

TURKISH-KURDISH RECONCILIATION: PROMISE AND PERIL

As part of its ongoing negotiations with the European Union, Turkey has made an effort to broaden its definition of national identity to include ethnic and religious sub-groups. This reconciliation process – a welcomed step for Turkey - is held at risk by the inherent instability of the reform process itself and the unpropitious regional and global environment. To continue the path to membership in the EU, interested parties such as the United States will have to play a crucial role in ensuring that Turkey's fears about the potential negative fallouts from the reform process are not realized.

Geoffrey Gresh and Matan Chorev*

* Geoffrey Gresh is a graduate student at The Fletcher School of Law and Diplomacy, Tufts University and former Rotary Ambassadorial Scholar to Turkey. Matan Chorev, also a graduate student at the Fletcher School of Law and Diplomacy, Tufts University, is the co-founder of the New Initiative for Middle Eastern Peace, Tufts University.

I

n the current environment of the Middle East, Turkey's strategic location and model democracy grows increasingly important for both the European Union and the United States as they work to spread and promote democracy and peace across the region. More so than ever, the western powers need to support and maintain their relationship with Turkey to ensure the implementation of additional important and lasting democratic reform and to sustain Turkey's democratic success in the face of growing instability and warfare on Turkey's southern borders. If Turkey's reform process succeeds it will provide the most important achievement to date in the "battle of ideas" with the increasingly popular extremist elements in the region.

Although Turkey must continue democratic reform in all sectors of society, further integration of its ethnic populations into a uniform democratic process should remain a significant priority for the Turkish government as it proceeds down the path of EU membership. Doing so will promote greater inclusion of its diverse population into decision making structures, while also spreading a positive image of the government to the segments of the population who feel discriminated against and the liberals alike. Since the days of Atatürk, Turkey has largely based its national identity formation on the Turkish language, excluding non-Turkish speaking groups like the Kurds.¹ The tensions surrounding the "Kurdish Question" are symbolic of the challenges facing Turkey's reform process. Although other citizens who have been constrained by the restrictions on expression are deeply effected by the new laws and amended policies, the reconciliation process with the Kurds strikes a particularly emotional chord. Today, Turkey's 'Kemalist' elite remains committed to this concept of national identity and must adopt additional policies that further incorporate a Kurdish perspective into its currently centralized structure of government.

Since 1999 when Turkey was finally approved as a candidate country to the EU, it has embarked on an ambitious program to restructure its institutions and adopt the *Acquis Communautaire* and the Copenhagen Criteria necessary for full EU membership. In particular, Turkey has passed and adopted numerous new measures that will ultimately lead to a stronger democracy, greater freedom of expression, a more dynamic civil society, and increased governmental transparency.

After six short years, positive effects of such reform in Turkey are beginning to appear and affect such ethnic groups as its Kurdish population. The Turkish government and its citizens of Kurdish origin, amounting to approximately 20 percent according to some

¹ Ömer Taşpınar, *Kurdish Nationalism and Political Islam in Turkey* (New York: Routledge, 2005), pg. 62.

sources out of 70 million in Turkey,² need to overcome troubled relations of the twentieth century before Turkey is accepted into the EU. With a new wave of democratic reforms and outside assistance from the EU in the past five years, the Turkish government and its Kurdish population have slowly initiated a process of reconciliation and greater acceptance. The Turkish government, for example, has begun to openly acknowledge more of the Kurds' demands for political representation and cultural rights.

A final reconciliation between the Turkish government and the Kurdish population has to surmount many remaining obstacles. Chief amongst these is convincing the Kemalist elite that recognizing the Kurdish identity as a political reality is not necessarily a threat to the unitary state structure, while winning over those elements of Turkish society that still resent the Kurds for the conflict in the southeast. This process is complicated by the ongoing instability and violence generated in Turkey by the PKK. Although many recognize that the Kurds have legitimate grievances, they do not seek to reward the PKK's terrorist tactics. Separating the political question from the security one, therefore, becomes more difficult. However, since 1999 the prospect of an EU membership bodes well for improved future relations between the majority of Kurds living in such areas as the southeast and the government, by increasing incentives to both parties to moderate their behavior. Moreover, support from the EU, as well as from a superpower like the U.S., for democratic reform in Turkey will ensure the region is not further destabilized. Currently, the polls preceding next year's upcoming elections in Turkey suggest that the consensus around the reform process is beginning to deteriorate. Opposition parties are sticking to a nationalist line all while the government has been forced to slow the pace of reforms to placate domestic unease.

The Reform Process

Since the end of the 1990s Turkey has adopted a program of democratic reform that directly affects its Kurdish population. Certainly, in a five year period since the start of membership talks with the EU, the Turkish government has not been able to completely overcome the ethnic complexities of its society after close to two decades of conflict with the Kurdish groups. However, the Turkish government has made important strategic reforms that will ultimately help in better integrating its citizens of Kurdish origin. Box 1.1 below summarizes some of the reforms undertaken recently by Turkey in regards to the Kurdish issue.

² Murat Somer, "Resurgence and Remaking of Identity: Civil Beliefs, Domestic and External Dynamics, and the Turkish Mainstream Discourse on Kurds," in *Comparative Political Studies* (Vol. 38, No. 6, August 2005), pg. 592.

Reforms adopted by the Turkish government on the Kurdish issue

- The constitutional amendments of October 2001 removed the restriction on the use of any language prohibited by law in the expression and dissemination of thought from Article 26 of the constitution. Similarly, restrictive language on broadcasting was also removed from Article 28.
- Broadcasting in Kurdish was permitted with the third democratization package in August 2002. The seventh package adopted in July 2003 further amended the broadcasting law to provide for such broadcasting by public and private radio and television stations.
- The law that deals with the teaching of foreign languages was also amended with the third package in August 2002, opening the way for private courses in Kurdish. The seventh package adopted in July 2003 allowed the teaching of such languages in existing private courses without requiring that new courses be created altogether. It also prescribed that the Council of Ministers alone would regulate and decide which languages are to be taught (without having to obtain the approval of the National Security Council).
- The Civil Registry Law was amended in July 2003 to permit parents to name their children in Kurdish.
- In an attempt to foster social peace in the region, parliament adopted a law on ‘social reinsertion’ in August 2003. The law provides for a partial amnesty and reduction in sentences for persons involved in the activities of an illegal organisation, namely the PKK. The law excludes the leaders of the organisation as well as those who have committed crimes. By December 2003, 524 prisoners out of 2067 applications had been released and about 586 PKK militants have surrendered.
- Implementation of the “Return to Village and Rehabilitation Project” (where the aim is to support the return of those displaced during the conflict to their villages) has continued. According to official sources, 124,218 people were authorised to return to their villages from June 2000 to May 2004. More than 400 villages and hamlets have reportedly been reopened with government assistance.

Source: Senem Aydin and E. Fuat Keyman, “European Integration and the Transformation of Turkish Democracy,” *EU-Turkey Working Papers from the Centre for European Policy Studies* (No. 2, August 2004), 35.

The summary outlines many of the reforms implemented by the government in such areas as freedom of expression, the use of the Kurdish language in schools and in the media, and other projects initiated for the internally displaced persons (IDPs) from the conflict. Despite having implemented some reforms, there are still many stipulations in the new laws that inhibit the full and open expression of the Kurdish language. For example, the new broadcasting laws that permit Kurdish on television and airwaves are very limited; for television four hours a week is permitted, not exceeding 45 minutes a day, and for radio, five hours per week is allowed, with a maximum of 60 minutes per day.³ Additionally, NGOs and other local representatives have expressed concern over freedom of expression from Article 301 in the new Penal Code (formerly Article 159, “Insulting the State and State Institutions”) because it has been used by some judges and lawyers to

³ European Commission, “2004 Regular Report on Turkey’s Progress towards Accession” (Brussels: 6 October 2004), 39.

prosecute and, in some cases, convict individuals, vocal about the grievances of societal sub-groups in Turkey and perceived state discrimination.⁴

The public trial of the famous Kurdish politician, Leyla Zana, became symbolic of the Kurdish struggle for achieving freedom of expression. In 1994 Zana was arrested and convicted with three other Kurdish politicians under the old penal code. She was originally arrested for speaking Kurdish during a parliamentary session, which is forbidden under Turkish law. In addition, she was convicted for her direct ties to the PKK.

In 2004, however, Zana was released from prison because of the Turkish legislature's adoption of the new penal code, as well as other judiciary reforms that permitted a retrial of her case.⁵ Zana's case is important because it is one of the first publicized cases that demonstrate how Turkey's newly adopted judicial and legislative reforms are being enforced. Certainly, Turkey must continue to ensure greater freedom of expression for the Kurds. However, the European Commission's progress report on Turkey in 2005 did note that the amount of prosecutions and convictions in cases regarding freedom of expression had declined.⁶

Positive reforms have also been made in the area of freedom of association. The new Law of Associations was first adopted in November 2004:

The Law is important in reducing the possibility for state interference in the activities of associations and has already begun to bring a number of practical benefits for associations, thus facilitating the further development of civil society in Turkey.⁷

Despite some legal stipulations, such civil society groups as the Ankara Kurdish Democracy, Culture, and Solidarity Association and the Kurdish Writer's Association have been able to operate with greater freedoms than in previous years.⁸ This small representation of Kurdish civil society groups is an improvement from the past and should be encouraged as an integral part of the process of democratization.

Regarding torture and ill-treatment allegations against the military and police forces, the 2005 EU regular report cited a decrease in the number of torture incidences.⁹ In the last couple of years, the Turkish government has adopted a zero-tolerance policy for human rights offenders,¹⁰ a significant improvement for a nation cited with previously documented human rights violations. Nevertheless, because of continued reports of

⁴ *Open cit.*, European Commission, "Turkey: 2005 Progress Report" (Brussels: 9 November 2005), 25.

⁵ "Jailed Kurdish politician urges EU to open its doors to Turkey," *Agence France Presse*, (International news, January 27, 2004).

⁶ European Commission, "Turkey: 2005 Progress Report" (Brussels: 9 November 2005), 25.

⁷ European Commission, "Turkey: 2005 Progress Report," 27.

⁸ *Ibid.*, 28.

⁹ *Ibid.*, 22.

¹⁰ Commission of the European Communities, "2004 Regular Report on Turkey's Progress towards Accession" (Brussels: 6 October 2004), 33.

torture the 2005 EU Commission report called for “an urgent need both to implement legislation already in force and, with respect to certain areas, to take further legislative initiatives.”¹¹ These important areas include the protection of minorities like the Kurds. Thus far, training programs for the military and judiciary have been established for the gendarmerie, police forces, public prosecutors, and judges, but more training and education programs are necessary to ensure greater protection of human rights.¹²

More recently, human rights boards have been established in all 81 provinces and 849 sub-provinces, comprised of representatives from professional organizations, NGOs, the media, academic institutions, and local government officials. The aim of the boards is to address human rights complaints and direct such complaints to a local prosecutor’s office. Moreover, the government has initiated a national Human Rights High Council that is chaired by the deputy prime minister and composed of various ministry undersecretaries to further address allegations of human rights violations.¹³ In addition to human rights councils, Turkey has also ratified six of thirteen protocols from the European Convention on Human Rights:

It abolished the death penalty and adopted measures to promote independence of the judiciary, end torture during police interrogations, and reform the prison system. In addition, Turkey has significantly reduced the scope of its antiterrorism statutes, which had been used to curtail political expression, and it amended the Codes of Criminal and Administrative Procedure. Police powers have been curbed and the administration of justice strengthened, due partly to the dismantling of state security courts.¹⁴

Overall, Turkey has made significant improvement in adopting new legislative reform to help in curbing future human rights violations. Such reforms aid in the process of democratization with greater governmental transparency and will ultimately improve the individual rights of Kurds and other members of Turkish society who have previously been penalized for voicing views that state institutions have interpreted as harmful to the interests of the country. In addition, such reforms also aid Turkey in establishing stronger relations with the EU and U.S. who have both advocated for Turkey’s improved treatment of human rights. In any case, more reform and training programs are needed before Turkey can proclaim itself a true guarantor of human rights.

The Turkish government has also recently joined the European Union’s Culture 2000 Program as a means to protect cultural rights of its citizens. The program endeavors to promote and preserve cultural rights through more education programs and cross-cultural exchanges, including transnational cooperation between cultural organizations across

¹¹ European Commission, “Turkey: 2005 Progress Report,” 41.

¹² Aydin and Keyman, 26.

¹³ Aydin and Keyman, 23.

¹⁴ David L. Phillips, “Turkey’s Dreams of Accession,” *Foreign Affairs* (September/October 2004), <<http://www.foreignaffairs.org/20040901faessay83508/david-l-phillips/turkey-s-dreams-of-accession.html>>

Europe.¹⁵ In the long term, the program will have a direct impact on the Kurds as they seek to further preserve their cultural identity in Turkey. Acknowledgement and acceptance of Kurdish culture also contributes to Ankara's improved relations with the Kurds and will help to bolster greater good will, as well as national and international legitimacy for Turkey's democracy.

In addition to the legislative reform and other ratified protocols that have directly affected Kurds, significant advances have been made in the political rhetoric employed by the current Justice and Development Party (AKP) and Prime Minister Tayyip Erdoğan regarding Turkey's Kurdish population. In a monumental speech given by Erdoğan in the Kurdish southeastern city of Diyarbakir in August 2005, Erdoğan became the first Turkish leader ever to confess that Turkey had mishandled its rebellious Kurds. "Turkey," Erdoğan remarked, "need to face up to its past. More democracy, not more repression, is the answer to the Kurds' long-running grievances."¹⁶ Although Erdoğan's speech was criticized by many for not including a detailed policy plan of action for the Kurdish provinces of the southeast, the landmark speech is important nevertheless because it signifies a reinvigorated commitment to improve relations between the Turkish government and its Kurdish population.¹⁷ The Turkish government has been working towards mending the past tensions in society and consolidating the process of democratization in Turkey. Current challenges, including renewed PKK attacks in Turkey and instability in northern Iraq, have however decreased the government's enthusiasm for its reform agenda.

The AKP, a moderate Islamic party, has garnered major support in recent elections from many Kurds across Turkey. In fact, during the 2002 elections increasingly more Kurds, especially those in the western part of the country, supported AKP candidates over the traditional pro-Kurdish Democratic People's Party (DEHAP): "Such a decline is reflective of the intense assimilation taking place among Kurds in western Turkey. As Kurds in this part of the country feel the pull of middle class life, Kurdish nationalism loses some of its old appeal."¹⁸ By promising liberalization, AKP successfully created an umbrella for disaffected communities in Turkey. A tactical alliance was formed between groups ranging from the Kurdish groups seeking increased rights, those who remain on the margins of the growing economy, the religious conservatives of Anatolia's tiger provinces and liberal intellectuals. Whether this consensus remains will largely be determined by the AKP's ability to overcome the challenges posed by the reform process and regional developments.

Challenges to Reconciliation

¹⁵ European Union Press Release, "Turkey set to participate in the EU Culture 2000 Programme," (October 2005): <http://europa.eu.int/comm/culture/eac/sources_info/official_doc/protocoles_en.htm>

¹⁶ *The Economist*, "Peace be unto you," 18 August 2005: <http://80-www-economist-com.ezproxy.library.tufts.edu/displaystory.cfm?story_id=4300168> Viewed 8 November 2005.

¹⁷ For a critique of the speech, see the European Commission "Turkey: 2005 Progress Report."

¹⁸ Congar and Çağaptay.

Turkey's accession process to the EU contains an inherent paradox.¹⁹ In an effort to promote a more heterogeneous public space to include Islamic elements as well as ethnic and religious groups, radical elements, such as the Hizb al-Tahrir, that seek to undermine the road to the EU are acquiring increasing leverage. The rise of the AKP has called into question whether it and its allies are using the EU reforms to promote their own parochial interests.²⁰ Furthermore, the increase in PKK terrorism and other violence in the Southeast suggest that more radical Kurdish separatist elements are using their new safeguards in northern Iraq to undermine the state.

Further fueling this dangerous constellation of events, the resurgence of Kurdish nationalism and autonomy in northern Iraq post-Operation Iraqi Freedom and the reforms to democratize the Turkish military, mean that Turkey is unable to respond to these threats in the forceful manner it could in the past. Turkey's reforms are not taking place in a vacuum. If exogenous elements continue to offer nothing but instability and endogenous ones the same, Turkey could easily choose to abandon its EU accession process. The radical Islamic and ethnic separatist threats to Turkey strike at the core of the modern Turkish identity and principles of secularism and the unitary state. A cursory examination of the factors at play, demonstrate that if mismanaged, Turkey's reform process could paradoxically be to its own detriment.

In terms of its reconciliation process domestically, Turkey can take two immediate steps to move the process forward by addressing unemployment in the Kurdish dominated southeast and the addressing the needs of IDPs. Unemployment in the southeast is at an all time high—some cities in the southeast have reported up to 60 percent unemployment when the national average is 10 percent.²¹ High unemployment has often been cited as a tool used by the PKK to attract young militants. The EU is correct in its critique of the Erdoğan government by stating that the AKP needs to adopt a concrete plan of action to further promote socio-economic development in the predominantly Kurdish provinces of the southeast. The EU and other international organizations, including those from the U.S., are essential in helping to promote international investment and economic growth.

Second, the government must continue to assist IDPs who were forced to flee the conflict over the past two decades. Assisting in the reconstruction and resettlement of IDPs in the southeast will create more goodwill for the government and help in the overall process of democratization.

Despite a lukewarm report by the European Commission in 2005 on Turkey's progress in adopting reform during the past year, Erdoğan's government has earnestly vowed to work in closer unison with the EU and uphold the enforcement of previously adopted reforms.²²

¹⁹ Matan Chorev and Mehmet Tarzi, "Turkey's Delta Paradox," *NIMEP Insights*, Vol. 2 (Spring 2006): 15-28.

²⁰ Baran, Zeyno. 2005. Prepared Statement for a Hearing before the House Subcommittee on Armed Services, Subcommittee on Terrorism, Unconventional Threats and Capabilities. February 16.

²¹ Yigal Schleifer, "Turkey's Kurds languish in poverty," *Christian Science Monitor* (August 31, 2005), 6.

²² *EU Business*, "Turkey vows to stick to EU reforms, defiant on Cyprus," (10 November 2005): <http://www.eubusiness.com/East_Europe/0511101129737.z0baa3a1>.

The Future: Managing Instability

As Turkey now prepares for its accession into the EU, the Turkish government has made a conscious effort in the last few years to pass new legislation that directly affects its Kurdish population. EU officials have expressed concern over Turkey's efforts to integrate and provide for its Kurdish population in the Southeast. As demonstrated in this analysis, however, Turkey has made significant improvements during the past few years in providing more freedoms for its Kurdish population in the areas of human and cultural rights, and democracy. Such improvements aid its relations with the EU, and other western powers like the U.S., because of its demonstrated ability to uphold and implement democratic reform in a region plagued by turmoil and disorder. Additionally, Turkey should be used in a greater capacity by these powers as a voice of democratic reason that is capable of bridging political division between the so-called "West" and the Muslim world.

Certainly, the Turkish government can do more and must do more to assist its citizens in the Southeast and the Kurds who have recently migrated to Western Cities. But democratization for any country is a slow process, and is achieved over a significant period of time. Moreover, democratization can be an unpleasant process that has to overcome many obstacles, some beyond the control of the government.

Turkey and its Kurdish population have a long and complex past. But if Turkey is not able to better include the Kurdish population in its currently centralized form of government, there is very little hope for the formation of a stable and lasting democracy. The Republic's identity under Atatürk was shaped by the idea of a "Turkish" citizenship that included a "Turkish" language. Moreover, in a post-Atatürk era the existence of Kurds in Turkey was systemically denied by successive governments, the bureaucratic and security establishment. To complicate matters, the country fought against the PKK from 1984 to 1999. Thus, since the formation of the modern Republic of Turkey until approximately 2000, the rhetoric imposed was that ethnic origin should not play a role in identity, but all should unite under a cohesive national identity. Such rhetoric has had a residual effect on society today and continues to pose major obstacles for the current government as it proceeds with democratic reforms to align itself with the EU.

An ethnic divide still exists in society between certain groups of Turks and Kurds, but, with the adoption of many democratic reforms and the greater assimilation of Kurds, there is promise for it to be healed. Moreover, the recent adoption of more freedom of expression and freedom of association laws by the Turkish parliament bolster democratization in Turkey, an essential element to any democracy.

EU rhetoric and United States' perceived collusion with the Kurds of northern Iraq are not helpful signals to send to Turkey. The EU has at times been insensitive to the fragility of the reform process and is perceived to be pushing for rapid reform. For example, the EU is often quick to publicly criticize Turkey for small transgressions, as opposed to taking a more small foot print approach. The U.S, desperately fighting an insurgency in

Iraq, actively seeks to maintain the Kurdish militias in its sphere. These behaviors have only served to strengthen anti-EU reactionaries in Turkey, while undermining those societal elements pushing for reform. In an effort to allay Turkish fears, the U.S. named General Joseph W. Ralston as special envoy to coordinate efforts in combating the PKK. Nonetheless, it is not clear whether the United States places higher priorities on the future of Iraq or its future relations with Turkey. The challenge for U.S. policymakers is to create a policy paradigm, whereby these two imperatives are not mutually exclusive.

The path to success is not beyond peril. To ensure the continuance of reconciliation between the Turkish government and its Kurdish population regional actors and the international community must first recognize the inherent dangers in the reform process. To blindly follow a normative path without recognizing its potential negative externalities is naïve and irresponsible.

Six years into its long awaited negotiations with the EU, Turkey cannot be faulted for raising serious questions about the benefit it has accrued from reform. Recent attacks by radical Islamists – such as the killing of a Council of State judge this past year – indicate a resurgence of political Islamic movements. Additionally, terrorist incidences and ethnic separatist behavior have increased among its Kurdish population in the last year.

Across the border in Iraq, the Kurds are as close as they have ever been to achieving something akin to statehood, and its alliance with the United States is experiencing one of its most challenging periods. Turkey fears that increased autonomy for the Kurds in northern Iraq will inspire Kurdish separatism in its southeast region. If the Kurds in Turkey perceive EU membership as their best guarantor of group rights, they are unlikely to be overly affected by the increased autonomy of their brethren across the border. If, however, Turkey's EU negotiations fall apart, it is unclear that the government will remain committed to continuing reforms and in turn one could foresee an increased trans-border Kurdish nationalist identity predominate.

Turkey, the EU, the United States, and other actors must take bold measures to mitigate the negative effects of Turkey's reform process. If opening the political sphere leads to the unchecked rise of radicals, it will discourage other regional partners from undertaking similar, difficult processes and will undercut European engagement with Turkey.

Turkey's success, however, could mark a major victory in the ideological battle against extremist religious groups. If Turkish Islam can successfully integrate Islamic and modern, secular, capitalist, and pro-Western norms, this will be a powerful counter to the narrative of Al Qaeda and associated movements; Turkey can offer a legitimate alternative to the notion that only fundamentalist Islam can restore the dignity and functionality of Muslim peoples.

Turkey's fate might well be a harbinger for the entire wave of transformation that will take place throughout the Middle East. If properly engaged by external actors, Turkey will yet prove to be example of how to achieve peaceful change through an organic movement, strengthened by constructive international engagement that reaches out to all

segments in society without unduly displacing any core constituencies. Failure in this endeavor holds dark consequences for the future of the region.