THE DYNAMICS BEHIND REFUGEE AND ASYLUM POLICY MAKING IN TURKEY: MASS REFUGEE MOVEMENTS FROM BULGARIA AND IRAQ

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ABSTRACT

THE DYNAMICS BEHIND REFUGEE AND ASYLUM POLICY MAKING IN TURKEY: MASS REFUGEE MOVEMENTS FROM BULGARIA AND IRAQ

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The study aims to analyse the factors that affected Motherland Party's policy responses to the mass refugee flows that originated in Bulgaria and Iraq between 1988 and 1991. The research closely examines the parallels and discrepancies between the policy responses to the large-scale refugee flows from Bulgaria and Iraq, as well as the factors that led to these responses. The study uses a conceptual framework relating to the refugee response policies, which systematizes the analysis under border control, reception, long-term solution and addressing the root causes of the displacement sub-policy domains. Under this framework, the impact of Turkish national identity understanding on the policy responses to chosen mass refugee movements is examined without ignoring the importance of the different international and domestic considerations on the policy responses. The study argues that refugee and asylum policies are the result of the complex interplay between domestic and international factors. The analysis is based on primary and secondary resources with a combination of process tracing and comparative analysis methods. Hence, the study presents the role that national identity understanding played in policies developed toward mass

refugee movements and how this role is shaped and transformed by the state's consideration of different domestic and international factors.

Keywords: Mass refugee movements, national identity, Turkey, refugee policy, forced migration

ÖZ

TÜRKİYE'DE MÜLTECİ VE İLTİCA POLİTİKASI YAPIMININ ARKASINDAKİ DİNAMİKLER: BULGARİSTAN VE IRAK KİTLESEL MÜLTECİ HAREKETLERİ

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Bu çalışma, 1988-1991 yılları arasında Bulgaristan ve Irak kökenli kitlesel mülteci akınlarına karşı Anavatan Partisi'nin geliştirdiği politikaları etkileyen faktörleri analiz etmeyi amaçlamaktadır. Çalışma, Irak ve Bulgaristan kitlesel göçlerine verilen politika yanıtlarının nedenlerini ve bu yanıtların aralarındaki benzerlik ve farklılıkları incelemektedir. Çalışmanın kullandığı mülteci politikalarına ilişkin kavramsal çerçeve sınır kontrolü, kabul, uzun vadeli çözüm ve yerinden edilmelerin arkasındaki nedenlere odaklanan dört alt politika alanına odaklanarak analizi sistematikleştirmiştir. Bu çerçeve ile, farklı uluslararası ve yerel faktörlerin önemini göz ardı etmeden, Türkiye'deki kimlik politikalarının bu kitlesel akınlara karşı geliştirilen politikalar üzerindeki etkisine odaklanmaktadır. Çalışmanın argümanı, mülteci ve iltica politikalarının iç ve dış faktörler arasındaki karmaşık etkileşimin bir sonucu olduğudur. Analiz, süreç izleme ve karşılaştırmalı analiz yöntemlerin uygulanmasıyla birincil ve ikincil kaynaklara dayanmaktadır. Mülteci akınlarına karşı geliştirilen politikalarda kimlik politikalarının oynadığı rolü ve bu rolün devletin farklı

iç ve dış faktörleri göz önünde bulundurarak nasıl şekillendirdiğini ve değiştirdiğini ortaya koymuştur.

Anahtar Kelimeler: Kitlesel mülteci akını, kimlik politikası, Türkiye, mülteci politikası, zorunlu göç

To all refugees and defenders of refugee rights...

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CHAPTER 1

INTRODUCTION

Migration, with its multifaceted and complex structure, affects both the national and international spheres. International migration influences the transformation of society and politics through the emergence of transnationalism and diversity (Castles, de Haas & Miller, 2014). Despite the different categorisations of migration, including forced migration, labour migration, and irregular migration, it has clear implications for states' economies, demographics, and social policies (Kale, 2014). Therefore, in order to manage and respond to migration, states develop a variety of related policies.

Turkey plays numerous roles and has distinct policies that have changed through time due to its experiences as a transit nation and a country of emigration and immigration (Özerim, 2018). These differences can also be seen within the same time frame across different mass inflows with different identities. Turkey, which has been part of the migration phenomenon since the Republic's early years, faced intense mass immigration movements in the 1980s and 1990s as a result of political instabilities in Turkey's neighbouring countries. The high number of refugees requires specific mechanisms such as policies, institutions, and local, regional and international collaborations to satisfy or not their needs. Therefore, mass refugee influxes are complex and multi-dimensional phenomena for the sending, receiving, transit and third states, resulting in policy variations. Different interests and concerns of the states resulting from domestic or international politics and the peculiarities of the states may be the cause of these variations.

The framework of the study, in that respect, is based on which factors affect states' refugee and asylum policies. The conceptual framework of the study defines refugee policies under four sub-policy domains in order to systematize the study. Accordingly,

border control, reception and protection, durable solutions and addressing the root causes of the displacements are presented as sub-policies. A state may take into account a wide range of national and international considerations when adopting refugee and asylum policies. These considerations may arise from identity-based factors relating to nation and refugees, the protection of human rights, or state interests related to domestic and foreign policies. The argument is that policies created in reaction to large-scale refugee influxes are at the nexus of internal and external variables. Due to the complex interplay of these factors, states pursue different strategies concerning different refugee groups at different times. The literature, as discussed in detail in Chapter 2, presents possible factors, such as foreign policy objectives, national security, national identity and economic factors, as a determinator of the refugee and asylum policies. (Teitelbaum, 1984; Jacobsen, 1996; Meyers, 2004; Ullah, 2014; Özerim, 2018; and Şahin Mencütek, 2019). The influence of these elements is not constant and may vary from case to case or from time to time because each case is context-specific. It would not be correct to say that one of these factors is more important than the others. On the contrary, the complex relationship between these factors is an indicator of their complementary effect on each other. As a result of such a structure, states respond both legally and practically to include or exclude incoming refugees. The study, with this background, focuses on national identity manifestation and its impact on refugee and asylum policies without ignoring other possible domestic and international factors. The complex interplay between national identity policies, domestic and international considerations and refugee and asylum policies is the basis of the study.

Inclusion or exclusion of immigrants and refugees also relates to a state's citizenship policies because reception policies can determine whether the incomers will be part of the society. Therefore, the national identity manifestation of the state, both legally and practically, has a crucial impact on the refugee and immigration policies (Money, 1997). Immigration and refugee policies can be determined by the experiences and history of a state, which are the fundamental units of national identity (Zogata-Kusz, 2012). The point is that the host state's national identity and homogeneity may be perceived as being threatened by large-scale refugee inflows, especially those from certain ethnic or religious groups (Ullah, 2014). Therefore, migration policies have been utilised as a political instrument in the process of national identity and nation-

state formation, with which people are tried to be united and defined by created or pre-existing elements (İçduygu, 2010). By including or excluding certain groups and individuals, states expect to protect their unity and stability.

At this point, the critical point of the study's framework is that while the identity question is essential to scrutinize the legal and practical policies developed against refugees, this question should not be considered independent of domestic and international factors, such as the economy, security or sovereignty. Just as identity cannot be thought to develop independently of national and international factors, it cannot be thought that refugee policies develop independently of local, international and identity subjects.

Migration and refugee crises worldwide are interesting topics that catch scholars' attention in Turkey, especially after the Syrian crisis. Subjects such as state response, integration, employment, education, health, and securitisation are analysed by scholars. However, for Turkey, throughout its history and into the present, migration has played a significant role. In addition to forced displacement, labour emigration and immigration from the former Ottoman territories, Turkey has also experienced mass refugee arrivals before the Syrian civil war. The Bulgarian and Iraqi mass refugee movements, which took place between 1989 and 1991, are important examples of mass refugee movements. These two movements, which took place during the same period, led to the fact that different facts were taken into account by the state.

These incidents occurred during the Motherland Party period with Turgut Özal's Prime Minister position between 1983-1988 and the president position between 1989-1993 (Ataman, 2010). This period also has been shaped by the transformations such as globalisation, neoliberalism and the rise of identity politics. The Motherland Party, during this period, reproduced its identity with its conservative attitude emphasizing religious values and Turkish-Islamic synthesis, while it shaped both its domestic and foreign policy from a neo-Ottomanist point of view and adopted a neoliberal economy (Yavuz, 1998). Therefore, it is essential to analyse the differences between the responses to these cases, which happened within the same time frame. These cases are frequently examined in the literature as a part of historical analyses of Turkey's immigration and refugee policies. Furthermore, the differences in the responses to

these cases are provided without any critical assessment of the factors impacting the refugee policies. The main factor of the different responses to Turks of Bulgaria and Northern Iraqis, mainly Kurds, is perceived as ethnicity or, in general, identity. Even if ethnicity was the primary factor, it is believed that this comparative study demonstrates how the state response varied toward different influxes with considering different factors.

1.1. Purpose of the Study and Research Questions

The study seeks to analyse the policy responses of the Motherland Party to mass refugee movements that originated in Bulgaria and Iraq between 1988 and 1991. While analysing the historical process of the cases, the study focuses on the influence of national identity manifestation of Kemalist understanding and the Motherland Party on the refugee and asylum policy responses. The study aims to scrutinize the dynamics of the refugee and asylum policies of the host state from a comparative perspective. In order to realise this aim, the study defines refugee policies under border control, reception and protection, durable solution and addressing the root causes of the displacement sub-policy areas. Without ignoring the impact of the foreign and domestic policies in that era, the study aims to determine the extent and manner of similarities and differences in the Turkish state's responses toward different mass refugee groups. In other words, in such a short period, the consideration of the state in responding to these two cases is analysed.

The study's theoretical framework is based on the influence of the national identity manifestation that is not independent of international and domestic factors. Refugee and asylum policies result from the complex interplay between national identity and domestic and international considerations. The argument is that the state's consideration of different international and domestic factors resulted in shaping and reshaping refugee policies.

In that respect, the study is carried out with a set of questions:

What were the main considerations of the Motherland Party in responding to different mass refugee movements?

How did Turkey respond to mass refugee movements in 1989 to Bulgarian and 1988 and 1991 to Iraqis? In what aspects were there divergence or convergence in these responses?

What is the impact of the national identity and citizenship policies of Turkey in responding to the Bulgarian and Iraqi mass refugee movements?

1.2. Study Design and Methodology

Following its purpose, this study is carried out with a literature review, and primary and secondary sources are the basis of the study. The study's essence is the utilisation of secondary sources such as governmental publications, official reports, statistics, and prior academic research. The goal is to gather information from secondary data sources regarding the state's actions before and during refugee crossings to comprehend what considerations affected the state's policies. Moreover, national and international legal documents are used as a primary resource to gather information about how the state manifested its national identity and refugee and asylum policies to legitimise its policies. The present study requires access to historical, cultural, national, and transnational practices, which archival research enables. In this respect, archival research aims to make interpretations and judgments for the study. It should be noted that these interpretations of historical records may give rise to alternative explanations in both international relations and other disciplines.

The chosen cases for the study occurred between March 1988 and October 1991, and this period is the main focus of the study. However, there is a need to analyse the policy memories of the state, similar cases that had happened before and causal mechanisms behind the cases. Therefore, the cases are analysed without strict time limitations by referring to policy memories and legacies.

The cases serve as illustrations of how internal and international problems, including national identity policies, may lead to changes in refugee and asylum policies. These cases are significant because they are among the greatest mass immigrations to Turkey and happened around the same time, and because of the parallels between them as well as the various approaches to managing them. Therefore, the present study is mainly

based on a comparative study in which differences and similarities between policymaking and the factors affecting the policies of these cases are analysed.

The process-tracing approach is used in conjunction with a mix of comparative methodologies for the study, which intends to trace the policies that have been enacted as well as the drivers of these policies. Process tracing, which is closely connected to historical explanations, is an essential method for identifying the causative factors that influence the result (Bennett & Checkel, 2014). The method is defined as the selection and analysis of diagnostic data in accordance with research questions, followed by a systemic analysis (Collier, 2011). It infers explanations and causes based on the chronological order of occurrences. In other words, process tracing is a method for identifying causative processes that makes use of a detailed, within-case empirical examination of how a causal process manifests itself in an actual scenario. Process tracing provides the opportunity for capturing causal mechanisms that produce different refugee policies. Moreover, the change in policies toward different refugee flows and the causes of the changes are presented.

Because of the period of the cases, conducting primary resources become unavailable. Even if it is possible to reach some political personalities of that period for an interview, the limited number of them and the possibility of forgetting these past events can result in reliability and validity problems. On the other hand, while using secondary resources, there can occur problems with the availability of sources such as newspapers and official documents. Therefore, the study does not contain generalisations and only analyses specific factors mentioned below.

The following section presents how the study is constructed by summarizing the content of the chapters.

1.3. Content of the Chapters

The study aims to analyse the dynamics that affected the policy responses of Turkey to the mass refugee influxes of 1988-1991 Iraq and 1989 Bulgaria with a specific focus on national identity. In order to realise the aim, the Second Chapter presents the conceptual and theoretical framework of the study. Firstly, the definitions of the used concepts and terms are defined in order to systematize the analysis. The meanings of

mass influx, refugee and state policies, including border control, reception, long-term solution and addressing the displacement's root causes, are presented to avoid confusion about what is referred to in the study using these terms. Secondly, the chapter presents a theoretical framework to create a basis for the argument of the study. Accordingly, the literature that focuses on the possible factors that affect the policy responses to the refugees is discussed, and the relationship between national identity and refugee policies regarding nation-building and national identity formation is presented.

In light of the theoretical framework in the second chapter, the third chapter portrays a historical and legal background of Turkey's national identity and refugee and asylum policies. The identity formation of the early Republican understanding and the Motherland Party, with their focus on specific elements, is important to elaborate on the impact of national identity on refugee policies. Moreover, with the legal framework, the study analyses whether refugee and asylum policy responses were based on legal sources.

The fourth and the fifth chapters demonstrate a historical perspective on the mass influxes of Bulgarian and Iraqi cases with their background, reasons and consequences. In that respect, the process tracing makes the study able to understand the causative process that resulted in the specific refugee policies of Turkey. The policy experience of Turkey relating to the immigration from the chosen states, Iraq and Bulgaria, what caused the mass exodus of the refugees, how Turkey responded to these refugee influxes and what affected the policy responses of Turkey are presented.

The historical process of the Bulgarian and Iraqi cases is analysed in the sixth chapter by referring to the theoretical background. From a holistic point of view of the historical, legal and theoretical frameworks presented in the previous chapters, the study examined the impact of different domestic and international factors, especially identity policies, on refugee policies. Moreover, the chapter used comparative methods to understand the divergencies and conveniences between the policy responses to two cases. Lastly, the seventh chapter portrays a comprehensive summary of the study with further comments.

CHAPTER 2

CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1. Conceptual Definitions Related to the Study

As a global phenomenon, migration has different types, and it is necessary to give basic definitions for this study. A migrant is someone who relocates to a new location because of improved economic, social, or political conditions, and volunteering is the foundation, at least in theory (Kale, 2014). On the other hand, when people's lives are threatened by an existential threat, such as political persecution, violence, or natural or human-made disasters, forced migration occurs, and this sort of migration may entail crossing international borders in search of safety (Betts, 2009). In this respect, in the 1951 UN Convention Relating to the Status of Refugees and in its 1967 Protocol, the refugee is defined as a person who is unable or unwilling to return to their state of origin since for a reasonable fear of being persecuted because of their ethnicity, religion, nationality, membership in a particular social group, or political views (UNHCR, n.d.). The point is that refugees are forced to move across international borders in order to gain protection provided by a state different from the place of origin (Crawley, 2006). In other words, rather than internal displacement within the border, refugee status requires crossing international borders.

Moreover, asylum-seekers are those who are eligible to request international protection under the 1951 Refugee Convention (Crawley, 2006). When a country accepts the application of an asylum seeker for international protection, he/she will receive refugee status. Another point is that migratory movements do not always happen under the watch of states (UNHCR, 2006). People can cross borders by violating national entrance and exit rules, legislation, and international agreements (IOM, n.d.). Irregular migration status can take place and change over time or in

different places. Lastly, the mass refugee influx term is critical to define in this study. The cross of international borders by the large number of people seeking asylum within a short period (a few years) is defined as a mass refugee influx (Jacobsen, 1996). Mass refugee movements, with their qualitative and quantitative characteristics, can affect states more quickly in a short time in an economic, political and social sense; therefore, it is an important policy area for states.

1.3.1. A Conceptualisation of Refugee Policies

Another critical point for the study is to define and understand the meaning and types of the states' refugee policies. Policies are often a collection of measures that include a wide range of implementation in addition to several laws, orders, regulations, and preambles on paper (Şahin Mencütek, 2019). They are created, moulded, and put into action with the help of several organisations and people operating at various levels. In this study, the state is focused on as the main decision-maker without ignoring the multiple actors' importance and role. In other words, the roles and powers of the multiple actors in the refugee policy implementation are not the debate of this study. Therefore, by focusing on the state's role, the refugee policies are categorised under four layers with reference to Zeynep Şahin Mencütek and Alexander Betts' categorisations.

The first category of the state responses is about border controls, which refers to controlling foreign nationals' entry and exit through border officials to prevent irregular crossings (Şahin Mencütek, 2019). This sub-policy is related to whether to welcome massive admission efforts or reject them by closing borders is a political decision made by the state. If entry is denied, the destination country may provide zero-aid packages to those who have crossed borders without assistance or may not care (Şahin Mencütek, 2019). In that respect, the border-control category is related to the open and closed-door policy of the Turkish state toward refugee inflows. The dynamics behind the policy, the existence of national security authorities and, if any, changes in the policies are examined.

After crossing borders, state responses can be categorised into three sub-policy domains: protection, durable solutions and addressing the root causes of displacement (Betts, 2009, p.14). The reception-protection policies include the process of being

identified, registered, and trying to get access to emergency relief (Şahin Mencütek, 2019). States can provide protection by, for instance, granting refuge, relocation, or financial support through humanitarian groups (Betts, 2009). Identification and classification of the newcomers determine the extent and scope of their legal status and rights. At this point, domestic and international laws and regulations can have a role in shaping the rights and status of newcomers. However, states are not always compelled to abide by the *non-refoulment* principle and fundamental protection norms. Even if the host nations conform to some of the Convention's standards for protecting asylum seekers and refugees, they have a broad range of policy repertoire at their disposal if they want to restrict incomers' rights (Şahin Mencütek 2019). For instance, strict rules about registration, mobility of the refugees and relocations, and readmission can be examples of these policy repertoires. In the Turkish case, how the mass influxes were identified and what were the considerations of the state to granting rights and status to inflows can be evaluated under this sub-policy. In short, granting status, rights and services can be evaluated under the protection-reception category.

States' responses to refugee movements may include more than just providing safety; they may also assist in finding long-term solutions for refugees by encouraging relocation, integration, or repatriation (Betts, 2009). For refugees, repatriation has become the desired lasting option, while nations have grown more hesitant to offer resettlement and integration (Betts, 2009). These options also prevent themselves from granting status to newcomers. For instance, granting immigrant/refugee status gives the sign of integration or resettlement to third countries, while temporary protection status does not refer to any long-term integration aims. If integration is the policy of the state, it ensures refugees' rights related to employment, education, housing, livelihoods, and identity with reference to the 1951 Convention (Şahin Mencütek, 2019). These integration policies also include acquiring citizenship. In the Turkish case, whether Turkey opted for resettlement, integration or repatriation policies as durable solutions for the refugees and which rights and services were granted to them are the main considerations.

Lastly, states can also take measures to address the root causes of displacement (Betts, 2009). For instance, military engagement, diplomacy, development, post-conflict rebuilding, or peacebuilding may be conducted by the host states (Betts, 2009). These

policies, which are related to the foreign policy interest of the state, may not be the case. In the study, in addition to border control, reception and durable solutions policies, if any, the state's policies toward addressing causes of the displacement are elaborated.

Empirically, nations' contributions to protection have seldom been driven only by humanitarian or altruistic motives and have typically been quite selective (Betts, 2009). Therefore, it is important to comprehend the many political factors that influence how governments contribute to assisting displaced individuals who require international protection. At this point, the study's theoretical framework presents possible factors that can affect refugee and asylum policies.

2.2. Theoretical Framework of the Study

Policy responses of the host states to immigrants and refugees take an important place in the literature with possible effects of the different factors on the policies. These factors may be related to incoming individuals/groups and intrastate or interstate issues, regardless of who is coming. As posed in the introduction, policies developed in response to mass refugee influxes are at the intersection of internal and external factors. Therefore, the dichotomy between international humanitarian principles and sovereign nation-states' self-interest is shown via policy formation (Loecher, 1989). The literature on state policies drew attention to domestic policy and national security issues, their peculiarities and shortcomings in relation to the international refugee regime and international humanitarian assistance. In other words, states may care more about their own security than the security of refugees.

Although the research concentrating on the mass refugee inflow policies is still under-theorized, it assumes similar elements to explain policies. For instance, Şahin Mencütek (2019) argues that domestic politics and characteristics related to national security and national identity, international politics, and economic factors are independent explanations for the responses to mass refugee influxes. These factors' impact on policies can be different and change over time. The existing political instability, ethnic tensions or political polarisation can affect the host state's policy preferences with any possible effect of refugees on instability and conflict (Şahin Mencütek, 2019). Moreover, mass refugee arrivals, particularly those from certain

ethnic or religious groups, may be seen as a challenge to the nationalism and homogeneity of the host state (Ullah, 2014; Şahin Mencütek, 2019). Jacobsen (1996), in her study on responses to mass influxes, argues that prior legal, bureaucratic choices and local absorption capacity are factors besides international relations. Jacobsen (1996) defines local absorption capacity in terms of the economic potential and social receptiveness of the community, which encompasses ethnicity and kinship, the cultural significance of refugees, attitudes toward refugees, and the hosting states' historical experiences as variables that determine policy. For instance, connecting ties with refugees through religious, cultural and historical factors are given as solid traditions regarding the principle of hospitality and social receptiveness (Jacobsen, 1996). Similarly, the ethnic affinity between groups can affect the responses but may not explain the variations in responses due to the impact of different factors (Jacobsen, 1996). Jacobsen gives an essential framework for understanding the possible reasons behind the state responses, but this framework lacks empirical analysis. These studies show that refugee policies are the result of the complex relationship of different factors, which means that conducting a direct relationship between a factor and policies can result in inaccurate information.

While international politics has an essential impact on the causes and consequences of cross-border mobility, it also has an essential relation with the state's response to mass influxes. Refugees who seek to cross international borders affect international relations between at least two governments and catch the attention of other governments and non-state organisations. Therefore, refugee policies have a close relationship with the foreign policies of the relevant country. Özerim (2018) argues that because there are substantial connections between international migration and foreign policy, foreign policies are among the most effective for a state's immigration policies. In other words, international migration as a global concept is controlled by a state through its policies that strongly link with its foreign policies. Moreover, for foreign policy aspirations, migration and asylum policies can be instrumentalised (Özerim, 2018). A state can shape and reshape its migration policies through foreign policies, such as making an agreement with a country to control irregular migration at their borders and repatriate mass refugee inflows. Therefore, migration should be analysed as vulnerable to foreign policy because foreign policy objectives are justified by mass migration policies. Some of the state's efforts to justify itself are cited as the humanitarian need to assist entering

refugees, calls for other nations to shoulder burdens, the necessity of joint action to facilitate the repatriation, and the development of secure buffer zones (Altıok & Tosun, 2019).

In order to conceptualise the relationship between refugee asylum policies and foreign policy, Teitelbaum presents three types of relationships. Firstly, by focusing on the foreign policies' impact on international migration, Teitelbaum argues that foreign policy tools can be used to promote or limit flows, including diplomacy, financial sanctions, and military action (Teitelbaum, 1984). In other words, through the use of foreign policy tools, migration can be encouraged, constrained, or restricted. Secondly, using migration as an instrument for foreign policy is possible. The sending or receiving state may employ large-scale migrant movements as a strategy for unarmed invasion or demonstration of sovereignty (Teitelbaum, 1984). Moreover, a receiving state can use the refugee flows to embarrass and discredit the sending state (Jacobsen, 1996; Teitelbaum, 1984). How a state responds to refugee influxes can be influenced by its foreign policy objectives. A state could be ready to provide security to an opposition leader escaping a rival neighbouring regime, for instance, by allowing the cross-border guerrilla activity.

Thirdly, past migration has an influence on foreign policy. Accordingly, the significant number of refugees affects the foreign policy formulation of both the sending and hosting states (Teitelbaum, 1984). While the large refugee population affects the host state's relations with the sending state, the sending state can also formulate its policies toward the host state by seeking the mobilisation of its population to support itself in dealings with the host state. Teitelbaum's conceptualization is crucial to comprehending the connection between foreign policy and state responses to massive refugee influxes from Iraq and Bulgaria. Whether Turkey's foreign policy towards the sending state restricted, stimulated or regulated the refugee flows and whether Turkey has a foreign policy interest towards the sending state evolution is essential for this study. Even though foreign policy aims are essential to understanding refugee and asylum policies, this study is taken a more comprehensive perspective. In the study, where identity policies are the main focus, a comparative analysis will be carried out in accordance with the interaction of different internal and external factors. Therefore,

this study is not directly focused on the relationship between foreign policy and refugee and asylum policies.

In short, the literature argues that while there are a number of similar factors that can affect refugee policy, from security to sovereignty to international norms, each case is context-specific, meaning that the impact of these factors is not fixed and may change from state to state or from time to time. The interplay between different factors can be derived from the identity of the inflows, the state's perception and interests, and domestic and international concerns. Therefore, refugee policies may not be explained with only one factor. In that respect, while focusing on Turkey's national identity manifestation, the study uses the interaction between international and local factors, including factors such as security, economic concerns, foreign policy and sovereignty, to understand refugee and asylum policies. This approach is justified by the claim that examining refugee policy by concentrating on just one factor might lead to confusion. For instance, examining identity nexus refugee politics alone without considering the potential effects of other domestic and international policies may not be adequate to comprehend the state's policies. In the same manner, while looking from foreign policy interests, it may be difficult to understand why the state has a refugee policy that is against its interests without considering the effect of other causes.

In this study, the period of the Iraqi and Bulgarian cases and the availability of official sources makes it difficult to analyse all possible factors that affect the policy responses of Turkey. The fact that this study does not analyse all possible factors in detail does not mean that factors such as international relations, security or economy are ignored. In other words, rather than analysing each factor that may have an impact on these policies in detail, the study explains the process and developments in this period with the process tracing method. In this way, a more comprehensive explanation is aimed to be given, for example, taking into account the causal effects of other factors rather than establishing a direct relationship between economic factors and refugee policies.

The impact of elements that can be effective, such as economic and social concerns, on refugee policies may not be understood due to the limited official resources. Therefore, the study does not examine the relationship between each factor and refugee policies in detail and does not establish a direct relationship between a factor and

policies. Instead, it focuses on the impact of complex and multifaceted interactions between these factors on refugee and asylum policies. In short, with a specific focus on the national identity policies of the state, this study considers the impact of other domestic and international factors on refugee and asylum policies.

Moreover, this study focuses primarily on how the selected cases are affected by Turkish identity and citizenship policies. In other words, this study argues that the Turkish state's national identity, concerning the legal basis, has a crucial impact on refugee policies. As identity policies cannot be considered to be shaped separately by domestic and international factors, it is wrong to disregard how these national identities and domestic and international elements interact to determine refugee policy. The literature on migration and identity should be examined in light of this claim.

2.2.1. National Identity and Migration Policies

In the migration literature, the impact of identity on migration policies has an essential place. In a general sense, the state's culture, history, and experiences, which are the constituents of the formation of national identity, have an impact on immigration policy, specifically immigration restriction measures. (Zogata-Kusz, 2012) Scholars who focus on ethnicity, national identity and citizenship generally concentrate on a country analysis, such as Britain and the United States, and categorise states as settler or non-immigrant nations, which affects their citizenship policies (Money, 1997). According to Money (1997), national identity is the primary determinant of immigration policies by these theories. Without ignoring the importance of the national identities of immigration policies, this study argues that a perspective of a settler or a non-immigrant nation may ignore the current national identity in the state and internal and external considerations. Therefore, it is believed that identity and migration policies should be analysed from a more comprehensive perspective.

In the literature on immigration control policies, the cultural discord between the immigrants and the natives catches the attention of scholars. The argument is that the racial status quo in society and the cultural values are emphasised, and national identity is an essential factor that affects immigration policy (Money, 1997; Meyers, 2004). The national identity approach places a focus on the significance of history, national identity, and the magnitude of immigration in relation to immigration laws (Brubaker,

1992; Meyers, 2004). Even though there is an emphasis on debates about national identity, according to Meyers (2004), states are categorised as settler-ethnic states, homogeneous-heterogenous states or according to citizenship laws based on jus sanguinis or jus soli. For instance, Zolberg (1981) argues that a culturally and ethnically homogenous state, which does not have a significant immigration experience, will have less tolerance towards immigrants than a heterogeneous one. However, the existing literature is mainly based on the Global North and insufficient to explain the immigration policies of other countries. Moreover, a state as a homogeneous or heterogenous characteristic undermines the state's experiences, politics and debates about the domestic characteristics related to the identity.

This study does not ignore the assumption that the different racial and ethnic compositions of mass immigration can influence the immigration policy of the relevant state (Meyers, 2004). Moreover, the conception of the national identity, which affects the multi-cultural understanding of the state, has a crucial impact on migration policies. States can develop policies by perceiving that the immigration group can threaten the state's national integration and regime (Zolberg, 1981). Abdelaaty (2021) analyses the impact of ethnic politics and foreign policy on asylum policies with a comparative analysis and argues that ethnic similarity/dissimilarity and hostile/friendly relations with the sending state will affect generosity and restrictive asylum policies. Accordingly, the hosting state's similar ethnicity with asylum-seekers and a hostile relationship with the sending state results in a generous asylum policy, while no ethnic tie with the asylum-seekers from a friendly sending state means a restrictive asylum policy (Abdelaaty, 2021). In other words, while foreign policy is reduced to reassuring allies or putting pressure on rivals, ethnic ties with refugees are presented as the sources of incentives to favour them (Abdelaaty, 2021). However, like the researchers mentioned above, Abdelaaty does not discuss the meaning of ethnicity and identity and how/why they are manifested. Therefore, defining the identity and identity formation of the state and political parties is necessary for this study.

The term identity originates from social psychology and influences disciplines ranging from sociology to political science. The connection with actors influences identities, which can be personal, psychological, or social, and creates a feeling of national

identity (Telhami & Barnett, 2002). Identities result from constructing the dialectic of 'them and us' by groups of individuals, which is an objective historical relationship that embodies a changing social construct (Ergil, 2000). National identity, a complex and broader type of social identity, is defined by sociologist Guibernau as a common sensibility based on the belief in belonging to the same nation and containing many characteristics that make that nation different from other nations (Guibernau, 2007). Similarly, sociologist Anthony Smith defines national identity as part of collective identity with some sense of political community with specific elements. Despite different models of the nation, Smith gives common characteristics that define a nation as a designated human population with shared historical geography, mythologies, and memories, as well as a common mass public culture, shared economy, and legal obligations for all (Smith, 1991). With these dimensions of the national identity, members can understand who they are, the relationship with other nations and what is essential for their nation within a social context (Özdemir & Özkan, 2020). More importantly, while the nation can be combined with other types of identity, such as class, religion or ethnicity, nationalism, as ideology, can have combinations with other ideologies, such as liberalism, fascism and communism (Smith, 1991). In other words, the national identity is multi-dimensional, which cannot be oversimplified to a single element.

Another critical point is that national identity is a dynamically constructed concept and can be reconfigured following the needs of the time. The nature of national identity differs depending on the type of nation-state and the unification strategy employed to keep members together (Özdemir & Özkan, 2019). In multi-ethnic and multi-cultural societies, nationhood description can be based on the major group's ethnicity, religion and cultural identity, and such a situation can result in other ethnic and religious groups' feelings of exclusion and marginalisation with a suppression in the name of national unity (Ergil, 2000). In other words, if individuals and groups do not feel that they are equally included, their acceptance of national identity may not be realised. In such a situation, the excluded and the neglected group can be perceived as security threats by the hyper-sensitive state, which results in authoritarian policies (Ergil, 2000). Due to interactions between individuals and groups, people with numerous identities may establish subcategories with different values and standards.

The creation of the nation-state and also political parties, especially their leaders, necessitate the development of different group identities depending on the principles and goals of their party and to give messages that they will improve the current conditions of society in a manner consistent with these values (Özdemir & Özkan, 2019). These leaders also manifest their identities with a discourse of 'us' and 'them', in which 'them' refers to other political parties and promises that they will protect the group/nation's interest (Özdemir & Özkan, 2019). The crucial point is that political party identity and national identity are linked by leaders who offer themselves and their political parties as the representatives of the people.

In brief, this study focuses on how the ruling party's and the state's conception of national identity influences the responses to refugee flows. The ruling party and the state constructs moral and political bonds by manifesting an identity to get the people's consent, consolidate power, justify its actions, and unify the people[1]. Despite the differences, the argument is that nation and national identity are socially and politically constructed. Such a nation and national identity definition references shared history, territory, myths or culture. In other words, people are tried to be united and defined by created or pre-existing elements, resulting in the exclusion or assimilation of some groups to get consent and hegemony[2]. To put it another way, nation and national identity manifestation can aim to include individuals by referring to shared values and ethnicity, and religion and traditions can be highly used for uniting people (Smith, 1991). While defining the nation, the political party also defines the interests of the nation and presents itself as the protector of these interests. Such a nation and national identity manifestation are also tools for justifying the political party's actions both domestically and internationally. State and political parties can intentionally exclude some individuals and groups, or by constructing moral behavioural patterns and duties,

[1] In the literature, this process is interpreted as a hegemonic project from a Gramscian sense. In that sense, nationalism are taken as a way of construction and consolidation of "…[the ruling party's] ideological hegemony … and to deal with certain 'destabilizing' longstanding problems…" (Saraçoğlu & Demirkol, 2015 p.303).

[2] In Gramscian sense, "hegemony means domination by articulating the interests of all other classes and groups to the interests of the hegemonic class through the construction of a collective will or a general interest." (Tünay, 2002, p.179). The hegemony project fuses at least the majority of partial interests in society around a specific goal, involving political, intellectual and moral practices throughout the nation (Tünay, 2002). The term of hegemony in this study is used as a perspective to understand how the state and political parties instumentalise the national identity manifestation to protect their existence.

they can name ‘other’ those who do not obey these patterns. By creating binary positions, political parties also create a sense of security, insecurity, safety, or fear (Kadıoğlu & Keyman, 2011). Moreover, they can change their definition of nation and national interest, especially if there is a need to reassure their hegemony against factors about stability or security.

The manifestation of national identity by a state or a political party can affect asylum and refugee policies. The state can consider the number of refugees, their racial and ethnic composition, and their possible effect on society (Meyers, 2004). In that respect, the following section details the nexus between national identity and migration policies.

2.2.2. National Identity, Nation-State Building and Migration Policies

Identity politics has a close relationship with immigration and refugee policies. This relationship has historically developed in parallel with the development of modernity and nation-state building. Modernity, the economic, social and political transformation of European origin, developed throughout the world in the twentieth century when nation-states were consolidated as sovereign and legitimate entities within the world system (İçduygu, 2010). As a result of these developments, intrastate and interstate movements of people have increased. Nation-states are entitled to regulate who enters and exits their borders and are able to determine the status and rights of the incomers. The right to control borders and who enters are crucial points for the states because these issues affect their national security (Kirişci, 2000). Migration and migration-related policies, in that respect, have been used as a political tool in the processes of the construction and protection of the nation-state in which the population of the nation-state is aimed to transform into the most homogeneous structure with a relative understanding of national purification (İçduygu, 2010). The possible impact of the migrants on the security, stability or other related aspects results in the control of the states in terms of migrant status.

Once the state admits an immigrant or refugee status to newcomers, their rights and citizenship possibilities are determined. In other words, the state’s reception policies affect the membership and non-membership of the newcomers to the state in legal terms. Moreover, assimilation, integration and multi-culturalism-based policies are

used to manage and protect the nation system (Collins, 1988). Therefore, admitting legal status to incomers has a close relationship with the national identity and citizenship policies of the state, which are designed to protect the security and stability of the state. The fact that states regulate certain conditions for gaining status and then membership to the society is not only through legal arrangements but also practices. Analysing whether a state keeps its official concept of citizenship may be understood by examining its immigration and refugee laws and practices. It may be useful in identifying any discrepancies between citizenship's official definition and its current situation (Kirişci, 2000). In such a situation, the state practices may reveal that the state manages different groups through *ad hoc* policies at different times. As mentioned above, these differences can result from domestic and foreign considerations.

The relationship between nation-state building and international migration movements in terms of migration's impact on the homogeneity of the society has a reductionist approach for analysing this relationship (İçduygu, 2010). States with different interests can conduct different policies in different periods even if it challenges their nation-building understanding. In other words, domestic and international considerations of the states can result in policies that are not expected from the viewpoint of the migration's impact on the homogeneity approach. For instance, with the end of the Cold War and globalisation, not only assimilation but also different integration and multi-cultural policies became visible. The increased cross-border movement brought about by globalisation leads to ethnic and national diversity in society, and multi-cultural policies create spaces for different cultures to express themselves (İçduygu, Erder & Gençkaya, 2014). In other words, it is argued that globalisation reduced the role and the power of the nation. Without neglecting the impact of globalisation, this study argues that on the subject of migration, even though the state's role is challenged, it has a crucial role in establishing rules of entry and exit. Moreover, while with globalisation, the expectancy is related to the open-border policies, it is observable that migration-receiving states have been getting more active and restrictive in recent years. Therefore, it can be concluded that migration policies and practices that centre on the concept of an ideal nation-state that has been dominant since the beginning of the twentieth century are also quite common today (İçduygu et al., 2014). In that

regard, this study discusses the function and power of the Turkish state and the Motherland Party in the control of large-scale immigrants and refugees.

2.3. Conclusion

This chapter firstly gives a conceptual definition of the state's asylum and refugee policies to systematise the case analysis. Accordingly, state policies, which are the composition of the legal and official documents and practices, are analysed under four sub-policy domains named border control, reception, long-term solutions and addressing the root causes of the displacement. While examining the different policy options, it was emphasized that these policies are influenced more by the state's own domestic and international considerations than by humanitarian concerns.

In order to explain what factors may be influential in the development of refugee policies, a review of the literature in the theoretical framework was conducted. In short, internal factors such as national identity, security, political stability, economy, political polarization, and international factors such as foreign policy and the international refugee regime can be influential in shaping refugee and asylum policies. The point is that the influence of these factors varies from case to case and from time to time since each instance is context-specific. It may not be possible to explain refugee policy using only one element; thus, a more thorough approach is required. The study, in that regard, focuses on national identity and its impact on refugee and asylum policies without ignoring the interplay between national identity and domestic and international considerations.

The national identity formation by the state and political parties aims to get the consent of the people, consolidate its power, unify the members and create stability. The process of inclusion and exclusion shows the state's perception of differences. Therefore, the ethnic, religious and cultural composition of the manifested national identity is important to understanding domestic considerations and refugee policies. Nation states have the power to control who enters and exits the borders and determine the status and rights of the newcomers. Therefore, migration policies are used as an instrument in the construction and protection of the nation states, referring to security and stability. The control of the borders and status determination and granting of specific rights to newcomers, at this point, have a close relationship with the

citizenship policies because through granting to newcomers specific rights and status, states decide the citizenship possibilities of newcomers. Through ethnic, religious or cultural elements, states perceive the identity of the immigrants and the possible impact of this identity on national identity. Even though there is no possible threat, states can try to justify themselves by referring to their identity. Identity politics is crucial in examining the legal and practical policies created against refugees, but it should not be seen as standing alone from domestic and global considerations like the economy, security, and sovereignty. Refugee policies cannot be understood to evolve independently of local, international, and identity considerations, just as identity cannot be thought to develop irrespective of national and international elements.

With this background, the next chapter scrutinizes the historical and legal background of national identity and refugee and asylum policies. After evaluating national identity and its relationship with the migration policies in the early Republican era, which had an impact still in the 1980s and 1990s, the Motherland Party politics with reference to identity is concentrated. After the historical section, the legal laws and regulations regarding refugees and asylum seekers are analysed concerning the impact of national identity. Lastly, a background for the Iraqi and Bulgarian mass flows is conducted in order to understand the policy memories and causal mechanisms behind these flows.

CHAPTER 3

HISTORICAL AND LEGAL BACKGROUND OF TURKEY'S IDENTITY POLITICS AND REFUGEE AND ASYLUM POLICIES

3.1. National Identity, Nation-State Building, Migration Policies and Turkey

The fundamental objective of Mustafa Kemal Atatürk and his supporters was to establish an autonomous nation-state and promote industrialisation in order to advance to the level of Western civilisation and create a modern, secular national identity (Keyman, 2011). In order to quickly modernize politics, economics, and culture as part of the mission of modernity, the state used nationalism as a tool to establish a modern institutional political system. a rapidly industrializing economy, a homogenous sense of national identity, and an advanced, secular culture (Keyman, 2011). From a historical perspective, Turkey's national identity's conceptual underpinnings have remained mostly consistent. As a means of uniting the Muslim people of the disintegrating Ottoman Empire, Ziya Gökalp conceived identity as consisting of an intersection of Turkish ethnicity, Islam, and modernism (Herzog, 2014). The argument is that the interaction of Islam, Turkism, and modernity has persisted as a crucial component of modern Turkey's national identity (Herzog, 2014).

In the Turkish case, therefore, the nation-state building and modernity projects are intertwined processes (Keyman & İçduygu, 2005). These projects sought social homogenisation within the National Pact-designated region, which means that the existence of ethnic and cultural diversity, with some exceptions, was denied in the formulation of the national identity (Kirişci, 2000). The causal factor behind this understanding was that the population, which had decreased due to wars, should be strengthened qualitatively and quantitatively in the migration and resettlement policies established during the founding years of the state (Danış & Parla, 2009). Kemalism,

which had secularism as its foundation, rejected, in principle, both ethnic nationalism and Islam and argued in favour of defining the Turkish nation as a geographical entity (Çağaptay, 2004). Moreover, the nation's commonalities with its shared history, interests, and willingness to live together were stressed by officials (Çağaptay, 2004). In order to legitimise the definition of the 'Turk', the state adopted relevant articles not only in the 1924 Constitution but also in the 1961 and 1982 Constitutions[3]. According to Article 88 of the 1924 Constitution, citizenship is granted to the people of Turkey citizenship without considering religion and race, and they have equal rights (Türkiye Cumhuriyeti 1924 Anayasası, 1924). In other words, in such an understanding, every people living within the boundaries of Turkey was granted citizenship with equal rights and named Turk. This article can be interpreted as that the Turkish identity had been tried to be formulated in, supposedly, civic nature.

On the other hand, the state made references to non-Turkish Muslims' immigration from the old Ottoman territories with a perception of their assimilability with religion and language (Çağaptay, 2004). This viewpoint can be interpreted as that in the Turkish nation, Islam had previously served as a means of inclusion (Çağaptay, 2004). Therefore, the definition of the Turkish nation includes religious elements. Such a notion references the immigration of Muslim groups and different ethnonational but Muslim groups within the boundaries. It attempted to integrate the nation's minorities into the Turkish nation (Çağaptay, 2004). For instance, with references to Islam, Kurds or Lazes were attempted to be included in the Turkish nation. The point is that when different ethnic and religious groups could not be assimilated and the state encountered resistance, it responded with force to Kurds and Greek and Armenian Christians, resulting in alienation, resettlement or exodus (Çağaptay, 2004).

In the 1930s, with references to the Turkish History Thesis, the Turkish language strengthened its power in the nation definition. In the Turkish History Thesis and the Sun Language Thesis, the origin of the Turkish race and how the language protects its characteristics and memories are discussed (Çağaptay, 2004). By emphasising the

[3] Article 88 of the 1924 Constitution cites that "The people of Turkey are referred to as (Turkish) citizenship without distinction of religion and race." (Türkiye Cumhuriyeti 1924 Anayasası, 1924, Art. 88). In a similar way, 1961 and 1982 Constitution declare that "Everyone who is bound to the Turkish State by citizenship is Turkish." (Türkiye Cumhuriyeti 1961 Anayasası, 1961, Art.54; Türkiye Cumhuriyeti 1982 Anayasası, 1982, Art.66).

importance of the language, the state focused on the shared language element of the nation in order to homogenise the residents. Accordingly, because the Turkish language had protected the state, speaking it was a need for eligibility to join the Turkish people and proving one's ethnic Turkish origin (Çağaptay, 2004). In this framework, the notion of race, for the Kemalists, is synonymous with the nation, not with genetic factors (Çağaptay, 2004). Nevertheless, ethnicity through language understanding puts non-Turkish speakers in a vulnerable situation. Minorities who did not want to be assimilated by learning Turkish challenged the nation-building understanding of Kemalism.

At this point, the relationship between migration policy and national identity became visible in the Turkish case. In order to protect the state interest, Turkey not only manages cross-border mobility but also mobility within its boundaries. While members of ethnic or religious groups that refused to "assimilate" into the state-sponsored national identity would be removed or resettled, immigration from those communities and persons deemed fit for assimilation would be encouraged by the state (Kirişci, 2008). The state conducted a resettlement policy for the ones who challenged the creation of a secular and homogeneous nation-state, which means that migration policies were instrumentalised to protect the authority of the state. Except for people of Turkish heritage and those who adhere to the Turkish culture, immigration to Turkey was not seen favourably, especially in light of concerns about the protection of the nation-state and security challenges (İçduygu et al., 2014). Despite the different periods and developments, the phenomenon of migration in the history of modern Turkey has always been inherent in the state's modernity project and the formation of a nation-state.

In state practice, preferences for some groups over others persist despite the legal definitions of national identity and citizenship being founded on a civic and territorial interpretation of nationalism (Kirişci, 2000). The state employed both the jus soli and jus sanguinis conceptions of citizenship throughout the interwar period (Çağaptay, 2003). In addition to ethnic Turks, Turkey also offered citizenship to Ottoman Muslims who emigrated there, which is called nationalisation through religion. As a means of obtaining Turkish citizenship, nationality by religion became common (Çağaptay, 2003). On the other hand, Ankara established a nationalism favouring its

ethnic Turks over its non-Turkish people and favoured jus sanguinis in its attitude toward its citizens (Çağaptay, 2003). The state emphasised homogeneity and 'Turkishness' in response to concerns about the geographical and political unity of the nation in the face of a Kurdish and an Islamic uprising, such as the Şeyh Said rebellion in 1925 (Kirişci, 2008). In such a situation, the state progressively adopted policies prioritising the Turkish language and ethnicity (Kirişci, 2000). Several laws were established during the interwar period favouring Turks over non-Turks, such as tax exemption for Turks (Çağaptay, 2003).

To conclude, the Turkish state has a multi-layered definition of nationalism. Religion, language and ethnicity played a significant function in defining nationality. On the path to population nationalisation, strategies to exclude non-Muslims and non-Turks have gone hand in hand with policies that include people regarded as assimilable. Those who were pronounced acceptable were subjected to the exclusion and inclusion strategy, which shows the hierarchies within them (Danış & Parla, 2009). In this complex and multi-layered definition of nationalism, the influence of religion and ethnicity on the state's preferences in accepting immigrants manifests itself in law and practice. Instead of insisting on whether religion or ethnicity categorically played a more critical role, this study uses the complex link between Islam and Turkishness on nation creation as its main point. Although the accents differed at different periods, or these two identity categories were in competition with each other from time to time, they complemented each other rather than conflicting (Danış & Parla, 2009). In such an atmosphere, ethnic and religious identities were used functionally, for instance, in not granting citizenship to Kurds and Armenians (Çağaptay, 2003).

In addition to the impact of religion and ethnicity on immigration policies, Danış and Parla (2009) emphasise the impact of the geography from where immigrants came. In other words, although the criterion of being of Turkish descent has played a vital role in the admission process, considering the significance of immigrants' countries of origin is equally essential. Balkan immigrants were in a particularly favoured position among immigrant groups, according to agreements that made it easier for them to enter Turkey and convert to citizenship (Danış & Parla, 2009). Despite the rhetoric of ethnicity, the Turks outside were subject to a hierarchy, and some were more regarded for their Turkishness than others. Moreover, according to shifting foreign policy goals,

the language of brotherhood and solidarity at the state level has resulted in some groups of Turks living abroad being treated more privileged than others, re-establishing the hierarchy of conformity (Danış & Parla, 2009). In other words, foreign policy considerations and state interests play a crucial function in the state's consideration of immigrant groups. For instance, even though the Turks in Bulgaria have gained a more privileged position due to both their location in a nation that has joined the EU and the fact that they have amassed a sizable number of seats in parliament; the fact that the situation of the Iraqi Turks only started to change with the advent of a Kurdish political formation in Iraq can also be cited as a prominent example of the instrumentalization of descent for foreign policy (Danış & Parla, 2009).

Therefore, the impact of identity on asylum and refugee policies should be analysed in detail without making simplifications about the identity of the groups. This framework shows that even though, in the legal framework, states may have an egalitarian understanding of the citizens and immigrants, in practice, different priorities result in discrimination not only between ethnic-religious groups but also within the same groups.

Within this framework, the study argues that the Turkish state developed policies and responses to refugee flows according to their national identity. The responses' nature depends on refugee flows' identities' possible impact on the stability and unity of the state. The state's and political parties' reference to different ideologies, ethnicity, religion or identity in their nation-building is an essential indicator of the policy responses. They consider the possible stability and security impacts on the state and justify both positive and negative responses regarding protecting their stability. Therefore, in this study, Turkish definitions of the notion of nation, considering different identities, national history, national territory and minorities, and national interests, are considered to analyse divergence and convergence with refugee policies. Such a perspective enables understanding beyond simple similar ethnic or religious ties. It gives a chance to evaluate the impact of domestic problems, such as those related to ethnic or religious groups, and international concerns, such as international treaties and foreign policy objectives, on refugee policies. In order to comprehend refugee policy, the study takes into account both the domestic and international levels

and does not disregard how international relations affect national interests and vice versa.

Lastly, one of the most significant features of the process of creating modern Turkey has been nationalism, which has continued to play that role even in various contents and articulations (Keyman, 2011). At this point, it should be noted that throughout Turkey's modern history, there have also been significant adjustments and shifts in the relationship between nationalism and modernity (Keyman, 2011). Different political actors have experienced and expressed nationalism in different ways, leading to distinct claims to moderation, statehood, and identity. In other words, even though the Kemalist understanding of national identity has preserved its place in the state policies for a long time, this national identity conception is not fixed and is open to modifications and change. At this point, for the study, consideration of the Motherland Party and its national identity becomes an essential point because, according to Keyman (2011), since the 1980s, the political, economic and social transformation in Turkey challenged the Kemalist nationalism, which did not face strong challenge until that time.

3.2. The Motherland Party and National Identity Manifestation

The 1980s can be perceived as a breaking point for both Turkey and the global world, as it includes neo-liberal economic, political and social transformations. The new economic restructuring included the re-arbitration of the field of politics and ideology as a whole. 1980s are also crucial because national identity and its assertions of acceptance and numerous disputes based on identities have arisen in Turkey, posing a threat to the country's uniform and secular character (Keyman, 2011). Since the 1980s, security, as the protection of both the sovereign state and the secular national identity, has assumed a more dominant role in public debate. Following the privileging of security above modernity in Turkey after 1980, nationalism and security have been articulated within the context of national identity with the rise of the Kurdish question and radical Islam (Keyman, 2011).

The 1980 military coup, at this point, played a significant role in Turkey's transformation. Saraçoğlu (2015) argues that the coup was trying to base its authority on an ideology called the Turkish-Islamic synthesis, consisting of a mixture of

Kemalism, Turkish nationalism and Islam. Kemalism and secularism, especially at the rhetorical level, were fixed as the official ideology of the state, and the Turkic interpretation of Kemalism was brought to the fore more while the groundwork was being created for the state interpretation of Sunni Islam to take root deeper in public life (Saraçoğlu, 2015). The relevance of the Turks' Islamic identity started to be mentioned in the new official elite discourse (Kadıoğlu, 1996). As a result of this discussion, Kemalism was given up as a political platform. However, Kemalist ideals continued to be emphasized throughout this time, not with the intention of forging a single, cohesive Turkish identity but rather to halt the growth of fascism, Marxism, and religious extremism (Kadıoğlu, 1996). The importance of national unity, the fact that the bond between the state and the nation to ensure this unity is achieved through Turkish nationalism, which has a central element of the common Muslim culture, reflects the Islamic-conservative spirit of the coup (Saraçoğlu, 2015). Allusions to the relevance of religious values for Turks were abundant in the new language of the official elites. This ideology reflects the state's perception of different identities and ideologies, such as left-wing views and Kurds. At this point, the increase in the denial policy toward the Kurds and the prohibition of the use of Kurdish is significant in understanding the military coup's national identity (Saraçoğlu, 2015). The details of the perception toward the Kurdish question are analysed below.

In 1983, the Motherland Party came into power in this atmosphere. The Motherland Party, in brief, addressed the public with an encompassing conservative nationalism ideology aimed at representing all of the values and political trends common in the social sphere; and glorified tradition, family, religion, national identity and a strong state with increased security functions (Saraçoğlu, 2015). One of the most significant outcomes of the Özal era (1983-1993) was the social legitimization of completely different viewpoints about the place of religion and the Ottoman legacy in modern Turkish culture (Yavuz, 1998). The party presented a Turkish-Islamic-Western synthesis idea that was far stronger than its earlier expressions (Bora, 2011). Turgut Özal, the prime minister between 1983 and 1989 and the president between 1989 and 1993, had made it possible for the restoration to be legitimized in the eyes of a section

of society that was created as a silent conservative mass or *ortadirek*[4] (Aydın & Taşkın, 2014, p.349).

With reference to the Turkish-Islamic synthesis, conservatism had a crucial impact on the Motherland Party's national identity. Regarding identity, the Motherland Party's modernization policy was able to speak to the sensibilities of the 'Sunni-Muslim-Turkish identity' by underlining the significance of nation, religion, and family in its political discourse (Akça, 2014, p.20). Such national identity can be interpreted as successful in terms of gaining the support of certain segments of society. However, it was exclusive because it was founded on the highly controlled mobilization of ethnic Turkish identity and Sunni Islam. In particular, Alevis, Kurds, and metropolitan secularists were offended by this (Akça, 2014). Moreover, one of the important turning points for the Turkish-Islamic synthesis was the presentation of a report by the Atatürk Supreme Council for Culture, Language and History, established by the military government, with the participation of politicians of the period in 1986 (Alpkaya, 2002) The report focused on the understanding that Turkish and Islamic culture are the two main sources of national culture, and it was not possible for the Turks to protect their identity without Islam (Alpkaya, 2002). This practice is an important example of the embodiment and legitimation of the identity policy of the principal. In addition, this approach also reflects an understanding of identity that religion is the backbone of, apart from Kemalist identity definitions embodied in the studies such as Turkish History Thesis.

The national identity of Özal and the Motherland Party can be further analysed with the two-nation project to sustain their hegemony. Turgut Özal implemented the two-nation project; and this understanding was fused, detached from the understanding of seeing a single nation without privileges, where the national will is single (Aydın & Taşkın, 2014). In other words, the definition of the nation of the individual was marked by some inclusions and exclusions, with the awareness that not everyone could be gathered under one roof as an identity. The point is that even though inclusions and

[4] In Turgut Özal's two nations project, the first nation was called *ortadirek* and able to embrace both secular and religiously conservative urban middle classes as well as other bourgeoise strands (Akça, 2014). While the first nation was seen as a supporter and acceptable citizen, it was always favoured in the distribution of economic, cultural and political capital and its consent was obtained in this way (Aydın & Taşkın, 2014)

exclusions are inherent in the definition of a nation, just as they were mentioned both in the theoretical framework and when describing Turkey's efforts to create a nation-state. Even though there were differences in the rhetoric and practice in the Turkish case, it is theoretically based on the fact that the nation and its will are single, without differences. Therefore, it can be interpreted that a one-nation project was based on obtaining the endorsement of the whole people. In other words, Turkish ethnicity was defined by Kemalists based on political culture and restricted to Anatolia and rejected the existence of different ethnic groupings in the nation and believed that all ethnic groups were Turks (Ataman, 2010). Özal's difference from the past can be interpreted as the fact that the cracks in the concept of nation in the efforts to create a nation-state were deepened with the identity discussions that arise both at the local and international levels. Özal, in that respect, aimed to secure the support of only strategically significant segments of the public while shifting the project's expenses to other segments (Akça, 2014).

In the two-nation project, the first nation, *Ortadirek*, derived its legitimacy from the constant negation of the second nation, which covered groups such as leftists, trade unions, Alawites and Kurds without certain definitions that put one group purely in the second nation (Aydın & Taşkın, 2014). These definitions did not contain certainty but indicated that they could vary in some situations and situations. He put the second nation as a threat to the prosperity and security of the first nations; thus, in the name of the peace of the first nation and with its approval, there was an othered and criminalized second nation (Aydın & Taşkın, 2014). In such a structure, it is possible to interpret it as an understanding based on the distinction between those who were seen as supporters and acceptable citizens and those who were not, rather than an understanding of citizenship that insists on making each segment equivalent. In order to protect its authority and interests, The Motherland Party was trying to maintain its existence with an inclusion-exclusion mechanism by obtaining the consent of the first nation.

3.2.1. Neo-Ottomanism

Another important factor in the Motherland Party's national identity and also foreign policy is neo-Ottomanism which is based on the understanding of transforming Turkey

into a regional power again in the geography that it considers its natural heir (Aydın & Taşkın, 2014). Neo-Ottomanism developed as a dialectical result of the complex interactions between internal and foreign influences, which in turn created a favourable environment for the discussion of national identity and the establishment of interests (Yavuz, 1998). It was recognized as a process of identity creation to replace the early Republican vision of Turkish identity with a new shared history that primarily drew from the Ottoman era and a new shared future that desired global influence rather than concentrating just on Turkey's borders (Ongur, 2015).

For Uzer (2020), the emotional and the tactical are the two facets of neo-Ottomanism. While the emotional side comprises nostalgia for past eras and a sentimental tie to the Ottoman Empire with its glory, using history as an instrument to forge a new national identity is the tactical aspect of neo-Ottomanism (Uzer, 2020). It should be noted that neo-Ottomanism focuses on modern Turkish politics and serves as a conceptual framework for deconstructing the Kemalist vision of identity and society. Moreover, the neo-Ottomanism of Özal did not involve expansionism in foreign policy but a more active engagement in the former Ottoman territory and beyond (Uzer, 2020). In that respect, with references to globalisation, neoliberalism and neo-Ottomanism, there was a growth of ties between the Islamic world and Turkic nations in Central Asia and cooperation with Western nations, notably the US (Altıok & Tosun, 2019). Moreover, Özal believed that if trade relations were established with a country, the foreign policy problem with that country would be solved, but this approach did not work in places where there were foreign policy problems, such as the Middle East and Greece (Alpkaya, 2002).

The goal of neo-Ottomanists is to create a new Turkey where membership is decided by a widespread and diffuse connection to Islam rather than any exclusive type of ethnic or linguistic criteria (Yavuz, 1998). In other words, Islamic identity is perceived as the most potent single defining characteristic of identity, making it possible to overcome ethnic disparities. The Kurdish issue and the promotion of a more inclusive national identity were two major concerns in Özal's pluralist and multiculturalist approach to neo-Ottomanism (Uzer 2020). Neo-Ottomanism provides the potential for a trans-ethnic identity as a new foundation for Turkish people of different ethnic

origins to support the state, despite theoretical attempts to identify and promote this identity being still fragmented and incoherent (Yavuz, 1998).

In short, neo-Ottomanism calls for a redefinition of Turkish national identity with an increased political and cultural tolerance for diversity. The Motherland Party and Özal aimed to unify the Turks, Kurds and other groups through religion and a shared Ottoman past. They are motivated by the idea that, as opposed to ethnic traits, people's beliefs should determine nationality borders. Such Sunni-Muslim-Turkish identity creation emphasized the importance of religion, family and nation, and through the two-nation project, the political party and Özal tried to gain the consent of the masses. In this two-nation project, created on the basis of the inclusion and exclusion policy, the Motherland Party divided the groups from which it could get support and those that it could not get support and could not fit into the identity structure it had designed. It has been inevitable that some groups were excluded when trying to legitimize themselves and their policies through the second nation. Alawites, Kurds and the left-wing people found themselves in the second nation.

With reference to the two-nation project and neo-Ottomanism, there is a conclusion that the Kurds had been brought under hegemony through religion, and on the other hand, they had been excluded to protect hegemony. This, in turn, indicates the changeability of national identity. In addition, as a reflection of the economic-based perception of the Motherland Party, it shows that its aim was not to embrace all Kurds with religious references but to maintain its economic and political existence by targeting the bourgeoisie and middle classes. In other words, embracing the masses through religious references was only part of maintaining its authority. At this point, the absence of sharp boundaries between these two nations, that is, the possibility of crossing between the nations, can also be associated with the fact that Özal was trying to unify these groups with references to religion. Therefore, understanding the approach to the Kurds is essential in understanding the dynamics and practices at that time.

3.2.2. Kurds in Turkey and the Motherland Party

The Kurdish issue, which has a significant impact on national identity, and domestic and international policies, is important to analyse to understand the perception of the Motherland Party, in practice, about different identities.

The Kurdish issue, which Özal governments first took little interest in, would eventually grow in importance in Turkey throughout the second half of the 1980s and particularly during the early 1990s. (Aydın & Taşkın, 2014). With a Marxist-Leninist ideology, PKK (Kurdistan Workers' Party) began engaging in armed conflict in Turkey in 1978, under Abdullah Öcalan's leadership (Saraçoğlu, 2015). It can be interpreted as that PKK, like the other ethnic and religious groups in the Middle East, aimed to bring an identity they believed had been lost as a result of modernization or government efforts to homogenize society (McDowall, 2004a)

Turkey, which has a sizeable Kurdish population, began facing an armed Kurdish nationalist challenge. Since then, Turkey has sought to prevent the emergence of Kurdistan, where the PKK seeks to establish a state in the east and southeast of Turkey, Northern Iraq, the northeast of Syria, and the northwest of Iran. Since 1984, Turkey's east and southeast have been the scene of an officially unreported internal conflict that has contributed to the rise of the national security state and the military's dominance over the democratic system (Akça, 2014).

The attitude of the state in the early years created a perception of public order that the Kurdish issue should not be taken too seriously. In the 1980s, the state perceived the Kurds as a Turkic tribe and the Kurdish issue as only the terror of the PKK (Alpkaya, 2002). In the east and southeast of Turkey, a military coup in 1980 had already ushered in a stricter administration. David McDowall (2004a) summarized some of the policies developed against Kurdish identity during this period: Law 2932, which forbade the use of Kurdish in October 1983, was one attempt by the military regime to strangle Kurdish culture. Additionally, Kurdish songs were outlawed in December 1982 due to concerns that they would be used for separatist and ethnically motivated goals. In accordance with Law 1587, giving Kurdish names to children could not be legally recorded on birth certificates since they offended the public and went against national morals, culture, and customs (McDowall, 2004a). A governor-general was appointed

to oversee the eight Kurdish provinces in 1987 and was given the authority to order the evacuation of settlements when required (McDowall, 2004a). The military government's policies toward the Kurdish question were based on suppression, assimilation and the denial of the existence of a different ethnic identity.

The PKK and Turkish military engaged in a military conflict in 1984, while by the 1990s, military leaders' perceptions of an internal danger had grown, and the state had begun to be reorganized utilizing both formal and informal mechanisms, like military forces' reorganisations (Akça, 2014). The point is that under this highly securitised atmosphere, abuses of human rights became a regular occurrence, particularly in the peripheral regions populated mainly by Kurds, while legitimate Kurdish political organizations were persistently banned (Akça, 2014). Moreover, the radicalization of an exclusive ethnic nationalism rooted in Turkey against the Kurds became visible on political and ideological levels (Akça, 2014). In the 1990s, securitisation and also militarisation of national identity became a critical point. Kurdish populace became further radicalized as a result of the fight between the state and the PKK and the influence of state policies and strict management on the region. Although many rightists and religious households of Kurds continued to support the government, there was a gradual resistance from younger members of these families (McDowall, 2004a). In order to understand domestic considerations for this study, the radicalisation of the Kurdish population is critical because it affects the perception among politicians.

The PKK attack was overshadowed in March 1990 by the growing popular resistance against the security forces seen in large-scale demonstrations (McDowall, 2004a). In this atmosphere, the public debate about how to perceive and solve the Kurdish issue took place. By 1989, there had begun to be a decoupling between those who were convinced that the Kurdish issue was a serious public order problem and those who understood the importance of its political dimension (Aydın & Taşkın, 2014). In other words, there were divergences between those who focused on the political dimension of this issue and those who looked at it from a purely anti-terrorism perspective. On the one hand, the state introduced harsh measures to assist the military. Following an emergency cabinet meeting, the government passed Decree 413 in April 1990, which gave the governor-general the authority to recommend the shutdown of any publisher throughout Turkey that gave false or untruthful information for the state; and the

authority to the resettlement of people (McDowall, 2004a). This practice was done intentionally to keep the public in the dark about recent events and what security forces had done. At the same time, the displacement of people was seen as an option to maintain its power in the region. The critical point is that Decree 413 was the decision of the government and Özal, although the influence of the security forces was significant (McDowall, 2004a). This practice is actually important for understanding Özal's approach to Kurdish identity, even though he had different discourses.

During the Prime Ministry of Özal, the solution policies aimed at solving the Kurdish problem have remained in the background, and as in previous periods, the question had been tried to be solved by military methods from a security perspective level (Uçar & Akandere, 2014). In the 1990s, under President Özal, a change began in the Kurdish question, albeit at the discourse level. With the increase of the public and political debates in the early 1990s, Özal took a position that he would not make concessions to the fight against terrorism but would also turn to the search for a political solution, which was a change from his oscillating position between these two views (Aydın & Taşkın, 2014). Similarly, Mesut Yılmaz advocated for the designation of Kurdish as Turkey's second official language at the beginning of 1991, just before he was appointed prime minister, while President Özal simultaneously declared his support for the creation of an independent Kurdish territory in northern Iraq (McDowall, 2004a).

A series of events in the spring of 1991 revealed the turbulence in which Ankara was currently attempting to manage the Kurdish issue. A draft measure to permit the use of Kurdish outside of broadcasting, publishing, and education was submitted by Özal before the Assembly in April (McDowall, 2004a). Interestingly, Özal enacted a harsh new anti-terrorism law the same day that defined terrorism as any activity with the intent of altering the Republican's features. This definition included any democratic initiative, such as marches, rallies, or publications, to soften the strict nature of the state (McDowall, 2004a). Such practices show that in the 1990s, the Kurdish problem was accepted by political actors, especially by then President Turgut Özal, and the search for a democratic solution to the problem began to be addressed in this direction. However, since it was still not possible to break the traditional approaches to the

Kurdish issue, the search for solutions remained at the discourse level (Uçar & Akandere, 2017).

Özal's policies can be interpreted from the perspective of political interest and national identity. Özal was aware of the nation's social, ethnic, and religious diversity (Ataman, 2010). Özal made the point that Turkish society is multi-cultural and that there are many different cultures there necessitates more tolerance across groups (Ataman, 2010). The most important element of Özal is the religious dimension which caught the attention and votes of some groups of Kurds. By the late 1980s, the government's manipulation of religious sentiment against the PKK and the assertion that the PKK wanted to repress Islam had harmed the PKK's growth (McDowall, 2004a).

In short, Özal did not give up his perception of the fight against terrorism. However, on the other hand, he was looking for a political solution and emphasized his national identity. While the security forces played an important role, Özal, with the same understanding, also tried to fight the PKK with a security-oriented and stability-oriented approach (McDowall, 2004a). In other words, it can be mentioned that the traditional security understanding toward Kurds did not lose its effect even during this period. Özal also aimed to preserve his existing authority with his political solution proposals and references to religion. Although these two policies may seem contradictory at first glance, it can be seen that Özal used these approaches in parallel with the effect of his perception of stability and security. Governmental circles acknowledged that the resurgence of Kurdish nationalism caused the Turks to reconsider their ethnic identity. The perception of security did not change when trying to establish relations with these groups through religion regarding the Turkish Islamic synthesis. He was trying to rally the Kurds through religion under his patronage and to prevent radicalization by giving them certain freedoms.

These factors are related to the Kurds in Turkey, and the approaches to these factors are essential in understanding the mass movement coming from Iraq. It is also possible to mention that the incoming masses also had an impact on these policies. For instance, Uçar and Akandere (2017) argue that the fact that Kurds of Iraq in 1988 and 1991 were forced to seek refuge in Turkey also influenced the rise of debates about Kurds in Turkey. Moreover, this mass movement in 1988 resulted in using the term Kurd, which

had not been used in mainstream discourse before (Alpkaya, 2002). While mass movements affected the perception and policies toward the Kurds in Turkey, these policies and perceptions also affected the policies toward mass movements. Therefore, while analysing the cases, such domestic considerations and national identity and whether there was a divergence or convergence between refugee and asylum policies and national identity toward Kurds should be considered.

In addition to background on factors that affect refugee policies, national identity, Kemalist and the Motherland Party's understanding of the national identity, and Turkey's asylum and refugee policies from a legal and historical perspective, the following section, is important to understand policy memories and legacies in Turkey.

3.3. A Background for Legal Framework

Turkey has experienced various forms of migration from the early years of the Republic, and these migrant flows have impacted the structure and essence of Turkish society (İçduygu & Aksel, 2013). Turkey has given emigration and immigration policies a crucial place in its state policies relating to nation-building and integrity ever since the Republic's foundation; hence immigration of people of Turkish heritage and the Islamic religion to Turkey was promoted (İçduygu & Aksel, 2013). In other words, the state-centric modernisation effort was built on a uniform and homogenous nation-building process based on race and religion.

The state's national identity-building attempts were supported by numerous laws and regulations that legitimised the emigration of the people who were not assimilable and the immigration of those who were close of Turkish descent and culture. For this study, the 1934 Law on Settlement, the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, and the 5682 Passport Law are the important laws and agreements that shape the understanding of migration policies. These legal documents are important to analyse the Iraqi and Bulgarian cases with their referring to the mass influxes. Turkey, until 1994, did not have any other legal arrangement that focused on refugees. Even though there may be some *ad hoc* practices of the state towards the mass influxes, these laws construct the general boundaries and understanding of the state, which boundaries may be violated.

When the Turkish Republic was established, its migration policy can be understood for two reasons. The first reason was its low population, around 13 million (Kirişci, 2007). Therefore, boosting the population and mobility became one of the Republic's main focuses, and migration was seen as one of the ways of boosting the population. Secondly, the young Republic was highly concerned with a homogenous sense of national identity triggered by waves of nationalism (İçduygu & Aksel, 2015). According to Kirişci (2007), creating a homogeneous population understanding was based on the belief that the Ottoman Empire's demise was caused by the fact that it was composed of many different ethnic and cultural groups. For that reason, the emigration of the non-Muslim population, such as Greeks and immigration of the Turkish and Muslim populations were encouraged mainly from the Balkans (İçduygu & Aksel, 2015). In order to legalise this understanding, administrative and legal arrangements had prepared, and the 1934 Law on Settlement was enacted. It is also important to note that the word *muhajir*[5] means asylum seeker or a forced migrant in the Ottoman context and that this usage was also widespread during the Republican period (Hacısalihoğlu, 2012).

When specifically focusing on the 1980s, İçduygu and Aksel (2013) noted that Turkey was obliged to adopt new policies for the regulation of immigrants and asylum seekers for the first time when non-Turks arrived. Moreover, the changes in the composition of the mass inflows resulted in identity questions. Being Turk/Muslims or foreigners affected the policymaking process and the response of the state to these inflows (İçduygu & Aksel, 2013). The identity debate became a crucial issue for domestic and global politics in Turkey and the world in the 1980s (İçduygu & Aksel, 2013). Identity development was influenced by both internal and foreign causes, notably the Kurdish problem and left-right polarization, as well as the end of the Cold War (İçduygu & Aksel, 2013). The argument is that although Turkey has had waves of immigration from the beginning of the Republic, these more recent waves included individuals who

[5] Terms like "refugee" or "asylum seeker" did not have widely recognized international meanings until 1951 (Kale, 2014). However, there was still a distinction between a "refugee" and a "voluntary migrant," even in official Ottoman records. While the Arabic term "*muhacir (muhacirin)*", which was introduced into Ottoman Turkish, meant "migrants", the Arabic word "*muhacar (muhacarin)*" denoted "forced migrants." (Kale, 2014, p.267). It seems uncertain that the nineteenth-century political decision to use the term "*muhacirin*" instead of "*muhacarin*" to describe those who had been forcibly deported (Kale, 2014). It is more likely that this usage was accidental because there was no generally recognized concept of forcibly removed individuals in the nineteenth century (Kale, 2014).

do not share the same ancestry and culture (İçduygu & Aksel, 2013). In other words, the main characteristic of the 1980s is the arrival of non-Muslims and non-Turks to Turkey due to globalisation, political turmoil, and economic transformations. It should also be noted that Turkey has continued to receive immigrant flows of common descent and culture. However, with the different approaches, ideologies and interests brought about by the times, the responses to these people have changed. In other words, the changes in refugee policies reflect the interplay between domestic and international considerations.

3.3.1. 1934 The Law on Settlement and National Refugees

The Law on Settlement (Law 2510), which was adopted on 14 June 1934, encourages the migration and integration of those of Turkish ancestry and culture and opposes the admission of people of non-Turkish ancestry and culture as immigrants or refugees (İçduygu & Aksel, 2015). According to Article 3, "… [people from] Turkish ancestry and culture who want to come from outside with the aim of settling in Turkey, are accepted by order of the Ministry of Internal Affairs… These are called *muhajir*." (The Law on Settlement, 1934, Art.3). The critical point is that the Council of Ministers determines who will be regarded as having ties to Turkish culture (The Law on Settlement, 1934). Moreover, the law defines that "those who do not intend to settle in Turkey but take refuge in order to temporarily reside out of necessity are called refugees." (The Law on Settlement, 1934, Art.3). In that respect, the term *muhajir* is used synonymously with the refugee. The critical point is that Article 4 of the law points out that specific groups, such as "those who are not related to Turkish culture", are not accepted as refugees (The Law on Settlement, 1934, Art.4).

Even if the law defines refugees and immigration, the discretion given to the Council of Ministers on who will be considered from the same culture shows the political aspect of the issue and the uncertainty and variability in identity definition. Although the law sets conditions of migration, it is a more complex reflection of the nation-building and migration relation. It is a law that the government passed in an effort to forge a united sense of national identity based on modernist and secularist ideals (Kirişci, 2000). In other words, the law served as the legal justification for a significant initiative intended to maintain the development of the Turkish national

identity. In the preface of the Settlement Law, the need to strengthen, consolidate and homogenise the population, which had decreased due to wars, both qualitatively and quantitatively, is emphasised (The Law on Settlement, 1934). Therefore, this law is an illustration of the relationship between nation-building and migration.

Since 1934, the majority of immigrants who were admitted to Turkey have come from groups of individuals who are thought to have Turkish origin and culture, and they have been settled under the provisions of the Law on Settlement (Kadirbeyoğlu, 2009). The discourse that those who identify with the Turkish ethnicity and culture will be considered immigrants points to the decisive role that ethnicity, defined through race and culture, plays in accepting immigrants. This Law's Article 7 emphasises Turkishness even more. Accordingly, "those who are not of the Turkish race, even if they do not ask for help from the government, are obliged to stay in where the government indicates and stay here unless the government permits…" (The Law on Settlement, 1934, Art.7). According to this article on aid for refugees, refugees of Turkish race[6] were allowed to live wherever they pleased as long as they had not asked the government for financial assistance; however, regardless of whether they had requested official assistance, immigrants of other ethnicities were required to live where the government had instructed them to (Çağaptay, 2002). Accordingly, residents of Turkish ancestry or nomadic individuals and tribes; and residents associated with Turkish culture were permitted to immigrate to Turkey (İnan, 2016). Such a notion refers to groups such as Balkan Muslims and ethnic Turks. Additionally, the law governed the assimilation of residents of Turkey who did not share Turkish ancestry or culture (İçduygu & Aksel, 2013). The authorities intended to assimilate Kurds via relocation by blending them with Turks because the two groups had a common cultural and religious identity (Çağaptay, 2002).

The Settlement Law, in that respect, is a legitimisation tool for the state while accepting or rejecting certain groups and individuals with referring ethnic and cultural affinity. Therefore, it may be claimed that the Turkish Republic gave priority to adopting either Muslim Turkish speakers or ethnic groups that could easily adopt a

[6] The Kemalism frequently used the term "race" in the way it was used in the nineteenth century, when it was used to refer to a nation and the term "race" referred to an ethnic group carried on by language, independent of biological elements (Çağaptay, 2002).

Turkish identity. Protecting people of Turkish descent, culture and religion, which is a continuation of an understanding also found in the Ottoman Empire, has a reflection on the preparation of the law. The fact that the 1934 Settlement Law was in force until 2006, when a new but similar Law on the Settlement was adopted, shows that the state continues to act discriminatory, even if there are differences over time, according to the ethnic similarities of incoming people. Moreover, as mentioned above, the state may also make discrimination between groups who have ethnic and affinity with Turkey but come from different geographies.

3.3.2. 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees and Convention Refugees

Another critical point in the Turkish legislation regarding migration is the 1951 Convention and the 1967 Protocol, which is interpretable as Turkey's entanglement with the international migratory regime (İçduygu & Aksel, 2015). The importance of this international agreement is that Turkey did not have legislation regulating foreigners seeking refuge under its national law prior to the enactment of the 1951 Convention, with the exception of the 1934 Settlement Law that covers people of Turkish origin and culture (Kirişci, 2000).

The 1951 Refugee Convention, which 145 state parties have ratified, establishes the definition of refugee and asylum status, the rights of the refugees and states' obligations for refugee protection, and also emphasises the "*non-refoulment* principle", which means that refugees should not be forced to return to the country whey they face threats (UNHCR, n.d., p.3). A person who is unable or unwilling to return to their country of origin due to a reasonable fear of persecution due to their ethnicity, religion, nationality, membership in a certain social group, or political beliefs is referred to as a refugee (UNHCR, n.d., p.14). The *non-refoulment* principle gives states an obligation that no one shall deport or send a refugee back to a country where they fear for their life or freedom without their consent or in any other way (UNHCR, n.d.).

The important point is that the 1951 Convention relates to the granting of refugee status to those impacted by events that occurred in Europe before January 1, 1951, or events that occurred in Europe or abroad before January 1, 1951 (UNHCR, n.d.).

Turkey has accepted the 1951 Convention with the geographical limitation, which means that Turkey granted refugee status only to individuals from Europe as convention refugees (Kirişci, 1996). Even if it signed the 1967 Additional Protocol, which abolished time and geographical limitations, Turkey did not abolish the geographical limitation (Kirişci, 1996).

With the impact of geographical limitations, Turkey has a two-tiered asylum system. The first layer is focused on Europe and is heavily influenced by Turkey's experience as a Cold War ally of the West, which bordered the Soviet Union (Kirişci, 2007). In other words, Turkey admitted refugees from the European nations that constituted the Communist Bloc in close collaboration with the UNHCR. While such refugees were given access to all of the rights outlined in the Convention while they were living in Turkey, only a tiny fraction was permitted to remain in Turkey, frequently as a consequence of marriages to Turkish citizens (Kirişci, 2007). Therefore, it is clear that the 1951 Convention and its geographical limitation reflect the Cold War era, and the acceptance of people affected by the events in Europe mainly shows that understanding. Additionally, Turkey often gave these asylum seekers refugee status with the idea that they would eventually be relocated to third countries, which means fewer economic, political and social problems (Latif, 2002).

Latif (2002) argues that Turkey's decision to sign the 1951 Refugee Convention with its geographical limitation was primarily motivated by its desire to prevent potential social, economic, and political issues by cutting off access to the Middle East and Asia, where large-scale refugee flows were taking place. Turkey considered the influx of refugees from this region a possible security danger. The idea that Turkey lacks the financial means to receive widespread support also had an impact (Latif, 2002).

According to Kirişci (1996), besides national refugees and convention refugees, the people who do not involve in these two groups are called non-convention refugees from Asia and Africa but mainly from the Middle East, especially with the political developments in these areas. This group is also called the second tier of the asylum policy. The government gave the UNHCR a lot of discretion to temporarily shelter these asylum seekers with the implicit understanding that they would be transferred outside of Turkey if the UNHCR recognized them as refugees and would be deported

(Kirişci, 2007). The applicants are allowed to request relocation through the UNHCR and petition for refugee status. Such individuals are given permission by Turkish authorities to temporarily reside in Turkey while the UNHCR evaluates their claims (Latif, 2002). This approach was put under pressure, nonetheless, by the rise in unauthorized entry into Turkey and the number of deported asylum applicants left trapped there. In that respect, the Asylum Regulation, enacted in November 1994, sought to give the Turkish government jurisdiction over the assessment of status. It was designed primarily out of concerns for national security and, as a result, created severe rules regulating entry to the asylum process with little consideration for refugee rights.

3.3.3. 5682 Passport Law and 5683 Residence and Travels of Foreign Subjects Law

Besides the Settlement Law and 1951 Convention, Turkey instrumentalised the 5682 Passport Law to respond to refugees and asylum seekers of the non-European continent. By using the border gates designated for passenger entrance and exit processes, foreign nationals may enter Turkish territory in accordance with the principles and procedures outlined in the Residence and Travel Law and the Passport Law (Tokuzlu, 2007). The Passport Law obliged foreigners to have a valid passport, and according to Article 4, "foreigners who come to the borders of Turkey without a valid passport… are sent back." (The Passport Law, 1950, Art.4). With reference to the asylum seekers and refugees, even though these laws remain inadequate, they refer to important notions that give room for the state when approaching people from outside Europe.

Article 4 also refers to immigrants and claims that "immigrants arriving with the permission of the government are admitted to Turkey even without a passport, provided that they have a document issued by the Turkish consulates…" (The Passport Law, 1950, Art.4). Another important point is that the Passport Law assets that, with the exception of those covered by the Law on Settlement, "the admission of refugees and foreigners who come to Turkey for the purpose of staying, whether they have a passport or not, is subject to the decision of the Ministry of Internal Affairs." (The Passport Law, 1950, Art.4). In other words, with Passport Law, states have aimed to legitimise their discretionary power towards refugees and asylum seekers who do not

fit into the Settlement Law and 1951 Refugee Convention provisions. The state has also tried to increase its control via Article 17 of the 5683 Law (1950) by assessing those foreigners who have taken refuge in Turkey for political reasons can only reside in places that will be allowed by the Ministry of Internal Affairs. These laws, which do not address refugees except for these articles, have been instrumentalized to create a flexible space for the state even with these two articles.

The state, in that respect, does not have any direct law that regulates the refugees and asylum seekers from the non-European continent and of dissimilar origin and culture. It can be interpreted that the state is taking advantage of the loophole in the law to act in its own interests. At this point, the relationship between national identity understanding of the state and refugee and asylum policies becomes visible in these legal documents. With reference to security, stability and homogeneity of the state, refugee and asylum policies of the state are instrumentalised in building national identity.

States remain the primary decision-making bodies for who can be accepted as a refugee or immigrants because the refugee issue is viewed as a problem that impacts national security (Latif, 2002). Despite Turkey's continued geographical limitation under the 1951 Refugee Convention, which prevents it from accepting non-European migrants *de jure*, the majority of asylum claims in the nation originate from non-European nations (İçduygu, 2004).

In short, Turkey instrumentalised the Settlement Law and other legal documents for granting or not granting refugee status, especially to people who were not part of the Turkish origin and culture and who were not from Europe. For instance, the 1951 Refugee Convention was an instrument for the resettlement of refugees from non-European countries to third states. Such a situation indicates that Turkey responded to these refugees with *ad hoc* policies, especially with the massive inflows. In that respect, Turkey effectively benefitted from the 1951 Refugee Convention's phrasing, which allowed Turkey to deny refugee status to asylum applicants who did not adhere to Settlement Law's requirements (Kirişci, 2000). Even though the Settlement Law presents options for the immigration, settlement and citizenship in Turkey for those of Turkish descent and culture, the fact that no clear definition of the Turkish ethnicity

and culture in the law and the fact that the Council of Ministers has given the authority to decide on this issue shows that the state is approaching it from a purely political point of view.

The point is that according to the international refugee regime mentioned above, Bulgarians and Iraqis can be defined under the category of refugees. With reference to its national law and regulations and the 1951 Refugee Convention with geographical limitations, Turkey referred to Turks of Bulgaria as *muhajir* and Iraqis as non-convention refugees. In the present study, even if the different status and their importance are mentioned, the refugee term is also used to cover inflows regarding the 1951 Refugee Convention.

3.4. Conclusion

Identity politics of Turkey, from the early Republican era to the 1990s, with the inclusion and exclusion process, shape emigration and responds to immigration, referring to the manifested national identity understanding. For the study, both the early Republican phase's and the Motherland Party's national identity are analysed because it is believed that these two different national identities have an impact both in legal regulations and in practice regarding refugees and asylum seekers. It is claimed that the differences, similarities and conflicts between the Kemalist approach, which still had its effect in the 1980s and 1990s, and the identity formation of the Motherland Party, which emerged as a criticism of the Kemalist approach, are important for this study. In other words, the state with its agencies and the government can have similar or different understandings related to national identity and interest. In such a situation, They can either create pressure on each other or cooperate. Therefore, it would be more appropriate for this study to investigate their possible effects on refugee policies rather than looking at which one is more successful.

The domestic law and regulations mentioned above are a reflection of the Kemalist understanding of the national identity aimed to create a homogenised nation in which differences that can threaten the nation's unity are not desirable. With assimilation, resettlement within the borders or emigration of foreigners and immigration of Turkish descent and culture was supported. Both the Kemalist's and the Motherland Party's identity creation can impact the refugee and asylum policies with the newcomers'

possible effect on the nation's stability and security. With the interplay between different domestic and international considerations, the impact of national identity on policy responses is context specific. In that respect, the following chapters evaluate the Iraqi and Bulgarian cases from a historical perspective, with their background, causes and responses by the state and then present a comparative analysis of the cases.

CHAPTER 4

A HISTORICAL PERSPECTIVE: MASS REFUGEE MOVEMENTS FROM BULGARIA: 1989 AND BEFORE

4.1. A Background for Bulgarian Case and Mass Refugee Movement of 1950

Migration from the Balkans to Turkey has a long-standing root in the Ottoman Empire. New nation-states were created in the Balkans as a result of the Empire's loss of its territory to nationalist movements. Nation-state creations also led to a significant exodus of empire residents to those countries, and the Ottoman Empire unconditionally welcomed those subjected to forced migration (Kale, 2015). Non-Christian people were seen as dangerous, leading to the movement of Muslim and Jewish populations in the Balkans, where nation-states were formed primarily on the basis of religion rather than ethnicity (Kale, 2014). The Ottoman Empire sought to grow its population with a pluralist mindset through its comparatively tolerant policies toward those immigrants.

Before the Second World War, an estimated 800.000 Muslims were living in Bulgaria, with 600.000 of them being of Turkish descent (Kostanick, 1955). In that respect, immigration from the Balkans can also be seen after the establishment of the Turkish Republic. According to Kirişci (1996), between 1923 and 1939, some 200.000 Turks and Pomaks from Bulgaria immigrated, and during the Second World War, about 20.000 individuals did as well. The "Treaty of Friendship" between Bulgaria and Turkey, signed in 1925, guaranteed the rights of minorities in both countries and the voluntary exchange of population (Kostanick, 1955). The explanation for Bulgaria was that these individuals were seen as representing Ottoman ancestry and security concerns (Önal, 2014). However, despite the friendship agreements, the assimilationist practices of the Bulgarian government drove individuals out of the nation (Bojkov, 2007).

The rights of the Turkish minority in local government and educational institutions were taken away when the communist regime took control in Bulgaria in 1944, and Turkish culture, language, and Islam were persecuted (Kostanick, 1955). Turkey and Bulgaria were on the two different sides of the Cold War, and according to Kirişci and Karaca (2015), the existence of the Turkish minority in Bulgaria became a security problem for the Bulgarian government. In this atmosphere, the Bulgarian state's sentiments toward Turks ranged from mistrust of their allegiance to forcing them to adopt Slavic names to banning the operation of Turkish language schools (Kirişçi, 1996). In other words, the Bulgarian state and its assimilationist policies became visible against Turks in the country. Moreover, by integrating the educational system, consolidating agricultural output, and limiting religious customs, the communist administration intended to create an industrialized and ethnically homogeneous socialist nation (Kirişci, 1996). In this respect, the historically agricultural Turks of Bulgaria, according to Kirişci (1996), who freely practised their culture, were threatened by these measures on an economic, political, and social level.

The crucial issue is that Turkey's announcement that Turkish soldiers would be dispatched to the Korean War on August 10, 1950, coincided with Bulgaria's diplomatic statement regarding forced migration (Önal, 2014). In other words, the Bulgarian government used forced migration to deter the Turkish government from this decision by weakening it economically. Such an attempt can be interpreted as Bulgaria's instrumentalization of migration as a foreign policy objective. In contrast, this attempt resulted in a closer relationship with the Western bloc (Önal, 2014).

The Bulgarian state declared mass deportation in August 1950 (Kostanick,1955) and demanded the Turkish state's acceptance of 250.000 ethnic Turks (Kirişci, 1996). Between January 1950 and November 1951, more than 154.000 Turks from Bulgaria immigrated to Turkey (Kirişci, 1996).

Regarding the 1934 Settlement Law, these persons benefited from financial assistance and other forms of official relief and settled. For their integration, particularly in the economy, the settlement of these individuals was crucial. The majority of the refugees were farmers who had relocated to Anatolia on public properties (Korkmaz & Öztürk, 2017). Because they were regarded as "settled national refugees," the government

provided them with financial and other benefits that aided their integration (Kirişci, 1996). According to Korkmaz and Öztürk (2017), in a concise period, Turkey faced resource challenges brought on by the mass movement, and primarily the United States provided financial support in the amount of 30.000.000 TL as part of the Marshall Plan because it was believed that the Soviet Union wanted to leave Turkey in a precarious position. However, there is no detailed information about both state's and society's attitude toward the Turks of Bulgaria in this difficult situation.

The 1950 mass movement also resulted in the requirement of the family unification of the refugees. In the 1970s, through family unification of these people who came in the 1950s, approximately 110.000 people came to Turkey from Bulgaria thanks to the agreement on Close Relative Migration on March 22, 1968 (Kirişci & Karaca, 2015).

4.2. Mass Refugee Movement of 1989

Even after the exodus in the 1950s and family unification in the 1970s, the problems that the Muslims and Turks of Bulgaria faced persisted. Similar mass refugee movements due to similar problems occurred at the end of the 1980s. An exodus of more than 300.000 Turks from Bulgaria began in 1989 as a result of the Bulgarian Communist Party's assimilationist policies (Bojkov, 2007). The development of Bulgarian national identity, which was the core of the assimilationist policies, consisted of two permanent elements. While one of them was the Eastern Orthodox Church's crucial contribution to the preservation and growth of the Bulgarian people and state, the second was the ongoing portrayal of Turks as the adversary of the country concerning the Ottoman past (Elchinova, 2005)

Although ethnic Turks were acknowledged as a "national minority" in Bulgaria until 1985, practice since the 1970s undermined this claim (Kirişci, 1996, p.392). The rhetoric of a "united Bulgarian socialist country" used by the Bulgarian state became increasingly apparent, and a distinct Turkish identity was not emphasized (Kirişci, 1996). The so-called "Revival process", which took place in the latter years of communist control in the nation between 1984 and 1989, was an assimilation drive against the Turkish minority that intended to change its identity and ultimately convert it into Bulgarian (Elchinova, 2005, p.94).

Elchinova (2005) summarizes the effect of the revival process policy on identities. Accordingly, the policy resulted in the worsening of the general perception of Turks, an increase in the socioeconomic gap between ethnic Turks and Bulgarians, and an emphasis on ethnicity as a significant category in identity formation (Elchinova, 2005). The identity formation of Bulgaria also included religion, which had developed distinct ethnic boundaries and the word Turkish faith was used in place of Islam as a sign of backwardness and extremism (Elchinova, 2005). Thus, the radical change in official ethnic and national identity implemented by Bulgaria's communist authorities in the 1980s had a profound impact on how Turks residing there manifested their identities.

The assimilation policies of the Bulgarian state reached their peak when the government forced the Turks of Bulgaria to change their names to Slav ones (Kirişci & Karaca, 2015). Around 900,000 persons had their names of Arabic-Turkish origin changed to "Bulgarian" names in a rapid, quick, and covert operation that began at the end of December 1984 and was finished at the end of January 1985 (Elchinova, 2005). After hearing about the name change campaigns, on January 11, 1985, the General Secretary of the Turkish Presidency, Sedat Güneral, met with President Zhivkov, and while Zhivkov rejected such a campaign, he stressed that the Turks in Bulgaria were part of the Bulgarian nation, not the Turkish nation (Lütem, 2012). However, after this meeting, there was an increase in these campaigns, and Turkey's proposal for an immigration agreement was rejected (Lütem, 2012).

In addition to name changes, other assimilation measures by the Bulgarian state included banning the use of the Turkish language and clothing in public and eliminating Turkish language education in schools (Kirişci, 1996). The notion of the socialist country, which was portrayed in ideological discourses as being unified and homogenous and devoid of any differences along ethnic, religious, gender, or social-status lines, was at the heart of these policies, according to which the socialist principles and way of life have to be equitably applied to all of the communist state's residents (Elchinova, 2005). These measures, in that respect, are a reflection of the assimilationist policies toward ethnic Turks.

At this point, On February 22, 1985, Turkey gave a diplomatic note to the Bulgarian Ambassador in Ankara in which it stated that Turkey attaches importance to developing good-neighbourly relations with Bulgaria and suggested that problems between the two countries be discussed at the level of foreign ministers, including a wide-ranging migration agreement (Lütem, 2012). When commenting on this note, the Turkish ambassador of the time, Lütem, highlights that Turkey's refusal to acknowledge the name change project in the note implies that "if you do not want the Turks, we will take them" and that there will not be any good neighbourly relations unless the Turks' problems are resolved (Lütem, 2012, p.144). During this period, the two states communicated their conflicting views to each other by mutual diplomatic notes, but no results were obtained from these notes (Lütem, 2012). In addition to making a diplomatic note, Turkey had also tried to show its reaction by imposing additional sanctions on Bulgaria. Accordingly, commercial and socio-cultural activities with Bulgaria were frozen, the UN and the International Court of Justice were appealed to, and a common attitude was proposed and called for active action (İnginar Kemaloğlu, 2012).

Turkey also expressed the problems in Bulgaria in the international arena. In this way, formations such as the European Council, the organisation of the Islamic Conference, Amnesty International, the United Nations and NATO, and states such as the United States called Bulgaria to stop pressure on Turks and fulfil the obligations related to human rights (İnginar Kemaloğlu, 2012).

In a short time, the Turks of Bulgaria, against forced name changes, began to passively and actively oppose this practice. Passive struggle can be summarized as binding to traditions and customs, the Turkish language and consciousness more tightly than before, keeping this consciousness alive (Zafer, 2012). On the other hand, the notice calling on the people to resist assimilationist policies had been distributed, and several associations and parties were established (Zafer, 2012). However, the Bulgarian government reacted violently and imprisoned anyone who protested against the "Bulgarization" strategy. (Kirişci, 1996).

The situation in prison camps, such as the Belene camp, had resonated in the Turkish press, and people started to flee Bulgaria (Lütem, 2012). In short, a large number of

Turks who did not want to accept assimilation were arrested, tortured during interrogation, and sentenced to exile, imprisonment and death (Zafer, 2012). In May 1989, with the easing of passport acquisition in Bulgaria, many Turks applied, and some "unwanted" Turks, as well as some dissident ethnic Bulgarians, began to be forcibly sent to Austria (Lütem, 2012). After those were sent to Turkey in small groups in February 1989, relatives were shown the reason for their unification; Bulgaria started deporting large groups of people starting on May 24, 1989 (İnginar Kemaloğlu, 2012). Another important point is that this mass flow also included Pomaks, even though there was no clear information about their number and whether the state had a different attitude toward them (Kirişci & Karaca, 2015).

4.1.1. State Responses and Policies toward Refugees

When Zhivkov demanded that the Turkish government open its borders on May 29, 1989, and declared that Turks of Bulgaria might immigrate to Turkey, a massive influx was apparent (Kirişci, 1996). Özal responded the next day by stating that Turkey's borders are always open and suggested a comprehensive migration agreement (Lütem, 2012). During these years, Turkey-Bulgaria relations were highly strained, and Turgut Özal condemned Bulgaria with genocide and evoked international reaction against these events (Kirişci & Karaca, 2015).

On June 2, 1989, Turkey opened its borders and highlighted that these individuals would be granted citizenship, and 311.862 Turks of Bulgaria entered the country until the end of August 1989 (Kirişci, 1996). Another critical point is that Turkey started accepting visa-free refugee arrivals from Bulgaria more than two months (Lütem, 2012). As the masses coming to Turkey increased, the international statements condemning Bulgaria increased rapidly; Bulgaria claimed that Turks were going on vacation to Turkey (İnginar Kemaloğlu, 2012). After the number of arrivals increased rapidly, Turkey established a Coordination Committee to determine the measures to be taken against these people, and the committee discussed urgent issues such as settlement (İnginar Kemaloğlu, 2012).

After opening the borders, the reception policies of the state for the refugees are quite important. First and foremost, the formal procedures for refugees entering Turkey were fulfilled; passports were taken; genealogy data were produced and registered, and

immigrants' documents were provided (İnginar Kemaloğlu, 2012). The necessary organizations evaluated the received passports and the filled-out forms, and the procedure was concluded by the Council of Ministers' decision to grant citizenship (İnginar Kemaloğlu, 2012). Accordingly, more than 240.000 Turks of Bulgaria gained citizenship in Turkey (Kirişci & Karaca, 2015). While Turkey implemented an open-door policy, it raised the migration agreement at every opportunity (İnginar Kemaloğlu, 2012).

The critical point for Turks of Bulgaria's reception and integration policies was that Turkey took additional legal decisions to speed up the citizenship process. Accordingly, an amendment to the law facilitating the citizenship procedures of migrants in Turkey and providing for the acceleration of resettlement processes was published in the Official Gazette and entered into force on June 29, 1989 (İnginar Kemaloğlu, 2012). With an additional article added to the Law on Settlement, people of Turkish origin and culture who had been forced to emigrate to Turkey since October 1, 1984, and wanted to settle down in Turkey were considered free or settled immigrants (İnginar Kemaloğlu, 2012). Those who had relatives in Turkey and settled near their relatives were called free immigrants, while those who did not have any relatives and sought state assistance were called settled immigrants.

After crossing the borders, while some refugees were first accommodated in tents near the border zone, others were sent to official buildings such as schools (Kirişci, 1996). In other words, many settled by the state if they had no relatives in Turkey (Kirişci, 1996). Moreover, those who had relatives in Turkey were sent to different cities, such as Bursa and Istanbul, where their relatives lived (Hacısalihoğlu & Ersoy-Hacısalihoğlu, 2012).

For the Bulgarian case, national integration policies of the state, referring to employment, education, and naturalisation, had specific importance. Although the fact that the state conducts integration policies does not indicate that the outcome of these policies is positive, it is essential to understand the state's attitude towards refugees. In terms of emergency relief, cash assistance was provided to the Turks of Bulgaria, and the priority needs of those placed in the tent cities, such as food and shelter, were met by the Red Crescent (İnginar Kemaloğlu, 2012). The international organisations

and the local community also donated significant amounts to meet the needs of refugees (İnginar Kemaloğlu, 2012). On the other hand, Turkey did not appeal for international assistance, including the UNHCR, in the 1989 case (Kirişci & Karaca, 2015).

A significant amount of humanitarian aid was organized, and this was complemented by legislative procedures that made it easier for the refugees to import their automobiles, change their Bulgarian cash into Turkish liras, and apply for Turkish citizenship quickly (Kirişci, 2000). The government also began a variety of housing initiatives for the refugees and helped them find employment (Kirişci, 2000). In order to facilitate the adaptation of the Turks of Bulgaria, the state conducted policies on rent assistance, employment and exemption of the vehicles and appliances they bring with them from taxes but problems such as insufficient rental assistance and the fact that refugees were seen as cheap labour had been encountered (İnginar Kemaloğlu, 2012). In addition, not all refugees who were sent to temporary places of residence in Turkey were provided with the same facilities, and those who were placed in schools, for example, had problems with their basic needs, such as beds, meals, and bathrooms (İnginar Kemaloğlu, 2012).

Bojkov (2007) argues that Turkey welcomed its kin, and the government conducted policies such as settlement and employment. For instance, there were tent camps in Kırklareli for those who did not have any relatives or a place to stay in Turkey and also, the state constructed buildings for those people, mainly in Thrace (Şirin, 2012). In addition, vocational education, free education and social security opportunities were provided, and the government encouraged employers to employ refugees in their factories with tax exemption (Şirin Öner, 2011).

Kirişci (1996) argues that the integration of the refugees of the 1989 era was more difficult than those who entered in the 1950s because Turkey's economy, due to the liberal economy attempts, fluctuated. Therefore, the state's integration policies were financed through credits from the European Council Social Development Fund and the Islamic Development Bank (Kirişci, 1996). Nevertheless, it can be said that Turkey's attitude toward the Bulgarian refugees was based on the integration of these people. Both the government and the citizens, in a general sense, perceived the Turks of

Bulgaria not as refugees but as 'cognates' (Kirişci & Karaca, 2015). The Turks of Bulgaria were in an advantageous position in cultural and interaction-based integration because of the cognate perception. Turkish citizens accepted and helped them because they were forced to immigrate (Şirin, 2012).

On the other hand, on August 17, 1989, when the number of refugees reached 291,500, the train carrying refugees was not allowed to enter Turkey, and the statement that the border would be closed was rejected by the state (İnginar Kemaloğlu, 2012). However, on August 20, 1989, the open-door policy of Turkey changed, and Turkey reintroduced visa requirements and limited the visa to be issued to Turks to 1000 per day (Kirişci, 1996; Lütem, 2012). When Turkey closed its borders because it was unprepared for large-scale migration, about 120.000 Turks of Bulgaria returned to their country of origin (Önal, 2014). Moreover, after the visa requirement, the acceptance of the newcomers was hardened, and trains carrying refugees were not accepted. The state justified itself by announcing that 300,000 quotas had been opened for visa-free immigration and that they had decided to close the border when the quota had expired, but there was no policy and rhetoric to support the quota policy before (İnginar Kemaloğlu, 2012).

While Foreign Minister Mesut Yilmaz stressed that the expected support from the international community had not come and that Bulgaria had abused its right to keep the Turkish border open; the ministers of the period touched upon the difficulties experienced by refugees in Turkey, the lack of adequate provision of jobs and housing (İnginar Kemaloğlu, 2012). In that respect, the visa application faced severe criticism from the opposition and within the government. In addition, the Ministry of Foreign Affairs announced in a statement that Bulgaria intends to eliminate the situation that they consider a problem by expelling the Turks and carrying out migration under conditions determined by themselves, so the borders have been closed (İnginar Kemaloğlu, 2012).

The fact that Turkey was not ready for immigration caused it to be imprudent in providing housing and jobs to migrants, given the economic and social conditions of the period, and some of the refugees returned to Bulgaria starting in August 1989 (Ersoy McMeekin, 2013). Despite all the measures taken, refugees faced significant

problems when they entered Turkey. Because of these difficulties, there have been those who returned to Bulgaria before the fall of the Zhivkov regime (Hacısalihoğlu & Ersoy-Hacısalihoğlu, 2012). Moreover, the fact that jobs in government agencies were located in the inner and eastern regions of Turkey, that is, outside the Marmara region, where refugees were concentrated, had negatively affected many free settled immigrants, and there were returns (Ersoy McMeekin, 2013).

One of the highlights of Şirin's work, in which the author analyses the sociological research conducted on asylum seekers from Bulgaria, is that groups that had immigrated to Turkey in previous periods and the cities where their relatives settled came to the fore in the choice of refugee settlement (Şirin, 2012). Another important point is that refugees felt alienated and excluded due to the cultural decoupling between local people and them (Şirin, 2012). In other words, although the Turks of Bulgaria acquired a corporate identity by obtaining citizenship, they could not fully identify themselves emotionally and culturally with Turkey (Şen, 2013). Although they were related to the same ethnicity and religion, there was a serious problem of harmony between communities raised in different political and geographical structures. Problems such as the adaptation of immigrants to the locals, serious unemployment problems related to the employment policies of the state for them, adaptation to a new school system for school-aged children and language problems were encountered (Hacısalihoğlu & Ersoy-Hacısalihoğlu, 2012).

The mass movement of the Turks of Bulgaria affected the collapse of the communist regime in November 1989. Turkey also prepared reforms for the return of these people when the Bulgarian regime collapsed (Kirişci and Karaca, 2015). There were some instances of refoulment, with the justification being that there was no longer any persecution in Bulgaria based on racial or religious reasons (Kirişci, 1996). The new government's policies regarding Turks of Bulgaria were designed to improve their quality of life and abandoned assimilationist measures, including renaming and prohibiting instruction in Turkish (Vasileva, 1992). The new government and its policies encouraged Bulgarian Turk refugees in Turkey to return. Although the assimilationist policies have ended, it is difficult to say that they have achieved all their rights as a minority, and actual discrimination can be observed (Lütem, 2012).

After the 1989 case, the immigration of Turks of Bulgaria, however, remained unstable. A growing number of Turks entered Turkey again on tourist visas despite the fact that many of them had already left due to Bulgaria's economic problems (Kirişci, 1996). Many people who overstayed their visas were deported; others remained to risk deportation. In the case of family reunions, some were permitted to remain. By January 1994, there were 124,678 Turks of Bulgaria still living in Bulgaria, whereas there were officially 245,032 Turks of Bulgaria living in Turkey (Kirişci, 1996). Moreover, between 1989 and 1991, immigrants were granted the right to dual citizenship by the treaties signed between Bulgaria and Turkey (Kayapınar, 2012).

The following chapter presents the causal dynamics of the Iraqi mass influxes and the policy responses of Turkey to Iraqi refugees from a historical perspective. The next chapter, in that respect, is composed of a comparative analysis of the policy responses to Bulgarian and Iraqi cases.

CHAPTER 5

A HISTORICAL PERSPECTIVE: MASS REFUGEE MOVEMENTS FROM IRAQ: 1988-1991

Similar to the Bulgarian case, the claim that Iraqis only arrived in Turkey within a specific timeframe is inaccurate. Although there is an official registration restriction created by irregular migration, it is also possible to cover migrations from Iraq to Turkey before the dates that are the case of this study. The border crossing between these two neighbouring countries was caused by different factors, such as the discriminatory treatment of minorities in Iraq, economic and educational motivations, or the usage of Turkey as a transit country to Europe. According to Mannaert (2003), most refugees from the Middle East wanted to cross to the West. It is possible to say that the Iraqi people have been crossing the borders since the early years of the Republic. Moreover, Iraqi immigrants and refugees should not be understood only as Kurds of Iraq. There are also Turkmens, Arabs and Assyro-Chaldean Christians who requested protection from Turkey (Danış, Taraghi & Pérouse, 2009). However, even if different times and groups of Iraqi refugees are mentioned, the focus of the paper is the mass movements between 1988 and 1991 which mainly included Kurds of Iraq.

From the beginning of the Turkish Republic to the 1980s, Turkmens of Iraq, with small but steady numbers, came to Turkey (Danış, 2010). Concerning the homogenised nation-building attempt of Turkey, the Turkmens of Iraq can be perceived as cognate. In a similar way to this argument, agreements had been signed facilitating the arrival of Turkmens to Turkey for education and trade purposes (Danış et al., 2009). According to Danış (2010), after Mosul's territorialization as Iraq's land in 1926, this situation was tried to compensate by enhancing relations with Turkmens in Iraq. In other words, with the loss of the Mosul territory, the people of Turkish origin who had

been left in Iraq became a subject of interest for Turkey, and the state tried not to lose its ties with these people. Although Turkmens had no intention of staying at the beginning, in the following years, as political and social conditions worsened in Iraq, some settled permanently in Turkey (Danış, 2010). Turkey's attempts to protect its relations with Turkmens in Iraq can be analysed from the perspective of national building. Turkey wanted to keep strong relations with the Turkmens of Iraq and provide them convenience in border crossings, which was reflected in the foreign policy of the state through agreements.

Through the 1980s, the composition of Iraqis that came to Turkey diversified. Different ethnic, such as Kurds and Turkmen, and religions, such as Assyro-Chaldeans, based people's movements increased in these years because of the mistreatment of the minorities by the Iraqi regime (Danış *et al*., 2009). In addition, during the eight-year Iran-Iraq war, some young men left the country due to military service responsibilities and crossed the borders of Turkey (Danış, 2010). At this point, Turkey was not used only as a country of destination but also as a transit country in order to reach Europe.

5.1. Mass Refugee Movement of 1988

The Iraqi case gained importance after the Iraq-Iran War between 1980 and 1988, and with the end of the war, in 1988, Turkey put the Kurdish issue on the first place of agenda. The state's concerns deepened with the addition of the PKK's movements in the international arena to the actions of PKK within the country.

Iraq and Iran, which had competed for long years for regional and also Arab nationalism leadership, had many conflicts, and this war is an example of this competition (Özdemir, 2016). In March 1988, with the support of the Kurds of Iraq, the Iranian armies captured the town of Halabja, during which the use of chemical weapons by Iraq led to the mass death of Kurds (Fırat & Kürkçüoğlu, 2010a). Five thousand people were killed in the Halabja Massacre that took place in March 1988 (Özdemir, 2016). Furthermore, with the end of the war in July 1988, Baghdad turned its attention to northern Iraq, and Iraqi troops were sent to Kurdish opposition movements that were conducting resistance in the region (Fırat & Kürkçüoğlu, 2010a). In other words, the Iraqi government blamed the Kurds of Iraq for collaborating with

Iran and started the ‘Anfal’ campaign as a series of military operations between February and September 1988 (Danış, 2010). In order to create a people-less zone on the border, 800 villages were destroyed, and roughly 250,000 Kurds were relocated to the southern and middle regions of the nation (Fırat & Kürkçüoğlu, 2010a).

The international community's reluctance to take any meaningful action to stop Iraq from using chemical weapons is an illustration of how vulnerable the Kurdish population was (McDowall, 2004b). In other words, even though the international sphere was aware of the problems of Kurds in Iraq, there was no action taken to stop the Iraqi state’s policies. However, in June 1988, when it became evident that Iran could no longer sustain a war, Britain called for an immediate international probe that Iraq should stop using chemical weapons (McDowall, 2004b). Britain played a key role in the formulation of UN Security Council Resolution 620, which was adopted on August 26, 1988, condemned the use of such weapons and called for "appropriate and effective actions" in such cases (McDowall, 2004b). The reason why neither Britain nor any other nation wanted to take the lead for an international investigation was that states voiced worry about not jeopardizing the Iran-Iraq peace negotiations by condemning Iraq and states aimed to protect the enormous post-war rebuilding projects that Iraq was obligated to choose for tender (McDowall, 2004b).

According to Ihlamur-Öner (2013), chemical weapons were used against the Kurdish populations during that campaign, and approximately 100,000 Kurds were killed. In August, the Iraqi army used chemical weapons against the Kurds in northern Iraq, and the Kurds of Iraq, who had not yet forgotten Halabja, began to flee toward Turkey and Iran, but Iran closed its border, and they piled on to the Turkish border (Fırat & Kürkçüoğlu, 2010a). With the arrival of refugees at the Turkish border, a difficult process had begun for Turkey, which did not want to open its borders. As described in the following section, beginning on August 28, 1988, many Hakkari villages filled up with Northern Iraqis, and in late August, 51,000 of the 117,000 Iraqi refugees were settled in the camps (Kaynak, 1992). In the following section, state responses are given from a historical perspective, and the possible factors that affect these responses are analysed in the analysis chapter compared to the Bulgarian case.

5.1.1. The State Responses and Policies toward Iraqis

In August 1988, more than 50,000 Kurds of Iraq gathered within the Turkish borders to flee political persecution (Kirişci & Karaca, 2015). With references to the sub-policy conceptualisation of the study, firstly, there is a need to look at the border control policies. In reaction to refugees reaching its borders, Turkey did not welcome the Iraqis and closed its borders (Ihlamur-Öner, 2013). Moreover, the state also sent back to Iraq those who had crossed its borders (Fırat & Kürkçüoğlu, 2010a). The reason for closing borders can be understood by the domestic considerations related to the PKK, which are analysed in detail in the analysis chapter.

The interesting point that put Turkey under pressure is that the Iraqi mass movement to Turkey in 1988 and 1991 intersected with the Bulgarian mass movement in 1989. The fact that the refugee crisis in Turkey gained more attention than the one in Iran, despite the fact the former included much fewer people, was indicative of Western media focus (McDowall, 2004b). Turkey's different attitudes toward these two groups get attention both at the domestic and international levels. The pressure from domestic and international levels and border congestion forced Turkey to open its borders.

According to McDowall (2004b), Özal had excellent cause to be kind. In southeast Anatolia, he sought to build goodwill for both local and international objectives, most notably his desire to join the European Union (Mcdowall, 2014b). Thus, Turkey eventually permitted to cross the border but denied granting refugee status to those who crossed the borders.

Turkey opened its borders temporarily, and "The Emergency Legislation Region Governor's Office's" data shows that 51,542 asylum seekers entered the border, with inflows coming from 18 distinct border crossing points (T.C. İçişleri Bakanlığı Göç İdaresi Başkanlığı, n.d.; Kaynak, 1992) In terms of the reception-protection policies, at first, Iraqis were allowed to stay on the Turkish side for a short time, and two days later it was announced that these people would be granted temporary residence (Fırat & Kürkçüoğlu, 2010a). These individuals did not receive refugee status from Turkey, which emphasized the fact that they were temporary guests for humanitarian reasons. (Danış *et al.*, 2009). The 1951 Convention and the 1934 Settlement Law, in that respect, were clearly used in order not to give refugee status to Iraqis.

Another point that became important during this period was related to the relationship between Iraq and Turkey. The Turkey-Iraq Security Protocol, signed on October 15, 1984, gave both countries the right to hot pursuit up to five kilometres on the territory of the parties, with the condition of obtaining the approval of the state (Fırat & Kürkçüoğlu, 2010a). Turkey had based its operations on this legal basis due to its concern about the PKK. On the other hand, based on this protocol, Iraq wanted to exercise its right of hot pursuit over refugees in Turkey, but Turkey refused Iraq's request, informing that the refugees had been disarmed and that they would not be allowed to engage in anti-Iraqi activities (Hale, 2007). After that, Iraq cancelled the Hot Pursuit Protocol, but Turkey also announced that there was no trace of chemical weapons in Iraqi refugees (Fırat & Kürkçüoğlu, 2010a).

The granting of temporary residence permits to these people instead of refugee status also limited the rights granted to them. Turkish authorities constructed temporary protection camps in zones for the settlement of the asylum seekers, far from the Kurdish settlement areas in Turkey (Danış *et al.*, 2009). After gathering in the camps, the asylum seekers were settled in Temporary Shelter Centres in Diyarbakır, Mardin, Hakkari, and Şırnak (Kaynak, 1992). The building of temporary shelters indicates that Turkey wanted to show the temporary existence of the Kurds of Iraq in the country and to limit their interactions with the local Kurdish villagers (Danış *et al.*, 2009). Moreover, according to statistics given by Kaynak (1992), almost half of the asylum seekers who arrived were children, and a quarter were women.

Kaynak (1992) summarized the situation, the assistance provided and the structure in some shelter centres established during this period, and mentioned the health centres, administrations and the police and gendarmes located in these centres; and food, coal and wood aid provided to asylum seekers. For instance, the author mentions that asylum seekers in a shelter in Muş were allowed to work in jobs such as construction and agriculture (Kaynak, 1992). In other words, the asylum seekers had the right to work outside the shelters in Turkey. Another important point is that a six-month residency permit was given to each asylum seeker in the temporary shelters, and they were permitted to travel within Turkey and internationally (to Iraq) (Kaynak, 1992). On the other hand, Danış *et al*. (2009) state that these camps were built away from the

areas inhabited by Kurds in order to limit the interaction between Kurds living in Turkey and asylum seekers.

Another critical point is that the Parliamentary Assembly of the Council of Europe issued its Recommendation 1151 on April 24, 1991, on Turkey's reception policies in response to the difficulties experienced in providing aid to refugees and Turkey's unwillingness to award refugee status to the Iraqis (Ihlamur Öner, 2013). Recommendation 1151 compares Turkey's policies towards Bulgarians and Iraqis and argues that Turkish authorities appear to be following a strategy toward Iraqi refugees that is more likely designed to impede their integration, particularly by allowing living conditions in the camps to worsen, refusing to allow refugee children to attend school, and restricting foreign humanitarian relief organizations from visiting the camps (Parliamentary Assembly, 1991). The option of obtaining Turkish nationality after being in Turkey for a year is a clear indication of the Turkish government's desire to fast integrate the approximately 200,000 Bulgarian refugees living there into Turkish culture (Parliamentary Assembly, 1991). At this point, in order to guarantee that everyone has the same rights and services regardless of their country of origin, the recommendation requests Turkey to grant refugee status to *de facto* refugees and remove the geographical limitation of the 1951 Refugee Convention (Parliamentary Assembly, 1991).

Unable to handle such a large inflow on its own, Turkey requested international assistance to share the financial burden of the refugee aid operations, which was around $300 million (Ihlamur-Öner, 2013). Nevertheless, the state covered the majority of the expenses incurred by the asylum seekers in 1988 and foreign aid, around 6.5%, was provided in the beginning through Red Crescent (Kaynak, 1992). Turkey did not, however, look forward to collaborating with the UNHCR, which classified the Kurds of Iraq living in Turkey as refugees, a designation Turkey refused to adopt (Kaynak, 1992). On September 6, Iraq issued an amnesty and welcomed its residents to return to their homes. Due to the refugees' memories of Halabja, none of them gave credit for the invitation (Kaynak, 1992). Moreover, there are differences in opinion on whether the return of refugees to their countries was voluntary or repatriation (Danış *et al*., 2009). McDowall (2004b) argues that the Turkish state placed pressure on some of them to go back, and some of the thousand or so who did

vanish. This lack of information about the situation of those who have returned to Iraq can also be understood by the fact that Iraq's behaviour towards minorities did not change. The international sphere was aware of the use of chemical weapons, and the majority of European Community nations censured Iraq in light of such proof, but they did not let this affect their political and economic concerns relating to Iraq (McDowall, 2004b).

Özal emphasized the assistance offered by the Turkish government and people, appealing to the West for assistance, and urged the West to receive at least half of the refugees (Kaynak, 1992). 27,028 refugees applied for resettlement in third countries and so were subject to a questionnaire, but only 1018 of them were resettled in the Western states until October 29, 1991 (Kaynak, 1992).

Turkey accepted asylum seekers temporarily and for a short period, and Turkey's expectation of finding a long-term solution was that they would return to their countries or settle in third countries (Kirişci & Karaca, 2015). Turkey started making efforts to decrease the number of refugees after international interest in the Iraqi case started to decrease (McDowall, 2004b). In such an environment, with the extension of the deadline of Iraq's amnesty law, some asylum seekers returned to their countries, while others went to Iran (Kaynak, 1992). 13,193 refugees returned to Iraq, while 25,675 of them stayed in Turkey (Ihlamur-Öner, 2013). Kurds of Iraq who stayed in Turkey either returned to their country of origin after the 1991 movement or resettled in Western countries (Kirişci & Karaca, 2015). Thus, Turkey's long-term solution policy was based on resettlement to a third country and repatriation or voluntary return.

5.2. Refugees between 1990-1991

The refugee movements from Iraq to Turkey continued with the invasion of Kuwait on August 2, 1990. From August 2, 1990, to April 1991, Iraqi troops and mostly civilians, terrified of the war, wanted to take refuge in Turkey (Kaynak, 1992). As with the refugees who arrived in 1988, 5274 individuals were placed in the civil and military camps by August 20, 1991, such as in Sivas, Kayseri, Van, Hakkari and Kayseri, and the number reached 7489 in total (Kaynak, 1992). The humanitarian aid was provided by the state actors, the same in the 1988 case.

There was also a different group of refugees among those who arrived during this period. Accordingly, 62,922 workers and their families from 65 different nationalities were in danger left Kuwait and Iraq (Kaynak, 1992). They temporarily entered Turkey before their states and international organizations planned their repatriation (Mannaert, 2003). In Turkey, they boarded, rested, and resolved their health issues before being transferred to their countries of origin (Kaynak, 1992). In other words, they used Turkey as a transit country to reach their country of origin. The workers received humanitarian aid from the state, such as health, housing and food and were settled in Habur Pilgrimage Settling Establishments until they left (Kaynak, 1992).

5.3. 1991 Mass Refugee Movement

The most crowded refugee movement of Iraqis took place in April 1991, after the Gulf War**.** After Iraq invaded Kuwait on August 20, 1990, a US-led coalition began attacking Iraq from the air and on the ground. (Fırat & Kürkçüoğlu, 2010b). Once Iraq's troops were defeated, a cease-fire was announced on February 28, 1991 (Ihlamur-Öner, 2013). According to Özdemir (2016), the US, during the operation, encouraged Shiites in the south and the Kurds in the north to uprisings in order to divide Saddam Hussein's forces and overthrow the regime. Although Kurdish groups declared northern Iraq under control in March, the situation changed with the movement of the Iraqi army (Fırat & Kürkçüoğlu, 2010b).

After the cease-fire, the Iraqi forces concentrated on the domestic problems and suppressed the Shiites in the south firstly and then the Kurds in the north very harshly (Danış *et al.*, 2009). Although President Bush called these people to rebel against the Saddam regime, the US did nothing about the Iraqi forces' responses to the rebellions (Ihlamur-Öner, 2013). The Kurds asked the US for help to fight Saddam, but the US turned it down, saying that the chaos in Iraq was the internal problem of this country (Oran, 1996). As a result of this repression by the Iraqi state, approximately three million Kurds were displaced (Ihlamur-Öner, 2013). While 467,489 Iraqis fled to Turkey from the mountains to seek asylum between April 2 and April 14, 1991 (T.C. İçişleri Bakanlığı Göç İdaresi Başkanlığı, *n.d.*), a million fled to Iran (Danış *et al.*, 2009). Another important point is that although Kurds made up the majority of those seeking asylum, there were Turkmen, Assyro-Chaldean Christians, and Arabs who

opposed the Saddam administration as well (Kaynak, 1992). For the first time in the Republican's history, Turkey had seen a large-scale refugee migration, the majority of whom were from diverse racial and religious origins (İçduygu &Aksel, 2013). In that respect, Turkey, which had long-standing nation-building and national identity-oriented immigration and refugee policies, faced a new phenomenon to deal with. Such an experience later resulted in the creation of new refugee laws and programs in 1994 (İçduygu & Aksel, 2013). The gap created by the legal regulation had also caused Turkey to respond to refugees from Iraq with *ad hoc* policies.

5.3.1. The State Responses and Policies toward Iraqis

The 1991 mass movements awakened the same problems and reactions by the Turkish state. Firstly, the state closed the borders, tightened the control and deployed security personnel on the Iraqi side of the border (Ihlamur Öner 2013). Moreover, in order to prevent the inflows and address the root causes of displacement, Özal insisted on conveying the UN Security Council to give an international response to Saddam Hussein, who deepened the crisis with military attacks on the Kurds (Kirişci & Karaca, 2015).

On April 2, 1991, the National Security Council (NSC) convened after the Iraqis began fleeing in droves, and the Turkish Foreign Ministry described the escape toward the Turkish border as a threat to the country's security (Gürbey, 2010). The NSC had decided to close the border until there was a response from the UN Security Council (Gürbey, 2010). The UN Security Council issued "Resolution 688" on April 5, 1991, as the situation deteriorated, authorizing action in a state's domestic affairs to stop the violation of human rights if it constitutes a threat to world peace (Ihlamur Öner, 2013). Accordingly, Resolution 688 demanded the Iraqi authorities stop oppressing the Kurds and let international organizations access the refugees in need, defining the refugee issue as a danger to regional and global peace and security (Ihlamur-Öner, 2013). The resolution calls on all member states and non-governmental organizations to support "humanitarian assistance" while reaffirming the territorial integrity and sovereignty of Iraq and rejecting military intervention (Gürbey, 2010). After adopting Resolution 688, Turkey opened its borders to the Iraqi refugees, while Iraq fiercely opposed Resolution 688 and the activities of the US, British, and French forces to construct

safe zones for refugees because it saw them as an attack on its sovereignty (Özdemir, 2016).

Chronologically, the opening of the doors of Turkey coincides with the aftermath of Resolution 688. However, an interpretation may not be correct, as the opening of the doors of Turkey is purely conditioned on the adoption of this decision. The fact that many refugees had relatives in Turkey, the criticism of the opposition, and the pressure the international public exerts on Turkey were also important in this decision (Gürbey, 2010). Altıok and Tosun (2019) argue that the border between Turkey and Iraq is geographically and environmentally challenging; therefore, refugees passing across the mountains in the bitter winter weather were *de facto* accepted by Turkey. This area in south-eastern Turkey, which is among the most impoverished and remote in the nation, was poorly unprepared to handle such a significant population influx. Although it was not publicly acknowledged, the initial response was to accept and provide basic humanitarian aid to the refugees while tightly controlling the flow to camps in Turkey's buffer zone to allow for large-scale returns (Altıok & Tosun, 2019). Local villages that had been kind in their assistance were under unmanageable pressure, and state resources were overburdened by the high number of people seeking care across the long border, even with UN assistance (Lyman, 1991). The US President ordered the military to start an emergency airdrop aid mission along the mountainous border on April 7, 1991, after an effective international response to the crisis on the border could not be assembled quickly enough (Lyman, 1991).

After opening the borders, the state adopted similar reception policies implemented in the 1988 case. In that respect, Iraqis were recognized as temporary guests and did not obtain refugee status due to geographical limitations (Danış *et al.*, 2009). In the NATO base in Incirlik, Turkey, the joint task force known as Operation Provide Comfort was deployed on April 6, 1991, and on April 7, 1991, the task force's aircraft began dropping humanitarian supplies at refugee camps near the Turkish border (Ihlamur Öner, 2013). Around 250,000 Iraqi refugees entered Turkey by April 8 through fourteen different locations and were settled in the civilian and military shelter camps (Kaynak, 1992). Serious issues with the assistance delivery throughout this procedure, as well as certain injuries to refugees, drew worldwide concern (Ihlamur Öner, 2013). The international assistance was received on April 9 in the region (Kaynak, 1992).

Kaynak (1992), in the resettlement policy analysis, presents important information about the services in the camps and those who stayed in these camps. For instance, more than half of the asylum seekers in a Silopi camp were Christians, such as Assyrians, and almost all asylum seekers in the Tatvan camp were Assyrians (Kaynak, 1992). Emergency services and aids such as food, security, health, roads, telecommunication and education were supplied in these shelter camps. The important point of the 1991 case that made it different from the 1988 case is that in addition to state actors, international organisations such as UNHCR and IOM were able to provide aid to the refugees (Kaynak, 1992). Turkey called for the burden-sharing by aiding and resettling some refugees (Mannaert, 2003). Another important point of Kaynak (1992) is that in a Sivas shelter, 1651 civilian asylum seekers were given free residency permits if they could prove that they had relatives and could cover their living expenses and moved to regions like Ankara and Istanbul (Kaynak, 1992). Furthermore, 150 asylum seekers from the Silopi camp received permanent residency rights, which were granted following assurances that the family's leader would be able to cover his family's expenses (Kaynak, 1992).

After the armed struggle against the PKK heated up, Turkey campaigned for the establishment of a safe zone in Northern Iraq and launched a "voluntary" return program in 1991 out of concern that a large inflow would exacerbate already tense ties with its 12 million Kurdish citizens (Mannaert, 2003). Özal's goal was to ensure that humanitarian aid for refugees is provided outside the borders of Turkey, that is, in Iraq (Gürbey, 2010). While Iraq opposed Resolution 688 as being a violation of sovereignty, Özal called the UN peacekeeping forces for a safe zone in Northern Iraq (Ihlamur-Öner, 2013). In Özal's opinion, assistance could have been provided on the plains on the Iraqi side; therefore, this region should have been protected against attacks by Iraq (Gürbey, 2010). Özal requested the UN establishment of a safe zone in Iraq, and when the UN Security Council did not accept the idea of a safe zone, the US declared its actions to create a safe zone (Kirişci & Karaca, 2015). In other words, while emphasising the temporariness of the Iraqi asylum seekers, the Turkish government, especially Turgut Özal, insisted on the idea of a 'safe zone' in Iraq and convinced the US, as a NATO ally, to support Turkey's idea (Kirişci & Karaca, 2015). This effort of Turkey can be interpreted as a reflection of the long-term solution by addressing the root causes of policies it has developed against Iraqi refugees.

On April 6, 1991, Operation Provide Comfort started with refugee relief, and from April 24 onwards, refugees were brought to the safe zone finally, and zero aid was provided to Iraqis camped out at the border (Ihlamur-Öner, 2013). The US justified its actions by arguing that the refugees must be transported off the slopes in order to preserve lives and give them proper shelter, food, and medical attention (Lyman, 1991). As a result, President Bush declared on April 16 that US soldiers would enter Northern Iraq to establish a safe zone alongside its allies, including the UK, France, and Turkey, which was entirely seen in accordance with Resolution 688 (Lyman, 1991). After the coalition forces departed the safe zone on July 15 to redeploy to Southeast Anatolia, the UNHCR took over the management and supervision of the camps in Iraq on June 7 (Ihlamur Öner, 2013). Furthermore, on July 18, 1991, Operation Provide Comfort II was held in order to prevent the Iraqi regime's attack on the refugees (Ihlamur-Öner, 2013). In this context, 460,000 refugees returned to Iraq, and only 14,000 refugees stayed in Turkey and were resettled in third countries (Kirişci & Karaca, 2015).

In addition to these massive influxes, there has also been a relatively consistent flow of Iraqis entering Turkey as a result of years of political turmoil, bloodshed, repression, and suffering brought on by economic sanctions. Turkey faced challenging political and military choices in the early stages of the most current Gulf crisis as a result of mounting concerns that tens of thousands of predominantly Kurdish refugees may stream into the mountainous region between Turkey and Iraq as they did in 1991 (Mannaert, 2003). Out of fear of adverse repercussions on its own internal security, Turkey decided to adopt a preventive strategy designed to set up camps and provide assistance and protection to displaced people, largely within Iraqi territory (Mannaert, 2003).

The following chapter presents a comparative analysis of the cases by referring to potential reasons that lead to either different or similar refugee policies in light of the historical overview of the Bulgarian and Iraqi cases.

CHAPTER 6

A COMPARATIVE ANALYSIS OF STATE POLICIES TOWARD BULGARIAN AND IRAQI CASES

6.1. Analysis of the Bulgarian Case

Migration movements between Bulgaria and Turkey, which had roots in the Ottoman Empire and the Republic's early years, continued with an important mass movement in 1989. Bulgaria's assimilationist policies and the strained relations between Turks who resisted these policies were a result of Bulgaria's aim to create a unified socialist nation-state that did not recognize minorities as a distinct ethnicity. In other words, due to the policies of Bulgarization, not only ethnic but also religious minorities such as Pomaks were seen as a security problem for the Bulgarian national identity. The fundamental shift in official ethnic and national identity instituted by Bulgaria's communist rulers in the 1980s significantly influenced how Turks living there created their identities. With policies such as name change, banning education in the Turkish language and clothing reflecting Turkish culture, and Zhivkov's call to open the border to Turkey, the mass movement began in 1989, which had an essential resonance in Turkey.

In order to systematize the analysis, the following sections are divided into subtitles according to factors that affected the refugee policies of Turkey. However, it should be noted that these factors are intertwined, and the subtitles should not be perceived as independent from each other. For instance, a subtitle about domestic factors also includes international factors, showing the inseparability of domestic and foreign policies. The last section of the chapter, which contains a comparative analysis, is systematized with the sub-policy framework of the study.

6.1.1. International Context of the Era, Foreign Policy of Turkey and Their Impact on Refugee Policy Responses in the Bulgarian Case

In order to understand the policy responses of Turkey, firstly, there is a need to understand the international factors. After the Second World War, there were times of strain in the relationship between Bulgaria and Turkey, followed by years of peace and collaboration. Both nations were crucial from a strategic perspective for the heads of the two competing blocs of the Cold War. Therefore, Bulgaria and Turkey's political behaviour was directly and strongly influenced by the Cold War's severity (Kalinova, 2010). The bipolar structure of international politics cast a shadow over their relations, and bilateral contacts were influenced by the interactions between the two superpowers and Turkey's ties to the Soviet Union (Demirtaş Coşkun, 2001). In such a framework, the policies of the two states cannot be thought independent of the Cold War atmosphere. Bulgarian-Turkish ties deteriorated as a direct result of the worldwide East-West rivalry becoming intense.

The Bulgarian government's assimilationist policies can be seen from the nation-building perspective, like Turkey had, to homogenize its population. However, the bipolar world also affected Bulgaria's attitude toward these people. Turkey and Bulgaria were part of different blocs, and the problems in the international area affected their attitudes toward each other. As mentioned, Turkey's Cyprus operation in the 1970s and being part of the Korean War in the 1950s resulted in Bulgaria's force toward the Turks (Önal, 2014). In addition, the Turkish minority living in Bulgaria had always been an element of distrust in the relations between the two countries (Uzgel, 2010).

In the early 1980s, the Turkish state prioritized economic cooperation with Bulgaria (Kalinova, 2010). However, the international environment was unfavourable for reducing the hostility between Bulgaria and Turkey. In November 1983, Bulgaria began to worry about Turkey's growing allegiance to the US and NATO and the recent development of the Cyprus dispute (Kalinova, 2010). When the Bulgarian Communist Party's policy toward the Turks of Bulgaria was introduced at the end of 1984, the relationship between the two countries soon deteriorated from its earlier friendly tone (Kalinova, 2010). Turkey had the opportunity to benefit economically and militarily

from tight ties with the US, to deflect attention away from the Cyprus situation and the issue of human rights in Turkey, including the Kurds and the PKK, and to put pressure on Bulgaria as a result of the growing East-West conflict (Kalinova, 2010). As a result, a severe crisis of ties between Bulgaria and Turkey emerged, and it was not resolved until the start of the 1990s with the fall of the Bulgarian regime.

In order to show that Turkey was a protector of the Turks of Bulgaria's rights, Turkey reacted to the violence against the Turks of Bulgaria more frequently and with more acuity (Kalinova, 2010). The Turkish state's position was taken into consideration by the Bulgarian state in the context of Ronald Reagan's strategy to weaken the Eastern Bloc[7], the primary components of which were the justification of human rights abuses committed against socialist nations (Kalinova, 2010). In such an atmosphere, the Bulgarian state's policies toward the Turks of Bulgaria deepened with a possible danger of these people's commitment to the opposition. Therefore, for this study, the first conclusion is that the international context of the era and the strained relations between the two blocs influenced both Bulgaria's and Turkey's policies. While Bulgaria perceived the Turkish minority in its country as a possible threat to its socialist regime, Turkey reacted to Bulgaria's human rights abuses to discredit a socialist state.

Özal and the Motherland Party, which prioritized economic relations in foreign policy, first thought that this problem in Bulgaria should be approached rationally, not emotionally; however, after increasing public pressure, the state sent a diplomatic note in March 1985, asking that the problem be solved through negotiations and reported that an immigration agreement could be signed (Uzgel, 2010). The logic of approaching the attitudes of Bulgaria that violate human rights not emotionally but rationally shows that Turkey wanted to take into account the foreign policy and the Cold War atmosphere by putting the identity and human rights of the masses exposed to assimilation policies back into the background. In that respect, Özal aimed to employ foreign policy to facilitate the immigration flows through a migration agreement. On the other hand, as Bulgaria continued its assimilationist policies and

[7] When Ronald Reagan became president of the United States between 1981 and 1989, he aimed to support anti-communist movements all over the world with the Reagan Doctrine. It supported the pro-American regimes from Asia to Latin America, from Africa to the Far East and aimed to weaken the Eastern Bloc by providing aid and weapons to the opponents of the anti-American regimes (Oran, 2010).

rejected the migration agreement, Özal stated that, if necessary, all Turks in Bulgaria would be admitted to Turkey (Uzgel, 2010).

On the other hand, because the Bulgarian state saw the ethnic minority as a domestic concern, it refused to discuss the subject of its ethnic Turkish population with Turkey (Bishku, 2003). Bulgarian officials made an effort to deflect Turkish charges by referencing Turkey's treatment of its Kurdish minority (Bishku, 2003). Another important point is that in February 1988, a protocol on "good neighbourliness, friendliness, and collaboration" was signed by Turkey and Bulgaria, which called for the creation of two joint committees, one to address "humanitarian concerns" and the other to address economy and culture. (Bishku, 2003, p.90). While the second was successful, the first was hampered by Bulgaria's reluctance to address the situation of its ethnic Turks (Bishku, 2003).

Turkey did not use these problems for military action against Bulgaria or to deepen the existing bipolar relations of the Cold War. Moreover, Turkey had made an effort to ensure that this problem with Bulgaria did not turn into a conflict between the Eastern and Western Blocs and remained limited to the two countries (Lütem, 2012). At this point, Turkey tried to stop the policies that caused migration by giving notes to Bulgaria and calling for an international response. As a result of Turkey’s efforts to internationalize this problem, organizations such as the Council of Europe, the Organization of the Islamic Conference, and the United Nations criticized Bulgaria’s repressive policies, while the United States reduced its diplomatic contacts with Bulgaria (Uzgel, 2012). In other words, Tukey tried to embarrass and discredit Bulgaria through an international response and open-door policy. Harsh criticism of the United States was also based on the opposition of the USSR and the Eastern Bloc in the bipolar structure.

The point is that Turkey’s diplomatic notes and attempt to create international pressure on Bulgaria provided neither an immigration agreement nor the restoration of the rights of the Turks in Bulgaria. Moreover, Bulgaria rejected its assimilationist policies and claimed that the Turks were just Islamized Bulgarians and that there were no ethnic minorities in the country. It is also unclear what exactly Turkey was trying to do at this point. It is unclear whether Turkey was trying to protect the rights of the Turks in

Bulgaria or to encourage immigration by emphasizing that the doors were open to all the Turks. Turkey had difficulty determining how to react to the forced assimilation incident. When the reaction was shown, the name changes were over; Bulgaria had reached an irrevocable point in this regard (Lütem, 2012). On the other hand, asking for the Turks in Bulgaria to be allowed to immigrate meant agreeing to the assimilation of Turks who could not immigrate for various reasons. In other words, although Turkey had the purpose of eliminating those that caused displacement and human rights violations, it cannot be said that Turkey achieved this. On the contrary, a change in the approach to minorities in Bulgaria had become possible with the change of the Bulgarian regime, and it is difficult to mention that Turkey had an impact on this. In other words, Turkey failed to address the root causes of displacement by using diplomatic pressure tools. Moreover, Turkey prioritized its own interest concerning the economy-oriented foreign policy and bipolar world structure above the rights of the Turks of Bulgaria.

Deporting Turks from Bulgaria was a recognition that there had once been a Turkish minority and that efforts to Bulgarize them had failed (Demirtaş Coşkun, 2001). In that respect, Turkey opened its borders to Turks of Bulgaria visa-free. Such a policy can also be interpreted concerning the Cold War atmosphere by arguing that Turkey opened its borders to refugees from a socialist state which abused human rights. In other words, the open-door policy of Turkey had a symbolic nature in embarrassing and discrediting a socialist state. In addition to foreign policy considerations, Turkey's refugee policies toward Turks of Bulgaria were also affected by domestic factors.

6.1.2. Domestic Context, National Identity Approach, Legal Arrangements and Their Impact on Refugee Policy Responses in the Bulgarian Case

Turkey perceived the Turks of Bulgaria as free or settled immigrants and eased the citizenship procedure for them through an amendment to the 1934 Settlement Law. In other words, the rights and status granted to the Turks of Bulgaria are important for understanding from what point of view the state approached them. Bulgarian Turks who had relatives in Turkey had been granted the right to live next to their relatives, while the state had assisted those who had no relatives to settle. In addition, it is aimed to facilitate their integration by providing convenience in rental benefits, tax

exemption, employment and education. The organization of a sizable quantity of humanitarian relief was accompanied by legal processes that made it easier for the refugees to import their cars, convert their Bulgarian currency into Turkish Liras, and submit applications for Turkish citizenship promptly (Kirişci, 2000).

Turkey's approach to Bulgarian refugees is based on problem-solving and integration. Traditionally, the immigration of people of the same ethnicity and culture to Turkey and the integration process leading to citizenship in Turkey have been legitimized by legal bases such as the 1934 Settlement Law, and it continued to be implemented with minor changes. These national identity-oriented immigration policies did not come into conflict with the identity understanding of the Motherland Party period. The opening of the doors to the persecuted Turks in Bulgaria for the Motherland Party and Özal, who wanted to establish close relations with their descendants and religious comrades in the former Ottoman lands, can be interpreted as a reflection of their understanding of identity and foreign policy. On the other hand, the reality of these identity policies is also open to debate because the government of the period could not engage an individual or an international action in stopping the assimilationist policies and also pushed the Turks, who could not immigrate out of its embracing identity policy. Therefore, it is hard to establish a direct and pure relationship between the refugee policies toward Turks of Bulgaria and the national identity of Turkey.

If the Turks of Bulgaria who crossed the borders are focused, in general, neither the government nor the populace saw them as refugees but rather as "cognates" (Kirişci & Karaca, 2015). The fact that Turkey did not seek international assistance, including from the UNHCR, for the reception and integration policies toward Turks of Bulgaria can be interpreted as a reflection of the cognate understanding. In other words, the fact that Turkey perceived Turks of Bulgaria as cognates but not convention refugees resulted in Turkey's consideration of itself as an essential element in implementing acceptance and compliance policies.

Due to the cognate perception, the Turks of Bulgaria had an edge in terms of cultural and social integration. The reception and integration of the Turks of Bulgaria had been shaped by *ad hoc* policies, although these policies referred to the 1934 Settlement Law. According to the 1934 Settlement Law, the settled immigrants, for instance, were often

expected to reside someplace particular in the nation and were frequently provided land, dairy animals, and technological equipment to aid in their integration into Turkish culture (Kirişci, 1996). Even though state-sponsored immigration was stopped in 1970 as a result of the population's rapid increase and the exploitation of significant areas of state-owned land, the Turks of Bulgaria of the 1989 case benefitted from this assistance (Kirişci, 1996). In other words, the absence of formal response rules and procedures and the existing local and international considerations have been important in shaping *ad hoc* integration policies. The Settlement Law mentions state benefits, but the lack of a procedure related to this had created room for the state. Moreover, the economic fluctuations in Turkey and the fact that Turkey was caught unprepared for such massive immigration resulted in unequal assistance to the Turks of Bulgaria. The state's quick response to the refugee inflow involved minimal planning and only interim measures, which might lead to confusion and inconsistencies with its partial and provisional characteristics (Şahin Mencütek, 2019). Therefore, policies toward the Turks of Bulgaria were *ad hoc* rather than regulative.

As a result of *ad hoc* policies, the state was not able to meet every refugee's needs equally. For instance, given the economic and social circumstances of the time, Turkey was irresponsible in offering shelter and employment to migrants since it was not prepared for migration, and some refugees began to return to Bulgaria in August 1989 (Ersoy McMeekin, 2013). Another instance is that many free-settled immigrants were affected negatively by the fact that employment in government agencies was situated in the interior and eastern areas of Turkey, outside the Marmara region, where refugees were mostly concentrated, and there were returns (Ersoy McMeekin, 2013). Similarly, Şen (2013) argues that the factors that caused the return to Bulgaria or complicated the adaptation process were, in short, problems such as work, housing and cultural conflict at different levels, as well as incompatibilities with native Turks and even former Bulgarian immigrants. Therefore, the state's attempt to ensure the compliance of refugees with *ad hoc* policies was an unequal and inconsistent process under the influence of economic, demographic or geographical factors.

Up to this point, Turkey's open-door policy and integration policies toward Turks of Bulgaria can be interpreted as a non-restrictive pattern aimed at accepting refugees, even if there have been problems mentioned above in practice. The national identity

and existing laws and regulations can be useful for interpreting the reasons behind these policy responses.

Turkey's nation-building policies and the 1934 Settlement Law are the ways to understand the 'cognates' rhetoric. Even if the legal definitions of national identity and citizenship were based on a civic and geographical understanding of nationalism, favouritism for some groups over others continued in official practice. In response to worries about the physical and political unity of the country, the state emphasized homogeneity and "Turkishness," and it gradually established policies that prioritised the Turkish language and ethnicity (Kirişci, 2000). The Settlement Law of 1934, designed to facilitate the entry of persons of Turkish origin and culture into the country as part of the project to create a homogeneous nation, can be interpreted as being used to create a legitimate base for the immigration of Turks of Bulgaria.

The 1934 Settlement Law promotes the immigration and integration of persons of Turkish heritage and culture and opposes the admission of those with non-Turkish ancestry and culture as *muhajir* or refugees (İçduygu & Aksel, 2015). The idea that those who identify with Turkish ethnicity and culture would be viewed as immigrants highlights the crucial role that ethnicity, as defined by race and culture, plays in deciding who gets to immigrate. In that respect, the 1989 case of the Turks of Bulgaria with state responses to the influx took shape in parallel with this identity understanding. The identification of the mass influx of the Turks of Bulgaria as cognates and the realization of the acceptance and adaptation mechanisms within this framework was due to the belief that people with Turkish ancestry and culture would find it easier to adapt to the created national identity. In other words, the legal framework offered a path-dependency to Turkey in accepting people of Turkish origin and culture in terms of the influence of earlier procedures and decisions on subsequent actions.

The important point about the Settlement Law is that who is recognized as having connections to Turkish culture is decided by the Council of Ministers (The Law on Settlement, 1934). Even while the law clearly defines refugees and immigrants, the Council of Ministers' discretion in deciding which individuals from the same culture will be taken into consideration highlights the political nature of the problem as well

as the ambiguity and variation in how identity is defined. In that respect, the Council of Ministers amended the Settlement Law to identify the Turks of Bulgaria and justify its policies toward them. Accordingly, “persons of Turkish descent who came to Turkey after being forced to immigrate from Bulgaria and wanted to settle in Turkey after 1.1.1984 are considered free or settled immigrants connected to Turkish culture according to the provisions of Law No. 2510 of 14.6.1934...” (T.C. Resmi Gazete, 1989, art.33). In other words, the acceptance and integration of the Turks of Bulgaria with reference to the existing identity policies were legitimized.

The settlement and integration policies toward the Turks of Bulgaria have ground in the Settlement Law. Article 7 of the Settlement Law emphasizes that as long as they had not requested official financial assistance, immigrants of Turkish ethnicity were free to live wherever they pleased; however, regardless of whether they had requested official financial assistance, immigrants of other ethnicities were forced to live where the government had ordered them to (Çağaptay, 2002). The state defined the Turks of Bulgaria as either free or settled immigrants according to whether they had a relative in Turkey with whom they could settle down. Moreover, important steps such as policies to facilitate their adaptation and granting citizenship rights indicate that Turkey did not consider this mass immigration a challenge to its existing national identity. The argument is that the state’s refugee laws have an influence on the newcomers' legal membership or non-membership in the state. Even though there can be exceptions, granting legal status to immigrants is closely related to the state's national identity and citizenship laws, which are intended to safeguard the state's security and stability. Therefore, it is clear that the acceptance of the Bulgarian Turks by Turkey and fast integration policies had grounds for the 1934 Settlement Law and national identity understanding.

The approach to the Turks of Bulgaria also did not contradict the identity policies of the Motherland Party and Özal. By highlighting the value of family, nation, and religion in its political discourse, the Motherland Party was able to appeal to the sensitivities of the "Sunni-Muslim-Turkish identity" in terms of identification (Akça, 2014). Moreover, with reference to the Turkish-Islamic synthesis, on the belief that Turkish and Islamic culture are the two primary elements of national culture and that the Turks could not have preserved their identity without Islam (Alpkaya, 2002). With

its two-nation project, the Motherland Party and Özal attempted to preserve its existence by using an inclusion-exclusion mechanism by securing the approval of the first nation in order to secure its authority and interests. Instead of a citizenship understanding that relied on making each section equal, an understanding based on the contrast between those who were perceived as supporters and acceptable citizens and those who were not (Aydın & Taşkın, 2014). Another important point is that neo-Ottomanism replaced the early Republican vision of Turkish identity with a new common past that principally drew from the Ottoman era and a new shared future that aspired worldwide influence rather than focusing just on Turkey's boundaries was recognized as a process of identity building (Ongur, 2015).

While there is a sentimental attachment to the Ottoman Empire and nostalgia for earlier times, another component of neo-Ottomanism is the use of history to create a new national identity. Neo-Ottomanists wanted to establish a new Turkey where citizenship is determined by a broad and diffuse connection to Islam rather than any exclusive racial or linguistic standards (Yavuz, 1998). In other words, the ability to transcend racial differences is attributed to Islam as the most powerful single aspect of identity. Therefore, the identity understanding of Özal and the Motherland Party, with reference to the shared Ottoman past, Islam and ethnicity, perceived the Turks of Bulgaria as cognates. In addition, the consideration of Turks living in the former Ottoman lands and the development of economic and social relations with these lands can also be seen as a part of neo-Ottomanism. Although the Motherland Party had increased its emphasis on Islam, it had opened the doors to Turks of Bulgaria in parallel with the identity understanding of the early Republican period, which can be interpreted as a path dependency. In other words, the Motherland Party did not consider the refugees a threat to understanding the identity it was trying to create.

Another point about the policy responses to the 1989 case is that besides the Turkish origin and culture factor, the acceptance of these people can also be analysed from the 1951 Convention. Turkey accepted the Turks of Bulgaria as national immigrants with reference to the 1934 Settlement Law, but the 1951 Convention describes the rights and responsibilities of the refugees and states. In that respect, it can be said that Turkey accepted people who came from the Communist bloc and obeyed the *non-refoulment* principle. Turkey represented its place in the bipolar world and showed its conformity

to the Convention. In close cooperation with the UNHCR, Turkey accepted refugees from the European states that made up the Communist Bloc. While residing in Turkey, these refugees had access to all of the rights listed in the Convention, yet, only a small percentage were allowed permission to stay, typically as a result of marriages to Turkish citizens (Kirişci, 2007). However, as noted, the Turks of Bulgaria were perceived as *muhajir*s rather than convention refugees. Therefore, it can be concluded that the policy responses of the Turks of Bulgaria were shaped more by national identity understanding.

The analysis conducted up to this point confirms the conclusion that the state responded to the 1989 case by taking into account identity policies and a humanitarian perspective rather than security. In other words, it is concluded that it carries out protection and integration-facilitating policies instead of restrictive policies. However, the study has shown that this conclusion is not entirely true. It has been observed that there were changes in the state's response to refugees due to the influence of different factors beyond identity and open-door policies.

6.1.3. International and Domestic Considerations behind Close-Door Policy

The most critical point of the 1989 case is that Turkey, which opened its borders on June 2, closed its borders *de facto* on August 17 and *de jure* on August 20. The process, which started with the fact that the train carrying refugees was not allowed to enter the border, reached a different dimension with the introduction of the visa requirement and a daily visa quota of 1000 people (Lütem, 2012). Such an *ad hoc* decision resulted in the Turks of Bulgaria being unable to cross the border and stay in their countries where they felt threatened. The Turkish state defended its actions by claiming that 300,000 quotas for visa-free immigration had been opened and that they had opted to close the border after the quota had run out (İnginar Kemaloğlu, 2012). While Mesut Yilmaz, the Turkish Foreign Minister, emphasized the international community's reluctance to support Turkey and to stop Bulgaria's assimilationist policy, which resulted in the abuse of the open-door policy of Turkey by Bulgaria; the ministers of the time also discussed the challenges faced by refugees in Turkey, including the inadequate availability of jobs and housing (İnginar Kemaloğlu, 2012).

Although Turkey was trying to legitimize itself by linking the border closure to different reasons, this situation was actually an indication that Turkey was not economically ready for such a large-scale mass movement. The rhetoric that the borders were closed because there was a quota of 300,000 people contradicts the statement that the doors were opened to all Turks at the beginning (Lütem, 2012). Even if the lack of international support and Bulgaria's alleged exploitation of Turkey's open-door policy to send all Turks into its country were seen as factors that were instrumental in making this decision, this decision was also related to the problems that Turkey experienced in implementing its acceptance and integration policies. Economic fluctuations during the period and Turkey's inability to provide housing, education and employment can be perceived as factors that affected the closing of the border (Ersoy-Hacısalihoğlu & Hacısalihoğlu, 2012).

Whatever the reason behind it, Turkey's closure of its borders after two months contradicted the stance it had taken since the beginning of immigration and led to a violation of human rights. This situation can also be interpreted as a break from the understanding that promoted the immigration and acceptance of people who were considered cognates of identity policies established through ethnic and religious ties. Even if national identity understanding involves the preference of a particular group over others, it is considered important to understand the policies that developed against the 1989 case. However, the fact that Turkey closed its borders after about two months led to the conclusion that different factors were more effective than national identity. In addition, the preference of one group over another can also be interpreted as the preference of citizens of the country and the interest of the state to refugees under threat, even if they were from the same ethnic background in this case. In other words, the interests of the state were considered more important than the interests of refugees.

Another important point is that after the fall of the Zhivkov regime, Turkey likewise made reforms in preparation for their return (Kirişci and Karaca, 2015). There were several cases of refoulment, with the excuse being that there was no longer any persecution in Bulgaria for reasons related to race or religion (Kirişci, 1996). Such reforms indicate that, in fact, as a long-term solution, integration, as well as repatriation, had a place in the 1989 case.

In short, national identity had a significant influence on the 1989 Turks of Bulgaria case, but there was also the impact of domestic and international considerations on refugee policies. While the refugees' ethnic backgrounds had an influence on the rules and regulations that encouraged border, reception and integration policies, domestic policy reasons prevented this strategy from being fully endorsed. Economic fluctuations of the period, with the state's inability to manage such a mass flow, resulted in the change in the border policy and integration problems of refugees. In addition, the fact that international support, including UNHCR, was not applied had also affected the problems experienced in acceptance and compliance policies. Finally, Turkey's linking the closure of its border to the reason that Bulgaria had instrumentalized its open-door policy can also be considered a foreign policy factor.

6.2. Analysis of the Iraqi Cases

The cross-border mobility from Iraq to Turkey includes different ethnicities and religions, including Kurds, Turkmens and Assyro-Chaldean Christians and has a root in the early years of the Republic. The people who came to Turkey from Iraq before the 1980s were primarily Turkmen. As a result of the loss of the Mosul region, Turkey began to be interested in the remaining Iraqi citizens of Turkish descent, and the government made an effort to maintain its relations with them (Danış, 2010). By signing agreements, Turkey expressed its desire to maintain friendly ties with the Turkmen of Iraq and make border crossings convenient for trade and education. The relationship with Turkmens in Iraq and providing them convenience for immigration can be interpreted as a reflection of the state's understanding of identity referring to people of Turkish origin and culture. On the other hand, throughout the 1980s, the composition of the refugees and asylum seekers became diversified, and Turkey was used as a country of destination and also a transit country.

In brief, the 1988 and 1991 mass influxes occurred as a result of the maltreatment of minorities by the Iraqi state. The cases of 1988 and 1991 began when Iraq tried to suppress the Kurds in the country brutally, including using chemical weapons; thousands of people were displaced and wanted to cross the Turkish border. In order to understand the factors that affected the policy responses of Turkey, the section is divided into subtitles relating to different factors.

6.2.1. International Context of the Era, Foreign Policy of Turkey and Their Impact on Refugee Policy Responses in the Iraqi Case

Within the atmosphere of globalisation and neoliberalism, the Motherland Party paid attention to the neoliberal economy in its foreign policy relations. With the belief that if a trade relationship is established with a country, foreign policy problems will be solved with that country, Özal made Turkey's economy dependent by opening it to the outside without taking any precautions (Oran, 2010). Turkey improved its relations with Islamic countries and diversified its trade markets during this period. In other words, Özal strongly emphasised developing ties with Islamic and Turkic nations in Central Asia, especially with the dissolution of the USSR, while highlighting Turkey's national identity and Islamic culture with an emphasis on its Ottoman heritage (Altıok & Tosun, 2019). For instance, in the Iran-Iraq War between 1980-1988, Turkey remained completely neutral and could trade with both countries (Oran, 2010).

During the Gulf War, Özal aimed to establish close relations with the US and follow an active policy to gain commercial and economic advantages from the US and become an important actor in the restructuring of the Middle East after the Gulf War (Uzgel, 2010). However, the Gulf War challenged Turkey's economy-based foreign policy with its effect on commercial relations and its foreign policy aims (Altıok & Tosun & 2019). Following the invasion of Kuwait on 2 August 1990, Özal's government took an impartial position during the early phases of the Iraqi conflict due to its hostility to Kurdish nationalism and emphasis on the two nations' economic interdependence (Altıok & Tosun, 2019). In other words, the foreign policy during this period was neutral towards Iraq and adhered to the non-interference concept.

When the refugee flows from Iraq approached the Turkish border, Turkey aimed to stop to flows and repatriate them by instrumentalizing its foreign policy. Turkey, in that respect, closed the borders and, by increasing the security guards at the borders, aimed to prevent irregular crossings. Additionally, in the 1991 case, Özal persisted in urging the UN Security Council to take action against Saddam Hussein, who exacerbated the issue by attacking the Kurds militarily, to stop the influx and solve the reasons for displacement (Kirişci & Karaca, 2015). Turkey's diplomatic efforts in the UN Security Council aimed to find a way out, and Turkish officials suggested creating

a "safe zone" for refugees in Iraq. The Turkish government perceived the Kurdish refugees' existence as a threat to its national unity, and it legitimized the use of measures such as tightening border controls through military forces to prevent irregular border crossings. Moreover, Turkey deliberately did not choose a side or indicate that it intended to interfere with Saddam's government (Altıok & Tosun, 2019). Another important point is that the Iraqi mass refugee movement also resulted in problems in the relationship with Iraq. Regarding the Hot Pursuit Protocol, Iraq asked Turkey to employ its right of hot pursuit over refugees in Turkey, but Turkey declined, stating that the refugees had been disarmed and would not be permitted to carry out anti-Iraqi actions (Hale, 2007). After that, Iraq cancelled the Protocol, but Turkey also declared that no chemical weapons had been found in the evacuees from Iraq (Fırat & Kürkçüoğlu, 2010a).

The state also decided to close the borders until Resolution 688 was issued. One of the important points is that the country's security was put at risk, according to the Foreign Ministry, by the escape toward the Turkish border (Gürbey, 2010). In other words, Turkey aimed to restrict refugee flows through its foreign policies. Resolution 688 declared the refugee problem to threaten local, regional, and international peace and security and urged the Iraqi government to stop persecuting the Kurds and allow aid agencies access to the refugees in need (Ihlamur Öner, 2013). Turkey interpreted such a call as providing a solution to displacement and thus stopping the crossing of refugees into Turkey and, if necessary, providing assistance on the other side of the border. Such a foreign policy suggests a plan to halt the influx and repatriate refugees as quickly as feasible via global alliances. That is, Turkey, considering its own security rather than the safety of refugees, did not want to open the doors and called on the international level to ensure their return.

Even though Turkey stipulated the UN to take action to open its doors, irregular crossings and the pressure from the international and domestic levels had a critical impact on opening the borders. The refugees kept crossing the borders irregularly due to the geographical situation at the border (Kirişci & Karaca, 2015). In other words, the opposition groups and the relatives of the refugees in Turkey created domestic pressure on the state; the international critiques from the international organisations and states criticised Turkey for its violation of human rights. In other words, denying

protection rights resulted in negativity in the international arena (Kirişci & Karaca, 2015). While the internal concerns over the PKK provide an explanation for the closure of borders, the international and domestic pressures, Resolution 688 and irregular crossings resulted in opening the borders. Turkey violated the nonrefoulement principle of the 1951 Refugee Convention by not opening the borders to the refugees. Another reason behind the opening of the borders was presented as that Özal sought its domestic and international objectives, including his desire to join the European Community[8] (McDowall, 2004b). In other words, the foreign policy desire of Özal resulted in preventing international criticism and negative international publicity.

What has been described so far shows the policies developed by Turkey based on the fact that the majority of refugees from Iraq were Kurds. Turkey concentrated on the issue's implications for national security, and according to Kirişci and Karaca (2015), there was a vital concern that the influx of Kurdish refugees would jeopardize Turkey's security. In terms of foreign policy, Kurdish refugees have had long-term consequences for Turkey, and close relations with Iraq since 1980 have come to an end (Fırat & Kürkçüoğlu, 2010a). This issue also had an important place in Turkish-US relations due to the impact of international developments in the 1990s and the US policy towards the Middle East (Uzgel, 2010).

In keeping with its general foreign policy, Turkey's apathetic foreign policy towards Iraq was also evident in the way it restricted itself to providing humanitarian aid to refugees and attempting to repatriate migrants (Altıok & Tosun, 2019). By mobilizing the cooperation of foreign states, the Turkish government prevented the establishment of an independent Kurdish state. The fact that there was relatively little humanitarian aid provided in the area and that the majority of northern Iraqis did not receive assistance support the idea that international forces were primarily stationed there to support Turkey rather than refugees, allowing Turkey to assert a security-focused objective in the area (Altıok & Tosun, 2019).

[8] Turkey applied for full membership to the European Community on April 14, 1987 with reasons such as the need to develop neoliberal policies, Turkey's perception as a necessity of westernization and modernization, and Turkey's problems with Greece (Fırat & Kürkçüoğlu, 2010b).

6.2.2. Domestic Context, National Identity Approach, Legal Arrangements and Their Impact on Refugee Policy Responses in the Iraqi Case

In principle, the nation-state building and identity understanding of Turkey defines who is Turk with a civic and territorial understanding; that is, it does not consider race and religion and preserves equal rights for every member of the nation. On the other hand, in practice, language, race and religion became essential elements in the state's preferences. In other words, the state preferred the most assimilable groups over others in order to homogenise the nation. Such a notion resulted in internal and cross-border mobility. Kurds, in that respect, were aimed to be included in the Turkish nation through allusions to Islam. The argument is that the state used force against Kurds, Greek, and Armenian Christians when they refused to adapt and faced opposition, which led to alienation, relocation, or departure of minorities (Çağaptay, 2004). For those who opposed the establishment of a secular, homogenous nation-state, the state implemented a resettlement program, implying that migration policies were used as a tool to maintain the state's interest. In that respect, Kurds in Turkey and other minorities had taken an important position in the effort to create a nation-state. In other words, the concerns related to the unity of the nation, as a result of the Şeyh Said rebellion and similar uprisings, led to Turkey's effort to create a homogeneous nation by assimilating different groups, including by displacing them, if necessary, in a delicate situation. They were targets in the efforts to unite and establish hegemony by force and consent under national identity. The nation-state creation, in turn, made the state vulnerable to situations that could disrupt its unity and security. Kurdish nationalism, which reached a critical level in the 1980s, was also an indicator of whether this national identity building was successful.

The Motherland Party, with its specific emphasis on religion, had tried to get the consent of certain segments of society, including Kurds. On the other hand, the Motherland Party and Özal implemented a two-nation project based on the difference between those who were perceived as supporters and acceptable citizens and those who were not. In such a structure, Özal aimed to include Kurds in his conception of the nation with references to religion and to prevent them from threatening the stability and security of the existing authority. Moreover, neo-Ottomanism urges a revision of Turkish national identity that promotes more political and cultural tolerance for

difference. The aim of Özal was related to getting the consent of the middle classes for its economic policies rather than including all segments of the society in his national identity formation (Aydın & Taşkın, 2014). Through their common Ottoman heritage and use of religion, the Motherland Party and Özal sought to bring together Turks, Kurds, and other ethnic groups (Uzer, 2020). They were inspired by the notion that national borders should be determined by people's ideas rather than ethnic characteristics. In short, on the one hand, Özal wanted to establish authority over the Kurds, while on the other hand, he was ready to exclude and oppress the Kurds in case of any threat that might exist.

The 1980s were important with the existence of the PKK and Kurdish nationalism and its challenge to the national identity of the Motherland Party. The armed struggle between the PKK and the Turkish military and oppressive measures of the state in that era securitised the Kurdish identity. The military was an important actor in response to Kurdish nationalism and had an impact on the national identity of the period. The Kurdish issue was attempted to be resolved militarily from a security viewpoint level. Although Özal called for a political solution to the Kurdish issue in the following times, the perception of the fight against terrorism took an important place in politics.

Spring 1991 reflected this complexity about how to approach the Kurdish issue. In April, Özal presented a draft bill to the Assembly that would allow the use of Kurdish outside of broadcasting, publishing, and education (McDowall, 2004b). It is interesting to note that the same day, Özal passed a strict new anti-terrorism law, which defined terrorism as any action intended to change the Republican characteristics. Moreover, April 1991 was also the beginning of the 1991 mass influx from Iraq. In other words, the national identity of this era had gone in parallel with intending to prevent a possible danger within the framework of the security axis.

On the one hand, the fight against terrorism had an important place, and on the other hand, Özal was trying to rally the Kurds around the identity he represented by emphasizing religion and differences. The traditional security understanding toward Kurds remained strong even during this period. In other words, Özal was trying to unite the Kurds through religion under his patronage and to prevent radicalization by giving them certain freedoms through reforms (Aydın & Taşkın, 2014). Özal used

these approaches in parallel with the effect of his perception of stability and security. For instance, by the late 1980s, the PKK's expansion had been hampered by the government's manipulation of religious sentiment against the organization and the claim that the PKK sought to crush Islam (McDowall, 2004a). In such an atmosphere, the existence of the Kurd refugees and asylum-seekers was perceived from a security perspective.

The Iraqi Kurds' refugee crisis, in this respect, can be analysed from a security perspective. Turkey, which had a Kurdish question, did not want to deepen its internal problem with a transnational movement of the people. The possible cooperation between Iraqi Kurds and Kurdish citizens and the PKK's further entrance into the country clearly shows the migration's securitisation. Turkey looked at the issue not from a humanitarian perspective but from a national interest perspective.

The security-oriented understanding of Turkey also affected other policy responses toward the refugees and asylum seekers from Iraq. Accordingly, Turkey implemented restrictive protection policies for refugees and asylum seekers of Iraq after crossing the borders. Turkey declared that refugees and asylum seekers from Iraq would only be given temporary residency and not political refugee status (Fırat & Kürkçüoğlu, 2010). Since Turkey did not grant these people refugee status was used as a sign that they were just here temporarily for humanitarian purposes. In that regard, it is evident that the 1951 Convention and the 1934 Settlement Law were utilized to deny Iraqis refugee status.

The 1934 Settlement Law, which offers refugee status to those who belong to Turkish origin and culture, is a legitimisation tool for the state while rejecting certain groups with reference to ethnic and cultural affinity. Moreover, the assimilation of Turkish citizens who did not share Turkish heritage or culture was controlled by the Settlement Law (İçduygu & Aksel, 2013). In that respect, it is argued that because Turks and Kurds shared the same cultural and religious identity, the state aimed to integrate Kurds through relocation by merging the two communities (Çağaptay, 2002). However, 1988 and 1991 cases show that in practice, the Kurds were not considered part of the religious affinity, despite the Turkish Republic embracing either Muslim Turkish speakers or ethnic groups that might readily accept a Turkish identity. Instead,

the 1934 Settlement Law was used to facilitate immigration from the Balkans and Central Asia. In other words, religion and ethnicity have been systematically used as complementary elements of each other, while Kurds were excluded from the migration hierarchy despite being Muslim.

The 1951 Convention was also used as a legitimised tool not to grant refugee status to Iraqis. The geographical limitation gives Turkey leverage to give refugee status only to individuals affected by the events in Europe. Even though the 1951 Refugee Convention grants the right of resettlement to those who come from outside Europe to a third country, these cases had always been experienced individually before, not massively. In other words, Turkey, which had previously dealt with individual applications, took into account the size of the arrivals when faced with such a mass movement. The acceptance of this mass-arriving group as refugees, but the possible difficulties that would arise in resettling all of them in a third country, means that these people would remain in Turkey, and Turkey perceived such a situation from a security perspective. Therefore, the Iraqis were not granted refugee status. This approach also had an impact on the 1988 case because the UNHCR did not allow assistance to the Iraqis. The reason behind such an action was that UNHCR classified Kurds of Iraq as refugees, which was rejected by Turkey (Kaynak, 1992).

Concerning the legal framework of Turkey, Iraqis were perceived as non-convention refugees in principle. The government granted the UNHCR considerable latitude to temporarily settled these asylum seekers with the implicit expectation that they would be relocated outside of Turkey if the UNHCR recognized them as refugees or would be deported (Kirişci, 2007). However, it is hard to define the Iraqis as non-convention refugees because the state sought their temporary existence in Turkey and prioritized their repatriation through the safe zone rather than resettlement in a third country. The fact that 460,000 Iraqis returned to their country of origin while around 14,000 resettled in third countries is proof of the status and rights of the Iraqis in Turkey (Kirişci & Karaca, 2015).

Additionally, the Passport Law presumes that whether to welcome refugees and foreigners entering Turkey with the desire to settle is a decision made by the Ministry of Internal Affairs (The Passport Law, 1950). Article 17 of the Passport Law (1950)

states that foreigners seeking asylum in Turkey for political reasons may only do so in locations approved by the Ministry of Internal Affairs. It is another attempt by the state to tighten its grip on the refugees. In other words, with the Passport Law, the state sought to justify its use of discretion when it came to refugees and asylum seekers who did not meet the requirements of the Settlement Law and 1951 Convention. In this context, determining where and under what conditions refugees from Iraq stayed had been legitimized by the Passport Law to increase the state's control over these masses.

The temporary residency affected the scope of the rights and services given to the refugees. Refugees and asylum seekers who came from Iraq were settled in the temporary shelters constructed outside of the places where the Kurdish population was concentrated to minimize interactions between Kurds residing in Turkey and asylum seekers (Danış *et al*., 2009). Even though there was an international emergency relief, concern was raised worldwide due to significant problems with the aid delivery and conditions of the refugees both at the border and in the camps (Ihlamur Öner, 2013). Iraqi Kurds were extremely poorly integrated into society by state policies owing to their ethnic origins; it is evident that the general discourse against irregular refugees in Turkey is formed by a tone of criminality (Danş *et al*., 2009). Moreover, in terms of a long-term solution, Turkey sought repatriation and resettlement in the third country. In that respect, creating a safe zone was promoted, and the aim was to provide aid to refugees, not in Turkey but Iraq.

6.2.3. Refugees of Different Ethnic and Religious Backgrounds in the Iraqi Case

Up to this point, Turkey's perception of mass immigration from Iraq with a strong sense of security regarding national identity is based on the fact that the majority of those arriving were Kurds. However, this understanding ignores the existence of different religious and ethnic groups in the mass influx and whether the groups were treated differently by the state. As mentioned, the 1991 mass influxes comprised different ethnic and religious groups, including Turkmens, Arabs and Assyro-Chaldean Christians. Although there is no detailed information about these groups and policy responses to them, it is evident that the state has noticed the existence of these groups.

According to Kaynak (1992), there were camps in which the majority of refugees were Christians, such as Silopi and Tatvan Camps. However, it is not clear whether the state had deliberately placed Christian refugees in these camps by separating them, nor was it clear whether the assistance provided to these people was any different from those in other camps. For instance, in the Silopi camp, while almost half of the refugees were Christians, there were also Kurds composed of half of the population and a small proportion of Turkmens and Arabs (Kaynak, 1992). Moreover, the education level in the Silopi camp was high, and 20% of refugees were professionals and higher school graduates (Kaynak, 1992). One of the important points is that after receiving guarantees that the family's leader would be able to pay for his family's expenditures, 150 asylum seekers from the Silopi camp were given rights to permanent residency (Kaynak, 1992). On the other hand, 71 of them were resettled in Europe (Kaynak, 1992). Assyro-Chaldeans used Turkey as a transit country to reach Europe (Danış *et al*., 2009). Another crucial finding of Kaynak (1992) is that 1651 civilian asylum seekers at a Sivas shelter received free residency cards in cities like Ankara and İstanbul if they could demonstrate that they had family and could pay for their living expenses. However, there is no information about their ethnic and religious background.

Similarly, Danış and Parla (2009) argue that in 1991, a small group of Turkish nobility (approximately 20,000 people, 1/25 of the total arrivals) among those who came from Iraq were treated much better than other Iraqi refugees and were soon released from the camps and allowed to settle in the cities. Moreover, Danış *et al*. (2009) emphasise that many Turkmen who came that year encountered a welcoming atmosphere, and after arriving, they got residency permits more easily. A special decree established in late April 1991 that governed the right to residency allowed those with first- or second-degree relatives living in Turkey and those with the financial means to support themselves to apply for residence permits, which privileged the Turkmens (Danış *et al*., 2009). Another important point is that interviews done by the authors with the refugees show that many Turkmen also profited from informal official aid in getting work in the public and private sectors, in addition to the state support that changed the Turkmen's legal status (Danış *et al*., 2009). The state allegedly treated the nearly 50,000 refugees of Turkish origin from Kirkuk and Mosul who were a part of the significant flood in 1991 preferentially, according to media reports. They were allowed

to move to a designated camp in the country's interior rather than being held in a camp along the border with Kurdish refugees, and several of them obtained residence permits (Kirişci, 2000).

The limited but important information about the different ethnic and religious identities and the policies developed for these identities hosted by the 1991 mass movement shows that Turkey has taken different approaches according to the identities of those who came in the Iraq case as well. In other words, concerning the possible impact of the refugees on national identity and security, the state includes and excludes specific groups. In that respect, reception, protection, integration and repatriation policies are used as a tool for the protection of the national identity.

The 1991 crisis and responses to it represent a shift in understanding the refugee concept. The end of the Cold War also ended the bipolarity and ideology-based conflict. In the multipolar world, the shift in understanding the threat is also reflected in the shift in understanding the refugees. In other words, refugees lost their ideological importance, and the state started to prioritize its own rights, interests, and security before protecting refugees. The key features of refugee regimes in the post-Cold War era were the transition from refugee protection to confinement and from long-lasting to short-term fixes (Ihlamur Öner, 2013).

In this context, Turkey's and the UN-based reaction to the Iraqi crisis is mainly based on the security perspective. Moreover, these temporary solutions show that after 1991, the number decreased, but Iraq's handling of the opposition and the worsening living conditions brought on by the economic blockade enacted during the Gulf War, the Iraqi refugees continued to cross borders. (Danış, 2010). In other words, the root causes of the displacement were not solved, and Turkey only sought the repatriation of the refugees. Another important point is that the operations held in Iraq and also UNHCR were criticized because while the operation was an intervention in Iraq, UNHCR's actions during those operations were mainly based on state interest and priorities rather than protecting the rights of the Iraqi refugees. (Kirişci & Karaca, 2015). In short, the state interests were prioritized over human rights, and states instrumentalised their resources and international organisations to protect its interest.

6.3. A Comparative Analysis of the Bulgarian and Iraqi Cases

1998-1991 Iraqi and 1989 Bulgarian cases are essential to understand which factors affected the state policy responses to these influxes, which took place in the same period. In what aspects there was a divergence and convergence between the state responses and what affected these divergencies are presented below. In that respect, the comparative analysis is conducted by focusing on the sub-policy framework of the study.

Table 1 summarizes the state's refugee policies in responding to the cases. In the table, the column of the Iraqi case is based on the fact that the majority of the Iraqi refugees were Kurds. The last row of the Iraqi case column highlights the existence of different ethnic and religious groups in the Iraqi movements and the state's different policies toward them. Therefore, in the Iraqi case, such policy differences toward different groups should not be ignored.

Table 1: Policy Responses of the Turkish State to Iraqi and Bulgarian Mass Refugee Movements

Sub-Policy Domains	**1989 Bulgarian Mass Refugee Movement**	**1988-1991 Iraqi Mass Refugee Movements**
Addressing the Root Causes of Displacement	Diplomacy	Diplomacy and Safe Zone
Border Control	Open-Door Policy for Two Months *Policy Change:* Close-Door Policy with Visa Requirement	Closed-Door Policy *Policy Change:* Open-Door Policy
Reception-Protection	Refugee Status with referring to the 1934 Settlement Law	Temporary Protection Status

Table 1 (cont'd)

Long-Term Solution	Integration and Naturalisation	Restricted Rights and Assistance Repatriation
Sub-Policy Differences between Different Ethnic and Religious Groups		**Turkmens and Assyro-Chaldean Christians** Residency Permits and Integration Rights

6.3.1. Addressing the Root Causes of the Displacement

Both cases occurred with the displacement of minorities who had experienced mistreatment in their country of origin, and Turkey had tried to mobilize an international response. In the Bulgarian case, Turkey's efforts to stop assimilation policies had not yielded results, and Turkey opened its doors to the Turks of Bulgaria. In other words, neither an immigration deal nor the recovery of Turkish individuals' rights in Bulgaria was produced by Turkey's diplomatic notes or efforts to pressure Bulgaria on a global scale. Moreover, informing the Turks of Bulgaria that the Turkish border was open for them also meant the acceptance of the assimilation and human rights violations of Turks who could not leave for different reasons. Therefore, it can be concluded that Turkey failed to address the root causes of displacement in Bulgaria. Even though reception and protection policies toward Turks of Bulgaria were based on the cognate understanding, Turkey's protection of the rights of Turks in Bulgaria became problematic. Within the atmosphere of the Cold War era, Turkey's diplomatic attempts can be understood as discrediting a socialist state. Moreover, Turkey, which gave importance to economic relations in that era, did not take concrete steps related to the human rights violation in Bulgaria, considering its economic relations and the Cold War atmosphere. Therefore, in the Bulgarian case, Turkey's policies related to the root causes of displacement are hard to read from the perspective of human rights protection.

On the other hand, in the 1991 Iraqi case, Turkey called for international criticism and action against the Iraqi regime in order to prevent any mass exodus crossing Turkish borders. In that respect, Resolution 688 of the UN Security Council, Turkey's diplomacy related to the exodus and Iraq and Turkey's support for Operation Provide Comfort to create a safe zone can be considered as policies related to addressing the root causes of displacement. However, such policies aimed to prevent refugee flows from crossing the Turkish border, not to solve the reasons for displacement. Such an action, for Turkey, was not about minority rights but its own interest. In other words, considering its own domestic and foreign interests, Turkey used its ties with the West to stop refugee flows. A safe zone building did not solve the mistreatment of minorities by the Iraqi state. Therefore, in both cases, even though diplomacy was used, the aim was not to solve the root causes of displacement.

6.3.2. Border Policy, Reception-Protection and Long-Term Solution

Turkey sought an open-door policy for the Turks of Bulgaria and gave them immigrant status regarding the 1934 Settlement Law. Moreover, while perceiving Turks of Bulgaria as cognates, the state granted them vital rights and aid ranging from employment assistance to citizenship. Even though the *ad hoc* policies of the state with the effect of the economic fluctuations resulted in problems in the delivery of aid and services, Turkey's protection and integration policies toward the Turks of Bulgaria were more comprehensive about the rights given to them with refugee status. The problems posed by integration policies in practice and the closure of borders for strategic reasons, on the other hand, were *ad hoc* decisions. The limited institutional and legal framework constrained the policies' implementation, which also highlighted the political aspect of the policies. In other words, the limited framework created room for the state to follow its political interest, like closing the borders.

On the other side, refugees from Iraq faced the close door policy with the increased security measures to prevent irregular crossings. While Turkey perceived Resolution 688 as a solution for the exodus, it opened its borders. However, international and domestic pressures and uncontrolled irregular crossings had a crucial impact on opening the borders for Iraqis. Moreover, Özal's foreign policy aspirations related to the economy and the EU membership affected the opening of the border. The reception

policies of Turkey for Iraqis were based on the temporary guests denying to grant them refugee status. In that respect, refugees were settled in temporary shelters, and Turkey distributed emergency relief with the help of international aid. In other words, the reception policies of Turkey toward Iraqi refugees were based on a restrictive understanding with the consideration of their possible impact on domestic affairs. Regarding long-term solutions, integration and refugee return to the country of origin when the Bulgarian regime collapsed were sought for Turks of Bulgaria. On the other hand, the Iraqi case's long-term solution was based on repatriation and, with a small proportion, resettlement to a third country.

6.3.3. Refugee Response Sub-Polices and National Identity Understanding

Up to this point, the reception, identification, aid delivery and integration policies can be interpreted with the impact of national identity understanding. Without ignoring above mentioned international and domestic considerations in these policies, it can be argued that the ethnic composition of the refugees and its possible impact on the national identity and unity were important factors that affected policy responses.

The study's theoretical framework presents that national identity formation influences the refugee policies with reference to the state's experiences, culture and history. Being a part of the same nation and having various qualities that set that nation apart from other nations are the foundations of the idea of national identity (Guibernau, 2007). In order to gain the support of the population, cement its hold on power, defend its acts, and bring the populace together, the ruling party creates moral and political links by creating an identity. State and political parties have the power to exclude some people and groups consciously, or they might be designated as the "other" who do not adhere to certain moral behavioural patterns and obligations. In that respect, states can formulate policies based on their perception that the various racial and ethnic compositions of mass immigration pose a danger to the state's national integration and regime (Zolberg, 1981). For the states, the right to regulate borders and who enters is essential since these matters influence their national security (Kirişci, 2000). Moreover, the state's national identity and citizenship policies are closely related to the admission of legal status to immigrants because the legal status determines the possibility of membership in the state.

This framework highlights that both the Kemalist understanding and the Motherland Party tried to protect their authority by including and excluding groups from their manifested national identity. In that respect, the Turks of Bulgaria were perceived as cognates referring to the 1934 Settlement Law and non-restrictive policy responses to Turks of Bulgaria, which shows that the refugees were not seen as a threat to national unity and integrity. On the other hand, the domestic concerns related to the Kurdish nationalism and the PKK put pressure on both national identity and the refugee policies of Turkey. While the Motherland Party and Özal, with their references to religion and diversity, had tried to get the consent of the Kurdish citizens for their national identity and interest, they did not give up on taking anti-terrorism measures to prevent any challenges to stability and security (Aydın & Taşkın, 2014). In such a framework, Özal's attempts to control Kurdish citizens through national identity were challenged by the mass influxes from Iraq, in which the Kurds were the majority. In other words, Turkey was concerned that the PKK's access to Turkey from Iraq and that a large number of displaced Kurds might exacerbate Turkey's Kurdish conflict. Therefore, the identity perceptions affected border control, reception and long-term solution policies towards Iraqi and Bulgarian cases.

The state, in that respect, did not treat the Iraqi refugees similarly to the Bulgarian refugees, despite some politicians and other individuals referring to the refugee Kurds as "relatives" or "kin" of the Kurds in southeast Anatolia (Kirişci, 2000). Moreover, the labels "Kurdish" and "refugees" were typically avoided due to Turkey's reluctance to acknowledge the existence of Kurdish identity and the desire to escape commitments under the 1951 Convention. Due to this strategy, Turkey wanted to stop these groups from receiving refugee status and hence barred them from receiving protection and aid from the UNHCR (Mannaert, 2003). The state also instrumentalised the 1934 Settlement Law and 1951 Refugee Convention on whether to grant refugee status to the incomers.

Turkey also received criticism from international and domestic actors concerning the different refugee experiences of Bulgarian and Iraqi refugees. One of the concrete examples of this criticism was Recommendation 1151 issued by the Parliamentary Assembly of the Council of Europe, which argues that Turkish authorities appear to be following a strategy toward Iraqi refugees that is likely designed to impede their

integration. It criticises Turkey for allowing living conditions in camps to worsen, refusing to allow refugee children to attend school, and restricting humanitarian relief organizations from visiting camps (Parliamentary Assembly, 1991).

The point is that even though the national identity of Turkey includes religious elements favouring Sunni Islam and has resonance in the immigration policies, Kurdish refugees were not included. The reason behind this exclusion can be interpreted as that the sensitivities in the domestic sphere regarding Kurds challenged the success of national identity. Moreover, vagueness in the definition of who is considered a refugee or immigrant concerning the Turkish origin and culture, including Muslims, in the 1934 Settlement Law created a space where the state could interpret the nation in a way that would be in its own interests. In other words, the state has instrumentalized its identity policies to protect its own interests, ensuring some groups' exclusion or inclusion.

What has been described up to this point shows the importance of national identity in the policy-making against mass refugee movements from Iraq and Bulgaria. The fact that those from Bulgaria were of Turkish origin and those from Iraq were Kurds can be interpreted as the reason for different policy responses with the influence of issues of the nation-state, security and stability. However, such an interpretation remains oversimplified because there were elements that challenged this interpretation in both cases.

6.3.4. A Challenge to the National Identity Explanations of Refugee Policies

The critical point of the 1989 case is that Turkey closed its borders to the Turks of Bulgaria after two months, which violated the *non-refoulment* principle. The reason behind the close-door policy was presented as quota limitation, economic challenges, the inability of Turkey to meet the existing refugees' needs and lack of international burden sharing. Moreover, Bulgaria's alleged exploitation of Turkey's open-door policy to send all Turks into its country was presented as another reason for the closed-door policy. The border closure policy toward Turks of Bulgaria is a challenge to the understanding that Turkey conducted an open-door policy for the people of Turkish origin and culture, referring to the nation-building and national identity formation, including the 1934 Settlement Law. In other words, this policy change shows that

identity policies alone did not explain the refugee policies being implemented. As a result of the complex relationship of different factors, Turkey has shown a break from its traditional refugee policy. The change in the border policy shows that Turkey prioritised different factors, including economic considerations, above the rights of the refugees.

Similarly, the fact that the 1991 case was composed of different ethnic and religious groups, including Turkmens and Christians, requires a deeper look at understanding the policies against different groups from Iraq. As mentioned, Turkmen refugees from Iraq received far better treatment than other Iraqi refugees. They were swiftly liberated from the camps, allowed to settle in the cities, and could get permanent residency. Moreover, refugees with relatives residing in Turkey and those with the financial means to maintain themselves were eligible to apply for residence permits under a special decree enacted in late April 1991, favouring Turkmens (Danış *et al*., 2009). Therefore, it can be concluded that referring to the ethnic and religious background, the state preferred some groups in the mass influxes over other groups. Although they had been displaced for the same reason and were in the same danger, the state had approached the groups differently under the pretext of their own security and stability.

Prioritizing the state's own interest above the refugee rights was also reflected in the repatriation policies. While in the Bulgarian case, even though integration and citizenship policies had an important place, the state also prepared a reform that eased refugees' return. Such an attempt can be understood through the state's inability to provide equal assistance to the refugees and the integration problems faced by the refugees. Difficulties experienced by refugees in Turkey and the lack of adequate provision of jobs and housing, especially those in different regions, are examples of the problems faced in the policy implementation presented in this study. On the other hand, in the Iraqi case, Turkey, from the beginning, sought the return of the refugees. With the establishment of a safe zone in Iraq, refugees were repatriated. The level to which refugees return voluntarily and the reliability of living conditions in refugee camps and safe zone have remained a point of discussion.

The comparative analysis of the Bulgarian and Iraqi cases also shows that there can be differences in the refugee policies, not only between different ethnic and religious

groups but also within the same groups. In other words, being from the same ethnic or religious background or not being perceived by the state as a threat to national unity may not always explain refugee policies. The closure of borders to the Turks of Bulgaria after two months and differences in policies applied to Turkmens from Iraq and the Turks from Bulgaria also support this argument. Although Turkmens were treated much better than Kurdish refugees in 1991 and were removed from camps and settled in cities in a short time, housing and other assistance were not provided, as was the case for Turks of Bulgaria (Danış & Parla, 2009). In other words, groups of the same ethnic origin from geographically different regions had not been responded to with the same policies, but the reasons behind such favouritism are unclear. Danış and Parla (2009) emphasise agreements that have facilitated the admission and naturalization of those from the Balkans since the foundation of the Republic in understanding the relatively privileged position of refugees from Bulgaria.

The important point in choosing one group over another is that these preferences may change regarding national identity. The factors relating to international relations, such as the Cold War atmosphere, or domestic concerns, like Kurdish nationalism and economy, present a complex interplay between refugee and national identity. Another reason behind such a policy difference between Turkmens of Iraq and Turks of Bulgaria can be related to the lack of legal and institutional schemes that managed the policy implementation. In other words, with *ad hoc* policies, the refugee policies were implemented in a provisional and partial manner, which resulted in differences in implementation.

In conclusion, national identity is a significant factor in determining the policy responses to Bulgarian and Iraqi cases. The conception of the national identity is instrumentalised to include or exclude specific groups considering the different domestic and international factors. The changeable structure of national identity and the legal gap in Turkey's refugee and asylum policies have created a space for the state to act in its own interests and legitimize these behaviours. In that respect, the common characteristic for both cases was that the *ad hoc* policies of the state were adjusted according to its economic, security and stability-based orientations.

CHAPTER 7

CONCLUSION

This study aimed to identify the possible factors that affected Turkey's policy responses to the 1989 Bulgarian and 1988 and 1991 Iraqi mass refugee flows. The claim of the study is that the policies developed in response to significant refugee inflows are a combination of internal and external factors. These factors may be directly related to refugee groups, or they may be related to the state's consideration of different international and local factors, regardless of refugees. States adopt different policies for diverse refugee groups at various periods as a result of the complex interaction of these elements.

In this context, the study concentrated on national identity and how it affects refugee and asylum policy without neglecting other potential domestic and international concerns. The study's foundation is the complex interplay between national identity, domestic and international issues, and refugee and asylum policy. The key finding of the study is that, while the identity question is crucial for examining the legal and practical policies created toward refugees, it should not be seen isolated from domestic and global variables like the economy, security, and sovereignty. Refugee policies cannot be understood to evolve independently of domestic, international, and identity themes, just as identity cannot be thought to develop irrespective of national and international elements. In order to realise its aim, the study analysed the primary and secondary recourses with a mix of process-tracing and comparative methodologies.

This study has been theoretically based on discussions about mass refugee influx policies in the literature. The literature suggests potential determinants of refugee and asylum policies, including foreign policy goals, national security, national identity, and economic issues. Concerning any potential impact of refugees on instability and conflict, the host state's policy choices may be impacted by the current political

turmoil, ethnic tensions, or political polarization (Şahin Mencütek, 2019). Mass refugee flows, especially those from certain ethnic or religious groups, may be perceived as a threat to the national identity and homogeneity of the host state (Ullah, 2014).

In that respect, even though the study has a specific focus on national identity, it did not ignore the different factors that impact Turkey's refugee and asylum policies. This study asserts that the national identity understanding of the Turkish state and the ruling party, as they relate to its legal foundation, has a significant bearing on its refugee and asylum policies.

With this background, the study has tried to answer the following questions:

What were the main considerations of the Motherland Party in responding to Bulgarian and Iraqi mass refugee movements?

The answer to the first question shows that as a response to the mass influxes from Bulgaria and Iraq, the Motherland Party considered a broad range of factors. First and foremost, the consideration of the state was the ethnic and religious composition of refugees and its possible impact on the state and its authority. The study highlights that refugee groups were either included or excluded in both Bulgarian and Iraqi cases, referring to the manifested national identity, and the policies were shaped accordingly. However, the relationship between national identity understanding and the refugees does not explain every policy and change in these policies. Economic fluctuations of the state, national security and stability considerations, international and domestic criticisms, burden sharing, international actions addressing the root causes of displacement, the impact of the international structure, foreign policy aspirations and uncontrolled irregular mobility were the other considerations of the state in responding to the mass influxes. The state, in that respect, conducted policies as a result of considering different factors and calculating these factors' impact on its interest.

The conclusion is that while a number of comparable elements, such as security, sovereignty, and international structure, can influence refugee policy, each situation is context-specific, which means that the impact of these factors is not constant and has changed toward different influxes and time. The interplay between the identity of the

inflows, the state's perception and interests, and internal and global issues resulted in different restrictive or non-restrictive policies. Moreover, these considerations resulted in a change in the policies.

The most concrete example of this argument is that in the Bulgarian case, the state changed its open-door policy with a closed one by introducing a visa requirement. Closing the doors to the Turks of Bulgaria, who were seen as cognates, contradicts the national identity carried out by the state. On the other hand, the economic challenges that Turkey faced in conducting reception and integration policies, the inability of Turkey to meet the existing refugees' needs equally and the lack of international burden-sharing were the factors that affected such a policy change toward Turks of Bulgaria. Moreover, the fact that Turkey believed that Bulgaria had instrumentalized Turkey's open-door policy to send all Turks of its country had also been presented as a reason for closing the border. That is, Turkey's economic and foreign policy considerations resulted in a change in the border policy, which shows the interplay between factors.

In that respect, the study concludes that it may not be possible to understand refugee policy using only one element, and a more holistic viewpoint is required. With a close relationship with the first question, the second question is as follows:

How did Turkey respond in 1989 to Bulgarian and in 1988 and 1991 to Northern Iraqis? In what aspects were there divergence or convergence in these responses?

The second question indicates that the abovementioned factors resulted in the different perceptions and policies toward the influxes of Bulgaria and Iraq. In order to systematize the analysis, the study categorized refugee policies under four sub-policy domains. Accordingly, border control, reception protection, durable solution, and addressing the root causes of the displacement are used to clarify the policies (Betts, 2009; Şahin Mencütek, 2019).

The study indicates that in terms of border policy, Turkey opened its borders visa-free for the Turks of Bulgaria but closed the borders for the refugees of Iraq and tightened border control. The reason behind such a divergence is related to the ethnic composition of the influxes. Turkey, which encouraged the immigration of those of

Turkish origin and culture, welcomed the influx from Bulgaria even though the borders were closed later, considering the different factors. On the other hand, the fact that the majority of the Iraqi refugees were mainly Kurds was considered a potential threat to existing domestic conflict. However, the influx of Iraq also included different ethnic and religious groups, such as Turkmens and Christians. However, there was no clear information about whether there was a different border policy regarding these different groups of Iraq.

The reception policies toward the Bulgarian influx included granting national refugee status with non-restrictive rights, while the Iraqi influxes were considered temporary guests and resettled in the refugee camps. Similarly, in terms of a durable solution, Turkey mainly sought integration of Turks of Bulgaria and repatriation and resettlement to third countries for the Kurds of Iraq. At this point, the study points out two crucial instances that prevented such a generalisation. The first one is that, even though Turkey conducted integration policies for the Turks of Bulgaria, after the collapse of the regime in Bulgaria, a change of attitude in Bulgaria toward the Turks resulted in Turkey's introduction of reforms to facilitate the return of refugees to Bulgaria. Such a policy can be interpreted as a result of the problems that Turkey had experienced in the policies developed to ensure the integration of the Turks of Bulgaria. Secondly, the fact that refugees from Iraq included different ethnic and religious groups opposes the generalization that repatriation policies had been produced against the Iraqi refugees. The study indicates that Turkmens in the refugee influx received different policies compared to Kurds. Accordingly, several Turkmens were able to get permanent residency. Instead of being held in a camp near the border alongside Kurdish refugees, Turkmens were permitted to transfer to a designated camp in the interior of Turkey. Even though there is no clear information about the treatment of Christian refugees, for instance, the study finds out that some refugees from the Silopi refugee camp, where half of the population was Christians, were granted permanent residency.

Lastly, addressing the root causes of the displacement policy is another indicator of divergence and convergence between the responses to these cases. In the Bulgarian case, even though Turkey sent diplomatic notes to Bulgaria demanding an immigration agreement and called for international criticism, these policies did not lead to a change

in assimilationist policies in Bulgaria either before or after the migration. On the other hand, in the Iraqi case, Turkey played an active role in the international community to create a safe zone in Iraq to stop and repatriate refugee flows.

The study also exposes that it is possible to mention the similarities between the refugee response policies developed against these two mass refugee movements. The lack of a detailed legal regulation scheme relating to Turkey's refugee and asylum policies, and the existence of legal resources that are not directly related to refugees, such as the Settlement Law and the Passport Law, gave Turkey the right to comment and manoeuvre on the refugee policies. In other words, the policies against these mass influxes were *ad hoc*. Ad hoc policies resulted in ambiguities, contradictions and inequalities. On the one hand, ad hoc policies caused the unequal distribution of services and assistance to the Turks of Bulgaria who settled in different cities. On the other hand, even though Turkmens of Iraq were in a preferential condition with comparing the Kurds of Iraq, ad hoc policies created differences in the rights and services distributed to Turks of Bulgaria and Turkmens of Iraq. That is, the lack of a systematized refugee and asylum response structure caused differences between groups and within the same group. In that respect, the answer to the first two questions directed the study to the third question:

What is the impact of the identity and citizenship policies of Turkey in responding to these mass refugee movements?

The study scrutinised the relationship between national identity and policy responses to influxes in Turkey. It concluded that national identity in Turkey had an important field of influence in defining and approaching refugee groups. The national identity approach of the Kemalist understanding and the Motherland Party were important indicators of the inclusion and exclusion of specific groups in the nation. The state justified its actions by referring to any possible impact on its national identity and stability. The various racial and ethnic origins of mass immigration and the creation of the national identity affected Turkey's refugee policy. The state conducted policies if there was a belief that a refugee influx posed a danger to their national integration and regime. Furthermore, because legal status decides whether an individual may become

a citizen of the state, national identity and citizenship policies of the state are directly tied to the admission of legal status to refugees.

In that respect, the study concluded that Turkey instrumentalised national identity in order to include and exclude specific refugee groups. Turks of Bulgaria were viewed as cognates, referring to the 1934 Settlement Law, and not considered a danger to national unity and integrity. On the other hand, Turkey's national identity and refugee policy were strained due to domestic issues with Kurdish nationalism and the PKK regarding the Iraqi inflows. The critical point is that the state instrumentalised national identity to protect its interest. The example of this argument is that while the Motherland Party and Özal attempted to gain the support of Kurdish residents for their national identity and interest by appeals to religion and diversity, they persisted in implementing anti-terrorism measures to guard against any threats to stability and security. The massive influxes from Iraq with Kurds frustrated Özal's attempts to dominate Kurdish nationalism through national identity. In that respect, the study revealed that even though Özal's national identity included religious elements and referred to Muslims and the heritage of the Ottoman past beyond the border, the Muslim Kurdish identity was easily excluded with a perception of a threat to state interest.

The study concluded that the national identity was manifested with the aim of preserving the interest and unity of the state and was changed and instrumentalized following the interests of the state. In addition, the state's own interests may lead to the exclusion of previously included groups with national identity. The state may act following its interests and legitimate these behaviours because of the fluid nature of national identity and the legal vacuum in Turkey's refugee and asylum laws. Therefore, Turkey prioritised its interest in security, stability and economy over human rights.

The fact that the selected cases occurred about thirty years ago and the state has no publicly available sources on this subject has created limitations on the study. In particular, this situation, which is also associated with looking at the mass influx from Iraq from a security framework, has created difficulties in understanding the details of the policies developed by the state, the conditions under which refugees live, and what

factors the state took into account developing policies. The state's lack of transparency in decision-making processes makes it difficult to assess which factors were effective in these policies. In addition, these restrictions have led to the inability to investigate every factor that may be effective in detail and to understand whether there is a direct relationship between refugee policies and these factors. For example, the limited resources of the state prevent understanding the impact of the current economic situation on refugee policies.

This study investigated the validity of the fact that mass movements from Bulgaria and Iraq were only related to being Turkish and Kurdish and stated that the development of refugee policies emerged as a result of the complex interrelation of different factors. Although the relationship established with the refugee masses through identity is an important determinant, the variability of national identity and the impact of different domestic and international developments make these policies more critical than previously thought. In this context, this study recommends that while analysing the relationship between refugee policies and a specific factor, future research should not ignore other possible elements that may be influential in order to establish a correct relationship. This perspective can be a resource for future research in understanding the policies created for mass migration movements such as the Syria case. It can also be used for comparative policy analysis of different states without ignoring that refugee policies and the factors behind these policies are context-specific.

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APPENDICES

A. TURKISH SUMMARY / TÜRKÇE ÖZET

Göç, çok yönlü ve karmaşık yapısıyla hem ulusal hem de uluslararası alanları etkilemektedir. Uluslararası göç, ulus aşırılık ve çeşitliliğin ortaya çıkmasıyla toplumun ve siyasetin dönüşümünü etkilemekte ve devletlerin ekonomileri, demografik özellikleri ve sosyal politikaları üzerinde etkili olmaktadır. Bu nedenle, göçü yönetmek için devletler çeşitli ilgili politikalar geliştirmektedir.

Cumhuriyetin ilk yıllarından itibaren göç olgusunun bir parçası olan Türkiye, Türkiye'nin komşu ülkelerindeki siyasi sorunlar sonucunda 1980'li ve 1990'lı yıllarda yoğun kitlesel göç hareketleri ile karşı karşıya kalmıştır. Kitlesel mülteci hareketlerinde mülteci sayısının yüksek olması çeşitli politikalar ve kurumlar, yerel bölgesel ve uluslararası iş birlikleri gibi özel mekanizmalar gerektirmektedir. Bu nedenle, kitlesel mülteci akınları, gönderen, ev sahipliği yapan ve üçüncü ülkeler için karmaşık ve çok boyutlu bir olgudur ve politika farklılıklarına neden olur. Devletlerin iç veya dış siyasetten kaynaklanan farklı çıkar ve endişeleri ile devletlerin kendine has özellikleri bu farklılıkların nedeni olabilir.

Çalışmanın Amacı, Araştırma Soruları ve Metodolojisi

Bu çalışma, 1988-1991 yılları arasında Bulgaristan ve Irak'tan Türkiye'ye doğru ortaya çıkan kitlesel mülteci hareketlerine Anavatan Partisi'nin politik tepkilerini incelemeyi amaçlamaktadır. Vakaların tarihsel sürecini incelerken, Kemalist anlayışın ve Anavatan Partisi'nin ulusal kimlik tezahürünün, bu mülteci akınlarına cevap olarak geliştirilen politikalar üzerindeki etkisine odaklanmaktadır. Çalışma, ev sahibi devletin mülteci ve sığınma politikalarının dinamiklerini karşılaştırmalı bir perspektiften incelemeyi amaçlamaktadır. Bu amacı gerçekleştirmek için çalışma, mülteci ve sığınma politikalarını sınır kontrolü, kabul, kalıcı çözüm ve yerinden

edilmelerin temel nedenlerini ele alan dört alt politika ile tanımlamaktadır. Ayrıca çalışma, dönemin dış ve iç politikalarının etkisini göz ardı etmeden, Türkiye'nin kitlesel mülteci gruplarına yönelik tepkilerindeki benzerlik ve farklılıkların boyutunu belirlemeyi amaçlamaktadır. Başka bir deyişle, bu kadar kısa bir sürede devletin bu iki duruma yanıt verirken hangi faktörleri dikkate aldığı incelenmektedir.

Çalışmanın teorik çerçevesi, uluslararası ve yerel faktörlerden bağımsız olmayan ulusal kimlik tezahürünün etkisine dayanmaktadır. Mülteci ve sığınma politikaları ulusal kimlik ile yerel ve uluslararası mülahazalar arasındaki etkileşimin sonucudur. Çalışmanın argümanı, devletin farklı uluslararası ve yerel faktörleri dikkate almasının mülteci politikalarının şekillenmesine yol açtığıdır.

Bu bağlamda, çalışma aşağıdaki sorular ile yürütülmektedir:

Anavatan Partisi'nin Irak ve Bulgaristan kaynaklı kitlesel mülteci hareketlerine geliştirilen politikalarda temel hususları nelerdi?

Türkiye 1989'da Bulgaristan, 1988 ve 1991'de Irak kitlesel mülteci hareketlerine nasıl tepki verdi? Bu tepkilerde hangi yönlerden farklılıklar ve benzerlikler oldu?

Bulgaristan ve Irak kaynaklı kitlesel mülteci hareketlerine yanıt vermede Türkiye'nin ulusal kimlik ve vatandaşlık politikalarının etkisi nedir?

Amacına uygun olarak bu çalışma literatür taraması ile yürütülmekte olup, çalışmanın temelini birincil ve ikincil kaynaklar oluşturmaktadır. Çalışmanın özü, hükümet yayınları, resmi raporlar, istatistikler ve önceki akademik araştırmalar gibi ikincil kaynakların kullanılmasıdır. Amaç, devletin politikalarını hangi hususların etkilediğini anlamak için mülteci geçişlerinden önce ve sırasında devletin davranışlarıyla ilgili ikincil veri kaynaklarından bilgi toplamaktır. Ayrıca, ulusal ve uluslararası yasal belgeler, devletin ulusal kimliğini nasıl ortaya koyduğu ve politikalarını meşrulaştırmak için mülteci ve iltica politikaları hakkında bilgi toplamak için birincil kaynak olarak kullanılmaktadır.

Süreç izleme metodolojisi, yürürlüğe giren politikaların yanı sıra bu politikaların itici güçlerini izlemeyi amaçlayan çalışma için karşılaştırmalı metodoloji ile birlikte kullanılmaktadır. Tarihsel açıklamalarla yakından bağlantılı olan süreç izleme, sonucu

etkileyen nedensel faktörleri belirlemek için önemli bir yöntemdir (Bennett & Checkel, 2014). Yöntem, araştırma sorularına uygun olarak tanısal verilerin seçilmesi ve analizinin ardından sistemik bir analiz olarak tanımlanmaktadır (Collier, 2011). Olayların kronolojik sırasına göre açıklamalar ve nedenler çıkarır. Başka bir deyişle, süreç izleme, nedensel bir sürecin gerçek bir senaryoda kendini nasıl gösterdiğine dair ayrıntılı, vaka içi ampirik bir incelemeden yararlanan nedensel süreçleri tanımlamak için kullanılan bir yöntemdir. Süreç takibi, farklı mülteci politikaları üreten nedensel mekanizmaları yakalama fırsatı sunar. Ayrıca, farklı mülteci akışlarına yönelik politikalardaki değişimlerin nedenlerini sunar.

Çalışmanın Kavramsal ve Teorik Çerçevesi ve Tarihsel ve Hukuki Arka Planı

Çalışmanın kavramsal çerçevesi, çalışmayı sistematize etmek için mülteci politikalarını dört alt politika alanı altında tanımlamaktadır. Buna göre sınır kontrolü, kabul, kalıcı çözüm ve yer değiştirmelerin temel nedenlerinin ele alınması alt politikalar olarak sunulmaktadır. Devletin mültecilere dair geliştirdiği politikaların ilk kategorisi, düzensiz geçişleri önlemek için yabancı uyrukluların sınır görevlileri aracılığıyla giriş ve çıkışlarının kontrol edilmesi anlamına gelen sınır kontrolleri ile ilgilidir (Şahin Mencütek, 2019). Kabul-koruma politikaları, tespit edilme, kayıt altına alınma ve acil yardıma erişim sağlamaya çalışma sürecini içerir (Şahin Mencütek, 2019). Yeni gelenlerin tespiti ve sınıflandırılması, hukuki statü ve hakların kapsamını ve şeklini belirler. Devletlerin mülteci hareketlerine tepkileri ayrıca yer değiştirme, yerel uyum veya geri dönüşü teşvik ederek mülteciler için uzun vadeli çözümler bulmayı içerebilir (Betts, 2009). Yer değiştirme ve yerel uyum seçenekleri devletin yeni gelenlere statü vermekten kaçınması ile içiçedir. Bu entegrasyon politikaları aynı zamanda vatandaşlık kazanmayı da içermektedir. Son olarak, devletler yerinden edilmelerin temel nedenlerine dair politikalar da üretebilir (Betts, 2009). Örneğin, askeri müdahale, diplomasi, kalkınma, çatışma sonrası yeniden yapılanma veya barış inşası ev sahibi devletler tarafından gerçekleştirilebilir (Betts, 2009). Devletin dış politika çıkarına ilişkin olan bu politikalar her zaman söz konusu olmayabilir. Farklı politika seçenekleri incelenirken, bu politikaların insani kaygılardan çok devletin kendi iç ve dış düşüncelerinden etkilendiği vurgulanmıştır.

Bu çalışma teorik olarak, devletlerin mülteci ve iltica politikalarını hangi faktörlerin etkilediğine dayanmaktadır. Bir devlet mülteci ve iltica politikasını benimserken çok çeşitli ulusal ve uluslararası hususları dikkate alabilir. Bu hususlar, ulus ve mültecilerle ilgili kimliğe dayalı faktörlerden, insan haklarının korunmasından veya iç ve dış politika ile ilgili devlet çıkarlarından kaynaklanabilir. Bu faktörlerin karmaşık etkileşimi nedeniyle, devletler farklı zamanlarda farklı mülteci grupları ile ilgili farklı stratejiler izlemektedir. Mülteci ve iltica politikalarına dair literatür, bu politikalarının belirleyicisi olarak dış politika hedefleri, ulusal güvenlik, ulusal kimlik ve ekonomik faktörler gibi olası faktörleri sunmaktadır. (Teitelbaum, 1984; Jacobsen, 1996; Meyers, 2004; Ullah, 2014; Özerim, 2018; ve Şahin Mencütek, 2019). Bu öğelerin etkisi sabit değildir ve durumdan duruma veya zaman zaman değişebilir. Ayrıca bu faktörlerden birinin diğerlerinden daha önemli olduğunu söylemek doğru olmaz. Aksine, bu faktörler arasındaki karmaşık ilişki, birbirleri üzerindeki tamamlayıcı etkilerinin bir göstergesidir. Böyle bir yapının bir sonucu olarak, devletler gelen mültecileri dahil etmek veya dışlamak için hem yasal hem de pratik olarak yanıt verirler. Bu çerçevede yapılan çalışma, ulusal kimlik tezahürü ve diğer olası iç ve dış faktörleri göz ardı etmeden mülteci ve sığınma politikaları üzerindeki etkisine odaklanmaktadır.

Göçmenlerin ve mültecilerin dahil edilmesi veya dışlanması, bir devletin vatandaşlık politikalarıyla da ilgilidir, çünkü kabul politikaları, gelenlerin toplumun bir parçası olup olmayacağını belirler. Bu nedenle, devletin ulusal kimlik tezahürünün hem yasal hem de pratik olarak mülteci ve göç politikaları üzerinde çok önemli bir etkisi vardır (Money, 1997). Göç ve mülteci politikaları, ulusal kimliğin temel birimleri olan bir devletin deneyimleri ve tarihi ile belirlenebilir (Zogata-Kusz, 2012). Ev sahibi devletin ulusal kimliği ve homojenliği, özellikle belirli etnik veya dini gruplardan gelen büyük çaplı mülteci girişleri tarafından tehdit altında olarak algılanabilir (Ullah, 2014). Bu nedenle göç politikaları, ulusal kimlik ve ulus-devlet oluşumu sürecinde, yaratılan ya da önceden var olan unsurlarla insanların birleştirilmeye ve tanımlanmaya çalışıldığı siyasi bir araç olarak kullanılmıştır (İçduygu, 2010). Devletler, belirli grupları ve bireyleri dahil ederek veya hariç tutarak birliklerini ve istikrarlarını korumayı beklemektedir.

Karmaşık ve daha geniş bir toplumsal kimlik türü olan ulusal kimlik, sosyolog Guibernau tarafından aynı ulusa ait olma inancına dayanan ve o ulusu diğer uluslardan farklı kılan birçok özellik içeren ortak bir duyarlılık olarak tanımlanmaktadır (Guibernau, 2007). Ulusal kimlik ile üyeler kim olduklarını, diğer uluslarla ilişkilerini ve ulusları için neyin gerekli olduğunu toplumsal bir bağlamda anlayabilirler (Özdemir & Özkan, 2020). Bir diğer kritik nokta, ulusal kimliğin dinamik olarak oluşturulmuş bir kavram olması ve zamanın ihtiyaçlarına göre yeniden yapılandırılabilmesidir. İktidar partisi ve devlet, halkın rızasını kazanmak, iktidarı pekiştirmek, eylemlerini haklı çıkarmak ve halkı otoritesi altında birleştirmek için bir kimlik ortaya koyarak ahlaki ve siyasi bağlar kurar. Başka bir deyişle, ulus ve ulusal kimlik tezahürü, paylaşılan değerlere ve etnik kökene atıfta bulunarak bireyleri dahil etmeyi amaçlayabilir ve din ve gelenekler insanları birleştirmek için oldukça kullanılabilir (Smith, 1991). Devlet ve siyasi partiler bazı kişi ve grupları kasten dışlayabilir ya da ahlaki davranış kalıpları ve görevleri inşa ederek bu kalıplara uymayanları 'öteki' olarak adlandırabilirler. Ulusal kimliğin bir devlet veya bir siyasi parti tarafından tezahürü iltica ve mülteci politikalarını etkileyebilir. Devlet, gelenlerin sayısını, ırksal ve etnik yapılarını ve toplum üzerindeki olası etkilerini göz önünde bulundurabilir (Meyers, 2004).

Ulus devletler, sınırlarına kimin girip çıkacağını düzenleme hakkına sahiptir ve gelenlerin statülerini ve haklarını belirleyebilirler. Sınırları kontrol etme hakkı ve içeri girenler devletler için çok önemli noktalardır çünkü bu konular ulusal güvenliklerini etkilemektedir (Kirişci, 2000). Bu bakımdan göç ve göçle ilgili politikalar, ulus-devletin inşası ve korunması süreçlerinde ulus-devlet nüfusunun göreceli bir ulusal arınma anlayışıyla en homojen yapıya dönüşmesinin amaçlandığı siyasi bir araç olarak kullanılmıştır (İçduygu, 2010). Göçmenlerin güvenlik, istikrar veya diğer ilgili yönler üzerindeki olası etkileri, devletlerin göçmen statüsü açısından kontrolüne neden olmaktadır. Devlet göçmen veya mülteci statüsünü yeni gelenlere kabul ettikten sonra, hakları ve vatandaşlık olanakları belirlenir. Başka bir deyişle, devletin kabul politikaları, yeni gelenlerin devlete üyeliğini yasal açıdan etkilemektedir.

Bu noktada çalışma çerçevesinin kritik noktası, mültecilere karşı geliştirilen yasal ve pratik politikaların incelenmesinde kimlik sorununun esas olmasına karşın, bu sorunun ekonomi, güvenlik veya egemenlik gibi iç ve dış etkenlerden bağımsız olarak

değerlendirilmemesi gerektiğidir. Kimliğin ulusal ve uluslararası faktörlerden bağımsız olarak geliştiği düşünülemediği gibi, mülteci politikalarının yerel, uluslararası ve kimlik konularından bağımsız olarak geliştiği de düşünülemez.

Türkiye'nin erken Cumhuriyet döneminden 1990'lı yıllara kadar olan kimlik politikaları, içerme ve dışlanma süreciyle birlikte, ortaya çıkan ulusal kimlik anlayışına atıfta bulunarak göçü şekillendirmekte ve göçe cevap vermektedir. Çalışma için hem erken Cumhuriyet dönemi hem de Anavatan Partisi'nin ulusal kimliği analiz edilmiştir çünkü bu iki farklı ulusal kimliğin hem yasal düzenlemelerde hem de mülteci ve sığınmacılarla ilgili uygulamada etkisi olup olmadığı incelenmektedir. 1980'li ve 1990'lı yıllarda halen etkisini sürdüren Kemalist yaklaşım ile bu yaklaşımın eleştirisi olarak ortaya çıkan Anavatan Partisi'nin kimlik oluşumu arasındaki farklılıkların, benzerliklerin ve çatışmaların bu çalışma için önemli olduğu iddia edilmektedir. Bu nedenle, bu çalışmanın hangisinin daha başarılı olduğuna bakmak yerine mülteci politikaları üzerindeki olası etkilerini araştırması daha uygun olacaktır.

1934 İskân Kanunu gibi iç hukuk ve düzenlemeler, ulusun birliğini tehdit edebilecek farklılıkların istenmediği homojenize bir ulus yaratmayı amaçlayan Kemalist ulusal kimlik anlayışının bir yansımasıdır. Asimilasyonla birlikte yabancıların sınırları içine yerleştirilmesi veya göç ettirilmesi, Türk asıllı ve kültürlü göçler desteklenmiştir. Hem Kemalist anlayışın hem de Anavatan Partisi'nin kimlik oluşturması, yeni gelenlerin ulusun istikrarı ve güvenliği üzerindeki olası etkisi ile mülteci ve sığınma politikalarını etkileyebilir.

Çalışmanın Bulguları

1998-1991 Irak ve 1989 Bulgaristan kitlesel mülteci akınları, aynı dönemde meydana gelen bu akınlara karşı devlet politikası tepkilerini hangi faktörlerin etkilediğini anlamak için önemlidir. Devlet tepkileri arasında hangi yönlerden bir ayrışma ve yakınlaşma olduğu ve bu farklılıkları neyin etkilediği aşağıda sunulmuştur. Bu bağlamda karşılaştırmalı analiz, çalışmanın alt politika çerçevesine odaklanarak yürütülmektedir.

Her iki kitlesel hareket de kendi ülkelerinde kötü muamele görmüş azınlıkların yerinden edilmesiyle gerçekleşti ve Türkiye uluslararası bir tepkiyi harekete

geçirmeye çalıştı. Bulgaristan kitlesel göçünde Türkiye'nin asimilasyon politikalarını durdurma çabaları sonuç vermemişti ve Türkiye kapılarını Bulgaristan Türklerine açtı. Başka bir deyişle ne göç anlaşması ne de Bulgaristan'daki Türk bireylerin haklarının geri kazanılması, Türkiye'nin diplomatik notaları veya Bulgaristan'a küresel ölçekte baskı yapma çabalarıyla üretilmedi. Ayrıca Bulgaristan Türklerine Türkiye sınırının açık olduğunu bildirmek, farklı nedenlerle Bulgaristan'dan ayrılamayan Türklerin asimilasyon ve insan hakları ihlallerinin kabul edilmesi anlamına da geliyordu. Bu nedenle, Türkiye'nin Bulgaristan'daki yerinden edilmenin temel nedenlerini ele alamadığı sonucuna varılabilir. Bulgaristan Türklerine yönelik kabul ve koruma politikaları soydaş anlayışına dayanmasına rağmen, Türkiye'nin Bulgaristan'daki Türklerin haklarını koruması sorunlu hale geldi. Soğuk Savaş atmosferinde Türkiye'nin diplomatik girişimleri sosyalist bir devleti itibarsızlaştırmak olarak anlaşılabilir. Ayrıca o dönemde ekonomik ilişkilere önem veren Türkiye, ekonomik ilişkileri ve Soğuk Savaş atmosferi göz önünde bulundurularak Bulgaristan'daki insan hakları ihlaliyle ilgili somut adımlar atmamıştır. Bu nedenle, Bulgaristan vakasında, Türkiye'nin yerinden edilmenin temel nedenleriyle ilgili politikalarının insan haklarının korunması açısından okunması zordur.

Öte yandan 1991 Irak kaynaklı kitlesel göçte Türkiye, Türkiye sınırlarını aşan kitlesel hareketlerin önüne geçmek için Irak rejimine karşı uluslararası eleştiri ve eylem çağrısında bulundu. Bu bakımdan BM Güvenlik Konseyi'nin 688 sayılı Kararı, Türkiye'nin göç ve Irak ile ilgili diplomasisi ve Türkiye'nin güvenli bölge oluşturma operasyonuna verdiği destek, yerinden edilmenin temel nedenlerinin ele alınmasına ilişkin politikalar olarak değerlendirilebilir. Ancak bu tür politikalar mülteci akınlarının Türkiye sınırını geçmesini engellemeyi, başka bir deyişle, yerinden edilme nedenlerini çözmemeyi amaçlıyordu. Böyle bir eylem Türkiye için azınlık haklarıyla değil, kendi çıkarlarıyla ilgiliydi. Yani Türkiye kendi iç ve dış çıkarlarını göz önünde bulundurarak mülteci akınlarını durdurmak için Batı ile bağlarını kullandı. Güvenli bölge inşası, Irak devletinin azınlıklara kötü muamelesini çözmedi. Dolayısıyla her iki durumda da diplomasi kullanılmasına rağmen amaç yerinden edilmenin temel nedenlerini çözmek değildi.

Türkiye, Bulgaristan Türkleri için açık kapı politikası arayışında bulunmuş ve onlara 1934 tarihli İskân Kanunu ile göçmen statüsü vermiştir. Ayrıca, Bulgaristan Türklerini

soydaş olarak algılarken, devlet onlara istihdam yardımından vatandaşlığa kadar çeşitli önemli haklar ve yardımlar verdi. Ekonomik dalgalanmaların etkisiyle devletin geçici politikaları yardım ve hizmet sunumunda sorunlara yol açsa da Türkiye'nin Bulgaristan Türklerine yönelik koruma ve uyum politikaları mülteci statüsüyle kendilerine verilen haklar konusunda daha kapsamlıydı. Öte yandan, uygulamada uyum politikalarının yarattığı sorunlar ve sınırların stratejik nedenlerle kapatılması belirli bir amaca yönelik, plansız (ad hoc) kararlardı. Sınırlı kurumsal ve yasal çerçeve, politikaların uygulanmasını kısıtladı ve bu da politikaların politik yönünü de vurguladı. Başka bir deyişle, sınırlı hukuki çerçeve, devletin sınırları kapatmak gibi siyasi çıkarlarını takip etmesi için alan yarattı.

Öte yandan Irak'tan gelen mülteciler, düzensiz geçişleri önlemek için artan güvenlik önlemleri ile kapalı sınır politikasıyla karşı karşıya kaldı. Türkiye 688 sayılı Kararı göçün çözümü olarak algılarken sınırlarını açtı. Ancak uluslararası ve iç baskılar ve kontrolsüz düzensiz geçişler sınırlarının açılmasında çok önemli bir etkiye sahipti. Ayrıca Özal'ın ekonomi ve AB üyeliği ile ilgili dış politika hedefleri, uluslararası alanda kötü bir izlenim bıkamamak amacıyla sınırın açılmasını etkilemiştir. Türkiye'nin Iraklılara yönelik karşılama politikaları, kendilerine mülteci statüsü vermeyi reddeden geçici misafirlere dayanıyordu. Bu bağlamda mülteciler geçici kamplara yerleştirildi ve Türkiye uluslararası destekle acil yardım dağıttı. Yani Türkiye'nin Iraklı mültecilere yönelik karşılama politikaları, içişlerine olası etkileri göz önünde bulundurularak kısıtlayıcı bir anlayışa dayanıyordu. Uzun vadeli çözümlerle ilgili olarak Bulgaristan Türkleri için yerel uyum ve mültecilerin Bulgaristan rejimi çöktüğünde menşe ülkeye dönüşleri temelliydi. Öte yandan Irak vakasında uzun vadeli çözümü geri dönüşe ve küçük bir oranla üçüncü bir ülkeye yeniden yerleşime dayanıyordu.

Bu noktaya kadar ulusal kimlik anlayışının etkisi ile kabul, statü tanımlama, yardım teslimi ve uyum politikaları yorumlanabilir. Bu politikalarda yukarıda belirtilen uluslararası ve iç hususları göz ardı etmeden, mültecilerin etnik yapısının ve bunun ulusal kimlik üzerindeki olası etkisinin politika tepkilerini etkileyen önemli faktörler olduğu ileri sürülebilir.

Çalışmanın teorik çerçevesi, ulusal kimlik oluşumunun mülteci politikalarını devletin deneyimlerine, kültürüne ve tarihine referansla etkilediğini ortaya koymaktadır. İktidar partisi, halkın desteğini kazanmak, iktidara tutunmasını pekiştirmek, eylemlerini savunmak ve halkı bir araya getirmek için bir kimlik oluşturarak ahlaki ve siyasi bağlar oluşturur. Devlet ve siyasi partiler, bazı kişi ve grupları bilinçli olarak dışlama yetkisine sahiptir veya belirli davranış kalıplarına ve yükümlülüklerine uymayan "öteki" olarak belirlenebilirler. Bu bağlamda devletler, kitlesel göçün çeşitli etnik bileşimlerinin devletin ulusal uyumu ve rejimi için tehlike oluşturduğuna dair algılarına dayanarak politikalar oluşturabilirler (Zolberg, 1981). Devletler için bu konular ulusal güvenliklerini etkilediği için sınırları düzenleme ve kimin gireceği hakkı esastır (Kirişçi, 2000). Ayrıca, devletin ulusal kimliği ve vatandaşlık politikaları, yasal statünün göçmenlere kabul edilmesiyle yakından ilişkilidir, çünkü yasal statü devlete üyelik olasılığını belirler.

Bu çerçeve hem Kemalist anlayışın hem de Anavatan Partisi'nin, grupları tezahür eden ulusal kimliklerine dahil ederek ve dışlayarak otoritelerini korumaya çalıştığını vurgulamaktadır. Bu bakımdan Bulgaristan Türkleri, 1934 tarihli İskân Kanunu'na ve Bulgaristan Türklerine yönelik kısıtlayıcı olmayan politika tepkilerine atıfta bulunan soydaşlar olarak algılandı ve bu da mültecilerin ulusal birlik ve bütünlüğe yönelik bir tehdit olarak görülmediğini göstermektedi. Öte yandan Kürt milliyetçiliği ve PKK ile ilgili iç kaygılar hem ulusal kimliğe hem de Türkiye'nin mülteci politikalarına baskı uygulamaktadır. Anavatan Partisi ve Özal, dine ve çeşitliliğe göndermeleriyle Kürt vatandaşlarının ulusal kimlikleri ve çıkarları için rızasını almaya çalışırken, istikrar ve güvenliğe yönelik her türlü zorluğun önüne geçmek için terörle mücadele tedbirleri almaktan vazgeçmediler (Aydın & Taşkın, 2014). Böyle bir çerçevede Özal'ın Kürt vatandaşlarını ulusal kimlik üzerinden kontrol etme girişimlerine Kürtlerin çoğunlukta olduğu Irak'tan gelen kitlesel akınlarla meydan okundu. Yani Türkiye, PKK'nın Irak'tan Türkiye'ye erişiminin ve yerinden edilmiş çok sayıda Kürt'ün Türkiye'nin Kürt konusunu daha da şiddetlendirebileceğinden endişe ediyordu. Bu nedenle kimlik algıları Irak ve Bulgaristan vakalarına yönelik sınır kontrolü, kabul ve uzun vadeli çözüm politikalarını etkiledi.

Bu bakımdan devlet, bazı grupların mülteci Kürtleri güneydoğu Anadolu'daki Kürtlerin akrabası olarak nitelendirmelerine rağmen Iraklı mültecilere Bulgar

mültecilere benzer davranmamıştır (Kirişçi, 2000). Ayrıca, Türkiye'nin Kürt kimliğinin varlığını kabul etmekte isteksizliği ve 1951 Mülteci Sözleşmesi kapsamındaki taahhütlerden kaçma arzusu nedeniyle "Kürt" ve "mülteciler" etiketlerinden genellikle kaçınılmıştır. Bu strateji nedeniyle Türkiye, bu grupların mülteci statüsü almasını engellemek istemiş ve bu nedenle BMMYK'dan koruma ve yardım almalarını engellemiştir (Mannaert, 2003). Devlet ayrıca, 1934 İskân Kanunu ve 1951 Mülteci Sözleşmesi'ni, gelenlere mülteci statüsü verilip verilmeyeceğine dair araçsallaştırmıştı.

Türkiye, Bulgaristan ve Irak kökenli mültecilerin farklı mülteci deneyimlerine ilişkin uluslararası ve yerli aktörlerden de eleştiriler aldı. Bu eleştirinin somut örneklerinden biri, Türk makamlarının Iraklı mültecilere yönelik uyumlarını engelleyecek bir strateji izliyor gibi göründüklerini savunan Avrupa Konseyi Parlamenterler Meclisi tarafından yayınlanan 1151 sayılı Tavsiye kararıydı. Raporda, Türkiye'yi kamplardaki yaşam koşullarının kötüleşmesine izin verdiği, mülteci çocukların okula gitmesine izin vermeyi reddettiği ve insani yardım kuruluşlarının kampları ziyaret etmesini kısıtladığı için eleştirmektedir (Parlamenterler Meclisi, 1991).

Türkiye'nin ulusal kimliği Sünni İslam'ı destekleyen dini unsurlar içermesine ve göç politikalarında yankı bulmasına rağmen Kürt mültecilere yer verilmemiştir. Bu dışlanmanın ardındaki neden, Kürtlerle ilgili iç alandaki hassasiyetlerin ulusal kimliğin başarısına meydan okuduğu şeklinde yorumlanabilir. Dahası, 1934 tarihli İskân Kanunu'nda Müslümanlar da dahil olmak üzere Türk kökenine ve kültürüne ilişkin mülteci veya göçmen olarak kabul edilenin tanımındaki belirsizlikler, devletin milleti kendi çıkarına olacak şekilde yorumlayabileceği bir alan yaratmıştır. Başka bir deyişle, devlet kendi çıkarlarını korumak, bazı grupların dışlanmasını veya dahil edilmesini sağlamak için kimlik politikalarını araçsallaştırmıştır.

Bu noktaya kadar anlatılanlar, Irak ve Bulgaristan'dan gelen kitlesel mülteci hareketlerine karşı politika oluşturmada ulusal kimliğin önemini göstermektedir. Bulgaristan'dan gelenlerin Türk kökenli, Irak'tan gelenlerin Kürt olması, ulus devlet, güvenlik ve istikrar konularının etkisiyle farklı politika tepkilerinin nedeni olarak yorumlanabilir. Bununla birlikte, böyle bir yorum aşırı basitleştirilmiştir, çünkü her iki durumda da bu yoruma meydan okuyan unsurlar vardır.

1989 Bulgaristan vakasının kritik noktası, Türkiye'nin iki ay sonra Bulgaristan Türklerine sınırlarını kapatması ve bu durumun geri alınmama ilkesini ihlal etmesidir. Kapalı kapı politikasının ardındaki neden kota sınırlaması, ekonomik zorluklar, Türkiye'nin mevcut mültecilerin ihtiyaçlarını karşılayamaması ve uluslararası yük paylaşımının olmaması olarak sunuldu. Ayrıca Bulgaristan'ın bütün Türkleri göndermek için açık kapı politikasını sömürdüğü iddiası da kapalı kapı politikasının bir başka nedeni olarak sunuldu. Bulgaristan Türklerine yönelik sınır kapatma politikası, Türkiye'nin 1934 İskân Kanunu da dahil olmak üzere ulus inşası ve ulusal kimlik oluşumuna atıfta bulunarak Türk kökenli ve kültürlü insanlar için açık kapı politikası yürüttüğü anlayışına meydan okumaktadır. Başka bir deyişle, bu politika değişikliği kimlik politikalarının tek başına, uygulanan mülteci politikalarını açıklamadığını göstermektedir. Türkiye, farklı faktörlerin karmaşık ilişkisinin bir sonucu olarak geleneksel mülteci politikasından kopma göstermiştir. Sınır politikasındaki değişim, Türkiye'nin mültecilerin hakları üzerinde ekonomik hususlar da dahil olmak üzere farklı faktörlere öncelik verdiğini göstermektedir.

Benzer şekilde, 1991 Irak vakasının aralarında Türkmenlerin ve Hristiyanların da bulunduğu farklı etnik ve dini gruplardan oluşması, mülteci politikaların anlaşılmasına daha derin bir bakış gerektirmektedir. Irak'tan gelen Türkmen mülteciler diğer Iraklı mültecilere göre çok daha iyi muamele gördüler. Kamplardan hızla kurtarıldılar, şehirlere yerleşmelerine izin verildi ve daimî ikamet alabildiler. Ayrıca, Türkiye'de ikamet eden akrabaları olan mülteciler ve kendilerini idame ettirecek maddi imkanları olanlar, Nisan 1991 sonunda yürürlüğe giren özel bir kararname ile oturma izni başvurusunda bulunmaya hak kazanmışlardır ve nu kararname Türkmenlerin lehine kullanılmıştır (Danış ve ark., 2009). Bu nedenle, etnik ve dini geçmişe değinildiğinde; devletin kitle akınlarında bazı grupları diğer gruplara göre tercih ettiği sonucuna varılabilir. Aynı nedenle yerlerinden edilmiş ve aynı tehlike altında olmalarına rağmen, devlet kendi güvenlik ve istikrarı bahanesiyle gruplara farklı yaklaşmıştır.

Devletin kendi çıkarlarının mülteci haklarının üzerinde önceliklendirilmesi geri dönüş politikalarına da yansımıştır. Bulgaristan vakasında uyum ve vatandaşlık politikaları önemli bir yere sahip olsa da devlet mültecilerin dönüşünü kolaylaştıracak bir reform da hazırlamıştır. Böyle bir girişim, devletin mültecilere eşit yardım sağlayamaması ve mültecilerin karşılaştığı uyum sorunları ile anlaşılabilir. Türkiye'de mültecilerin

yaşadığı zorluklar ve özellikle farklı bölgedekilere yeterli iş ve barınma sağlanamaması, bu çalışmada sunulan politika uygulamasında karşılaşılan sorunlara örnek teşkil etmektedir. Öte yandan Irak vakasında Türkiye, en başından itibaren mültecilerin iadesini istemiştir ve Irak'ta güvenli bölge kurulmasıyla mülteciler geri gönderilmiştir. Mültecilerin gönüllü olarak dönüp dönmedikleri, mülteci kamplarında ve güvenli bölgede yaşam koşullarının güvenilirliği tartışma konusu olmaya devam etmiştir.

Bulgaristan ve Irak kökenli vakaların karşılaştırmalı analizi, mülteci politikalarında sadece farklı etnik ve dini gruplar arasında değil, aynı gruplar içinde de farklılıklar olabileceğini göstermektedir. Başka bir deyişle, aynı etnik ya da dini kökenden olmak ya da devlet tarafından ulusal birliğe tehdit olarak algılanmamak mülteci politikalarını her zaman açıklayamayabilir. Bulgaristan Türklerine sınırların kapatılması ve Irak'tan gelen Türkmenler ile Bulgaristan'dan gelen Türklere uygulanan politikalardaki farklılıklar da bu argümanı desteklemektedir. 1991 yılında Türkmenlere Kürt mültecilerden çok daha iyi davranılmış ve kısa sürede kamplardan çıkarılıp şehirlere yerleşmiş olsalar da Bulgaristan Türklerinde olduğu gibi barınma ve diğer yardımlar sağlanamamıştır (Danış & Parla, 2009). Başka bir deyişle, coğrafi olarak farklı bölgelerden aynı etnik kökene sahip gruplara aynı politikalarla yanıt verilmemiştir, ancak bu tür bir kayırmacılığın arkasındaki nedenler belirsizdir. Danış ve Parla (2009), Bulgaristan'dan gelen mültecilerin görece ayrıcalıklı konumlarının anlaşılmasında Cumhuriyetin kuruluşundan bu yana Balkanlardan gelenlerin kabul ve vatandaşlığa alınmalarını kolaylaştıran anlaşmaları vurgulamaktadır. Bir grubu diğerine tercih etmedeki önemli nokta, bu tercihlerin ulusal kimliğe göre değişebileceğidir. Soğuk Savaş atmosferi gibi uluslararası ilişkilerle ilgili faktörler ya da Kürt milliyetçiliği ve ekonomi gibi iç kaygılar mülteci ve ulusal kimlik arasında karmaşık bir etkileşim oluşturmaktadır. Irak Türkmenleri ile Bulgaristan Türkleri arasındaki bu tür bir politika farkının ardındaki bir diğer neden de politikanın uygulanmasını yöneten yasal ve kurumsal planların olmamasından kaynaklanıyor olabilir. Başka bir deyişle, özel politikalarla mülteci politikaları geçici ve kısmi bir şekilde uygulanmış ve bu da uygulamada farklılıklara neden olmuştur.

Sonuç olarak, Bulgaristan ve Irak kökenli mülteci hareketlerine verilen politika yanıtlarının belirlenmesinde ulusal kimlik önemli bir faktördür. Ulusal kimlik

kavramı, farklı iç ve dış faktörleri göz önünde bulundurarak belirli grupları içerecek veya dışlayacak şekilde araçsallaştırılmıştır. Ulusal kimliğin değişken yapısı ve Türkiye'nin mülteci ve iltica politikalarındaki yasal boşluk, devletin kendi çıkarları doğrultusunda hareket etmesi ve bu davranışları meşrulaştırması için bir alan yaratmıştır. Bu bakımdan her iki davanın ortak özelliği, devletin özel politikalarının ekonomik, güvenlik ve istikrara dayalı yönelimlerine göre ayarlanmasıdır.

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