

**A MORE BUT NOT FULLY CONSTRUCTED ARENA:
A CRITICAL ANALYSIS OF THE AKP'S POLICY
TOWARD KURDISH ETHNO-CULTURAL RIGHTS (2002-2014)**

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Abstract: Until the very early 2000s, the Kurds had suffered from numerous Turkification policies; however, after the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) came into power in 2002, a new political process aimed at enhancing Kurdish ethno-cultural rights was initiated. As a result of this process, the historical harm done by the early republican regime, the three military administrations and their successor governments has been reduced. Notwithstanding, there are still some restrictions that can be removed through a new constitutional reform package. By employing the methods of comparative politics and constitutional law, this article gives the following suggestions for the reform package. First, in the name of laying a foundation for bilingual education, the reform package may delete or amend Article 42(9) of the Turkish Constitution, according to which the Kurds are now obliged to receive education in Turkish, hindering them from being taught in their mother tongue. Second, it may revise Article 3(1) of the Constitution, under which Turkish is the sole language of the state. The new version of Article 3(1) may recognise the Kurdish language and its dialects as national or regional official languages. Finally, the constitutional reform package may expand the scope of Article 134, pursuant to which only Turkish cultural, historical and linguistic features can now receive public funding and be protected constitutionally, and it may grant the same privilege to Kurdish characteristics.

Keywords: Turkey, AKP, Kurds, Ethno-cultural rights, Kurdish question

Summary: I. INTRODUCTION; II. HISTORICAL OVERVIEW OF TURKEY'S POLICY TOWARDS KURDISH ETHNO-CULTURAL RIGHTS; III. THE AKP'S POLICY TOWARD KURDISH-ETHNO-CULTURAL RIGHTS; IV. THE AKP'S TROUBLE-FREE POLICIES; V. THE AKP'S PROBLEMATIC POLICIES; VI. THE AKP'S SILENCE ON TWO ISSUES; VII. CONCLUSION.

I. INTRODUCTION

Kurds, a tribal people with an origin from the Zagros Mountains in northwest Iran who has distinct characteristics, have maintained a strong ethnic identity despite of the fact that they are recognised as the largest group of stateless people in the world (McDowall, 1996). Kurds do not have a single common language, but the most widely

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spoken Kurdish dialects are Sorani and Kurmanji which are generally mutually understandable. Kurmanji is spoken predominantly in Syria, the Caucasus and Turkey while Sorani is mostly spoken by Iranian and Iraqi Kurds (Yildiz and Muller, 2008).

Turkish-citizen Kurds are concentrated into the east and south-east, and constitute a majority population in provinces there including Hakkari, Siirt, Bitlis, Diyarbakir, Mardin, Van, Agrı and Mus. A Kurdish population also dominates the provinces of Adıyaman, Tunceli, Malatya, Elazığ, Sanlıurfa, Kars, Bingol and Erzincan. Most Turkish-citizen Kurds speak Kurmanji, but Zaza is also spoken in the northwest of the Kurdish-populated region, mainly in Tunceli and Elazığ provinces (Yildiz and Muller, 2008).

During the nation-building process of the Republic of Turkey, founded in 1923 in the wake of the collapse of the Ottoman Empire, early republican elites implemented various Turkification policies towards the Kurds as well as the other numerically inferior and non-dominant communities inhabiting in Anatolia, the Roma, Lazes, Arabs, Circassians to name but a few only. Most groups were affected by such coercive assimilation policies and became assimilated; however, the policies did not succeed in assimilating the Kurds; instead, stimulated them to make rebellious attempts with the main purpose of separating the Kurdish-occupied Southeastern Anatolia from the unitary republic.

Although the number of Turkification policies dramatically increased following the military coups staged in 1960, 1971 and 1980, Turkey began abandoning its assimilationist and repressive policies when President Turgut Özal criticised the legal hindrances to the adoption of Kurdish ethno-cultural rights in 1992. Nevertheless, the governments coming to power in the 1990s did not make any concrete strides to abolish traditional assimilation policies. After the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) came to power alone in 2002, however, a new process aimed at enhancing Kurdish ethno-cultural rights was initiated. From 2002 to 2014, during which the AKP won three parliamentary elections and came to power alone, the governments

introduced a significant number of reforms. While many of the reforms have been implemented properly, the others are still encountering an implementation problem. There are also a few areas in which AKP governments did not commence a reform process.

As an interdisciplinary study employing the methods of comparative politics and constitutional law, this article is organised in the following fashion. The first section will present a historical overview of Turkey's policy towards Kurdish ethno-cultural rights by paying a particular attention to the legal and political history of the country. Having understood the background, the article will turn its attention to the AKP's policy toward Kurdish ethno-cultural rights. After listing the reforms initiated by the AKP between 2002 and 2014, the article will examine how such reforms have been implemented and whether the scope of the reforms should be broadened. In this regard, the article will characterise the AKP's reforms as either trouble-free or problematic. The AKP's silence on two important issues – the official use of Kurdish and public funding and constitutional protection for Kurdish features – will then become central to the article's agenda. By employing the methods of comparative politics and constitutional law, the article will offer not only some potential solutions for the AKP's problematic policies, but also some suggestions for the future governments that may embark on a reform process for the issues on which the AKP has kept silent.

II. HISTORICAL OVERVIEW OF TURKEY'S POLICY TOWARDS KURDISH ETHNO-CULTURAL RIGHTS

After the signing of *the Treaty of Lausanne* (1923), the founding treaty of the Republic of Turkey, early republican elites began to implement basic principles of Turkish foreign policy facilitating the realisation of the nation-state the elites had developed. At the outset, the elites desired that a new state should not be a continuation of the Ottoman Empire whilst this was the case during the War of Independence (1919-22), when the elites were “seeking statehood for the multicultural entity of Anatolia, heir to the Ottoman Empire” (Ergil, 2000: 124). Following the War, however, what the

elites decided to create was a European-style nation state constructed upon universal principles of secularism, pragmatism, rationalism and a free market economy. The elites, by supporting French-type secularism (*la laïcité*), aimed at purifying the state from religious values which represented philistinism, poverty and backwardness. On this basis, the Caliphate and Sultanate were nullified, enabling the new-born regime in Ankara to initiate reforms aimed at spreading Western-style standards (Efegil, 2011: 29).

The newly-formulated republican government supported the cultural togetherness policy. In light of this policy, Turkish identity was embraced as the main source of national unity and non-Turkish features were subdued through denial, leading to a controversial in lieu of accommodative relationship between ethnic Turks and Kurds (Robins, 1993; Kurban, 2003; Somer, 2004; Ensaroglu, 2013). In 1923, the members of the clandestine organisation *Azadi* initiated a rebellious movement on the grounds of the republican injustices, including some restrictions on Kurdish ethno-cultural rights such as the prohibition of the use of Kurdish in school (Strohmeier, 2003: 91). In 1925, *Azadi's* rebellious movement turned into a revolt, namely the Sheik Said Riot that was end with Sheik Said's execution on 29 June 1925 (see Strohmeier, 2003: 91-2; Celik, 2010; Ergin, 2014). The early history of the Republican State also witnessed some other Kurdish rebellious attempts, such as the Ararat Riot (see Strohmeier, 2003: 95-99; Al, 2015a) and the Dersim Resistance (see Strohmeier, 2003: 130; Al, 2015a).

Since the cultural togetherness policy was built on the elimination of ethnic characteristics, when the Kurds demanded to maintain local cultural traditions, the government considered such demands as threats to the territorial integrity and political unity of the Republic. In other words, Ankara described Kurdish rebellions as ethnic secessionist movements and public security matters, and therefore sought to resolve the issue through implementing military measures. The government ultimately forced ethnic Kurds to submit a Turkish identity via putting aside their local ethno-cultural identities.

Throughout the late 1920s and 1930s, the republican regime mobilised all its forces to popularise the Turkish language, and propagate the ideas and products of the language revolution (O’Driscoll, 2014). For instance, the ‘Citizen, Speak Turkish!’ (*Vatandaş, Türkçe Konuş!*) campaign, initiated in 1927 and peaked in 1937, is a “linguicidal” policy – a genocidal attempt made with the purpose of exterminating minority languages – since it condemned the use of languages other than Turkish (Zeydanlioglu, 2012: 103). A significant official institution at the heart of the language revolution was the Turkish Linguistic Society (*Türk Dil Kurumu*) established in 1932 with the task to generate a cohesive national language to form a homogeneous nation. The goal of the Linguistic Society was the creation of pure Turkish (*öz Türkçe*) by eliminating non-Turkish (mainly Persian and Arabic) words and influences and in their place discovering new words or integrating ‘pure’ Turkish words assembled from several Turkish dialects (Morin and Lee, 2010; Al, 2015b). The Linguistic Society was part of an arsenal of early republican institutions such as the Turkish Historical Society (*Türk Tarih Kurumu*), established in 1931 with the essential purpose of writing and disseminating the *new* national history of the Turks (Hanioglu, 2012; Zeydanlioglu, 2012). These and other institutions allowed the Republican State to maintain control over the nation-wide knowledge production.

In support of the cultural togetherness policy, Prime Minister İsmet İnönü prepared his well-known Kurdish report in 1935, according to which an assimilation policy was required for the accommodation of the Kurds (Efegil, 2011). Following İnönü, the Public Inspector Abidin Özmen prepared a similar report that identified Turkish as the most critical tool in assimilating the Kurds (Al, 2015b). In accordance with these reports, the officials start implementing Turkification policies towards the Kurds: the prohibition of the use of any language other than Turkish in school and in court; the ban on the use of non-Turkish surnames; the prohibition of the use of the word ‘Kurd(s)’ etc. (see Kurban, 2003, 2004; Yegen, 2009).

While the Kurds suffered from a significant number of Turkification policies under the single-party period (from 1923 to 1945), ruled by the Republican People’s

Party (*Cumhuriyet Halk Partisi*, CHP), the number of assimilationist policies dramatically increased in the second half of the twentieth century when Turkish politics witnessed three military interventions (Kolcak 2015). In April 1961, General Cemal Gürsel, the leader of the 1960 *coup d'état*, lauded a book written by Mehmet Şerif Fırat, who asserted that the Kurds were Turkish in origin (Gunter, 1988).² A month later demonstrations took place in Bitlis, Deykir, Diyarbakir, Mardin, Siverek, and Van in which ethnic Kurds proclaimed their distinct identities (Kinnane 1964, pp. 32-3). Moreover, journals publishing some articles on the Kurdish language, folklore and literature –New Path (*Riya Newe*), Origin of the Tigris (*Dicle Kaynağı*), Tigris-Euphrates (*Dicle-Fırat*), Voice (*Deng*) and World of Peace (*Barış Dünyası*)– were all banned (Gunter 1988). Just after the 1971 junta, giving non-Turkish names to newborns was prohibited (Yegen 2009). The 1980 military regime, on the other hand, exacerbated the political and cultural repression of Kurds by adopting new laws such as the ban on the explanation, publication and broadcasting of thoughts in any language other than Turkish; and the confiscation of films, books and newspapers relating to Kurdish characteristics (Kurban, 2003; Yegen, 2009). More importantly, Turkey's current constitution of 1982 was drafted under the aegis of the military tutelage which imposes several restrictions on the exercise of Kurdish ethno-cultural rights, including those pertaining to mother tongue education, the official use of Kurdish, and the constitutional protection of Kurdish linguistic, cultural and historical features (Kolcak, 2015).

At the governmental level, the cultural togetherness policy was criticised by President Turgut Özal for the first time in 1992 at which he not only acknowledged the existence of the restriction on the exercise of Kurdish ethno-cultural rights, but also underlined the requirement for their adoption in the domestic legal framework. After the sudden passing away of the President, however, Turkish governments re-embraced the policy, and did not take any serious steps to improve Kurdish ethno-cultural rights until 2002 when the AKP came into power.

² The name of the book mentioned is the Eastern Cities and the History of Varto (*Doğu İlleri ve Varto Tarihi*), first published in 1948, but republished in 1961, 1970, 1981, 1983, 1996, 1998, 2007 and 2013.

III. THE AKP'S POLICY TOWARD KURDISH-ETHNO-CULTURAL RIGHTS

The AKP's policy toward Kurdish ethno-cultural rights is indeed rested upon the 1991 Kurdish report prepared by the Welfare Party's (*Refah Partisi*, RP) Istanbul's Provincial Head, under the leadership of Recep Tayyip Erdoğan, who would set up the AKP in 2001. Unlike military elites and state bureaucrats, the report considered Southeastern Anatolia as Kurdistan on a historical territory-based approach. It also underscored the impossibility of finding a resolution by using military or security measures against the demands for Kurdish ethno-cultural rights. It was elaborated in the report that most Kurdish-origin citizens did not dream of independence from Turkey; instead, what they desired is merely a free practice of their ethno-cultural rights. For ethnic Kurds, the official recognition of their identity and culture was much more significant than independence. The report offered the following suggestion on the relevant issue: Turkey should immediately abolish the traditional republican approach towards Anatolian diversity, and then remove the restrictions on the exercise of regional ethno-cultural rights, including those concerning the use of Kurdish in schools and the media, and the development and protection of Kurdish characteristics (*Hürriyet*, 2007).

After the 2002 general election, in which the AKP won a landslide victory, the officials advocated policies parallel to those of the RP's report. In support of these ideas, Prime Minister Erdoğan delivered an audacious speech in the Kurdish-populated province of Diyarbakir in August 2005 in which he approved the multicultural character of the Anatolian Peninsula and promised that regional and local ethno-cultural characteristics would be freely tolerated (Nykanen, 2013). Although these statements impressed the Kurds at that time, the AKP government did not make a serious and concrete stride to compensate the traditional harm until 2007. Upon the AKP's second landslide victory in the 2007 general election, however, the government introduced *Demokratik Açılım* –a government policy aimed at increasing the level of Turkish democracy via enhancing basic human rights and freedoms, and regional ethno-cultural rights. The AKP government escalated its efforts by taking into consideration its two specific programmes in the following years: (1) the Kurdish Initiative (renamed as the

National Unity and Fraternity Project), initiated in 2009 with the aim of enhancing Kurdish cultural and linguistic rights; and (2) the Peace Process, started in 2012 with the main goal of disarming the Kurdistan Workers' Party (*Partiya Karkêran Kurdistan*), a terrorist organisation formed in 1978 with the essential purpose of creating an independent Kurdistan in Southeastern Anatolia. Having presented the base of the AKP's policy, let me now start to note its attempts toward enhancing Kurdish ethno-cultural rights between 2002 and 2014.

Kurdish broadcasting rights. Before the AKP entered Turkish political picture, the first attempt toward the liberalisation of Kurdish broadcasting rights was indeed made through the 2001 constitutional reform package which had been adopted as an element to fulfil the Copenhagen criteria essential for Turkey's European Union (EU) membership. The package removed the limitation on the usage of any language prohibited by law in the expression and dissemination of ideas in the broadcasting media (Law No. 4709/2001, art. 9). In accordance with this constitutional amendment, the third EU harmonisation law permitted for the first time to broadcast in "different languages and dialects traditionally used by Turkish citizens in their daily lives" (Law No. 4771/2002, art. 8). To implement, however, a newly-issued regulation of 2002 introduced such restrictions as direct state control over broadcasts, time limitations for broadcasts, and requirements for simultaneous and subsequent Turkish subtitles and translations for television and radio programmes (Kurban 2007). The 2004 Regulation of the Supreme Board of the Radio and Television (*Radyo ve Televizyon Üst Kurulu*, RTÜK), issued for the implementation of Article 14(2) of the sixth EU harmonisation law (Law No. 4928/2003), which allowed Kurdish private broadcasting, did not remove any restrictions introduced in its previous counterpart (Kolcak, 2015). After the state-funded Turkish Radio-Television Corporation (*Türkiye Radyo ve Televizyon Kurumu*, TRT) launched the Kurdish language TV channel TRT-6 (later renamed as TRT Kurdi),³ however, RTÜK started renouncing its restrictive policies through adopting a new regulation in 2009 which removed all the limitations with the exception of the

³ TRT Kurdi airs 24 hours a day and presents programmes broadcast on Kurdish culture, history, literature, cuisine and music as well as other general interest programmes broadcast on religion, debates, news, health, talk shows and cartoons.

provision imposing a direct state control over broadcasts (Kolcak, 2015). The renouncement process was completed in March 2011 when the Parliament passed a new media law directly allowing the use of different languages and dialects other than Turkish (Law No. 6112/2011, art. 5).

Kurdish names for newborns. Giving newborns non-Turkish names had been prohibited not long after the 1971 military coup by adopting a new civil registry law under which such names had been acknowledged as those having politically offensive meanings (see Law No. 1587/1972, art. 16(4)). A positive step occurred in 2000 at which the Supreme Court of Appeals empowered Turkish citizens to freely give their children any name of their choosing. More importantly, the sixth EU harmonisation law amended Article 16(4) of the *Civil Registry Law* (1972), permitting the use of non-Turkish names if complying with moral values of the state and not offending the public (Law No.4928/2003, art. 5). A circular issued in September 2003 nonetheless restricted the implementation of this amendment as it disallowed the use of names incorporating non-Turkish letters Q, W, or X (common in Kurdish) (Moustakis and Chaudhuri, 2005: 87). By annulling Article 222 of the Penal Code, under which the use of non-Turkish letters had been punished, the so-called ‘Democratisation Package’, unveiled in September 2013, adopted on 2 March 2014 and entered into force on 13 March 2014, ultimately has permitted the use of *all* Kurdish names (Law No. 6529/2014, art 16(e)).

Kurdish names for towns and villages. The names of the Kurdish-populated towns and villages had been changed on the basis that they were not Turkish in origin. The Democratisation Package has allowed the restoration of the original names since March 2014 (Law No. 6529/2014, art. 16(a)). A restoration process has been pursuing for more than a year.

Kurdish in politics. Two tools of the traditional restrictive regime, *Law on Basic Provisions of Elections and Electoral Rolls* (Law No. 298/1961, art. 58) and *Law on Political Parties* (Law No. 2820/1983, art. 43), had prohibited the use of non-Turkish languages in making political propaganda. Although the amendment of the relevant

provision of the Law No. 298 in April 2010 was an important attempt at eliminating the prohibition, which had permitted political parties and nominees to conduct electoral campaigns in Kurdish during the 2011 parliamentary election (Law No. 5980/2010, art. 7(3)), a more concrete stride was made when the Democratisation Package directly stipulated that non-Turkish languages and dialects could be used in making political propaganda (Law No. 6529/2014, arts. 1 and 16(b)), allowing the usage of both the Kurdish language and its dialects (Kurmanji, Sorani and Zaza) in the electoral campaigns.

Kurdish courses for ordinary citizens. The first attempt was made when the third EU harmonisation law (Law No. 4771/2002, art. 11) allowed “the opening of private courses for teaching different languages and dialects traditionally used by Turkish citizens in their daily life.” To implement, however, the Ministry of National Education issued an executive regulation, rendering the provision impracticable since it introduced some limitations on teacher qualifications.⁴ In order to establish such language courses more easily, the seventh EU harmonisation law (Law No. 4963/2003, art. 23) then empowered existing private courses to teach the traditional languages and dialects. The Board of Education, on the other hand, clarified that Kurdish trainers might be appointed primary school, foreign language, and Turkish language and literature teachers who know the language. Any course encountering a difficulty in assigning teachers of such branches was also authorised to entrust teachers of other branches or graduates of other faculties. Although this had assisted the opening of seven Kurdish courses, all were closed down as of August 2005 due to serious financial problems⁵ and some procedural restrictions relating to the attendees,⁶ the curriculum⁷ and the

⁴ Teachers were required to have a bachelor's degree in the language they want to teach though Turkish educational faculties were not offering any Kurdish-related BA degree at that time. To hinder foreign Kurdish instructors, moreover, the regulation required prospective teachers to be Turkish citizens (see Kurban, 2003; Zeydanlioglu, 2012).

⁵ The language courses did not receive any financial assistance from the State since they had no official school status (Zeydanlioglu, 2012).

⁶ Solely adult students were permitted to attend the courses (Kolcak, 2015).

⁷ The courses were merely allowed to teach Kurdish grammatically, not any cultural or historical characteristic of the language was included in the curriculum (Kolcak, 2015).

timetable.⁸ As a product of the Kurdish Initiative, Kurdish for ordinary citizens has been eventually provided after the empowerment of universities to teach the language in 2009.

Elective Kurdish courses in primary schools. The 2012 legislation extending compulsory basic education from 8 to 12 years is now providing elective courses in Kurdish and other living languages in Turkey. In June 2013, the Ministry of National Education, by adopting a new curricula, obliged primary schools to add a course on these languages upon the application of at least ten pupils, demonstrating that the opening of such courses depends on the demands of pupils, not on the arbitrariness of the schools.

Degree programmes in Kurdish. In September 2009, the Higher Education Board (*Yüksek Öğretim Kurulu, YÖK*) endorsed the application of Artuklu University, a public university in the province of Mardin to open the ‘Living Language Institute’ (*Yaşayan Diller Enstitüsü*) which would provide postgraduate education in Anatolian languages and dialects, including Kurdish and its dialects. The Institute was formally established upon the approval of YÖK’s endorsement by a cabinet decree (no. 2009/15597), adopted on 1 December 2009. YÖK authorised many public universities to establish similar institutions in the following years.

Kurdish as the language of instruction in private schools. The Democratisation Package permitted the establishment of private schools which can use “any language or dialect traditionally used in Turkey” as the language of instruction (Law No. 6529/2014, art. 11). In July 2014, The Ministry of National Education amended the Regulation on Private Schools for the implementation of the provision. In pursuit of the new amendment, private schools are allowed to hold education in the traditional languages and dialects upon the authorisation of the Council of Ministers (Kolcak, 2015).

⁸ The courses were authorised to last ten weeks and no more than eighteen hours per week (Zeydanlioglu, 2012).

IV. THE AKP'S TROUBLE-FREE POLICIES

In the exercise of *Kurdish broadcasting rights*, it is a remarkable development that the number of Kurdish media service providers has dramatically increased since the adoption of the new media law in 2011, and at the moment there are various Kurdish media organisations broadcasting in different areas from culture to music at both the nationwide and local levels. The Kurds can now also easily follow international or regional Kurdish TV or radio programmes via satellite or internet.⁹

With respect to *Kurdish names for newborns*, Turkey has also witnessed a positive development since the adoption of the 2013 Democratisation Package. The Kurds can now legally use such Kurdish-origin names as Mizgin, Dilan, Bawer, Rojbin, Jiyan ve Zelal to name just a few (see *Çağdaş*, 2015).

In the implementation of the reform '*Kurdish names for towns and villages*', the first attempt was made in May 2014 when the village of *Vergili* in Batman province was renamed as *Becirman*. Van Metropolitan Municipal Council, during its regular meetings in October and November 2014, restored the original names of 26 and 704 towns and villages, respectively. In December 2014, Kurdish names of four villages in the province of Siirt were restored upon the endorsement of the Ministry of Internal Affairs. Similar administrative procedures are also now in progress in such Kurdish-occupied cities as Diyarbakir, Mardin, Hakkari, Sanliurfa and Sirnak (Kolcak, 2015).

As for the policy '*Kurdish in politics*', it is certainly a significant political development that Kurdish and its dialects were freely used not only during the 2014 local elections (*Radikal*, 2014; *Cizre Postası*, 2014; *Milliyet*, 2014; *Haber Tempo*, 2014), but also during the campaign of the 2015 general election (*Aljazeera Türk*, 2015; *Farqini*, 2015; *Bugün*, 2015).

⁹ The lists of TV channels and radio stations based in Turkey and other countries or regions (particularly the Iraqi Kurdistan) are available at: <http://karwan.tv/>.

In the implementation of the reform ‘*Kurdish courses for ordinary citizens*’, many institutions have started offering Kurdish language courses since 2009 when the Kurdish Initiative had authorised universities to teach the language. For instance, Dicle University, a public university in Diyarbakir, now provides three-month regular courses (36 hours in total). Many participants including doctors, lawyers, academics, teachers and students have attended these three-month courses and been granted a language certificate since 2011. A significant number of institutions are also offering similar Kurdish language programmes, such as Geoaktif Culture and Activism Centre (*Geoaktif Kültür ve Aktivizm Merkezi*), which offers nine-month regular courses (totally 108 hours), Istanbul Kurdish Institute (*İstanbul Kürt Enstitüsü*) and Bilgi University, a private university based in Istanbul (Kolcak, 2015).

With regards to the reform ‘*Degree programmes in Kurdish*’, following the authorisation of Artuklu University to offer Kurdish degrees, many public universities followed the same path, and now there are a significant number of public universities providing both undergraduate and postgraduate education in Kurdish, such as Alparslan University, Bingöl University, Dicle University, Siirt University, Tunceli University and Yüzüncü Yıl University, all of which are based in the Kurdish-dominated provinces.

Many students have studied at these universities since 2012. Let me just give a brief note for the University of Artuklu. When this university started offering a bachelor degree in Kurdish language and literature in 2010, 20 students enrolled in this programme. In the subsequent years, the number has increased 35 in 2011, 45 in 2012, and 65 in 2013 and 2014. The first students who began their education in the 2010-2011 academic session have recently gained their BA in Kurdish language and literature in June 2015. In addition, in the 2012-2013 and 2013-2014 academic sessions, totally 500 postgraduates obtained a Graduate Diploma in Kurdish language and literature from the same university. In the most recent academic year 2014-2015, on the other hand, 30 postgraduates received an MA in Kurdish language and literature while some 70

students are still continuing to complete their dissertations (Tastekin, 2014; Kolcak, 2015).

V. THE AKP'S PROBLEMATIC POLICIES

Some Kurdish ethno-cultural rights adopted by the AKP government are problematic. As a starting point, let us first look at the policy '*Elective Kurdish courses in primary schools*'. It is a positive development that students have started taking the elective courses, beginning from the fifth class, since 2012. Courses in Kurdish, Laz and Circassian are available in the public schools at the moment. In the sessions (2012-2013, 2013-2014 and 2014-2015), 21, 000, 53,000 and 85,000 primary school students enrolled in these courses, respectively.¹⁰ While this is a historic step, elective Kurdish courses still suffer from three essential restrictions.

First, optional Kurdish lessons are now given solely 2 hours per week; however, according to language masters, no one can learn a language in two-hour classes (Akgonul, 2012). Second, the optional classes begin with the fifth year of primary school, and the Kurds are educated merely in Turkish for the first four classes of primary schools. This class level restriction is of course a problematic aspect of the optional Kurdish lessons. While foreign language education (mostly in English) begins from the second class with its mandatory status, Kurdish pupils can learn, if they wish, their mother tongue after the fourth year of primary school (Akgonul 2012). Last but not least, only language education is not considered enough to reflect all minority characteristics. Basic European minority-specific legal materials, namely the 1992 *European Charter for Regional and Minority Languages* (ECRML) and the 1995 *Framework Convention for the Protection of National Minorities* (FCNM), do separate language neither from literature nor from history, and stipulate that states undertake to make arrangements to ensure the teaching of minority culture and history (see Article 12(1) FCNM and Article 8(1)(g) ECRML). Kurdish pupils should therefore have been

¹⁰ These are the approximate numbers according to the Ministry of National Education's official records (see *Milliyet*, 2012; *Hürriyet*, 2015).

able to take Kurdish literature and history classes in addition to the optional language courses (*Today's Zaman*, 2012).

A more problematic scenario can be realised when looking at the reform '*Kurdish as the language of instruction in private schools*'. In summer 2014, the Kurdish Language Research and Development Society (*Kürt Dili Araştırma ve Geliştirme Derneği*) made official applications for opening three schools in Diyarbakir, Sırnak and Hakkari that would carry out teaching in the Kurmanji dialect of Kurdish. Although they had been prepared to open their doors on 15 September 2014, such schools were sealed by local governors on the grounds that the opening of the schools is unconstitutional (Yoney, 2014a). The seal on Ferzad Kemanger Elementary School, a Kurdish-teaching school in Diyarbakir, was protested by citizens three times, and then the Ministry of National Education removed it (Yoney, 2014b). For the rest of the 2014-2015 season, the school conducted education in Kurdish under a new name that of Education Support House (Aslan and Sunar, 2014). This removal, however, does not render the opening of schools using languages and dialects other than Turkish as the language of education constitutional.

The future of such schools cannot be ensured in the presence of Article 42(9) of the Turkish Constitution, which stipulates that

“No language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institution of education. Foreign languages to be taught in institutions of education and the rules to be followed by schools conducting education in a foreign language shall be determined by law. The provisions of international treaties are reserved.”

Turkey ratified the 1966 *International Convention on Civil and Political Rights* (ICCPR), according to which ethnic, linguistic and religious minorities “shall not be denied [...] to enjoy their own culture, to profess and practice their own religion, or to use their own language” (art. 27), on 23 September 2003, but made a reservation that

“The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Convention on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne [...] and its Appendixes (United Nations, 1996: 12).”

The Treaty of Lausanne rules that

“Turkish nationals belonging to non-Moslem minorities [...] shall have an equal right to establish, manage and control at their own expense [...] any schools and other establishments for instruction and education, with the right to use their own language (art. 40).”

Article 41 of the Treaty also reads that

“As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language.”

In sum, pursuant to the Turkish Constitution only minorities recognised in *the Treaty of Lausanne* can enjoy educational guarantees. The Lausanne Treaty confers educational freedoms merely upon non-Muslim minorities. Since Turkish-citizen Kurds are Muslim, they have been automatically prevented from the exercise of educational guarantees enshrined in the Treaty. In this circumstance, we do need to say that the use of Kurdish as the language of education is unconstitutional in Turkey.

If we look at some important international legal materials which make explicit provisions for mother tongue education, however, it can be certainly maintained that Turkish legal order ought to permit the Kurdish language and its dialects to be used in

both public and private schools as the language of instruction. The Polish Minorities Treaty, for example, grants linguistic, racial and religious minorities within the borders of Poland a right to establish, manage and control their own educational institutions (Thornberry and Gibbons 1997). Article 26(3) of the 1948 *Universal Declaration of Human Rights* (UDHR) states that parents “have a prior right to choose the kind of education that shall be given to their children,” empowering parents to select the language in which their children would receive. Converting the premises of the UDHR into the form of binding treaty, the 1966 *International Covenant on Economic, Social and Cultural Rights* (ICESCR), in Article 13(3), stipulates that

“The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.”

Article 29(c) of the 1959 *UN Declaration on the Rights of the Child* reads that “the child is entitled to receive education [...] which will promote his general culture”. *The Convention on the Rights of the Child* (1959), on the other hand, rules that “the education of the child shall be directed to the development of respect for the child parents, his or her own cultural identity, language and values” (art. 29 (c)). The 1992 *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (UN Declaration on Minorities) also suggests “[s]tates should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue” (art. 4(3)).

Article 8 ECRML stipulates a more concrete provision, according to which the state parties undertake to make available the whole or a substantial part of education in

regional or minority languages from kindergarten (or nursery school) to the end of higher education within the territory in which such languages are used. The other European minority-specific convention, FCNM also involves some provisions for both private and public educations. With respect to private education, Article 13(1) FCNM authorises national minorities to establish and manage their own educational and training institution. With regards to public education, the convention, in Article 14(2), reads that

“In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.”

In several countries where a progressive human rights regime is being implemented, these international provisions are already involved in the domestic legal frameworks. Such countries allow their minority communities to use their own languages generally through forming a bilingual or multilingual educational system that means the educational activities conducted in two (if bilingual) or more than two (if multilingual) languages. For a programme to be recognised as bilingual, both the dominant language of the society (e.g. Turkish in Turkey) and one different language spoken in the same society (e.g. Kurdish in Turkey) must be used as languages of education to deliver the content of the curriculum, such as Physics course in Kurdish and Geography course in Turkish in Turkey. As for the acknowledgement of a programme as multilingual, both the majority language (Turkish in Turkey) and *at least* two other languages (Kurdish and Laz in Turkey) must be used as languages of instruction to deliver the content of the curriculum, such as a potential educational curriculum providing Mathematics course in Kurdish, Biology course in Laz and Literature course in Turkish. Bilingual or multilingual education is thus not only the

teaching of minority languages, but it also refers to the usage of those languages in the teaching of various disciplines listed in the curricula.

There are a significant number of examples for the implementation of such a bilingual or multilingual educational programme. Depending upon the locality of education, each state in the United States of America (USA) applies particular bilingual programmes; for instance, in the states with an important migrant population such as New York, Texas, New Jersey and Illinois, bilingual education is compulsory. In the USA, bilingual education for minority groups is legally guaranteed by the Civil Rights Act of 1964 and Bilingual Education Act (Kaya and Aydin, 2013).

By adopting the Education Reform Act (1998), in which a new national curricula was introduced, the United Kingdom (UK) transited to a certain bilingual education programme.¹¹ The UK is currently practicing a bilingual education programme in its four constituent regions. The education is basically aimed at the integration of immigrants in England whilst the purpose is to protect and develop the mother tongue in the other regions, namely Wales, Scotland and Northern Ireland (Kolcak, 2015).

Previous Swedish central government had suppressed and oppressed the Finns and Samis by implementing numerous coercive assimilation policies. In the 1950s, however, the oblivious and radical nationalist attitude towards minority nations came to change mostly because of the labour immigrants. Many minority languages, such as Sami, Meankieli, Romanian and Yiddish, were officially recognised as the languages of education. In Sweden, bilingual education is now constitutionally guaranteed from which many students benefit various employment advantages in such areas as journalism and translation services having obtained a proficiency certificate in the relevant language (Kaya and Aydin, 2013).

¹¹ Before adopting the 1998 Act, there were indeed some examples for bilingual education in the UK. In Wales, for example, the first Welsh primary school was established in 1939. The establishment of this school is considered as the beginning of bilingual education in Wales (Huguet, 2007: 70).

Spain established a bilingual educational system with the adoption of the new Constitution in 1978, which divided the country into autonomous regions. Having adopted the Language Planning Acts in each autonomous region where a distinct language is spoken – Balearic Islands, Basque Country, Catalonia, Galicia, Navarra and Valencia – not only Castilian (the dominant language) but also such minority languages as Euskera (the Basque language), Catalan, Occitan (or Valencian) and Galician started to be used as the languages of education in the autonomous Spanish regions concerned (Huguet, 2007).¹²

The last two examples are Switzerland and Canada. 22 out of 26 Swiss Cantons are now practicing a bilingual (or trilingual in some cantons) educational programme. In Canada, bilingual education is very much in accordance with the multicultural policies acknowledging each distinct cultural group as a milestone of the Canadian richness. As a reflection of its multicultural and multinational atmosphere, not only the majority languages (English and French), but also a significant number of minority languages, including those spoken by indigenous Aboriginal Canadians (the First Nations, Inuit and Metis), are now used as the language of instruction in Canada (Kaya and Aydin, 2013).

All in all, mother tongue education is a right for national minorities which is already recognised in a significant number of international legal sources and is already exercised by many national minorities inhabiting in the states where a progressive human rights regime is being implemented. In light of this reality, the reform '*Kurdish as the language of instruction in private schools*' should be reconsidered. First, the scope of the reform should be widened: not only private schools but also public schools should be authorised to use the language. Second, more importantly, the constitutional restriction (Article 42(9)) should be removed in order to implement the reform properly.

¹² The Language Planning Acts concerned are the Euskera Language Planning Act (passed in the Basque Country in 1982), the Catalan Act (passed in Catalonia and Balearic Islands in 1983 and 1986, respectively), the Galician Act (passed in Galicia in 1983), the Valencian Act (passed in Valencia in 1983) and the Vascuence Act (passed in Navarra in 1986) (Huguet, 2007: 74).

VI. THE AKP'S SILENCE ON TWO ISSUES

Having analysed all the relevant reforms the AKP's government initiated in the period from 2002 to 2014, let us turn our attention to two important issues which were not taken into account during the period, namely 1) the official use of Kurdish and 2) public funding and constitutional protection for the maintenance and development of Kurdish ethno-cultural characteristics. It is initially worth noting that the Turkish Constitution is a restriction to resolve these two issues once again. That is why I will employ the methods of comparative constitutional law and politics in developing my own arguments.

The Official Use of Kurdish

In its history, Turkey did not permit any language other than Turkish to be used officially. Article 18 of the 1876 Ottoman Constitution (*Kanun-u Esasi*) had ruled that “[e]ligibility to public office is conditional on a knowledge of Turkish, which is the official language of the State.” All Turkish constitutions embraced this legal tradition in the following years. As a framework law, the Constitution of 1921 (*Teşkilât-ı Esasiye Kanunu*) did not deal with the issue of the official use of languages, and took into consideration the relevant provision of the Ottoman Constitution, demonstrating that it recognised only Turkish as official language. The Constitutions of 1924 (art. 2) and 1961 (art. 3) followed the same path and acknowledged Turkish as the sole official language of the country. The present constitution of Turkey accepts merely Turkish as official language like its predecessors, but unlike them, it makes the relevant provision (art. 3) as an irrevocable one (art. 4).

The issue on the official use of minority languages is indeed analysed in the European minority-specific legal materials. In accordance with Article 9 ECRML, provincial judicial branches ought to conduct civil and criminal proceedings in minority languages at the request of the parties. These branches should permit an accused or a litigant to use her/his minority language; should not consider evidence and request,

whether oral or written, inadmissible merely since they are formulated in a minority language; and finally such branches should produce, on request, documents pertaining to legal proceedings in minority languages.

The same material, in Article 10, also stipulates that provincial administrative bodies may allow the use of minority languages within the framework of the local authority. These administrative authorities may moreover empower users of minority languages to submit written or oral applications, and receive a reply in such languages; may publish their official documents in minority languages; may use minority languages in regular debates in their assemblies; and finally they may use minority languages in the provision of public services.

The other European minority-specific material, FCNM imposes similar duties on the state signatories. Article 10(2) FCNM rules, for example, that

“In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those minorities so request and where such a request corresponds to a real need, the state signatories should endeavour to ensure the conditions which would make possible the official use of minority languages in the administrative authorities”.

The same legally-binding material, in Article 10(3), also reads:

“The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.”

Many states which are implementing a progressive human rights regime consider these European-origin legal provisions, and make explicit constitutional provisions that either directly or indirectly allow the official use of minority languages.

- Direct Recognition

Some constitutions directly recognise not only the language of the majority, but also those of the minority. The Swiss Constitution, for instance, recognises French, Italian, German and Romansh as the national official languages of Switzerland (art. 4). The Swiss state is a confederation consisting of cantons (art. 1). While Article 70(1) of the Constitution recognises the four languages as the official confederal languages, Article 70(2) empowers all cantons to determine their own official languages.

The Constitution of Finland, in section 17(1), acknowledges Finnish (the language of the majority) and Swedish (a minority language in Finland) as national languages. The use of these national languages in parliamentary works is directly guaranteed by the Constitution (see section 51(1-2)). In pursuit of the 2003 Language Act, adopted with the goal of implementing section 17(2) of the Constitution, every Finnish citizen enjoys the right to use his or her native language, either Finnish or Swedish, before not only the courts but also the regional, municipal and state authorities. The Language Act also ensures the right of every Finnish citizen to receive official documents in their mother tongue (Ihalainen and Saarinen, 2014).

In light of the 2003 Sami Language Act,¹³ adopted with the aim of implementing section 17(3) of the Constitution, the Sami language has a distinct legal status as well as the other two (Finnish and Swedish). The Act, on the one hand, safeguards Sami linguistic rights such as the rights of Sami to use their own language before the courts and other public authorities. It, on the other hand, imposes a duty on the public authorities to enforce and promote such linguistic rights.

¹³ The Sami is an indigenous Finno-Ugric people, which currently inhabits in the Arctic area of Sapmi encompassing parts of far northern Finland, Sweden, Norway, the Kola Peninsula of the Russian Federation, and the border zone between south and middle Norway and Sweden.

In accordance with the Spanish Constitution, Castilian (the language of the majority) is the official language of the state, and the other Spanish languages may be used officially in “the respective Self-governing Communities in accordance with their Statutes” (art. 3). After the Language Planning Acts entered into force, which were prepared by the autonomous regions in which a minority language is being spoken, Euskera (the Basque language), Catalan, Occitan (or Valencian, a dialect of the Catalan language) and Galician started to be used officially at the regional level.

The Canadian Constitutional Act, in Article 16, directly recognises English and French as the official languages of the state. The use of the two languages in “all institution of the Parliament and government of Canada” is also guaranteed by the Constitutional Act (see art. 16(1)). As a final example for the mechanism of direct recognition, the Constitution of Ireland acknowledges both Irish and English as the official languages of the state (see art. 8).

- Indirect Recognition

Some constitutions do not deal directly with the issue on the official use of languages; instead; they impose a duty on the law to rule on this matter. A law then tackles with the issue, and expounds which languages can be used officially. The Belgian Constitution is an example for this indirect mechanism. Pursuant to Article 30 of the Constitution, “[t]he use of languages spoken in Belgium is free; only the law can rule on this matter, and only for acts of the public authorities and for legal matters.” In 1962, Belgium was divided into four linguistic areas *by law*, and this division was incorporated in the Constitution in 1970 (art. 4). Each Belgian linguistic region now has its own official language(s): Wallonia uses French as its official language; Flanders Region uses Flemish, a dialect of Dutch; a small part of Walloon Region uses German; and finally the Brussels region is officially bilingual (Dutch-French) (see Peeters, 2007; Iacovino and Erk, 2012).

The Constitution of Luxembourg embraces the mechanism of indirect recognition like its Belgian counterpart. The Luxembourgian Constitution, in Article 29, reads that “the law regulates the use of languages in administrative and judicial matters.” The language law was ratified on 24 February 1984, formally enshrining Luxembourgish as the national language of the state (art. 1). In pursuit of the same law, French was officially acknowledged as the language of legislation (art. 2), and all administrative matters were to be carried out in Luxembourgish, French and German (art. 3). The three languages were eventually awarded an official status upon the ratification of the language law (Redinger, 2010).

In a nutshell, the official use of language(s) is a right for national minorities which is already enshrined in the European minority-specific legal materials (FCNM and ECRML) and is already exercised by national minorities inhabiting in the states where a progressive human rights regime is being implemented. During its ruling period from 2002 to 2014, the AKP did not deal with the issue on the official use of Kurdish. In light of the aforementioned practices, however, it has become obvious that Turkey should embark on a reform process to allow the official use of Kurdish and its dialects.

It is initially noteworthy that a prospective reform process does need to involve a constitutional amendment package. Article 3(1) of the Turkish Constitution recognises Turkish as the sole language of the state. The following constitutional provision (art. 4), on the other hand, does not permit any amendments of the first three articles of the Constitution, rendering Article 3 an irrevocable provision. Having amended Article 4 of the Constitution which would enable a potential amendment of Article 3, a foundation may be ultimately laid for the official use of Kurdish and its dialects.

There are *at least* two alternatives for the new version of Article 3. First, it may declare more than one official language (direct recognition); second, it may not give any prejudices to a language, and may impose a duty on the law to rule on this matter (indirect recognition). Both alternatives, I think, are welcomed in Turkey. In implementing the first, Article 3 may declare both Turkish and Kurdish (including its

dialects) as the *national* languages of the state. Alternatively, it may still acknowledge Turkish as the only *national* language, but with allowing the regional and local state bodies, including administrative and judicial authorities, to use regional languages and dialects officially, rendering Kurdish and its dialects *regional* official languages in the Kurdish-occupied Southeastern Turkey. As for the implementation of the second, Article 3 may impose a duty on the law to rule on the matter, and then a law may deal with the official use of languages. A similar scenario can be envisaged: the law may acknowledge both Turkish and Kurdish (including its dialects) as *national* official languages; or, it may recognise merely Turkish as national language whilst awarding Kurdish and its dialects a *regional* official status.

Public Funding and Constitutional Protection for Kurdish Ethno-Cultural Characteristics

A duty of preserving minority language, culture and history is appeared in many international legal documents. The UN Declaration on Minorities states, for instance, that “[s]tates should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory” (art. 4(4)). The first European minority-specific legal material ECRML, in Article 8(1)(g), stipulates that the State Parties undertake to make arrangements to guarantee the teaching of the history and the culture which is reflected by the minority or regional language. The other European minority-specific, legally-binding convention, FCNM rules that the State Parties ought to preserve and promote minority cultures by means of promoting the conditions necessary for members of national minorities, and protect the basic elements of minority identity, namely cultural heritage, language, religion and traditions (art. 5(1)).

Article 134 of the Turkish Constitution ensures public funding and constitutional protection for the maintenance and development of the Turkish language, history and culture while mentioning nothing about the minority characteristics found in Turkey. In countries where a progressive human rights regime is being implemented, however, the constitution does not grant a privilege to an ethnic group; rather, it essentially aims at

protecting and advancing the characteristics of *all* communities within the state by paying a particular attention to *the principle of equality*.

For example, the Constitution of Spain, in its Preamble, safeguards “all Spaniards and peoples of Spain in the exercise of human rights, of their culture and traditions, languages and institutions.” In a similar vein, the Italian Constitution, in Article 9(1), stipulates that “the Republic promotes the development of culture and of scientific and technical research”, empowering the German-speaking nation in South Tyrol to enjoy the same privilege as ethnic Italians.

The principle of equality is enshrined in other constitutions as well. In accordance with the Finnish Constitution, “the Public Authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking population of the country on an equal basis” (section 17(2)). Furthermore, the Sami, the Roma and other groups enjoy the right to protect and promote their own language and culture pursuant to section 17(3) of the Constitution. Although the Swiss Constitution considers cultural matters as a cantonal responsibility (art. 69(1)), it encourages the Confederation to support cultural activities of the Cantons (art. 69(2)).

To sum up, the promotion of public funding and constitutional protection for minority characteristics is a right for national minorities which is already enshrined in a number of international (UN declaration on minorities) and European (ECRML and FCNM) legal materials. During its ruling period from 2002 to 2014, the AKP did not deal with the issue on the public funding and constitutional protection for Kurdish ethno-cultural identities. The above-mentioned constitutional practices have indicated that countries which are implementing a progressive human rights regime embrace *the principle of equality* at the constitutional level, and grant their minority nations the same privilege the ethnic majority population is enjoying.

In Turkey, however, the Constitution does ignore the principle, and cares only about ethnic Turks’ characteristics, including their linguistic, historical and cultural

identities (art. 134). In this regard, a constitutional reform package which is already required for the official use of Kurdish, may also involve an amended version of Article 134. By resting upon the principle of equality, the revised model of Article 134 may provide public funding and constitutional protection not only for the preservation and promotion of Turkish characteristics, but also those of ethnic Kurds.

VII. CONCLUSION

The Kurds had suffered from numerous coercive assimilation policies in Turkey; however, after the AKP came into power in 2002, a genuine reform process aimed at compensating the traditional harm done by the early republican regime, the three military administrations and their successor governments was introduced. In the period from 2002 to 2014, the AKP made a significant number of reforms.

As a review of such reforms, this article has come to the following conclusions. Many of the reforms have been implemented properly. The Kurds can now freely watch TV channels and listen radio stations which prepare their programmes in the Kurdish language and its dialects (Sorani, Kurmanji and Zaza). Kurdish parents can now give their children Kurdish-origin names without any legal restrictions. The Kurdish-origin names of the town and villages have been restored since May 2014. Kurdish can be freely used in Turkish politics at the moment.

As for Turkish educational framework, there are also some positive results. Ordinary citizens can now attend Kurdish language courses which are provided by not only the public universities but also many non-governmental organisations. In primary schools, elective Kurdish language courses have been offered since 2012 as well. Moreover, many public universities are now offering undergraduate and postgraduate degree programmes in Kurdish. Notwithstanding, there are still some problems concerning the educational framework.

First, elective Kurdish language courses offered in the primary schools are suffering from three sorts of restrictions, namely time-level, class-level and curricula-level. The removal of these restrictions may contribute to the appropriate implementation of the relevant reform. Second, although private schools have been permitted to use Kurdish as the language of instruction since 2014, there is no constitutional base for this permission, rendering the implementation of this reform difficult. Third, the reform related to mother tongue education in Kurdish also suffers from a scope-level restriction as it allows only private schools not both private and public ones, preventing poor Kurdish pupils from receiving education in their native language.

There are also two significant issues – (i) the official use of Kurdish and (ii) public funding and constitutional protection for Kurdish characteristics – on which the AKP kept silent during its ruling period from 2002 to 2014. These two issues are still unopened boxes as of August 2015.

By employing the methods of comparative politics and constitutional law, this article has reached the conclusion that the resolution of the educational problems and a new initiative aimed at allowing the official use of Kurdish and providing public funding and constitutional protection for Kurdish features, require a constitutional reform package.

For the sake of laying a foundation for bilingual education, a prospective constitutional revision package may delete or amend Article 42(9) of the Constitution, under which the Kurds are obliged to receive education in Turkish. With respect to the official use of Kurdish, Article 3(1) of the Constitution, according to which Turkish is the only language of the state, may be revised. The new version of Article 3 may take into account two mechanisms, *direct recognition* and *indirect recognition*, both of which, I think, are welcomed in Turkey.

Within the scope of the first mechanism, the new Article 3 may declare Turkish and Kurdish and its dialects as the national languages of the state; alternatively, it may still acknowledge Turkish as the sole national language, but with authorising the provincial state bodies to use regional languages and dialects officially, rendering Kurdish and its dialects regional official languages. A parallel scenario can be imagined in employing the second mechanism: the new Article 3 may impose a duty on the law to rule on the official use of languages, and then a new law implementing this constitutional provision may recognise both Turkish and Kurdish and its dialects as national official languages; or it may acknowledge merely Turkish as national language while awarding the Kurdish language and its dialects a regional official status.

The other provision the prospective constitutional revision package would give a new shape is Article 134, pursuant to which only Turkish cultural, historic and linguistic characteristics can receive public funding and be protected constitutionally. The scope of Article 134 may be expanded by ensuring public funding and constitutional protection not only for the Turkish language, history and culture but also those of ethnic Kurds.

As a consequence, I am of the belief that the AKP has reduced the harm done by the traditional republican regime; however, there are still some constitutional restrictions, the presence of which hampers the Kurds from exercising globally-recognised ethno-cultural rights. Should a prospective constitutional revision package taking into account all the aforementioned issues is introduced, however, it would remove all the restrictions, empowering the Kurds to enjoy internationally-acknowledged ethno-cultural rights.

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