

**A ROADMAP FOR A SOLUTION
TO THE KURDISH QUESTION:
POLICY PROPOSALS
FROM THE REGION FOR THE GOVERNMENT**



TESEV

**Türkiye Ekonomik ve
Sosyal Etüdler Vakfı**

*Turkish Economic and
Social Studies Foundation*

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Executive Summary

PURPOSE

The comments, findings, and suggestions contained in this report belong exclusively to Kurds, not to TESEV. The report is based on the opinions of various experts, politicians, non-governmental representatives, and opinion leaders that are believed to represent Kurdish society. The main purpose of the report is to convey to the government and people of Turkey the unheard voices of the Kurds who are the primary parties of the issue.

INTRODUCTION

The Kurdish Question is not a mere ‘terrorism problem,’ but rather an issue with ethnic, cultural, legal, political, social, economic, and psychological dimensions. It was there before the PKK existed; even if the PKK were to be completely eliminated, the problems and demands of the Kurds would persist. The era of armed conflict has inflicted heavy material and emotional losses on the region and Kurds in particular, and on the entire society in general. The state’s failure to pursue policies during non-violent periods in favor of restoring permanent peace has caused it to miss very important opportunities to find a solution, and has created among Kurds a feeling of distrust towards the state. The Kurdish Question, which has so far been a political issue between Kurds and the state, increasingly risks rapid transformation into a clash between the Turks and the Kurds.

I. GENERAL PRINCIPLES

Steps taken in recent years have partially answered some of the Kurds’ demands, but are not sufficient to solve the entire Kurdish Question. Diverse efforts toward a solution should be founded on democratic processes, whereby opinions and information should be sought from political and other representatives of Kurds in a comprehensive fashion *before* any policy is developed. A solution to the Kurdish Question is possible and meaningful only if steps are taken simultaneously in political, economic, social and other areas.

II. POLITICAL STEPS

Despite the fact that different segments of Kurdish society may have highly varied demands, the majority of Kurds, particularly those living in the region, do share similar demands on issues such as linguistic, political, and cultural rights, village guards, landmines, and affirmative action. There is also a group that believes a solution to Kurdish Question requires a general political amnesty, ending the isolation of Abdullah Öcalan on İmralı Island, and providing PKK members a secure place in society.

A. DISARMAMENT OF THE PKK

A quarter of a century of struggle against the PKK proves that no military means will be fruitful in solving the Kurdish Question. All steps taken towards peace will fail as long as the armed conflict continues. Therefore, all military operations should be halted, mediation with representatives of Kurdish civil society and political parties should be sought to convince PKK lay down its arms, a ‘non-amnesty’ regulation should be introduced to sufficiently encourage PKK members to lay down their arms, new plans should be tailored to allow former PKK members to have a secure place in society, and a remission on judicial records should be issued in favor of convicted PKK militants.

B. DIALOGUE WITH KURDISH POLITICAL PARTIES

The government and the AKP especially are expected to take a stand in favor of democracy with regard to the judicial action that seeks to close the Democratic Society Party (*Demokratik Toplum Partisi* –“DTP”). The isolation policy inflicted on the DTP by the government and some party groups in the parliament does not in any way contribute to a solution. This exclusion also encourages local administrative authorities to take on similar attitudes against the DTP’s local officials. In light of the fact that the DTP is not the sole actor in the Kurds’ political life, pluralism within the Kurdish political movement should be encouraged through contact with other political parties and organizations that in some way address the Kurdish Question.

C. DIALOGUE WITH NON-GOVERNMENTAL ORGANIZATIONS

It is a positive development that government officials visiting the region recently tend to meet with the representatives of some local non-governmental organizations. However, any attempts towards a solution to the Kurdish Question not only involves meeting the representatives of the business community or professional organizations, but also consulting all non-governmental organizations, including human rights and women’s organizations, unions, and other labor representatives. Even opinions considered extremely ‘radical’ should be taken into consideration.

III. CONSTITUTIONAL AND LEGAL REFORMS

A. A NEW CONSTITUTION

It is unlikely that a permanent solution to the Kurdish Question will be found without the introduction of a new, civil, and democratic constitution. A new constitution should adopt a notion of citizenship that respects the multi-cultural nature of Turkey, with no particular emphasis on a single ideology or ethnic, religious, sectarian, or linguistic identity. It should exclude any elements that could impede exercising fundamental rights and freedoms. It should entitle Kurds to public services and to education in and of languages other than the official one in the areas where they predominantly reside. It should maintain an equal distance from all religions and beliefs, adopt a true understanding of secularism, and contain preventive mechanisms against anti-democratic attempts to overthrow the constitutional order.

B. LEGAL REFORMS

All laws relating to fundamental rights and freedoms should be revised, particularly the Law on Political Parties, the Law on General Elections, the Turkish Penal Code, the Law on the Fight Against Terrorism, the Law on Police Duties and Authorities, the Fundamental Law of National Education, the Higher Education Law, the Press Law, and the Law on Radio and Television Broadcasting, which require priority attention. The existing ten percent minimum threshold in elections should be reduced to five percent; regulations regarding the closure of political parties should be revised to conform with the Venice Criteria; all language barriers on freedom of association and expression should be removed; all legislation regarding freedom of expression should be revised to conform with the European Convention on Human Rights; and new regulations should be introduced to ban hate speech in the media. Additionally, all reservations Turkey put on international treaties should be removed; and an economically and administratively independent National Human Rights Institution as well as a Public Inspection Institution (Ombudsman) should be set up in compliance with the UN’s Paris Principles. A comprehensive law against discrimination should also be developed, and its implementation should be inspected by an independent national institution. Discriminatory remarks and misinformation on the Kurds should be eliminated from textbooks; and the country’s recent history should be treated with an objective and impartial approach. The Kurdish language should be added to the curriculum as the second language or as an elective course in educational institutions; public services in the region should also be provided in Kurdish; and Kurdish institutes should be set up at universities. Public servants to be appointed to posts in the region should be selected from among qualified, experienced, and willing candidates who can speak and write Kurdish and bear no prejudices against the people of the region.

IV. ECONOMIC REFORMS

A primary indication of the government’s sincerity in solving the Kurdish Question will be special economic development efforts in the region. These economic reforms are necessary but not sufficient, and are useful only if are coupled with political reforms.

A. GAP ACTION PLAN

During the preparation of the Southeastern Anatolia Project (*Güneydoğu Anadolu Projesi – “GAP”*) Action Plan, the government consulted predominantly with representatives from the business world and professional associations, excluding those from anti-poverty institutions, unions, and women’s and human rights organizations. This has impaired the plan’s credibility in the region. It is still unclear how the plan will be implemented, though it is clear that it adopts a state-guided approach with no defined role for non-governmental organizations. No supplementary budget has been calculated for so-called ‘actions’ such as drinking water, sewerage systems, and purification facilities, and no program has been defined for non-irrigated lands or for stimulating the agricultural and livestock sectors. Though landmines are widespread throughout the region, only those near the Mardin-Syria border have been selected for a demining program according to the plan. It neither proposes solutions to ongoing and urgent problems of the local population, such as hunger and housing, nor does it address issues such as unfair land distribution, forced migration, the village guards, seasonal labor migration and village returns. The GAP Action Plan, which does not cover all cities governed under the State of Emergency rule, avoids using the word “Kurdish” in the text and ignores the ethnic aspects of regional poverty, and, therefore is naturally not perceived by the local public as a policy aimed at resolving the Kurdish Question. The project should end upon the completion of the irrigation channels and be replaced by an institutional organ that will be responsible for overall development in the region. This new structure needs to cover not only GAP cities, but all provinces once governed under the State of Emergency rule.

B. INDUSTRIAL AND TRADE POLICIES

In order to increase investments in the region, the government should introduce a new system of incentives tailor-made for the region and define a set of regional magnets. Local capital should be encouraged to participate in the privatization process in the region; and investment should immediately be made in infrastructure, particularly in energy and transportation, with employment-oriented investment preferred to investment in heavy industry. Policies that will strengthen economic and social capital should be implemented simultaneously, and the infrastructure necessary for vocational education should be set up to train unqualified workers. Operating loans should be issued to prevent the closure of factories in the region; the system of financial incentives should be revived; and all incentives and supports should continue for at least 15 years. The region’s share of public investment and the rate of realized investment should be increased, with military expenses not listed among public investment. Investment in the region should be given discounts and exempted from income and corporate taxes for at least 15 years. The manufacturing industry should enjoy energy subsidies between 50 and 80 percent; inexpensive and long-term investment and operating loans should be issued; the guarantee system should be revised so to accept projects and operations as guarantee items as well. A new mechanism and fund should be set up to allocate specific interest-free loans up to 100,000 YTL with two to five years of grace period to small-scale entrepreneurs and to those investors who want to grow their businesses. Loan opportunities that are simple to apply for should be created specifically for women.

C. TOURISM

New policies are needed to improve the tourism sector, which has serious potential in terms of employment and revenue generation in the region. A large-scale demining effort should be launched in rural and mountainous areas to pave the way for outdoor tourism and winter sports; tourists from neighbouring countries should be attracted through special campaigns; relations with neighbouring countries should be improved; all border gates should be re-opened; and the Hasankeyf dam project should be terminated immediately.

D. BORDER TRADE

Barriers to border trade should be removed so that the region can regain its once powerful economic clout in the Middle East economy. The border gate with Armenia should be re-opened, barriers on border trade with Iran, Iraq and Syria should be removed, and border trade should be facilitated by revising the circular of Undersecretariat of Foreign Trade in accordance with the needs of provinces in the region. Relations with neighbouring countries should be improved, and Syria, Iran, Iraq and the Kurdistan Regional Government should be encouraged to open consulates and representations in Diyarbakır. Current demining activities on the Syrian border should be expanded to include all border areas.

E. AGRICULTURE AND LIVESTOCK PRODUCTION

Special measures are needed to revive agricultural and livestock production in the region; bans on entering some plateaus and meadows should be removed; and a region-wide demining initiative should be launched. Development

projects that are tailor-made to meet the diverse needs of each province on the micro level should be favored over general macro policies on agriculture and livestock production covering the region as a whole; land registration works should be concluded without delay; GAP-based irrigation works and East Anatolian Project (*Doğu Anadolu Projesi – “DAP”*) livestock projects should be enlarged in order to cover all the region’s provinces and then finalized as soon as possible. Agricultural and livestock production should be endorsed as the leading sectors for the development of the region, to be supported by verifiable incentive policies that are genuinely implemented. Accordingly, projects that encourage producers to employ agricultural engineers and veterinary surgeons, and that will provide an influx of technical know-how, inputs and products, should be developed or subsidized. Existing economic activities like apiculture and sheep farming should be further supported while relatively new organic farming should be spread; and founding genetic centers should be encouraged for stud breeding. Victims of forced migration who returned to their villages should reclaim the production tools they lost, and cooperatives and associations should be established in order to increase production and facilitate marketing. Public and non-governmental institutions should be mobilized to re-develop lands damaged by forest fires.

V. SOCIAL POLICIES

An action plan is urgently needed, without waiting for a political solution, to combat the region’s alarming poverty level, which is a legacy of the Kurdish Question. Social policies should adopt a rights-based approach, whereby all citizens can exercise their rights regardless of their ethnic origins, political tendencies, judicial records and political activities. Direct income transfer should be adopted as the most urgent and effective tool of social policy, in which deadlines are correlated with individual needs during the transfers and similar social aids; a single public institution should be defined and authorized for the distribution of all social supports; human dignity should be respected during aid allocation; and the secrecy of the identities of aid-receivers should be strictly protected. In order to perform social services via professional individuals and institutions, Dicle and Van Yüzüncü Yıl Universities should be furnished with Social Services Departments.

A. EDUCATION

Though the rate of schooling in the region has increased in recent years, the number of students regularly attending school is very low due to high drop-out rates and frequent absenteeism. Many primary school-aged Kurdish children have to work as seasonal laborers with their families in various parts of the country. Educational aids have increased but are still insufficient. There is a serious deficit of teachers and infrastructure. Special measures are needed to meet the region’s educational needs and an action plan should be put forward to ensure the school attendance of children from poor families and families that are victims of forced migration. New regulations should be introduced for students from the region who often occupy the bottom ranks in central examinations such as the Civil Service Qualifying Examination (*Kamu Personeli Seçme Sınavı – “KPSS”*) and the Student Qualifying Examination (*Öğrenci Seçme Sınavı – “ÖSS”*) Existing school buildings and student dormitories should be reinforced, new schools and dormitories should be constructed, schools should be furnished with sufficient educational tools and equipment, and a sufficient number of qualified teachers should be sent to the region on long-term assignments in order to narrow the teacher deficit.

B. FIGHT AGAINST POVERTY

Employment alone is unlikely to solve the poverty problem in the region. Unconditional cash support is urgently needed for those who live below the hunger threshold. New practices should be developed similar to the existing Green Card (*Yeşil Kart*)¹ and Conditional Cash Transfer (*Şartlı Nakit Transferi*)² program for the general population; objective criteria should be set and used in delivering such assistance to the population in the region; and assistance should not be stopped for political reasons. The government should increase the number of social centers, children and community centers, and sports and cultural facilities, in cooperation with local governments and non-governmental organizations, to reach all of the region’s population, and the people of the neighborhood should have a say in how these centers are run and managed. Special policies should be developed for vulnerable groups such as the elderly, women, and children working on the streets.

1 The Green Card program is a generic poverty alleviation government program that provides free health care and meets 80 percent of the medication costs of citizens below a certain income level.

2 The Conditional Cash Transfer program is an education and health care support provided to families whose children are unable to benefit from educational or regular health care services due to financial conditions and for expectant mothers on the condition that they meet certain requirements.

C. CHILDREN

The status of the children living in urban and rural areas across the region is a major problem that needs specialized attention. The most basic rights of the region's poor and uneducated children, such as schooling, shelter and security, have been violated, and child labor is vastly exploited. Cases of abuse and torture targeting children, which have risen alarmingly in recent years, should be prevented. Court trials against children that violate human rights should be stopped immediately. Schools in the region should be transformed into social domains and enhanced to also serve as sports and cultural centers; new areas should be created for children to be used for social activities during non-school hours; and the number of children centers should be increased to provide for all children in need. Special efforts should be paid to drug-addicted children, physically and mentally impaired children, and children from seasonal working families. The elimination of child labor should be a priority in social and economic action plans already implemented or envisioned for the region.

D. WOMEN

Policies to be prepared for the region's female population should take into consideration variables such as urban/rural, educated/uneducated, young/aged etc. Young women who continue their education externally should be supported through various conveniences; poor Kurdish women without any official education should be given basic health care, vocational training, and access to urban life; and incentives should be issued to small-scale women entrepreneurs. New regulations should be introduced and social security coverage provided for women who work in unregistered jobs like seasonal labor, house cleaning, baby-sitting, knitting etc. The context and title of the Law No. 4320 on "The Protection of the Family" should be altered to protect women from family violence; independent shelters and Women Solidarity Centers should be established for women who suffer family violence; and specific policies should be implemented to find jobs for women who leave shelters. Special attention should be paid to the protection of witnesses who report honor/tradition-based killings by enrolling them in witness protection schemes; the practice of unfair mitigation of penalties defined by Turkish Penal Code for honor killings should be ended; and honor killings should also be punished by life imprisonment as is the case with tradition-based killings. Judges, public prosecutors, security officials, and police officers who are the first to respond to abuse should be given training on gender issues with regard to violence against women.

E. SEASONAL LABOR

Seasonal workers who are not officially recognized by the Ministry of Labor or the Ministry of Agriculture, and are practically ignored by the State, should be legally covered by the Ministry of Agriculture. Seasonal working families should be provided safe and free transportation to areas where they work; policies to meet the educational needs of their children should be introduced; their living conditions should be improved; and their health care and social needs should be met. The Governor's offices should calculate the number of seasonal workers needed by employers and provide labor according to the demand; labor representatives should have a say in decisions such as the volume of labor to be sent, the amount of payments, and transportation of the workers; and labor laws should be made functional in order to regulate working conditions of seasonal workers and their relations with employers. Intermediary institutions known as "*erici*", which provide the link between the workers and the governorship, should be inspected regularly, and a minimum wage should be set up in order to define standards based on the fact that families do not work half of the year. Union rights should be protected and barriers to association rights should be removed.

VI. INTERNAL DISPLACEMENT

Victims of forced migration, whose number is estimated to be around one million, constitute another segment of society that needs special attention.

A. VILLAGE GUARDS

Perpetrators of numerous human rights violations in past years, the village guards continue committing widespread crimes against the general public in the region, especially women, and constitute a major barrier to village returns. The government should immediately fulfill its promise, given to the EU and UN, that it will abolish the village guard system in the short run; all volunteer and interim guards should be disarmed; and they should be given social and psychological rehabilitation, along with opportunities for employment in sectors other than sensitive ones such as education, security, village reconstruction, and forestry.

B. RETURN

The in-kind assistance given under the Return to Village and Rehabilitation Project (RVRP) to the victims of forced migration who volunteer to go back to their villages should be supported by cash assistance that allows victims re-establish their lives as they were before migration. RVRP aid should be distributed to all in need, and the information on expenses made by governorships and district governors in the framework of the RVRP and the Village Infrastructure Support Project (*Köy Altyapı Destekleme Projesi – “KÖYDES”*) should be made public.

C. URBAN LIFE

Special steps should be taken to solve the problems of internally displaced people (IDPs) who are struggling with unemployment, poverty and hunger in the suburbs of the cities. Policies of affirmative action should be considered, such as supplying free electricity, water and natural gas. Victims should be given vocational and skills training, while the entrepreneurs amongst them should be given incentives, loans, lands, and working spaces.

D. COMPENSATION LAW

The application deadline to benefit from the Law No. 5233 entitled “Law on Compensation for Losses Resulting from Terrorism and the Fight against Terrorism” (“Compensation Law”) should be postponed once again; all information about the applications per the Law should be released to public; and an administrative appeal mechanism should be established to inspect the decisions of the damage assessment commissions, especially the refusals.

E. LANDMINES

Local people should be informed about the existence of landmines and live ammunition in border and residential areas. Turkey should fulfill its legal obligations per the UN’s “Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction” (“Ottawa Convention”). The 2,970,000 landmines that were supposed to be destroyed by March 1, 2008 should be immediately destroyed if they have not been already, and an additional one million underground mines should be cleared by March 1, 2014. Rural areas cleared of mines should be distributed to landless villagers and opened for agriculture. Those people injured and disabled due to explosion of landmines and live ammunition should be given priority in employment, housing, education and health care. Medical experts and necessary tools and equipments should be supplied to local hospitals that care for landmine victims.

F. RESTORING JUSTICE

An independent and impartial truth committee should be set up, based on international human rights conventions, in order to find and punish the perpetrators of human rights violations committed during the process of forced migration. The State should acknowledge its responsibility for the violation of rights and policies of suppression against the Kurds, and should ensure that the perpetrators are punished and that the damages inflicted on the victims are compensated.

VII. STRENGTHENING LOCAL GOVERNMENTS

Local governments’ dependence on the central government has led to regional inequalities between local governments with regard to the Kurdish Question, impedes the delivery of public services to the local population, creates the sentiment that the people’s democratic will is being ignored, and increases their distrust of the State and government. The central government, which in the framework of judicial reform has launched a move toward regionalization, should do the same with regard to local government. Centrist policies imposed on local governments should be abandoned, and this should involve not only the transfer of services and responsibilities but also the introduction of necessary regulations for authority and funds transfer, and therefore, equipping local governments with administrative and financial autonomy. Governors’ tutelage over municipalities should end, and educational, health care and local security services should be supplied by local governments. The powers of provincial councils should be expanded, because they are well aware of local needs, while new regulations should be introduced to form regional, provincial and neighborhood assemblies; and mukhtars³ should be allowed to serve free from political pressures. Additional funds should be issued to local municipalities to repair the damage inflicted upon the cities during clashes; a certain share from the income obtainable from subterranean and terrestrial resources should be transferred to local governments; Turkey’s reservations on the European Charter of Local Self-Government should be removed; and languages other than Turkish should be allowed in services supplied by local governments.

3 “Mukhtar” refers to the elected head of a village or of a neighborhood within a town or city.

Introduction

Discussing and defining major political issues in Turkey through the lens of security has inevitably brought about a militaristic conceptualization of them. As a result, the Kurdish Question has always been perceived as a “security” issue created by an “internal enemy” and in the past 25 years has also been perceived as a “terrorism” problem. However, as a long-standing society on this geography, Kurds have natural rights based on their distinct identity, language and culture. Kurds have long-standing problems that have culminated during the Republican era.

Unfortunately, governments have tended to avoid confronting the Kurdish Question. But challenges should be confronted and defined in order to find a robust and permanent solution. In this respect, the Kurdish Question asserts itself as a complicated issue with ethnic, cultural, legal, political, social, economic, and psychological aspects. At the same time, it is also a simple case of human rights that, thanks to the policies implemented so far, has gained an international scope. Migration, often forced, and terror are the main outcomes of the Kurdish Question.

Though various political approaches are to blame for the failure to assign a common name to the Kurdish Question, the main reason is that it could not be discussed freely. Those who think that the Kurdish Question is a socio-economic issue that has arisen from poverty and underdevelopment, and that it may naturally be solved through some economic and social measures, generally prefer to call it the ‘Southeastern Problem,’ referring to the inequalities between the regions. This has been the dominant approach adopted and preserved so far, with some rare exceptions.

Those who reduce the issue to a mere ‘security/order’ problem -- based on the Kurdish mutinies that date back to pre-Republican periods but that have intensified since the early years of the Republic, as well as the birth and growth of the PKK in a period when almost all legal and illegal opposition organizations were destroyed -- have opted to define the issue only and completely as a ‘terrorism’ problem. This group, which used to deny the existence of the Kurdish Question, had to accept it later, but identified it with terror and the PKK. But the Kurdish Question is not only a terrorism problem, because it existed even when the PKK did not. Even if the PKK were destroyed and terrorism stopped, the Kurds’ demands and problems would persist. Therefore, taking the PKK as the reference point in every step to be taken towards a solution to the Kurdish Question, does not contribute at all to a solution as expected by some circles, but, on the contrary, makes achieving one even more difficult.

The origin of the Kurdish Question is not the Kurds’ demands for privileges, but the denial, by the dominant State ideology, of differences in general, and the Kurds’ existence, problems, and rights in particular. Unfortunately, the State has not abandoned policies based on denial and assimilation. The Turkish public is now aware that the problem is a deeply rooted and social one, but the State’s tough stance and the PKK’s violence create deadlock and hamper the attempts of individuals and groups on both sides to find a solution. During non-violent periods over some 30 years of armed conflict, the State has failed to adopt any policy that may establish permanent peace. This has resulted in the loss of important opportunities to find a solution and led the Kurds to distrust the State.

The armed conflict has inflicted heavy material and moral damages on the region, on Kurds in particular, and on the entire Turkish society in general. The exact amount of military expenses made since 1984 for the fight against the PKK is unknown. Though the figures on the financial dimension of war are varied, it is obvious that the conflict has caused huge economic losses for the general public. Possibly more important, clashes have inflicted mental trauma on the local people and the security personnel who served in the region. Those who fulfilled their military service in the region and public officials who served in security sector have carried their scars to their homes in other parts of the country.

Today the Kurdish Question risks taking on a more dangerous dimension. To date it has been a political issue between the Kurds and the State and has not transformed into a social problem. But recently, the problem appears to risk transforming into heightened tension -- and even a clash -- between Turks and Kurds. Therefore, the government, media, Kurdish and Turkish politicians, intellectuals, and non-governmental entities should make an effort to create a common discourse of solution-seeking to restore social peace and pave the way for dialogue between parties to the problem.

Those who share their divergent views on the Kurdish Question with the public still confront heavy reactions and various accusations. Yet it is increasingly understood and pronounced that the policies adopted for years have produced nothing but deadlock. In this respect, Democratization Program of the Turkish Economic and Social Studies Foundation (*Türkiye Ekonomik ve Sosyal Etüdler Vakfı* – “TESEV”), which has conducted several studies regarding the Kurdish Question, felt it necessary to prepare this study in collaboration with individuals and organizations that are directly affected by the problem.

All comments, analyses, and suggestions contained in this text belong not to TESEV but exclusively to the Kurds with whom we consulted. The main purpose in preparing and publishing this report is to convey to the Turkish public the unheard voices of Kurdish representatives, opinion leaders, and experts who are the primary subjects of the problem. Contributors to the report, that is, Kurdish opinion leaders, experts, employers, labor representatives, members of non-governmental organizations, and local officials, have done their best to focus not only on the region itself and the Kurds, but on Turkey’s future in general.

Methodology and Purpose

TESEV organized a workshop in Diyarbakır on June 7 and 8, 2008 with the aim of contributing to finding a peaceful, democratic, and permanent solution to the Kurdish Question, one of Turkey's major unresolved problems, and to develop some suggestions that will guide the Government in this course. Participants included representatives of non-governmental organizations and professional associations working on various issues, as well as parliamentarians and local government officials. TESEV compiled all their opinions and suggestions into a preliminary report. The text was first sent to the participants of the workshop and then revised according to their feedback. Secondly, and again in line with participants' suggestions and TESEV's evaluation, the revised text was forwarded to several people including experts, opinion leaders, politicians, and representatives of non-governmental organizations, all of whom are believed to represent Kurdish society. Their opinions, criticisms, and suggestions were taken into consideration and the text was finalized as this report.⁴

No doubt that there are many other Kurdish experts, politicians and opinion leaders whom we could have consulted for opinions. In selecting the people to consult for the report, we were careful to choose individuals who represent different political traditions, have expertise and experience on the issues depicted in the report, and have been directly affected by the problem. Of course, no one can claim that the contributors to the report represent all of Kurdish politics and civil society.

Along the way, we sought to produce a descriptive text and, therefore, to include all opinions expressed, even the minority ones. There might be many suggestions other than those covered here, or many other steps similar to the ones in the report may be advised or should be taken regarding such a multi-dimensional and extremely complicated issue. Nonetheless, the following suggestions are believed to be priority and minimum steps to take toward a solution.

Successful implementation of the laws and policies suggested in this report will not only help the government comply with the EU's Copenhagen Criteria, but also, and more importantly, will provide a giant leap towards resolving the Kurdish Question, and meet the societal needs and protect the rights of citizens according to the principles of a democratic state of law.

⁴ Please see the end of the report for a list of contributors.

I. General principles

In recent years, Turkey has seen some very important, though limited and conditional, steps taken by the AKP government and the previous DSP-MHP-ANAP coalition to meet some demands of the Kurdish people. These steps, taken by Turkey to comply with the Copenhagen Criteria, include allowing the teaching of the Kurdish language in private courses, removing the ban on radio and television broadcasts in Kurdish, issuing a law to compensate the material damages to the victims of forced migration, ratifying an action plan for the implementation of the Southeastern Anatolia Project (*Güneydoğu Anadolu Projesi* – “GAP”), and developing social policies that cover the general population but, in practice, mostly benefit the Kurds.

However, although these steps partially meet some demands of the Kurds, it is impossible to say that they are sound reforms aimed at solving the Kurdish Question. This is not only because said laws and policies are very narrow in scope and conditional in implementation, but also because the government established them through non-democratic processes without consulting adequately with Kurdish politicians and non-governmental representatives.

It is of great importance that all future steps toward resolving the Kurdish Question should, first of all, follow a democratic process in order to earn the Kurds’ trust and confidence in government, as well as establish the notion of a democratic regime. Before developing any policy, the government should consult with non-governmental institutions including not only representatives of the business world and professional organizations, but also all stakeholders such as human rights associations, experts, academics, and intellectuals. Secondly, any measure aimed at resolving the Kurdish Question should be guided by a rights-based approach, where respect for human dignity and citizen rights is strictly observed. Thirdly, it is important to remember that local people, when evaluating government measures, look not only at their content, but also at their language; they desire to see and hear the word “Kurdish” in the texts of laws and policies as well as in the speeches of government officials. The distrust accumulated over decades, when the state pursued policies ignoring and suppressing Kurdish identity, can only be restored by such symbolic steps that inspire and increase confidence.

As a result, while evaluating the laws and policies suggested in this text under different topics, one should remember that all suggestions are inter-related and a solution is possible and meaningful only if these suggestions are considered as an integrated whole.

II. Political steps

The Kurdish population, like all other segments of society, is heterogeneous, in demographic terms, political views, and socio-economic status. Different segments of Kurdish society may well have extremely diverse demands. Those coming from the poorest may focus on meeting their basic needs, whereas business representatives may ask for policies that will encourage investment in the region. However, it is easy to see that the majority of Kurds living in the region, regardless of their socio-economic status, share similar demands in terms of language rights, political and cultural rights, village guards, landmines, and affirmative action.

On the other hand, we cannot ignore that there is also a group that only or predominantly expresses political demands. It is important that the government, regardless of what it will eventually decide to do, listens to and evaluates the demands of this group, which believes that a solution to the Kurdish Question requires a general amnesty, ending the isolation of Abdullah Öcalan on İmralı Island, and ensuring secure places for PKK members in society. It will be beneficial for creating trust-based relations if the government becomes aware of the Kurds' sensitivity about the PKK and not ignore the related political demands. Recent protest demonstrations held in several Turkish cities in response to allegations that Abdullah Öcalan has been mistreated in prison, might give important clues to the nature of the political environment that this sensitivity may lead to. Recent reports in the media mention some government plans to rehabilitate the İmralı Prison where Öcalan is jailed and transfer more prisoners to the building. Therefore, possible outcomes of such measures and how they may contribute to a solution should be well contemplated.

A. DISARMAMENT OF THE PKK

The Turkish Republic has been fighting the PKK for almost a quarter of a century. During this time, tens of thousands of people have lost their lives, drastic human rights violations have been committed, almost one million civilians have been displaced,⁵ and the natural flora and fauna as well as the social and economic structure of the region have been damaged. It is quite clear today that the armed struggle has not and will not produce any positive results. The PKK remains in existence and power, and enrollment in the organization continues. Twenty-five years of the State's fight against the PKK clearly shows that it is impossible to solve the Kurdish Question through military means. It is also obvious that as long as the armed conflict continues and military operations are not halted, it is not going to be possible to engage in a healthy discussion about all dimensions of the problem with relevant actors, and any step towards a solution will be a certain failure.

Therefore, based on examples of methods implemented by many other countries confronting similar problems;

- Domestic and cross-border operations should immediately be stopped;
- Representatives of non-governmental organizations and political parties should be asked to mediate ceasefire negotiations with the PKK;
- A judicial arrangement that will encourage PKK militants to lay down their arms should be introduced. In preparing such a law, past mistakes should not be repeated and the PKK militants' reintegration into society after having laid down their arms should not be made conditional to their 'repentance' for their involvement in the PKK;

5 The figure is taken from scientific research commissioned by the government from Hacettepe University. Some Kurdish organizations claim the real number of victims of forced migration to be around three million. For the Hacettepe University study, see "Türkiye Göç ve Yerinden Olmuş Nüfus Araştırması [Research on Migration and Displaced Persons in Turkey]," Hacettepe Üniversitesi Nüfus Etütleri Enstitüsü [Hacettepe University Population Studies Institute], December 2006, Ankara (referred to as "Hacettepe University Report" hereafter).

- Those who lay down arms and PKK members already in jail should all be given rehabilitation services in order to provide them a secure place in society, and they should be employed in sectors other than sensitive ones such as security and education;
- A remission on judicial records should be issued for all convicted PKK militants to turn a new page in their lives.

B. DIALOGUE WITH KURDISH POLITICAL PARTIES

Having a Kurdish parliamentary group in the National Assembly, the Democratic Society Party (*Demokratik Toplum Partisi* – “DTP”), should be seen as a world of opportunity in terms of the direct inclusion of the political demands and views of at least a segment of the Kurds in the decision-making processes. Therefore, the policies of isolation and tension currently inflicted on the DTP by the government and some party groups in the parliament will in no way contribute to the solution of the problem. In this respect, the government and AKP officials especially are expected to take a stand in favor of democracy and freedom of association with regard to the judicial action that seeks to close the DTP.

The isolationist approach in the parliament, especially that of government officials with respect to the DTP, affects local dynamics as well. Provincial administrative authorities serving in the region take on similar attitudes against the DTP’s local officials, and they do not include mayors and other locally elected officials in processes regarding provincial problems. It is crucial to establish relations and dialogue with DTP deputies at the federal level, and with DTP officials at the local level, in the pursuit of a democratic solution to the Kurdish Question.

It is a well-known fact that DTP is not the sole actor in the Kurds’ political life. Therefore, pluralization in the Kurds’ political life should be encouraged through communication with other political parties and organizations that in some way address the Kurdish Question.

C. DIALOGUE WITH NON-GOVERNMENTAL ORGANIZATIONS

In developed democracies, civil society plays an indisputable and crucial role in the protection of social peace and human rights, the promotion of the rule of law, and democratic representation. Non-governmental organizations assume important duties in creating public opinion and paving the way for dialogue and reconciliation in cases of deadlock within official political channels.

With regard to the Kurdish Question, a segment of society that had been cut off from politics and representation for decades due to the armed conflict, the state of emergency and anti-democratic laws, can only be heard in all its diverse voices and represented in politics if the government and society listen to Kurdish non-governmental organizations. Contrary to the common understanding and practice of the State in Turkey, the notion of ‘non-governmental organization’ does not apply only to professional associations and employer representatives, but also, and above all, to human rights associations, women’s associations, unions, and other labor representatives.

It is a positive development that government and state officials visiting the region have recently begun meeting with representatives of some non-governmental organizations. Apart from the people who really represent the Kurdish society and know the problem by heart, there are also some institutions that have organic relations with the governor’s office and other state institutions, and receive monetary support from the State, and therefore are not very ‘non-governmental.’ It is a prerequisite for democracy and social peace that the government, observing democratic principles, maintain communication with all relevant non-governmental organizations in its efforts toward a solution to the Kurdish Question, and that it listen to the opinions of all Kurdish organizations, even those with so-called ‘radical’ ideas. Concerning women’s issues, the government and state officials should cooperate with not only those women’s organizations that work on family violence against women, but also with organizations working on so-called ‘marginal’ issues such as forced migration, the environment of armed conflict, the effects of state-generated violence on women’s lives, women suicides, and honor killings.

III. Constitutional and legal reforms

A. A NEW CONSTITUTION

It is unlikely that a permanent solution to the Kurdish Question will be found without a new civil and democratic constitution. Such a constitution, produced through a transparent and participatory process based on social agreement, should not include any references to any official ideology, should have as its aim the protection of individuals and not the state, should not mention any ‘unamendable principles’ other than democracy, rule of law and the protection of human rights, should use language that will embrace and be comprehended by all social segments, and should adopt a notion of citizenship that acknowledges Turkey’s multi-cultural nature with no special emphasis on any ethnic, religious, sectarian, or linguistic identity.

Having inclusive language in the preliminary chapter acknowledging Turkey’s ethnic, religious, and cultural diversity as an asset, along with additional references to the EU’s Copenhagen Criteria, Accession Partnership Document, and other human rights treaties to which Turkey is a signatory, will help turn the constitution into a ‘social contract’ in literal sense. Similarly, having a provision acknowledging the right to protection against discrimination, where minority is defined broadly to include anyone who is different from the majority due to some individual characteristic or preference, will help fight discrimination that Kurds and other individuals and groups confront in their daily lives.

A constitution based on democratic, egalitarian, and rule-of-law principles is no doubt necessary but not sufficient. What counts is to come up with founding texts that will facilitate, not block, paths towards the solution of social problems. Therefore, it is crucial to prepare a new constitution that will not block the future process towards the solution of major political issues including the Kurdish Question. With this purpose in mind, we need a constitution that will comply with international human rights norms, that will not prohibit the exercise of fundamental rights and freedoms, that will provide Kurds the right to have public services in languages other than the official one and get native language education in areas where they predominantly reside, and that will adopt a notion of secularism that maintains equal distance from all religions and beliefs and not discriminate service provider and receiver from each other in the use of religious rights and freedoms. In this context, a major barrier to the solution of the Kurdish Question will be removed by the preparation of a constitution that redefines the duties, powers, and responsibilities of institutions (such as the National Security Council, the Constitutional Court, the Radio and Television Supreme Council (*Radio ve Televizyon Üst Kurulu* – “RTÜK”), the Higher Education Council, the Atatürk Supreme Council of Culture, Language, and History, and the Military Court of Appeals) and re-regulates the relations between these institutions according to the principles of democratic governance.

It is imperative to integrate in the new constitution some mechanisms that will prevent unlawful and anti-democratic attempts to overthrow the constitutional order. In this respect, the new constitution should include strict measures that will provide full democratic oversight of the security sector. With this purpose, the General Staff should be subordinate to the Ministry of National Defense; the General Command of the Gendarmerie should be reorganized as a general directorate under the Interior Ministry; compulsory military service should be abolished and conscientious objection should be recognized as a constitutional right; the Turkish Armed Forces should be made in charge of external defense only; clear punitive sanctions should be introduced for coup attempts; the powers of military courts should be limited to military disciplinary offences and wartime; military expenses should be subject to legislative and judicial inspection; and all military decisions, particularly those of the Supreme Military Council (*Yüksek Askeri Şura* – “YAŞ”) should be subject to judicial inspection.

Until a new constitution takes effect, the State should consider declaring the region a ‘pilot region’ where an urgent action plan is put into operation. The region may also be declared a ‘priority region’ in terms of problem-solving, with the introduction of special laws tailor-made for the region and the reduction of the bureaucracy’s role in their implementation.

B. LEGAL REFORMS

CIVIL AND POLITICAL RIGHTS

The introduction of a new constitution will not be enough, by itself, for a democratic solution to the Kurdish Question. All legislation regarding fundamental rights and freedoms should also be reworked. Some participants in the Diyarbakir workshop argued that the preparation of a democratic constitution should precede any other legislative reform, so that laws are revised in the light of new constitutional principles, while others argued that a thorough discussion of a new constitution will only be possible if the legal barriers to freedom of expression are removed. Regardless of the timing, there is consensus on the need for comprehensive judicial reforms for a solution to the Kurdish Question.

The laws in most urgent need of reform are the Law on Political Parties, the Law on General Elections, the Turkish Penal Code, the Law on the Fight Against Terrorism, the Law on Police Duties and Authorities, the Fundamental Law of National Education, the Higher Education Law, the Press Law, and the Law on Radio and Television Broadcasting.

The election threshold specified in the Law on General Elections, which hampers fairness in representation and therefore violates the people’s right to participate in government processes in general, and which causes Kurdish political parties in particular to be left outside the parliament despite high votes they get in the region, should be decreased from ten percent to five percent, that is, to the level valid in many democratic countries. Kurds may fully exercise their freedom of association only if the language bans imposed by the Law on Political Parties, and its implication for parties, are removed, so that Kurdish voters who cannot speak Turkish may communicate directly with their political representatives. The restrictions on intra-party democracy created by the same law should also be removed. Finally, regulations in the Constitution and the Law on Political Parties regarding the closure of political parties should be revised to comply with the Venice Criteria, which sets international standards on freedom of association.

Despite recent reforms, Turkish legislation still contains many restrictions on freedom of expression. Because they hamper free discussion on the Kurdish Question and possible solutions, these restrictions have led to many Kurdish politicians, mayors and non-governmental representatives being tried in courts and convicted. For example, the decision of Diyarbakir’s Sur District Municipal Council to adopt a ‘multilingual municipal services’ principle in public services led Mayor Abdullah Demirbaş to be removed from office and the Municipal Council revoked. All restrictions on freedom of speech that violate the European Convention on Human Rights and rulings of the European Court of Human Rights should be removed; and Turkish legislation should be revised in line with the EU’s Copenhagen Criteria. In this manner, all regulations of the Turkish Penal Code restricting expression that does not contain hate speech or incite violence, particularly those in Articles 215, 220, 301, 305, 314/2, should be removed, and Article 216 should be implemented in line with its original purpose, that is, to protect Kurds and all other groups against racism, hate speech, and aggression.

Contradictions should be eliminated between national legislation and the provisions of international covenants ratified by Turkey, which are effective as statutory decrees per Article 90 of the Constitution; reservations put on these documents because of specific conditions prevailing in respective periods should be withdrawn; and those resolutions signed but not yet ratified should be put into effect in no time. More specifically, reservations on international human rights documents Turkey is a signatory of, including but not limited to the UN’s International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child, should all be all removed and the Framework Convention for the Protection of National Minorities should be signed and ratified.

In recognition of the importance of institutionalization in the effective protection of human rights, a totally independent National Human Rights Institution, a Public Inspection Institution (Ombudsman), and a special institution to fight discrimination should be established in line with the UN Paris Principles and with full administrative and financial autonomy and sufficient assurances.

Discrimination tops the list of problems Kurds encounter in their daily lives. Among the steps Turkey should take to align its legislation with the *acquis communautaire* for the process of EU membership are: developing comprehensive and deterrent legislation to fight discrimination, establishing an independent national institution that will supervise

the implementation of this legislation, defining punitive actions to prevent discrimination, and establishing effective deterrent mechanisms that will ensure their execution.

In the meantime, the educational curriculum at all levels should be revised, discriminatory remarks and inaccurate information about Kurds and other social groups should be eliminated from textbooks, and the country's recent history should be narrated with objectivity and impartiality. The Press Law should be revised to fight racist and discriminatory remarks and hate speech prevalent in the visual and print media.

Language rights are another issue that requires immediate judicial reform. Though there have been positive steps -- reforms that allow the teaching of Kurdish and other languages in private courses and that allow radio and television broadcasting in Kurdish and some other languages -- they far from satisfy the demands of the Kurds. Bureaucratic restrictions in their implementation hinder Kurds from exercising even these extremely limited rights. For instance, since 2004 the RTÜK has not yet issued the viewer profile report necessary for private channels broadcast in Kurdish. After all, requiring a viewer profile report to broadcast in Kurdish should not be used to restrict the use of rights.

Some steps needed to remove the barriers to the use of the Kurdish language and to protect it are as follows:

- The Constitution and the Fundamental Law of National Education should be amended to allow the Kurdish language to be taught as a second language or an elective in educational institutions.
- Language restrictions on the right to association and freedom of speech should be eliminated.
- Changing names on maps of the region should be stopped, and those already changed should be restored to their original names in Kurdish and other languages.
- Sermons in mosques in the region should be allowed to be given in Turkish and Kurdish.
- Kurdish-speaking personnel should be preferred for health care posts in the region.
- Kurdish-speaking personnel should be preferred for educational posts in the region.
- Kurdish-speaking personnel should be employed in regional courts.
- National theatres in the region should stage plays in the Kurdish language.
- Kurdology institutes should be opened in universities to study Kurdish language and literature.

RIGHT TO EQUALITY

The State has to take up positive responsibilities so that the Kurds, who have faced discriminative and assimilationist policies for decades, may become true equals in society and exercise their citizenship rights. For Kurds to have equal opportunities with other citizens, particularly in education, some policies of affirmative action should be developed for them.

In order to provide Kurds equal opportunities in education, children should be given education in their native language, particularly in pre-school and primary school years, while also receiving education in Turkish in order to improve qualifications for further education in Turkish. The necessary infrastructure should be set up to meet educational needs in the region. The Civil Service Qualifying Examination (*Kamu Personeli Seçme Sınavı* – “KPSS”), the Student Qualifying Examination (*Öğrenci Seçme Sınavı* – “ÖSS”), and other qualifying examinations on secondary education and university levels should be rearranged to make them fair tools that provide equal chances to all students, and special regulations should be introduced for students from provinces like Hakkari and Şırnak, who have been ranking at the bottom of qualifying lists of said examinations.

For Kurds to be treated equally in every area of social life, it is highly important that demands for native language not be regarded as specific to formal education, but that all basic public services like health care, justice and education are also provided in Kurdish in line with the people's needs, to allow them to benefit fully from their citizenship rights. Employing Kurdish-speaking public personnel in the region is crucial not only for providing all citizens full access to all public services, but also for restoring a trust-based relationship between the State and the local public.

Another point to emphasize in that respect is the need for all civil servants, education and health care personnel, and other public officials assigned to the region be qualified, experienced, willing, and, most important of all, free of prejudices against the local people. The ongoing perception by public officials assigned to the region that these are “exile” posts, and the practice of assigning under-experienced and unqualified personnel who do not know the local people, only deepens the local population's distrust of the State.

IV. Economic reforms

Though the Kurdish Question is not simply an economic issue, one cannot ignore the economic and trade dimensions that are necessary for a solution. The Eastern and Southeastern Anatolia regions where the Kurdish population has a large presence have been suffering widespread poverty and deprivation. There are many reasons: discriminatory economic policies adopted since the founding of the Republic, an ongoing armed conflict lasting more than 20 years, forced migration, and the problem in Northern Iraq. At the same time these regions, which have their own production resources and subterranean and terrestrial riches, supply a major part of Turkey's energy resources and other needs. Therefore, the regions said to be a "burden" for the rest of the country are in fact major economic contributors.

Development studies and projects for the region should be carried out with an inclusive, rights-based, human-oriented approach founded on local values. Economic reforms should be contemplated in an integrated fashion, and various measures in different areas should be taken simultaneously. With this purpose, specific measures should be introduced to revive agriculture and livestock production in the region, idle resources should be exploited, barriers to trade with neighbouring countries should be removed, and local capital should be encouraged to participate in privatizations.

Country-wide incentives defined under the Law No. 5084 "The Law on Incentives for Investment and Employment" will be terminated in 2009, and this will further decrease the already low investment in the region. In order to increase investment, a special system of incentives tailor-made for the region should be introduced, and regional magnets should be specified. On the other hand, incentives alone do not suffice to encourage investment in the region. The State should also carry out infrastructural investment, especially in energy and transportation, and establish vocational education institutions that will serve the labour needs of industry. Most importantly, a free environment should be established where the local people, including all producers, investors, workers and consumers, can discuss how they will shape their own economic future.

Economic reforms are necessary but not sufficient for a solution to the Kurdish Question. The government's economic measures will have their desired impact only if they are carried out alongside political reforms. Otherwise, the local people's distrust of the State will deepen and a solution will be more difficult to reach. For that reason, the government's presentation of GAP as the main tool for solving the Kurdish Question is erroneous. GAP and similar projects will not, on their own, lead to a solution; they should be supported by additional political steps.

In a research report dated 2006, TESEV shared with the public comprehensive suggestions for solutions regarding social and economic problems in the region.⁶ The following analyses and suggestions have been proposed by Kurdish employers, non-governmental representatives, local administrators, intellectuals, and politicians.

A. GAP ACTION PLAN

In the meetings held for the preparation of the GAP Action Plan, announced by Prime Minister Recep Tayyip Erdoğan on May 27, 2008 in Diyarbakır, only representatives from the business world and professional associations were invited, while representatives of unions, anti-poverty associations, and women's and human rights organizations have been

6 For further information on social and economic priorities in the region, please see Doğu ve Güneydoğu Anadolu'da Sosyal ve ekonomik Öncelikler [Social and Economic Priorities in Eastern and Southeastern Anatolia], TESEV Publications, 2006, [http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/guneydogu\[1\].pdf](http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/guneydogu[1].pdf).

excluded from the process. This has impaired from the very beginning the Action Plan's credibility and reliability in the eyes of local people. As a result, the final text has come to reflect the opinions of employer representatives in the region, while ignoring the views of many other sectors that should have a say about the GAP.

Known as Turkey's largest regional development plan, as well as the most comprehensive action plan among all developed by the State for the region, GAP has been implemented so far as a strategic national energy project. As a matter of fact, the GAP Project's irrigation projects, which aim to increase the variety, fertility, and quality of industrial raw materials and therefore contribute to the creation of regional employment, has been 15 percent, whereas the completion rate for hydroelectric power plants has been around 74 percent.⁷

Without a doubt, the Action Plan does contain positive aspects. It is the first development plan with designated financing, with budgets set for irrigation investments through the end of 2012. However, the project's problems outweigh its merits. That is;

- In general, it is quite unclear how the project will be carried out.
- No role has been assigned for non-governmental organizations in the implementation process.
- Development Agencies, Regional Magnets and the GAP Executive Board defined in the project all reflect a state-guided approach to implementation.
- Though the Plan includes activities that are expected to improve cultural tourism, it lacks details regarding these activities as well as a comprehensive strategy for taking advantage of the region's tourism potential.
- There is no additional budget appropriated for investment in drinking water, sewerage and purification facilities, all defined as "actions" in the Plan, and annual investments already planned by the municipalities have been included in it.
- Though only 1.8 million hectares of the region's four million hectares of land are irrigation area, the Plan has no program for the remaining non-irrigation area.⁸
- The Plan ignores the fact that the completion of irrigation channels will only increase the revenues of landowners, whose lands are suitable for irrigation, worsening the already unequal distribution of income in the region.
- The Plan does not promise job opportunities for the victims of forced migration and other members of the urban poor, the majority of whom have not had any formal education.
- Though the Plan outlines a few incentives and small clustering projects for livestock production, they are far from comprehensive actions sufficient to revive the agricultural and livestock sectors, which have declined rapidly in past decades. Nor does the Plan address the prohibitions on entering plateaus and meadows, which has been a major reason for the decline in livestock production.
- The Plan says that forestation activities in the region will be accelerated, but fails to mention that forests have been and continue to be destroyed for security reasons. That bolsters doubts about the strength of the Plan's basis in regional realities.
- Though landmines are a widespread problem the region, the Plan only foresees the clearing of mines near the Mardin-Syria border.
- The Plan includes but does not sufficiently flesh out many issues, from the implementation of incentives to increasing the agricultural productivity.
- For a region where 60 percent of the population lives under the hunger threshold, the Plan does not offer any noteworthy solution to ongoing and urgent problems such as hunger and housing. Nor does it make any proposal regarding improving the region's unfair distribution of land.
- The Plan almost never touches on issues like democratization, human rights and cultural rights, nor to other equally important aspects of the Kurdish Question such as forced migration, village guards, unexploded remnants of war on hinterlands (landmines, live ammunition, bombs, etc.), seasonal migration and village returns. Though these issues may seem unnecessary at first glance to appear in a GAP Action Plan, the multidimensional and

7 For general information on GAP, please see www.gap.gov.tr. For a report in Turkish on latest implementations, please see "Güneydoğu Anadolu Projesi'nde Son Durum [Latest Picture From Southeastern Anatolia Project]", GAP Bölge Kalkınma İdaresi Başkanlığı [GAP Directorate of Regional Development], September 2008, <http://www.gap.gov.tr/Turkish/Genel/sdurum.pdf>.

8 *ibid.*, p.4.

complicated nature of the Kurdish Question makes it necessary to take into account all aspects of the problem in each and every work to be carried out for the region.

Complaints have already arisen about the arbitrary practices of some governorships in GAP provinces under the Social Support Program (*Sosyal Destek Programı* – “SODES”), one of the very first to be implemented under the framework of the GAP Action Plan. Some governors have invited all non-governmental organizations to take advantage of SODES, whereas others have never made an announcement to non-governmental organizations, or invited only those deemed close to the governorship. These kind of arbitrary practices justify local doubts about the fair implementation of the Plan.

In the light of all these concerns, we can say that the Plan does not propose any structural solution to social and economic problems in the region, and it totally ignores the ethnic dimension of the poverty prevailing in the region. For those reasons, there is pessimism that this ‘package’ announced by the Prime Minister will not be fully implemented and will be forgotten like others in the past. In the end, because the GAP Action Plan does not cover all provinces once governed under the rule of State of Emergency and does not include the word “Kurdish” anywhere in the text, it is not perceived as a policy that seeks a real solution to the Kurdish Question. Moreover, failure to reach some of the Plan’s unrealistic goals, such as “four million people will be employed”, is bound to deepen the local people’s distrust of the State.

Socioeconomic development in the region will be possible only if it occurs in the context of a solution to the Kurdish Question. Bringing welfare, peace and happiness to the region requires an acknowledgement of the Kurdish Question and the creation of a democratic environment that will help local people recover from the traumas they suffered. In this context, the package should either include an additional axis regarding political stability, or be implemented in conjunction with policies for that purpose. Because the GAP’s implementation has worsened inequalities in the region, causing local distrust, it would be best to terminate the project once the irrigation channels are completed.

However, the GAP’s termination will require the establishment of another institutional structure that will coordinate development in the region and other under-developed regions. A reliable economic rehabilitation project is needed for all provinces of the region that were governed for years under the State of Emergency rule, and it should be implemented unconditionally with simultaneous political policies.

It is worth reiterating that the GAP, which is presented by the government to the public as a tool for resolving the Kurdish Question, does not even cover provinces like Hakkari, Muş and Bingöl, where the Kurdish Question is most intense. Any future economic development measures should include not only the GAP cities but all provinces that had once been governed under the State of Emergency rule.

B. INDUSTRIAL AND TRADE POLICIES

Long ignored by the State, almost since the beginning of the Republic, the region has declined even further economically since the 1980s due to political instability and the security problems caused by armed conflict and the State of Emergency. In a Turkey that is conducting membership talks with the EU, the economic gap between the region and other parts of the country is unacceptable. A fundamental indication of government’s sincerity in resolving Kurdish issue would be special efforts to develop the region.

Regional incentive policies similar to those applied in EU countries should be pursued in order to attract investment to the region. Some specific steps are:

- Employment-oriented investment should be favored over investments in heavy-industry, and policies that will strengthen economic and social capital should be implemented simultaneously.
- Infrastructural shortcomings of regional industry, especially in the energy sector, should be overcome.
- Natural energy resources in the region should be addressed first to meet regional energy needs; systems for alternative energy production, such as solar and wind power, should be set up.
- A special system of incentives should be developed for the region.
- The region’s share in public investment and the rate of realized investments should be increased, with military expenses not listed among them.

- Operating loans should be offered to prevent closures of factories in the region.
- The long abrogated system of monetary incentives should be revived.
- Vocational training should be used as a tool to provide employment for unqualified urban workers.
- Investment in the region should be given discounts and exempted from income and corporate taxes for at least 15 years.
- The manufacturing industry should be given energy subsidies between 50 and 80 percent in order to reduce costs and increase its competitive power.
- All incentives and supports should be effective for at least 15 years.
- Cheap and long-term investment and operating loans should be issued, and the guarantee system should be revised so to accept projects and operations as guarantee items as well.
- A new mechanism and a fund should be set up to allocate specific interest-free loans up to 100,000 YTL with two to five years of grace period to small-scale entrepreneurs and those investors who want to grow their businesses.
- Provincial development plans should be developed in light of the calculated potential of each city in the region; and attractive incentives should be issued for the priority areas determined according to those plans.
- Loan opportunities that are simple to apply for should be created, especially for women.

C. TOURISM

The region has important tourism potential in terms of employment and revenue generation. The eastern part of Turkey is very suitable for winter and outdoor sports, while the southeastern region is very attractive for cultural, historical and religious tourism. However, to date its potential could not sufficiently be developed because of the atmosphere of armed conflict, the lack of state investment in culture and tourism, the lack of qualified personnel to serve in the sector, and the absence of infrastructure necessary to attract tourists to the region. Poor relations with neighbouring countries like Armenia and Iraq, and closed borders in eastern and southeastern areas, have also contributed to the insufficient use of the region's potential for cultural, historical and religious tourism.

It is highly worrying, in terms of both democratic accountability and cultural patrimony, to know that a dam is planned in Hasankeyf, one of Turkey's most important historical treasures, and the will of the local public that opposes the plan is totally disregarded. Constructing a dam in Hasankeyf, an officially protected area, even in violation of the decisions of the Preservation Council, is equally problematic because it will create another wave of forced migration in the region.

Some measures for the development of tourism in the region include:

- Special projects should be prepared to protect the region's cultural, historical and religious heritage.
- New investments should be made to develop outdoor tourism and winter sports.
- A large mine clearing initiative is urgent in rural and mountainous areas.
- There should be special campaigns to attract tourists from neighbouring and Middle Eastern countries.
- Relations with neighbouring countries should be improved and all border gates in eastern and southeastern parts of the country should be reopened.
- The dam project in Hasankeyf should be cancelled immediately.

D. BORDER TRADE

The region, once located on major international trade routes, used to have a very lively economy. But today, the region's natural economy has been destroyed and the prospects for the region's producers and consumers of establishing economic relations with neighbouring countries have been eliminated. Once an important economic power in the Middle Eastern economy, the region today needs to see the barriers to border trade removed in order to be able to pull itself up economically. Here are some measures that should be taken:

- Turkey's border with Armenia should be reopened.
- Border gates to Iran, Iraq and Syria are open, but there are solid barriers to border trade with these countries. In this context, the relevant circular prepared by the Undersecretariat of Foreign Trade should be revised according to different needs of individual provinces to ease border trade.
- Regional relations with neighbouring countries should be improved, and Syria, Iran, Iraq, and the Kurdistan Regional Government should be encouraged to open consulates and representations in Diyarbakır.
- Investment-oriented capital flows should be relaxed.
- Security-based troubles on border gates should be eliminated.
- Landmine clearing activities launched on Syrian border should be expanded to cover all border regions and should be completed as soon as possible.

E. AGRICULTURE AND LIVESTOCK

Agriculture, agro-industries, and livestock production have been among the leading means of living in the region. Many incentive policies focusing mainly on agricultural and agro-industries for regional development, as well as 42 different packages involving the same idea, have been announced so far, but almost none of them could have been implemented in accordance with their intended purposes. The failure to take advantage of the region's agricultural and livestock potential is due to many factors: the forced migration of the population engaged in farming and raising livestock, the ongoing armed conflict, barriers to border trade with the neighbouring countries, and insufficient state incentives. Considering that the population that will work in agriculture and livestock has been separated from their lands due to forced migration, any steps to resolve this problem should be taken alongside parallel policies that will remove barriers to, or facilitate, their return to their villages. In this respect;

- The climate and geographical characteristics of Eastern and Southeastern Anatolia are suitable for growing many fruits and vegetables during inter-season periods. The potentials of these regions should be used in a synergistic way. Meadow-based sheep farming and apiculture should be considered as alternative means of living for thousands of families in the region.
- Security-based bans on entering plateaus and meadows should be removed and the free movement of beekeepers should not be hindered.
- Vegetable and livestock production should be endorsed as leading sectors for the development of the region, and auditable incentive policies should be implemented.
- Producers should be given technical know-how, inputs, and production supports in order to encourage production.
- To revive livestock production, gene centers should be established in the region to raise studs.
- Projects that will support enrichment of product patterns in the region should be subsidized by the State.
- Producers who have lost their means of production because of forced migration should be returned these means once they resume production.
- Livestock producers who possess over a certain number of animals should be obliged to employ agricultural engineers and veterinary surgeons, and producers who operate fields larger than a certain size should be obliged to employ agricultural engineers. The costs of technical personnel in the transitional period should be assumed by the State.
- The State should encourage the establishment of cooperatives and associations in order to increase production and facilitate marketing, and should ensure that they are fully functioning in accordance with their intended purposes;
- There are isolated and unspoilt lands in the region that are suitable for organic agriculture. These lands should be integrated into the production process and benefit from successful organic agricultural practices.
- The destruction of the region's forests has spoilt the habitats of many organisms and eliminated plant remains covering the surface of the soil, leading to soil erosion and the decline of subterranean water reserves. In order to prevent larger natural disasters that may arise as a consequence, all public and civilian institutions, especially

military units, should be mobilized to restore natural resources destroyed so far.

- A widespread landmine clearing initiative should be launched immediately.
- Instead of macro agricultural and livestock policies covering the region as a whole, micro rural development projects should be developed that take into account different needs and potentials of individual provinces.
- All measures should be carried out in consultation with and incorporating the views of local stakeholders.
- Ongoing land registration projects should be completed as soon as possible.
- Ongoing irrigation works, which are part of the GAP project, and the East Anatolian Project (*Doğu Anadolu Projesi – “DAP”*) livestock projects should be completed as soon as possible and be expanded to all provinces in the region.

V. Social policies

The region's alarming poverty level is a social phenomenon created by the armed conflict and violent environment, as well as an outcome of the Kurdish Question. An action plan is urgently needed to enable the people in the region to maintain their daily lives. Developing a rights-based policy to fight poverty should be one of the very first steps towards the solution of the Kurdish Question. The State should quit adopting a charity-based attitude in its social policies for Kurds and all other citizens, and should assume a rights-based approach, where all citizens are entitled to exercise their rights regardless of their ethnic origins, political ideas, judicial records, and political activities.

Direct income transfers should be endorsed as the most urgent and effective tool of social policies in the region. Around one million poor families living in the region may be put on a salary equivalent to half of the net legal minimum wage. This salary should be given to the mother of the household as a kitchen allowance. Roughly 200 YTL of net support salary per poor family will mean 200 million YTL monthly and 2.4 billion YTL annually, which is slightly more than one percent of 2007's 203 billion YTL of total budgetary expenses.

With regard to social policies, some other concrete steps that need to be taken are as follows:

- The duration of income transfers and social supports should be determined according to individual needs.
- A single public institution should be defined and authorized for all social supports. This will save citizens the trouble and costs of visiting many different institutions.
- Human dignity should be respected in social supports and all measures should be taken to ensure that the identities of support receivers are not disclosed.
- The State's economy-based investment policy in the region should be shifted to a more social-based axis or expanded accordingly.
- To support the institutionalization in social sphere, as the very first step towards the change, a selective year (2009 for example) should be declared 'campaign year.'
- The organization and operation of social services should be performed by professional persons and institutions.
- In this respect, Dicle and Van Yüzüncü Yıl Universities should be furnished with Social Services Departments.

A. EDUCATION

Recent campaigns held by public and private institutions have created an important increase in the number of children, especially girls, enrolled in primary education institutions. In this rise, cash supports allocated by the government to families who enroll their children in schools under the Conditional Cash Transfer scheme has been quite functional. However, since the policies encouraging poor students to attend schools cease after primary education, enrolment figures in secondary schools are still very low.

The number of female students attending primary schools rose from 30 to 46 percent in the region, but the gap between schooling rates of boys and girls is still very large. Besides, although the schooling rates have risen in recent years, actual school attendance is very low because of high drop-out rates and absenteeism. The State, which is very careful

to count the number of children enrolled in schools at the beginning of every academic year, does not as carefully count the number of children who get their report cards at the end of the year. A very serious educational problem prevails, particularly in rural areas.

Presently there are many Kurdish children of primary school age that instead of going to school have to work in the fields with their families in different parts of the country. The number of students in schools where these children are registered drops drastically in the spring and fall. The State may not be able to take measures in the short run to prevent those children from being used as seasonal labor with their families. In such case, it is vital that the State takes necessary measures in places they arrive for work in order to prevent them from falling behind in their studies.

Though increased in recent years, the State's educational supports distributed in the region are still extremely low. According to data from the Ministry of National Education, in 2007 the average number of secondary school students in Turkey per classroom was 32, and 17 per teacher, with the most crowded classrooms in Southeastern Anatolia. The situation was worse for primary education, with 38 children per classroom and 23 per teacher. There is also a serious deficit of teachers in the region. Appointing contracted, instead of permanent, teachers to the region reduces the quality of education and also prevents teachers from benefiting from union rights.

The results of central qualification examinations such as the ÖSS and KPSS held in recent decades highlight the fact that some provinces in the region constantly occupy the lowest rankings. This prevents Kurdish children living in these cities, as well as children whose parents are assigned to the region for work, from benefiting from equal educational rights, and causes them to start their lives with much lower qualifications than their peers. Education is a fundamental public service; the Government is obliged to provide equal educational access and opportunities to every citizen.

Following are some measures that will help eliminate educational problems in the region:

- The fact that educational levels in the region are far below the national average should always be taken into consideration when preparing educational policies, planning the general budget, and scheduling personnel assignments, and special measures should be taken to meet educational needs in the region.
- The educational needs of children from the poorest families and from families that were forced to migrate should be met, and an urgent action plan should be prepared to ensure higher school attendance.
- A special regulation is needed for all children from provinces that consistently rank at the bottom of central qualification examinations such as the KPSS and ÖSS, and, if necessary, affirmative action measures such as bonus points should be introduced.
- Existing school and dormitory buildings in the region should be fortified against earthquakes.
- New schools and dormitories should be constructed in order to remove children from buildings that look like 'concentration camps' in some districts. Additionally, dormitory buildings should be set up, particularly for female students, to allow them to continue their secondary education, and access to these dormitories should not be conditioned on any examination results.
- Schools in the region should be furnished with the necessary educational and training equipment.
- The teacher deficit in the region should be eliminated; the practice of sending student-teachers to the region should be halted; and the necessary amount of qualified teachers should be assigned to long-term posts.
- Impoverished students should be given free educational tools and equipment.
- At least one meal should be given free of charge in schools in order to alleviate to some extent the problem of malnutrition, which is a very important dimension of child poverty.
- Free transportation should be provided to students who have to commute on daily basis.
- Textbooks should be reviewed by human rights, educational, and pedagogical experts on the basis of a solution to the Kurdish issue and social peace, where all discriminatory and exclusionary remarks and misinformation about groups like Kurds, non-Muslims, Alevis, Gypsies, etc. should be removed.
- Textbooks should be rewritten using objective and peaceful language as to communicate Turkey's multi-cultural social fabric to children starting at an early age.

- The chanting of the oath that begins with “I am Turkish, I am just.” should be removed from weekly ceremonies in primary schools.

B. FIGHT AGAINST POVERTY

In the struggle against poverty, urban and rural poverties should be distinguished from each other, and different programs should be tailored for each, with different needs and problems, and a support mechanism should be established to reach out particularly to the rural poor. For the poor population living in the region, particularly the victims of forced migration, to sustain an ‘honorable life,’ their relations to production should be reinstated.

On the other hand, it is unlikely to fully solve the existing unemployment and poverty problems by creating further employment. Income assurance and integration into society are possible only through policies of income transfer. Efforts to create employment should continue; but one should accept that ‘full employment’ is unattainable in the region. Attractive conditions do not exist in the region, particularly for private sector investments. Therefore;

- Community centers, children and youth centers, sport facilities and cultural centers in the region should be spread widely to cover the entire population through cooperation between local governments and non-governmental organizations.
- These centers should be used as non-market, ‘social benefit’ institutions.
- Unemployed young people in the region should be employed, after short-term trainings in public education centers, in jobs that will enrich social life, such as elder-care, child-care, art workshops with children, sports etc.

Practices like the Green Card and Conditional Cash Transfer programs should be regarded and improved as social policies, but not as ‘aid’ programs. Objective criteria should be employed in the delivery of these policies to the local population, where the support is not withdrawn due to political reasons like being arrested, taken into custody, or convicted under the Law on the Fight Against Terrorism, and a rights-based approach, not a security-based one, is adopted. In this context, it is extremely worrying that some public officials announced the discontinuation of Green Cards and coal and food aids for families in Kurdish regions whose children participated in demonstrations. Such practices not only violate human rights, but also obstruct the attainment of the targets that social policies and anti-poverty programs aim to achieve.

- The State should establish community centers in poor neighborhoods that mushroomed from forced migration through cooperation with local governments and non-governmental organizations in the region.
- These centers should be run locally, with a participatory system where people of the neighborhood have a say.
- Special policies should be implemented through these centers, targeting disadvantaged and vulnerable segments of society such as children working on the streets, elderly people, and women.
- Employment-oriented vocational training should be offered in these centers to young people, adults, and children not attending school.
- Special social and psychological rehabilitation programs should be developed for all people who struggle to sustain their lives in cities.
- Social support programs to fight poverty and social exclusion, like income transfer and support in exchange of social services, should be developed.
- Resources should be transferred to non-governmental organizations that develop programs to fight poverty, and supervision and assessment teams containing experts should be set up and made functional to monitor their work.
- Unconditional cash supports must be introduced, especially for those who live under the hunger threshold.

C. CHILDREN

The status of children living in urban and rural areas across the region is a major problem that requires special attention. Poverty, which has been rising as a result of forced migration beginning in the 1990s, has caused families to withdraw their children from school and make them work for the sake of the family's subsistence. Kurdish children living in the region have been unable to enjoy the rights Turkey has guaranteed to protect per the provisions of the UN Resolution on Children Rights, of which she is a signatory with some reservations. The most fundamental rights of poor and uneducated children in the region, such as education, shelter, and security, have been seriously violated, while child labor has been exploited both in the region and in big cities in the west. It is imperative for the State to develop special programs for destitute Kurdish children or to issue budgetary support for the programs developed locally.

Meanwhile, there has been an alarming increase in cases of abuse and torture of children, as well as a rise in the number of court trials violating human rights. Children who took part in protest demonstrations held in response to allegations that Abdullah Öcalan was tortured in prison are being prosecuted on charges of "committing crimes on behalf of the PKK organization" and "making propaganda for the PKK", and may be sentenced to imprisonment of up to 37 years. This is totally incompatible with the principles of rule of law and human rights. Such policies, decisions, and implementations that contradict the Turkish Constitution and international covenants to which Turkey is a signatory, particularly the UN Resolution on Children Rights, should be stopped immediately.

It is highly important to be sensitive to the issue of native language during the provision of all kinds of social services to Kurdish children. Considering the growing social dimension of the problem, there seem many other measures that need to be taken urgently. The most damage the Kurdish issue ever caused as a political issue has been seen in the social sphere. Children, juveniles, women, and vulnerable segments such as the disabled have suffered disproportionately among all those who have rapidly become impoverished due to the relocation of the population, the disappearance of the conventional subsistence economy, and the failure to integrate them into the urban production system.

This process has created a massive humanitarian problem and intervention is required immediately, without losing time waiting for a political solution. Problems such as 'street children,' 'crime-bound children,' 'suicidal girls,' 'honor killings,' and other problems of the region's children reflected on the western cities and areas outside of the regions, should be considered in context. None of these problems are mere 'children's problems' but are the manifestations of the overwhelming destruction of the social fabric of the Kurdish population and the resulting abandonment and lack of protection of the children. The State owes the region's children a social leap. Some actions required in this context are as follows:

- Schools should be transformed from solely educational institutions into domains of social welfare.
- Schools should be enhanced to become sports and cultural centers.
- Considering that malnutrition is the primary outcome of child poverty, at least one hot meal should be served free of charge in schools.
- New after-school social spaces for children should be created to keep children off the streets.
- Those public or non-governmental children centers that are known to be well-functioning in the region should be expanded to reach out to all children in need. Similarly, pre-school institutions should be augmented.
- Preventive measures are needed to decrease the already high number of drug-addicted children in the region. Urgent measures should be taken for the treatment and rehabilitation of existing drug-addicted children.
- Special programs should be developed for physically disabled children, the number of which is believed to be very high in the region.
- Elimination of child labor should be the priority of any social and economic action plan implemented or planned for the region.
- Non-governmental organizations that develop projects on the above-mentioned issues should be allocated resources, and supervision and assessment teams containing experts should be established to monitor their work.

D. WOMEN

Women are another group that has been especially affected by the delay in solving the Kurdish issue. The effects of regional inequalities are even more visible on the women of the region. Compared to the women living in other areas of the country, they find it nearly impossible to exercise their educational, social, economic, and cultural rights, and they suffer widespread negative discrimination in accessing work and educational life and public services.

In recent years, there has been an increase in social awareness of family violence and honor killings targeting women of the region. However, viewing these problems as ‘unique to the Kurdish people,’ that is, originating in the cultural and religious fabric of Kurdish society, ignores the fact that honor killings are common across the country and in all cultures. At the same time, a specific approach that focuses mainly on family violence also ignores the additional pressures on women that exist because of the violent environment created by the state as well as some organizations and traditions in the region. Yet, compared to men, women living in the region are more affected by general violence and increasingly shut themselves in their homes to escape it.

With women, as with children, a general and homogenous category of ‘Kurdish women’ cannot be defined as there are different groups of women with different problems and needs. Policies addressing the region’s female population should certainly take into consideration the variables such as urban/rural, young/aged, with/without formal education etc.

One can also observe a serious problem in the schooling of young women. Women who were not able to attend school on time and now continue their education externally should be encouraged through conveniences such as giving out free textbooks, exemption from registration fees, etc.

Another group that deserves special interest are the destitute and uneducated Kurdish women living in the region. Since the vast majority of women living both in urban and rural areas, particularly those of middle age and older, cannot speak Turkish, it is even more important to offer basic health care, vocational and urban-life accession trainings, and all other public services to them in the Kurdish language.

Maternity child welfare and health are in great risk in the region. According to a study held by Hacettepe University, nearly 342,000 of the annual 1.5 million child births in Turkey are delivered by women living in Eastern and Southeastern regions. Of these, 206,000 do not receive any pre-natal care, and only 44,000 of the remaining have access to public health services. Approximately 170,000 of 342,000 women deliver their babies under unhealthy conditions every year. Eastern and Southeastern Anatolia also top the list of regions in terms of infant and child mortality. Twenty-seven percent of infant mortality, 24 percent of deaths for children between the ages of one and four, and 22 percent of deaths for children between the ages of five and nine are recorded in the region.

According to Turkish Statistical Institute’s 2006 *Household Labor Survey*, only six percent of the 2,164,000 women over 15 years of age in Southeastern Anatolia are employed. As the women who have been detached from the villages move to the urban areas, their connection with agriculture and livestock is interrupted and their labor skills thus invalidated. Women’s participation in the labor force in Southeastern Anatolia is the lowest -- 6.5 percent – compared to the national average of nearly 25 percent. In other words, only 65 of every 1000 women in Southeastern Anatolia have access to labor markets, whereas the remaining 935 are excluded from the labor force. In the light of these data, a series of regulations should urgently be introduced to encourage women’s participation in economic life and to protect the labor rights of those women who are involved in registered and unregistered production. Examples include encouraging subsistence-production squads of and for women, providing special incentives to women entrepreneurs who are involved in small-scale production, and introducing special regulations and relevant social security schemes in favor of women who contribute to the family budget by working in unregistered jobs such as seasonal labor, housecleaning, babysitting, knitting, etc.

Although Law No. 4320 on “The Protection of the Family” obliges the State to quickly remove the women victims of violence from the violent environment and to safeguard them in a secure place, public officials who carry out the law often make fatal mistakes. Therefore, one priority task is to support the establishment of new independent women’s shelters and Women’s Solidarity Centers to help women subject to family violence. Though these shelters are extremely important, it is equally difficult for the women who stay there for a short time to recover from the heavy trauma they suffer and readapt to normal life. Since they are not sufficiently empowered and do not achieve economic independence in these centers, most women leaving the shelters return to the original environment where they confront violence. Following are the primary tasks to be done in favor of women affected by violence:

- Steps should be taken to fully implement the Prime Ministry's Circular Order No. 2006/17.
- The Law No. 4320 should be amended and renamed so to cover the protection of women against violence within the family.
- The informers of honor killings, particularly those committed in the region, should be given strict protection under witness protection programs.
- The unfair practice of reducing the sentences for honor killings on 'provocation' grounds per provisions of the Turkish Penal Code overtly protects the killers. This practice should be ended and those convicted of honor killings should be punished by life sentence as is the case in tradition-based killings.
- The administrative authority should demonstrate political will for the protection of women's rights and the prevention of violence against women.
- Urgent measures are needed to eradicate the judiciary's tolerance of violence against women.
- Judges, public prosecutors, security officials, and those police officers who are the first to respond to reports of violence against women should be trained on gender issues.
- Women leaving shelters should be forwarded to employers through the initiative of the Government Employment Office; their identities should be kept in total secrecy; and a certain quota should be allocated for these women in businesses with more than 50 employees.

E. SEASONAL LABOR

Seasonal workers, most of whom are victims of forced migration, should be dealt with as a separate category and their problems should be solved through special policies.

Families of seasonal workers, who take to the road as the working season approaches, suffer long and dangerous journeys. Spending half of the year on the road and working in the fields, seasonal workers are paid very low and work under very difficult conditions. Crowded in small tents under the scorching summer heat, families cannot access clean drinking water and therefore encounter epidemic diseases.

Covered neither by the Ministry of Labor, on the grounds that they are on the move, nor by the Ministry of Agriculture, because they do not live in rural areas, seasonal workers are practically invisible to the State. It is highly important that seasonal workers, who presently are watched over only by the Gendarmerie, are covered by the Ministry of Agriculture.

Some urgent steps the government should take for seasonal workers are as follows:

- Rights-based legislation is needed towards the solution of this problem.
- Children should be given at least a temporary education in places they work.
- Alternatively, a program should be developed to persuade seasonal worker families to leave their children in the city they permanently reside. In this respect, all housing and educational needs of the children to be left home by their families should be met.
- Seasonal workers should be supplied temporary health care.
- The general living conditions of this population should be improved and their social needs should be met.
- Governorships should specify the needs of employers and organize the supply of the respective amount of seasonal labor.
- Labor representatives should be involved in decisions on the amount of workers to be sent, the wages to be paid, and the transportation of workers.
- Labor laws should also be applied to the working conditions of seasonal laborers and their relations with employers.
- Regulations should be introduced to provide safe and free transportation for workers to their places of work.

- Intermediary institution, known as “*erici*,” that provides the link between the workers and the governorship should be inspected regularly.
- A minimum wage should be set up for seasonal workers, and standard wages should be defined based on the fact that the families do not work half of the year and have to make their kids work as well.
- Employers of seasonal labor should be required to provide social security to workers.
- The union rights of seasonal workers should be protected and all barriers to association rights should be removed.

It should be acknowledged that, for many, seasonal labor is not a choice but a necessity caused by poverty, and the measures mentioned above are only temporary and emergency ones. Seasonal labor may be dropped as a compulsory option only if general living conditions in the region are improved, employment opportunities are enhanced, and anti-poverty measures are adopted.

In the meantime, one should also consider that there is a demand for seasonal workers thanks to production conditions prevailing in the country. Improving working conditions of seasonal workers, ensuring humane treatment and the fair wages they deserve, and improving general conditions in the region will not fully eliminate the demand for such labor.

VI. Internal Displacement

Victims of forced migration, whose number is estimated to be around one million, according to the *Research on Migration and Displaced Persons in Turkey 2006*⁹ commissioned by the government from the Hacettepe University Institute of Population Studies, constitute a specific sector of society that should be analyzed within the context of the Kurdish issue.¹⁰ This population's forced migration to the cities and their separation from their own lands have ruined indigenous lifestyles developed in villages over the centuries. Additionally, forced mass migration of over one million people to the city centers without any preparation has damaged the infrastructure, social and economic structure, and functioning of the recipient areas. Government institutions have taken no measures to meet the most basic needs of migration victims, such as housing, employment, health care, education, nor to solve the problems of unprepared cities that have had to sustain such a large population.

TESEV's field study reports on forced migration include detailed analysis of and proposed solutions to the problem.¹¹ The following problems and suggestions are compiled by Kurdish non-governmental representatives, local administrators, intellectuals, and politicians.

A. VILLAGE GUARDS

It is a well-known fact that the village guards committed major human rights violations through numerous illegal and arbitrary actions over the years, and that some were even involved in crimes. The guards serving in the region today reportedly still commit extensive crimes against the general population, especially women.

There is clear consensus among the Kurdish people on the urgent need to abolish the village guards system in order to allow forced or compelled migrants to return to their villages and resume their participation in the production process in their fields. The fact that village guards seized and have since exploited lands, vineyards, and gardens in evacuated villages in some parts of the region constitutes a serious barrier to the return process.

According to official figures, the total number of village guards in Turkey today is 70,000, of which 57,174 are temporary and 12,279 are volunteers.¹² The government pledged to both the EU and the UN Secretary General's Special Envoy on Internally Displaced People to abolish the village guard system in the short run. Not only has this promise not been carried out, but the government is further authorized, in a May 2007 amendment to the Village Law, to employ up to 60,000 additional village guards.¹³ Recent press reports mention attempts to create new village guard vacancies in the region.

9 "Türkiye Göç ve Yerinden Olmuş Nüfus Araştırması [Research on Migration and Displaced Persons in Turkey]," Hacettepe Üniversitesi Nüfus Etütleri Enstitüsü [Hacettepe University Population Studies Institute], December 2006, Ankara

10 The report prepared by the Parliamentary Commission for Research on Migration (TBMM Göç Araştırma Komisyonu) established in 1997 emphasizes the distinctive nature of forced migration and its consequences. It is worth noting that this official report is one of the earliest studies on the issue. See "Türkiye Büyük Millet Meclisi, Doğu ve Güneydoğu Anadolu'da Boşaltılan Yerleşim Birimleri Nedeniyle Göç eden Yurttaşlarımızın Sorunlarının Araştırılarak Alınması Gereken Tedbirlerin Tespit Edilmesi Amacıyla Kurulan Meclis Araştırma Komisyonu Raporu" [The Report of the Parliamentary Research Commission Established with the Aim of Conducting Research on the Problems of Our Citizens Who Migrated due to the Evacuation of the Residential Areas in the East and Southeast Anatolia and of Defining the Necessary Measures to be Taken Accordingly]. TBMM Tutanak Dergisi 53 (Period 20), 1998

11 See. Dilek Kurban, A. Tamer Aker, Ayşe Betül Çelik, H. Deniz Yüksek, Turgay Ünal, Coming to Terms with Forced Emigration: Post-Displacement Restitution of Citizenship Rights in Turkey, TESEV Publications, 2006. http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/zorunlu%20goc.final.pdf. Also, see Dilek Kurban, A. Tamer Aker, Ayşe Betül Çelik, H. Deniz Yüksek, Turgay Ünal, "The Problem of Internal Displacement in Turkey: Assessment and Policy Proposals, TESEV Publications, 2005. http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/TESEV_UYE_Grubu_Raporu.pdf.

12 *ibid.*, p. 76.

13 Official Gazette, "Law on Amendments in Village Law and Some Other Laws", No. 5673, 27 May 2007, 26450, 2 June 2007.

On the other hand, although interim village guards were covered by social security schemes per the May 2007 amendments, the so-called 'voluntary guards,' who are not paid by the state, are still deprived of any social security. Therefore, while preparing to abolish the system, the future personal security and employment of the village guards to be discharged from service should be considered carefully.

Therefore:

- The village guard system should be abolished as soon as possible.
- Immediately afterwards, people employed as temporary or voluntary village guards should be disarmed.
- People who served as temporary and voluntary village guards should be employed in sectors other than sensitive ones like education, security, village reconstruction, and forestry.
- Social and psychological rehabilitation programs should be developed for voluntary and temporary village guards.

B. RETURN

One striking finding in the Hacettepe University report is that half of the victims of forced migration are unaware of the in-kind assistance available for those who want to return to their villages and are rightful beneficiaries under the Return to Village and Rehabilitation Project (RVRP).¹⁴ Furthermore, 88.5 percent of migration victims who returned to their villages said they have not received any aid from the State to date.¹⁵ The Interior Ministry, on the other hand, announced that some 57 million YTL were spent between 2000 and 2006 in the framework of the RVRP.¹⁶ One can imagine that most of these expenditures were made to improve village infrastructure, but the fact that the majority of returnees did not benefit from the RVRP raises concerns of possible corruption in the expenditures.

Some steps necessary for village returns include:

- In-kind assistance available under the RVRP should be supported with cash aid. Aid amounts should be increased to help returnees re-establish their pre-migration lives.
- The criteria used in deciding to whom, how and how much aid will be allocated under the RVRP should be transparent, clear and predictable, and the aid should be extended to all without discrimination.
- All information about the aid allocated so far under the RVRP should be shared with the public.
- In order to eliminate doubts that expenses and assistance given by governors and districts under KÖYDES have not reached the intended beneficiaries, all information on implementation should be made transparent and accessible.
- The State should introduce production-oriented supports in agriculture and livestock for those victims who have returned or desire to return to their villages.

C. URBAN LIFE

Victims of forced migration instantly lost all the assets they had acquired over the years, quickly becoming thrust into poverty. This population has been struggling with unemployment, poverty, and hunger for years in the suburbs of the cities, working in daily jobs as unqualified workers, the most fortunate as street peddlers. The majority of this group is deprived of any social security.¹⁷

Following are some steps to take to solve the specific problems of victims of forced migration living either in the region or in other parts of the country:

- A certain portion of the general budget should be allocated for the solution of urgent problems in the neighborhoods where internally displaced people are concentrated and this budgetary resource should only and necessarily be used for the said neighborhoods.

14 Hacettepe University Report, p. 90.

15 *ibid.*, p. 93.

16 Bekir Sıtkı Dağ, "On Government Policies on Internally Displaced People and 'Return to Village and Rehabilitation Project'", a communique presented at TESEV's conference titled "Internal Displacement in Turkey and Abroad: International Principles, Experiences and Policy Proposals," 4-5 December 2006, Istanbul

17 For detailed information on the issue, see "Zorunlu Göç ve Etkileri – Diyarbakır [Forced Migration and its Effects - Diyarbakır]," Kalkınma Merkezi [Center for Development] Diyarbakır, June 2006, <http://www.kalkinmamerkezi.org/images/kitap/t%FCrk%E7e%201.pdf>.

- The victims who choose to stay in the cities or are unable to return to their villages should be entitled to some actions of affirmative action such as rent support, and free electricity, water, and gas.
- This group should be given vocational education and skills training.
- Enterprises launched by individuals or groups should be provided incentives, loans, lands, and spaces.
- Social and psychological rehabilitation programs should be run specifically for this population.

D. COMPENSATION LAW

- The deadline for applications to benefit the Law No. 5233 “The Law on the Compensation of Damages Inflicted By Terror and the Fight Against Terror,” commonly known as the Compensation Law, should be postponed once again.
- All information about the applications submitted under the Law should be released to the public.
- An administrative appeals mechanism should be set up to inspect the decisions, especially the applications dismissals, made by the damage assessment committees that assessed the applications.
- Principles and criteria developed and circulated by the Interior Ministry to reach country-wide consistency in implementation of the Law should be shared with the public.
- A higher authority should be set up to maintain consistency among the decisions of damage assessment committees working in different provinces.

E. LANDMINES

- Signs warning of landmines and live ammunition should be posted in border and rural residential areas in the region, local people should be informed about the dangers, and illustrated instructions should be given, particularly to children and illiterate people.
- The government should fulfill its legal obligations per the “UN Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction” (Ottawa Convention) to which she became a signatory on March 1, 2004.
 - Information should be released to public as to whether or not the 2,970,000 landmines slated to be destroyed by March 1, 2008 were indeed destroyed, and if not, destroy them immediately.
 - Around one million underground mines should be cleared by March 1, 2014.
- Only 316,000 square meters (31 hectares) of land near the Mardin-Syria border have been cleared of landmines so far, and these lands were consigned for operation to the companies who carried out the sweeping, not to the local people who have suffered from the landmines most are terribly in need of land. Rural areas cleared of mines should immediately be distributed to landless villagers and opened for agriculture.
- People injured or disabled due to explosion of landmines and live ammunition should be recognized as a special group of the disabled, with special policies developed specifically for them, and they should be given priority and privilege in exercising fundamental rights such as employment, housing, education, health care etc.
- Local hospitals should be endowed with medical experts and equipment necessary for the treatment of landmine victims.

F. RESTORING JUSTICE

- The Government should be prepared to meet the call for justice by preparing a new law based on international human rights conventions to identify, prosecute, and punish perpetrators of egregious human rights violations committed during the process of forced migration, with the cooperation of human rights institutions and bars.

- The State should confront the past and acknowledge its responsibilities for rights violation and suppression policies suffered by the Kurds in recent history, particularly in the period of State of Emergency, and should ensure that the perpetrators are punished after necessary investigation, prosecution, and trial procedures carried out and that the victims' losses are compensated.
- The State should remember that, at the very least, it owes an apology to society in general, and to Kurdish people in particular.
- An independent committee should be set up to establish the truth.

VII. Strengthening local governments

The world is progressing from central to local governance, from representative democracy to participatory local democracy. Local governments are the units and forms of governance standing closest to the public. Historically they precede central governments, and are much superior in terms of democratic potential because they best embody the level where individuals can truly participate in the governing process. Various improvements for strengthening local governments, enhancing their autonomy, and minimizing central control over them increasingly appear in international documents and constitutions. In this respect, local governments have been assuming new functions not only as service-providers, but also as democratic political institutions.

The link between participatory democracy and local governments requires the strengthening of local governments to be able to solve all social problems in Turkey, not just the Kurdish issue, through democratic processes and on a local level. The government, which has launched a regionalization campaign in the framework of judicial reforms, should do the same in local governance. Both the social demand and the need for stronger local governments, as well as the government's obligations for EU membership, necessitate the termination of the existing relationship between central and local governments, which is based on inequality and dependence. In terms of the Kurdish issue, this relationship hampers the delivery of social services to the region, creates a feeling among the local people that their democratic will is ignored, and heightens their distrust of the state and government.

Dependence-based relationship between central and local governments has led to regional inequalities between local governments in regard to Kurdish problem. The breakdown of sources per capita by province transferred to local governments by the central government clearly shows that those transferred to big provinces in the west are well above the Turkey average whereas the sources allocated to Eastern and Southeastern provinces remain below the average. According to the data published by Finance Ministry General Directorate of Accountancy and TÜİK Census of Population, per capita allowance on local level in 2007 was 250 YTL in eastern provinces whereas the figures are 1,080 YTL in Kocaeli, 1,019 YTL in Ankara and 929 YTL in Istanbul. Diyarbakır lags well behind by only 312 YTL of allowance.

Following are some steps to strengthen local governments:

- The powers of provincial councils should be expanded, as they are well aware of local needs.
- Supervision over local governments per the Law of Municipalities should be re-arranged as to comply with the EU's Copenhagen Criteria.
- The central government should abandon centrist policies over local governments. This should involve not only the transfer of services and responsibilities, but also the introduction of necessary regulations regarding authority and funds transfer.
- The governors' tutelage over the municipalities should end.
- As the representatives of local governments on the neighborhood level, *mukhtars* should be freed from political pressures so that they may better serve the public.
- A new administrative structure should be developed for more democratic and local-based governance in Turkey. In this respect, for example, establishing regional assemblies that will consist of representatives elected by each province in proportion to their constituents might be considered.

- The administrative and financial autonomy of local governments should be secured through new regulations.
- Additional funds should be allocated to local municipalities to be used to repair damages inflicted upon cities during the period of armed conflict in the region.
- A certain share of the revenues obtained from local subterranean and terrestrial resources should be appropriated to local governments.
- Turkey's reservations on the European Council's Charter of Local Self-Government should be removed.
- Languages other than Turkish should be allowed in supplying local services.
- Educational, health care, and local security services should be supplied by the local governments.
- New regulations should be introduced to form provincial and neighborhood assemblies.

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