respect, according to the new market regime, the TRT share in the electricity bills was not a real, but rather an 'artificial' cost imposed on the electricity market. In August 2002, the head of EPDK sent an official letter to the Office of Prime Ministry stating that the TRT subsidiary provided from the electricity market should be terminated since such an add-on cost in the electricity market could not be accepted in the scope of new regulatory regime of the electricity market (*Hürriyet*, 29 August 2002). The TOBB publicly announced its full support to the EPDK (*Hürriyet*, 30 August 2002).

As might be expected, the then DG Yücel Yener outraged about the pressures on the government to cut off the TRT's main source of revenue. From 1999 to 2001 the TRT's revenues from the electricity share amounted to US$452,438,417 which hardly covered the personnel costs of the same period. In this respect any loss in the TRT's revenues would be a disaster for the corporation. As a response to the amounting pressures of the EPDK, the Yener Administartion also started lobbying in political circles. Yener was succeeful in blocking the EPDK, but the battle between the two organisations continued.

In the aftermath of the November 2002 elections, the Yener administartion was not able to get support from the AKP government as much as it did from the former DSP-MHP-ANAP coalition government. Just two weeks after the AKP's elections victory, the party leader Necmettin Erdoğan announced the AKP's 'urgent action plan'. According to this plan, the AKP would withdraw the TRT's electricity revenue share within the first three months in office (*BELGEnet*, 16 November 2002). In January 2003, the AKP government did not

withdraw the TRT's share completely, but reduced it to 2.0 per cent from 3.5.[203] This reduction meant an approxiamety US$147,410,277 annual loss in the TRT's revenues. In response, the then DG Yücel Yener announced that this cut would inevitably result with reducing the TRT's investments as well as programming expenses (*Hürriyet*, 20 February 2003). A month after the AKP's decision, Yener resigned from his post. He did not deliver any statement relating his decision to resign to the AKP's attitude towards the TRT, but where the Yener administration's ambitious and costly plan to restructure the TRT was concerned, reducing the TRT's revenues could well meant a rejection of the Yener administration. After that point, Yener's position as a DG was no more tenable.

The fiscal dynamics of the TR completely went off balance following the cut in the TRT's main source of revenue. The overspending of Yener's successor, Demiröz, made the picture worse. In his first year in office, Demiröz spent almost US$12 million just for the acquisition of 970 movies, of which 712 were of foreign origin. As of May 2004, the crisis reached a point where Demiröz declared at a parliamentary committee briefing that even the distribution of June personnel salaries was in danger. When Demiröz asked for early retirement in August 2005, the TRT was at its lowest ebb in its history, both in organisational and financial terms. Considering how much the AKP government persisted to appoint Demiröz to the DG post of the TRT, this was also a failure of the AKP as well.

6.3.4 EU Conditionality and the TRT: Broadcasts in Languages other than Turkish

All the issues on the management and the financing of the TRT explored above took place at a time when the main agenda in Turkish politics was Turkey's EU bid. As thoroughly assessed in the previous chapter, the adoption of the constitutional amendments in October 2001 was the beginning of a three years long political confrontation on the details of how to fulfil EU conditionality. Together with abolishing the death penalty, lifting all the restrictions on the expression of linguistic and cultural identities were the key conditions articulated by the EU for the launch of accession talks with Turkey. Therefore, from October 2001 onwards, the TRT was part of the policy process regarding the change of the language policy of broadcasts in Turkey.

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[203] Decision on Readjusting the Turkish Radio Television Corporation's Share of Electricty Energy Sale Revenues, Decision No: 2003/5201 (22 January 2002), *Official Gazette* No. 25029, 23 February 2002, Ankara.

As discussed earlier, one of the first disputes on the issue within the DSP-ANAP-MHP coalition government in the aftermath of the constitutional amendments was on whether both commercial broadcasters and the TRT or only the TRT should carry out these broadcasts. Although the DSP and ANAP were positive about either of the options, the MHP was against the TRT's involvement in these broadcasts. For the MHP, the TRT should emphasise unity rather than diversity and should continue to broadcast in Turkish. The MHP's view on the issue changed only after the army's position became clear. The army pressured the government to make only the TRT responsible of broadcasts in languages other than Turkish so that the army's concerns on issues of 'national security' could be reassured. On the other hand, when the AKP came into power, there were still doubts even within the government itself on who should carry out these broadcasts. Different ministers of the same AKP government kept delivering conflicting statements in the course of mid-2003.

In this respect, the TRT was actually pulled into this process without any debate on its status as a public broadcaster. On the contrary, the ways in which the political establishment considered the TRT's role in this process perfectly revealed how much the TRT was seen as a 'state broadcaster' that was obliged to follow the view of the establishment. However, the way the TRT responded to the debate on EU conditionality on cultural rights was more problematic. The reason why political circles wanted the TRT to carry out these broadcasts was not because they believed that catering for minority rights should be the TRT's responsibility as a public broadcaster, but because the TRT's involvement in the process was considered as the 'safest' way to deal with EU conditionality. Yet the reason why the Yener administration that was in office at the time dragged its foot was more complicated.

a) The Dispute Between the TRT and RTÜK

As thoroughly analysed in the previous chapter, until the end of 2002, there was still confusion on whether private broadcasters, the TRT or both should/could carry out broadcasts in languages other than Turkish, specifically Kurdish. At the very beginning, the DSP-MHP-ANAP coalition government agreed that private broadcasters can broadcast in Kurdish as the coalition partner MHP strictly opposed the TRT's involvement in this process. However, the TRT option became more viable after a couple of MGK meetings in which the top-ranking generals of the army 'emphasised' their concerns on issues of 'national security'. As of September 2002, the ministers of the then government started delivering statements about the

Yener administration's eagerness to involve the TRT in the process (M. Yetkin, *Radikal*, 5 September 2002). The first directive prepared by the RTÜK was announced in December 2002 and according to this directive TRT would be the only broadcaster carrying out these broadcasts.[204] The directive stipulated that these broadcasts in other languages than Turkish would be limited to plus five minutes a day and four hours a week for radio and thirty minutes a day and two hours a week for television. The then head of the RTÜK Board, Fatih Karaca, introduced the directive by stating that they actually had a year to prepare the directive but they prepared it early so that "the relations with the EU could be improved" (*Radikal*, 21 November 2002).

A very severe crisis emerged in June 2003 when it became clear that the TRT appealed to the Council of State for the annulment of the directive adopted by the RTÜK in December 2002. The story came out four months after the TRT's appeal in February 2003 and the RTÜK claimed that it had no idea about this case. It was argued that the Yener administration mislead the RTÜK as well as all the political circles by acting as if the TRT was ready and eager to carry out these broadcasts. However, in the court application statement, the then DG Yücel Yener asserted that the directive was unconstitutional since this assignment was imposed on the 'autonomous' TRT through the directive drafted by the RTÜK rather than through amending the TRT Law adopted by Parliament. It was asserted that RTÜK had legal right neither to impose any obligation on the TRT nor to monitor its activities in anyway since the TRT's competence could only derive from its own binding Law (*Radikal*, 16 June 2003). The situation was very complicated since Yener was no longer in office as the DG of the TRT and therefore the RTÜK had no person to address to. However, the former DG Yener unofficially responded to the RTÜK's outraged comments and accused the regulator for not telling the truth. Yener stated that both RTÜK and the government were informed about this case, but his claims were denied by both the head of the RTÜK and the State Minister in charge of media (*Radikal*, 16 June 2003).

In July 2003, The Council of State ruled in favour of the TRT and annulled the directive drafted by the RTÜK. Therefore, the RTÜK had to prepare a new legislation. The conflict between the TRT and the RTÜK confused the AKP government that was in office for less than a year. According to the sixth reform package adopted the same month, the Broadcasting Law amended once again to allow both the public broadcaster and the private broadcasters

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[204] Directive on the Language of Radio and Television Broadcasts, *Official Gazette* No. 24967, 18 December 2002, Ankara.

broadcast in languages other than Turkish as this was the only way to speed up the process in order to progress in the EU agenda.[205] The new directive was ready by November 2003 and this time the directive stipulated that both the public broadcaster as well as the private broadcasters would be able to broadcast in languages other than Turkish in the framework of the new legislation. However, this time it was the government that was not pleased with the directive as it was very 'limiting' (*Radikal*, 12 December 2003). The second directive was finally adopted by the end of January 2004 after a minor revision.[206]

The dispute between the TRT and the RTÜK was a serious blow to the AKP government. If the TRT had taken the responsibility, the controversy over EU conditionality would be resolved. There was still no application made to the RTÜK after two months following the publication of the new directive. Eventually, the prevailing view in political circles as well as in the Security Council (MGK) was to persist on the TRT option (*Radikal*, 28 March 2004). In the meantime, the head of the Caucasians Society applied to the TRT once again to demand broadcasts in their language. The then Şenol Demiröz welcomed the application, but stated that unless the TRT Law was amended, no broadcasts in any other language could be made (*Radikal*, 1 April 2004).

As of May 2005, Fatih Karaca, the then head of the RTÜK Board, pressured the Demiröz administration to start broadcasting according to the final directive and insisted that no amendment to the TRT Law was required to broadcast in languages other than Turkish (*NTV*, 24 May 2004). By the end of May, the TRT Executive Board finally approved the decision to start these broadcasts. The then DG Şenol Demiröz confirmed the decision and stated that the TRT's "full commitment to the nation state is not an obstacle of the pluralist democracy" (*Showtvnet*, 27 May 2004). After this, the only unclear issue left was which languages will be chosen apart from Kurdish. In a week, Demiröz announced that broadcasts were to begin in a few days and they would be in Bosnian, Arabic, Caucasian and the two dialects of Kurdish: Zaza and Kirmançi (*Ntvmsnbc*, 4 June 2006).

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[205] Law No. 4928, Law on Amending Various Laws, *Official Gazette* No. 25173, 19 July 2003, Ankara.

b) The End of the Process: Reactions to the First Broadcasts

As might be expected, the announcement of the TRT's decision hit the headlines the next day. The columnists of the major dailies commented on the developments until the end of the first week of these broadcasts. These editorials were full of mixed feelings on the issue, but the criticism of the TRT for dragging its foot to start these broadcasts for the last two years and danger Turkey's EU membership prospect was apparent. For instance, Oktay Ekşi, the leading columnist of *Hürriyet* called the TRT as the "national corporation of obstruction" and ridiculed the TRT for its earlier emphasis on autonomy to oppose carrying out these broadcasts (O. Ekşi, *Hürriyet*, 28 May 2004). In a similar vein, Murat Yetkin from *Radikal* commented that "one of the major EU reforms could have not been realised if the head of the RTÜK did not put his finger into the bee hive" and concluded that the timing of these broadcasts would be crucial for gaining an advantage in the EU process (M. Yetkin, *Radikal*, 6 June 2004). However, there were still some other columnists who argued that the TRT should not be made responsible of doing these broadcasts as a 'state broadcaster' (C. Ülsever, *Hürriyet*, 7 June 2004).

After years of dispute, the first broadcasts were finally aired on 7 June 2004 in Bosnian and followed by Arabic. Very surprisingly, the Bosnian minority in Turkey reacted against the broadcasts. Various representatives of Bosnian NGOs in Turkey delivered statements about how much they were disappointed to be regarded as a 'minority' in Turkey (*Milliyet*, 8 June 2004). For the broadcasts in Arabic, the viewers were pleased in general but they criticised the broadcast for not reflecting the daily Arabic they use (*Zaman*, 9 June 2004). The other disappointed community was the Laz people of the Black Sea region, but for a different reason. In contrast to the Bosnian community, the Lazs were disappointed for being excluded from these broadcasts (*Radikal*, 8 June 2004).

However, considering that this whole process was actually done for allowing broadcasts in Kurdish, the reactions to the last two broadcasts were the most important. Not coincidentally, on the same day of first broadcasts in Kurdish the three former MPs of Kurdish origin were also released from jail. In doing so, the government sought after giving a different message to the EU beyond the scope of broadcasts in languages other than Turkish. On the day of the broadcast, other television channels broadcast clips from the south eastern Turkey showing

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[206] Directive on Radio and Television Broadcasts to be Made in Different Languages and Dialects Traditionally

people dancing on the streets, watching the broadcasts in groups in public places. In general, the Kurdish community regarded this as an important step, but they also emphasised that more could be done (*Radikal*, 10 June 2004).

The reactions in the political circles also varied, but in general there was not too much support despite the repeated importance of these broadcasts in regard to the EU agenda. The MHP leader Devlet Bahçeli who was the partner to the former coalition government repeated his well-known political line that the TRT's involvement in this process was a mistake. The ANAP that was no longer led by Mesut Yılmaz, who was a great advocate of these broadcasts, was now very critical about these broadcasts. Its new leader Nesrin Nas stated that she regarded these broadcasts as a lip-service to the EU. The DYP leader Mehmet Ağar stated that they would welcome these broadcast as long as the 'unitarian' core of the state was preserved. And finally, the leader of the CHP in opposition in Parliament, Deniz Baykal, announced that his party did not approve the state's involvement in these broadcast and they regarded these broadcasts as the 'show' of the AKP. The Minister of Interior of the AKP government, Abdullah Gül, responded these comments with these words: "They are jealous".[207]

The start of broadcast in languages other than Turkish was a great leap forwards in EU-Turkey relations. The process that began in May 2001 with the adoption of the constitutional amendments concluded more than three years later with the start of the TRT broadcasts in five other languages/dialects in June 2004. Together with other EU harmonisation packages adopted by Parliament in between these dates, Turkey was now at the stage of demanding the 'carrot' of the EU. In the 2004 Progress Report on Turkey announced in October 2004 the significance of the progress was reported, but the Commission also noted that "[t]he measures adopted in the area of cultural rights represent only a starting point as considerable restrictions remain" (European Commission, 2004: 175). Despite the emphasis on limitations of the legislation in different areas in Turkey, including cultural rights, the European Council in December 2004 decided to launch accession talks with Turkey on 3 October 2005. Turkey was finally successful in clinching a date from the EU and its EU prospect was very clear for the very first time after five decades.

Used by Turkish Citizens in their Daily Lives, *Official Gazette* No. 25357, 25 January 2004, Ankara.
[207] For all these comments see, *Radikal*, 9 June 2004; *Radikal*, 10 June 2004; *Milliyet*, 10 June 2004; *Zaman*, 10 June 2004.

The TRT broadcasts in other languages and dialects were significant in stepping a huge stone in the name of the EU, but they soon became the centre of criticism as they were very limited both in terms of content and duration. According to the RTÜK's directive, the duration of the broadcasts was limited to forty-five minutes daily and a total of four hours a week for television and an hour a day and five hours a week for radio. In its TV broadcasts the TRT used the same programme content with different voice-overs and only changed the music clips. Even the same news stories were covered in all the broadcasts without any emphasis on the region or the community it addressed. The TRT kept giving the image that the only reason it carried out these broadcast was just because it was asked to do so. As of 2006, there was no improvement in the TRT's broadcasts. Additionally, the battle was now between the regional/local broadcasters in south eastern Turkey and the RTÜK on expanding these broadcasts to local communities.

6.4 Conclusion

This chapter has started looking into the dynamics of PSB in Turkey by first offering a discussion on the conditions of public broadcasting in Europe. Accordingly, the key question of what constitutes 'public service' in the context of broadcasting continues to be one of the most controversial debates in Europe. For almost three decades, this question dominates the regulatory agenda of broadcasting. As it has been suggested, the ever-ending quest for a definition of PSB intensifies under circumstances where the financial arrangements of public broadcasting are under scrutiny. In this respect, the ways in which various institutions of the EU involved in this debate have been very significant.

As this chapter has revealed, this contextual background on PSB in Europe is directly relevant where Turkey's experiences of transition to a dual system of public and private broadcasting in Turkey in the course of 1990s are concerned. In this respect, the processes took place in West Europe in the 1980s also reverberated in Turkey, but the transition took place some years later. Any discussion on the current conditions of PSB in Turkey in the context of Turkey's EU membership prospect should acknowledge this connection as this is one of the most significant difference that Turkey holds when compared to the experiences of the EU with former candidates during the pre-accession process.

The features of the TRT, in fact, resemble the case of France to a great extent. The experiences of the French Radio and Television (RTF) after 1959, despite being granted an institutional and financial autonomy corresponds to those of the TRT throughout its history. As Şahin (1981) puts is, in the case of the TRT, although the legal basis of its political autonomy is very well-built, the problems of the TRT in exercising this autonomy can only be understood in relation to the "socio-political environment and traditions" it is situated in. Some of the key characteristics of these are highlighted in this chapter.

As this chapter has revealed, PSB in Turkey is in a severe crisis. The crisis of the TRT has three dimensions, two of which are directly related to its lack of autonomy. Firstly, the Corporation hugely suffers from lacking effective administration and leadership. Since it is a highly politicised post due to the stringent political pressures of the ruling governments, the Director Generals appointed to the post cannot keep it long. Within the time span covered in this study, the case of the TRT under Yener administration was an exception. Yücel Yener was the only DG appointed the second time, but he also chose to resign just a few months following the change in the government after the November 2002 elections. His successor Şenol Demiröz, who was appointed by the AKP Cabinet despite being vetoed by the President four times, also did not complete his second year in office due to circumstances highlighted in this chapter. Following his retirement, no new DG could still be appointed due to the objections of the President to the nomination processes. President Necdet Sezer, who is known to be opponent of the names supported by the AKP to the key administrative posts in Turkey, kept blocking the process.

The second dimension of the crisis of the TRT is related to its lack of financial autonomy. Following the introduction of a dual system for broadcasting in Turkey in the early 1990s, the TRT increasingly became dependant on its revenues from the tax levied on electricity bills and the sales of radio and television sets in Turkey. The reduction of the TRT's share of electricity revenues to 2.0 per cent from 3.5 per cent in February 2003 by the AKP government gave great damage to the fiscal dynamics of the Corporation. Where the debates on the state subsidiaries to public broadcasters in Europe are considered, what makes the Turkish case very interesting is the difference of the market actors involved in the debates. In Europe it was originally the commercial media that disputed the financial privileges that public broadcasters had for being subsidised by the state; however, in Turkey, it was the electricity suppliers that pressured the government for the abrogation of the tax levied on them. So far, none of the

media groups in Turkey has lobbied against the dual funding that the TRT receives. Considering the TRT's share in the advertising market revenues, it can be argued that media groups do not even consider the TRT as a serious contender in the broadcasting market.

The third and the final dimension of the TRT's crisis is maybe the most problematic one. Under its current conditions, the TRT is far from performing any organisational and social functions associated with public broadcasting in Europe. If we asses the TRT's performance according to the criteria offered by Blumler (1992) to characterise PSB in Europe, the picture we get is very dim. In this respect, as analysed in this chapter, the way the TRT responded to EU conditionality on cultural rights during the implementation phase is a clear rejection of fulfilling one a major role of any public broadcaster: commitment to a multicultural understanding of society by catering for minorities. Ironically, the Yener administration justified its disinclination to broadcast in any language other than Turkish on the basis of the TRT's 'autonomy' laid in the constitution. If this is the way that autonomy is interpreted at the top level of the TRT, then the question is whether anything is left of the understanding of broadcasting as a societal good in the Turkish context? The TRT as it is now is far from being accountable to its public. However, the process behind the implementation of EU conditionality has also revealed that the TRT was successful in challenging the 'authority' despite stringent political pressures, only for wrong reasons.

In April 2007, the AKP government announced an 'EU road map' covering all the policy objectives of the AKP to be realised until 2013. According to this map, the TRT will be restructured in the next two years. Clearly, the implementation of this road map depends on whether the AKP will still be in the government or not. However, there seems to be no other way to make a public broadcaster out of the TRT unless an EU tie attached to the project.

Chapter 7:

CONCLUSIONS

When Turkey was granted candidacy status at the European Council Helsinki Summit in 1999, it was very difficult to envisage the scale and the scope of the EU impact that would soon follow. Where Turkey's almost half a century long association with Europe is concerned, the conclusion of the Helsinki Summit signified a new direction in Turkey-EU relations rather than a neutral beginning. Following the confirmation of its candidacy, Turkey initiated a massive reform process, which even shattered the then tripartite coalition in 2002. The AKP government that came to power after the November 2002 election carried on with the EU reform process and in two years it was successful in clinching a date from the EU to open accession negotiations. This study looked into the EU impact on domestic politics in Turkey by particularly focusing on issues of broadcasting policy that emerged during the period from 1999 to 2005.

As stated at the beginning, this study had two interrelated objectives. Firstly, it aimed to analyse the complexity of Turkey-EU relations by situating itself within research on Europeanisation, which offers different ways to understand how Europe matters in national contexts. Second, it aimed at exploring what 'change' as an outcome of the EU impact actually means in Turkey. In December 2004, when the European Council announced its decision to open accession talks with Turkey in a year's time, it expressed its appreciation of the "decisive progress made by Turkey in its far-reaching reform process" and concluded that Turkey "sufficiently" met the demands of the Copenhagen criteria (EU Council, 2004). However, when we consider the EU impact on broadcasting policy in Turkey in the context of the policy issues analysed in this study, we can hardly identify "decisive progress" in the area of broadcasting. The issue at stake here is what do we conclude from the contradiction between what the EU said has been achieved and what had actually been achieved. Therefore, there are two sets of overarching questions that need to be linked to the final conclusions of the analysis presented in this study. Firstly, what does the EU influence on broadcasting policy-making in Turkey tell us about the dynamics of Europeanisation in Turkey? In other words, what can we say about how Europe matters to Turkey in the light of the broadcasting policy

issues analysed here? And secondly, what does the EU impact on the issues broadcasting tell us about the future development of policy in Turkey?

The Impact of Democratic Conditionality

The key factor that underpinned Turkey-EU relations on the issues of broadcasting was 'conditionality'. However, as this study revealed, Turkey's responses to EU conditionality was not unified across different issues of broadcasting policy. Its response to 'democratic conditionality' was directly influenced by prevailing ideas about 'the credibility of the EU' as well as calculations of the 'costs of compliance'. By allowing broadcasts in languages other than Turkish, Turkey 'accommodated' the EU conditionality in its domestic political context, but a 'paradigmatic change' was not possible. The analysis of the policy process behind the change in the language of broadcast media revealed that the legacies of the past prejudiced the ways in which policy actors calculated the costs of fulfilling democratic conditionality on minority rights. This affected the policy outcome as well as the implementation of broadcasting in languages other than Turkish. Following Schimmelfening and Sedelmier (2004), we see that the EU democratic conditionality upset the 'domestic equilibrium' in which only non-Muslims were officially recognised as minorities in Turkey and 'ethnic homogeneity' was regarded as a core element of 'Turkishness'. The dynamics between various actor constellations presented in this study demonstrated that anything more than what Radaelli (2003: 37) identified as "absorption", which "indicates change as adaptation", was actually not possible on the issues of minority rights in regard to broadcasting.

According to the mechanisms of change discussed in this study, from a rationalist instititionalist perspective, change is seen as the outcome of the actions of the political actors who use EU driven process of change as a new opportunity structure to justify/pursue their own interests. These actors, who are assumed to follow a 'logic of consequentialism' (March and Olsen, 1998), will be successful in altering the way things are only if they can overcome the 'veto points' that oppose change and if they have the support of 'formal institutions' (Börzel and Risse, 2000). From 1999 to 2002, within the tripartite coalition government, it was mainly ANAP and to a lesser degree the DSP which were ready to bear the costs of EU democratic conditionality, but the veto points in the country were much more influential in steering the policy agenda. As the analysis of the case revealed, the two strongest veto points throughout were: the nationalist MHP and the army. Considering that the first was in the

coalition government at that time and the latter was regarded as one of the most trusted institutions in the country, it becomes very clear why the position occupied by the veto points within the political system should be seen as crucial in assessing their impact on the process and its outcome. This is exactly where issues of power and change are linked to one another. The literature on Europeanisation suggests that in domestic political contexts where power is diffused among different political actors, domestic consensus on how to handle the EU impact is very difficult to achieve (Börzel and Risse, 2004). As the case revealed, among different actors involved in the debate it was clearly the army that asserted its power more forcefully than others. The analysis of the case uncovered why, how and at which stages the army got involved in the process. For anyone who is familiar with politics in Turkey, the army's interference in the process would not be surprising; however, the analysis of the process on allowing broadcasting in languages other than Turkish provided an additional perspective on the debate by revealing how other policy actors fine-tuned their perspectives on the issue by avoiding any conflict with the demands of the army. In relation to this, RTÜK's approach to the issue and its involvement in the process explained a lot about its own policy competence and its lack of independence.

At this point, it is also important to reflect on the second condition for change as suggested by rationalist intuitionalist perspective: the support of formal institutions. EU conditionality on broadcasting in languages other than Turkish could have been handled differently, if two core institutions related to broadcasting in Turkey contributed to the process positively: RTÜK as the regulator and the TRT as the public broadcaster. Neither of the two actively supported a change in the language policy of broadcast media. Their interactions with political actors throughout the process and their contributions to the debate were shaped according to their own calculations of the cost of compliance with EU conditionality. They both acted with the motive to minimise this cost for themselves. As the analysis of the case demonstrated, although the regulator RTÜK could have decided on the regulations concerning the implementation of policy by itself, it left all the issues to be concluded by political actors and by no means acted as a 'policy entrepreneur'. The public broadcaster TRT even used its 'autonomy' as the justification of its refusal to get involved. The analysis exhibited what motivated their behaviour and also how they calculated the costs of complying with the EU conditionality in their own institutional settings. Their behaviour confirmed some of the key postulations of sociological institutionalism. According to which actors follow a 'logic of appropriateness' (March and Olsen, 1998) by incorporating what is proper and acceptable in

their interactions with others. Therefore, as Börzel and Risse (2000) suggest, these actors will respond positively to change, if they are persuaded by 'change agents' or 'norm entrepreneurs' and if they know that the costs of change will be shared by other actors involved in the process. However, throughout the process there was neither any efficient political leadership that would pursue RTÜK and the TRT to respond to change differently, nor a cost-sharing political culture. On the contrary, the conflict between different political actors was so severe that both the regulator and the public broadcaster chose to react on a defensive basis rather than becoming norm agents.

The process behind different policy issues analysed in this study demonstrated how political actors in Turkey were in continuous conflict with each other throughout on how to handle EU driven political agenda. The 'democratic accountability' crisis in Turkey once again unfolded in the context of relations with the EU and the interactions of the domestic political actors were guided by mistrust rather than cooperation. This in turn directly affected the attitudes towards the EU in general and democratic conditionality in particular. Additionally, Grabbe's (2004) emphasis on the negative impact of uncertainty built into the EU process also resonated in Turkey. This uncertainty and the inconsistencies of the EU in its approach to Turkey inevitably increased the tension between different political actors and societal groups. The EU's approach to the Kurdish issue in Turkey validated the remark made by Ozalins (2003) on how promoting linguistic rights might not necessarily be the right way of conflict prevention in a targeted domestic context. Due to the conditionality factor attached to the opening of accession talks, Turkey had to change its policy on linguistic rights in the context of broadcasting, but since the core of the issue was very complex, conditionality did not prove to be as effective as intended. On the contrary, the EU's credibility declined sharply and nationalist reactions against the EU heightened. This outcome was in line with Schimmelfening and Sedelmier's (2004) observation on the ineffectiveness of a 'rationalist model of conditionality' where bargaining between the EU and the targeted country is assumed to motivate the candidate to comply with the EU standards. In this respect, although a social learning based model of conditionality suggested by the authors has the potential to be more effective in Turkey in the long term, factors required for a successful norm adaptation do not exist in Turkey. To put it differently, EU rules are not seen as legitimate in Turkey; there is a lack of identification with the EU community in general and finally the conflict between the domestic and the European norms is very complex. What was missing in the discussions on minority rights and broadcasting in Turkey in the context of EU conditionality

was a perspective on two core issues: 'diversity' and 'pluralism'. All in all, minority language media are about communities and what kind of a cultural space they should occupy in a particular broadcasting ecology. Therefore, the quality of policy in this area very much depends on what extent issues on diversity and pluralism can be articulated during the policy process. However, where Turkey is concerned, these issues have never gained any significance in discussions on broadcasting anyway. Turkey might have handled EU conditionality on minority language media differently, if a new paradigm of cultural politics with a different terminology could be introduced. Neither the broadcasters (including the public broadcaster TRT) nor the regulator for broadcasting had the capacity to have such an influence on the process.

Turkey's response to EU democratic conditionality on minority rights in the context of broadcasting also unveiled a great power struggle between governments and the political elite in Turkey on how to conduct the EU driven policy agenda. The complexity of the interaction between different actor constellations in Turkey intensified particularly after the 2002 general election. The evidence in the former candidate countries of Central and East Europe suggests that, the EU dealt either with pro-reform governments (as in Hungary and Czech Republic) supported by pro-EU elites or with Eurosceptic governments (as in Romania and Slovakia) that are eventually replaced with pro-reform ones. However, since the 2002 general election, political volatility in Turkey unfolded at different levels. The AKP has proved itself to be a pro-EU government, but it was not successful in having the elite support due to its Islamist roots. Therefore, the democratisation debate in Turkey today overlaps with a battle over the centre of politics. In this respect, EU process is no longer about whether Turkey will carry on with its democratisation agenda or not, but it is mainly about what kind of a government will occupy the centre to carry on with the EU agenda. It is evident that both the nationalist right and left wings and the army want to evacuate the AKP from the centre, but the upcoming July 2007 election will clarify the picture and it will be the public concluding on the future of the centre. At this stage, it is not possible to predict whether there will be a change in the ways in which issues related to cultural as well as minority rights and broadcasting in the context of EU related reforms are articulated.

The Impact of Acquis Conditionality

As this study demonstrated, acquis conditionality had a different impact on broadcasting in Turkey when compared to democratic conditionality. The most significant difference was that the EU associated granting broadcasting rights in languages other than Turkish with the Copenhagen criteria and presented it as a prerequisite of starting accession talks. On the other hand, where the scope of acquis conditionality on broadcasting in Turkey is concerned, the significance of direct EU impact has been limited since the 'misfits' in broadcasting regulation in Turkey have not been linked to accession talks yet. Although this might sound like a technical detail, it is significant in assessing the dynamics of broadcasting policy-making within the time span covered in this study. What we have on the table for now is a range of 'major' discrepancies identified by the European Commission, which are mainly in the areas of: i) definitions; ii) jurisdiction; iii) freedom of reception; iv) alignment with the Television Without Frontiers Directive; v) independence of the regulatory authority; vi) limits on foreign capital, and finally vii) the independence of the public broadcaster. It seems that the scope of the EU influence on the regulation of broadcasting in Turkey will eventually increase.

This is very important because it draws our attention to one of the major caveats about looking into the EU impact on a particular domestic context: "how to distinguish between Europeanization and endogenous processes, as well as with other exogenous pressures" (Grabbe, 2003: 311). The policy process behind the amendments to the Broadcasting Law first adopted in May 2001 and readopted a year later due to the President's veto was significant since it revealed what happened in Turkey when endogenous and EU driven processes coincided. The amendments package was the outcome of the pressures of media proprietors in Turkey, particularly of the biggest tycoon Aydın Doğan, who have long been lobbying in political circles for the liberalisation of ownership regulations. This package was rebuffed by the then opposition parties in 1998 and it was the ANAP within the tripartite coalition government that brought it back to the parliamentary agenda in May 2001. In this respect, the beginning of the process was not linked to the EU agenda, but the amendments to the articles related to broadcasting standards; the composition and jurisdiction of the regulator; freedom of reception, and broadcast advertising inevitably linked the process to the EU agenda since these were the problematic areas identified by the European Commission.

The analysis of the process demonstrated that the outcome of the collision of endogenous processes with the EU imperatives results in regulatory chaos in Turkey. Firstly, some provisions of the Broadcasting Law (e.g., the composition of the governing board of the regulator) became less European than they were after they were amended. This change in negative direction, which is referred to as "retrenchment" by Radaelli (2004: 38) was an interesting outcome of the process. Secondly, the analysis also showed that the capacity of actors to make use of the EU to promote specific regulatory change depends on their expertise on that particular policy area. Paradoxically, although the hidden agenda behind the package was deregulatory and served the interests of the powerful media proprietors, the proposed change in the regulation of media ownership was actually the most suitable for anchoring an EU tie. The issue at stake here is not whether anchoring an EU tie is a sufficient condition for domestic change in a targeted policy area; it is clear that it is not. The real issue is about which policy issues are suitable for reframing in relation to the EU. Despite its problems, the proposal to replace traditional share-based approach in ownership regulation with an audience-share model was actually relevant for an EU driven reframing of the ownership debate in Turkey because this model has long been an issue of debate in the EU. However, since the amendment to Article 29 that introduced this model was later annulled by the Constitutional Court, we will never know what the broader implications of this model might have been on broadcasting in Turkey. The paradox is that although the existing limitations on ownership and the financial operations of the media proprietors are preserved, these limitations are still not applied; media proprietors continue to veil their real shares under nominal ownership and the media tycoon Aydin Dogan bids in state tenders. Moreover, Turkey now has foreign investors who penetrated the broadcasting market through nominal ownership.

In relation to this final remark, among the policy processes analysed in this study, the case in which the EU tie proved to be ineffective in changing a particular area of broadcasting policy was the AKP government's attempt to open the broadcasting market to foreign ownership. When compared to the policy process behind the amendments to the Broadcasting Law during the former tripartite coalition, the AKP government was clearly more successful in attaching the EU tie to its policy agenda. The time and the scope of the proposed policy change were both relevant to the EU debate. However, the AKP was not successful in removing the restrictions on foreign ownership in the broadcasting market in Turkey; its deregulatory and liberal agenda was rejected by the President and the CHP, the opposition

party. This outcome of the process is exactly where we need to link the conclusions of the analysis presented in this study to the broader questions on the impact of exogenous factors in Turkey that overlap with the EU driven process.

The key exogenous factor that needs further consideration is clearly the driving force of globalisation. However, where Turkey is concerned, identifying the exact causal mechanism between the external forces of globalisation and the domestic policy responses in broadcasting is very difficult. Turkey's interaction with the EU makes the picture more complex, because as this study revealed, ideas about Europeanisation and globalisation overlap in the presentation of broadcasting policy issues in Turkey. This is the point where we need to understand how the link between the increasing globalisation pressures and international regulatory competition operates in the Turkish context. This is particularly important because what we conclude from the AKP government's policy initiative to open the broadcasting market to foreign investment under the EU conditionality cover is directly related to the conflict views in Turkey on how to handle globalisation driven pressures of deregulatory competition in Turkey. It is evident that Turkey's EU accession prospect increased the exposure of broadcasting sector to global media players such as Rupert Murdoch and CanWest, but the accession process itself was effectively irrelevant because deregulatory pressures would have operated in the same way had there never been an EU accession factor. In this respect, although the AKP government advocated an opportunist policy response to the these pressures by attempting to open the Turkish broadcasting market to foreign ownership, attaching an EU tie to its policy agenda did not provide it a sufficient bargaining power to convince its opponents who wanted to keep broadcasting sheltered from international competition. However, where Turkey's EU accession prospect is considered, this is a very problematic outcome because it suggests that Turkey has not been able to develop a robust understanding of the European Single Market. If accession talks continue, Turkey will have to open its markets, including the broadcasting market, to European players. Therefore, it is very important to reflect on whether Turkey sees the EU as an agent of globalisation that it wants to resist or a kind of a safeguard that will be essential in developing its individual response to globalisation jointly with other European states. Such a self-reflexive debate has not occurred in Turkey. The main reason for this lack of debate is simply because pooling sovereignty is predominantly seen as surrendering it by policy-makers. These contradictions result in a catch-22 situation in Turkey which was very evident in the context of the process analysed in this study.

To conclude, the EU did not have any transformative impact on broadcasting policy-making in Turkey. The dominant approach to broadcasting policy is still characterised by a very politicised and conflictual policy-making style which reduces policy-making to a bargaining process. However, where the complexity of the accession politics is concerned, EU pre-accession process necessitates the establishment of a problem-solving approach to politics where actors agree to share the costs of Europeanisation. The fragmented multiactor policy system in Turkey makes it very difficult to establish a consensual decision-making where existing policy issues can be reframed in the context of the interaction with the EU. Nevertheless, this is a very dynamic interaction and this research is limited to what it revealed about the early stages of pre-accession politics between Turkey and the EU on the issues of broadcasting policy-making. Although it was a deliberate choice to grasp this interaction in its complexity without reducing it to a testing of hypothesis, future research should look further into the dynamics of causality within this interaction by employing a more through approach of 'process tracking'. Additionally, the conclusions of this research need to be reassessed in comparison with other research projects that deal with similar questions by looking at different areas of public policy. This is very important to reach a more reliable analytical account of the dynamics of Europeanisation in Turkey.

However, the bottom line is that research in this area is immensely important as long as there is a process to look at in Turkey. The outcome of the July 2007 elections will be crucial in the shaping of the future debate. The political turmoil that the country is in at the moment makes is very difficult to conclude whether Turkey will pursue its EU membership aspiration or depart from the accession process. There is one thing for sure; the longer Turkey stays in this inward-looking and self-absorbed political mood, the further it will get from realising its EU membership aspiration. This does not mean that EU membership is a *deus ex machina* that will resolve all the issues in Turkey, but my personal view is that the pre-accession process is definitely worthy of living no matter how it concludes.

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APPENDIX I

**Law on the Establishment of Radio and Television Enterprises and Their Broadcasts
Law No. 3984 of 20 April 1994 as Amended by the Law No. 4756 on 21 May 2002***

KEY ARTICLES

Broadcasting Standards
Article 4.

Radio, television and data broadcasts shall be conducted within a spirit of public service, in compliance with the supremacy of the law, the general principles of the Constitution, fundamental rights and freedom, national security and general moral values. The broadcasts shall be in Turkish language. However, it may also be broadcast for the purpose of teaching foreign languages, which may have contribution to the formation of universal culture and scientific works or transmitting music or news in those languages.

Furthermore, there may be broadcasts in the different languages and dialects used traditionally by Turkish citizens in their daily lives. Such broadcasts shall not contradict the fundamental principles of the Turkish Republic enshrined in the Constitution and the indivisible integrity of the state with its territory and nation. The principles and procedures for these broadcasts and the supervision of these broadcasts shall be determined through a regulation to be issued by the Supreme Board.

The broadcasting standards in radio, television and data broadcasts are as follows:

a) Broadcasts shall not violate the existence and independence of the Turkish Republic, the territorial and national integrity of the State, the reforms and principles of Atatürk.

b) Broadcasts shall not instigate the community to violence, terror, ethnical discrimination or shall not incite hate and hostility by making discrimination in the community in terms of the diversities of the social class, race, language, religion, sect and territory or shall not give rise to feelings of hatred in the community.

c) Broadcasting shall not be exercised in a manner that serves to the unfair interests of broadcasting enterprises, shareholders and their relatives by blood or by marriage, up to and including those of third degree or of any other real or legal persons.

d) Broadcasts shall not, in any manner, humiliate or insult people for their language, race, color, sex, political opinion, philosophical belief, religion, sect, and any such considerations.

e) Broadcasts shall not violate the national and moral values of the community and Turkish family structure.

f) The privacy of private life shall be respected.

g) Broadcasts shall serve for the improvement of the general objectives and basic principles of the Turkish national education system and the national culture.

h) Broadcasts shall use the Turkish language in its spoken form without destroying its characteristics and rules; shall ensure its development in the form of a modern cultural, educational and scientific language as a basic element of national unity and integrity.

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* Official translation, provided by the Radio Television Supreme Council.

i) Broadcasts shall not offend the personality of individuals beyond the limits of criticism, shall respect the right of reply and rectification; the news, which the investigation of their accuracy is possible within the framework of code of conduct of media, shall not be broadcast without proper investigation or without being sure of their truthfulness; the given information, provided that it be kept confident, shall not be broadcast unless there is a serious necessity for public interest.

j) Broadcasts shall not serve to an unfair aim and interest and shall not lead to unfair competition, broadcasts qualified as proclamation and advertising shall be announced clearly without leading to any suspicion; a product promotion created by one agency with its own efforts shall not be broadcast by an other agency as if it belongs to itself; source of the news which are provided by agencies or another media source shall be indicated with particular importance,

k) Broadcasts shall not present or declare no one as guilty unless there is a court decision; any programme item that leads people to commit a crime or raise the feeling of fear shall not be broadcast.

l) Broadcasters shall respect the principles of impartiality, conformity and reliability in news programmes; broadcasts shall not prevent free formation of opinions; the secrecy of the source of information shall be preserved unless there is an intention for misleading the public.

m) The advertisements which are deceptive, misleading or that would lead to unfair competition shall not be broadcast.

n) The equality of opportunity shall be established among the political parties and democratic groups; the broadcasts shall not be biased or partial; the broadcasts shall not be violate the principles on the election bans which are determined at election times.

o) Broadcasts shall not violate the rights of the right holders stipulated by law.

p) Broadcasts shall not resort to contests or similar methods via information communication telephone lines, and no prizes shall be awarded to listeners or viewers or no mediation is provided for awarding prize; lotteries shall not be made, questionnaire and opinion polls via telephone shall be realised before the notary from the preparatory stage to announcement of the results.

r) Broadcasts on subjects which includes information related or unrelated to the main programme, shall not be made via split-screen; continuous broadcasting by using frames or scrolling band technique shall not be done; scenes which are not related to the subject shall not be broadcast in news, scenes which show similarity with the content of the news should be identified as archive.

s) All the items of the program services shall respect to human dignity and fundamental human rights.

t) Broadcasts shall not be obscene.

u) Broadcasts shall not encourage violence and discrimination against women, weak and minors.

v) The broadcasts shall not encourage the use of violence or incite feelings of racial hatred,

y) Broadcasts shall not reflect the fearful and intimidate features of crime organizations.

z) Programmes, which could impair the physical, mental, and moral development of young people and children shall not be broadcast within the time intervals that they may be viewing.

Establishment
Article 5. The Radio and Television Supreme Council is established as an autonomous and impartial public legal person in order to regulate radio and television broadcasting services.

Election of Supreme Council and Term of Office
Article 6.
Supreme Council is composed of nine members of which;

a) Five members to be elected by Turkish Grand National Assembly upon nomination of political party groups determined according to the Turkish Grand National Assembly Presidency Council formulation quota, **(the enforcement of this sub-paragraph was suspended by the Constitutional Court on 12 June, 2002.)**

b) Two members to be elected by Council of Ministers among 4 nominees of Higher Education General Board from non-members of the Board in electric-electronics, communication, culture/arts and print/audiovisual media fields,

c) One member to be elected by Council of Ministers from 2 candidates jointly to be nominated by two journalists association having the most numerous members with yellow press card and Press Council,

d) One member to be elected by Council of Ministers from 2 candidates to be nominated by National Security Council General Secretariat among civil servants, among persons who have at least four years of higher education, ten years of professional working experience in public and private organisations, sufficient professional knowledge and experience and qualification for being a state officer and are over the age of 30.

Functions and Powers
Article 8. The functions and powers of the Supreme Council are:

a) (This sub-paragraph was abrogated by the Law No.4756 on May 21, 2002.)

b) In keeping with Article 16, to issue, commensurate with standards of impartiality and fairness, broadcasting permits and licenses to applicants who have complied with the prerequisites; to allocate channels and frequency bands, with due respect to the use on a time sharing basis and in keeping with regional balances of at least 50 percent of the channels and frequency bands included in the national, regional and local frequency plans, excluding those channels and frequency bands used by the Turkish Radio and Television Corporation,

c) Under the provisions of Radiocommunication Law No. 2813 of 5.4.1983, to issue establishing and operating permits to radio and television enterprises for transmitting facilities to cover broadcast service areas allocated to radio and television enterprises according to national frequency plans for national, regional and local broadcasts and to supervise the compliance of the facilities with the provisions of the Radiocommunication Law and with the prerequisites for such facilities,

d) Under the provisions of this law, to issue licenses for the construction and operation of telecommunication facilities so that, in addition to the radio and television transmitters provided for in the national frequency plans and to the existing telecommunications network between stationary and mobile transmitting units, radio and television enterprises can establish radiolink stations for the purpose of linking up with satellites in order to relay their national and local broadcasts, on condition that these are used solely for the objectives set forth, and to verify that these facilities are operated in keeping with the provisions of Radiocommunication Law No. 2813 of 5.4.1983,

e) To encourage enterprises to extend their broadcasts to various regions of the country, while observing regional balances in the allocation of time sharing channels,

f) To specify and publicize, while bearing in mind the principles of the European Convention on Transfrontier Television , the prerequisites and standards to be fulfilled by public and private radio and television enterprises that intend to transmit from within the country in order to apply for broadcasting permits and licenses,

g) To establish via relevant regulations the preconditions for allocating channels and frequency bands, the deadlines for recipients of allocations to start regular broadcasts, and the broadcasting permit and licence fees to be paid by operators of radio and television stations,

h) to verify the compliance of broadcasts with the provisions of Article 4 above and with international treaties to which Turkey is a Party by setting up monitoring systems for radio and television broadcasts,

i) To decide on the relevant sanctions in cases of violation of the provisions of this Law or of the conditions for frequency allocation,

j) To permit building of radio and television transmitters by local means in parts of national territory that cannot be reached by available transmissions.

k) To ensure that broadcasts from or to national territory to be transmitted via satellite conform to national and international rules and standards, and to cooperate.to this end with competent authorities in other states ,

l) To formulate the rules to be applied to encoded broadcasts and to cable radio and television installations and broadcasts within the framework of this Law, taking care not to leave any surplus capacity in the cable radio and television facilities of the PTT Administration,

m) To conduct or commission public opinion surveys in order to follow regularly the reaction, approval or sensibilities of the public and to provide appropriate guidance in relation to radio and television broadcasts, on condition that the functions and powers of the Ministry of Foreign Affairs are preserved,

n) On condition that the functions of the Directorate General of Radiocommunication and the functions and powers of the Ministry of Foreign Affairs are preserved, to represent the State at organizations that have legal personality under international law, and are concerned with radio and television broadcasts, as well as fulfilling the representation function at international organizations concerned with radio and television broadcasts but without legal personality under international law; to sign duly the instruments formulated under this paragraph,

o) To evaluate trends in public opinion by periodically consulting with institutions and agencies on radio and television broadcasts,

p) To draft the regulations and other rules regarding its own work and activities in keeping with this law and the European Convention on Transfrontier Television.

Financial Resources and the Budget
Article 12.

Financial Revenues of Supreme Council are as follows :

a) Television and radio frequency annual allocation fees from private radio and television enterprises.
b) Five percent share of annual gross advertising receipts of private radio and television enterprises.

c) When needed, appropriations included under the section on transfers in the budget of Turkish Grand National Assembly Presidency.

d) Administrative fines imposed on the radio and television enterprises in accordance with the Article 33.

Broadcasting permit and licence fees paid by the private radio and television enterprises shall be transferred to Treasury as revenue.

Annually, the Supreme Council, when necessary, shall submit to the Presidency of the Turkish Grand National Assembly the appropriation it requires from the National Assembly budget by scheduling its proceedings.

Supreme Council's budget and list of staff are reviewed with the Turkish Grand National Assembly's Presidency's budget in the Turkish Grand National Assembly Plan and Budget Commission and shall be debated and approved at the Plenary Session of the Turkish Grand National Assembly.

The remaining amount of the annual budget of the Radio and Television Supreme Council shall be transferred to an account opened at a public bank on behalf of Ministry of Culture with the aim of preserving and enlivening cultural and natural wealth at home and Turkish cultural entities abroad. The procedure and principles regarding expenditure on this account shall be determined by regulations.

Radio and Television Supreme Council is not subject to the provisions of State Tender Law no 2886. The procedure regarding the Supreme Council's purchasing-selling, renting, transporting and other transactions shall be determined by a regulation.

The Supreme Council shall request the Ministry of Finance to supervise the advertising revenue of radio and televisions together with the account of intermediary agencies.

Relations with the Government
Article 14. Relations of the government with the Supreme Council are conducted by the Prime Minister.

The Power to Allocate Channels and Frequency Bands
Article 16. On condition that other provisions of the Radiocommunication Law No. 2813 are observed, the power to allocate channels and frequency bands and to issue broadcasting permits and licences to public and all private radio and television enterprises, as well as the power to revoke such allocations and permits, lies exclusively with the Supreme Council.

Allocation of Channels and Frequency Bands
Article 17. One-fourth of the channels and frequency bands in the national frequency plans are allotted to the Turkish Radio and Television Corporation, the number of channels allotted not being less than three, and of frequency bands not less than four. One of the channels is reserved for transmitting the activities of the Turkish Grand National Assembly. The Speaker of the Grand National Assembly shall decide which activities shall be transmitted to what extent.
Of the remaining national, regional and local channels and frequency bands, one-half shall be allocated on a full time basis, while the other half are allocated on a time sharing basis and, if necessary, by rotation.
The term of the allocation may not exceed five years.

Obligations of Private Radio and Television Enterprises
Article 18. The enterprises to which the Supreme Council grants broadcasting permits are obliged to extend their coverage to at least 70 percent of the territory of Turkey and to broadcast at least eighty hours a week by the end of the second year from the date of the permit at the latest.

Advertising
Article 19. All advertisements shall be fair and honest. They shall not be misleading and shall not prejudice the interests of consumers; advertisements addressed to or using children shall avoid anything likely to harm their interests and shall have regard to their special susceptibilities.

The advertiser shall not interfere in any way with the content of programmes.

The amount of advertising shall not exceed 15 percent of the daily transmission time. However, this percentage may be increased to 20 percent to include forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services, provided the amount of spot advertising does not exceed 15 percent. The amount of spot advertising within a given one-hour period shall not exceed 20 percent.

Forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services shall not exceed one hour per day.

Form and Presentation of Advertisements
Article 20. Advertisements shall be clearly and easily distinguishable as such and recognisably separate from the other items of the programme service by optical and acoustic means; subliminal advertisements shall not be allowed.

Advertisements shall not feature, visually or orally, persons regularly presenting news and current affairs programs.

Insertion of Programmes
Article 21. Advertisements shall be inserted between programmes. Advertisements may also be inserted during programmes in such a way that the integrity and value of the programme and the rights of the rights holders are not prejudiced.

In programmes consisting of autonomous parts or in sports programmes or similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or in the intervals. A period of at least twenty minutes should elapse between each successive advertising break.

The transmission of feature films and films made for television (excluding serials, entertainment programmes and documentaries), provided their duration is more than forty-five minutes, may be interrupted once at the end of each period of forty-five minutes. If a film lasts longer than forty-five minutes, it may be interrupted once for each additional period of twenty minutes after the first complete period of forty-five minutes.

Advertisements shall not be inserted in any broadcast of a religious service. News bulletins, current affairs programmes and children's programmes, when they are less than thirty minutes of duration, shall not be interrupted by advertisements.

Surreptitious advertising shall not be allowed in any broadcast.

Advertising of Particular Products
Article 22. Advertisements for alcoholic or tobacco products shall not be allowed. Advertisements for medicines and medical treatment which are only available on prescription shall not be allowed. Advertisements for other medicines and medical treatment shall be composed of elements that are honest, truthful and subject to verification, and shall comply with the requirements of protecting the individual from harm.

Programme Sponsorship
Article 23. When a programme or series of programmes is sponsored in whole or in part, it shall clearly be identified as such by appropriate credits at the beginning and/or end of the programme.

The sponsors may not exert any influence on the content and scheduling of sponsored programmes in such a way as to affect the responsibility and editorial influence of the broadcaster.

Sponsored programmes shall not encourage references to products or services of the sponsor or a third party, or their purchase, sale or rental.

Programmes may not be sponsored by natural or legal persons who are concerned with the manufacture or sale of products or the provision of services, the advertising of which is prohibited by virtue of Article 22.

Sponsorship of news and current affairs programmes shall not be allowed.

Responsibility of the Telecommunication Authority
Article 24. (As amended by the Law No. 4756 on May 21, 2002.)

In accordance with the Radio Communication Law No.2813, authorization of making studies for the frequency plans for national, regional and local radio and television channels and frequency bands of radio and television broadcasts in Turkey are under the responsibility of the Telecommunication Authority.

Telecommunication Authority shall submit the national, regional and local plans which it shall prepare in co-operation with the Radio and Television Supreme Council, Turkish Radio and Television Corporation, General Directorate of Turkish Telecommunication Corporation and other relevant authorities and enterprises for the approval of Communication High Council in accordance with the Radio Communication Law No.2813.

Communication High Council may approve the plans as prepared or may ask for the necessary amendments. National, regional and local frequencies and channels shall be allocated with free of charge to the radios and televisions of the Turkish Radio and Television Corporation, Meteorology Radio broadcasting under the structure of General Directorate of Meteorological Affairs, Police Radio broadcasting under the structure of General Directorate of Security and local frequencies and channels shall be allocated with free of charge to the Communications Faculties which have radio and television departments. The Supreme Council shall tender the remaining television channels and radio frequencies for the usage of private enterprises under a certain plan. The Communication High Council shall determine to what extent and according to which schedule radio and television frequencies are tendered and shall notify the Supreme Council for the tender within this framework.

Turkish Grand National Assembly activities are transmitted on TRT3, one of the television channels allocated to Turkish Radio and Television Corporation via TGNA TV, and open education broadcasts are transmitted on an other channel as well. The Presidency of the Turkish Grand National Assembly shall decide to what extent the activities of the Turkish Grand National Assembly shall be broadcast in co-operation with the Turkish Radio and Television Corporation and authorities responsible for preparing the education programs shall decide for the open education broadcasts in co-operation with the Turkish Radio and Television Corporation. Other matters related with the broadcasts shall be determined with a protocol between the Presidency of Turkish Grand National Assembly and Turkish Radio and Television Corporation. Any fee shall not be charged for open education and TGNA TV broadcasts.

Telecommunication Authority shall apply the TV channel and radio frequency allocations for the enterprises notified by the Supreme Council which are granted broadcast permit and licence other than the cable medium and are allocated TV channel and radio frequency in accordance with the provisions of this Law and shall register them before the national and international authorities.

In a case where detrimental interferences occur on the national and international aviation and navigation systems caused by the radio and television systems, Telecommunication Authority shall temporarily switch off and seal the transmitters that cause the interference in order not to endanger the security of property and life, and the provision of article 391 of the Turkish Penal Code shall be implemented for the responsible persons. Activities done shall also be notified to Supreme Council.

Communication High Council shall undertake the follow-up of the duties delegated to the Supreme Council in addition to the coordination of the activities among the Supreme Council, Turkish Telecommunication Corporation and Turkish Radio and Television Corporation in accordance with the provision of Radiocommunication Law No.2813.

Suspension of Broadcasts

Article 25. With the exception of court orders, broadcasts shall not be subject to a priori control or suspension. However, in cases of acute necessity for reasons of national security or of a strong possibility that public order may be disturbed, the Prime Minister or a minister designated by him may suspend a broadcast.

Radio and television enterprises are obliged to broadcast public announcements issued by the President of the Republic or the Government for reasons of national security, public order, public health or public morals.

Appeals against executive and administrative decisions taken under the above paragraphs may be made directly to the Council of State. The Council of State shall give priority to handling and deciding these cases. It decides on appeals for a stay of execution within 48 hours.

Retransmission
Article 26. (As amended by the Law No. 4756 on May 21, 2002 and by the Law No.4771 on 9 August, 2002.)

The re-transmission of the broadcasts shall be allowed provided that it does not contradict with this Law. The principles and procedures relating to re-transmission shall be by a regulation to be issued by the Supreme Board.

The Supreme Council shall be informed about the retransmitted broadcasts.

For the transmitted and retransmitted broadcasts, provision of Article 25 and 33 are reserved.

Establishment and Ownership
Article 29.

Conditions about share ratios and structure of the corporations which are granted or shall be granted radio and television broadcast permit are as follows.

a) Political parties, associations, labour and employer unions, professional associations, co-operatives, foundations, local governments and companies established or partially owned by local governments, commercial companies, unions, and organisations and enterprises dealing with investment, import, export, marketing and financial affairs shall not be granted radio and television broadcast permit; these enterprises could not be the partner of the enterprises which have granted radio and television broadcast permit.

b) According to this Law, radio and television broadcast permit shall be only granted to the corporations, which are established for the purpose of radio and television broadcasting, communication, education, culture and art in accordance with the provisions of the Turkish Trade Law. A single corporation may establish only one radio and television enterprise.

c) Shares of the private radio and television enterprises should be registered shares. These corporations may not enter into usufruct contracts on behalf of any individual.

d) According to the annual average viewing measurements carried out in compliance with the regulation prepared by the Supreme Council, if a television or a radio enterprise's average annual viewing or listening ratio exceeds 20 percent, then capital share of a real or legal person or a capital group in an enterprise shall not exceed 50 percent. Shares of blood relatives and relatives by marriage up to the third degree are also accounted in calculation of the shares of a real person. **(the enforcement of this sub-paragraph was suspended by the Constitutional Court on 12 June, 2002.)**

e) If annual average viewing and listening ratio of a radio or a television, where a real or a legal person or a capital group has a share of more than 50 percent, exceeds 20 percent, then they have to decrease their share in the capital below the 50 percent by selling or offering for sale to public within ninety days after the notification of the Supreme Council. If excess of the annual rating ratio occurs as a result of total number of shares in more than one radio and television, they shall sell appropriate number of companies in order to decrease that ratio down under 50 percent. In a case of violation of

this provision, broadcast permit of the enterprise shall be annulled. **(the enforcement of this sub-paragraph was suspended by the Constitutional Court on 12 June, 2002.)**

f) National viewing ratios shall be determined by the Supreme Council for each calendar year and announced in January of the following relevant year.

g) Approval of the Supreme Council is required before applying for permission to the Securities Exchange Board under the provisions of Law No. 2499 in offering the shares of the private radio and television enterprises.

h) The share of foreign capital in one private radio or television enterprise may not exceed 25 percent of the capital paid up.

ı) A real or legal person of foreign nationality holding shares in a certain radio or television enterprise may not become a shareholder in another private radio or television enterprise.

i) Citizen or alien shareholders may not, under any circumstances, hold preferred shares.

j) The turnover shares of an incorporation to which broadcast permit has been granted, are informed in one month as of the date of turnover to the Supreme Council together with the information about name and surname of the shareholders, shareholding structure and share rates formed as a result of the turnover of the company. Before starting the procedures such as a turnover of companies to another company, purchase of a company by turnover or merging with a company, it is compulsory to make an application with necessary information and documents to the Supreme Council for permission. If any controversy to the provisions of this Law occurs in the formulation of the corporation structure as a result of these procedure, the controversy must be eliminated in a time period given by the Supreme Council. Otherwise, the broadcast permission shall be annulled.

k) Minimum administrative, financial, technical conditions and principles of broadcasting coverage, broadcasting hours and periods that has to be acquired by the corporations which are granted or shall be granted radio and television broadcast permit shall be determined every year by the Supreme Council. Corporations must arrange their structure to comply with the determined conditions within the given period. On the contrary, broadcasting permit shall be annulled.

l) Radio and television enterprises could not put contrary provisions to their main contracts after they are granted broadcast permit, and could not include actions that are not settled with the radio and television broadcasting within their operational area.

m) It is not allowed to allocate channel, frequency and cable capacity for the radio and television enterprises, which are broadcasting, to Turkey from abroad. The equivalents of commercials and advertisement given to these enterprises abroad by the enterprises taxable in Turkey may not be deducted from their tax assessments. However, the possibilities such as the sound synchronization in Turkish language of the foreign origin broadcasts transmitted from abroad and through satellite platform and cable system, the broadcasting in multi-language in a simultaneous manner and the broadcasting of commercials in Turkish language shall be allowed. For the broadcasts in which the commercials in Turkish language are transmitted, the relevant directive of the Supreme Council is applied.

Content of the program service and the use of new broadcasting techniques
Article 31. (As amended by the Law No. 4756 on May 21, 2002.)

Radio and television enterprises shall be obliged in their programming to give place in certain ratio and hours to the education, culture, Turkish folk and Turkish classical music programs. The rules relevant with the type and ratio of these programs shall be determined by the Supreme Council. Thematic channels shall be exempted from this obligation. These channels shall not change their type of broadcasting without the consent of the Supreme Council. The rules and procedures relevant with thematic channels shall be determined by the Supreme Council.

The rules and procedures of the broadcasts and services transmitted in any communication environment and with any kind of technology shall be ascertained by the Supreme Council in the

framework of the strategy determined by the Communication High Board and shall be submitted by the Supreme Council to the Communication High Board for approval. The Supreme Council shall supervise the compliance of the broadcasts and services to the Law.

Warning, Fine, Suspension and Revocation
Article 33.

The Supreme Council shall issue warnings to those private radio and television enterprises which fail to fulfill their obligations, violate the conditions of the broadcasting permit, or transmit programmes that violate the broadcasting rules and other standards stipulated in this Law, or shall require them to apologize clearly during the same broadcasting spot. In case of not complying with this request or repetition of the violation, the transmission of the programme, which contains violation, shall be suspended between one to twelve times. Within this time period, the producer of the programme and its speaker, if there is any, shall not produce any other programme under any other names. Instead of the suspended programmes, the programmes on education, culture, traffic, women and children's right, physical and moral development of adolescents, struggle against drugs and harmful habits, good use of Turkish language and environment training shall be broadcast during the same broadcasting period and without any advertisement.

In case of the repetition of the violation following administrative fines;

a) For national broadcasting enterprises, provided that it shall not be less than 125 billion TL, up to 250 billion TL in accordance with the gravity of the violation,

b) For local, regional and cable broadcasting enterprises;

1. To those which broadcast for the provinces and districts that have a population over 1.000.000, from the point of view of its broadcasting coverage, provided that it shall not be less than 60 billion TL, up to 100 billion TL in accordance with the gravity of the violation,

2. To those which broadcast for the provinces and districts that have the population between 500.000 and 1.000.000, from the point of view of its broadcasting coverage, provided that it shall not be less than 30 billion TL, up to 60 billion TL in accordance with the gravity of the violation,

3. To those which broadcast for the provinces and districts that have the population between 250.000 and 500.000, from the point of view of its broadcasting coverage, provided that it shall not be less than 20 billion TL, up to 40 billion TL in accordance with the gravity of the violation,

4. To those which broadcasts for the provinces and districts that have the population less than 250.000, from the point of view of its broadcasting coverage, provided that it shall not be less than 5 milliard TL, up to 10 milliard TL in accordance with the gravity of the violation,

c) For radio broadcasts, up to half of the amount stipulated above, shall be imposed.

The fines in this Law shall be increased in accordance with the re-evaluation ratio announced by the Ministry of Finance every year.

In case of the repetition of the violation during one year period beginning from the violation date, the administrative fines shall be increased 50 percent. In the event of the third repetition of the violation during one year period beginning from the violation date, the broadcasting permit may be suspended up to the period of one year in accordance with the gravity of the violation.

In case of violation of the broadcastings standards defined in the items (a), (b) and (c) of the second paragraph of Article 4, the broadcasting enterprise shall not be warned and its broadcasts shall be suspended for one month. In case of the repetition of the violation, the broadcast shall be suspended for an indefinite time period and the broadcasting license permit shall be revoked.

The broadcasting licence of any enterprise, which forsakes any one of the conditions required for a broadcasting permit or which has fulfilled the conditions through fraudulent means shall be revoked.

In case of violations except for the cases, which require warning, the defence of the concerned party shall be asked.

The procedure of imposing penalties and way of public announcement with its explanatory report shall be determined by regulations.

Responsibility of the Turkish Radio and Television Corporation
Article 35. This article was abrogated by the Law No.4756 on May 21, 2002.)

The Radio and Television High Council
Article 36. The provisions of Law No. 2954 on Turkish Radio and Television relating to the Radio and Television High Council cease to apply upon the assumption of office by the Supreme Council; the function of the High Council is thus terminated. The powers of the High Council with relation to the appointment of the Director General and Board of Directors of the Turkish Radio and Television Corporation are hereby transferred to the Supreme Council; the remaining powers of the High Council are transferred to the TRT Board of Directors.

Competent Courts
Article 39. The courts in Ankara are competent to hear any administrative lawsuits against the Supreme Council.

The following articles has been added by the Law No. 4756 to the Law No 3984

ADDITIONAL ARTICLE 1.- Private radio and television enterprises granted broadcast permit under this Law shall transmit their broadcasts, through television and radio frequencies allocated to them, from transmitter stations belong to the Turkish Radio Television Corporation or from transmitter stations operated under the service and responsibility of the company which is jointly established for this purpose by the Turkish Radio Television Corporation with private broadcasting enterprises. Turkish Radio Television Corporation shall take into consideration also the needs of the private broadcasting enterprises during establishing, operating, renovating of transmitter stations and modification of these stations.

The Supreme Council shall supervise whether or not the operation of the stations, which are allowed to be established complies with the requirements foreseen in this Law or permission certificate.

The rules and procedure of making use of the transmitter stations of Turkish Radio Television Corporation by private radio and television enterprises and annual hiring fees shall be put into force by being determined by Turkish Radio Television Corporation with the approval of Supreme Council.

ADDITIONAL ARTICLE 2.- Apart from the exceptions specified in this Law, persons or owners and managers of enterprises which transmit radio and television broadcasts without the permission of the Supreme Council or despite the suspension or revocation of such a permit by the Supreme Council shall be punished by imprisonment of 6 months to 2 years and a fine of one billion to ten billion

Turkish liras even if their activity constitutes another offence. Persons whose broadcasts were suspended or broadcasting permits were revoked by determining their broadcasts incite destructive and divisive actions against to the existence and independence of the Turkish Republic, the territorial and national integrity of the State, owners and managers of these enterprises and the persons who are in charge of these kind of broadcasts shall be punished under article 314 of the Turkish Penal Code. All transmission equipment shall also be confiscated under article 36 of the Turkish Penal Code.

Owners or managers of enterprises which fail to keep taped recordings of broadcasts and which fail to submit audio-visual tapes if and when asked by the Supreme Council or the Prosecutor shall be punished by heavy imprisonment of six months to one year and a heavy fine of one billion to ten billion Turkish liras. An additional penalty of suspending broadcast for one to three months shall also be imposed. In case of the tape sent is not the one requested in terms of content of view or in case of damaging, removing or erasing the tape, heavy imprisonment of two to ten years and a heavy fine of two billion to ten billion shall also be imposed additionally.

The fines mentioned in this article shall be increased in accordance with the re-evaluation ratio announced by the Ministry of Finance every year.

ADDITIONAL ARTICLE 3.- Radio and television broadcasts, in compliance with the broadcasting rules and standards stipulated in this law;

a) National, regional and local broadcasts shall be monitored and evaluated by the Supreme Council.

b) The monitoring and recording of regional and local broadcasts of areas where the Supreme Council determines may be transferred to units assigned by The Ministry of Interior. In this case, the Supreme Council shall provide necessary technical equipment and training of relevant personnel and shall undertake the cost. Tapes of the broadcasts, which are suspected to violate the broadcasting standards and other principles stipulated in this Law, shall be sent to Supreme Council for evaluation. The co-operation between Ministry of Interior and the Supreme Council shall be organised with a protocol.

In case the Telecommunication Authority has the ability to monitor the broadcasts under the framework of the National Monitoring Activities, this broadcasts shall be monitored by the Telecommunication Authority and shall be sent to the Supreme Council for evaluation within the framework of a protocol signed between the Supreme Council and Telecommunication Authority.

APPENDIX 2
Political Parties Contesting the 2002 General Election

Name of the Political Party	Abbreviation	Year of Establishment	Ideological Position	Attitudes Towards the EU
Cumhuriyet Halk Partisi *(Republican People's Party)*	CHP	1923	State Nationalist Turkey's oldest political party. Presents itself as social-democratic	Presents itself as pro-EU, but it has similar reservations with the army on issus as of national soverignity
Demokratik Sol Parti (Democratic Left Party)	DSP	1985	Social Democracy Was the leading party in the tripartite coalition from 1999-2002	Pro-EU
Anavatan Partisi *(Motherland Party)*	ANAP	1983	Neo-liberalism Was a partner of the tripartite coalition government from 1999-2002	Pro-EU
Milliyetçi Hareket Partisi *(Nationalist Movement Party)*	MHP	1969	Turkish Nationalist Was a partner of the tripartite coalition government from 1999-2002	Eurosceptic Very critical about the issues such as minority rights and foreign capital.
Doğru Yol Partisi *(True Path Party)*	DYP	1983	Conservative Secularism	Pro-EU
Saadet Partisi (Felicity Party)	SP	2001	Islamist, conservative Established by the members of the Virtue Party (FP) following its closure in June 2001.	Consisted of both pro-EU and Eurosceptic MPs. Its more liberal and pro-EU members later joined the AKP.
Adalet ve Kalkınma Partisi	AKP	2001	Conservative Neo-liberalism	Pro-EU

(*Justice and Development Party*)			Comes from the 'Reformist' wing of the old Islamist Welfare Party that was banned from politics in 1998. Constantly denies any association with its members' earlier Islamist agendas	
Yeni Türkiye Partisi (*New Turkey Party*)	YTP	2001	Social Democracy Established as a result of a leadership crisis in the DSP in the midst of the 1999-2002 government term. It joined the CHP in 2004.	Pro-EU
Genç Parti (*Young Party*)	GP	2002	Turkish Nationalism Its party leader was one of the biggest media tycoons before the group's (the Uzan Group) assets were confiscated by the TMSF.	Anti-EU
Demokratik Halk Partisi (*Democratic People's Party*)	DEHAP	1997	Kurdish Nationalism Banned by the Constitutional Court Later established as the Democratic Society Party (DTP)	Pro-EU
Yurt Partisi (*Homeland Party*)	YP	2002	Turkish Nationalism, conservative	Eurosceptic
Millet Partisi (*Nation Party*)	NP	1992	Turkish Nationalism	
Büyük Birlik Partisi (*Great Union Party*)	BBP	1993	Islamist-Turkish Nationalism, far-right	Anti-EU

Liberal Demokrat Parti *(Liberal Democrat Party)*	LDP	1994	Liberalism Supports the neo-liberal legacy of Turgut Özal, the former leader of ANAP Lobbied for a united centre-right, but was not successful	Pro-EU
Bağımsız Türkiye Partisi *(Independent Turkey Party)*	BTP	2001	Islamist-Turkish Nationalism	Anti-EU
Özgürlük ve Dayanışma Partisi *(Freedom and Solidarity Party)*	ÖDP	1996	Libertarian Socialist It constitutes a variety of left-wing groupings	Pro-EU, but groupings in the party have different views on the management of the EU agenda
Türkiye Komünist Partisi *(Communist Party of Turkey)*	TKP	2001	Marxist-Leninist Communism It was first established as the Socialist Turkey Party in 1992	Anti-EU
Türkiye İşçi Partisi *(Workers Party of Turkey)*	İP	1961	National Socialist	Anti-EU