

# **The AKP's Reconstruction of the Kurdish Problem during the European Union Accession Process**

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## **ABSTRACT**

This thesis evaluates the nature of the Kurdish problem and the impact of the European Union on the AKP's liberal democratic policies on the Kurdish problem. The Kurdish issue is a highly significant problem for Turkey. Although, the main roots of the ongoing Kurdish problem are based back in the 1980s, the consistent failure of the nationalistic policies repeatedly employed by Turkish governments meant that the problem persisted and even worsened as the new century approached.

In the AKP period, major shifts in policy occurred, though the Kurdish question continued to be a challenge in both the domestic and international arenas. In this thesis explanation is given of the increasing internationalization of the Kurdish problem with Turkey's EU (European Union) accession process and evaluation is made of how the Kurdish problem was an important barrier to the progress of Turkey's EU path.

Furthermore, this thesis examines the European Commission's requirement from Turkey in this area and discusses the AKP's "national program" made in order to meet the Copenhagen criteria. The AKP governments' reform packages are evaluated in order to analyze changes in the field of human rights in Turkey.

**Keywords:** Turkey's EU accession, Kurdish politics, democratic reforms, human rights, the Kurdish issue, AKP's "democratic opening".

## ÖZ

Bu tez Kürt probleminin yapısını ve Avrupa Birliğinin AKP'nin Kürt problemi üzerine uygulamış olduğu liberal demokratik politikalar üzerindeki etkisini incelemektedir. Kürt problemi Türkiye'nin önemli sorunlarından birisidir. Her ne kadar, Kürt probleminin temelleri 1980'lere dayansa da, geçmiş hükümetlerin uygulamış olduğu başarısız milliyetçi politikalar yüzünden sorun çözülememiştir.

AKP döneminde de Kürt problemi iç ve dış politika da sorun olmaya devam etmiştir. Bu tezde, Kürt problemi'nin Türkiye'nin AB (Avrupa Birliği) sürecinde giderek artan uluslararasılaşması anlatılmaya çalışıldı ve Kürt problemi'nin, Türkiye'nin AB stratejisi önünde insan hakları temelinde bir engel olarak ortaya çıkması konusu incelendi.

Ayrıca, bu tezde Avrupa Komisyonu'nun Türkiye'den talep etmiş olduğu değişiklikler ve AKP hükümetinin Kopenhag kriterlerini yerine getirmek için hazırlamış olduğu “ulusal program” incelenmiştir. Türkiye de insan hakları alanındaki değişimi incelemek maksadı ile AKP'nin uygulamış olduğu reform paketleri irdelenmiştir.

**Anahtar kelimeler:** Türkiye'nin AB katılım süreci, Kürt politikaları, demokratik reformlar, insan hakları, Kürt problemi, AKP'nin “demokratik açılım”ı.

To My Family

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# Chapter 1

## INTRODUCTION

The Kurdish people are mainly Sunni Muslims speaking a distinct language and living largely in neighboring regions of Southeast Asia within the states of Armenia, Syria, Iran, Iraq and Turkey.<sup>1</sup> Though from the 19<sup>th</sup> century onwards there were attempts to establish an independent state, no such state of “Kurdistan” has been established. Nowadays, there are about 15 million Kurds living in Turkey, making them one of the country’s largest ethnic groups.<sup>2</sup> Although Kurds came from different origins to the Turks, and though they are a large ethnic group, the Turkish government does not recognize them as a minority group and so, they do not have effective minority rights.

The effects of wrong policies concerning the “Kurdish Problem” have played a significant role in its prolongation and escalation.<sup>3</sup> Multiple factors lie behind the failure of successive Turkish governments to solve the Kurdish problem. Perhaps the most basic trouble with these governments’ policies has been related to their misperception of the problem which they have narrowly framed as one requiring counter-terrorism to combat a violent separatist movement. Thus, they have ignored the cultural, political and ethnic aspects of the Kurdish problem. The governments’

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<sup>1</sup> “Who Are the Kurds”, <http://www.washingtonpost.com/wp-srv/inatl/daily/feb99/kurdprofile.htm>, (Accessed August 11, 2011)

<sup>2</sup> James Ciment, *The Kurds, State and Minority in Turkey, Iraq and Iran*, (New York, Penn Plaza, 1996): p. 28.

<sup>3</sup> Michael M. Gunter, "The Kurdish Problem in Turkey," *Middle East Journal* 42, no. 3 (Boulder, CO: West view Press, Summer 1988): p. 1.

and administration of Turgut Özal were a practical exception to this rule. Özal rejected the dominant nationalistic perspective regarding the Kurdish problem, instead developing a more liberal approach.<sup>4</sup> His untimely death, however, left most of his ideas unimplemented.

The activities of the PKK have been the most significant reason behind the “hard-line” policies of the Turkish authorities on the Kurdish problem, yet their policies have failed to safeguard the social order and maintain security.<sup>5</sup> The PKK, (in Turkish it is named the “Kürt İşçi Partisi”, in English the “Kurdistan Workers’ Party” and in Kurdish “Partiya Karkerên Kurdistan”), has aimed to break the effective control of Turkey particularly over southeastern Anatolia, leading to the establishment of “Kurdistan” in the region.

Conflicts between the Turkish army and the PKK have had serious consequences for the region. Past political decisions of Turkish authorities have impacted the fundamental rights of the region’s inhabitants. Turkish authorities declared a state of emergency, limiting in the process rights related to language, cultural affairs, and economic and social matters. These have been some of the negative aspects of the dominant nationalist perspective in Turkey. In the Justice and Development Party, (“Adalet ve Kalkınma Partisi” or “AKP” in Turkish), period from 2002 to 2011, the Kurdish question continued to be a challenge in both the domestic and international arenas.

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<sup>4</sup> Hüseyin Yayman, “Şark Meselesinden Demokratik Açılıma Türkiye'nin Kürt Sorunu Hafızası” *SETA Yayınları*, vol. 12, no. 1 (2011): p. 15.

<sup>5</sup> William D. Montalbano, “Turkey Eases Hard Line Against Kurds,” *Los Angeles Times Article*, (1998): p. 1. [http://articles.latimes.com/1991-01-29/news/mn-379\\_1\\_Turkish-Kurds](http://articles.latimes.com/1991-01-29/news/mn-379_1_Turkish-Kurds), (Accessed August 14, 2011)

The Kurdish problem became increasingly internationalized as Turkey's European Union (EU) process advanced and it became an important barrier to the progress of Turkey's EU strategies. Nevertheless, Turkish authorities initially refused to recognize the Kurdish people's rights, restricting, for example, the use of the Kurdish language and holding of cultural festivals.<sup>6</sup> However, the Turkish authorities needed to remove such restrictions.<sup>7</sup> Non-recognition of the language and other fundamental rights of Kurds are against EU rules and regulations and as emphasized by Moustakis and Chaudhuri this clearly clashed with the need for Turkey to meet the EU's Copenhagen Criteria in order to reach the objective of EU membership. So in the EU negotiation and accession process, the Kurdish problem immediately became an obstacle in front of Turkey. Pressure, therefore, began to build upon Turkey to start to change her Kurdish policy in line with EU human and minority rights requirements. Still, Turkey made clear her sensitivities on some points related to the Kurdish question, especially concerning the PKK problem. Turkey clearly stated that she would continue to fight the PKK because the PKK's aim was secession and its actions illegal.

As part of the EU accession process, the EU Commission began demanding that Turkey introduce new reforms to the legal system and in the field of human rights and enhances the quality of Turkish democracy. Many such reforms were put in practice in Turkey during the AKP period. Tayyip Erdoğan, leader of the AKP, began to change the old nationalistic approach regarding the Kurdish problem, into a more liberal approach. Erdoğan publicly accepted that former Turkish authorities had

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<sup>6</sup> Fotios Moustakis and Rudra Chaudhuri, "Turkish-Kurdish Relations and the European Union," *Mediterranean Quarterly Project*, (2005): p. 76.  
[http://muse.jhu.edu/journals/mediterranean\\_quarterly/v016/16.4moustakis.html](http://muse.jhu.edu/journals/mediterranean_quarterly/v016/16.4moustakis.html) (Accessed October 13, 2011)

<sup>7</sup> Ibid.

produced wrong policies on the Kurdish problem.<sup>8</sup> The AKP government developed new policies that aimed to create a “normalization” of the state policy on the Kurdish issue. By “normalization” was meant that the Turkish authorities would replace the older more nationalistically motivated policies that restricted fundamental rights and freedoms with liberal democratic policies. These nationalist policies were based on the security perspective of former Turkish governments, which saw the problem as a big threat to the nation-state and which brought restrictions on the use of Kurdish language and on cultural rights and led to the establishment of a state of emergency. These policies did not comply with the normal policies expected of democratic nations. As part of the process of normalization, the AKP began to take radical decisions such as recognizing the Kurdish language and establishing a Kurdish TV channel as well as supporting other cultural activities of Kurdish society too. Furthermore, the AKP also openly recognized the Kurdish identity as a sub-identity in Turkey.<sup>9</sup> Such policies would not have been possible without the external legitimization provided by the EU. With such reforms, the AKP government also showed its good faith in the EU process.

In addition to these developments, the AKP formed a new governmental strategy for increasing the power of Turkey in the region during this period of transformation. Known as “the zero problem strategy”, it required that, there should be zero problems in the domestic and international arena of Turkey. In this respect, Turkey wanted to develop positive relationships with her neighbors and become a notable and respected regional power. The “Kurdish opening” is at the same time part of this process, for this domestic problem is an important obstacle in front of the objective

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<sup>8</sup> Rabia Karakaya Polat, “The AKP and the Kurdish Issue: What Went Wrong?” *Policy Brief* No.14, (2008): p. 6.

<sup>9</sup> *Ibid.* p. 3.

of a greater regional status. Turkey, for example, has a border with Iraq and because there are also many Kurds living in northern Iraq, the Kurdish problem also affects neighborly relation between the two states. Unlike previous Turkish governments, the AKP has therefore generally followed more constructive policy, introducing language and other cultural and ethnic reforms. Moreover, European countries looked more favorably on the AKP policies, considering them more acceptable than those previously followed or supported by other parties.<sup>10</sup>

At the same time, however, the AKP launched cross-border military operations into northern Iraq to destroy the PKK's military camps and break their power in the region. Turkey wanted to demonstrate her power and determination to PKK militants and Western countries with this northern Iraq operation and used the PKK to legitimize cross-border operations. Even though this action went against principle of territorial integrity, Turkey used the needs of state security to justify such operations.

Nevertheless, despite the continuation of such military operations, both the AKP's overall policies regarding the Kurdish question and reform packages that have been implemented in order to increase the standards of human rights in Turkey, show that the AKP has tried to introduce stable policies of reconstruction on the Kurdish problem and more generally regarding democratization in Turkey. This ongoing process was shaped with consideration of both public demands and the guidance of EU institutions. Amongst other things, the AKP's removal of restrictions on the use of the Kurdish language and the opening of a Kurdish TV channel can be taken as proof that the AKP is not indifferent to the wishes of the Kurdish people.

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<sup>10</sup> Efegil, Ertan, "AK Party's Policies about the PKK Terrorism, Northern Iraq and Kurdish Issue," *Review of Social, Economic & Business Studies*, vol. 9, no. 10 (2009): p. 118.

Furthermore, even though the AKP has continued the fight against the PKK throughout this process of democratization, it has also taken strong steps needed in order to try and reach a comprehensive solution.

## **1. 1 Literature Review**

A very broad range of academic articles, projects and books have been written on the Kurdish Issue. For the sake of simplification, most can be categorized in one of three perspectives. These are the “Turkish nationalist” perspective, the “Kurdish nationalist” perspective and the “liberal democratic” perspective. The Turkish nationalist perspective defines the Kurdish problem as one of a separatist ethnic movement which threatens the territorial integrity, unity and centralized character of Turkey. The Turkish state has been dominated by values and beliefs regarding Turkish identity. All organs of Turkey like the army, parliament and legal organs are considered to be guardians of the Turkish state so, it not possible for them to accept any separatist activity in Turkey. The Kurdish nationalist perspective, on the other hand, argues that Kurds have a right to independence from Turkey, because they have a different ethnic origin and have a large number of their people concentrated in Southeastern Anatolia. The third perspective is that of the liberal democrats. According to this perspective, there should be a civilian solution rather than a military one. Turkey is aiming for integration with the European Union and with its accession process underway, it should find a solution to its Kurdish problem along liberal lines. Turkish authorities should respect the cultural and political rights of the Kurds, but without endangering national unity.<sup>11</sup> As far as the existing literature on the Kurdish problem is concerned, academics tend to examine it either as an ethnic

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<sup>11</sup> Murat Somer, Editor: E. Fuat Keyman “Defensive and Liberal Nationalisms: The Kurdish Question and Modernization/Democratization” *Rowman & Littlefield* Working paper No. 1 (October 2007): p. 4.

separatist movement, a minority problem, a question of self-determination or a security issue. The main differences between their studies relate to their perception and definition of problem. According to Yeğen, the evolution of the Kurdish problem can be explained in three stages: The first was the establishment of the monolingual and unitary national character of the Republic of Turkey.; Second came the rejection of the unitary national character of Turkey by Kurds, and; the third stage saw the involvement of weapons in the different sides efforts to find a what they considered a satisfactory solution to the problem.<sup>12</sup>

Another issue of debate concerns policies aiming to assimilate Kurdish society after the establishment of the new Turkish republic. Many scholars have criticized the nationalistic policies of past Turkish governments in this respect. According to Cornell, the new Turkish state was established by Atatürk on the basis of the Turkish identity as a unitary state along the lines of France. Atatürk was aiming to create a modern homogeneous state in Turkey. Atatürk's nation-building project was to become one of the most successful efforts in history and was open to everyone who desired to become a Turkish citizen.<sup>13</sup> In one of his speeches Atatürk gave an indication of his views regarding Turkish nationalism when he said: "The persons who are purposefully present here to make up the sublime Assembly of yours are composed of not only Turks, not only Circassians, not only Kurds, not only Laz. But they are a combination of elements of Islam, a genuine convention."<sup>14</sup> Metin Heper has stated that:

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<sup>12</sup> Mesut Yeğen, "Kürt Sorunu için Çözüm Önerileri," *Stratejik Düşünce Enstitüsü* (2011): p. 7.

<sup>13</sup> Svante E. Cornell, "The Kurdish Question of Turkish Politics," *Orbis*, vol. 45, no. 1, (2001): p. 31.

<sup>14</sup> Levent Köker, "A Key to the "Democratic Opening": Rethinking Citizenship, Ethnicity and Turkish Nation-State", *Insight Turkey*, vol. 12 no. 2 (2010): p. 54-55

“The Turkish state has not resorted to forceful assimilation of the Kurds, because the founders of the state had been of the opinion that for long centuries, both Turks and Kurds in Turkey, particularly the latter, had gone through a process of acculturation, or steady disappearance of cultural distinctiveness as a consequence of a process of voluntary, or rather unconscious, assimilation.”<sup>15</sup>

However, the Turkish nation-building project was criticized in some respects. According to Cizre, Turkish government accepted the diversity and pluralism as against the Turkish state’s unitary structure. For that reason, young Turkish state aims to assimilate Kurdish identity. By this way, Turkish government aimed to create civic nationalism with merging the Kurdish and Turkish society under the religious umbrella and increasing the Turkishness with assimilating other ethnic groups.<sup>16</sup> On the other hand, Yıldız explained that, the “mono-ethnic” structure of the new Turkish republic aimed to eliminate the existence of Kurdish society in Turkey.<sup>17</sup> Kerim Yıldız also argues that ethnic diversity was ignored by Atatürk’s’ nation building project. The Kurds, for example, were not recognized as a minority group in Turkey. As argued by Turgut, former Turkish governments consistently rejected the existence of Kurdish society as a different ethnic society in Turkey. Although, Kurds in Turkey could become prime minister or even president, they could only identify themselves as Turkish citizens not as being Kurdish.<sup>18</sup> Turkish governments always tried to protect the unitary character of Turkey, but this nationalistically based approach contributed to the rise of Kurdish nationalism in the Turkey. According to Cornell the aim was to decrease the cultural differences and to increase the single unique

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<sup>15</sup> Metin Heper, *The State and Kurds in Turkey: The Question of Assimilation* (Houndmills, UK and New York, Palgrave Macmillan, 2007): p. 6.

<sup>16</sup> Ümit Cizre, “Turkey’s Kurdish Problem: Borders, Identity and Hegemony” <http://ydemokrat.blogspot.com/2010/10/umit-cizres-turkeys-kurdish-problem.html> (Accessed January 20, 2012)

<sup>17</sup> Kerim Yıldız, *The Kurds in Turkey*, (London, Pluto Press, 2005): p. 4.

<sup>18</sup> Pelin, Turgut, “Behind Turkey’s Kurdish Problem,” *Time World News Paper*, (24 October 2007) available on <http://www.time.com/time/world/article/0,8599,1675165,00.html>, (Accessed September 22, 2011)

characteristic power of Turkey.<sup>19</sup> Thus, Turkey rejected the calls of Kurdish nationalism for more freedoms and rights. Elphiston argues that nationalism in Kurdish society was not unreasonable. Every society for example, wants to get education in its own language, so it was normal that the Kurds wanted this too. That this was prevented by the Turkish governments' nationalist policies was evidence, he argues, of their aim of assimilating the Kurds.<sup>20</sup> Indeed, the prohibition of the Kurdish language by Turkish governments could be regarded also as part of the assimilation process.

The effect of the PKK is another highly debated aspect of the Kurdish problem in the literature. Some writers argue that the PKK has carried the dimensions of the Kurdish question from those of a social movement into terrorist activities. According to Cornell, the negative effects of the PKK problem were reflected in Turkish governments' Kurdish politics, causing Kurdish society suffer from both the repressive activities of the PKK and the politics of Turkish government.<sup>21</sup> According to Gunter, the PKK almost became successful to challenging the Turkish policy over the Kurdish society.<sup>22</sup> Gunter highlights how the Kurds were dismissed and ignored by the Turkish authorities and even referred to as "Mountain Turks." The PKK showed success in building-up pressure on Turkish governments in order to change their policies on the Kurds.<sup>23</sup> On the other hand, Ciment states that, the "Turkish governments' strategy to end the Kurdish conflict was simple: overwhelming force

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<sup>19</sup> Svante Eric Cornell, "The Kurdish Question of Turkish Politics," *Orbis*, vol. 45, no. 1 (2001): p. 32.

<sup>20</sup> E.G. Elphiston, "Kurdish Question," *Royal Institute of International Journal*, vol. 22, no. 1 (2005): p. 91.

<sup>21</sup> Svante Eric Cornell, "The Kurdish Question of Turkish Politics", *Orbis*, vol. 45, no. 1 (2001): p. 40.

<sup>22</sup> Michael. M. Gunter, "The AKP Catalyst," *Georgetown Journal of International Affairs* (2008): p. 64.

<sup>23</sup> *Ibid.*

or, as one Kurdish writer put it, ‘all stick and no carrot’.<sup>24</sup> In the process of the fight against the PKK the Turkish government ignored Kurdish society’s social demands. According to Kerim Yıldız, the “War on Terror” brought new legitimacy for the Turkish authorities efforts to suppress Kurdish nationalistic demands and led to an intensification of their anti-Kurdish policies.<sup>25</sup> According to Kocher, conflict between the Turkish state and the PKK ultimately took the form of a civil war, as a consequence of which thousands of people were killed and many more suffered.<sup>26</sup> Of course, it could be argued that, Turkey did not actually aim to implement “anti-Kurdish policies,” but that these were side effects of the necessary tough politics that were introduced in order to maintain the internal security and social order of the region in the face of PKK attacks. The Turkish army was the primary institution tasked with providing this order.

According to the 1982 Turkish constitution:

“The mission of the Turkish Armed Forces is to defend and protect the Turkish land and the Turkish Republic, the characteristics of which are defined by the Constitution, against internal and external threats. Turkish government and Army are responsible for the maintenance of internal security as well as for the protection of public order in Turkey.”<sup>27</sup>

As explained above, maintaining social order and even the protecting of fundamental rights and freedoms are designated as basic constitutional tasks set for the Turkish army. Yıldız, however, suggests that in conducting their military operations, state

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<sup>24</sup> James Ciment, *The Kurds State and Minority in Turkey, Iraq and Iran*, (New York, Plenn Plaza, 1996): p. 51.

<sup>25</sup> Kerim Yildiz, “The Kurds in Turkey: EU Accession and Human Rights, (London: Pluto Press, 2005): p. 11.

<sup>26</sup> Matthew Kocher, “The Decline of PKK and the Viability of a One-state Solution in Turkey,” *MOST Journal on Multicultural Societies*, vol. 4, no. 1 (2002): p. 4.

<sup>27</sup> 1982 Turkish Constitution, “Defense and Security policy structure of Turkey,” Turkey’s National Security Council Declaration, [www.turkishconsulategeneral.us/abtturkey/govt/secr.shtml](http://www.turkishconsulategeneral.us/abtturkey/govt/secr.shtml), (Accessed July 18, 2011)

security forces not only targeted the PKK but also non-PKK Kurdish nationals.<sup>28</sup> Thousands of villages were destroyed during these military operations, leading to much civilian suffering.

The impact of the EU candidacy process on the Kurdish problem is also a matter of debate in the literature. Some academics argue that the EU process has had a positive impact on the Kurdish problem. Polat, for example, has stated that Turkish democracy began to develop and reforms began to be introduced, particularly in the field of human rights, as a result of the advance of Turkey's EU candidacy process.<sup>29</sup> With the initiation of Turkey's EU candidacy the importance of the Kurdish problem increased. According to, "Pro-European liberals ...[in] pursuing liberal democratic reforms as part of the EU accession process... the transformation of Turkey into a truly multi-cultural polity, in which the principle of 'unity in diversity' becomes the inter-subjectively shared motto, would be of help."<sup>30</sup> Both academics and the Commission have emphasized the need for democratic reforms and the reaching of a civilian-led solution to the Kurdish problem in Turkey. According to Yıldız, most Kurds have supported the EU accession process seeing it as offering the best option for the protection of their democratic rights and status in Turkey. It could be solution to ignored problem of the Kurds in the southeastern Anatolia.<sup>31</sup> With the arrival of the AKP, the Turkish liberal and civilian perspective on the Kurdish problem came to the agenda. According to Gunter, AKP followed moderate nationalist, Islamist and liberal economic policies with the goals of democratizing Turkey and leading it

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<sup>28</sup> Kerim Yildiz, *The Kurds in Turkey: EU Accession and Human Rights*, (London: Pluto Press, 2005): p. 16.

<sup>29</sup> Rabia Karakaya Polat, "The AKP and the Kurdish Issue: What Went Wrong?" *Policy Brief* No.14, (May 2008): p. 2.

<sup>30</sup> Tarık Oğuzlu, "Turkey's Northern Iraq Policy: Competing Perspectives", *Insight Turkey journal*, vol. 10, no. 3, (2008): p. 10.

<sup>31</sup> Kerim Yildiz, *The Kurds in Turkey: EU Accession and Human Rights*, (London: Pluto Press, 2005): p. 28.

further down the EU road.<sup>32</sup> Karavelli explains how the AKP's "Kurdish opening" attempted to bring together academics and Kurdish regional representatives in order to find ways of resolving the points of deadlock regarding the Kurdish problem and emphasized the possibilities for finding a solution to the problem through negotiation.<sup>33</sup> The European Union's conditionality has also now constituted a critical dimension to the Kurdish problem because it requires, amongst other things, comprehensive reforms on human rights. It means that in order to complete the EU accession process the AKP must make sure Turkey fulfills the Copenhagen criteria for EU membership. As argued by Tocci, there has been a significant impact of the European Union on Turkish policies about the Kurdish issue. The European Commission has helped lead the Turkish transformation towards modern democracy, in particular requiring the elimination of human rights abuses and strengthening of the quality of democracy in Turkey.<sup>34</sup> The EU has therefore been instrumental in encouraging the view that a beneficial solution to the Kurdish problem can only be found through the introduction of democratic reforms and liberal policies.

## **1.2 Objective of Thesis**

The aim of this thesis is to investigate the structure of the Kurdish problem and the impact of the AKP's legislative reforms, taking into account the different arguments related with the issue. In this respect, the significant research questions of this thesis are: What have been the effects of the EU process on the Kurdish problem? What are the expectations from Turkey of the EU Commission about minority rights in the EU accession process? This thesis also aims to answer the following questions: Who are

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<sup>32</sup> Michael. M. Gunter, "The AKP Catalyst", *Georgetown Journal of International Affairs* (2008): p. 65.

<sup>33</sup> Halil M.Karaveli, "Reconciling Statism with Freedom Turkey's Kurdish Opening," *Silk Road Paper*, Washington (2010): p. 7-8.

<sup>34</sup> Nathalie Tocci, *The EU and Conflict Resolution*, (New York, Routledge, 2007): p. 66.

the major players in the Kurdish problem? How did the AKP develop its strategy on the Kurdish issue? What have been the major policies of the AKP for dealing with the Kurdish problem? What new reforms has the AKP introduced concerning minority rights? How does the AKP define the Kurdish problem? In addition, another goal of this thesis is the highlighting of the significance of the liberal perspective in overcoming the Kurdish problem in a rapidly changing and evolving world.

### **1.3 Methodology**

In this thesis use will be made mainly of secondary sources such as books and journal articles, as well as of newspaper reports and interviews. Furthermore, historical documents, official documents of the Turkish Ministry of EU Affairs, information, statements, declarations and documents available from official web sites such as those of the Turkish General Staff and Prime Ministry, and of the European Union and United Nations will also be used. In addition to this, TV and radio speeches, research papers and academic thesis will be examined as part of this research.

Among primary sources used, the main emphasis will be on those such as related international laws and European Commission progress reports will be investigated.

### **1.4 Significance of the Study**

This thesis is important because it examines a topic that has brought deadlock in Turkey. As long as Turks and Kurds continue to live together under the umbrella of the same state, as they have done throughout much of their history, they need to overcome existing challenges. Based on this opinion, this study examines the

Kurdish problem and how the AKP has tried to reconstruct the framework of relations with a liberal approach. The level of success it has achieved will also be evaluated. The importance of the study is increased further by the fact that it examines the association of the European Union and the new international dimension to developments concerning the Kurdish question that has emerged as a result of Turkey's EU accession process. Finally this thesis is important because it shows the importance of civilian and democratic perspective in finding solutions to minority problems.

### **1.5 Structure of Thesis**

The study consists of six chapters. This first chapter includes the introduction and background information about the topic. A general literature review is also provided. Furthermore, methodology, significance of the thesis and objective of the thesis are explained in this chapter.

In the second chapter, there is an analysis of the concepts of minorities and minority rights and the historical background to the development of minority rights issues is given. In a related manner, the concept of self-determination is also examined in this chapter.

In the third chapter, there is an evaluation of the historical origins of the Kurdish problem. In addition, the related historical background of Turkish-Kurdish relations, are also analyzed and special reference is made to the different perceptions and perspectives of former Turkish policies on the Kurdish problem until the EU accession process. Furthermore, the Kurdish society in the Iraq and Syria also examined in order to compare with the conditions of Kurds in Turkey.

The fourth chapter examines Turkey's EU negotiation process. Together with a brief survey of the development of the European Union and the foundations of Turkey's relations with the European Union, the minority rights regime in Turkey and the EU perspective on Kurdish problem in Turkey are also studied in some detail.

The fifth chapter examines the restructuring policies of the AKP on the Kurdish problem. The initial perceptions of the AKP on the Kurdish problem when the party was first formed and the impact of the EU on the democratization process in Turkey are examined in this chapter. In this respect, special emphasis is placed on the AKP's "Kurdish opening" and its relationship to European Union criteria.

The last chapter summarizes the thesis findings and provides final conclusions.

## **1.6 Conclusion**

The Kurdish problem has existed since the establishment of modern Turkey. Turks and Kurds share common history, traditions and customs and have been living together for centuries. However, changing domestic, regional, and global conditions and the emergence of the minority rights issue has led to conflict between the Turkish state and Kurdish society. The level of popular involvement and the dramatic element of conflict related to the Kurdish issue increased especially after the establishment of the PKK in 1984. The establishment of the PKK increased tensions in southeastern Anatolia and emphasis was placed on military policies rather than on political and democratic solutions. The negative effects of these developments increased antagonism particularly among the younger generations of ethnic Turks and Kurds. The force of ethnic nationalism in Turkey gained strength. After the EU candidacy process began, however, the authorities began to change its strategies

regarding the Kurdish problem. More democratic and more peaceful tactics began to be employed by AKP governments. Thus the European Union process has provided an important opportunity for solving the problem through the implementation of liberal and democratic solutions. These are the issues that will be addressed in the following chapters.

## **Chapter 2**

# **MINORITY RIGHTS, THE CONCEPT OF MINORITY AND SELF-DETERMINATION RIGHTS OF KURDS IN TURKEY**

### **2.1 Introduction**

The concept of “minority” is one of the key matters related to the Kurdish problem. Although, from the beginning of the Republic of Turkey, Muslim groups were not accepted by the state as minorities, the Kurds, with the largest share of the population after the Turks, began to demand minority rights from the Turkish government. With the issue of minority rights being interconnected with the basis of human rights, it was not surprisingly to become a major concern in Turkey’s EU accession process. The European Commission, in particular, has emphasized that Turkey’s Kurdish problem is a key human rights issue for Turkey. This has raised the importance of clarifying the meaning and status of minorities in Turkey. For this reason, this chapter tries to examine the concept of minority, the historical background of the minority rights issue and the concept of self-determination in greater detail.

Firstly, it is critical to make clear what a “minority” stands for and “who” minorities are or can be, before beginning to discuss minority rights in Turkey. As explained by Capotorti, Special Reporter of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, a minority can be defined as:

“A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members—being nationals of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.”<sup>35</sup>

Minority groups gained importance especially after the collapse of big empires and feudal systems which was followed by the establishment of nation-states. The general problem for minority groups has been the discrimination which they have faced within their existing nation-states. The bases for such discrimination can be found in a variety of areas such as those referred to in the above quotation, and especially in areas like differences in language and religion. Barten highlights that: “Regarding minorities... problems occur when a group and the state do not agree on the group’s existence as a minority.”<sup>36</sup> Minorities became a major subject in world politics because they are directly related not just to the subject of human rights, but also to the issue of the territorial integrity of nation-states. However, some people argue there is a lack of clear definition of what constitutes a “minority”, creating an important barrier for making appropriate laws and putting these into force. Mollay argues that seeking a scientific explanation of what the meaning of a “national minority” is, has been a highly debated problem for a long time. Likewise, the main problem in international law has also been that of finding a universal definition for the concept of minorities.<sup>37</sup>

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<sup>35</sup> “Minority Rights: International Standards and Guidance for Implementation,” United Nation Human rights Office of High Commissioner Paper (2010): p. 2. [http://www.ohchr.org/Documents/Publications/MinorityRights\\_en.pdf](http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf) (Accessed January 8, 2012)

<sup>36</sup> Ulrike Barten, “Minority Rights in the European Union after Lisbon,” *European Centre for Minority Issues*, Working Paper (2010): p. 6. <http://www.uaces.org/pdf/papers/1102/barten.pdf> (Accessed October 7, 2011)

<sup>37</sup> Tove Mollay, *National Minority Rights in Europe*, (New York, Oxford University Press, 2005): p. 19.

Parallel to the rise in importance of minorities, minority rights became a vital part of human rights focused on by international organizations such as the United Nations, the Council of Europe and the European Union. Minority rights are codified and converted into laws in order to protect rights of minorities within states. In this respect, the writing of minority rights into law is seen as necessary in order to guarantee the existence and security of the minorities and to prevent any conflict between minorities and the nation-state. Henrard claims that where there are multicultural populations within the nation-state, there is also often a need for ethnic conflict prevention and conflict resolution mechanisms.<sup>38</sup> It could also be argued that there are also different perceptions on the issue of minorities in different countries and this therefore also affects the level of protection and application of laws concerning minority rights. International organizations often try to follow whether or not minority rights are being observed and may even take actions seen as necessary for minority protection, but it is very hard for them to apply principles equally in every member state. The reason for this relates not only to the general weaknesses of international organizations, but also to the fact that every state has a different concentration of minority populations with different characteristics.

## **2.2 Historical Background of Minority Rights**

The most critical time for the emergence of minority rights as an issue in international relations was the first half of the 20<sup>th</sup> Century, and no doubt two major events leading to this development were the consequences of World Wars I and II. As a result of these general wars the territorial borders of many states were changed. In this respect, many new minority groups were left inside new territories which had

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<sup>38</sup> Kristin Henrard, "The Interrelationship between Individual Human Rights, Minority Rights and the Right to Self-Determination and Its Importance for the Adequate Protection of Linguistic Minorities," *The Global Review of Ethno politics*, vol. 1 no. 1 (September 2001): p. 34.

become sovereign nation-states. Wolff points out that the most important factors in the creation of ethnic minorities over the past century or so have been the Balkans Wars, World Wars I and II, and the collapse of the Soviet Union, Czechoslovakia and Yugoslavia in the post-Cold War period.<sup>39</sup> Increasingly protection of minority rights protection began to be discussed in a worldwide context especially by international organizations.

Preece points out those minorities can be as groups which are religiously, linguistically and/or ethnically different from the existing majority of society. One of the first international conceptualizations of the 'minority' was made in 1919 during the Paris Peace Conference. Organized following World War I the political leaders and diplomats of more than 30 different countries and nationalities attended this conference.<sup>40</sup>

The establishment of the United Nations was an important development in the recognition of minority rights starting with their inclusion in the UN Charter. The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities was to draft the International Covenant on Civil and Political Rights (ICCPR). This Covenant was the starting point for discussing minority protection and the first truly vital and binding document which covered the protection of minorities.<sup>41</sup> Another major effort by the UN was made in December 1992 with the adoption of a non-treaty text devoted to minority rights called the UN Declaration on the Rights of

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<sup>39</sup> Stefan Wolf, "Ethnic Minorities in Europe: The Basic Facts," Centre for International Crisis Management and Conflict Resolution, p. 4. <http://www.stefanwolff.com/files/min-eu.pdf> (Accessed October 2, 2011)

<sup>40</sup> Jeniffer Jackson Preece, *Minority Rights*, (Cambridge, Polity Press, 2005): p. 11.

<sup>41</sup> Dragana Kovacevic, "International Minority Protection System," *Ethnicity Research Center*, Belgrade, (2010): p. 3.

Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.<sup>42</sup>

Though these were important steps towards creating a stable understanding of minority rights around the world, it has not been so easy to put the principles outlined in such documents into action.

Minority rights protection was and still is a leading issue on Europe's agenda because in many European countries there are minority groups which play important roles in different states' governments, education, languages and cultures. As explained by Kovacevic, the internationalization of the minority rights protection process was started by the Council of Europe in the 1950s with the putting into force of the Convention for the Protection of Human Rights and Basic Freedoms. This was followed by other documents such as the creation of the European Charter on Regional or Minority Languages in 1992. Three years later, the Framework Convention for the Protection of National Minorities also became a further multilateral instrument of minority protection in Europe.<sup>43</sup>

The Council of Europe, OSCE (Organization for Security and Cooperation in Europe) and EU have been key actors involved in creating, regulating and putting into action minority rights. One may argue that establishment of the European Court of Human Rights (ECHR) on 21 January 1959 was a central development in showing how Europe was becoming more and more conscious of the need for the protection of minorities than it ever had been in the past. The establishment of the ECHR significantly increased the protection of minority rights and prevented human rights violations related to minority groups.

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<sup>42</sup> Ibid, p. 3.

<sup>43</sup> Ibid. p. 4.

On the other hand, despite the fact that positive international developments have occurred in the area of minority rights, it is also a fact that there are still in practice unresolved complexities and ambiguities in the approach to the protection of minorities. For example, the right to make self-determination which is recognized in the UN Charter is another significant concept related to minority rights, but also to the territorial integrity of a country. It can not be applied in all cases because it is very hard to determine which minority groups are eligible to use the right to self-determination and which are not. So, although, self determination right is often considered a right for minorities they can not all make use of it. And further, when we look at history, we can also see big differences in countries about the way they perceive the question of minority protection and rights.

### **2.3 Right to Self-Determination: The Kurds in Turkey**

As indicated above, there have been serious debates about the right to self-determination. The historical background of the concept of self-determination is not, however, too old a matter. The idea of self-determination began to become a particularly powerful political idea that emerged, “in the aftermath of World War I and the breakup of the Ottoman and Austro-Hungarian empires as a demand of national groups seeking to divide territory.”<sup>44</sup> The concept of self-determination was not introduced only for nations; it was also introduced for all people. The concept requires that, “all people and communities have a right to determine their political status and freely pursue their economic, social, and cultural developments.”<sup>45</sup> However, it does not mean that all minorities have a right to declare their

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<sup>44</sup> Patricia Carley, “Self-Determination, Sovereignty, Territorial Integrity, and Right to secession,” Report from a Roundtable held in conjunction with the U.S. Department of State’s Policy Planning Staff, (2995): p. 5.

<sup>45</sup> “Self-determination,” <http://www.unpo.org/article/4957> (Accessed January 20, 2012)

independence from existing states, because according to UN declarations states have the right to protect their national borders and the unity of their countries. This, therefore, leads to the idea that efforts for self-determination could be understood as “secessionist acts” that can create unacceptable social disorder and conflict in countries.<sup>46</sup>

The right to self-determination of minorities can be analyzed from two levels: the first is that of internal self-determination and the second is that of external self-determination. According to van Praag:

“Internal self-determination can also mean the right to exercise cultural, linguistic, religious or (territorial) political autonomy within the boundaries of the existing state. By external self-determination (described by some as “full” self-determination) is meant the right to decide on the political status of a people and its place in the international community in relation to other states, including the right to separate from the existing state of which the group concerned is a part, and to set up a new independent state.”<sup>47</sup>

In the Kurdish problem the question of self-determination plays a significant part as a topic of argument. The demand for self determination of Kurdish society is a particularly controversial issue in terms of the unitary character of the Republic of Turkey. Many Turks fear that any recognition of this right, whether in its “internal” or “external” form, would ultimately give the chance to Kurdish society to establish an independent state. It is not, however, that easy to claim and use a right to self-determination.

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<sup>46</sup> Syed Robayet Ferdou, “Self Determination: Idea and Pragmatism, Asian Affairs, vol. 29, no. 3 (Oxford University Press, July-September, 2007): p. 33.

<sup>47</sup> Michael C. van Walt van Praag, “Implementation of the right to self determination as a contribution to conflict prevention,” Report of the International Conference of experts held in Barcelona from 21 to 27 November 1998, p. 13.

James Ciment has emphasized that Turkish governments have always acted to prevent the Kurdish efforts for self-determination. “Kurds are ethnically distinct from the majority populations and they have been repressed... Kurds have been subject to deportation, mass murder, political repression, forced assimilation, and large-scale military assault,” he argues.<sup>48</sup> According to Ciment, Kurds are entitled therefore to get minority rights and the right to self-determination. Eric Cornell provides a different explanation and legal basis of justification concerning Kurdish nationalist claims. He argues that, for most of the Western countries, the Kurdish problem can be seen as being related to the demands of a national liberation movement. However, Cornell explains that, after the collapse of the Ottoman Empire, many countries and nations became independent, with the ultimate settlement that was made in the post-War environment being the Treaty of Lausanne that was signed between the Allied States (England, France, Italy) and Turkey. This treaty determined whom the minority groups (Greeks, Jews, Armenians) in Turkey were to be. As a consequence of not being defined as a minority in this treaty the Kurds can not demand the right of self-determination.<sup>49</sup> Furthermore, any effort to establish a state of “Kurdistan” on Turkey’s land is contrary to the territorial integrity principle of international law. So, this could only be possible with the consent of the Turkish government to the division of its national borders.

## **2.4 Conclusion**

The Kurdish Problem Can Be Seen As A Nationalist Movement Of The Kurdish People For Increasing Their Power In The Region With The Ultimate Goal Of Independence. According To David Romano, “Ethnic Minorities Mobilize For Power

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<sup>48</sup> James Ciment, p. 6.

<sup>49</sup> Eric Cornell, Turkey's Kurdish Question, (USA, Rowman & Littlefield Publisher 1998): p. 54.

And Recognition To Create Their Own Countries, Obtain Autonomy, Or Cultural Rights.”<sup>50</sup> He Argues That, Especially With Its Large Population, Because The Kurds Are Ethnically Different From The Turks And Because They Live Together As A Group Concentrated Within An Identifiable Territory, Kurdish Society’s Demands For Minority Rights From Turkish Governments Are Acceptable.<sup>51</sup> Further, Romano States, The Kurds Have The Right To Call For Autonomy Or Even Independence From The Turkish State. This, However, Is An Extremely Controversial Position, Especially Considering That Turkish Governments Have Never Even Formally Recognized The Kurds As A Minority Group And Their Demands For Minority Rights Do Not Comply With Either The Treaty Of Lausanne Or The Constitution Of Turkey. On The Other Hand, It Could Be Argue That This Approach Also Raises The Need To Examine The Kurdish Problem In Terms Of Security Issues Too, Because Demands Of Kurds For Autonomy Or Potentially Even Independence Are Considered To Threaten Turkey’s Territorial Integrity. Further, Self-Determination Is Not An Absolutely Unlimited Right To Be Used Freely By All Minorities In The Existing World System And There Are Many Multicultural States With Their Own Minorities (Such As France And Spain) That Have Resisted Real Or Perceived Threats To Their Territorial Integrity From Minorities.

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<sup>50</sup> David Romano, *The Kurdish Nationalist Movement Opportunities, Mobilization and Identity* David Romano, (New York: Cambridge University Press, 2006): p. 277.

<sup>51</sup> *Ibid*, p. 277.

## Chapter 3

# THE HISTORICAL BACKGROUND OF THE KURDISH PROBLEM AND THE TURKISH POLICIES ON THE KURDISH ISSUE

### 3.1 Introduction

The Kurds and Turks have a long historical relationship. Indeed, during the Ottoman they formed quite a merged and homogeneous society united under the religion of Islam. Despite certain disturbances, this relationship was essentially maintained during the early decades of the Republic of Turkey. However, in the beginning of the 1980s, relations deteriorated significantly following the establishment of the PKK whose terrorist activities seriously increased tensions particularly in the southeastern parts of Anatolia. The emphasis thereafter placed by various Turkish governments on military operations with the objective of ending PKK activities deepened the Kurdish problem rather than solving it. Before analyzing the roots of the Kurdish problem and examining the policies of former Turkish governments and leaders, it will be useful to explain in a little more detail the nature of Kurdish society.

### 3.2 The Kurdish Nation

The Kurds form one of the largest ethnic groups in the Middle East. Of a total population of around 30 million Kurds about half live in Turkey.<sup>52</sup> The Kurdish

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<sup>52</sup> Kerim Yıldız, *The Kurds in Turkey EU accession and Human Rights*, (London, Pluto press, 2005): p. 4.

people are commonly referred to as a nation without a state.<sup>53</sup> They are, “widely believed to be the largest group of stateless people in the world.”<sup>54</sup>

The Kurdish nation has an old historical background. According to Yıldız, the Kurds’ recorded history goes back to 4000 years ago;<sup>55</sup> they came from Mesopotamian region.<sup>56</sup> However, significant differences also exist among the Kurds. Most notably, there is a sizeable Shia group within the mainly Sunni Kurdish society and technically the, “Kurds do not have a single common language, but most widely spoken Kurdish dialects are Kurmanji and Sorani which are mutually understandable.”<sup>57</sup> There has been no formal education in the Kurdish language permitted in Turkey, so, almost all Kurdish children there have learnt Kurdish from their parents which has also limited linguistic standardization. Within Turkey, the majority of Kurds live in the southeastern provinces of Mardin, Siirt, Hakkari, Diyarbakır, Bitlis, Muş, Van and Ağrı. Significant numbers also live in the provinces of Urfa, Adiyaman, Malatya, Elazığ, Tunceli, Erzincan, Bingöl, and Kars. However, there are also a large number of Kurdish people who live in the western part of Turkey, most of whom have migrated to urban areas seeking work and better standards of living.

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<sup>53</sup> James Ciment, *The Kurds, State and Minority in Turkey, Iraq and Iran*, (New York, Penn Plaza, 1996): p. 1.

<sup>54</sup> Kerim Yıldız, *The Kurds in Turkey EU accession and Human Rights*, (London, Pluto Press, 2005): p. 4.

<sup>55</sup> *Ibid.*

<sup>56</sup> <http://www.washingtonpost.com/wp-srv/inatl/daily/feb99/kurdprofile.htm>, (Access July 18, 2011)

<sup>57</sup> Kerim Yıldız, *The Kurds in Turkey EU accession and Human Rights*, (London, Pluto Press, 2005): p. 5.

### 3.3 Historical background of Kurdish-Turkish Relations

The Turkish and Kurdish people started to live together during the Ottoman period. In the Ottoman era, there were no nationalistic divisions in the empire. The Ottoman Empire was established on the basis of a religious system. There were only Muslim and non-Muslim societies in the Empire. As explained by Henri J. Barkey and Graham E. Fuller; the Kurds were a part of Ottoman society just like other Muslim groups because religion-based diversity, not ethnic diversity, was the foundation of the political and legal system.<sup>58</sup> Thus, all Muslims such as the Arabs, Turks and Kurds were united under a single religious umbrella. “Even if their languages and cultures differed, their religion basically did not: Sunnis were all equally Muslims and believers; ethnic and linguistic differences among them were of no legal consequence.”<sup>59</sup> Thus, in the Ottoman Empire, there was no concept of the Muslim minority in legal terms. Only non-Muslim groups were accepted as minority groups, like the Jewish and Armenian communities. During most of this time the religious-based system worked smoothly. All groups accepted this system and the Kurds did not rebel en masse against the empire.

The Ottoman Empire entered World War I on the side of the Central Powers against the Allied states. However, the Central Powers were defeated in the War and the Ottoman Empire was forced to sign the Treaty of Sevres with the Allied states. By signing this agreement the victorious states intended to break-up the power of Ottoman Empire and part of this effort was to establish Armenian and Kurdish states in southeastern Anatolia. According to Article 64 of this treaty;

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<sup>58</sup> Henri J. Barkey, Graham E. Fuller, “Turkey’s Kurdish Question,” *Foreign Affairs* (1998): p. 3. <http://www.wilsoncenter.org/subsites/ccpdc/pubs/kur/kurfr.htm>, (Accessed August 19, 2011)

<sup>59</sup> *Ibid.*

“If within one year from the coming into force of the present Treaty the Kurdish peoples within the areas defined in Article 62 shall address themselves to the Council of the League of Nations in such a manner as to show that a majority of the population of these areas desires independence from Turkey, and if the Council then considers that these peoples are capable of such independence and recommends that it should be granted to them, Turkey hereby agrees to execute such a recommendation, and to renounce all rights and title over these areas.”<sup>60</sup>

They aimed to surround the mainly Turkish populated lands and control the Turks activities within Anatolia. Thus, the Treaty of Sevres was an important turning point for Kurdish society because it provided the first big chance for them to establish their own state. However, Turkish society’s war against the occupying powers during the War of Liberation showed that the Treaty of Serves was not to be accepted by the majority of Turkish society or even of the Kurds.

The Turkish War of Independence began in 1920 and was led by Mustafa Kemal Atatürk who aimed to establish a unitary independent state in Anatolia. During the War, Atatürk successfully gained the support of the Kurdish people as well as various other ethnic groups.

“In the beginning of the War of Independence, Kemal often invoked the equality of Turks and Kurds, the commonality of the struggle, and the brotherhood of the two peoples. In his first speech to the newly gathered parliament in April 1920, Mustafa Kemal argued that the parliament was not composed of the representatives of Turks, Kurds, Circassians and the Laz, but rather the representatives of a strongly unified Islamic Community. Kemal had even envisaged, according to some accounts of his speeches and conversations with journalists, that where Kurds were in a majority they would govern themselves autonomously.”<sup>61</sup>

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<sup>60</sup> The Treaty of Sevres, (From: The Treaties of Peace 1919-1923, *Carnegie Endowment for International Peace*, vol. 2, no.1 New York (1924.) p. 29.

<sup>61</sup> “Origins of Kurdish problem,” p. 5.

<http://www.wilsoncenter.org/subsites/ccpdc/pubs/kur/chap01.pdf> (Access September 12, 2011)

Moreover, the first independence activities were actually started in the Kurdish regions. Thus, the general support of the Kurdish people for the War of Independence indicates that there was no major problem between Turkish and Kurdish people during this period. There were though two movements of the Kurds which raised the conflict between the Turks and Kurds in the early years of the Turkish Republic: The first was the Sheik Said rebellion and the second the Kurdish Dersim movement. These two events were significant indicators of the emerging Kurdish problem in the early republican period. However, in both cases the Turkish armed forces ended the movements without their growth to a degree that threatened the Republic.

The Sheik Said Rebellion began was a secessionist movement that began in 1925 in the Muş region aiming to create a Kurdish uprising throughout southeastern Anatolia. Sheik Said, who was a religious leader, organized the rebellion and succeeded in gathering certain Kurdish groups in Muş and other rural areas of southeastern Anatolia to support the rebellion. He used religion to mobilize the Kurdish society. As Akyol stated, though, Sheik Said had intended to occupy the largely Kurdish province of Diyarbakır, he failed to get the support of the people of Diyarbakır community who remained loyal to the Republic of Turkey.<sup>62</sup> The rebellion was the after suppressed by the Turkish government before it could spread

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<sup>62</sup> Mustafa Akyol, "The origin of Turkey's Kurdish Question: An Outcome of the Breakdown of the Ottoman Ancien Regime," a thesis prepared by Mustafa Akyol in partial fulfillment of the requirements for the Master of Arts degree at the Atatürk Institute for Modern Turkish History, (2006): p. 59.

any further.<sup>63</sup> Bernard Lewis has actually suggested, “the rebellion gave a greater impetus to Kemal’s efforts at secularization and repressing religious orders.”<sup>64</sup>

Another important movement of the Kurds occurred in Dersim. Dersim was the name of an area and big tribe in what is now known as the Tunceli region. As explained by Akyol:

“In 1920-21, during the early days of the Turkish War of Independence, an uprising, led by the influential Koçgiri tribe, broke out among the Alevi Kurds of western Dersim and Sivas. A large number of local leaders united behind the demand of autonomy for Kurdistan. They sent telegraphic ultimatums to the Grand National Assembly demanding the release of Kurdish prisoners, the withdrawal of non-Kurdish officials from Kurdistan, the recognition of autonomy, and later even complete independence.”<sup>65</sup>

Such demands and developments continued in the region for several years until the Turkish government finally took action to decisively suppress the movement in 1938. According to Kerim Yıldız, even though Turkish forces successfully ended the movement, many people died as a result of the military operation. Further to this, the Turkish government also systematically transferred Kurds in the area to other parts of the country in order to decrease the Kurdish population in the region.<sup>66</sup>

### **3.4 The Roots of the Kurdish Problem**

On the surface and for many, the Kurdish problem relates to an ethnic group’s demand for independence. In fact, however, this situation is not only related to

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<sup>63</sup> Gareth M. Winrow and Kemal Kirişci, *Kürt Sorunu kökeni ve Gelişimi*, (Istanbul, Frank Cass Press, 1997): p. 109.

<sup>64</sup> Bernard Lewis, *The Emergence of Modern Turkey* (London: Oxford University Press, 1961)

<sup>65</sup> Mustafa Akyol, “The origin of Turkey’s Kurdish Question: An Outcome of the Breakdown of the Ottoman Ancien Regime,” a thesis prepared by Mustafa Akyol in partial fulfillment of the requirements for the Master of Arts degree at the Atatürk Institute for Modern Turkish History, (2006): p. 29.

<sup>66</sup> Kerim Yıldız, *The Kurds in Turkey EU accession and Human Rights*, (London, Pluto press, 2005): p. 16.

secessionist ideas and actions or to internal security. At the roots of this problem are actually multiple vital determinants like the non-recognition of Kurdish identity in the establishment of the Republic of Turkey, the structure of Kurdish society, the PKK problem and underdevelopment in southeastern Anatolia. However, these are more often ignored aspects of the Kurdish problem.

In reality, the Kurdish problem started with the establishment of the Republic of Turkey. The new republic was established on the basis of Turkish nationalism. Atatürk did not claim to establish a state ruled over only by ethnic Turks. There were many other ethnic groups and the commonly used term of “72.5 nations”, used to describe the multitude of different components of the populace, showed how Turkey was made up of numerous ethnic groups. Some of these ethnic groups had settled in Turkey before World War I, others had been forced to migrate to Turkey from different regions of the world like the Balkans and Asia. The new republic was established by Atatürk on the basis of the French-type unitary structure with the aim also of creating a more homogeneous society.<sup>67</sup> Atatürk intended to establish a form of civic nationalism which required the common adherence to the value of citizenship by different ethnic groups. As explained by Keating, “civic nationalism is a collective enterprise of its members...”<sup>68</sup> Atatürk’s famous words: “Happy is whoever says ‘I am a Turk’” highlights the civic nature of the nation-state he aimed to form. Atatürk announced that independence would only be possible with the active support of the majority of the people. Furthermore, he stated: “Our only aim is to

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<sup>67</sup> Svante E. Cornell, “The Land of Many Crossroads: The Kurdish Question in Turkish Politics,” *Orbis*, vol. 45, no. 1, (2001): p. 34.

<sup>68</sup> Michael Keating, *Nations Against the State*, (New York, Palgrave, 2001): p. 7.

establish a totally independent Turkish state based on national sovereignty.”<sup>69</sup> As indicated by these words, Atatürk wanted to established the new Turkish Republic on the basis of Turkish nationalism, though as Cornell argued, the use of the word “Turk” did not carry with it an ethno-nationalistic meaning, but rather referred to citizens of Turkey through the understanding of civic nationalism. It was not, therefore, an ethnic Turkish nationalism defined by common race, culture, blood and historical background, that Atatürk was trying to strengthen.<sup>70</sup>

The effect of the Treaty of Lausanne in the nation-state formation policy followed by the new Turkish republic is critical. As mentioned before, according to this treaty Turkey only recognized certain non-Muslim groups as minorities. At that time, the new Turkey was being shaped along these ideological lines and all the different Muslim ethnic groups had to integrate under this ideology. However, the non-recognition of the ethnic differences of Kurds during this process was to form a basic element of the Kurdish problem.

### **3.4.1 Structure of Kurdish Society**

The structure of Kurdish society has had a significant impact on the Kurdish problem. Many people think that Kurds are ethnically identical, but Kurds do not share exactly the same origins or cultural characteristics. Kurdish society consists chiefly of the Alevi, Sunni and non-Islamic groups and several different language groups, two of the main different languages being used being the Zazai and

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<sup>69</sup> Oral Sander, “Nationalism and Peace: The Significance of Atatürk’s Movement,” *The Turkish year Book*, vol. 20, no. 1. (1980-1981): p. 249.

<sup>70</sup> Not all, ofcourse, agree. According to Stiftung, Kemalist nationalism and ethnic nationalism were actually related as seen in the strict state control of non-Turkish identities and displays of aggressive ethnically-based nationalism. Heinrich Böll Stiftung, “Nationalism and the Turkey-EU Relations: Perspectives from both side,” EU Regional Office Brussels, [http://www.boell.eu/downloads/Nationalism\\_Turkey.pdf](http://www.boell.eu/downloads/Nationalism_Turkey.pdf): p. 6. (Accessed December 21, 2011)

Kurmandji languages. This heterogeneous structure of Kurdish society has often contributed to a lack of unity among the Kurds.<sup>71</sup>

These ethnic differences bring different values and beliefs as well as ideological differences that have made it hard for the Kurds to unite behind common points in trying to find a satisfactory solution to the Kurdish problem. For example, the cultural and religious differences among Sunni Kurds and Alevi Kurds have also led to ideological divisions on political matters with Alevi groups tending to be more secularist. As explained by Bayart,

“... different Kemalist reforms such as measures to emancipate women, language reform and the promotion of 'an Anatolian and specifically "Turkish" culture' were generally regarded by most Alevis as meshing in well with 'some aspects of the Alevi social system' and favoring 'their strategy of insertion in national society'. For this reason even 'Alevi Kurds' looked favorably on Atatürk's Turkish nationalism initially, to a certain extent.”<sup>72</sup>

On the other hand, many Sunni Kurds stood against Kemalist ideology. In the Sheik Said rebellion, for example, it was the Sunni Kurds who rebelled against the Turkish government. Furthermore, according to White, the Zaza Kurds are not accepting themselves same Kurdish as Kurmandji. For that reason they did not support the Kurdish nationalism.<sup>73</sup> Zaza Kurds are talking “zazaca” language and they are mostly live in the south Anatolia, but Kurmaji is the most common dialect between the Kurdish society. The structure of Kurdish society is therefore a dimension of the Kurdish problem whose importance is generally not perceived well.

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<sup>71</sup>Ibid, p. 31.

<sup>72</sup> Jean François Bayart, *Syncretistic Religious Communities in the Near East*, (Leiden, Koninklijke Brill, 1997): p. 111-112.

<sup>73</sup> Poule White, “Ethnic Differentiation Among the Kurds: Kurmanchi, Kizilbash and Zaza,” research and comment, [http://members.tripod.com/~zaza\\_kirmanc/research/paul.htm](http://members.tripod.com/~zaza_kirmanc/research/paul.htm) (Accessed January 11, 2012)

### 3.4.2 Effects of Underdevelopment

Regional differences are another significant aspect of the Kurdish problem. What are being referred to here are the economic and social differences between the western and southeastern parts of the Turkey. Economic problems in Southeast Anatolia have affected people's lives negatively. The graph below shows the significantly different rates of socio-economic development in different regions of Turkey, clearly showing an increasingly negative picture as one moves from the western to eastern regions:<sup>74</sup>

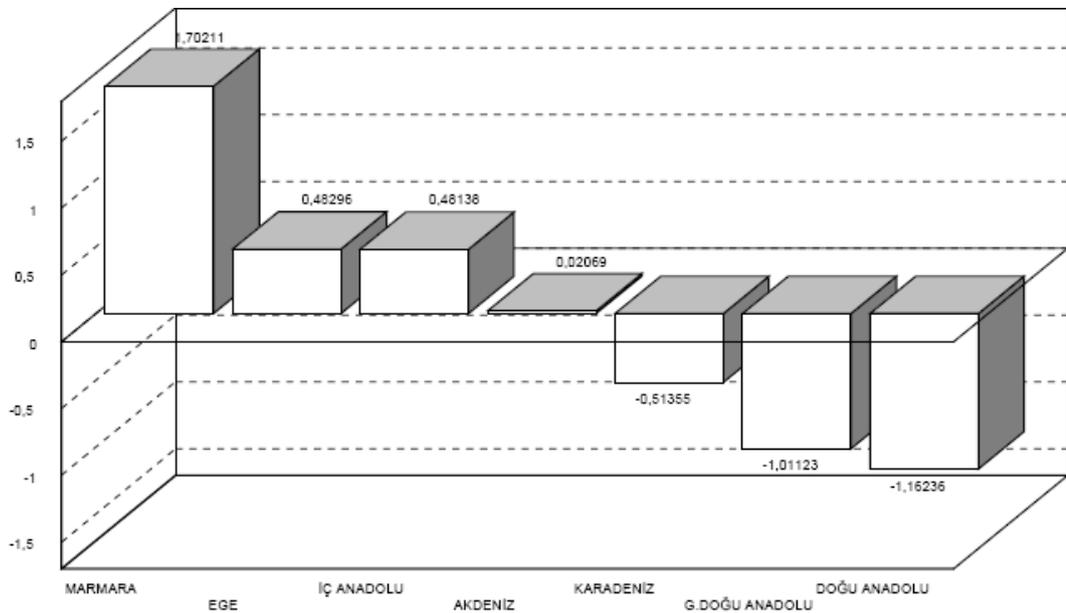


Figure 1: Domestic Immigration

The above graph shows that the western Marmara region is the most economically developed region of Turkey. The Southeastern region, (including Gaziantep, Mardin, Diyarbakır, Batman, Şırnak, Adıyaman and Siirt) and the southern region of Turkey (Muş, Van, Hakkari, Erzurum, Malatya, Bingöl, Erzincan, Ardahan, Bitlis, Iğdır,

<sup>74</sup> Dinçer Özasan Kavasoglu, "İllerin ve Bölgelerin Sosyo-ekonomik Gelişmişlik Sıralaması Araştırması," TC Başbakanlık ve Devlet Planlama Teşkilatı, (2003): p. 75.

Kars and Tunceli) have a much lower level of economic income and development compared to the western part of Anatolia.

The underdevelopment of eastern and southeastern Anatolia have historical bases, but have been worsened by a quarter of a century of armed conflict between the PKK and Turkish military forces which began in the 1980s and has been a cause of mass migration and the abandoning of numerous villages. The main reasons behind the migrations were not because they had job opportunities, contacts or relatives in big cities but because of security reasons.<sup>75</sup> Nevertheless, it is also true that investment decreased in the region because of the security problem. This affected the standards of living of people in this largely agricultural and underdeveloped region. Economic inabilities have also had a negative effect on education.<sup>76</sup> Families have not been able to provide the levels of financial support for their children to undertake higher education that can be seen in other provinces. This is affecting the number of well-educated people in the region. In addition, the inadequacy in infrastructure, schools and hospital services have further weakened the belief of the populace in the state.

### **3.4.3 The PKK Impact**

The PKK is a terrorist group active principally in Turkey. “The PKK has presented itself as the defender and chief advocate of Kurdish nationalism.” Yet as Radu explains, “Its weak claim to such a position, however, reveals not any true conviction, but rather astute political instincts and sheer opportunism.”<sup>77</sup> Abdullah Öcalan was the founding leader of the PKK terror organization. In the beginning the

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<sup>75</sup> Orhan Kurmu, “Social and Economic Priorities in Eastern and Southeastern Anatolia,” *The TESEV project* (2010): p. 14.

<sup>76</sup> *Ibid*, p. 3.

<sup>77</sup> Radu Michael, “The land of many crossroads: the rise and fall of the PKK”, *Orbis*, vol. 45, no 1, (200 1): p. 48.

Kurdistan Workers Party was established as a legal political party. The aim of the PKK and its supporters was to increase the number of Kurdish parliamentarians in the Turkish Grand National Assembly (TGNA). They defined their mission as being that of an international social movement. In the 1980's the PKK gained growing support in Turkey as a political party. There were not only Kurdish people who became members of this party, but also many Turkish people who supported its dimension as a social movement. The majority support for PKK came from the leftist groups, because of the PKK aimed social change. While the PKK had initially tried to present itself as a political party that would defend the Kurdish people's rights in the Turkish parliament, it later went beyond such aims and announced its demand for an autonomous administration in the southeastern region of Turkey in 1984.<sup>78</sup> It began organizing demonstrations and campaigns to increase their voice in the southeastern region of Anatolia and eventually transformed itself into a separatist terror organization.

Though the PKK presented itself as the defender of Kurdish society there were several reasons to criticize third representation. Firstly, as Radu explains, the PKK was not only composed of Kurds, in the beginning, at least, there it had Turkish members too. Secondly, the PKK adopted terror strategies rather than trying to communicate and achieve its demands for the defence of Kurdish rights through democratic means.<sup>79</sup> The PKK shift from democratic political activities to terrorist activities eliminated the PKK's legality. Even PKK attacks which targeted government and security forces aimed to create civil tensions. The PKK was

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<sup>78</sup> "Kurdistan Workers Party", [http://www.aph.gov.au/house/committee/pjcis/pkk\\_1/statement%20of%20reasons%20pkk.pdf](http://www.aph.gov.au/house/committee/pjcis/pkk_1/statement%20of%20reasons%20pkk.pdf), (Accessed November 23, 2011)

<sup>79</sup> Radu Michael, "The land of many crossroads: the rise and fall of the PKK," *Orbis*, vol. 45, no 1, (200 1): p. 48.

mobilizing thousands of Kurdish people for violent conflict against the Turkish administration. PKK terror activities started after 1984 and in this period thousands of people (including children and women) were killed without making any distinction as to whether they were Kurds or Turks. According to the General Staff of Turkey, “63.443 people were killed or injured in this conflict. About 6653 army members became martyrs during this conflict. In this period Turkey has fought against PKK in Turkey and also in the northern part of Iraq.”<sup>80</sup> As a result of this conflict, thousands of people were forced to leave their homes and properties. “From the 1999 it was estimated that 3500 villages had been evacuated and around 3 million people, mainly Kurds were displaced.”<sup>81</sup> Turkey spent more than 100 billion dollars to end this war. Many schools, hospitals and other public service organizations were destroyed by the PKK. As Yıldız stated, the PKK did not only target soldiers, but civilians as well.<sup>82</sup> As Kocher explains, both Turks and Kurds suffered from the PKK; both Turkish and Kurdish boys’ died from attacks on the Turkish army, the PKK kidnapped Kurdish children to train as PKK guerillas and the PKK aimed to control the Kurdish regions under a very harsh regime in their efforts to achieve their secessionist goal.<sup>83</sup> Ultimately, the PKK activities increased the conditions of insecurity and conflict, and the full meaning of order could not be provided in the southeastern part of Anatolia.

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<sup>80</sup> Official website of General Staff of Turkey, <http://www.ub.edu/sea2009.com/Papers/10.pdf> , Accessed September, 22, 2011)

<sup>81</sup> Kerim Yıldız, *The Kurds in Turkey EU accession and Human Rights*, (London, Pluto press, 2005): p. 17.

<sup>82</sup> *Ibid.*

<sup>83</sup> Matthew Kocher, “The Decline of PKK and the Viability of a One-state Solution in Turkey,” *MOST Journal on Multicultural Societies*, vol. 4, no. 1 (2002): p. 12.

### 3.4.4 State-Centric Administration

Elections held in democratic countries are typically expected to create equal or roughly equal representation for all the regions the country. In practice, however, where there are strong, centralized bureaucratic elites, (like military and bureaucratic office holders), the center tends to dominate political decision-making and peripheral regions to have little impact. According to Heper, there are powerful distinctions between the state and society in Turkey. He argues that, “the state elites are sensitive to the crises of integration, and therefore not sympathetic towards the periphery. In its turn the periphery is over-defiant, which reinforces the prejudices of the state elites.”<sup>84</sup> The state-centered approach which has historically dominated the Republic of Turkey. State elites have tended to define themselves as modernist, westernist and secular administrators and the periphery as Islamist, anti-westernist and conservative, possessing different norms, values and perspectives from the state center.<sup>85</sup> The institutionalized power of state bureaucratic elites over the administration of the Turkish state has meant that regional political representatives have generally been unsuccessful in reflecting the needs and demands of the periphery regions (such as, for example, the provinces of Hakkari, Ağrı, Van and Şırnak). According to Hosgör and Özel, “While bureaucratic office holders (civilian/military) are portrayed as the elites of the centre (the ruling class) endowed with discretionary power to shape history, the political representatives of more traditional/rural segments are depicted as the counter elites of the periphery, who are weak and excluded from strategic decision making.”<sup>86</sup> For state centric approach, the social, political perspective and economic differences between the center and periphery leads the existing problems

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<sup>84</sup> Metin Heper, *The State Tradition in Turkey*, (Walkington, England: Eothen Press, 1985): p. 98.

<sup>85</sup> Enver, Hosgör. Bülent, Özel, “Tracing Dominance of the SST Paradigm in Turkey,” *Social Network Analysis and Co-word Analysis* (2010): p. 1.

<sup>86</sup> *Ibid.*

and crisis in Turkey.<sup>87</sup> As far as the Kurdish problem is concerned, it could be argued that bureaucratic elites have had a critical impact on the problem. As military and bureaucratic leaders have strongly defended only military-based policies to combat the PKK and more generally deal with the Kurdish problem, the Kurdish problem has not historically been examined in a very healthy way and democratic steps towards its resolution have been lacking. Furthermore, regional representatives of southeastern Anatolia and eastern Anatolia have not been able to play the properly important role in the Turkish political decision-making process that might be expected of them, and that might have contributed to a more peaceful, civil and democratic path to addressing difficulties.

### **3.5 Kurds in Syria and Iraq**

There are significant numbers of Kurds living in both Iraq and Syria. Unlike Turkey, these countries have been ruled throughout their modern history by non-democratic administrations. The regimes of Saddam Hüseyin in Iraq and Hafez, and later his son Bashar al-Assad in Syria have had significant impacts on the status and condition of the Kurds in these countries. Examination of the Kurdish problems and structures in these countries also provides some comparative understanding of the situation regarding Turkey.

Syria is relatively-oil rich countries of the Middle East with a multicultural society. It contains multiple different ethnic and religious groups such as Arabs, Kurds, Circassians and Syrian There are about 1.5 million Kurds living in Syria which is about 9% of the total Syrian population.<sup>88</sup> Unlike the Iraq Kurds, Syrian Kurds have

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<sup>87</sup> Metin Heper, *The State Tradition in Turkey*, (Walkington, England: Eothen Press, 1985): p. 98-99.

<sup>88</sup> "Operational Guidance Note: Syria," *UK border Agency* (2011): p. 7.

not been able to get any form of minority rights or autonomy from the Assad administrations. According to a United Nation Human Rights Commission report, “the Kurds in Syria face many restrictions on cultural and linguistic expression. The teaching of Kurdish is prohibited and Kurdish festivals, such as the Nowruz celebrations in March, are regularly disrupted by the security services.”<sup>89</sup> Furthermore, there is limited access for university education, economic problems and even problems with citizenship for Kurds, The Syrian government resisting the granting of citizenship to Kurds in Syria. Without the necessary citizenship identity-papers, the Kurds can not be employed in most civilian or government institutions.<sup>90</sup> The authoritarian form of administration in the Syria has meant that the Kurds has meant that the Kurds have had little opportunity to pursue minority rights through democratic and legal means. As such, the Kurdish problem in Syria is not only an ethnic problem, but one of regime-type. Moreover, Arab nationalism is another important factor related to the Kurdish policy of the Syrian administration with the Arab Baath administration discriminating against the non-Arab ethnic groups.<sup>91</sup> There were string control over the Kurdish associations and festivals. He Assads’ Baath administration has consistently followed a hard-line strategy that has seen suppressive policies employed over the Kurds in Syria.

Iraq is another multicultural state in the Middle East. Here there are also Arabs, Kurds and Turks living within the state, as well as various different religious sects and orders. There are almost 5 million Kurds living largely in northern Iraq. This population is equal to one-fifth of the total population of Iraq. Iraqi Kurds live mostly in the provinces of Erbil, Süleymaniye and Duhok, though there are also significant

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<sup>89</sup> COIS Report, section 20. 06 Syria September 2010

<sup>90</sup> Radwan Ziade, “The Kurds in Syria,” *United States Institute for Peace* (2009): p. 1.

<sup>91</sup> *Ibid.* p. 5.

numbers in Kerkük, Diyala, Nineve and Selahaddin.<sup>92</sup> Unlike in the cases of Syria and Turkey, Iraqi Kurds have been able to get autonomy from the Iraqi central administration. “In March 1970, with the signing by the Iraqi government and Kurdish representatives of an accord stating that the Iraqi people constituted two nationalities: Arab and Kurd. The accord stipulated that Kurdish was to be properly recognized as an official language alongside Arabic, and would be the language of instruction in Kurdish areas. Kurds would be resettled according to their wishes; and the Kurdish areas would be united into a self-governing unit.”<sup>93</sup> However, serious conflict arose between the Kurds and the Iraqi administration during the Iraq-Iran War. The Kurdistan Democratic Party (KDP) led by Massoud Barzani rebelled against the Baghdad administration, but was defeated. Iraqi forces then took control of most of northern Iraq and many Kurds in the region were forced to migrate to other countries. During this domestic conflict, Saddam Hüseyin even used chemical weapons against the Northern Iraqi Kurds and thousands of people were killed as a result.

In the beginning of the 1990s a Kurdish Regional Government (KRG) was established in the Suleymaniye, Erbil and Duhok provinces.<sup>94</sup> Though Saddam initially tried to suppress this development, with the invasion of Iraq by the USA and the ultimate falling of the Saddam Hüseyin regime, the Kurds gained strength. In the invasion process the Kurds were helped and supported US forces and in the post-Saddam period, Barzani and Talabani (the main Kurdish leaders of Northern Iraq) succeeded in guaranteeing 25 seats in the “Iraq Governing Council” for Kurdish

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<sup>92</sup> “The Kurdish Toponymy of the Northern Iraq,” The Permanent Committee on Geographical Names (February 2003): p. 2.

<sup>93</sup> Ibid. p. 3.

<sup>94</sup> Carl Dahlman, “The Political Geography of Kurdistan,” *Eurasian Geography and Economics*, vol. 43, no. 4, (2002): p. 288-289.

representatives and also Celal Talabani became the president of the Iraq. Furthermore former Kurdish Peshmerga fighters were appointed to provide regional security in Northern Iraq by US forces. As explained by Katzman and Prados, the new constitutional framework was prepared for Iraq known as the the “Transitional Administrative Law” (TAL). “The TAL, signed March 8, 2004, laid out a political transition process, as well as citizens’ rights, and much of the debate over the TAL concerned the rights and privileges of the Kurds.”<sup>95</sup> This new constitution gave many rights to the Kurds including regional autonomy and significant representation in the Iraq National Assembly. According to the TAL, Kurdish and Arabic were to be the two official language of Iraq, the KRG was to be maintained in the North, and the KRG was to be given the right to create its own regional security and police forces.

When compared to Turkey, the conditions of Syria’s Kurds may not be favourable, but in the case of Iraq, though standards of living may not be as high as in Turkey, the Kurds have gained many constitutional rights including autonomy from the central administration, the recognition of Kurdish as an official state language and even the right to establish their own legal security forces. Moreover, the main Kurdish political parties (the KDP and PUK) formed an alliance in national elections that brought them 75 seats in the Iraq National Assembly which meant that the Kurds could represent themselves effectively in parliament and have a substantial impact on the political decision-making process.

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<sup>95</sup> Kenneth Katzman and Alfred B. Prados, “The Kurds in Post-Saddam Iraq”, CRS Report for Congress (2005): p. 6-7.

### **3.6 Turkish Policies on the Kurdish problem Until the Beginning of the EU Process**

One of the most famous historical leaders of the Turkish Republic, İsmet İnönü, was to prepare the state's first Kurdish report upon the request of Atatürk whom he later succeeded. According to Saygı Öztürk, İnönü was concerned about the possible potential of attempts to try and establish an independent state of "Kurdistan" in southeastern Anatolia. He stated that in order to prevent the rise of an independence-seeking Kurdish nationalism, Kurdish and Turkish children should be educated together and in the Turkish language. Furthermore, he also wanted to increase military control in the region by establishing major military installations in Mardin, Erzurum, Van and Diyarbakır.<sup>96</sup> Like Atatürk, İnönü also aimed to protect the unitary character of the Turkish state. Like his predecessor Atatürk, and those who came after him, İnönü refused to accept the Kurdish problem as a minority problem, preferring instead to ignore difficulties and/or use policies of suppression.

Before the establishment of the PKK the Kurdish problem was not to become a leading item on the Turkish political agenda. In the 1980s, however, the urgency of the Kurdish problem suddenly increased and the issue rapidly became the dominant problem for Turkish governments. The establishment of the PKK therefore added an urgent security dimension to the Kurdish problem. All states naturally and legally have right to protect their social order and integral security in their territory. As stated by Petrželová, the PKK is a, "...terrorist group challenging the existence of the republic. PKK's separatist tendencies present a threat to the true nature of the

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<sup>96</sup> Saygı Öztürk, "İsmet İnönünün Kürt Raporu," <http://www.as-add.de/Dosya/etnik/74-smet-noenuenuen-kuert-raporu.html> (Accessed on February 3. 2012)

territorial integrity of the republic.”<sup>97</sup> Territorial integrity is a sensitive topic and secessionist activities are accepted by states as acts of aggression. PKK’s separatist movements became a determination factor of Turkish government for Kurdish policy of Turkey. For this reason, the Kurdish policies of Turkish governments were mostly shaped from a military perspective and followed the “defensive-nationalist perspectives” on the Kurdish problem.<sup>98</sup> The aim of Turkish leaders was to protect the national unity and integrity of the state by focusing on counter-terrorist strategy rather than emphasizing political, social, economic and cultural aspects of the Kurdish problem. However, the security and military based solution policies of Turkish governments have themselves played an important role in the Kurdish problem remaining unresolved.

When examining the Turkish politics on Kurdish problem, after the 1980 military intervention, Kurdish policy of the Turkey began to change with the defensive nationalistic perspective. From the beginning of the 1980s, Turkish government used repressive policies in the southeastern region to end the PKK uprising including restriction on the use of Kurdish language. Constitutional amendment to ban the use of Kurdish language in public institutions was performed. According to 1982 Turkish Constitution law no. 2932: only Turkish language could be used in the public area and only Turkish was accepted as a language of education. That law restricted the fundamental human rights such as; the use of Kurdish language in education, village names, people names and also by banning people from talking Kurdish in state

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<sup>97</sup> Lenka Petrželová. “The Conflict between the Turkish Government and the Kurdistan Workers’ Party: Complex Analysis and Possible Future Scenarios,” (2006), p. 15.

<sup>98</sup> Murat Somer “Defensive and Liberal Nationalisms: The Kurdish Question and Modernization/Democratization,” in *Remaking Turkey: Globalization, Alternative Modernities, and Democracy*, ed. Fuat Keyman, (Oxford, Rowman & Littlefield Publishers, 2007): p. 4.

institutions. This law forced the Kurdish people to talk Turkish in the public institutions. It is clear that, this law was against the human rights.

However, with the PKK's repeated attacks on the Erzurum and Şemdinli districts, and also on Hakkari and Siirt provinces, regional security could not be achieved in the region through such policies. As a result of this, on 19 July 1987 Turkish government declared the state of extraordinary emergency in the region with the decree law no. 285. State of extra ordinary emergency entered into force in Bingöl, Diyarbakır, Elazığ, Hakkari, Siirt, Mardin, Tunceli and Van provinces. Then the law was extended to Adıyaman, Bitlis, Muş provinces. In the first part of the state of emergency comprised 11 provinces, then in 1990 Batman and Şırnak were also added to the list.<sup>99</sup> As a result of the state of emergency, direct military control was increased in the region and people in the region are held under control with strict identity control in the transportation, monthly food controls. Application of state of emergency has caused a decrease in economy in the region, because trades and investment worst effected and economic development has caused decline in the southeastern Anatolia because of the insecurity and strict control of army. Moreover, because many people forced to migrate from the villages to towns, residents of the area lost their houses and fields. Rather than solving problem, the Kurdish problem was further deepened with those developments.

In 1989, Turgut Özal began to draw a different road map for the Kurdish problem. Unlike previous governments, he defined the Kurdish problem as a political, cultural and sociological problem rather than one of just security. Özal argued that

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<sup>99</sup> Kerim Yıldız, *The Kurds in Turkey EU accession and Human Rights*, (London, Pluto press, 2005): p. 16.

approaches to the Kurdish problem should change and for the first time he met with Kurdish leaders in northern Iraq in March 1991 in order to find a solution to the problem. In addition, in 1992, he defended the argument that permission should be given to broadcast and teach (as an optional lesson) in the Kurdish language.<sup>100</sup> He also aimed to strengthen ties between Kurds and Turks through internal migration and planned that the migration of largely Kurdish inhabitants of southeastern Anatolia to west Anatolia would increase the living standards of the Kurds.<sup>101</sup> In the late 1990s, the Turkish governments, however, increased the pressure on southeastern Anatolia through military operations against the PKK and returned to perceiving of the problem as one of terrorism rather than a social and political problem. In the 1990s there were several cross-border operations organized by the Turkish military in order to end Iraq-based PKK attacks on Turkey. Military control over southeastern Anatolia and the general military impact on the Kurdish problem also increased greatly. However, with the capture of Öcalan and the declaration of a ceasefire by the PKK became a new momentum for change in the Kurdish policies of Turkish governments began in 1999. In the beginning of the 2000s, Turkish politics was finally to begin adopting the legal reforms necessary for a democratic solution to the Kurdish problem.

Although, there were different leaders, different parties elected in Turkey, the road of solution has not come up with big change. Only Turgut Özal considered bringing a liberal based solution on Kurdish problem, but he could not be successful because of his unexpected death. Other political parties and leaders tended to emphasize

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<sup>100</sup> Gareth M. Winrow, Kemal Kirişci, Kürt Sorunu kökeni ve Gelişimi, (Istanbul, Frank Cass Press, 1997): p. 139.

<sup>101</sup> Kerim Yıldız, The Kurds in Turkey EU accession and Human Rights, (London, Pluto press, 2005): p. 17.

“counter-terror” activities in Turkey also means to. Especially, no progress in the minority rights issue shows the wrongness in aspects of previous governments. Examination of the Kurdish problem in the light of minority rights has delayed the advance of the EU process. The political criteria of the Copenhagen criteria were stress on the minority rights requirements in order to full fill the criteria. The Kurdish problem is one of the minority problems. So, Turkey has been faced with the Kurdish problem as a barrier in the EU accession process However, it is fair to say that the ongoing Kurdish problem is a problem which the AKP has inherited from previous governments.

## **Chapter 4**

# **THE EU's EXPECTATION ON THE KURDISH PROBLEM FROM TURKEY**

### **4.1 Introduction**

The main purpose in this chapter is to examine and discuss the principles, regulations and reforms requested by the EU in the field of human rights field from Turkey as part of its accession process. Similar demands have been made from other EU candidate states, though for every candidate EU state, there can be certain special issues, such as economic problems, unstable political structure or constitutional regulations that might be emphasized. For Turkey human rights has been one of the key areas of emphasis.

In Turkey's case, the European Union demanded comprehensive changes on the issues of fundamental freedoms and rights as part of the accession process. It was also found that the concept of "minority" recognized by the Turkish state did not comply with the liberal European perspective. Furthermore, Turkey's 1982 constitution, introduced in the time of military rule, was also heavily criticized by the European Commission which expected constructive reforms from Turkey to eliminate its deficiencies. Before examining this issue in greater detail, however, it will be useful to give some further information about the development of Turkey's EU process.

## 4.2 The Historical Background of Turkey-EU Relations

“The West has always been prejudiced against the Turks... But we Turks have always consistently moved towards the West... In order to be a civilized nation, there is no alternative.”<sup>102</sup> Atatürk’s words can be seen as an optimistic approach towards Europe from the early years of the Republic of Turkey. They show a kind of desire of Turkey to get closer to and establish good relations with Europe. According to Erkan Erdoğan;

“Relations between the Turks and the Europeans go back to the arrival of the Ottomans in Asia minor in the 11<sup>th</sup> century. Throughout the period from the 11<sup>th</sup> century up to the present, four turning points may be identified in the course of those relations: the Paris Conference of 1856, the establishment of Republic of Turkey in the early 1920s, the Treaty of Rome and application of Turkey for EC membership in the late 1950s, and finally the end of Cold War in the late 1980s.”<sup>103</sup>

In the beginning, Turkey’s relations with Europe were based on the state-to-state level. However, with the establishment of the ECSC (European Coal and Steel Community) and EC (European Community), relations increasingly took on a supranational character. The establishment of the EEC (European Economic Community) and deepening of economic cooperation pushed Turkey to develop its economic relations with the Union. Turkey took its first step towards entering the European Economic Community in 1959. The main aim of Turkey’s application was based on increasing economic cooperation with European countries. It was a big chance for Turkey in the globalization process. Although, Turkey was eager to be part of this unification process, there were problems in the membership process related to the need to meet the desired criteria of the EEC. The economic difficulties

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<sup>102</sup> Mustafa Kemal Atatürk as quoted by William Hale, *Turkish Foreign Policy 1774–2000*, (London, Frank Cass Publishers, 2000): p. 38.

<sup>103</sup> Erdoğan Erkan, “Turkey and Europe: Undivided but not united” *MPRA Paper* No. 26928 (23. November 2010): p. 2.

of the domestic order in Turkey created significant obstacles in front of Turkey in the early 1960s. Some of the economic difficulties, for example, were related to the informal economy, economic instability and external borrowing which had negative impacts on the development of Turkey. Furthermore, by the mid-1970s, in addition to the economic difficulties of the time, the Cyprus problem became another obstacle to the strengthening of relations,

### **4.3 Minority Rights in Turkey**

Turkey's state structure was based on the unitary system. This system requires that there should be a strong central administration and secure territorial integrity in the country. This means that, there is a single powerful concentration of authority in Turkey and both the constitution and norms of Turkey cannot accept the concept of autonomy on Turkish territory. Minority rights were shaped in line with this unitary nature (single administration and territorial integrity) of Turkey at the Lausanne Peace Conference.

After the Ottoman Empire collapsed, Turkey declared at the peace negotiations in Lausanne that it would only accept as minority groups those which were non-Muslim. In addition, Turkey declared that ethnic and linguistic minorities would not be accepted as minorities.<sup>104</sup> However, Greeks and Armenians were accepted as minority groups based upon their religious differences with the rest of society. The attitude of Turkish leaders during this period can be perceived as one aiming to prevent any post-War threat to the new republic's unity.

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<sup>104</sup> Tunç, Hasan, "Uluslararası Sözleşmelerde Azınlık Hakları Sorunu ve Türkiye," p. 38. [http://www.hukuk.gazi.edu.tr/editor/dergi/8\\_10.pdf](http://www.hukuk.gazi.edu.tr/editor/dergi/8_10.pdf) (Accessed on November 20)

In a session of the Lausanne Peace Conference on 9 January 1922, Lord Curzon had actually made known his opposition to the Turkish position about this subject and supported the idea that Muslim minorities such as the Kurds and Arabs should also have the right to benefit from minority rights in Turkey. However, the Conference's Turkish Representatives resisted these demands stating that these groups were not in need of any special protection and did not have any problem living under the control of Turkish authority, because they too were Muslims and there was no differentiation or discrimination between themselves and the Turks.<sup>105</sup> Thus, as Baskın Oran states, compared to other agreements that were signed after World War I which concern protection of minority rights and indicate race, language and religion as criteria for identifying minorities, the definition of "minority" was kept very narrow in Turkey's case. Religion became the only determinant for defining certain minorities in Turkey.<sup>106</sup>

It is clear that Turkey did guarantee certain fundamental rights to minorities that it recognized with the Treaty of Lausanne. Articles 40 and 41 importantly gave the right to minorities to be educated in their own languages. Furthermore, article 40 gave the right to set up schools and institutions to minority groups. These rights were given to minorities even from the beginning of the Republic. However, the problem has been that because only non-Muslim groups were accepted as minorities in Turkey, other ethnic minorities such as Arabs and Kurds could not benefit from these rights. Rights concerning issues such as education and language continue, therefore, to be a central point of debate concerning the Kurdish problem in Turkey.

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<sup>105</sup> Seha L. Meray, *Lozan Barış Konferansı Tutanaklar Belgeler*, (Ankara, YKY Press, 1969): p. 301-302.

<sup>106</sup> Baskın Oran, "The Minority Concept and Rights in Turkey: The Lausanne Peace Treaty and Current Issues," in *Human Rights in Turkey*, ed. Zehra Kabasakal Arat, (Philadelphia: University of Pennsylvania Press, 2007): p. 37.

The restriction of the rights of Muslim minorities in Turkey as outlined in the principles of the Treaty of Lausanne was related to the fact that the Turkish authorities had wanted, as far as possible, to establish an ethnically homogeneous nation in Turkey.<sup>107</sup> According to Kısacık, the Turkish government, “constantly tries to eliminate the manifestation of ethnic-linguistic-religious differences in the realm of public and political life. Legally speaking, the word ‘minority’ or ‘the situation of any other ethnic groups’ is not mentioned in the Turkish constitution. Accordingly, the expression of the existence of minorities on account of the differences of creed, race, and language are prohibited.”<sup>108</sup> Non- recognition or a very limited recognition of “minorities” might be seen as a root cause of the poor human rights record in Turkey. Turkey has not been keen either to follow the progress that has been made in highlighting the need for minority protection and extending minority rights by international organizations such as the UN, the EEC and the Council of Europe. Instead, the approach of Turkey towards the Kurdish problem has typically been one of rejecting the very existence of the Kurdish minority and putting up barriers to expressions of Kurdish discontent.<sup>109</sup>

The existing minority rights regime in Turkey was clearly not sufficiently in accordance with EU standards, particularly because Muslim ethnic minorities were not even acknowledged as minorities. Despite the fact that the Treaty of Lausanne was decades old, there were no positive developments which could be observed in Turkey on the minority rights issue; further developments in the human rights field

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<sup>107</sup> Hakan Yavuz, "Cleansing Islam from the Public Sphere," *Journal of International Affairs*, vol. 54, no.1, (2000): p. 23.

<sup>108</sup> Zelal Kizilhan-Kisacik, "Europeanization of Minority Rights: Discourse, Practice and Change in Turkey" *European Diversity and Autonomy Papers*, (2010): p. 14.

<sup>109</sup> *Ibid*, p.15.

and especially concerning the Kurdish problem were seen as a threat to the political and social stability of the country.<sup>110</sup>

#### **4.4 Minority Rights and the Kurdish Problem from the EU Perspective**

European history illustrates that the initial purpose in establishing a united Europe was to prevent another war between the European powers (France, Germany, UK, and Italy etc.) by controlling the coal and steel flow in Europe through the European Coal and Steel Community. Afterwards, European states started to move towards further economic integration by connecting their markets. From economic integration, European integration was expanded to other areas including political affairs. The logic behind the European integration can be seen in the “spill over” effect. “Spill-over” means, integration in one area causes integration in another area. For example, by creating a common market in Europe, the EU had to create the “Euro” in order create a well-functioning EU common market. Like other areas, minority rights became another vital area and a key element in the European integration process. Thanks to the establishment of the European Court of Justice, the human rights field has been a key element in helping the EU to regulate minority protection from one center. More than anything, however, the Copenhagen Criteria could be seen as the key in making minority protection such a major issue for the EU, a standard to be met by all new member states wishing to join the Union.

The EU expects a range of obligations to be fulfilled by candidate states in the accession process. These expectations refer to the Copenhagen Criteria of 1993. At

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<sup>110</sup> Ibid, p. 13.

that time it was accepted that countries of Central and Eastern Europe would only join the EU when they fulfill certain conditions in the areas of: (1) political criteria which aim to establish democracy, rule of law and respect for human rights; (2) economic criteria which aim to create a well-functioning market economy; (3) merging of the community *acquis* in order to ascribe to the political, economic and monetary goals of the EU.<sup>111</sup> The aim of formulating the Copenhagen criteria was to help create greater homogeneity of political, economic and democratic systems between the candidate countries and EU member countries. In line with these requirements, candidate countries reform their political and legal systems so as to be in compliance with the EU requisites.

As restated in the Luxembourg European Council of 1997, political criteria were key requirements of the EU from Turkey in order for the progress of its accession process.<sup>112</sup> What is meant by fulfilling “political criteria” is that, “the candidate country has to achieve stability of institutions, guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”.<sup>113</sup> As a precondition of progress in its candidacy process, Turkey was thus pushed to provide democratic reform on the Kurdish issue.

As Kuzu points out, the EU does not have its own unique, exact or agreed definition of national minorities which could be put into force in all member states. However, the EU nevertheless put minority rights as a condition to become a member and

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<sup>111</sup> Heinrich Böll Stiftung, “Nationalism and the Turkey-EU Relations: Perspectives from both side,” EU Regional Office Brussels, [http://www.boell.eu/downloads/Nationalism\\_Turkey.pdf](http://www.boell.eu/downloads/Nationalism_Turkey.pdf): p. 6. (Accessed December 21, 2011): p. 6.

<sup>112</sup> Ibid.

<sup>113</sup> Carole Andrews, “EU enlargement: the Political Process” Research Paper No 55, (1 May 1998): p. 8.

agreed on accepting the terms and policy advice of other international organizations.<sup>114</sup>

However, while Turkey is obliged to fulfill EU criteria, Abusara argues that there is resistance from Turkish society itself. Although Turkish society generally supports EU membership, the majority of Turkish citizens do not support the EU's demands for democratic reforms from Turkey.<sup>115</sup> One may argue there is therefore a dilemma about EU reforms in Turkey. If Turkey expands minority rights through EU-required reforms, it might be seen as a threat to national sovereignty and territorial integrity, especially considering that the Kurdish population in Turkey is nearly 15 million. On the other hand, if Turkey does not adopt the necessary reforms, its accession process is unlikely to successfully lead to it becoming an EU member.

The EU publishes annual reports for Turkey to evaluate Turkish progress in different areas of the accession process. The EU has given its picture of developments about Kurdish minority through the Commission's regular annual reports since 1998 to check the progress of Turkey. As Kısacık explains, these reports have expressed vital information about the general level of Turkey's progress in meeting EU criteria, but also more specific EU political and legal positions related to the Kurdish problem.<sup>116</sup>

In its 1999 Regular Report on Turkey there were two major points regarding the Kurdish problem mentioned by the EU. One of them was that, "a civil solution could include recognition of certain forms of Kurdish cultural identity and greater tolerance

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<sup>114</sup> Durukan Kuzu, "A Self-Governing Group or Equal Citizens? Kurds, Turkey and the European Union", *Journal on Ethno politics and Minority Issues in Europe*, vol. 9, no. 1 (2010): p. 40.

<sup>115</sup> Adel Abusara, "Public Opinion in Turkey on EU accession- an (Un)desirable Marriage?," *Different Dimensions on European Security* No.17, (2010): p. 80.

<sup>116</sup> Zelal Kizilhan-Kisacik, "Europeanization of Minority Rights: Discourse, Practice and Change in Turkey" *European Diversity and Autonomy Papers*, (2010): p. 16.

of the ways of expressing that identity, provided it does not advocate separatism or terrorism.”<sup>117</sup> The second was that, “the essential point is that any such group (like that of the Turkish citizens of Kurdish origin) should have the opportunity and material resources to use and sustain its natural languages and cultural traditions in the circumstances and under the conditions now clearly and reasonably defined by two important Council of Europe Conventions.”<sup>118</sup> The report noted that no progress had been made on the Kurdish problem until then.<sup>119</sup>

In the 2000 Regular Report, the Commission clearly stated that:

“Regardless of whether or not Turkey is willing to consider any ethnical groups with a cultural identity and common traditions as “national minorities”, members of such groups are clearly still largely denied certain basic rights. Cultural rights for all Turks, irrespective of their ethnic origin, such as the right to broadcast in their mother tongue, to learn their mother tongue or to receive instruction in their mother tongue, are not guaranteed (see the above section on economic, social and cultural rights). In addition, these citizens are not given opportunities to express their views on such issues.”<sup>120</sup>

The EU thus put a benchmark on the right to broadcast and the right to have education in Kurdish, neither of which was then allowed in Turkey.

In the 2001 Regular Report, progress by Turkey was noted concerning the latest legal reforms, an increase in the assurances of minority rights and fundamental freedoms and the bringing of limitations to the death penalty. However it was also recorded that Turkey had violated human rights regulations, that 127 cases had gone to the European Court of Human Rights (ECHR) and that no progress had been made in

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<sup>117</sup> European Commission’s 1999 Regular Report on Turkey, p. 14.

<sup>118</sup> Ibid, p. 14.

<sup>119</sup> Ibid, p. 14.

<sup>120</sup> European Commission’s 2000 Regular Report on Turkey, p. 20.

terms of the freedom of expression for cultural identities and traditions of ethnic groups.<sup>121</sup>

Such annual reports showed the deficiencies of Turkey in the field of human rights. The Commission demanded radical reforms related to the Kurdish problem through the provision of more rights and freedoms to different ethnic groups in Turkey. Political criteria concerning human rights and democratization were strongly emphasized. The EU portrays itself as democratic, stable and respectful of human rights. Hence, EU member-states and institutions always stress the importance of the quality of the democratic systems in candidate countries. The EU clearly expected the development of a more democratic political culture from Turkey, especially as far as the Kurdish question was concerned.<sup>122</sup> According to the European Commission: “The Kurdish question is a perennial problem in Turkey due to a mix of regional under-development, denial of cultural rights, human rights abuses by Turkish state security forces and 25 years of terrorist attacks by the Kurdistan Workers Party (PKK).”<sup>123</sup> From the EU perspective, the Kurdish problem can be considered one of the biggest human rights and minority problems of Turkey and the EU’s definition of and approach to the problem has been the most important factor related to requests for a solution in the light of human rights.

The European Commission has emphasized that “Counter-Terrorism” should not be based on military solutions alone. The Commission has called for a, “political and

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<sup>121</sup> European Commission’s 2001 Regular Report on Turkey, p. 32.

<sup>122</sup> Serap YOLCU, “Türkiyenin Avrupa Birliğine Entegrasyonunun Engelleyen faktörler Üzerinde İnceleme”, Master Tezi, Trakya Üniversitesi Sosyal Bilimler Enstitüsü Haziran, (2008): p. 150.

<sup>123</sup> Meltem. Muftuler Bac, “Turkey’s Political Reform and Impact of the European Union,” *Routledge Taylor & Francis Group*, vol. 10, no. 1 (March 2005): p. 5.

non-military solution to the problem of the southeast...”<sup>124</sup> Kerim Yıldız claims, however, that Turkey was not very successful in quickly achieving the expectations of the European Commission on minority issues.<sup>125</sup> Indeed the European Commission’s report of 2001 was to assert that, “the basic features of a democratic system exist in Turkey, but a number of fundamental issues, such as civilian control over the military, remain to be effectively addressed.”<sup>126</sup> The EU basically demanded that Turkey should increase social, political and cultural rights for all its citizens and generally increase the quality of democracy in Turkey. The Commission indicated that, it would closely monitor developments concerning freedom of thought, freedom of cultural activities, linguistic freedoms and the state of emergency in southeastern Anatolia during the accession process.

Moreover the European Commission underlined that Turkey was a party to international human rights agreements, including the Convention for the Protection of Human Rights and Fundamental Freedoms. This is an important agreement in terms of how the European Union regulates its approach to minority rights. Article 14 of the Convention, under the title ‘Prohibition of Discrimination’ points out that: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”<sup>127</sup> The vital point here is that in the 1992 Treaty of the European Union, the EU stated that it would comply with Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms

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<sup>124</sup> Tocci, *The EU and Conflict Resolution*, (New York, by Routledge, 2007): p. 53.

<sup>125</sup> Kerim Yıldız, *The Kurds in Turkey: EU Accession and Human Rights* (London: Pluto Press, 2005): p. 25.

<sup>126</sup> European Commission Annual Report on Turkey, p. 32.

<sup>127</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, p. 7.

in these words: “The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.”<sup>128</sup>

In sum, then, the Commission highlighted the human rights problem in Turkey. Certainly, such problems exist because of the mistaken policies of former governments, but errors can be corrected. The AKP governments’ policies indicate that such correction is possible, and in formulating these policies the Commission’s reports have provided the primary guidance for the AKP to make progress on democratization and the quality of human rights in Turkey.

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<sup>128</sup> Treaty of the European Union, p. 12.

## Chapter 5

# THE AKP's APPROACH TO THE KURDISH PROBLEM IN LIGHT OF POTENTIAL EU MEMBERSHIP

### 5.1 Introduction

It is possible to say that from 1999 to 2001 the Kurdish problem began to change. Two important events influenced this change. Firstly, the nature of the Kurdish problem began to change with the initiation of Turkey's EU candidacy process. Turkey's candidacy was approved by the European Commission with the Helsinki summit and Turkey finally moved a critical step closer to its goal of joining the European Union. This triggered rapid political and democratic reforms in Turkey that began to improve the situation concerning human rights.<sup>129</sup> With Turkey now having gained the chance to become a full member of the EU, the Turkish government ended the state of emergency and reduced military pressures and presence in the southeastern part of Anatolia. Secondly, the capture of the terrorist leader Abdullah Öcalan was another important turning point for the Kurdish problem. The PKK declared a ceasefire immediately after Öcalan's capture. The cessation of acts of terrorism and the reduction of tensions in the region opened up new spaces for discussing a democratic solution to the Kurdish problem.<sup>130</sup> The Turkish

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<sup>129</sup> Rabia Karakaya Polat, "The AKP and the Kurdish Issue: What Went Wrong?" Policy Brief No.14, (May 2008): p. 2.

<sup>130</sup> Ibid.

government's discussion acknowledgement of the need to extend freedoms and rights signalled the gradual Europeanization of Turkish democracy.

Before explaining the process of reconstruction of the Kurdish problem it is useful to better understand the perspective of the AKP and Tayyip Erdoğan on the Kurdish problem.

## **5.2 The AKP's Understanding of Minority Rights**

The AKP came to power in the November 2002 elections and a decade later is still in power. The party is led by Prime Minister Recep Tayyip Erdoğan. As explained by Migdalovitz, AKP was established as a conservative democratic party. However, part of the AKP's core political strategy was to increase efforts to achieve European Union membership. To reach this goal they developed a strong political strategy based on transforming Turkish democracy.<sup>131</sup> The AKP introduced substantial reforms and seemed more determined than previous ruling parties to establish good relations with the EU. As Christensen has argued, the, "AKP government demonstrated a strong commitment to the implementation of the Copenhagen criteria by enhancing the democratization process," thereby indicating its goals for Europeanization as well as economic progress.<sup>132</sup> Further, as Çınar has stated, the AKP does not see the process of globalization as being equivalent to western imperialism. It considers it as a chance to change the structure of politics and quality

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<sup>131</sup> Carol Migdalovitz, "Turkey: Politics of Identity and Power", (paper presented at Congressional Research Services Report for Congress on 21 September 2010): p. 3.

<sup>132</sup> Mette Buskjær Christensen, "EU-Turkey relations and the functioning of the EU", Danish Institute for International Studies research paper, (May 2009): p.8.

of democracy, with Turkey needing as part of the process to adopt remedies that increase the speed of its integration with the EU.<sup>133</sup>

The strategy followed by the AKP was different to that commonly expected, with most intellectuals initially expecting more conservative politics from the AKP government. However, as Çınar pointed out, the AKP instead asserted the need to raise the quality of democracy and improve human rights and liberties in Turkey.<sup>134</sup> Furthermore, the stated goal of Kemalist ideology is to increase the social rights, liberties and economic development in the country and raising the quality of democracy is considered one of the principles of a civilized nation. As such, he states, the AKP could argue its reforms complied with the Kemalist ideology.<sup>135</sup>

Stiftung argues that pressure from the EU Commission acted to encourage the AKP to improve the situation regarding minority rights.<sup>136</sup> After coming to power, the AKP rapidly improved relations with the European Union and implemented constructive policies that displayed its genuine intention to pursue EU membership. Christensen notes how the AKP aimed to extend human rights through reform packages introduced as part of Turkey's "national program".<sup>137</sup> In the field of minority rights, the AKP introduced democratic reforms by extending rights such as the freedom of expression, permitting the use of languages other than Turkish in public institutions, establishing the Kurdish-language state TV channel "TRT ŞEŞ" and the like. Thus, compared to previous parties that have formed Turkish

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<sup>133</sup> Menders Çınar, "Turkey's Transformation under the AKP Rule," vol. 97, no. 4 (2006): p. 475.

<sup>134</sup> Ibid, p. 481.

<sup>135</sup> Ibid, p. 480.

<sup>136</sup> Heinrich Böll Stiftung, "Nationalism and the Turkey-EU Relations: Perspectives from both side," EU Regional Office Brussels, [http://www.boell.eu/downloads/Nationalism\\_Turkey.pdf](http://www.boell.eu/downloads/Nationalism_Turkey.pdf): p. 6. (access December 21, 2011)

<sup>137</sup> Mette Buskjær Christensen, "EU-Turkey relations and the functioning of the EU," Danish Institute for International Studies, (May 2009): p. 8.

governments, the AKP showed itself to be the most willing to introduce the changes necessary for joining the EU.

### **5.3 Re-Understanding the Kurdish Problem**

The Kurdish issue was for a long time accepted as being solely a national security problem. Almost all Turkish governments followed the traditional hard-line policy on the Kurdish problem. As such, the dominant nationalist approach was in effect denying the existence of the Kurdish problem.<sup>138</sup> However, as the European Union candidacy process progressed, the old nationalist hard-line strategy on the Kurdish problem could no longer be maintained; A shift to non-military and more democratic strategies became necessary. The AKP government emphasized the need to change the long-standing understanding of the Kurdish problem and, “Erdoğan became the first prime minister to acknowledge that ‘the Turkish state has made mistakes about the Kurdish issue’.”<sup>139</sup> In fact, this could be considered the first serious statement supporting a process of normalization in terms of relations with the Kurds in Turkey.

As pointed out by Kızıllkan, though EU-inspired reforms created a vital level of democratization and provided the environment to discuss many political fault lines in Turkey, the EU’s demands also raised nationalist reactions from right-wing groups.<sup>140</sup> Reaction from extreme nationalist opposition parties such as most importantly the Nationalist Movement Party (MHP) was expected. Nevertheless, rather than continue to emphasize the old nationalistic approach, Erdoğan aimed to

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<sup>138</sup> Kemal Kirişçi, “The Kurdish Issue in Turkey: Limits of European Union Reform,” *Journal of South European Society and Politics*, vol. 16, no. 2 (2011): p. 336.

<sup>139</sup> Polat, Rabia Karakaya, “The AKP and the Kurdish Issue: What Went Wrong?” *Policy Brief* No.14, (2008): p. 6.

<sup>140</sup> Zelal Kızıllkan- Kısacık, “Europeanization of Minority Rights: Discourse, practice and change in Turkey,” *European Diversity and Autonomy Papers* (2010): p. 20.

bring to the public agenda a new image of the Kurdish problem. As Polat notes, the issue of sub-identities for Kurds was brought to the agenda of Turkey by the AKP administration.<sup>141</sup> With the sub-identity, Kurds could use their Kurdish identity after the Turkish identity. The very acceptance of the existence of the Kurdish question was the first signal of the AKP's liberal perspective on the Kurdish issue. Unlike previous governments, the AKP openly accepted the existence of the Kurdish problem as a domestic problem of the country and argued that a solution could only be reached through political and democratic policies.<sup>142</sup> Furthermore, as noted by Sündal, instead of nationalism, the AKP was closer to the "Ummah" system.<sup>143</sup> The Ummah system accepts ethnic diversity within a state, requiring the unification of different ethnic groups under a higher and common religious identity.<sup>144</sup>

It has also been suggested that rather than continuing to quarrel with elected Kurdish representatives, the AKP began to seek means for compromise and tried to remove the high level of misunderstanding that existed between the Kurdish and Turkish parliamentarians.<sup>145</sup> Unlike the former governments, the AKP leader Erdoğan and his deputies worked on building dialogue with Ahmet Türk, member of parliament for Mardin and leader of the largely Kurdish Democratic Society Party (DTP), that was represented in the TGNA. Supported by the majority of the Kurdish population in eastern and southeastern Anatolia, the DTP aimed to defend the interests of the Kurds within the TGNA. Though intensive efforts were made to find common ground for solution, these suffered a setback when, "On 11 December 2009, the

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<sup>141</sup> Rabia Karakaya Polat, "The AKP and the Kurdish Issue: What Went Wrong?" *Policy Brief* No.14, (2008), p. 2.

<sup>142</sup> Ibid.

<sup>143</sup> Fatma Sündal, "What has Happened in AKP Years in Turkey: The Condition of Islamism, Turkish Islam Synthesis and Islamist Violence," *journal of politics and Religion*, vol. 3, no.1 (2008): p. 17.

<sup>144</sup> Ibid.

<sup>145</sup> Kerem Oktem, "The patronizing embrace: Turkey's new Kurdish strategy," Basel, (2008): p. 3. <http://www.sfst.ch> (Accessed November 23, 2011)

Constitutional Court unanimously decreed for the closure of DTP by reason of ‘focusing on terrorist activities’. A five-year political ban was imposed on 37 party members. Co-chairs Türk and Tuğluk were banned from being MPs. The decision was published in the Official Gazette on 14 December.”<sup>146</sup> Following the closure of the DTP in 2009, a new political party, the Peace and Democracy Party (BDP) was established as a continuation of the DTP. Selahattin Demirtaş became the leader of the BDP. This party followed basically the same line as the DTP and the AKP continued to negotiate with the BDP with the aim of finding the common ground to adopt a new constitutional framework that would be backed by the Kurdish representatives and put an end to the PKK.

The AKP’s policies on the Kurdish problem can be explained in two main categories. One of them relates to the AKP’s reforms between the 2002-2006, which led to an unprecedented process of change concerning the Kurdish problem and the second category which relates to the still ongoing “Kurdish Opening” or “democratic opening” process that began in 2006.

## **5.4 The Motivating Factors Behind the AKP’s Reform Policies for Democratization**

There are two main groups interpreting the AKP’s reforms in the field of human rights and more specifically on the Kurdish problem. As explained by Morton and Henri, one group is composed of liberal democrats who generally support the AKP reforms and the other is composed of secularists, the military and bureaucratic elites

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<sup>146</sup> Erhan Üstündağ, “DTP Closure Case at ECHR,” <http://bianet.org/bianet/english/119596-dtp-closure-case-at-echr> (Accessed January 20, 2012)

who on the whole oppose them.<sup>147</sup> According to AKP supporters, the reforms are addressed at solving Turkey's basic problems on human rights and the Kurdish issue has been reshaped by these reforms through improvements in the quality of democracy. Furthermore, AKP supporters note that the policies of the government also eliminate the barriers in front of the EU process.<sup>148</sup> On the other hand, another opposing group asserts that the AKP's real aim is to use the reform process to decrease the power of the Turkish army and create its own unchallenged authoritarian administration in Turkey.<sup>149</sup> When the Welfare Party, a forerunner of the AKP of which Erdoğan was also a leading member, came to power in 1996 it faced powerful opposition from the army. Ultimately, on 28 February 1997, the government faced what has been termed a "post-modern" coup carried out by the army and backed by the judiciary upon what were seen as the threat of the Welfare Party's Islamist activities. Thus, the AKP may well have been worried about the army, it is argued, because of past crises. Toledano writes:

"It is possible that the AKP leaders' motivations in pushing for these unprecedented reforms are rooted in their own personal experience. Many of AKP's founding fathers, especially those from the various Islamic factions, had themselves been subject to systematic exclusion and discrimination from power by Kemalist ruling elites. The army and security forces either actively excluded Islamic parties from coalition governments or outlawed their existence altogether."<sup>150</sup>

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<sup>147</sup> Abramowitz Morton and Barkey Henri, "Turkey's Transformers: The AKP sees Big," *Journal of Foreign Affairs*, vol. 88, no. 6 (2009): p. 118.

<sup>148</sup> *Ibid*, p. 119.

<sup>149</sup> *Ibid*.

<sup>150</sup> Ehud Toledano, "The AKP's New Turkey," <http://www.currenttrends.org/research/detail/the-akps-new-turkey> (Accessed January 14, 2012)

Meral provides a different perspective as to the AKP's motives, arguing that Erdoğan emphasis on these legislative reforms was because of the promises made to Turkish society that the AKP would, upon coming to power, work to increase the quality of democracy and human rights in Turkey.<sup>151</sup> As explained by Meral, even more specific promises were made during pre-election speeches such as promises to eliminate certain repressive, anti-democratic effects of the 1982 Constitution adopted during military rule. Yet, even this by itself is not a satisfactory explanation considering that it does not take into account the fact that the AKP introduced reform packages as part of Turkey's "national program" for EU membership that was shaped according to the guidelines of the European Commission.

Taking into account all these arguments, it seems most likely that the AKP was motivated to introduce democratizing reforms both because of its goal of forwarding the European Union candidacy process and because of personal experiences. It should not be forgotten that Erdoğan was arrested and imprisoned for 4 month in 1999 for reading the poetry of Ziya Gökalp (the name of the partivular poem for which he was charged being "Askerin Duası" or "The Soldier's Prayer"). It can reasonably be thought that after coming to power such experiences played an important role in his leadership of the democratization process and particularly on reforms regarding the freedom of expression. As explained by Polat, Erdoğan saw the EU process as a chance to introduce new reforms which were necessary for the democratization process in Turkey.<sup>152</sup> AKP used the European Commission's demands and recommendations as guidelines for determining the changes that

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<sup>151</sup> Ziya Meral, "Prospects for Turkey," Legatum Institute Research Paper (2010): p. 12.  
<http://www.li.com/attachments/prospects%20for%20turkey.pdf> (Accessed January 12, 2012)

<sup>152</sup> Rabia Karakaya Polat, "The AKP and the Kurdish Issue: What Went Wrong?" *Policy Brief* No.14, (2008): p. 2.

needed to be applied for Turkish democracy and perhaps more importantly as a form of external legitimization. In this manner, the Turkish Ministry of EU Affairs was to announce, for example, that, “The Turkish Government regards EU membership as a new step forward, a milestone confirming the founding philosophy of, and Atatürk’s vision for the Republic.”<sup>153</sup> It later stated further that: “Turkey has completed comprehensive constitutional and legislative reforms that reinforce and safeguard fundamental rights and freedoms, democracy, the rule of law, and the protection of and respect for minorities, as set out in the Turkey National Program for the Adoption of the European Union.”<sup>154</sup> This showed how the AKP government was making the necessary improvements on human rights and raising the quality of democracy in Turkey based upon its national program and under the guidance of the EU.

## **5.5 The European Impact on Reforms**

There are several countries in Europe and each country has its own norms, social, political and economic systems. However, as the Union expanded, the European Union increasingly aimed to provide an effective form of conditionality for new membership in order to harmonize the divergence from the general EU norms and rules. The objective of EU conditionality can be explained as being: “to promote reform, to prescribe criteria attached to EU-granted benefits, and to differentiate among countries by assessing each on its own merits.”<sup>155</sup> In general the EU has had a significant impact on candidate countries efforts to raise the quality of minority

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<sup>153</sup> “Executive Summary of the Turkish National Programme for the adoption of the Aquis,” p. 5. [http://ec.europa.eu/enlargement/pdf/turkey/npa\\_full\\_en.pdf](http://ec.europa.eu/enlargement/pdf/turkey/npa_full_en.pdf) (Accessed January 15, 2012)

<sup>154</sup> Ministry of EU Affairs, “Turkey’s Programme for Alignment with the Aquis (2007-2013),” p. 1. <http://www.abgs.gov.tr/index.php?p=196&l=2> (Accessed January 15, 2012)

<sup>155</sup> Othon Anastasakis, Dimitar Bechev, “EU Conditionality in South East Europe: Bringing Commitment to the Process,” *European Studies Centre*, (2003): p. 3.

rights in their territories in accordance with the European Convention of Human Rights for protection of minorities and the Commission has closely observed the developments in and reforms of candidate countries trying to raise their standards in these areas. For Turkey, this period began with the Helsinki Summit and was accelerated under the AKP. Although, the European Union has not given a certain date for Turkey's membership, the AKP has nevertheless established a stable policy towards the EU. European Commission reports acted as the primary guidelines for Turkey in this process and within this context Turkish governments adopted Turkey's National Program which consisted of seven harmonization packages introduced between 1999-2005 in order to fulfill the Copenhagen Criteria.<sup>156</sup>

The packages introduced as part of the National Program promoted human rights in Turkey through the introduction of new legislation and revision of the Turkish Constitution.<sup>157</sup> The first reform packages were actually introduced in 2001 by the coalition of the Democratic Left Party (Known as DSP), Motherland Party (ANAP) and the Nationalist Movement Party (MHP). During this coalition government period there were only three reform packages that entered into force. As noted by Müftüler, the coalition government could not provide much legislative reform because of difficulties and delays in the negotiations between the coalition parties on the packages. Nevertheless, 34 constitutional amendments were proposed, a new civil code for equality of gender was adopted and the the death penalty was abolished during this period.<sup>158</sup>

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<sup>156</sup> Zelal Kizilhan-Kisacik, "Europeanization of Minority Rights: Discourse, Practice and Change in Turkey" *European Diversity and Autonomy Papers*, (2010): p. 16.

<sup>157</sup> Meltem Müftüler Bac, "Turkey's Political Reforms and the Impact of the European Union" *Journal of South European Society and Politics*, vol.10, no. 1 (2005): p. 21.

<sup>158</sup> *Ibid.*

## 5.6 The AKP's Reform Packages and the Kurdish Problem

The AKP's reform packages were introduced in the process of efforts to find a solution to the Kurdish problem and brought new unprecedented domestic policies in this area. As noted in the 2003 progress report of the European Commission, the AKP government's changes and reforms on human rights were supported by a majority of the population and its reforms were bringing Turkey closer to EU standards.<sup>159</sup> The European Commission progress reports included demands, however, that Turkey should further strengthen its liberal democratic and political approaches to the Kurdish problem rather than following solely military-based approaches. As pointed out by Saatcioğlu, the AKP launched a number of legislative reforms to meet the EU's political criteria and decrease the military element in efforts to find a solution to the Kurdish problem.<sup>160</sup> The AKP responded by lifting the state of emergency in the southeastern provinces and decreasing the number of state-supported village guards.

Key parts of the first reform packages introduced by the previous coalition government had been the abolition of the death penalty and liberalization of policies related to the use of non-Turkish languages. Policies in the latter area were extended further during the AKP period. One of the most important points of dispute in the Kurdish problem has been the language policies of Turkish governments. As Bostock says, "language is a 'raw material' of ethnic conflict" and without permitting the unrestricted use of Kurdish language to the Kurdish ethnic group, it is not possible to talk about democratic reform in the country.<sup>161</sup> As explained in the 2004 regular

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<sup>159</sup> Progress Report of European Commission in 2003, p. 15.

<sup>160</sup> Berken Saatcioğlu, "The Case of Turkey's AKP under EU Conditionality," *The KFG* No 14, (June 2010): p. 5.

<sup>161</sup> Bostock, William W. "Language grief: A raw material of ethnic conflict", *Nationalism and Ethnic*

report of the European Commission, the AKP was aware of this dilemma and in 2003 took the first steps to change the law numbered 4963 in the 1982 Constitution of Turkey. The legal change allowed the freedom to use different languages in public institutions to citizens of Turkey. Furthermore, the second reform package brought more new amendments regarding the use of Kurdish language. Article 4 of 1982 Turkish Constitution which regulated the establishment of radio and television channels in Turkey was now also changed, eliminating restrictions on broadcasting in different languages.<sup>162</sup> In addition, the state-run Turkey Radio and Television Institution (TRT) opened a new TV channel, TRT-6, which itself now broadcast television programs in non-Turkish languages including, most importantly, Kurdish. Furthermore, the AKP also allowed the establishment of a private Kurdish TV channel in 2009.<sup>163</sup> The opening of a Kurdish language channel in Turkey and permitting of the use of Kurdish language in public institutions have been critical steps towards democratization in Turkey during the AKP period.

Turkey has made significant progress on human rights field. The abolition of the death penalty in August 2002 and the Turkish parliament's ratifications of Protocol No.6 of the ECHR which removed the death penalty except in war times in 2003 and the ratification of the UN International Covenant on Civil and Political rights which is related to education and socio-cultural rights are indicators of this progress.<sup>164</sup> AKP reforms concerning the use of Kurdish did not stop with the opening of Kurdish TV, but were continued in other areas too including with the opening a modern language department in Mardin University. This was the first time that a state

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*Politics*, vol. 3, no. 4 (1997): p. 94.

<sup>162</sup> European Commission's 2004 Regular Report on Turkey, p. 171.

<sup>163</sup> Euro report, "Turkey: Ending the PKK Insurgency," *Crisis Group Europe Report* No. 213, (20 September 2011): p. 6.

<sup>164</sup> European Commission's Progress Report of 2003, p. 26.

university opening such a department taught courses in Kurdish. Moreover, the AKP allowed for the opening of new elective Kurdish courses in various schools and universities and this policy was not only applied in universities in southeastern Anatolia, but also in prestigious universities in Istanbul such as Bilgi and Sabancı. Turkish students taking such elective Kurdish courses argued that the teaching of Kurdish helped unite Kurds and Turks rather than divide them.<sup>165</sup> Increasing social and cultural rights were thus an important aspect of the AKP's constructive reforms on the Kurdish problem. The 2005 progress report of the European Commission noted that Turkey has made significant progress in the field of human rights, noting especially how the abolition of the state of emergency in the southeastern part of Anatolia had positively changed life in the region. The Commission recorded that: "Released from the tight grip of the 'State of Emergency Regional Governorate' (Olağanüstü Hal Bölge Valiliği), residents of the Southeast experienced, for the first time in almost a generation, basic freedoms like traveling without regular identity controls and road-blocks."<sup>166</sup> With the ending of the state of emergency in the region, the conditions of Kurds' social life also began to improve. Gambetti also confirms that the Kurds in the region now began to carry out their cultural activities and celebrate their festivals without fear of state pressure.<sup>167</sup> As reflected in the progress reports, the cultural and social reforms introduced by the AKP were also having a positive impact on the Turkish image in Europe.<sup>168</sup> Approval of Turkey's initiating the negotiation process on 3 October 2005 was a powerful sign of this.

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<sup>165</sup> Radikal Newspaper, "Yeni Başlayanlar için Kürtçe," Daily Newspaper, November 28, 2011.

<sup>166</sup> Zeynep Gambetti, "The Conflictual (Trans) Formation of the Public Sphere in Urban Space: The Case of Diyarbakir," *EUI Working Papers* (2004): p. 38.

<sup>167</sup> *Ibid.*

<sup>168</sup> EU Commission's 2005 Regular Report on Turkey, p. 15.

## 5.7 The “Kurdish Opening” (Democratic Opening) and Its Dimensions

The Kurdish opening can be defined as a Turkish governmental policy which aims to end the ongoing armed struggle in Anatolia and resolve the Kurdish problem. Beşir Atalay, who was formerly the AKP’s interior minister, was the person with the greatest responsibility for designing and coordinating the democratic opening project. Karaveli suggests that the AKP began to try and find deeper sources of the Kurdish problem by organizing meetings with the participation of academics and regional Kurdish representatives.<sup>169</sup> The policy of the Kurdish opening was launched at the end of summer 2009 and was first called by this name by the Prime Minister himself. Later on it was also referred to as the “democratic opening” and in the end named as the “National Unity Project”.<sup>170</sup>

The democratic opening package can be seen as another Europeanization attempt of the government, through which the AKP aimed to build-up trust and confidence between the Kurdish and Turkish societies. Prime Minister Erdoğan publicly announced that the democratic opening aimed to improve the rights and freedoms of minorities and identify the deeper roots of the problem.<sup>171</sup> The policy outlined AKP’s ideas and methods for putting an end to the Kurdish problem by increasing the communication between the Kurds and the Turkish administration. Interior minister Beşir Atalay stated that the intention of the democratic opening was to promote the democratic rights of all Turkish citizens and satisfy the demands of Kurdish society

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<sup>169</sup> Halil M. Karaveli, “Reconciling Statism with Freedom Turkey’s Kurdish Opening,” *Silk Road Paper*, Washington (2010): p. 7.

<sup>170</sup> Cengiz Çandar, “The Kurdish Question: The Reasons and Fortunes of the ‘Opening,’” *Insight Turkey*, vol. 11, no. 4, (2009): p. 13.

<sup>171</sup> Zelay Kizilhan-Kisacik, “Europeanization of Minority Rights: Discourse, Practice and Change in Turkey” *European Diversity and Autonomy Papers* (2010): p. 26.

in the field of human rights. It was hoped that in this way the AKP could change the negative image of former Turkish governments held by many Kurds and eliminate the bases of societal support for the PKK.

Furthermore, though this project principally aimed to increase public awareness of the existing Kurdish issue and develop better relation between the state and the Kurds it actually applied to all ethnic and religious minority groups in Turkey.<sup>172</sup> As noted above, in launching the democratic opening process the AKP organized many meetings and conferences with the participation of leading intellectuals, academics, students, artists and non-governmental organizations (NGO's) to explain the goals of this project. There were special workshops organized on minority problems and well-known academics worked on this project. Erdoğan was thereby aiming to build broad societal support for the project and develop a deep-rooted civilian basis for finding solutions to the existing problems of minorities.

As a result of research done within the framework of the democratic opening, mandatory points were listed in these workshops for protecting the unitary character of Republic of Turkey such as the unitary structure of the state, the maintenance of a single flag and support for the welfare of the citizenry, democracy and the rule of law. As pointed out in the BİLGESAM research project, though democratization was expected to apply to all citizens, the AKP was introducing new legislative reforms

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<sup>172</sup> Hürriyet newspaper, "Atalaydan açılım açıklaması," November 6, 2009 and Erdoğan's interview, "Sorular ve Cevaplar ile Demokratik Açılım Projesi", January 2010, available on website: <http://www.akparti.org.tr/acilim220110.pdf>, (Accessed December 26, 21011)

within the scope of EU demands for promoting the rights of Kurdish society in Turkey.<sup>173</sup>

The AKP government introduced the following reforms within the scope of the democratic opening project: Legislative changes were made within the framework of a new zero-tolerance policy towards torture; existing restrictions on freedom of association were removed; the right to form associations was strengthened, as was freedom of assembly and; compensation was provided for losses resulting from terrorist activities.<sup>174</sup> The democratic opening project included not only political and legal reforms, but also economic reforms. These include the establishment of the “Social Restoration and Fellowship Project”, also known as the action plan for regional development which provided \$ 26.7 billion in state aid and also KOYDES (providing financial aid for villages), BELDES (providing financial aid for municipalities), SODES (providing financial aid for social and cultural activities), the Return to the Village and Rehabilitation Project, and provision of economic support in other areas such as education, health and cultural activities.<sup>175</sup>

The most important democratic reforms in this process related to the amendments of Article 26 and Article 28 of the Turkish constitution. These amendments aimed to remove restrictions on the freedom of expression.<sup>176</sup> The amendments extended the legal freedoms of the press and media in Turkey. As a result, many Kurdish

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<sup>173</sup> BİLGESAM Raporu, “Demokratik Açılım ve Toplumsal Algılar,” Basın toplantısı özetleri, [http://www.bilgesam.org/tr/index.php?option=com\\_content&view=article&id=981:basn-toplants-demokratik-aclm-ve-toplumsal-algilar-raporu-&catid=147:basn-toplantlar&Itemid=227](http://www.bilgesam.org/tr/index.php?option=com_content&view=article&id=981:basn-toplants-demokratik-aclm-ve-toplumsal-algilar-raporu-&catid=147:basn-toplantlar&Itemid=227), (Accessed December 12, 2011)

<sup>174</sup> Ibid.

<sup>175</sup> BİLGESAM Raporu, “Demokratik Açılım ve Toplumsal Algılar”, basın toplantısı özetleri, [http://www.bilgesam.org/tr/index.php?option=com\\_content&view=article&id=981:basn-toplants-demokratik-aclm-ve-toplumsal-algilar-raporu-&catid=147:basn-toplantlar&Itemid=227](http://www.bilgesam.org/tr/index.php?option=com_content&view=article&id=981:basn-toplants-demokratik-aclm-ve-toplumsal-algilar-raporu-&catid=147:basn-toplantlar&Itemid=227), (Accessed December 12, 2011)

<sup>176</sup> Nathalie Tocci, *The EU and Conflict Resolution*, (London, Routledge, 2007): p. 62.

journalists gained greater freedom to express their ideas on the Kurdish issue. Another important legal amendment was that made to Article 36 of the constitution. Amongst other things, this new amendment provided for more equal and fairer court trials for non-Turkish speakers, providing for translation and allowing Kurds and others to talk in their own language in court.<sup>177</sup> Notably, former leading Kurdish parliamentarians such as Leyla Zana and Hatip Dicle who had been arrested for speaking Kurdish in parliament and in court benefited from such amendments; their old crimes lost their status as a crime and they were released from prison in 2005. Furthermore, there were other significant changes made to Article 69 of the constitution which made it more difficult to shut down political parties in Turkey. According to this new amendment, courts could now judge to cut state aid to political parties rather than close them down.<sup>178</sup> Another important constitutional amendment was made for increasing cultural rights. This new amendment removed the restriction on citizens having non-Turkish names. Kurdish and other minority peoples are now free to name their children with traditional Kurdish or other names.<sup>179</sup>

The above developments are among the positive steps taken to deal with the Kurdish problem. Most of these changes were developed as part of a harmonization package for the EU accession process. As pointed out by Kısacık, the European Union process has therefore led to the development of reforms in Turkey that promote the rights and freedoms of minorities in Turkey. Particularly, in the case of the Kurdish problem, EU pressures have in practice led to the “de facto recognition” of the

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<sup>177</sup> Ibid.

<sup>178</sup> Ibid, 63.

<sup>179</sup> Ibid.

Kurdish minority in Turkey.<sup>180</sup> De facto recognition because, in the legal sense Turkey still does not recognize the Kurds as a minority in Turkey. Kurds are still accepted only as Turkish citizens Kurdish origin. On the other hand, as Kısacık asserts, the AKP's introduction of gradual but significant changes in areas such as those outlined above are transforming the perception of the Kurdish problem in Turkey. It is a fact that rapid changes can attract negative public responses, but, gradual changes, introduced step-by-step as done by the AKP, are more acceptable. So, it is possible to say that it has not only been EU pressures, but also the AKP's stable and consistent attitude towards democratization in Turkey has a big impact on the reconstruction of Kurdish politics in Turkey. Constitutional reforms such as those mentioned above, are a still ongoing process. More generally, the application of the democratic opening still continues and new workshops are arranged to provide better social-political and cultural rights and freedoms of minorities in Turkey, but positive change has certainly occurred.

## **5.8 Conclusion**

Since the coming to power of the AKP government in 2002 there has been a period of relative political stability in Turkey. This can be considered to have been a significant factor in the success of the legislative reforms in Turkey. Furthermore, as noted in reports of the Turkish Ministry of EU Affairs, the general economic development and financial stability of Turkey during the past decade has raised the general welfare level of the population in Turkey and this has also had a positive impact on the success of the AKP's EU-related policies. Although, the reform process has not ended, the positive results have started to be seen in Turkey. These

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<sup>180</sup> Zelal Kizilhan-Kisacik, "Europeanization of Minority Rights: Discourse, Practice and Change in Turkey," *European Diversity and Autonomy Papers*, (2010): p. 33.

developments are significant signals of liberal democracy in Turkey with, for instance, the media now freer to express ideas and criticisms.<sup>181</sup> However, we should accept that while there were some crucial developments concerning the Kurdish problem, levels of success have not yet been sufficient.

Turkey and Europe are interdependent through both their economic and political bonds. The AKP intends to increase this bond through a successful outcome to Turkey's EU accession process. However, the AKP's task is not an easy one. To secure a continued process of gradual legislative reform in Turkey and achieve its EU goals the AKP not only has to raise the quality of democracy and human rights in Turkey, but also to develop a communication-based strategy with both the opposition parties and Turkish society at large.<sup>182</sup> Although, progress has been made, and although the AKP has followed a serious reform strategy, PKK attacks on Turkish military have complicated the task and negatively influenced opportunities to continue the reform process. These attacks increase tensions in Kurdish-populated regions of Turkey, create a negative hard-line response from Turkish society and decrease public support for the reform process. It seems that as long as the PKK continues its terrorist activities, the Kurdish problem will not be easy to comprehensively resolve.

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<sup>181</sup> Ministry of Foreign Affairs, "Political Reforms in Turkey", Ankara, (2007): p. 30.  
[www.abgs.gov.tr/files/pub/prt.pdf](http://www.abgs.gov.tr/files/pub/prt.pdf) (Accessed December 14, 2011)

<sup>182</sup> Natalia Tocci, "Conditionality, Impact and Prejudice in EU-Turkey Relations," *IAI Tepav Report* No: 9, (July 2007): p. 35.

## Chapter 6

### CONCLUSION

The early roots of the Kurdish problem can be found in the first years of the Republic of Turkey, but a century later the Kurdish question, though transformed, continues to be problematic. However, it is still possible to say that the Kurdish problem can be solved through peaceful means and that Turkey's EU negotiation process has been a key instrument in the seeking of such a solution to the Kurdish problem. Although, there are groups in society who may think differently, the EU process has been helpful for democratic reform in Turkey. Democratization means the improvement of the quality of democracy, freedom, rights and standards of living in the country and developments through legal, political and cultural reforms are indicators of democratization in Turkey. In this context, the AKP governments' reforms have been seen as positive developments by both the European Commission and European countries generally. Independent European observers and academics have called this process Turkey's "Silent Revolution" but have also pointed to the continued existence of the Kurdish problem as an obstacle in front of the further development of Turkey.<sup>183</sup>

In this thesis the concept of the "minority", which has become a matter of debate in modern politics, is examined both theoretically and in terms of EU and UN standards. The thesis generally takes as its basis, though, internationally accepted

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<sup>183</sup> Başbakanlık Avrupa Birliği Genel Sekreterliği, "Türkiye'de Siyasi Reform Uyum Paketleri ve Güncel Gelişmeler," Ankara (2007): p. 31.

explanations of the concept. These typically hold that different ethnic, religious, national and linguistic groups are can be accepted as minority groups. While the Kurds can in this sense be considered to be an ethnic minority, they are not recognized as such in Turkey with Turkish governments pointing to the conditions of the Treaty of Lausanne as the reason for this.

In addition to such theoretical issues, the thesis tries to provide an understanding of the ethnic, historical and cultural background of the Kurdish nation in order to evaluate contemporary Kurdish identity and demands. This evaluation focuses on the bases of difference between the Kurds and Turks in Turkey such as the use of different languages. Moreover, the roots of the Kurdish problem are also examined within this context with the argument being made that they are most evident in the Treaty of Lausanne, the structure of the Kurdish society and the rise and impact of PKK activities. From the historical perspective, the fact that the Kurds were not accepted as a minority group by the Turkish state does not appear to have been a major political issue for Kurdish society during most of Turkey's republican history. However, the 1980 military coup brought a repressive regime to Turkey that led to severe repression particularly in southeastern Anatolia which suffered greatly under the state of emergency that was declared in the region. This can be considered a trigger point for the beginning of ongoing stage of the Kurdish problem.

On the other hand, various other factors have also contributed to making the problem so severe and long-lasting, not least the disunity and differences among the Kurds themselves that are partly related to the complexity and variation in the ethnic structure. of the struggle in the region between the PKK and Turkish military forces has also led to much suffering and the resulting disorder has further worsened

matters by reducing. Of course, the fact that nearly all Turkish governments have produced military-based policies for solving the Kurdish problem has not helped either and has actually contributed to increasing the tension in the region. Previous governments followed a hard-line strategy on the Kurdish problem rather than trying to find liberal solutions. Turgut Özal's administration, which began to discuss a liberal approach to ending the Kurdish problem, was for a long time the only important exception. The initiative which he led was ended, however, with his sudden death. As a result of the mistaken policies of previous governments, (such as restricting use of Kurdish language, imposing extended states of emergency, emptying villages), the Kurdish problem actually grew to become bigger and bigger.

An important turning point was reached, however, with the progress of Turkey-EU relations at the end of the 1990s soon followed at the beginning of the next decade by the coming to power of the AKP. The European Commission made clear that there were a need for increasing the quality of the democracy and establishing the rule of law in Turkey. Turkey was required to take serious steps as part of its EU accession process, especially, in the field of minority rights. Particularly, EU Commission reports stated that there were poor cultural rights for Kurds, that Turkish governments did not recognize their identity, restricted their freedom of expression and restricted the use of Kurdish generally in the public area and particularly in education. According to EU reports Turkey has significant deficits on these issues. Removing the right to put the Kurdish name for children, official prohibition of Kurdish in education and teaching, Kurdish TV programs, cultural activities are significant human rights violations in Turkey. Furthermore, restricting the use of the mother tongue in the public institutions did not conform to the modern democratic

structure claimed by Turkey and demanded by the EU. Such wrong policies were deepening the Kurdish problem. On all these and other issues, the Commission pressured Turkey to provide better minority rights. The European Union thus demanded the introduction of democratic reforms and policies and an end to strategies based just on military means to resolve the Kurdish problem.

The AKP government's legislative reforms are examined in this study in light of Turkey's EU negotiation process. The AKP has followed a distinct path in developing its Kurdish politics. From the beginning of their decade-old period in government that began in 2002, the AKP, unlike previous governments, openly acknowledged the existence of the Kurdish problem in Turkey. Acceptance of this reality pushed the AKP to more deeply examine the issue of human rights in Turkey. In addition, because of the AKP's commitment to EU integration, the human rights issue came also to be seen as a vital obstacle that needed to be overcome in order to reach their goal of EU membership. As a result, the AKP's EU-related "National Program" and reform packages addressed the need to eliminate Turkey's deficits in the field of human rights. Among important legal reforms were the amendments of Article 69 and 36 of the constitution, concerning the closing of political parties and provision of fair trials in the courts. These provided greater freedom to Kurdish-based political parties and allowed the Kurds greater linguistic rights. The language policy of the AKP was developed in other ways also, including the broadcasting of Kurdish-language programs by state TV, and contributed significantly to democratization in Turkey.

In the second half of the decade the AKP's "democratic opening" brought a new positive dimension to efforts to solve the Kurdish problem. The AKP established

academic workshops in partnership with non-governmental organizations and Kurdish associations. In this way, the AKP brought together the different related parties and tried to better understand the ideas and demands of civil associations, supporting efforts to create a common way forward.

There is an ongoing reform process in Turkey related to human rights and the Kurdish problem itself continues to evolve with the process of trying to resolve it having its own ups and downs. The main reason behind this problem has been the uncompromising perspectiveness of the relevant sides and there has not yet been enough constructive debate on these issues in Turkey. There has clearly been a need for more moderate and constructive liberal perceptions in the communication process. On a positive front, however, the AKP's democratic opening workshops still continue to negotiate between the parties which come together to discuss the existing difficulties and try to find solution to these problem. In fact, thanks to this democratic opening, political dialogue has increased and the old nationalistic paradigm of Turkish policy on the Kurdish issue has gradually begun to change. The Kurdish problem has begun to be discussed as a minority and human rights problem, rather than just a security problem created by a secessionist movement. For that reason the opening is a critical development in itself. It is true also that the AKP governments have been quite consistent in avoiding nationalist rhetoric on the Kurdish question and have tried to provide liberal and moderate messages to the Kurds through the media. To their credit, even after PKK terror attacks, Erdoğan and others have emphasized the positive historical and cultural ties between Kurds and Turks and focused on the negative impacts of PKK on this brotherhood between the

two societies. This attitude has been important for helping to build the trust of the Kurds and is critical if a peaceful solution to the problem is to be found.

However, it is also a fact that since 2010 there has been an overall decrease in the introducing of new reforms in Turkey related to the Kurdish question. This period has been used partly to observe the effects and implications of previous reforms, but it has also at times seen the AKP place greater, relatively more hard-line emphasis on the existence of the PKK as the cause of the problem. Nevertheless, a new anti-terror law was introduced on 2 May 2011. It was designed to encourage PKK terrorists and militants to take advantage of the law of repentance. This law provided those who had not been directly involved in criminal activities to “descend from the mountains” where they were camped. Beşir Atalay stated that these attempts aimed to remove the Kurdish problem from being one of security.<sup>184</sup> The first step was tried in the “Habur” border crossing episode, but ended with failure with accusation being made that the PKK was trying to make use of these returns for propaganda purposes. Although, there have been some recent positive developments in Turkey, the declining level of Turkey-EU relations can be considered to have had a negative impact on the reform process. The negative position of some European countries (especially France) regarding Turkey’s EU membership and the upcoming Greek Cypriot EU presidency have contributed to reducing the level of relations and arguably reduced also momentum for dealing with the Kurdish problem.

It is fact that, there have been clearly observable developments in Turkey aimed at increasing the quality of democracy in the country. Indeed, according to the

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<sup>184</sup> “Habur’un Mucidi Beşir Atalay öncülüğünde AKP hükümeti ikinci demokratik açılım paketi için düğmeye bastı. Peki pakette neler var,” news on 27 December 2011. <http://www.dosdogruhaber.com/gundem/akp-dugmeye-basti> (Accessed January 15, 2012)

European Commission there is a need to express respect for Turkey's positive progress in adopting judicial and political reforms related to the Kurdish minority.<sup>185</sup> Further, as suggested by Akyol, while "... It might be true that most of the AKP's liberal reforms did not sell well in the Turkish society, the 'Kurdish opening' has certainly been appreciated by many Kurds."<sup>186</sup> Although then, the AKP has introduced some radical reforms, it is possible to say that there is a need for further developments in the field of human rights in Turkey.

As emphasized above, there is a need for greater communication and development of political dialogue between Kurdish representatives and Turkish governments. The presence of the BDP in parliament provides an opportunity to develop a political solution to the Kurdish problem. The BDP representatives can reflect to an important degree the demands of Kurds in their regions and through greater dialogue with the government the chance might be found to build common ground for a solution. Furthermore, non-governmental organizations and civil society typically play important roles in countries' democratization processes too. If related NGO's can combine and coordinate to support and end to the armed conflict between the PKK and the Turkish army and work to transmit the demands of Kurdish society to government, this too could be beneficial for the solution of the Kurdish problem. Of course, the AKP government has perhaps the biggest role to play in enhancing such dialogue and interaction. The "Democratic Opening" can be considered a serious step in this direction. A more pluralistic perspective on Turkish politics is necessary for which a new constitution that formally recognizes the existence of all previously unrecognized ethnic minorities in Turkey might help. Moreover, such recognition

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<sup>185</sup> Vincent Morelli, "European Union Enlargement: A Status Report on Turkey's Accession Negotiations," *Research paper*, (9 September 2009): p. 8.

<sup>186</sup> Mustafa Akyol, "What just happened to AKP," *Hürriyet daily news*, 8 January 2011.

could be justified not in terms of increasing division, but in terms of protecting human rights in Turkey.

Overall, the AKP's governments' policies on the Kurdish problem might be considered to have been quite successful. The lifting of the state of emergency in southeastern Turkey has been a critical move towards a solution process, not only increasing freedoms in the region but also opening the way for greater economic development. Nevertheless, the level of economic assistance in southeastern Anatolia has still not been sufficient to substantially raise the economic standards for Kurdish society. Though there have been some improvements in developing services such as health and education, continuing low levels of economic development and high levels of unemployment maintain a negative impact on regional society.

In addition to recording the significant impact of the EU on the AKP's restructuring of the Kurdish problem in Turkey, this thesis also determines that deadlock over the Kurdish problem is to an important extent the result of long-standing state-led policies in Turkey. If previous governments had focused more on developing liberal solutions rather than security and military-based solutions, the Kurdish problem would today be much less of a "problem". However, the possibility to address remaining difficulties through liberalization and democratization still exists. More emphasis must be given also to resolving the economic problems of Kurdish society which is still largely concentrated in the poorest, least developed regions of Turkey. And though some improvements have occurred on the education front, there are still too many children in southeastern Turkey whose educational opportunities are severely limited. By contributing to such improvements and developing the regions

infrastructure and public services further, the AKP could gain much greater support from the Kurdish people and could end or seriously reduce the influence of the PKK on them. Thus, the bond between the Kurds and the Turkish state could be strengthened.

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