European Union, Multiculturality and Minority Rights

Ali AYATA [*]
Sabri AYDIN [**]

Abstract

The questions of what the components of European identity formation are and how inclusive those components will be in the process of new identity construction are among the most discussed issues concerning European Union (EU) nowadays. The new conjuncture, which emerged with the end of the bipolar world order owing to the end of the Cold War, became the factor that ignited the issue of ethnic, religious, lingual and national minority issues in world politics. It also caused the concept of minority and the issue of minority rights to be discussed entirely in EU level. There is a need to address this issue, because in recent years the use of identity as a political argument has been mostly seen in the discussions of multiculturalism, and especially in the EU countries these discussions are made on immigrants and particularly on Muslims. In this context, in this study the historical development of minority rights will be discussed, and the studies made about minority rights in EU countries will be examined. How the phenomenon of minority rights is handled in the EU Acquis, how the freedom of individuals is determined and what the EU's contributions to these rights are the issues this study is going to investigate.

Keywords: EU, Cultural Diversity, Minority Rights, EU Minority Policies

Article Type: Research Article

Avrupa Birliği, Çok Kültürlülük ve Azınlık Hakları

Özet

Avrupa Kimliği'nin oluşum aşamasındaki öğeler ve bu öğelerin yeni kimlik inşası sürecinde ne kadar kapsayıcı olacağı tartışılan konuların başında gelmektedir. Soğuk Savaş'ın bitişi ekseninde iki kutuplu dünya düzeninin sona ermesiyle ortaya çıkan yeni konjonktür, genel olarak dünya siyasetinde etnik, dini, dilsel ve ulusal azınlık sorunlarının yeniden gündeme taşınmasındaki fitili ateşleyen bir etken olurken, bir bütün olarak azınlık kavramı ve azınlık hakları konusunun Avrupa Birliği düzleminde de tartışılmasına sebebiyet vermiştir. Son zamanlarda siyasal bir argüman olarak kimlik tartışmalarının çoğu çokkültürlülük tartışmalarında karşımıza çıkmakta olup, bu tartışmalar özellikle Avrupa Birliği ülkelerinde başta Müslümanlar olmak üzere göç yoluyla yürütülmesi, bu konunun ele alınmasının gerekçelerini oluşturmaktadır. Bu bağlamda çalışmada azınlık haklarının tarihsel gelişimi ele alınacak olup, AB'de azınlık hakları konusunda yapılan çalışmalar incelenecektir. Burada AB Müktesebatı'nda azınlık hakları olgusunun ne olduğu, kişilerin özgürlük haklarının belirlenmesi ve AB'nin haklara katkısının neler olduğu araştırılacaktır.

Anahtar Kelimeler: AB, Kültürel Çeşitlilik, Azınlık Hakları, AB Azınlık Politikaları

Makale Türü: Araştırma Makalesi

[*] Prof. Dr., Karamanoğlu Mehmetbey University Faculty of Economics and Administrative Sciences Department of Political Science and International Relations E-mail aayata@kmu.edu.tr ORCID ID: 0000-0002-6469-6866
[**] Dr. Öğr. Üyesi, Karamanoğlu Mehmetbey University Faculty of Economics and Administrative Sciences Department of Political Science and International Relations E-mail sabriaydin@kmu.edu.tr ORCID ID: 0000-0001-8331-1522

1.INTRODUCTION

As people started living in masses; some group of people, who have characteristics different from those of the majority, have started to exist in societies. These groups with different characteristics are called minorities. These differences have often become the root causes of conflicts, and adversely affected the stability. Changes in states' borders, mass migration of communities, natural disasters and wars have been the major factors that brought about the minority problem today. In this sense, the minority problems have become one of the most discussed issues in the international arena and brought severe problems regarding their solutions. In this context, while the policies undermining the sovereignty of nation states are produced on the one hand; on the other hand, the practices that disregard minority rights are implemented. The nation-state project which firstly emerged in Europe and aims to create a nation, based on a common history, language, and culture by melting ethnic, cultural, and linguistic differences in a pot; faces a serious challenge today. This challenge, called "multiculturalism" or "multiculturism", in essence emphasizes the phenomenon of "diversity" that disrupts all kinds of monotony, unity and commonality in society. In Europe, immigrants and immigrant origin minorities constitute an important part of multiculturalism. The cultural diversity generated by these groups often emerges from the international migration that begins individually and widens by family reunifications. These "new" minorities, which are the product of an immigration series that emerged after the Second World War, are defined with different concepts in different European countries. However, in time, these concepts are well opened for discussion and new concepts are proposed instead. Since the old concepts do not disappear easily; by the aid of the new concepts, a "diversity" in naming immigrants occurs. What is emphasized or highlighted in the use of this diversity has gained a special importance in current and political life. Intrinsically, it is not correct to delimit the diversity in European countries by national minorities and immigrants. Since the Reforms, there has been a great religious diversity in Europe. Catholic and Protestant groups, which had been at odds with each other for a long time, started to get closer in the second half of the last century and an ecumenical movement emerged. Also, the ongoing historical tension between Judaism and Christianity eventually began to decrease and turn into friendship as a result of the bitter memories of the Second World War. In time, by the aid of the migrations the existing religious diversity in Europe has evolved. In this way, Europeans have started to establish close relations and live together with Islam, Hinduism, Buddhism and other religions that did not exist inside the Europe and which Europeans did not get in touch with before. Whatever its reasons and characteristics; there is a multicultural, multi-ethnic and multi-religious social structure in Europe today. Nevertheless, there is an extensive disagreement among European cultural and political elites, not only on understanding and defining this structure but also on the normative attitudes that should be taken towards this structure.

Although there is no precise definition of minority, the definition of minority introduced by United Nations Rapporteur Francesco Capotorti's work dated 1979 is used today as a reference. According to this definition, minority is a group that does not have a dominant position in the country they live. Although the members of that group are the citizen of that country, they are less in numbers than the rest of the population. They have also different identity characteristics and desires to preserve these characteristics (Çavuşoğlu, 1999: 25-26). Although there is a current trend that tends not to leave the states alone to determine whether there is a minority or not in that country, the issue of minorities which is shaped by various parameters and has a paradoxical aspect is a highly sensitive issue of international relations. Although it is not possible to say that EU has a clearly defined and consistent minority policy, it is seen that EU expects candidate states to carry out liberal practices towards minorities and demands them to provide certain cultural rights to these different identities. Thus, it can easily be said that EU asks the candidate states to solve their minority problems in order to be a full

member. It has already been stated as the condition of respect for minorities in the Copenhagen Criteria that the candidate states have to fulfill for full EU membership. Although the Union does not have a mechanism to impose legal or any other sanctions on its members and has been criticized for creating double standards for candidate states, it is clearly seen in the progress reports that the issue of minorities continues to be on the agenda of the Union. In this study, the historical development of minority rights will be discussed, and the studies made about minority rights in EU countries will be examined. How the phenomenon of minority rights is handled in the EU Acquis, how the freedom of individuals is determined and what the EU's contributions to these rights are the issues this study is going to investigate.

2. THE HISTORICAL BACKGROUND OF THE IDEA OF EUROPEANNESS

Europe as a concept is based on Ancient Greek mythology in the literature. Thus, democracy, positive science and philosophy that flourished in Ancient Greece are significant in terms of European identity in order to prove that this continent was the beginning of civilization (Ayata, 2014: 4). The Enlightenment Period and the Ancient Greek Period can be regarded as the periods that European intellectuals frequently reference in terms of resuming the roots of the past. In addition, some of the most important arguments that nurture the European identity and shape its future are based on the Roman Empire. So, the EU's desire to become a power that shapes and leads the world again is based on the Roman figure. Concordantly, the idea that European civilization should take steps towards a world-renowned integration with the western values, believed to have resurfaced with the Enlightenment Period, occupies the mental world of European elites and politicians. As a matter of fact, the French Revolution is expressed as the resurgence of European civilization as the symbol of equality, liberal values, democracy, human rights and freedom. These values also gave European states a sense of superiority over other non-European civilizations that lack these values. After a while, this feeling has become something like a right of superiority and become the legitimate cover for Europe's colonial and imperial ambitions. Hence, being European has been defined as being free, equal, rational, hardworking, dynamic and progressive. On the other hand, the societies of other civilizations were defined as societies dominated by the slavery system that fosters bigotry, indolence, ignorance, and reaction. The motto that the abolition of the slavery system in the world would only be possible under the leadership of the Europeans has become widespread among them.

The agents that the historical background characterizes as the "other" play a major role in the fact that the European project has always remained alive for seventeen centuries (Hocaoğlu, 2003: 7). Especially during the periods of Turkish-Islamic rule; the "Turkish-Islamic" profile, attributed to the East and based on the fear-embellished exoticism formed the other in the subconscious of the European peoples. It also nurtured a reactionary identity devoid of values. As a result, the Muslim and Turkish agents constitute the main actors of the perception of the "other" in the identity process of the Union. So, with the Crusader Spirit fighting against the Turks and the Muslims for the Holy Places and the loss of these wars, the domination of Muslim Turks in Europe especially during the Ottoman Empire has created a historical depth in terms of keeping European values strong and alive against the common enemy. The fear of the "other" in the subconscious of the European people created by these historical events appears as the weapon that the Union uses very effectively in the formation of a common culture and identity (Ayata, 2014: 8).

This imagined identity undoubtedly highlights the thesis that the borders of the new Europe should be crystallized with a post-national, secular and pluralist understanding (Kaya, 2004: 40). As such, the European identity is linked to the EU's road map. In the most general terms, two projects can be mentioned about the future of the EU: The United States of Europe (USE) and the Europe of United States (Hocaoğlu, 2003: 8). The United States of Europe project, which started with the European Coal

and Steel Community (ECSC) and aimed at establishing an ultimate European identity with political, social and military integrations, through the process of economic integration, and aiming for a federal or confederal political integration similar to the model of the United States. This project can be defined as the "European Union Ideal" which is intended to be built on "Central European values and identity" whose foundations date back to ancient times in terms of historical depth and philosophical infrastructure and founded on the ancient Greek, Roman and Christian legacy (Ayata, 2014: 7). It has been understood in Europe, which was, especially after World War II, on the verge of extinction in both economic and social terms, that no single state can bring back the past alone. Regaining Europe's broken power and its lost glory, restoring its hurt dignity, and after allre-domination of Rome's enormous power and prestige, especially on the skies of Europe and the whole world atmosphere, can be achieved by the construction of a great and united Europe (Hocaoğlu, 2003: 10).

3. EUROPEAN UNION SINCE ITS ESTABLISHMENT

In order to create an economic community, The EU, under the name of the European Economic Community (EEC), was established by the 1957 Treaty of Rome. By the Maastricht Treaty in 1992, the community took its first step to be a political union and given the name of the European Community (EC). By the ratification of the Treaty in 1993, the EC became the European Union (Duvan, 2004: 194-195). The stability and economic success it has presented since its establishment have been effective in the increase in the number of member states. Thanks to its "supranational" structure and strong appearance in international arena, in a short time, it became a target for European States (other than the founders of the Union) to be a member of the Union. After the recent enlargements, it became clear that some legal documents, including the Treaty of Rome, had not met the needs of the Union and had to be rearranged. The fact that the EU, which has been established as an economic and political integration, began to lose its effectiveness due to the increase in the number of members, global competition, and inability to catch up with new technological developments, has revealed the necessity of structural reforms. (Weidenfeld and Wessels, 2011: 39).

The reform efforts aiming to preserve the current structure of the Union and its characteristic of being the sole power, while it is expanding with the accession of new members, have been gathered under the Lisbon Treaty. In this respect, the Lisbon Treaty is based on the founding treaties of the Union and the treaties regulating these founding treaties. However, the main process started with the rejection of the EU Constitution in the referendum held in France and the Netherlands in 2005, because this rejection has created an uncertain and unstable environment, and as a result, the future of the EU has begun to be questioned. The Lisbon Treaty was signed by the member states in order to eliminate all these challenges and to further strengthen the integration process, the structure and functioning of the EU as well. In addition, the basis of the reforms covered by the Treaty was established with the objectives set out at the Nice and Leaken Summits (Karluk, 2013: 145-146). These objectives can be listed as follows: increasing democracy, transparency and efficiency within the Union in order to solve the democracy deficit problem; institutional reforms; bringing the EU and its citizen closer; determining the role of the EU in the globalizing world; simplification of EU legislative instruments; and the transformation of the founding treaties of EU into a single constitution. The efforts to create the EU Constitution, which started to be prepared in line with these objectives, could not "become constitutional" at the point reached with the Lisbon Treaty, but brought along important changes in the structure and functioning of the EU in the form of reform (Yıldız, 2015: 26). Although the efforts to create a constitution have not been a success, the Lisbon Treaty embodies the constitutional text.

One of the characteristics that make the EUa distinctive organization is that the integration process has continued in a unique way. Indeed, there is a complex structure in which multiple factors

play role in the decision-making mechanism and organizational structure within the EU system. Consequently, the structure that emerges as a result of the member states' waiving their powers and transferring them to the EU institutions has a "supranational" character. The concept of "supranational" can be defined as the process of sharing domestic legal norms and policies, especially the sovereign rights of national governments; with another supranational institution that has a binding character on the government (Akıllı, 2010: 36-37). Although a national government, subordinated to a supranational authority, retains its decision-making potency; as a result of the principle of "supranationality", it has to delegate a significant part of its sovereign powers to the authority to which it is bound and apply the legal principles determined by that authority in its domestic law.

The devolution of authority, which is a requirement of the supranational character of the EU, causes significant susceptibility in the member states against the centralization of the Union. In order to meet the concerns of the member states, the subsidiarity principle has been established as a balancing factor with the EU Treaty. While the principle of transnationalism emerges as an indigenous feature of the EU integration configuration, the subsidiarity principle has been previously applied in the EU and has not been expressed in the founding treaties. Subsidiarity principle is briefly defined as taking the decisions, favoring the citizens within the Community. Bringing together different states in a supranational and intergovernmental character has led to the emergence of severe problems over time. The sensitivity of the citizens is of great importance in the decisions taken in order for the EU to function effectively; the Union must definitely take into account the demands of the citizens (Karluk, 2013: 121). The unique organizational structure of the EU, which combines the classical international organizational characteristics on the one hand and the federal state characteristics on the other hand, has a unique feature. In the EU organizational system, intergovernmental and supranational features are cohesively mixed. The organizational structure of the EU has been subject to many changes since the initiation of the integration process. Undoubtedly, the changing international environment and internal dynamics are the main factors that cause institutional changes that will enable the Union to work more efficiently.

4. MINORITY AS A CONCEPT AND VARIETIES OF MINORITY

Despite the frequent use of the concept in daily life and the numerous academic studies conducted by the people interested in the minority issues, there is no consensus yet on the definition of the concept of "Minority". For some, the concept, which is as old as human history, is a phenomenon that has existed since people began to live in masses, because there have always been some communities that differ in various ways from the societies they live in. From the perspective of international relations discipline, the definition and scope of the concept has been interpreted in different ways due to its legal and sociological aspects. Thus, over time the concept has gained various different meanings in different circumstances.

There are many reasons why the concept of minority, which dates back to ancient times and frequently comes to the agenda with the occurrence of substantial social transformations such as wars and migrations, is ignored by states and there is not a clear definition. Some of these reasons can be listed as follows: Firstly, we can mention that minority communities can become the focus of attention of many states and international organizations, as minority rights are one of the indispensables and most important parts of human rights today. The second reason is that by using minorities in other countries as a pretext, states may try to make strategic interventions to the internal affairs of other states. The third reason is the fear of the fact that especially transnational minorities may attempt to use their collective rights and make political separatist demands with the aim of establishing a new state together with the communities belonging to the same minority groups in neighboring countries (Kurubaş, 2004: 12-13).

Although there is no consensus on the definition, the concept is open to be evaluated from a sociological and legal perspective. Although there are many attempts on the recognition of minorities, it is still a sensitive issue, so regarding from the legal perspective it is not possible to find a clear definition of the concept of minority in international documents. The definition proposed by the 1978 report of Francesco Capotorti, the rapporteur of the UN Human Rights Commission's "Sub-Commission on the Prevention of Discrimination and Protection of Minorities", became the cornerstone in the solution of the problem of defining minorities. According to Capotorti, minority is *"a group outnumbered by the rest of the population of a state, having a non-sovereign position, whose members are ethnically, religiously or linguistically distinct from the rest of the population as citizens of that state, and show a veiled sense of solidarity in order to protect their culture, traditions, religion or language"* (Çavuşoğlu, 1999: 25-26).

Another definition, made by Jules Deschenes, the Canadian member of the Sub-Commission, based on the definition of Capotorti is as follows; *"It is a group of citizens, numerically a minority and does not have a dominant position in the state, has ethnic, religious or linguistic characteristics different from the majority of the population, has a sense of solidarity with each other, oriented with a common desire to survive, albeit veiled, and its aim is to achieve de facto and legal equality"* (Çavuşoğlu, 1999: 25–26).

In the proposal of the "European Convention for the Protection of Minorities", drafted in 1991 by the Commission for Democracy Through Law, the advisory body of the Council of Europe, the minority is defined as *"the group who has different ethnic, religious or linguistic characteristics from the rest of a state's population, and oriented with the desire to protect its culture, traditions, religion or language"* (Çavuşoğlu, 1999: 27). This definition seems to be very broad. Another definition of the concept of minority was made by Kristin Henrard. She defines the concept as *"the group that differs from the rest of the population with its ethnic, linguistic and religious characteristics, less in numerical terms, does not have a dominant position and wants to protect their identity"* (Henrard, 2001: 41).

Within the framework of many definitions of minorities, we can list the attributions of being expressed as a minority as follows: Being inferior in numerical terms; not being dominant socially and politically; having nationality or citizenship status; having different ethnic, religious or linguistic characteristics; having solidarity about survival and protection of their culture, traditions and languages. Another important issue is the issue of minority rights. In order to understand minority rights, two different but closely related types of rights can be mentioned. First of all, it is possible to talk about negative equality rights. What is meant to explain here are the rights granted to all people living in a country as a reference of being citizens of that country? For example, freedom of belief, political participation, equal rights and responsibilities under the law. Secondly, positive rights are mentioned. Apart from the rights and obligations that all people living in that country equally share which is negative rights, positive rights are the rights granted to minority groups that differ from the rest of the society with some characteristics. For example, non-Muslim citizens who are given minority status in accordance with the Treaty of Lausanne have the right to establish their own schools and to carry out education and training activities in their mother tongue (Oran, 2008: 22). Besides, another important issue is the minority types. Four different types of minorities are mentioned in the literature. These are Religious Minorities, Linguistic Minorities, Ethnic Minorities and National Minorities.

Religious Minorities: Although it is debated today whether there is a decrease in the role of religion as a constituent of identity, first minority related regulations have been made to protect religious minorities (Kurubaş, 2004: 22). Therefore, it is claimed that the first minorities were

religious minorities. To be able to define a religious minority, the religion has to objectively distinguish the group from the majority of the society and affect the life and culture of the group members in all areas (Arsava, 1993: 57).

Linguistic Minorities: Parallel to the expansion of the idea of nationalism; instead of religion, language has become the main constituent of identity. Although there is not a true handbook of how to handle the language in determining linguistic minorities, some linguistic methods are used. There is a tendency for the concept of language to be taken broadly. Regardless of being written or spoken language, it covers all dialects. Identity awareness and the desire to preserve it are also important in identifying linguistic minorities (Kurubaş, 2004: 22).

Ethnic Minorities: Its members share, albeit vaguely, a common origin, consisting of various cultural, historical and territorial ties. The community, which is not institutionally bound by state boundaries, does not have a specific political character as a cultural category (Kurubaş, 2004: 22-23). While racial, religious and linguistic minorities were being mentioned in the documents on the protection of minorities during the League of Nations period, it is seen that the word of race has been systematically replaced by the word of ethnic in the UN period. This is because the race includes only physical differences, and it is difficult to determine racial differences scientifically. On the other hand, ethnicity defines all biological, cultural and historical characteristics (Arsava, 1993: 54).

National Minorities: National minority has become a frequently used concept in the post WWI regulations. The concept of national minority is generally used to define the communities that have their own national, historical, cultural or linguistic characteristics. National minorities have the same characteristics of ethnic minorities and they have also the ability to participate in political decision-making mechanisms. This means that national minorities regard themselves as a part of the nation-state in which they live (Arsava, 1993: 55).

5.LEGAL AND INSTITUTIONAL REGULATIONS ON MINORITY RIGHTS IN EU

Although it had started as an economy-based initiative, the EU has also begun to affect the social and political structures of its member states in recent years. Besides the principles of free market economy and free trade, the respect for democracy and human rights are also the basic constituting principles of the EU. In this respect, the EU attaches importance to human rights and minority rights (Schnellbach, 2013: 89-90). Sources of EU law are divided into primary and secondary sources. Primary sources are the founding agreements, the agreements amending founding agreements, accession agreements and general principles of law. Secondary sources consist of regulations, directives, decisions, recommendations, and opinions issued by EU bodies, using the authority granted by the founding agreements. The agreements that EU signed with third party states and other international organizations, and the agreements signed among EU member states also constitute an essential part of EU Law. The protection of minorities is accepted as a written constitutional principle by EU primary law and especially the Lisbon Convention. Protection of minorities is thus part of the acquis communautaire. The protection of minority rights within the Union is provided by the European Convention on Human Rights (ECHR), the Council of Europe Framework Convention on National Minorities, the constitutional traditions of EU member states and the EU Charter of Fundamental Rights (Arsava, 2010: 13).

The EU, which did not directly deal with the issue of minorities and had deficiencies in its legislation until the 1990's, preferred to approach the issue generally in the context of human rights violations (Taşdemir and Saraçlı, 2007: 28). The most important reasons for this are the fact that the EU is an economy-based organization and that there is no agreement on minority rights within the Union. The collapse of the Soviet Union and the ethnic conflicts that arose in Yugoslavia in the early

1990'sled the EU to facilitate its efforts on minority rights. In Maastricht Treaty of February 7, 1992 the EU, although it was indirectly, for the first time, pointed out the necessity of protecting minorities. Article 128 (new 155) of the treaty entitled "Culture" stated that "the Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore". The provision in paragraph 4 of the same article, "the Community shall take cultural aspects into account in its action under other provisions of this Treaty" requires the member states to assess cultural impact in their activities. Although it was indirectly, The Amsterdam Treaty emphasized the necessity of protecting minorities, by adding the section "in particular in order to respect and promote the diversity of its cultures" to this provision (Schäfer, 2012: 73).

One of the biggest steps taken towards the protection of minorities is the Copenhagen Criteria. As a result of the meeting, held in Denmark's capital Copenhagen in June 1993, the European Council put forward some criteria about the accession of all candidate states. Among these criteria, the article related to minorities is: "*stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities".* The condition of protection of and respect for minorities" stated in the article is applied only to candidate countries, and no conditions are specified for member countries. After the acceptance of the Copenhagen Criteria, the most important development affecting the minority regime of the EU was the "Framework Convention for the Protection of National Minorities" issued by the European Council in 1995. The Framework Convention for the Protection of National Minorities is the first international document about the protection of national minorities which is legally binding and declared multilaterally (Saraçlı, 2007: 59-60).

The Treaty of Amsterdam, which was signed on October 2, 1997, and entered into force on May 1, 1999, brought important innovations regarding minority rights. The article 12 of the Treaty, which prohibits citizenship-based discrimination, regulates the use of EU institutions in the fight against discrimination. Accordingly, the mechanisms including measures for the benefit of ethnic and linguistic minorities will be put into practice and the future decisions of the Court of Justice of the European Union will pave the way for the creation of a "basic principle" regarding the protection of minorities (Ayata, 2016: 6-7).

"The Charter of Fundamental Rights of the European Union", which entered into force on December 7, 2000, is an important text that was accepted in the EU after 1990 and contains provisions for minorities, albeit indirectly. In the Article 20 of Chapter III of the Charter named "Equality" it is stated that "everyone is equal before the law", while Article 21 states that "any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited". In the Article 22 titled cultural, religious and linguistic diversity, it is stated that "The Union shall respect cultural, religious and linguistic diversity" (Saraçlı, 2007: 67).

The EU Constitution, signed in Rome on October 29, 2004, by the heads of state or government of the member states, also includes provisions regarding minorities. The Chapter I of the European Union Constitution named "Fundamental rights, freedoms, and responsibilities", also constitutes the second part of the Charter of Fundamental Rights of the European Union. In the Article I-2 of the Constitution named "Fundamental rights and freedoms", it is stated that "the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of minorities" and it was emphasized that these values are "common to all member states" (Saraçlı, 2007: 68). Thus, the fact that in the EU Constitution the

respect for minority rights is introduced as one of the basic principles of the Union should be interpreted as an important result of the EU's minority policy that has changed since the 1990s. The EU agencies also carry out important activities regarding minority rights. Among these agencies, the European Parliament (EP) is the most interested one in respect of minority rights. The Parliament's decisions regarding minority rights are as follows (Ayata, 2016: 9):

- 1981 EP Decision on Community Charter for Regional Languages and Cultures and the Community Charter for the Rights of Ethnic Minorities

- 1983 EP Decision on Measures in the Benefit of Linguistic and Cultural Privileges

- 1987 EP Decision on Ethnic and Regional Languages and Culture in the European Community

- 1994 EP Decision on Linguistic Minorities in the European Community.

Besides the EP, the other EU agency that carries out the most important work on minority rights is the European Commission. The European Union Commission prepares reports on minority rights and languages, carries out projects for the protection of minority languages and cultures, and cooperates with some autonomous organizations. In the Agenda 2000 report, which is of great importance in terms of shedding light on the EU's minority policies and announced by the EU Commission on July 16, 1997, the candidate states are obliged to make the necessary legal regulations in the context of the representation of minorities in the parliament and local administrations, education in the mother tongue and the ability of minority groups to use their own languages in judicial processes (Duvan, 2004: 199).

The EU Commission also evaluates the minority related developments in the candidate states. The reference text here is –as in the Agenda 2000 Report- the Council of Europe Framework Convention on National Minorities. The EU Commission provides financing for some programs and activities carried out regarding minority rights. These are (Polatoğlu, 2001: 81):

- European Bureau for Lesser Used Languages (EBLUL)

- Eurolang and Ethnic Minority Business Network (EMBNET)

- European Network for Information, Documentation and Research (MERCATOR)

- The Production and Reproduction of the Minority Language Groups in the European Union (EUROMOSAIC)

Besides these, the Commission also has activities for candidate countries. For instance, PHARE and TACIS Democracy Program includes programs and aids for minorities in the Central and Eastern European countries, which were accepted as members in 2004 (Schildberg, 2010: 124).

If we draw a general framework of the EU's policy towards minorities, first of all it is understood that EU's legal and institutional regulations approach minority rights not within the framework of protecting minorities, but on the basis of prevention of discrimination and respect for human rights. In addition, with the Copenhagen criteria, various obligations are imposed on candidate states, but they do not impose any obligations on member states. Although in recent years there have been some changes for the development of minority rights against the erosion of national identities by globalization and there has been an attempt to create a European identity to make the EU a political community, all these developments have not been sufficient for the improvement of minority rights. The basis of accurate immigration and integration debate in Europe should be the vision of equal citizenship. The integration and its models should be defined not as a precondition for but as a subtitle

of equal citizenship (Kymlicka, 1995: 52). Current migration and integration processes differ significantly from the models of the early 20th century. Globalization has radically changed the notion of immigration. Today's immigrants can get in touch with the geography and culture where they come from easier and faster than before. In the 19th century, migration between countries and continents meant leaving one cultural basin and being included in another. Today, identities that do not leave off either world and are connected with these two different worlds are becoming widespread (Demir, 2007: 98). A definition of immigrant and integration, based on religious discrimination, does not embrace converted European Muslims and second and third generation immigrant children; on the contrary, it turns into a discrimination against them, because Islam is gradually becoming one of the established religions of Europe. It is no longer possible to regard Islam which has become one of the determinants of European demography, as a phenomenon of exotic, mystical, beyond, eastern, interesting, and so on. At this point, Europe should reconsider the immigration and integration problems by rethinking the concept of equal citizenship. Equal citizenship, by definition, means that individuals have equal rights and responsibilities before the law, regardless of their religion, language, ethnicity, social status, and gender. This status, guaranteed by the Constitution, obliges the implementation of the principles of justice and equality among citizens and legal immigrants. This has a constitutional and legal basis in most of the European countries. After all, they are the people who fulfill the law, and it is inevitable to make contributions beyond the law. Equal citizenship, besides being a legal norm, must also have a social and psychological payoff (Thursday, 2006: 65).

6.CONCLUSION

The issue of protection of minorities has been taken out of the framework of being a local or regional problem and has been considered to be universal since the foundation of the United Nations. Consequently, as well as its political dimension, the issue of protection of minorities began to be understood as a human rights issue. Today it goes beyond the concept of human rights, and as a right category, it has started to be discussed and analyzed within international law. There is no agreed definition and practice regarding minorities in the international arena. The most important reason for this is that when the states' interest is the concern, concepts such as "human rights" and "minority rights" lose their importance. However, if powerless states have such problems, they are applied as the most important means of pressure and used as a tool to disrupt these states. Undoubtedly, in the age of globalization, it is usual and necessary to experience processes such as the expansion of individual freedoms and the recognition of distinct identities by nation states. However, the use of minority problems by great powers, international organizations and institutions to break up weak states should not be considered as a right policy.

With the increasing emphasis on minorities in international arena in the 1990s, the Council of Europe and the EU set the improvement of minority rights as a political criterion. While the Council of Europe by paying attention to the protection of minorities has published reports on the issue, the EU has included the subjects of respect and protection of minorities inside the European values. The EU has taken the protection of cultural and linguistic differences as an important element for the road to integration, and this approach has accelerated the efforts to protect minority cultures. During this period, not only international but also non-governmental organizations increased their activities on minority issues. Non-governmental organizations have been effective in dealing with minority issues and drawing attention to these problems. In the process that started with the European Coal and Steel Community (ECSC), although the union has completed its economic and political integrations over time, it still has not been able to achieve cultural integration, which is the main vein that keeps the union alive and forms the basis of the economic, political, and social order. The Union is aware of this deficiency and, if not remedied, of the anticipated dramatic end. However, this awareness also drags

the union into an ambiguous rush. The American culture spreading with globalization and the African, Far Eastern, and Islamic cultures that EU contains in it reveal that this rush is not actually paranoia. Apart from its recent works on minorities, it is observed that EU's legal and institutional regulations are insufficient. However, the issue that needs to be emphasized is that the EU practices on minorities create a duality. With the Copenhagen criteria, while obligations regarding minorities are imposed on candidate states, no obligations are imposed on member states. Although a single and common minority rights policy has not yet been produced among the members of the EU, it expects the member states to adopt the principles on minorities, accepted by universal and European-based organizations, in their domestic law and to make compatible arrangements. Making a distinction between national minorities and immigrants also prevents to make a sharp definition of minority and implement a common policy within the EU. This is the main reason for both member and candidate states to adopt different practices for minorities.

The way to prevent a fanaticism that can lead to a clash of civilizations is to ensure the cooperation and relation, in other words transitivity, between civilizations. The effort to form closed societies has remained in the past. The communication revolution and globalization show that the identity and unity cannot be protected by the inward closure, and the development of self-confident unity and cooperation is the only way out. It would be extremely wrong to think that Europe has a monolithic, uniform, and singular cultural identity. Europe has various cultural traditions, customs, and understandings. The vision of a common cultural identity is only an ideal. Eastern European countries have experienced a very different enlightenment process. Sectarian differences have caused serious divisions throughout history. While the Spanish are Catholic, Finns are Protestant and Greeks are Orthodox. It is very difficult to reconcile a dismissive and discriminative approach with contemporary values. It does not seem possible to establish a new and integrative EU vision on cultural differences theses that resemble Cold War concepts. Confining culture to a geography and discrimination leading to cultural chauvinism has become meaningless in the globalizing world. The EU which has been established for economic purposes is one of the three largest blocs of the world today. However, rather than economics, social and political policies play a role in being a community. In the process of the formation of European identity, there is an "embracement" problem in EU member states. This means that EU cannot ensure an alliance based on European consciousness and a common culture that will prompt the masses. Culture is the most important part of identity formation. Citizens feel connected to their state as their sharing increases. Therefore, solid cultural ingredients such as religion, language and race increase the commitment to identity. While European people are adhering to these values, the EU filled with much more flexible or universal values does not appeal, and those who are interested in EU display an attitude as if they pay a debt of gratitude. Closing itself to the outside world, rejecting any possible interaction with other cultures in a global world and not accepting the difference also contradict with Europe's view of democracy and human rights. While establishing a welfare state within itself, excluding the different one from the same state, and monopolizing its culture by interrupting intercultural interaction also mean destroying its legitimacy with its own hand. So, identity will remain to be an issue for Europe. Only the day Europe manages to live with the other, and even learn something from the other without fear, it will attain his own identity.

Ethical Statement: During the writing and publication of this study, the rules of Research and Publication Ethics were complied with, and no falsification was made in the data obtained for the study. Ethics committee approval is not required for the study.

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