



Turkey's Kurdish Conflict: An Assessment of the Current Process

November 2013





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Democratic
Progress
Institute

November 2013



Published by
Democratic Progress Institute
11 Guilford Street
London WC1N 1DH
United Kingdom

www.democraticprogress.org
info@democraticprogress.org
+44 (0)203 206 9939

First published, 2013

ISBN: 1-905592-81-7

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Foreword

This report aims to present an examination of the current process that is taking place in Turkey, regarding the resolution of the Kurdish Conflict.

Numerous individuals and organisations were met with in various regions throughout Turkey, and elsewhere, to try to discern public perceptions of recent events in Turkey, commonly referred to as the 'process'. These Developments over the last year have included continued dialogue between the Turkish Government and Abdullah Öcalan; the announcement and maintenance of a ceasefire and the beginnings of withdrawal of the PKK from Turkish soil; the formation by Prime Minister Erdoğan of a Wise Person's Committee in relation to the current process; continuation of the constitutional reform process which began in 2012; and the recent announcement of a 'democratisation package' by the ruling AK Party.

While such numerous and positive developments have occurred over the last year; the 'process' remains fragile, and is by no means without criticism from Turkey's public. The European Commission's 2013 Progress Report on Turkey, while highlighting the positive steps that have been taken by the Government over the last year, warns that there is still a 'pressing need to develop a truly participatory democracy, able to reach out to all segments

of society'¹ within Turkey, something that is essential if sustained resolution of the Kurdish conflict is to be achieved.

Despite the ongoing challenges, however, and there will likely be many more in the path to an eventual settlement, the overwhelming sense garnered from people on the ground in preparing for this report is that both all parties sides to this protracted conflict are tired of violence and largely view a return to conflict as inconceivable. The coming months are recognised by all observers as a critical juncture in the process.

While recording current actualities in Turkey is an inherently difficult task, due to the everconstant and rapid changes taking placeing nature of events, DPI feels it is nevertheless of value to present the numerous views and opinions that exist in relation to this issue in Turkey, and hopes that this report will prove to be of value to its readers.



Kerim Yildiz

Director

Democratic Progress Institute

November 2013

1 European Commission "Turkey 2013 Progress Report " *SWD(2013) 417 final*, Brussels, 16 October 2013

Abbreviations

AK Party: Justice and Development Party

BDP: Peace and Democracy Party

CEFTUS: Centre for Turkey Studies

CHP: People's Republican Party

DDKD: Revolutionary Democratic Cultural Association

DDR: Disarmament, Demobilisation, Reintegration

DISA: Defence Industry Security Association

DTP: Democratic Society Party

ECRML: European Charter of Regional and Minority Languages

EU: European Union

IDP Group: *Goç Der*

IHD: Diyarbakir Bar Association

IRA: Irish Republican Army

KCK: Union of Communities in Kurdistan or *Koma Civakên Kurdistan*

KRG: Kurdistan Regional Government

LGBT: Lesbian, gay, bisexual, transgender

MHP: Nationalist Movement Party

MIT: National Intelligence Agency, Turkey

MoU: Memorandum of Understanding

NCO: Non Commissioned Officer

NGO: Non Governmental Organisation

OSCE: Organisation for Security and Co-operation in Europe

PIRA: Provisional Irish Republican Army

PKK: Kurdistan Workers Party

PYD: Democratic Union Party

SETA: Foundation for Political, Economic and Social Research

SSR: Security Sector Reform

TEPAV: Economic Policy Research Foundation of Turkey

TESEV: The Turkish Economic and Social Studies Foundation

TRC: Truth and Reconciliation Commission

TRT: Turkish Radio and Television Corporation

TR6: Turkish television channel

UN: United Nations

VAKAD: Van Women's Association

WPC: Wise Persons' Commissions

Executive Summary

The granting of unprecedented visits by members of the Peace and Democracy Party (BDP) to visit Abdullah Öcalan commencing in January 2013 and continuing throughout the year publically marked a change in Government policy towards a resolution of the decades-old conflict in Turkey. On 21 March 2013, a declaration from Abdullah Öcalan, calling for a ceasefire, withdrawal of PKK militias from Turkish soil, and a 'New Turkey', was read out by BDP Deputies at massive Newroz (Kurdish new year) celebrations in Diyarbakir and elsewhere throughout the southeast.

A unilateral ceasefire was declared by the PKK on 23 March and the PKK's military leader Murat Karayilan subsequently announced that it would commence in early May as the first stage in a three-phase plan for the end of the conflict which included:

- Phase One: Gradual withdrawal of PKK forces from Turkish soil
- Phase Two: Democratic reforms from the Government
- Phase Three: Integration of the PKK into political and civilian life following disarmament

In early April, a committee of "Wise Persons" consisting of 63 intellectuals, professionals, writers and NGO leaders was appointed by Prime Minister Erdoğan. The committee was tasked with communicating the Government's strategy regarding the current

'process' to the Turkish people and receiving their feedback on this approach. On the whole, public reaction was supportive and despite criticisms (including a lack of representation of some groups and women, as well as the selection of members by the prime minister, and a short mandate), it was generally seen as a positive step. The findings of the Committee are assessed in more detail below.

First accounts of the withdrawal emerged in early May with reports that small groups of PKK fighters were moving toward the Iraqi border though not laying down their arms at the frontier as Prime Minister Erdoğan had requested.

Widespread protests in Gezi Park and Taksim Square in Turkey during June and July highlighted the division in Turkey's society, and with the progress of the work of the Constitutional Reconciliation Commission remaining slow, a decision was made to continue its work over the summer period. In mid-July 2013, the PKK leadership was voicing concerns that the Government was not moving fast enough to fulfil its side of the bargain, despite the on-going process of constitutional reform. That month, elections were held within the KCK which resulted in a change of structure within the PKK. A deadline of 1 September was set by the PKK for the Government to prove its sincerity to addressing the issue. In early September, the KCK announced that it was ending the withdrawal of militants, citing the Government's approach to the 'process,' and its failure to take confidence building steps including ending the construction of new police stations, improving the

conditions of Abdullah Öcalan, and releasing Kurdish prisoners. However, it said that the ceasefire would remain in place.

On 30 September, the Government released a long-awaited democratic reform package, which ultimately fell short of the demands that had prompted its development. At present the ceasefire holds and statements from Mr. Öcalan suggest that despite the issues in the last months, he continues to be committed to finding a non-military solution to the conflict.

The following report aims to outline the key components of developments taking place in Turkey over the last year, and to offer perspectives from Turkey's diverse society on what is now commonly referred to as Turkey's 'process'.

Key aspects examined in this report include: ceasefire and the withdrawal process; Turkey's Wise Persons' Commission; absent components of the 'process' including the absence of transparency, a clear road-map, choreography or neutral third party; public and party political perspectives on the 'process'; the role of civil society in relation to the 'process', the views and role of diaspora communities; and constitutional and legal issues.

Introduction

This report aims to provide an initial outline of the current status of efforts to resolve the conflict in Turkey which has been on-going with varying intensity for the past three decades.²

The approach of successive Turkish administrations to the conflict has resulted in Turkey's Kurds "becoming increasingly alienated and disenfranchised. Protracted tensions and increased fighting in Kurdish regions have become synonymous with the Kurdish Question and point to an underlying chasm in Turkish society. The *question of whether and how the conflict in Turkey can be resolved thus continues to be of paramount importance.*"³

The importance of a resolution to the conflict is underlined by the scale of the losses suffered as a direct consequence, both in terms of human life and economic cost. Efforts by the Kurds in the broader region, which encompasses the Kurdish population in Syria, Iran and Iraq, to move towards self-determination, political representation, freedom from discrimination and recognition of their identity as an ethnic group have continuously been marred by oppression and violence.⁴ During the period of intense conflict

2 This assessment was completed in mid September 2013, however an additional section providing an overview of the content and impact of Prime Minister Recep Tayyip Erdoğan's reform package, announced at the end of September, have since been added, as well as a section exploring the role of diaspora in Turkey's conflict resolution process. More detailed reports on both aspects will be published by DPI.

3 Kerim Yildiz, 'Turkey's Kurdish Conflict: Pathways to Progress' (2012) Vol. 14.4 *Insight Turkey* 151-174, 153 (emphasis added).

4 Kerim Yildiz and Susan Breau *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms* (Routledge: London & New York, 2012)

between 1984 and 1999, according to some estimates US\$120 billion was spent on military containment of the conflict alone and more than forty thousand people were killed.⁵ Moreover, the conflict had experienced a period of heightened violence prior to the most recent ceasefire which was implemented by the PKK in March 2013.⁶

This assessment considers the current efforts to achieve a resolution to the conflict through the lens of the viewpoints of relevant actors on both the Turkish and Kurdish sides. It will provide a brief overview of the genesis of the conflict and the current state of play, examining the pertinent issues in terms of the attempts as resolution, addressing constitutional and legal issues, the role of the media, language and identity questions, the role of civil society and the regional context.

This assessment is based on a combination of desk-based research and field research conducted in Turkey and abroad during the first three quarters of 2013. The initial assessment work was completed in August 2013 with an update completed in October 2013. A further assessment examining the perceptions of the process by the Diaspora in Europe is currently being prepared and some preliminary conclusions are included in this assessment, with a

5 Ömer Taspınar 'The Old Turks' Revolt: When Radical Secularism Endangers Democracy' (2007) 86 *Foreign Affairs* 114-130, 122.

6 See 'Turkey: The PKK and a Kurdish Settlement' *International Crisis Group*, September 2012, outlining that the 700 deaths in the preceding fourteen months constituted the highest casualties in thirteen years. Available at <http://www.crisisgroup.org/-/media/Files/europe/turkey-cyprus/turkey/219-turkey-the-pkk-and-a-kurdish-settlement.pdf> (accessed 1 September 2013).

full report to follow at a later date. The participants in the study include members of the main political parties, with the exception of MHP, who declined to be interviewed, as well as lawyers, journalists, and human rights and community activists. Interviews were conducted in Istanbul, Ankara, Diyarbakir, Van, Yüksekova, Cizre, Uludere and Zonguldak and followed a similar format, with participants requested to give their assessment on the current 'process'. Transcripts of all interviews are on file. are available.

The assessment seeks to ensure neutrality of language throughout, although the difficulty of this is typified by issues such as the lack of agreement among participants on even how to characterise the current 'process', with some respondents arguing that it is more accurately termed a ceasefire, or 'talks', rather than a 'process'. Every effort has been made to ensure that the views of all interviewees are accurately reflected. Where requests for anonymity were made these have been respected. The views reflected in this report are those of the interviewees and sources consulted, and should not be taken as those of DPI.

Overview of the Armed Conflict and Responses of the Turkish Government: The Classical Approach

The conflict in Turkey which is widely described as the 'Kurdish Question' is rooted in historical and cultural links to the fall of the Ottoman Empire. When the Ottoman Empire was divided following the First World War, the Kurds were divided between what are now Iraq, Iran, Syria and Turkey. After an initial strategic concern to ensure Kurdish autonomy by the Great Powers enunciated in the Fourteen Point Programme for World Peace in 1918 and the Treaty of Sèvres in 1920, European concerns over the possibility of Soviet influence combined with historical events and ultimately the outcome of the Turkish War of Independence resulted in Turkish sovereignty over the Kurdish dominated area accorded independence at Sèvres. The remaining Kurdish dominated lands were divided between Iran, Syria and Iraq without giving a real voice to the Kurds in the discussion as to the future of their lands.

Following independence a programme of "Turkification" in the southeast of the country resulted in senior administrative positions being filled by ethnic Turks and all references to Kurdistan being erased from official materials. The use of the Kurdish language in public life including in schools was banned as was traditional Kurdish clothing and music resulting in two major Kurdish rebellions in 1925 and 1930. Martial law was declared in the southeast and in 1934 and following a succession of coups d'état in 1960, 1971 and 1980 Martial law was extended throughout

the country. The Kurdish population of Turkey were portrayed throughout this period as a threat to state unity and the use of the term Kurdish, use of the Kurdish language, Kurdish folk songs, giving children Kurdish names were proscribed in 1983. Kurdish villages were given Turkish names. “Deterrent” sentences were handed down periodically by the courts for infractions of these laws. With the commencement of the Kurdish Worker’s Party (PKK)⁷ armed struggle in 1984 Turkish military presence in the southeast increased.

By the early 1990s the PKK had abandoned the references to independent Kurdistan in its manifesto and was concentrating on the idea of a democratic republic.⁸ While the main target of PKK military activity has always been the Turkish military presence in the southeast of the country at times they have also targeted village guards, economic and social assets including railroads, bridges and tourist sites. Alongside these military operations the PKK continued to operate on the political level and in the spring of 1993 announced a unilateral ceasefire which was brokered by Iraqi Kurdish leader Jalal Talabani between the armed groups and the Turkish state. That ceasefire lasted for just over two months.

Military operations on both sides intensified while behind the scenes during Prof. Dr. Necmettin Erbakan’s tenure from 1996 to

7 The PKK was founded in 1978 by Abdullah Öcalan seeking the establishment of an independent Kurdistan, uniting Kurds across several borders.

8 Kerim Yildiz and Susan Breau *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms* (Routledge: London & New York, 2012)

1997, “private local channels” were used to engage with the PKK.⁹ In his trial in Turkey, Abdullah Öcalan stated that Prime Minister Erbakan had sent him two letters offering economic and social reforms in response to an end to violence.¹⁰ A further unilateral PKK ceasefire was called for by Mr. Öcalan (from his prison cell on İmralı Island) in 1999. This ceasefire endured until 2004 when the PKK cited on-going military operations as a basis for resumption of hostilities. According to a publication by the Turkish National Intelligence Organisation, regular contacts took place between Turkish state representatives and the PKK between 2006, when the PKK declared a unilateral ceasefire, and late 2007, when clashes with security forces spelt the ceasefire’s de facto collapse.

The unilateral ceasefire that was declared by the PKK in 2006 was short-lived, and two months after its announcement in September that year, it was rejected by Prime Minister Erdoğan, reportedly on the grounds that “A cease-fire is done between states. It is not something for the terrorist organisation”.¹¹

Until recently, the Turkish state’s ‘classic approach’ to the Kurdish Question was one of military intervention and armed force.¹²

9 Cengiz Çandar, Sabah newspaper, ‘Turkish Press Scanner’, *Hurriyet Daily News*, 7 August 1996, available at <http://hurriyetdailynews.com/h.php?news=turkish-press-scanner-1996-08-03>>

10 “Trial draws to an end as Öcalan disowns PKK terror”, *Hurriyet Daily News*, 3 June 1999, available at <http://hurriyetdailynews.com/h.oho?news=trial-draws-t-an-end-as-ocalan-disowns-pkk-terror-1999-06-03> (accessed 13/12/2013)

11 “Turkey’s Kurdish rebels declare cease-fire”, *ABC News*, 1 October 2006, available at <http://www.abc.net.au/news/2006-10-01/turkeys-kurdish-rebels-declare-cess-fire/1275210> (accessed 13/12/2013)

12 Kerim Yildiz ‘Turkey’s Kurdish Conflict: Pathways to Progress’ (2012) Vol. 14.4

Viewed in essence as an existential threat to the very integrity of the Turkish nation, the Kemalist tradition promoted assimilation, and the destruction of the Kurdish legacy was accompanied by violent oppression. This has led to a protracted armed conflict, resulting in more than 40,000 deaths and the displacement of approximately three million Kurds from their homes in the southeast of Turkey due to forced evacuation in the period between 1984 and 1999.¹³

The military response to the Kurdish question, which began in earnest following the coup of September 1980, sought to eradicate those groups responsible for the violence in the Southeast, a strategy that saw very limited success.¹⁴ The military response and subsequent increase in militarization of the Kurdish dominated region also had the effect of entrenching the polarization of politics in the region.¹⁵ The prevalence of the security and military narrative in dealing with the Kurdish question has also led to broader problems for Turkey as a whole including issues surrounding demilitarization, accountability, and a lack of civilian democratic oversight mechanisms within the framework of the military, the police force and intelligence agencies.¹⁶ *Over recent decades Turkey's Insight Turkey*, pp. 152.

13 Ediel Hughes 'Political Violence and Law Reform in Turkey: Securing the Human Rights of the Kurds' (2006) Vol. 26.2 *The Journal of Conflict Studies* The GREGG CENTRE for the Study of War and Society, available at: <http://journals.hil.unb.ca/index.php/jcs/article/view/4513/5324> (accessed 15 July 2013).

14 See Philip Robins 'The Overlord State: Turkish Policy and the Kurdish Issue' (1993) vol. 69.4 *International Affairs* 657-676.

15 Philip Robins 'The Overlord State: Turkish Policy and the Kurdish Issue' (1993) vol. 69.4 *International Affairs* 657-676, p. 663.

16 See Biriz Berksoy 'Military, Police, and Intelligence in Turkey: Recent Transformations and Needs for Reform' *TESEV Publications*, June 2013, p. 53.

Available at <http://www.tesev.org.tr/Upload/Publication/71e067fd-f1f7->

approach, in the repression, violence and human rights violations experienced, has been mirrored in other Kurdish-inhabited regions, including Syria, Iran and Iraq (under Saddam Hussein).¹⁷

[4775-a675-2d1e58c27504/13331ENGguvenlikOzeti22_07_13onay.pdf](https://www.guvenlik.gov.tr/medya/4775-a675-2d1e58c27504/13331ENGguvenlikOzeti22_07_13onay.pdf) (last accessed 2 September 2013).

¹⁷ Kerim Yildiz, 'Turkey's Kurdish Conflict: Pathways to Progress' (2012) Vol. 14.4 *Insight Turkey*, pp. 153.

Background to the current “process” – a break from the past

While the previous coalition Government had introduced a number of reform packages in the 1990s and early 2000s, deadlock and disagreement between ultra-nationalist and more liberal tendencies precluded substantial progress on the reform front.

The emergence of a majority AK Party Government in 2002 broke the impasse, and with accession to the EU still high on its political agenda,¹⁸ it was able to more successfully pursue a programme of constitutional reform begun by its coalition-Government predecessor, partly driven by the requirement to meet the Copenhagen Criteria (that is, the standards required for EU entry)¹⁹ partly by a renewed appetite for a peaceful solution amongst Kurds, and partly by a realisation on the part of the government that in order to resume a strategic role in the region, it needed first to resolve its most burning domestic issues.

Many of the reforms made in Turkey in the subsequent decade have been directed at the Kurdish Question, including:²⁰

18 Yilmaz Ensaroglu, ‘Turkey’s Kurdish Question and the Peace Process’, *Insight Turkey*, 2013

19 European Parliamentary Assembly Resolution 1380 (2004), <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta04/ERES1380.htm> (accessed 13/12/2013)

20 Meltem Müftüleri-Bac, ‘Turkey’s Political Reforms and the Impact of the European Union’, *South European Society & Politics*, March 2005, available at: <http://myweb.sabanciuniv.edu/muftuler/files/2008/10/muftulerbacpoliticalreforms>.

- Abolition of the state of emergency – July 1987
- Decreased detention periods pending trial – July 2012
- Abolition of State Security Courts – June 2004
- Eliminating legal restrictions on the use of Kurdish language – July 2012
- Lifting the ban on Kurdish language publications – July 2012

Milestones in the reform packages included: the retrial of all cases decided in the State Security Courts, leading ultimately to the release of DEP parliamentarians, (including Sakharov prize winner Leyla Zana); a revision of the reform code relating to torture cases (and removing laws which in effect gave impunity to those charged with having committed torture offences); and the repeal of Article 8 of the Anti-Terror Law, which had in effect been used to stifle criticism of Government activities. In June 2004, the Turkish state broadcaster began broadcasting short programmes in minority languages, including Kurdish. Five years later, on the 1st January 2009 Prime Minister Erdoğan inaugurated a 24-hour state-run channel (TR6) broadcasting daily, concluding his statement by saying in Kurdish, “May TR6 be auspicious”²¹ – something which was regarded by many as a pivotal moment in relations between the Kurds and the Turkish state.

pdf

21 Bilgin Ayata, Kurdish Transnational Politics and Turkey's Changing Kurdish Policy: the Journey of Kurdish Broadcasting from Europe to Turkey, *Journal of Contemporary European Studies*, Vol. 19, Issue 4, available at:

<http://www.tandfonline.com/doi/abs/10.1080/14782804.2011.639988#.UpdRWtNFDmQ>

One of the main steps taken by the Government which demonstrated a relinquishment of past attitudes and a move towards a change in stance was its 2009 proposal of an initiative towards a solution of the Kurdish Question, initially named the “National Unity and Brotherhood Project” and subsequently widely referred to as the “Democratic Opening or the “Kurdish Opening” with Turkish president Abdullah Gül making the declaration that Turkey’s greatest problem was “the Turkish Question,” arguing that there was, at that juncture, an unmissable opportunity to solve that question. That proposal by the Government illustrated a significant rethinking and for the most part a break with the previous classical approach towards the Kurdish Question in Turkey mainly through its full and official recognition.²²

Despite optimism that the Democratic Opening might allow the Kurds to gradually begin to extend their basic rights and eventually reach a certain degree of freedom of cultural and political expression within the boundaries of the existing political structures in Turkey the initial progress was limited until late 2012 / early 2013 when renewed energy and vigour was injected into the project. From the outset the Government has received overwhelming support across the political spectrum and throughout civil society with the referendum carried out in September 2010 showing that 58 per cent of voters in Turkey voted in favour of the then proposed constitutional changes, the majority of which involved taking democratic steps.²³

22 Kerim Yildiz ‘Turkey’s Kurdish Conflict: Pathways to Progress’ (2012) Vol. 14.4 *Insight Turkey*, pp. 154-5.

23 Kerim Yildiz ‘Turkey’s Kurdish Conflict: Pathways to Progress’ (2012) Vol. 14.4

Both intermittently, and directly and indirectly, and through a variety of interlocutors, dialogue has been conducted between the PKK and the Turkish state since at least 1993,²⁴ with face-to-face talks between the two sides after Mr. Öcalan's capture and incarceration on İmralı.²⁵

In 2006, talks reached a new stage when they began to involve the Turkish intelligence agency, MIT in an initiative led by then-Deputy Undersecretary Emre Taner. A long term plan began to coalesce during this period, which envisioned the gradual disarmament of the PKK concurrent with improvements in conditions for Abdullah Öcalan, and constitutional and legislative changes that recognized Kurdish cultural and linguistic identity.

The CHP described the initiative as representing a capitulation to terrorism, and a violation of the constitution, and the MHP's accusation was that it demonstrated weakness and treachery on the part of the AK Party. Simultaneously, the AK Party alienated the pro-Kurdish DTP (predecessor of the BDP) by demanding that it condemn the PKK (a stance that it seemed unprepared to take.) The initiative lacked structure and was fraught with public relations failures which resulted in severe set-backs to public support for the approach. An example of one of these failures is that of the

Insight Turkey, pp. 155

24 Cengiz Candar, 'Leaving the Mountain – How may the PKK lay down arms?', *TESEV*, March 2012, available at: http://www.tesev.org.tr/Upload/Publication/1fe2c9c3-fe84-4044-81a1-d8a3ab906e5c/12028ENGsilahsizlandirma16_03_12Rev1.pdf

25 See "Chronology of ceasefires- appendix"

Government facilitated²⁶ return of a group of 34 PKK supporters and militia in October 2009. These individuals crossed the Habur Gate into Turkey from Northern Iraq, and surrendered to Turkish forces. The delegation was conceived as a “peace group” responding positively to the Government’s move toward rapprochement. Thousands of Kurds welcomed the group into Turkey.²⁷ The group was briefly detained by security services, with all but five being quickly released, and the remainder being released shortly afterwards.²⁸ President Gül welcomed the returnees, but the event was not universally perceived in the same way. From the Government side, the Habur Gate crossing was represented as a capitulation by the PKK; the pro-Kurdish nationalist side also regarded it as a ‘win’.²⁹ The MHP and CHP portrayed the crossing as a victory for terrorism.

While the Kurdish Opening stalled in the public, political sphere,³⁰ and the conflict between the PKK and the state escalated with some of the heaviest fighting seen in decades,³¹ back-channel talks

26 Yilmaz Ensaroglu, ‘Turkey’s Kurdish Question and the Peace Process’, *Insight Turkey*, 2013

27 ‘PKK fighters in “peace” initiative’, *Aljazeera*, October 19th, 2009, available at: <http://www.aljazeera.com/news/europe/2009/10/20091019175314713585.html> (accessed 13/12/2013)

28 ‘Turkish court releases all members of PKK ‘peace group’, *Hurriyet Daily News*, October 20th, 2009, available at: <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=1020095350648-2009-10-20> (accessed 13/12/2013)

29 ‘PKK peace caravan’, *Kurdistan Commentary*, October 21st, 2009, available at: <http://kurdistancommentary.wordpress.com/2009/10/21/pkk-peace-caravan/> (accessed 13/12/2013)

30 Yilmaz Ensaroglu, ‘Turkey’s Kurdish Question and the Peace Process’, *Insight Turkey*, 2013

31 ‘Profile: The PKK’, *BBC News*, March 21, 2013, available at: <http://www.bbc>.

between the armed groups and MIT continued into 2010, when Emre Taner was replaced by the current Undersecretary, Hakan Fidan and the talks continued. That chapter closed following a skirmish between Turkish soldiers and the PKK in June 2011, in which 14 Turkish soldiers were killed, (and which each side blamed on the other.) Nonetheless, the existence of talks had become widespread knowledge in September 2011 as a result of a leaked audio recording to the national media.³² Arguably the effect of this leak was the ‘normalisation’ of the notion of talks between the PKK and the state, although an attempt by an Istanbul prosecutor to indict both Hakan Fidan and Emre Taner in February 2012 for their association with the PKK/KCK ³³indicated the extent of

co.uk/news/world-europe-20971100 (accessed 13/12/2013)

32 ‘Illegal Tape Alleges Secret PKK Talks’, *Gatestone Institute*, September 11, 2011, available at: <http://www.gatestoneinstitute.org/2426/illegal-tape-alleges-secret-pkk-talks> (accessed 13/12/2013)

33 The KCK (The Union of Communities in Kurdistan or *Koma Civakên Kurdistan*) was created in 2007 as an umbrella organisation which includes amongst its constituent parts the PKK. In “Leaving the mountain” (Tesev, 2012), Cengiz Candar describes the KCK thus:

“Although the Turkish media widely identified the KCK as the ‘PKK’s urban organization’ and continues to do so, this is not exactly what the KCK stands for. The KCK is the acronym for the *Koma Civakên Kurdistan*, meaning the Union of Kurdistan Communities. The KCK was established through the reorganization of the PKK within the framework of the principle of “democratic confederalism” suggested by Abdullah Öcalan in his 2004 book “*Bir Halkı Savunmak*” [Defending A Nation]. The concept was suggested as an alternative to the nation-state and as a model to solve the problems in the Middle East. In this framework, the KCK is like an executive organ coordinating the PKK and all the parties and organisations operating in the other Kurdish regions as an extension of the PKK.”

Writing in Today’s *Zaman Mümtaz* er Türköne has described the KCK as “an alternative to the state... It comprises the PKK. Moreover, it undertakes all the responsibilities of a state proper and exercises the powers of state at the local level. It establishes courts to solve disputes. It provides schooling. It imposes punishments on those who fail to comply with its rules.”

Türköne argues that the KCK lies at the heart of the PKK’s transformation from a militaristic, toward a political, identity.

division within the Turkish establishment regarding the project.³⁴ A 68 day hunger strike by hundreds of Kurdish political prisoners demanding better conditions for Abdullah Öcalan and the right to use the Kurdish language in the justice and education system ended following calls from Abdullah Öcalan in November 2012 indicating that he remains a highly influential actor in the Kurdish movement. Subsequently on New Year's Eve Turkish Prime Minister Recep Tayyip Erdoğan confirmed discussions were taking place with directly with Mr. Öcalan in İmralı prison, where he is being held.

Two factors could here have contributed to a willingness by the Government, to re-engage with Mr. Öcalan. On the one hand, the death of the strikers would have cast severe aspersions on Mr. Erdoğan's ability to 'solve the crisis'. On the other, Mr. Öcalan's ability to end the hunger strike so swiftly reassured Mr. Erdoğan that any deal reached with the PKK leader would be respected by his constituents.

See:

'Backgrounder on the Union of Communities in Kurdistan, KCK', *Democratic Turkey Forum*, available at: http://www.tuerkeiforum.net/enw/index.php/Backgrounder_on_the_Union_of_Communities_in_Kurdistan,_KCK#Koma_Civak.C3.AA_n_Kurdistan_.28KCK.29

And

Mümtaz'er Türköne, 'What sort of organization is the KCK?', *Today's Zaman*, October 23rd, 2010, available at: http://www.todayszaman.com/newsDetail_getNewsById.action;jsessionid=9088CDE4E9727F087599A859EBE00158?newsId=225170

³⁴ 'PKK Peace Caravan', October 21st, 2009. Available at: <http://kurdistancommentary.wordpress.com/2009/10/21/pkk-peace-caravan/> (accessed 13/12/2013)

The current 'process' is best described as the latest chapter in the intermittent attempts to 'solve' the conflict that dates back almost to the conflict's beginning. It should certainly be seen as a continuation of the so-called Oslo Process that achieved a modicum of headway in 2011, seeing engagement between the Turkish intelligence apparatus, and PKK leadership before breaking down in June of that year.

The Current 'Process'

Following Mr. Öcalan's request that jailed PKK members should end their hunger strikes in later 2012, (see below), Prime Minister Erdoğan issued a statement that his Government would reinstate talks with Abdullah Öcalan. Those talks were held between Mr. Öcalan, and, representing the state, the National Intelligence Agency [MIT]. On January 3rd 2013 two pro-Kurdish deputies (Ahmet Türk and Ayla Akat Ata) met with Mr. Öcalan on the prison island of İmralı,³⁵ followed by a second, larger BDP delegation on February 23rd.³⁶ This was the first time that such visits had been permitted. These visits by pro-Kurdish Members of Parliament and other public figures (which have included leftist film-maker Sirri Sureyya Onder, Altan Tan, who has an Islamist background, and Pervin Buldan, www.ekurd.net a long-time Kurdish female activist) have continued periodically (at the time of writing, ten such visits have taken place; on average numbering one visit per month). The names of the delegates for each visit have been selected by Prime Minister Erdoğan and have been announced to the public prior to the visits. The choice of delegates has been notable in that more prominent, or controversial Kurdish leaders have not been selected.

35 'Kurdish deputies meet Ocalan on Imrali Island', *Bianet*, January 4th, 2013.

Available at: <http://bianet.org/english/human-rights/143295-kurdish-deputies-meet-ocalan-in-imrali-island> (accessed 13/12/2013)

36 'BDP Delegation Travels to Imrali to Meet with PKK chief', *Today's Zaman*, February 23rd, 2013, Available at:

<http://www.todayszaman.com/news-307892-bdp-delegation-travels-to-imrali-to-meet-with-pkk-chief.html> (accessed 13/12/2013)

In February the PKK released eight Turkish soldiers and officials it had held captive in northern Iraq, where it has bases, following a call by Mr. Öcalan for prisoners to be released by both sides.³⁷ The gesture does not yet appear to have been matched by the Turkish government.

On March 21st, a letter, from Abdullah Öcalan, calling for a ceasefire, withdrawal of PKK militias from Turkish soil, and a 'New Turkey', was read out by BDP Deputies at massive Newroz celebrations in Diyarbakir and elsewhere throughout the southeast. In the letter Mr. Öcalan states: *"We have come to a point today where guns shall be silenced and thoughts and ideas shall speak. A modernist paradigm that ignores, denies and externalizes has collapsed. Blood is being shed from the heart of this land, regardless of whether it is from a Turk, Kurd, Laz or Circassian. A new era begins now; politics comes to the fore, not arms. Now it is time for our armed elements to move outside [Turkey's] borders,"* and made repeated reference to fraternity between Turks and Kurds.³⁸ Following that declaration, a unilateral ceasefire was declared by the PKK on 23 March.

First reports of the implementation of that withdrawal emerged in one month after the Newroz speech, the PKK's military leader

37 'PKK releases eight Turkish hostages', *BBC News*, March, 13th, 2013, available at: <http://www.bbc.co.uk/news/world-europe-21767957> (accessed 13/12/2013)

38 'Öcalan calls on Kurdish militants to bid farewell to arms for a new Turkey', *Hurriyet Daily News*, March 21st 2013. Available at: <http://www.hurriyetdailynews.com/pkk-leader-tells-militants-to-leave-turkey-in-nevruz-message.aspx?PageID=238&NID=43373&NewsCatID=338> (accessed 13/12/2013)

Murat Karayilan announced³⁹ that it would commence in early May as the first stage in a three-phase plan for the end of the conflict which included:

Gradual withdrawal of PKK forces from Turkish soil

Democratic reforms (including setting up commissions in and outside of the parliament to assess and help with the process) and constitutional amendments from the government
Laying down of arms by the PKK following the release of Mr. Öcalan and other Kurdish militants and integration of the PKK into political and civilian life following disarmament

In early April, a committee of “Wise Persons” consisting of 63 intellectuals, professionals, writers and NGO leaders was convened.⁴⁰ The Committee was divided into regional chapters, each visiting one of seven Turkish regions to discuss the peace process with local constituents and individuals. The findings of the committee are discussed in more detail below.

On 8 May 2013 a small group of around 15 armed militants started leaving for northern Iraq. Karayilan warned that any attempt to interfere with the withdrawal would be met with it being reversed, or with retaliation. First accounts of the withdrawal emerged in

39 ‘Murat Karaliyan announces PKK withdrawal from Europe’, *BBC News*, April 25th, 2013. Available at: <http://www.bbc.co.uk/news/world-europe-22293966> (accessed 13/12/2013)

40 ‘Government to reveal 63-member wise men list to advance settlement process’, *Today's Zaman*, April 3rd 2013. Available at: <http://www.todayszaman.com/news-311551-Government-reveals-63-member-wise-men-list-to-advance-settlement-process.html> (accessed 13/12/2013)

May,⁴¹ reporting that the fighters were moving toward the Iraqi border in small groups, though not laying down their arms at the frontier as Prime Minister Erdoğan had requested. While Turkish forces were reported to have increased their presence in the region, they were monitored by journalists and politicians from the BDP as a safeguard against harassment or provocation of the withdrawing fighters.

The talks themselves have been conducted in secret. It is public knowledge that the key interlocutor on behalf of the state is Hakan Fidan, undersecretary of the National Intelligence Organisation (MIT).⁴² Mr. Fidan is also known to have been involved in previous negotiations with the PKK held in 2009. The specifics of the talks however, have not been divulged, and even well-informed commentators are uncertain as to whether, the “three-stage plan,” is anything other than a verbal agreement or MoU. As at writing time, there appears to be some disagreement as to whether each stage must be completed before the commencement of the next or whether it would suffice that each side is confident in the others’ intention to proceed. The Kurdish movement sees the commencement of withdrawal by the armed groups as fulfilling the first phase whereas the Government is calling for full withdrawal of PKK fighters from Turkish soil before it commences

41 ‘PKK begins to withdraw from Turkey’, *Guardian*, 8th May 2013, available at: <http://www.theguardian.com/world/2013/may/08/pkk-begins-withdraw-turkey> (accessed 13/12/2013)

42 ‘Profile: Turkey’s ‘secret-keeper’ Hakan Fidan’, *Al-Jazeera*, March 22nd, 2013, available at: <http://www.aljazeera.com/news/europe/2013/03/201332011046646727.html> (accessed 13/12/2013)

the second stage.⁴³ Indeed the PKK announced that it was halting the withdrawal on 5 September as it expressed its frustration at the lack of movement by the Government under the second phase of the road-map and accused the Government of failing to move towards “democratisation and resolution of the Kurdish problem”.⁴⁴ While the ceasefire holds at the time of writing its future is uncertain especially in light of pronouncements made by senior PKK and KCK members that unless concrete steps are taken by the Government, the ceasefire would be broken⁴⁵ and the frustrated reaction of the Kurds to the package of reforms announced on 30 September by the Government, which was seen by many to be lacking in substance relevant to the Kurdish Question.⁴⁶

Characteristics of “the process”

For the most part, those interviewed in the course of our field-research argued that the term ‘process’ is still too grandiose a term

43 ‘Turkey’s Kurdish road map losing direction,’ *Al-Monitor*, September 11th, 2013, available at:

<http://www.al-monitor.com/pulse/originals/2013/09/pkk-suspends-withdrawal.htm> (accessed 13/12/2013)

44 ‘Kurdish PKK rebels ‘halt Turkey pull-out’, *BBC News*, September 9th 2013, available at: <http://www.bbc.co.uk/news/world-europe-24013837> (last accessed 14 November 2013)

45 “PKK: Cease-fire to be broken if steps not taken by ernmenGovernment by Oct. 15”, *Today’s Zaman*, 26 July 2013 <http://www.todayszaman.com/news-321933-pkk-cease-fire-to-be-broken-if-steps-not-taken-by-govt-by-oct-15.html> (last accessed 14 November 2013) and “Bayık: We will revise the cease-fire if AKP insists on its current policies”, *MESOR*, 12 December 2013 (last accessed 13 December 2013)

46 “KCK disappointed over democratization package, gives gov’t three demands”, *Hurriyet Daily News*, 10 October 2013 <http://www.hurriyetdailynews.com/kck-disappointed-over-democratization-package-gives-govt-three-demands.aspx?pageID=238&nid=56064> (last accessed 13 December 2013)

to describe the nascent steps being taken by the two sides with one analyst pointing out that “there isn’t a process in the international sense of the word.”⁴⁷ What there is, however, is a unilateral ceasefire together with a number of initiatives which are proceeding along several tracks. We know that there are the confidential, bilateral talks between the Turkish state and Abdullah Öcalan on İmralı, the details of which are not in the public domain. There is also the dialogue in which the BDP is a key actor, as intermediary between Abdullah Öcalan, the Kurdish leadership in Qandil, and other (non-Kurdish) parliamentarians and as an interlocutor in its own right.⁴⁸ The broader process of democratisation and constitutional reform also represents an important track, preparing the ground for difficult negotiations to come, for example, on the issue of autonomy or decentralization.

To date, key characteristics of the “process” have included:

Ceasefire: A unilateral ceasefire by the PKK was announced in March 2013 in Diyarbakir during Newroz. Press reports show that well over 1 million people gathered peacefully to hear Abdullah Öcalan’s message with overall positive reactions from the international community and the Government. However some (few) negative reactions were seen with the MHP dismissing Mr. Öcalan’s calls stating that the Government, the Prime Minister and

47 Interview, Yılmaz Ensaroğlu, Director of Law and Human Rights, SETA (Foundation for Political, Economic and Social Research), Ankara, July 11th 2013

48 *Deputy PKK Commander: Turkey Has Stopped the Peace Process*, Rudaw, 19 October 2013 <http://rudaw.net/english/middleeast/turkey/19102013#sthash.PBSwEYUx.dpuf> (accessed 19/10/13)

Abdullah Öcalan were acting together now and the CHP keeping silent on the news of the ceasefire and hanging a large Turkish flag outside their headquarters.

How the ceasefire feeds into a wider “peace process” is not clear and with some parties appearing to be satisfied with the status quo of a cessation of hostilities and others recognising that the ceasefire in itself cannot substitute a comprehensive approach to addressing the root causes of the conflict. This last point has been shown through past experiences to be of particular importance and ceasefires which do not seek to address the root causes of a given conflict ultimately collapse with a resumption of hostilities. Where the scope of the ceasefire and any process is not clear it is likely that it will be difficult to maintain levels of trust or support both from the public but also from within the parties to the conflict. Finally there is also no apparent (internal or external) process to monitor and evaluate the ceasefire – a process which would ensure that the credibility of the ceasefire is maintained. The absence of such a monitoring arrangement has been shown in other conflicts to be a negative indicator for the sustainability of ceasefires. A successful monitoring mechanism would be seen to be impartial, independent, have access to the relevant key players in the parties and be linked to a clear political process.

Withdrawal:

Early estimates were that the withdrawal, undertaken on foot and involving 2,000 fighters, would take some five months to

complete. No mechanism for verification is known to have been agreed or mandated in discussions between Mr. Öcalan/the armed groups and the State. On June 26th, Prime Minister Erdoğan told the second meeting of the Wise Men's Commission that less than 15 per cent of the total number of militants had left Turkey,⁴⁹ a claim reiterated by other ministers in early July,⁵⁰ and seized upon by nationalist groups, such as the MHP as evidence of the PKK's intransigence and lack of sincerity.⁵¹

As at writing time, the sides are caught in something of an impasse, each claiming that it cannot move forward without further commitment from the other: in mid-late July, Mr. Öcalan suggested that unless the Government was serious about moving its reform agenda forward (repeal of the anti-terror laws, lowering vote percentage thresholds needed by political parties to enter parliament), the PKK will slow or reverse the withdrawal and reconsider the ceasefire,⁵² whereas for its part the Government continues to claim that the PKK are not withdrawing at a sufficiently

49 "Only 10 – 15 percent withdrew" – Erdogan', *Hurriyet Daily News*, June 27th, 2013. Available at: <http://www.hurriyetdailynews.com/only-10-to-15-percent-of-pkk-militants-withdrew-pm-erdogan.aspx?pageID=238&nid=49619> (accessed 13/12/2013)

50 'PKK withdrawal not finished yet: Interior minister', *Hurriyet Daily News*, July 10th, 2013. Available at: <http://www.hurriyetdailynews.com/pkk-withdrawal-not-finished-yet-interior-minister.aspx?pageID=238&nID=50461&NewsCatID=338> (accessed 13/12/2013)

51 'PKK will never withdraw' –Nationalist Leader', *Hurriyet Daily News*, July 14th, 2013. Available at: <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nid=50704> (accessed 13/12/2013)

52 "Peace process with Ankara still on track" – Ocalan', *Dawn*, July 21st, 2013, available at: <http://dawn.com/news/1031007/peace-process-with-ankara-still-on-track-ocalan> (accessed 13/12/2013)

quick pace, with Prime Minister Erdoğan asserting in mid-August that only 20 per cent had withdrawn.⁵³

In mid-July 2013, the PKK leadership was voicing concerns that the Government was not moving fast enough to fulfill 'its side of the bargain' (despite the ongoing process of constitutional reform.) In that month elections were held within the KCK which resulted in a change of structure within the PKK and a number of new appointments. Speculation mounted as to the significance of a reshuffle within the PKK leadership which saw Cemil Bayik and Bese Hozat⁵⁴ being appointed as joint heads of the political wing, replacing Murat Karyilan, former Deputy to Abdullah Öcalan.

On 21 July 2013 Bayik issued a warning that failure to deliver reforms on language rights, parliamentary thresholds, and the abolition of the anti-terror laws had impaired faith in the Government's commitment to the process, which he said, would "not advance", setting a deadline of 1 September before the organisation "took its own measures," (without specifying what they might be), while Bese Hozat urged that the Government should free Mr. Öcalan 'to prove its sincerity to the Turkish issue. In mid-August, the Government was reiterating earlier statements

53 Mustafa Ünal 'Erdoğan says PKK did not fulfill promises concerning withdrawal', *Today's Zaman*, 16 August 2013, available at <http://www.todayszaman.com/news-323764-erdogan-says-pkk-did-not-fulfill-promises-concerning-withdrawal.html> (accessed 16 August 2013).

54 'PKK sets ultimatum for Turkey peace deal', *Aljazeera*, July 29th, 2013, available at: <http://www.aljazeera.com/video/europe/2013/07/20137291195529967.html> (accessed 13/12/2013)

that the PKK had failed to withdraw.⁵⁵

In early September, the KCK announced that it was ending the withdrawal of militants, citing the Government's 'irresponsible' approach to the process, and its failure to take confidence building steps including ending the construction of new police stations, improving the conditions of Abdullah Öcalan, and releasing Kurdish prisoners.⁵⁶ However, it said that the ceasefire would remain in place.⁵⁷

In early November, Selahattin Demirtas, co-chair of the BDP, discussed the disappointment felt by many Kurds regarding the content of the democratisation package announced by Prime Minister Erdoğan, and the fact that the package was formed unilaterally. In addition, he expressed the need to transform what he described as the current 'dialogue' between Mr. Öcalan and the Government into concrete 'negotiations'; a point that is echoed throughout the Kurdish movement.⁵⁸ Cemal Bayik, military-political leader of the PKK conveyed a similar message: either

55 'Turkey's Erdogan says Kurds have not withdrawn as agreed', *Reuters*, August 17th. Available at:

<http://uk.reuters.com/article/2013/08/17/uk-turkey-kurds-erdogan-idUKBRE97G05B20130817> (accessed 13/12/2013)

56 'Kurdish PKK rebels 'halt Turkey pull-out'', *BBC News*, 9th September, 2013, available at: <http://www.bbc.co.uk/news/world-europe-24013837> (accessed 13/12/2013)

57 'KCK halts withdrawal, ceasefire continues-FLASH', *Firat News*, 9th September, 2013, available at: <http://en.firatnews.com/news/news/kck-halts-withdrawal-ceasefire-continues-flash.htm> (accessed 13/12/2013)

58 'Time running out for Turkey-PKK peace process', *Al-Monitor*, November 4th, 2013, available at: <http://www.al-monitor.com/pulse/originals/2013/11/akp-stall-kurd-peace-process.html#> (accessed 16/12/14)

the Government accept 'deep and meaningful negotiations with the Kurdish movement or a civil war will erupt in Turkey. ... We are preparing ourselves for the return of the groups which have withdrawn from Turkey to North Kurdistan [Turkey's southeast] if the Government doesn't accept our conditions'.⁵⁹

Nonetheless, the ceasefire announced by Mr. Öcalan's Newroz speech in March has largely held, despite a handful of incidents that have threatened it. In early July 2013, PKK fighters attacked two military outposts apparently in retaliation for the death of a young man killed by Turkish security forces the previous week. The man had been amongst a number of demonstrators protesting at the construction of a new gendarmerie in Diyarbakir. The significance of the incident has for the most part been downplayed by observers. The incidents in Diyarbakir Province in early July suggest that the ceasefire is robust enough to withstand isolation infractions on either side. While provocative acts by rogue elements, either within the Kurdish fringe or the Turkish security apparatus, would not be surprising, they have not yet occurred or been reported.

It is important, however, not to conflate the ceasefire with lasting peace. But it does create a space in which to continue to build trust and to continue to talk and negotiate. Likewise, it would be erroneous for the Turkish state to misrepresent withdrawal by the armed groups as a 'victory' for itself or capitulation by the PKK.

⁵⁹ 'Time running out for Turkey-PKK peace process', *Al-Monitor*, November 4th, 2013, available at: <http://www.al-monitor.com/pulse/originals/2013/11/akp-stall-kurd-peace-process.html#> (accessed 16/12/14)

Ceasefire and withdrawal are valuable components of the process, but not ends in themselves. As has been suggested by one observer, in the absence of independent verification, the status and extent of withdrawal remains subjective, and can be used by either side for its own purposes,⁶⁰ that is, to 'prove' the bad faith of the other. Further the process of withdrawal appears to be without any formal linkage to a peace settlement or agreement.

International experience shows that monitoring can take place in a number of ways with international monitors, national monitors or monitors from the parties to the conflict ensuring that withdrawal is being carried out in the way that has been agreed. Successful monitoring mechanisms can have broader positive impacts on the overall peace process in a number of ways in addition to the state objective of verifying compliance with the stated plan; including building confidence between the parties and prevention of escalation of violence. In the case of Turkey, the withdrawal involves (for many of the combatants) relocating Turkish nationals to a foreign country, whether that is Iraq or elsewhere. This is highly unprecedented and there remain a number of key questions about such an approach. An additional issue associated with withdrawal is the village guards who are stationed in the border regions. Measures to ensure that encounters between these village guards and the withdrawing combatants are necessary in order to prevent incidents arising during that process.

⁶⁰ Interview, Murat Belge, Istanbul, July 2013

Transparency: There has been a dearth of information about the “process” leading to a fair amount of speculation about the contents of discussions and any agreements that have been reached and the overall plan of the Prime Minister and the State beyond the maintenance of the ceasefire. In February 2013 publication in the newspaper *Milliyet* of a transcript of the first BDP delegation to visit Mr. Öcalan,⁶¹ was highly criticised by the Prime Minister as an attempt to undermine the process and despite the backlash by journalists across the country as stepping over the mark in terms of Government interference in editorial decisions.

It is not uncommon during a peace process for the media to drive the agenda with negotiators and parties to the conflict reluctant to brief the public and media with information about the process. Parties may be forced into a reactive position or positively engage in rumour mongering in an attempt to strengthen public support for their position. In Turkey the situation is no different however, despite little being known about confidential talks in other processes experiences has shown that creating a void of information can be detrimental to ensuring the right level of support from the parties broader constituencies. Examples of how to do this can be found in the use of public principles and public pledges in Nepal and Northern Ireland (Mitchell Principles).

61 Jonathan Burch, ‘Turkish PM berates media for coverage of peace process’, *Reuters*, March 4th, 2013. Available at: <http://www.reuters.com/article/2013/03/04/us-turkey-kurds-media-idUSBRE9230PI20130304> (accessed 13/12/2013)

Notwithstanding calls from some circles for transparency on the part of the state in conducting the talks with the Abdullah Öcalan, back-channel or secret talks can, as they proved in Northern Ireland, be a valuable precursor to more public dialogue, facilitating the building of trust between parties, away from the public glare and independent of the concerns of broader constituents. In Northern Ireland the channel provided a forum where contentious issues could be discreetly negotiated allowing the parties to begin a process of confidence-building by communicating their willingness to explore new options in the pursuit of peace.⁶² Despite Prime Minister Erdoğan's insistence that "neither the state nor the Government of the Republic of Turkey will sit down with terrorists or treat a terrorist organisation as a party to negotiations.

This can never ever be a subject for discussion,"⁶³ it is likely that the Government in Turkey has pursued extensive exploratory contacts with the PKK akin to those of the British Government and the PIRA. Private, or 'backchannel' discussions often form the basis of any public peace process; negotiations generally begin in private, away from the scrutiny of the media and 'spoilers'. In the case of the Northern Ireland process, numerous confidential negotiations took place, and were essential in allowing for each side 'to gain an understanding of the rationale, capacity and objectives of the other'.⁶⁴ The Northern Ireland backchannel talks also provided

62 Kerim Yildiz and Susan Breau, *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms* (Routledge: London & New York, 2012) pp.240

63 Kerim Yildiz and Susan Breau, *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms* (Routledge: London & New York, 2012) pp.95

64 Kerim Yildiz, 'Turkey's Kurdish Conflict: Pathways to Progress', *Insight Turkey* Vol. 14/No.4/2012, pp. 151 - 174

space in which contentious issues could be discreetly negotiated and the foundations for open talks between both sides could be laid. Backchannel talks can also take place in parallel with public ones.

Although their substance remains secret, talks in Turkey are known to consist for the most part of face to face discussions between Mr. Öcalan and Mr. Fidan,⁶⁵ and it has been argued that the dialogue should be broadened out, made more inclusive, and transparent, and thus made more robust, moving beyond a discussion “between individuals to one between parties.”⁶⁶ This argument is not universally shared, many of those describing themselves as pro-Kurdish say that they are content to let Mr. Öcalan speak on their behalf⁶⁷ while there is amongst Prime Minister’s supporters a corresponding faith in Mr. Erdoğan’s ability to single-handedly complete the mission that he has assigned himself.⁶⁸ Another possible reading is that Mr. Erdoğan knows that in order to ‘sell’ peace to those that are by instinct or political leaning against it, it will be necessary for him to control what is publicly known about the process that creates it in order “to keep a pragmatic balance between achieving the desired end, and maintaining his core vote.”⁶⁹ The impact of the upcoming elections in Turkey on the Government’s approach (and indeed the approach of all of the political parties) cannot be underestimated. The Government in particular has raised the expectations among the population in

65 DPI Interview, Ferhat Kentel, İstanbul Şehir Üniversitesi

66 Interview, Cengiz Candar, İstanbul, July 9th 2013

67 Interview, Pinar Akdmir, member of BDP Party Council, July 11th 2013 Ankara

68 Interview, Hilal Kaplan, İstanbul, July 10th 2013

69 Interview, Yılmaz Ensaroglu, Ankara July 11th 2013

relation to a peaceful settlement of the conflict risking negative consequences should the initiative fail. In an effort to manage public expectations and possibly gauge the level of public support, on 3 April 2013 Prime Minister Erdoğan appointed a Commission of 63 “Wise Persons” (12 women and 41 men) representing various sectors of civil society [see ‘Civil Society’ below]. The Commission was tasked with a two month project of gathering the views, hopes, fears and input of a cross section of Turkish society through open meetings and consultations. On completion of their work the Commission submitted reports to the Prime Minister ostensibly to feed into the “process”. The Commission was not tasked however with explaining the Government’s plan in any detail over and above the wider aims and objectives of seeking a peaceful resolution to the conflict. The wise persons initiative can however, be seen as a positive one mirroring similar initiatives in other conflicts involving broadening the support for peace through wide ranging consultations of civil society although while in many of those other initiatives the impetus came from and was led by Civil Society whereas this was a Government – led initiative.

Absence of a clear road-map: To date, no indication has emerged of a road-map for further negotiation beyond the broad three-phase plan – and which might bestow clarity to the situation which is so far lacking. The absence of such clear details, timeframes and the possibility for ambiguity can lead to problems further down the line.

Such a road map might include, for example a comprehensive

Disarmament, Demobilisation, and Reintegration (DDR)⁷⁰ package ensuring full reintegration of the armed groups. As is noted in a June 2012 research DPI report on DDR,⁷¹ “The disarmament, demobilisation and reintegration of combatants is widely recognised as being central to the prospects of a state or region emerging from conflict.” This might profitably be undertaken with the advice of an impartial council or commission, the role of which would be to ascertain the number of arms held, their approximate location, as a precursor to decommissioning.⁷² Objective verification of the withdrawal process might also be included in such a roadmap.

The question of sequencing is crucial when considering aspects such as DDR and careful consideration must be given to this aspect it may be impossible to persuade a group to disarm prior to reaching agreement on a reinsertion package – nor is it necessarily desirable to do so. As Jonathan Powell has noted, it isn't guns that kill but people that do – and those looking to rearm can usually do so quickly.⁷³ As the DPI report notes, DDR should not be seen merely as a postscript to the conflict. It is an intrinsic part of peace-building process itself, not merely an administrative or bureaucratic task,

⁷⁰ Disarmament, Demobilization and Reintegration' *United Nations Peacekeeping*, <http://www.un.org/en/peacekeeping/issues/ddr.shtml> (accessed 13/12/2013)

⁷¹ DPI Working Paper – 'DDR and the Complexity of Contemporary Conflict,' Available at: <http://www.democraticprogress.org/wp-content/uploads/2012/10/DDR-Final-paper-June-2012.pdf>

⁷² Kerim Yildiz, 'Turkey's Kurdish Conflict: Pathways to Peace'. Available at: <http://www.democraticprogress.org/article-by-dpi-director-kerim-yildiz-turkeys-kurdish-conflict-pathways-to-progress/>

⁷³ Jonathan Powell, 'Turkey protests "must not derail peace process"', *The Guardian*, June 24th, 2013. Available at: <http://www.theguardian.com/world/2013/jun/24/turkey-protests-peace-process-kurdish-rebels>

but a process which requires a deep understanding of the dynamics of any given conflict, its economic, ideological and institutional drivers and the aims and objectives of the actors.

Key lessons from recent post-conflict scenarios including the Colombian civil war, Iraq after the 2003 invasion, and the civil war in Sierra Leone indicate the need to incorporate a broad range of actors into the post-conflict dialogue if DDR is to be successful. In the case of Colombia it is evident that armed groups could not be reintegrated in the absence of parallel democratic reforms that had repercussions for wider Colombian society, that is, not wholly linked to the conflict with armed groups.

Even the best thought-out DDR process fails to provide a guarantee against recidivism, or the continuation/development of negative structures present during the period of conflict. Nonetheless, without it, the possibilities of sustained peace remain thin.

Likewise, a Security Sector Reform (SSR) package, that is, one that ensures the “provision of security within the state in an effective and efficient manner, and in the framework of democratic civilian control”⁷⁴ - linked to the DDR – would represent a pathway toward a new paradigm in the relationship between the armed groups and the Turkish security services – a key step as the parties move toward

74 Andrzej Karkoszka, “The Concept of Security Sector Reform,” in *Security Sector Reform: Its*

Relevance for Conflict Prevention, Peace Building and Development (Geneva: United Nations Office

in Geneva and Geneva Center for Democratic Control of Armed Forces, 2003), p. 9.

a shared, non-confrontational future.⁷⁵

While public support for peace is strong,⁷⁶ confidence in the talks remain hampered by the apparent lack of such 'roadmap'. An indication that the parties were contemplating serious discussion of DDR or SSR would credibility to the prospect of a viable long term peace. There are criticisms by commentators in Turkey that the current "process" being "very vague" with the prime minister having "no idea of what kind of procedure the peace process should or will entail" being more concerned with his legacy without wishing to invest too heavily to achieve it.⁷⁷ There is a recognition that the initial steps were the easiest for the Government to take and that the really hard work is yet to come.⁷⁸

Absence of neutral third party: The absence of independent third parties and/or engagement with the conflict and pathways to resolution is a worrying omission. Meaningful and impartial international support is key to the achievement of lasting and peaceful resolution of any conflict contrasting the comparative success of the Good Friday Agreement in Northern Ireland, which received a great deal of international assistance, against the

75 'The link between DDR and SSR in conflict-affected countries', May 5th, 2010, *US Institute of Peace*. Available at: <http://www.usip.org/publications/the-link-between-ddr-and-ssr-in-conflict-affected-countries> (accessed 13/12/2013)

76 'Fifty-eight per cent support Government efforts for peace settlement, survey shows', *Today's Zaman*, March 28th, 2013. Available at: <http://www.todayszaman.com/news-310981-58-percent-support-govt-efforts-for-settlement-survey-shows.html> (accessed 13/12/2013)

77 Interview, Murat Belge, Istanbul Bilgi University, July 9th

78 Interview, **Ekrem Eddy Güzeldere**, **European Stability Initiative**, July 10th, 2013

stalemate between the Spanish state and Basque separatists, where no international assistance is involved is illustrative of the role of international assistance and support.⁷⁹ Indeed, as (now former) UN Secretary-General Kofi Annan has identified, “the lack of political will at the highest levels of the international community’ is one of the most important factors impeding peace-making.⁸⁰ Positive consequences of a neutral intermediary are that, the event of an impasse, or where some aspect of the Process is disputed or requires verification (for example, the logistics of withdrawal, or, ultimately, disarmament), the parties to the conflict have a third party both to resort to as independent adjudicator, but also to encourage both maintain momentum despite difficulties Other benefits could also be seen as accruing from the ‘internationalisation’ of the Process: the provision of resources, technical expertise and capacity.

Characteristics of peace

The cessation of hostilities by both sides, and moves toward the withdrawal of PKK armed forces from Turkish territory are important developments in so far as that they create a positive climate, and political space for further discussion. But it is important that those aren’t mistaken for a long-lasting solution. Ultimately building a lasting peace means addressing the long-term causes of the conflict, whether they be ideological, economical, institutional or political, thus removing the re-escalation of the conflict.

But key sticking points are some way from being addressed by

⁷⁹ Breau, S and Yildiz, K, *The Kurdish Conflict – International Humanitarian Law and Post-Conflict Mechanisms*, Routledge, p.197.

⁸⁰ Annan, K. ‘Preventing Conflict in the Next Century

either track of the process to date, including issues relating to the use of the Kurdish language, autonomy, constitutional definitions of citizenship, and which still divide the Turkish population – as evidenced by the findings of the Wise Person's Commission.

The future of Abdullah Öcalan remains hotly debated. PKK members not only assume but expect Mr Öcalan's release to be, not only a sine qua non of any solution, but regard that as one of its most important objectives. Many Turks will find this difficult outcome to accept.

An interview with a Turkish non-commissioned officer was telling in this regard. Highly critical of the idea that there could ever be a military 'solution' to the Kurdish problem, he said he blamed the state for violence in the Kurdish regions, and described himself as a proponent both of peace and also of greater rights for Kurds – in particular language rights, restrictions upon which he regarded as 'ridiculous'. Nonetheless, he added, "it is still not possible for me to accept the prospect of Mr. Öcalan as a regular member of the political establishment in this country."⁸¹

As noted elsewhere in this report, while parliamentarians continue to discuss changes to Turkey's constitution there will be difficult negotiations ahead regarding Kurdish demands for autonomy and constitutional recognition. Forging a post-conflict role for the PKK, its political structures and institutions and militias, which will prove politically satisfactory both to Kurdish nationalists

⁸¹ Interview with NCO member, Istanbul, August 8th 2013

and to mainstream Turks will also be a major challenge. As one commentator asked pointedly: “Are the glorious fighters ready to become dull citizens?”

Transitional Justice?

In August, the prime minister appeared to rule out any general amnesty for PKK fighters,⁸² and yet there is no indication to date of the establishment of a mechanism akin to a truth and reconciliation committee which might treat past crimes, committed by participants on both sides of the conflict, even-handedly and with impartiality. While the South African Truth and Reconciliation Commission represents the best known example of such a mechanism, other countries that have benefited from post-conflict truth commissions include Guatemala, Timor-Leste, and Morocco, and there are lessons to be drawn from each that are potentially applicable to Turkey.⁸³ Abdullah Öcalan has called for the establishment of such a Commission, but the idea does not yet seem to have won broader acceptance. It has however, surfaced in the media: In an April issue of *Today's Zaman* columnist Orhan Kemal Cengiz wrote:⁸⁴

‘Many in Turkey would refuse the idea of establishing a truth and
82 ‘Turkey’s Erdogan says Kurds have not withdrawn as agreed’, *Reuters*, August 17th, 2013. Available at: <http://uk.reuters.com/article/2013/08/17/uk-turkey-kurds-erdogan-idUKBRE97G05B20130817> (accessed 13/12/2013)

83 Kerim Yildiz, ‘Turkey’s Kurdish Conflict: Pathways to Progress’, *Insight Turkey*, Vol.14/No.4/2012. Available at: [http://www.democraticprogress.org/wp-content/uploads/2012/12/Insight Turkey Vol 14 No 4 2012 Yildiz.pdf](http://www.democraticprogress.org/wp-content/uploads/2012/12/Insight_Turkey_Vol_14_No_4_2012_Yildiz.pdf)

84 Orhan Kemal Cengiz, ‘Truth and reconciliation commissions are necessary in Turkey’, *Today's Zaman*, April 9th, 2013. Available at: <http://www.todayszaman.com/columnists-312131-truth-and-reconciliation-commissions-are-necessary-in-turkey.html> (accessed 13/12/2013)

reconciliation commission simply because it was suggested by the jailed leader of the Kurdistan Workers' Party (PKK), Abdullah Öcalan. I hope that the Government is not influenced by the ongoing debates and does not ignore the potential contributions of truth and reconciliation commissions to the peace processes," adding:

"Such a body would interview Kurdish people who have been exposed to state terrorism, tortured and targeted by unresolved murders and document these dreadful stories. The commission would also interview the victims and witnesses of intra-organisation punishing mechanisms and records their testimonies as well. The state then pays compensation to the victims.

In other words, we are settling accounts with a history that is replete with violence. The glare surrounding past heroes is vanished and the victims who have been considered no more than numbers are embodied. In this way we are able to understand how low and inhumane we have gone over the past 30-40 years."

Amongst those interviewed for the purpose of preparing this report, one of the greatest proponents of a TRC was a non-commissioned officer, who had served in the Turkish military in in the districts of Şırnak, Gabar Mountain and Nusaybin between 2005-2010.⁸⁵ He told DPI:

"In my opinion all the offenders of this conflict / war should be prosecuted. On both sides, we have to find the perpetrators of the killings and they should be prosecuted."

⁸⁵ Anonymised

It is a moot point as to whether this is the right time for the notion of a TRC to be raised. Given the sensitivities of the conflict, placing truth and reconciliation on the agenda too early in the 'process' may hinder, not accelerate chances of success. But in the long term, a mechanism that facilitates reconciliation and acknowledgment of past crimes and mutual suffering, however painful that process, may come to mark the transition from conflict to peace.

Party political perspective

The pro-Kurdish BDP has been obliged to play an ambiguous role in the discussions. On the one hand the BDP is regarded as sympathetic to, and a sometime mouth-piece for, the PKK. But BDP delegations have also been appointed to the role of intermediary: and has thus been given the bivalent role of mediator and adversary.

Given the Government's historically acrimonious relationship with the BDP, this potentially affords Erdoğan an opportunity to manipulate and micro-manage the BDP's involvement (this point is conceded by BDP officials themselves).⁸⁶ Indeed, there were early fears amongst BDP members that they would be penalised for their association with Mr. Öcalan.

Within the AK Party, the solution process is very much identified with the party leader, Prime Minister Erdoğan, who, in 2005 famously pledged to make the "Kurdish problem", his "personal

⁸⁶ Interview, Pinar Akdmir, member of BDP Party Council, July 11th, Ankara

issue”.⁸⁷ Amongst party supporters, it seems that the solution enjoys grass roots supports amongst party members and voters⁸⁸ not least because of that close identification. A DPI interview with a (AK Party supporting) village headman was telling/indicative in this regard:

“The prime minister...carries all the responsibility of the process. He said that he is ready to die [for the process]. Can you imagine? Have we had such a Prime Minister before in this country. Even despite this, people ask whether he's sincere. He risks his political career because of this issue. Is there any other sincerity needed more than this? But he is alone; none of the parties in the parliament support him. But we trust our prime minister; he could manage to deal with lots of other bigger problems so he can also deal with this.”⁸⁹

In addition, it is unlikely that Prime Minister Erdoğan and the AK Party would have won elections in 2002 so convincingly were it not for Kurdish support – it could be argued that by reaching out to the Kurds, Erdoğan (and hence the AK Party) is implementing a broader strategy by which the AK Party is looking

87 Tahah Özhan, ‘What has the AK Party done on the Kurdish issue?’, *Hurriyet Daily News*, May 24th, 2013, available at: <http://www.hurriyetdailynews.com/what-has-the-ak-party-done-on-the-kurdish-issue.aspx?pageID=449&nID=47495&NewsCatID=436> (accessed 13/12/2013)

88 Ihsan Dagi, ‘Understanding AK Party's Kurdish strategy’, *Today's Zaman*, December 15th, 2008, available at: <http://www.todayszaman.com/columnists/ihsan-dagi-161241-understanding-ak-partys-kurdish-strategy.html> (accessed 13/12/2013)

89 Interview with village headman (Muhtar), Zonguldak, Black Sea region, August 13th 2013

to mark a departure from Turkey's Kemalist past.⁹⁰ Indeed, the academic Hilal Kaplan has suggested that there are signs of a convergence between the AK Party and the BDP (on issues such as constitutional redrafting and decentralisation of powers.)⁹¹ In an interview with DPI in Istanbul, Kaplan noted the "rapturous response" to Erdoğan's voicing of his commitment to the solution process, crowds attending an AK Party rally.

Given Erdoğan's continued popularity amongst his supporters, it is arguably difficult to evaluate the extent to which the Kurdish issue *per se* is seen as a core issue within the AK Party. Nonetheless, Erdoğan is aware that he must tread carefully: 2014 sees a parliamentary election, the results of which will be seen as an important bellwether for 2015 elections in which Erdoğan is expected to stand as a candidate.⁹²

Turkey's other two main parliamentary parties, the CHP and the MHP, have no role in the talks themselves, although they are participants in the broader process of constitutional reform. The

90 Gabriel Mitchell, 'Islam as a peacemaker, the AK Party's attempt at a Kurdish resolution', *The Washington Review*, May 2012, available at: <http://www.thewashingtonreview.org/articles/islam-as-peacemaker-the-akps-vision-of-a-kurdish-resolution.html> (accessed 13/12/2013)

91 Tahah Özhan, 'What has the AK Party done on the Kurdish issue?', *Hurriyet Daily News*, May 24th, 2013, available at: <http://www.hurriyetdailynews.com/what-has-the-ak-party-done-on-the-kurdish-issue.aspx?pageID=449&nID=47495&NewsCatID=436> (accessed 13/12/2013)

92 Jonathan Burch, Gulsen Solaker, 'Kurdish rebels, politicians, say Turkish reforms not aimed at peace', *Reuters*, October 1st, 2013, available at: <http://www.reuters.com/article/2013/10/01/us-turkey-kurds-pkk-idUSBRE9900WO20131001> (accessed 13/12/2013)

ultra-nationalist Nationalist Movement Party ('MHP') is virulently opposed to the peace talks, which it repeatedly condemns and describes as a "treachery" against the Turkish state.⁹³ The party's leader Devlet Bahçeli has argued that the PKK has no intention of withdrawing or laying down arms⁹⁴ and that the group's members are, in fact, merely "counting down the days 'til autonomy."

It is not inconceivable that the party's inflammatory anti-process rhetoric may incite irresponsible behaviour from spoilers. One commentator familiar with the thinking of the MHP suggested to DPI that however shrill Bahçeli's demagoguery might become, the party was a "useful lightning conductor – a helpful articulation of [Turkey's] subconscious fears regarding the creation of a separate Kurdish state."⁹⁵

The MHP was returned at the most recent parliamentary elections in 2011 with 13 percent of the vote. In the same year it was hard hit by revelations about the activities of senior party officials that delivered a series of blows to its standing.⁹⁶

On the issue of the peace process, the MHP is in effect isolated
93 'Turkey's ultra-nationalists playing with fire,' *Al-Monitor*, March 29th 2013. Available at:

<http://www.al-monitor.com/pulse/iw/contents/articles/opinion/2013/03/turkey-ultra-nationalists-rally-grey-wolves-mhp.html> (accessed 13/12/2013)

94 'PKK will never withdraw, lay down arms: Nationalist party leader', *Hurriyet Daily News*, July 14th, 2013. Available at: <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nid=50704> (accessed 13/12/2013)

95 DPI Interview, Avni Özgürel, Istanbul July 10th

96 'Profile: Devlet Bahçeli', *Aljazeera*, May 27th 2011. Available at: <http://www.aljazeera.com/indepth/spotlight/turkeyelection/2011/05/2011526121816192262.html> (accessed 13/12/2013)

(given the CHP's not uncritical, but nonetheless underlying support for the talks) and lacking allies – and the party is seen by many as defining the extremist position. It will be looking, however, to exploit any setbacks and capitalise on the significance of any reversals.

The CHP, as the political party founded by Kemal Atatürk in 1923, regards itself as the voice of left-of-centre, mainstream republicanism. While it has been characterised as being 'against the peace process' and representative of traditional, statist values⁹⁷ there is clearly a broad church of opinion within the party, the 'official line' of which is supportive of the talks, but critical of the way in which they are being conducted. While the CHP is not a part of the process *per se*, its policy and responses to developments remain important indicators of mainstream public opinion. The party leadership initially expressed its support for the process in January 2013 subsequently changing course in April stating that the process was the "first phase of a more comprehensive plan to establish a Greater Kurdistan on Iraqi, Syrian and Turkish soil".⁹⁸

In contrast to this, senior CHP members have suggested the party's outlook on the peace process was misunderstood: "We want a peace through political means. Since last June, we have implemented an

97 'Who's afraid of Turkey's main opposition?' *Al-Monitor*, May 17th, 2013. Available at: <http://www.al-monitor.com/pulse/originals/2013/05/turkey-chp-opposition-party.html> (accessed 13/12/2013)

98 "Peace Process first step to Greater Kurdistan: Turkish Main Opposition" *Turkish Weekly* 29 April 2013 <http://www.turkishweekly.net/news/149675/> (accessed 14 November 2013)

active policy (in support [of the peace talks]”). This sentiment was echoed by the CHP representative we met with in Diyarbakır, who is of the opinion that CHP has been “scapegoated” in the process.⁹⁹

As at time of research, the CHP was close to presenting a comprehensive dossier of recommendations to the CRC, a draft of which is in the possession of the DPI.

Tanrikulu said that the party’s concerns lay with the secrecy in which they are being conducted, and the scope afforded the Government to manipulate proceedings and outcomes.

He added that the idea of the Wise Person’s Committee originated with the CHP, but that it should have been undertaken within and answerable to the auspices of the National General Assembly. Its members would have been more representative had the Assembly taken a role in choosing them, adding that it was the party’s position that the Commission was too short lived and should have been convened for the duration of the process.

The CHP representatives with whom we spoke also outlined a number of constitutional/legal proposals made by the CHP, many of which they said had been appropriated by the AK Party including:

- Lowering election thresholds
- Lifting language bans
- Provision of equal funding for legitimate political parties

⁹⁹ Interview with Ahmet Ay, Lawyer and member of CHP Diyarbakır Branch, Diyarbakır, 30 July 2013.

- The abolition of the village guards system
- Restoration of Kurdish names to 'turkified' villages
- Facilitation of the return of displaced villagers
- Creation of a 'Truth and Reconciliation Committee'

3.4 Public Perceptions

While there has been some criticism of the Government approach from within the political opposition an opinion poll conducted by Konda Research and Consultancy and published in May 2013 highlighted the public support for the process. Results of the survey which was carried out through face to face interviews with 2650 people across 30 provinces indicated that 90.8 per cent of the survey's respondents said that "everyone should take responsibility in the settlement process" while 81.3 per cent said that the "process is for the happiness of all".¹⁰⁰ Recent reports exploring the Government perception that public opinion won't tolerate democratisation to address the Kurdish Question have shown that in fact no longer reflects the reality and the views of the vast majority of Turkish people.¹⁰¹

While the initial protests around Taksim Square were in response to Government plans to develop Gezi Park (one of only a few

100 "Survey reveals overwhelming support for settlement process", *Today's Zaman*, 6 May 2013. Available at: <http://www.todayszaman.com/news-314669-survey-reveals-overwhelming-support-for-settlement-process.html> (accessed 13/12/2013)

101 'Crying "Wolf": Why Turkish Fears Need Not Block Kurdish Reform', *International Crisis Group*, Europe Report No. 277, 7 October 2013. Available at: <http://www.crisisgroup.org/-/media/Files/europe/turkey-cyprus/turkey/227-crying-wolf-why-turkish-fears-need-not-block-kurdish-reform.pdf> (accessed 16/12/13)

green spaces in central Istanbul) they rapidly became a focal point for broader anti-Government sentiment – and from a diverse perspectives.

The Gezi ‘experience’ has been significant for Turkey for a number of reasons. One leading commentator said that he regarded ‘Gezi’ as the juncture at which Prime Minister Tayyip Erdoğan lost the support of the liberal democrats, which, he argued, had in effect lent legitimacy to his Government since he took power.¹⁰² Likewise, it is suggested that Gezi jeopardises any future Turkish relationship with the European Union or resumption of the accession process¹⁰³ (and elicited a European Parliament resolution which, inter alia, called for the Turkish Government to ‘end its authoritarian style of governing’, and for the release of ‘10,000 political prisoners, many of them left-wing or Kurdish’).¹⁰⁴

Gezi, in many ways brought many of the undercurrents troubling Turkish society to the forefront – and to the attention of the international community. One negative possible effect is a polarisation of opinion, intensifying the pressure that many Turks feel to identify themselves as ‘pro-AK Party’ or ‘secular,

102 DPI Interview, Ali Bayramoglu, Burgaz Island, July 8th

103 ‘Turkey-EU Relations May Be a Casualty of Gezi Park’, *Al-Monitor*, June 14th, 2013. Available at: <http://www.al-monitor.com/pulse/fa/contents/articles/opinion/2013/06/wounded-relations-turkey-eu-protests.html> (accessed 13/12/2013)

104 Motion for Resolution, European Parliament, June 11th, 2013.

Available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2013-0309&language=EN> (accessed 13/12/2013)

nationalist', or indeed, pro-democracy. A positive side-effect, argue some (especially on the left) is that the protests galvanised a youth generation that some had written off as apolitical.¹⁰⁵

In a June article in the *Guardian*, former Northern Ireland peace negotiator Jonathan Powell noted that it would be “a tragedy if civil rights confrontations with the Turkish Government knocked the dialogue off course.”¹⁰⁶

Perhaps for that reason, the BDP and PKK were initially reluctant to become involved in the protests, and consequently restrained those under their influence from participating. Nonetheless the film maker, actor, former political prisoner and BDP-supporting parliamentarian Sirri Süreyya Önder¹⁰⁷ did join the protests at Gezi (and become injured in the process).

Previously Önder served as one of the few BDP parliamentarians permitted to visit and talk with Öcalan as an emissary between the party and the leader. Subsequent to his Gezi involvement Önder was struck off that list – an act which is seen as indicative of Erdoğan's desire to micro-manage both the process, and the role and the participation of the BDP. In the Kurdish regions many saw Gezi as irrelevant to, and a distraction from, their own concerns and indicated that the lack of involvement of the Kurds, at a

105 Interview, Murat Belge, July 2013

106 ‘Turkey protests must not derail peace process with Kurdish rebels, *Guardian*, June 24th, 2013. Available at: <http://www.theguardian.com/world/2013/jun/24/turkey-protests-peace-process-kurdish-rebels> (accessed 13/12/2013)

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sanctioned political level, was a deliberate effort to avoid damaging the peace process.¹⁰⁸

Amongst other observations (not all of which align with each other), it has been suggested that having witnessed at first hand the violence of the police toward protestors, many 'white Turks' typically hostile to the Kurdish question are re-questioning their indifference toward Kurdish claims of abuse at the hands of the security services.¹⁰⁹ Similarly the demonstrations in secular neighbourhoods of Kadıköy and Beşiktaş in Istanbul following the death of a Kurdish teenager, Mendeni Yildirim during a demonstration in Lice showed heretofore unexpressed solidarity with the Kurds.¹¹⁰

One commentator said that the turnout of ultra-nationalists at Gezi Park gave rise to a perception amongst AK Party members that the protests represented 'a personal attack on Erdoğan' – galvanising support within the AK Party for the Peace Talks (which is identified as a personal project of the Prime Minister).¹¹¹ Conversely, having seen the strength of anti-government feeling in Istanbul, some PKK members may be revisiting their commitment to the peace process, sensing that there has at least been created a new 'political space' – and potentially new allies - in the event that the talks do not go to plan.¹¹²

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However, as at early September there is little indication that the talks are directly impacted by the events in June.

34.5 The Diaspora Community

When seeking to draw conclusions about the perceptions of the current process amongst the diaspora groups consulted it is of course important to be cognisant of the fact that the diaspora is not an homogenous group. As one observer noted, the community in the Turkish and Kurdish diaspora are “reflective of divisions domestically”¹¹³ and so the divisions in Turkish and to a lesser extent, Kurdish, politics are as evident in the European diaspora as they are in Turkey.

Nonetheless, we can draw some broad conclusions, not least that during the interviews conducted in Turkey during July 2013 the prevailing sense was one of optimism, which was in contrast to a more pessimistic outlook gleaned from an appraisal of the interviews conducted with members of the Kurdish and Turkish Diaspora communities in Europe during October-December 2013. Whilst there is overwhelming support for the current process in Turkey amongst the diaspora communities, the majority of interviewees were pessimistic about the prospects for the current process leading to an eventual solution. The reasons for this are possibly twofold: first, diaspora communities are in a sense a level removed from the conflict and for that reason arguably not as ‘invested’ as those on the ground; as one Kurdish observer noted, “Kurds in

¹¹³ Interview with Serpil Eryilmaz, Editor of WDR’s (German State Radio) Turkish and Kurdish Services Cologne, 31 October 2013.

Kurdistan suffer most and have the highest hopes with regard to the process. Kurds in Turkey are more pessimistic and Kurds in Europe are more emotional and sentimental and have unrealistic expectations...diaspora Kurds have no faith in the process.”¹¹⁴ Academic commentary has also suggested that the Kurdish side is more interested in a solution than the Turkish State and that the approach taken thus far by the State has shown “more of an interest in conflict management rather than conflict solution.”¹¹⁵

The second reason for the seemingly more pessimistic outlook of the diaspora communities is possibly concerned with the question of timing. The interviews conducted in the Kurdish region of Turkey in July took place at a time of great expectation with regard to what the democratization package, which was due to be announced, would contain. The diaspora assessment on the other hand took place in the aftermath of the package that was announced at the end of September 2013, and which was generally considered as containing little that would help move the process forward and containing “only cosmetic changes”.¹¹⁶ Furthermore, the process was considered by many of the interviewees as being, at the time of research in late 2013, at a stalemate, with little confidence in concrete steps being taken ahead of the municipal elections scheduled for 2014 and general elections in 2015. The government, as one commentator argued, is “buying time in order to enter the election

114 Interview with Ferda Cetin, Sterk TV, Denderleuw, Belgium, 14 October 2013.

115 Interview with Janroj Yilmaz Keles, Research Fellow, Business School, Middlesex University London, London 11 December 2013.

116 Interview with Murat Kahir, columnist with *Ozgur Politika* newspaper, Frankfurt, 31 October 2013.

period in a peaceful atmosphere to attract more Kurdish votes.”¹¹⁷ The question of the upcoming elections was, in fact, highlighted by many as having an important bearing on the process, with the suggestion that the period in the run up to the elections may witness an increase in the polarization of views as both the government and Kurdish political representation try to increase their vote, and that little of significance will be achieved in the peace process until the elections are over.¹¹⁸

Whereas many of the interviewees were pessimistic regarding the current process leading to an eventual solution, a major positive development emerging from the current talks and identified by a number of respondents is that the talks have led to a “change in atmosphere” and a change in perception amongst the Turkish population regarding the Kurds and the conflict.¹¹⁹ The approach of the State in engaging with the Kurds, and particularly, as many interviewees observed, the recognition of Öcalan as the representative of the Kurdish people, is hugely important because ‘it means the existence of the Kurdish question can no longer be denied.’¹²⁰

117 Interview with Yılmaz Gunes, ATIK European Confederation of Turkey’s Workers, Hannover, 2 November 2013.

118 Interview with Dr Bilgin Ayata, Researcher, Center for Transnational Studies, Foreign and Security Policy, Freie University Berlin, 5 November 2013.

119 Interview with representative of the Yezidi Foundation, Hannover, 2 November 2013.

120 Interview with Cudi Dabakoğlu, Management Committee, Kurdish Advice Centre, London 3 December 2013.

34.6 Civil society

The role of ‘civil society’, as understood in a broader sense than solely NGOs, in conflict resolution and peace-building is one about which there has been much discussion. Whilst it has been observed that “[c]ivil society rarely has a seat at the negotiation table based on the assumption that the lower the number of actors involved in negotiations the easier it is to reach agreement”¹²¹ Where civil society can, however, play a key role is in the ‘back-channel negotiations’¹²² or the process of communication between the negotiators and the public. It is in this area where we saw what was arguably one of the most innovative aspects of the present process - the formation of the so-called ‘Wise Persons’ Commission’ (hereinafter WPC). The Commission was composed of 63 members, comprising opinion leaders, religious community leaders, journalists, academics, business people and human rights activists, as well as some popular actors and singers, all personally appointed or approved by the Prime Minister.¹²³ The commission was divided into seven sub groups corresponding to Turkey’s geographical regions and commenced

121 Thania Paffenholz and Christoph Spurk ‘Civil Society, Civic Engagement, and Peacebuilding’ World Bank Conflict Prevention and Reconstruction Working Paper Series, Paper No. 36, October 2006, p.23.

122 See ‘Civil Society Mediation in Conflict Resolution’, DPI Working Paper, (2012), discussing the role of civil society in the Northern Irish context. Available at <http://www.democraticprogress.org/wp-content/uploads/2012/12/Civil-Society-Mediation-in-Conflict-Resolution.pdf> (accessed 2 September 2013).

123 For a list of the members of the WPC, see ‘Government reveals 63-member wise men list to advance settlement process’ *Today’s Zaman*, 3 April 2013, available at <http://www.todayzaman.com/news-311551-Government-reveals-63-member-wise-men-list-to-advance-settlement-process.html> (accessed 13 August 2013).

work on 4 April 2013, after Prime Minister Erdoğan met with Commission members to officially launch the delegation's mission, with a mandate until 31 May 2013.

The function of the WPC was primarily to explain the benefits of peace and reconciliation to the wider Turkish population in an attempt to ease public concerns about the Government's initiative to solve the Kurdish issue and also undoubtedly to engender support for the process amongst the general public. Furthermore, the Commission's duty as part of the resolution process was to create a public space that allowed Turkey's general democratization issues to be addressed. Prime Minister Erdoğan underlined that the Committee was not working for the AK Party or the Government but independently for the peace process.¹²⁴ This involved organising meetings with civil society organisations' members in various locations in their respective regions and inviting dialogue with ordinary members of the public. Vahap Coşkun, a member of the Central Anatolian WPC, emphasised the efficacy of the WPC, observing that it was a "stroke of political genius" on the part of the Government: "It made the issue a public one and in terms of public participation and political diversity it was very effective. If it had been run by the AK Party there would not have been the same level of participation. It established a public dialogue not just relating to the Kurdish issue and had a really positive impact in terms of informing the Turkish side about the Kurdish issue – which changed the mindset of the Turkish side."¹²⁵

124 Murat Çiçek 'Akil İnsanlar Heyeti Güneydoğu Raporu' (Wise Persons' Commission Report –Southeast Region), Istanbul, June 2013.

125 Interview with Vahap Coşkun, Professor of Law at Dicle University and member

Whilst support for the idea and work of the WPC was prevalent, it was by no means universal. It was criticized in particular by those who saw it as the creation of an artificial civil society movement in the absence of civil society support for a process initiated by the political elites of the ruling AK Party and the Kurdistan Worker's Party (PKK).¹²⁶ The other main criticisms of the WPC centred on its composition, given that all members were appointed directly by the Prime Minister or approved by him. Ahmet Ay, the Diyarbakır CHP member with whom we spoke, for example, was critical of a lack of diversity in the WPC and cited it as an example of the "misconnection between the process and the people."¹²⁷ Another criticism of the composition of the WPC involved the under representation of women, who formed just 12 of the 63 members and it was also argued that some sectors of Kurdish society were not represented on the Commission, a point which was also made by some of our interviewees, albeit a minority viewpoint.¹²⁸ A final point in terms of the work of the Commission was a criticism that the WPC did not canvass the opinions of all civil society groups.¹²⁹ Interestingly the nationalist backlash against the commission which had been expected was not as strong as initially feared with small numbers turning out to demonstrate at Commission meetings in

of the Wise Persons Commission, Diyarbakır, 29 July 2013.

126 Etyen Mahçupyan, Speaker at DPI roundtable meeting in Istanbul, Turkey, 6 April 2013, *Why Civil Society and Conflict Resolution?* DPI Roundtable Meeting Report, p. 47.

127 Interview with Ahmet Ay, CHP Diyarbakır Branch, Diyarbakır, 30 July 2013.

128 'Plans yet unclear as wise people reflect on commission meeting' *Hürriyet Daily News*, See *infra* section on 'Progress and Challenges'.

129 Interview with Hebûn LGBT Organisation, Diyarbakır, 29 July 2013.

Bursa and the Black Sea Region.¹³⁰

Although it has been suggested that the WPC was focused more on the Turkish side than on the Kurdish because “opposition to the process is more deeply rooted on the Turkish side,”¹³¹ the work of the South East WPC was of particular interest as its mission was to “compile the demands and expectations of the South Eastern people, and communicate them to the Government and to other commissions, while also conveying the messages of the people from other regions to those living in the South East.”¹³² The report is therefore instrumental in determining the expectations and aspirations of the Kurdish people in terms of the process.

The demands of the people of the South East as relayed to the Commission were wide-ranging and concerned four main areas, including constitutional demands; demands relating to international legal agreements; demands requiring changes to the existing law or the enactment of new legal provisions; and demands relating to administration and application. The constitutional demands included a recognition of the right to mother tongue education and a constitutional guarantee of status to the Kurds securing their cultural identity and citizenship whereas those requiring legal change incorporated issues such as abolition of the

130 “Wise people done with work, ball in government's court now”, *Today's Zaman*, 27 June 2013. Available at: <http://www.todayszaman.com/news-319425-wise-people-done-with-work-ball-in-govts-court-now.html>. Last accessed: 16/12/13

131 Interview with Murad Akıncılar, Diyarbakır Institute for Political and Social Research, Diyarbakır, 29 July 2013.

132 Murat Çiçek ‘Akil İnsanlar Heyeti Güneydoğu Raporu’ (Wise Persons’ Commission Report –Southeast Region), Istanbul, June 2013.

Anti-Terror Law, a general political amnesty and the establishment of a commission of inquiry that would investigate conflict legacy issues such as unsolved killings and disappearances.¹³³

Overall, the WPC concluded that the expectation level in the South East region was “too high” and noted that because of a general feeling of insecurity towards the Government the people in the region were “anxious”.¹³⁴ This was a point that was also made by many of our interviewees, who stated that the lack of any concrete measures from the Government was leading people to fear for the long term viability of the process. A journalist from the Doğan News Agency expressed concern at the stalemate in the process, noting that at the beginning of the process there was “a feeling of excitement” amongst the people in the Kurdish region but described the current situation as “tense” and “in need of a peaceful gesture” from both sides.¹³⁵

As could be expected, the views expressed to the Wise Person's Commission varied markedly from region to region. For example, in the Mediterranean region, interviewees wanted greater inclusion and involvement of the CHP and the MHP. Generally, they believed that they would ‘lose out’ from the negotiations and wanted greater acknowledgement of their role as ‘victims’ of the conflict, sensing that the terms of peace stood to be ‘dictated’ by

133 Murat Çiçek ‘Akil İnsanlar Heyeti Güneydoğu Raporu’ (Wise Persons’ Commission Report –Southeast Region),Istanbul, June 2013.

134 Murat Çiçek ‘Akil İnsanlar Heyeti Güneydoğu Raporu’ (Wise Persons’ Commission Report –Southeast Region),Istanbul, June 2013.

135 Interview with journalist from Doğan News Agency, Van, 25 July 2013.

the PKK – a perception that the Wise Men’s Group said needed to be addressed. Nonetheless, a majority (59 per cent) of those questioned said that they supported peace. In the *Aegean region* a frequently voiced concern was that peace would result in the break-up of Turkey - 49 per cent of respondents said that they didn’t support the talks; 43 per cent were in favour. Similar concerns were in evidence in the Black Sea region, where 43 per cent were in favour, and 43 per cent against. This being a strongly nationalist region, it was little surprise that the Wise People met with protests. One of the greatest concerns voiced by those with whom it met was the prospect of Abdullah Öcalan being released.

In Central Anatolia by contrast, 59 per cent of respondents declared themselves to be in favour of the talks, and 35 per cent against, and many expressed the opinion that Turkey would be a stronger nation if the Kurdish Question ‘was solved’. Nonetheless, there were concerns about the release of Mr. Öcalan, and at the prospect of concessions being made to the PKK. The idea of political amnesty was unpopular, as was that of deleting the reference to ‘Turkishness’ in the constitutional definition of citizenship. It was noted that the region has a high concentration of families with members serving in the military, and who did not want to see their own losses going unacknowledged. In Eastern Anatolia – which enjoys a large Kurdish population - 99 per cent of respondents said that they supported the process, and had high expectations for the Government to deliver constitutional change relating to language rights, citizenship and the lowering of election thresholds.

Key demands included a political amnesty for imprisoned PKK members, the release of Mr. Öcalan, and the revision of anti-terror legislation. They also supported the provision of social security to the 'village guards.'

The findings of the Commission certainly echo the expectations regarding the process conveyed to DPI. However, a point that was repeatedly made to us in interviews was that people are generally aware that it is a long-term process. After thirty years of conflict there is a realization that it will not be solved overnight. In this context the Deputy Mayor of Van, Sabri Abi, highlighted the importance of both sides managing the expectations of the public.¹³⁶

Perceptions of the origins, role, efficacy and value of the Commission are remarkably divergent: some suggest that the idea was Mr. Öcalan's, albeit that his original plan was for a Commission that would be smaller (around 12 people), with direct input into the policy making process, and a stronger advisory role. The large size of the Commission has been cited by some to be a weakness, rather than a strength.¹³⁷

A criticism of the Committee has been the fact that it was selected by the Prime Minister; however it has also been suggested that civil society were given ample chance to input into the membership of the Committee, but that it had failed to seize the opportunity, thus

¹³⁶ Interview with Sabri Abi, BDP Member and Deputy Mayor of Van, 24 July 2013.

¹³⁷ Interview, Murat Belge, Istanbul, July 2013

Prime Minister Erdoğan was obliged to hand-pick it himself.¹³⁸

Other criticisms of the Committee include:

that it was largely a PR exercise with a limited mandate other than to confer legitimacy on the process¹³⁹

By dint of the number of experts on the committee, it was, in fact, weakened by the fact that consensus amongst 63 people was likely to be limited to broad and unchallenging conclusions

Murat Belge made the following observations about the field trips: “The Kurds like to take a maximalist position – at roundtable groups, no speaker was ever less radical in his/her demands than the preceding speaker – which made it difficult to ascertain with clarity what real positions people held. Having had so little for so long, they asked for everything, and having only ever had complaints, few people had actually thought hard about solutions.”

There appeared to be significant discrepancies between interlocutors with ‘official positions’ – that is, trade union leaders, party members, and ‘ordinary people’, whom, he suggested would be prepared to make greater constitutional concessions and whose over-riding concern was a return to peace and economic opportunity. In his group (South East Turkey) he met with very little opposition:

“There was a small demonstration from a nationalist group, but it

138 Interview, Hilal Kaplan, Istanbul, July 10th 2013

139 ‘Turkey’s PKK talks signal progress: doors open for a pull-out of rebels’, Yavuz Baydar, *Huffington Post*, 4/4/2013. Available at: http://www.huffingtonpost.com/yavuz-baydar/turkeys-pkk-talks-signals_b_3016588.html (accessed 16/12/13)

was feeble really” and most people were very supportive.

Hilal Kaplan made the point that in her group there were several people who had historically been political enemies, and that bringing them together was in itself a productive dialogue.

In terms of an overall assessment the WPC was arguably too large and short-lived, and with too limited a mandate to be as effective as some would have desired. However, it did undertake the vital function of informing the Turkish public about the process, and reassuring it of its prime ministerial legitimacy. The work of the WPC is complete but arguably the role that civil society now plays in the process needs to be considered. Despite the fact that the conflict and the State’s response to it, in particular “the securitizing discourse of the Turkish state establishment”¹⁴⁰ have served to shape and constraining the environment in which civil society operates in Turkey it is argued that the involvement of “civil society and the democratic-minded intellectuals are vital for the sake of a sustainable peaceful solution.”¹⁴¹

The Gülen Movement and its role in Turkey’s Process

The Gülen movement’s support for the AK Party is possibly the most vital and yet most difficult to measure. Relations between the Gülen movement and the AK Party Government two can be traced to 2002, in their shared aim to drive out the military from Turkish

140 See Alper Kaliber and Nathalie Tocci ‘Civil Society and the Transformation of Turkey’s Kurdish Question’ (2010) Vol. 41.2 *Security Dialogue* 191-215.

141 Interview with Murad Akıncılar, Diyarbakır Institute for Political and Social Research, Diyarbakır, 29 July 2013.

politics and replace it with a more conservative Muslim Turkey. Over the years, both sides have benefitted from one another. While the AK Party publicly presented provided the Gülen movement its with political support, publicly backing their educational initiatives in Turkey and overseas, in return the AK Party gained from Gülen's movement, their, social and media associations.¹⁴²

The leadership of the Gülen movement claims it to be devoid of a political agenda, but critics claim that Gülenists have attained and implemented considerable authority within Turkey, holding high positions of power in the civil service, the media and business community. Fethullah Gülen reigns discreetly over a vast moderate, progressive, transnational religious community,¹⁴³ and that Gülenists have attained and implemented considerable authority within Turkey, holding high positions of power in the civil service, the media and business community. Others have claimed the movement has evolved to 'a state within a state'.¹⁴⁴ With such influence, the movement's involvement and reaction to the current process in Turkey was much anticipated.

142 'Turkey's Gulen Movement: Between Social activism and Politics', *Carnegie*, October 24th, 2013, available at: <http://carnegieendowment.org/2013/10/24/turkey-s-g%C3%BClen-movement-between-social-activism-and-politics/gr8q> (accessed 13 December 2013)

143 'Consequences for Turkish Democracy from Split Between the AKP and Gülen', Carnegie Endowment for International Peace, 9 December 2013. Accessed: <http://carnegieendowment.org/2013/12/09/what-consequence-for-democracy-in-turkey-of-split-between-akp-and-fetullah-g%C3%BClen-movement/gvqw> (accessed 17 December 2013)

144 'Turkey's Erdogan Battles Country's Most Powerful Religious Movement, *The Economist*, December 4th, 2013, available from: <http://world.time.com/2013/12/04/turkeys-erdogan-battles-with-countrys-most-powerful-religious-movement/> (accessed 13 December 2013)

The movement's leader, Fethullah Gülen encouraged the expansion of rights and liberty of people and the development of ties with Kurds to reinstate peace and security in regions long afflicted by the conflict. Mr Gülen personally restated his support for the peace process, and pressed civil society organisations on both sides to work towards harmonythe resolution of the Kurdish Conflict. He has also spoken on the significance of fiscal and social investment in Kurdish areas to boost the level of literacy and education, which are the principal reasons of underdevelopment.¹⁴⁵

The Gülen movement's support for the peace process is fundamental, not merely because of the extent of the movement's followers, believed to be in the millions in Turkey only, but because of its position in the political domain. While Mr Erdoğan's relations with the Gülenists have claimed to be deteriorating over recent years, with critics asserting that the Gülen movement is seeking to gain power and infiltrate state institutions,¹⁴⁶ Turkish President Abdullah Gül has attained more support from the movement.

145 'Fethullah Gulen reiterates his support for peace process & Kurdish rights', *MESOP*, June 26th, 2013, available at: <http://www.mesop.de/2013/06/25/fethullah-gulen-reiterates-his-support-for-peace-process-kurdish-rights/> (accessed 13 December 2013)

146 'Feud between Turkey's Erdogan and influential cleric goes public', *Reuters*, 21 November 2013, available at: <http://www.reuters.com/article/2013/11/21/us-turkey-erdogan-gulen-idUSBRE9AK12120131121> (accessed 17 December 2013)

Constitutional and legal issues

One of the central themes to emerge from research conducted in the Kurdish region of Turkey during July 2013 was the need for the process to encompass a root and branch reform of the constitution. This sentiment was echoed by members of both the Kurdish and Turkish Diaspora and along with changes to other areas of the law viewed as being problematic in terms of fundamental rights, such as the Anti-Terror Law for example, is seen as being vital to an eventual solution. Having been a core AK Party pledge since 2007, the process of constitutional reform was of course already underway, prior to the current peace initiative, with the formation of the multi parliamentary party commission, the Constitutional Reconciliation Commission, in summer 2011. The commission is comprised of three representatives of each of the four political parties in the Grand National Assembly; the Justice and Development Party (AK Party), Republican People's Party (CHP), Nationalist Movement Party (MHP) and the pro-Kurdish Peace and Democracy Party (BDP) and is chaired by Speaker of Parliament Cemil Çiçek. Despite being in operation for two years, the progress of the Commission has indisputably been very slow, and this lack of advancement was criticised by many of the people with whom we spoke in the research completed for this report.

The formulation of the new constitution began on 1 May 2012 following a six-month preparatory stage during which randomly selected citizens were invited by the Constitution Platform Initiative, a group comprised of thirteen professional organisations

and trade unions with the secretariat of the Economic Policy Research Foundation of Turkey (TEPAV), to give “their opinions, demands and expectations...about the new constitution on a neutral, free, and civilised platform for deliberation.”¹⁴⁷ The ‘Turkey Speaks’ platform reportedly attracted more than 6,500 people to its meetings around the country, about one third of whom were NGO representatives.¹⁴⁸

The Commission began its work by drafting those articles that were deemed to be less contentious and although the process was described as ‘admirably participatory’¹⁴⁹ it has been less successful in terms of actually reaching agreement on the articles of the new constitution. At the outset the Commission was given one year to finalise the new draft constitution and although it was suggested that this would not be sufficient the Prime Minister had in fact argued that six months would be adequate.¹⁵⁰ However, by the June 2013 deadline, only 48 articles had been agreed on, which resulted in an agreement to continue the work of the Commission over the summer period, following several meetings between the Commission chairman, Cemil Çiçek, and the Prime Minister and

147 See ‘The Constitution Marathon Continues in Antalya’ available at <http://www.tepav.org.tr/en/haberler/s/2728> (accessed 12 August 2013)

148 See H Hayatsever ‘Panel for New Charter Starts Landmark Duty in Turkey’, *Hürriyet Daily News*, 30 April 2012.

149 JW Warhola ‘Reform of the Turkish Constitution: A Step Forward or Backward?’, *International Relations* 23 May 2012, available at <http://www.e-ir.info/2012/05/23/reform-of-the-turkish-constitution-a-step-forward-or-backward/> (accessed 12 August 2013).

150 See ‘Turkey’s Erdoğan Sets Constitution Deadline’ *Wall Street Journal* 30 January 2013, available at <http://online.wsj.com/article/SB10001424127887323701904578273860063702682.html> (accessed 15 July 2013)

party leaders and as of November 2013 only 60 articles have been agreed on whereas the continuation of the Commission remains in doubt.¹⁵¹

As noted above, the drafting of the new constitution is seen as a vital part of any eventual settlement of the Kurdish question. That said, it was widely recognised amongst the people interviewed in the preparation of this report that a new, civilian-authored constitution is essential not just in terms of a resolution of the Kurdish question but for the whole of Turkey. Moreover, it would certainly appear that there is broad support among the population of Turkey for constitutional reform, with a poll taken by TEPAV in early 2011 indicating almost 69 per cent of the participants favoured the drafting of a new constitution.¹⁵² Abdullah Aras, Head of the AK Party Van branch affirmed the importance of the constitutional reform process in providing real democratic freedoms for all the citizens of Turkey.¹⁵³ This was a sentiment echoed by Nuşerivan Elçi, head of the Şirnak Bar Association, who stressed that the democratisation process would benefit everyone in Turkey and that the constitutional reform process should enable different identities in Turkey to express themselves.¹⁵⁴ Vahap Coşkun, Professor of Law at Dicle University and a member of the Wise Persons Commission made the essential point that problems persist in

151 See M Yetkin 'Why Turkish efforts for a new charter failed again' *Hürriyet Daily News*, 21 November 2013.

152 'Social Demand Grows for a New Constitution', *TEPAV*, 2 March 2011, available at <http://www.tepav.org.tr/en/haberler/s/1982> (accessed 12 August 2013).

153 Interview with Abdullah Aras, AK Party Van Branch, Van, 25 July 2013.

154 Interview with Nuşerivan Elçi, Head of Şirnak Bar Association, Cizre, 27 July 2013.

Turkey other than that of the Kurdish question. During his work on the Commission people relayed concerns regarding continuing restrictions on the wearing of the headscarf, for example, as well as enduring discrimination suffered by the Alevi community and non-Muslim minorities. The democratisation programme, of which the constitutional reform process is a fundamental part, should address all of these issues and more.¹⁵⁵

Given the importance with which the constitutional reform process is viewed, it is worth outlining the pertinent steps taken thus far.

The Constitutional Reform Process: A Timeline

May 2012: Commencement of process. Initially scheduled for completion by the end of 2012, the process was deferred repeatedly as members of the Commission failed to reach consensus on the sections in need of addressing. In June 2012, it was reported that only two of those sections had been addressed, leading to the Commission's first extension.¹⁵⁶

November 2012: AK Party announced its intention to introduce a “Turkified version of the U.S. executive system”¹⁵⁷ which would strengthen the executive and ultimately transform Turkey into a presidential republic.

155 Interview with Vahap Coşkun, Professor of Law at Dicle University and member of the Wise Persons Commission, Diyarbakır, 29 July 2013.

156 ‘Constitutional Reconciliation Commission extends its calendar’, *Today's Zaman*, 3 June 2012, available at http://www.todayszaman.com/newsDetail_getNewsById.action?newsId=282313 (accessed 15 July 2013)

157 Göksel Bozkur, ‘AK Party proposes its version of presidential system,’ *Hurriyet Daily News*, 22 November 2012, available at <http://www.hurriyetdailynews.com/AK-Party-proposes-its-version-of-presidential-system.aspx?pageID=238&nid=35188> (accessed 16 July 2013).

February 2013: A proposal by CHP to request the intervention of the Council of Europe's Venice Commission¹⁵⁸ is rejected by the other three parties on the basis that the new constitution should be a 'national one', free from outside interference.¹⁵⁹

March 2013: The Commission fails to reach its objectives by the end of the self-imposed deadline of March 2013 and its mandate is extended until April. In addition, members of the Commission continue to debate AK Party's proposal to switch to a presidential (or semi-presidential) system of Government, in conjunction with the ongoing progress in resolving the Kurdish issue.

April 2013: Prime Minister Erdoğan informs the opposition parties that the time for discussion of the constitution was running out, prompting debate about the Commission's future. If the Commission failed to reach agreement, Erdoğan warned, AK Party would present its own draft new constitution.¹⁶⁰

158 The European Commission for Democracy through Law (the 'Venice Commission') was established in 1990 and acts as the Council of Europe's advisory body on constitutional matters.

159 See T Daloğlu 'Turkish Parliament Faces Deadline On Draft Constitution', *Al Monitor* 3 May 2013, available at <http://www.al-monitor.com/pulse/originals/2013/05/turkey-parliament-constitution-draft-deadline.html> (accessed 17 July 2013).

160 Gözde Burcu Ege 'A Chronology of the Constitutional Reconciliation Commission's Activities, April 2013', *Turkey Constitution Watch*, TESEV Democratization Programme, 1 June 2013, available at <http://turkeyconstitutionwatch.org/index.php/a-chronology-of-the-constitutional-reconciliation-commissions-activities-april-2013-gozde-burcu-ege/> (accessed 12 August 2013).

May 2013: By the beginning of May the Commission had discussed a total of 173 articles since the start of its mandate. Of these, 40 had been approved in final form: 34 of the 65 articles in the section on “Basic Rights and Freedoms,” 3 of the 28 articles in “Legislature,” 1 of the 23 in “Judiciary,” and 2 of 13 in “Preamble, General Provisions, and Fundamental Principles.” The Commission could not come to an agreement on any of the articles in the 17-article section “Administrative and Public Services,” in the 13-article section “Financial, Economic, and Social Provisions,” or the two-article section “Concluding Provisions.”¹⁶¹ Due to the lack of agreement on new articles, the main question was whether to extend the deadline for a new constitution yet again. At a meeting of the Commission in late April, delegates from AK Party had declared that they held no hope for further agreement and considered the Commission’s work done. However, CHP and MHP stated that reconciliation might be possible if the AK Party withdrew its proposal to switch to a presidential regime. For its part, the MHP had also criticized the Government’s continuing negotiations with Abdullah Öcalan, saying that these meetings were a further barrier to reconciliation. At its May 3 meeting, the Commission discussed whether to set July as a deadline for constitution work. Should negotiations on the new constitution fail to produce a text by July 1, the AK Party delegates argued, the Commission should be automatically dissolved. Delegates from the CHP and the BDP

161 Gözde Burcu Ege ‘A Chronology of the Constitutional Reconciliation Commission’s Activities, May 2013’, *Turkey Constitution Watch, TESEV Democratization Programme*, 14 August 2013, available at <http://turkeyconstitutionwatch.org/index.php/chronology-may-13/> (accessed 14 August 2013).

argued that the work of the Commission should continue without the imposition of deadlines. A further deadline extension until July 1 was agreed at the meeting of 7 May.¹⁶²

June 2013: Protests sparked by the decision to construct a commercial shopping centre in Gezi Park, one of the few remaining green spaces in central Istanbul, break out in Istanbul, Ankara, Izmir, and other major population centres throughout Turkey. A poll conducted by Istanbul's Kadir Has University outlines that 30.9 per cent of respondents favour a switch to a presidential system (an increase from 21.2 per cent reported in February 2013).¹⁶³

July 2013: The number of articles agreed by the Constitutional Reconciliation Commission rises to 48. The decision is taken to continue the work of the Commission over the summer period.

November 2013: The number of agreed articles increases to 60 but media reports indicate that the head of the Commission, Cemil Çiçek, wants it dissolved due to a lack of agreement on some of the fundamental questions.¹⁶⁴ Çiçek stated his belief that the Commission is not 'capable of drafting a new constitution from

162 *ibid*

163 Katherine Krueger and Ayesha Chugh 'Constitutional Reform in Turkey and the Recent Protests' *Election Guide Digest*, 21 June 2013, available at http://digest.electionguide.org/2013/06/21/constitutional-reform-in-turkey-and-the-recent-protests/#_ednref23 (accessed 12 August 2013).

164 See 'Hopes fade for new charter as commission dissolved' *Today's Zaman*, 19 November 2013, available at <http://www.todayszaman.com/news-331799-hopes-fade-for-a-new-turkish-constitution.html> (accessed 25 November 2013).

scratch'.¹⁶⁵ However, opposition parties respond to his statement by noting that the rules governing the Commission do not allow for its dissolution by the Speaker, and at the time of writing its work, albeit stalled in terms of the drafting of new articles, continues.¹⁶⁶

Agreed Articles

From the cursory overview outlined above two central points emerge; first, the excruciatingly slow pace of progress made by the Commission and second, the nature of the articles on which agreement has been reached, which, it is arguably fair to suggest, tend towards the uncontroversial. The agreed articles concern issues of fundamental rights and freedoms, including individual rights and freedoms and social and economic rights, and certain aspects of legislative, executive and judicial powers.¹⁶⁷ Notably absent from the agreed articles are those which are arguably essential to any eventual settlement of the Kurdish conflict, namely mother tongue education and provisions concerning autonomous/local governance. This current situation was the source of pessimism amongst many of the people interviewed for this report and has also been criticized by prominent academics. Representatives we spoke with from the

165 See M Esayan 'New constitution and opposition', *Today's Zaman*, 21 November 2013, available at http://www.todayszaman.com/columnist/markar-esayan_332046_new-constitution-and-opposition.html (accessed 25 November 2013).

166 See T Daloglu 'Turkey's constitution commission keeps working', *Al-Monitor*, 27 November 2013, available at: <http://www.al-monitor.com/pulse/originals/2013/11/turkeys-constitution-commission-keeps-working.html> (accessed 13/12/2013)

167 See 'Agreement Over 48 Articles', compiled by *Turkey Constitution Watch*, TESEV Democratization Programme, 12 July 2013, available at <http://turkeyconstitutionwatch.org/index.php/an-agreement-over-48-articles/> (accessed 12 August 2013).

pro-Kurdish political party Hak-Par (Rights and Freedoms Party), for example, expressed their lack of confidence in the ability of the current constitutional reform process to contribute to peace as the militaristic undertones of the constitution have never been changed. Turkey, in the opinion of Hak-Par, needs to look to international agreements and have further public participation in the reform process so that a new constitution will reflect the multi-ethnic, multicultural and multi-religious nature of Turkey.¹⁶⁸ This importance of constitutional reform was also voiced by many of the interviewees, including BDP representative and deputy mayor of Van, but who was more optimistic about the current reform process.¹⁶⁹ The constitutional process underway is in fact seen by some as the one of the major concrete steps that need to be taken in order to move the 'peace process' forward.¹⁷⁰

The following assessment by Köker echoes the points made by numerous interviewees: 'Yet the real problems with the 48+ Article Proposal have to do with the content of these articles. What has to be stressed right away is that we do not know what will be the deal with the future articles, but there is hardly a single article among the 48 already approved that could begin to solve the problems necessitating a new Turkish constitution in the first place. The problem of native-language education, one of the two important dimensions of the Kurdish issue (which - nobody today would deny - lies at the core of Turkey's need for a new constitution) is not to be

168 Interview with Bayram Bozyel, Hak-Par, Diyarbakır, 29 July 2013.

169 Interview with Sabri Abi, BDP Member and Deputy Mayor of Van, 24 July 2013.

170 Interview with Ahmet Ay, Lawyer and Member of CHP Diyarbakır Branch, Diyarbakır, 30 July 2013.

found among these articles. It is telling that the political parties who purportedly oppose the military coup regime, above all, at a time when its perpetrators are being put on trial, have failed to agree on ending the ban on native-language education, a ban that was added to the constitution as a result of the coup. The other dimension of the Kurdish problem, the issue of local democratic autonomy, is nowhere to be found in these 48 articles, either. We assume that the Commission has been working on a new constitution in order to establish a more democratic Turkey, yet they have been unable even to agree on the issue of local autonomy, one of the most basic principles of modern democracies. Another basic source of the need for a new constitution, the Alevi problem and the related issue of the constitutional status of the Directorate of Religious Affairs, for instance, are not among the issues covered by these 48 articles, either. To put it bluntly, there's absolutely nothing within these 48 articles that would put an end to anybody's anxieties.”¹⁷¹

Nonetheless, it has also been suggested that rather than viewing the constitution as being key to solving the Kurdish issue in isolation, we can also perhaps consider the Kurdish issue as being pivotal to the formation of the new constitution, given the greater willingness of the BDP comparative to the two other opposition parties to participate in the project of the new constitution.¹⁷²

171 Levent Köker “The Problem Isn't the Number of Articles Changing - It's What Is (and Isn't) Changing in Them” *Turkey Constitution Watch*, TESEV Democratization Programme, 12 August 2013, available at <http://turkeyconstitutionwatch.org/index.php/the-problem-isnt-the-number-of-articles-changing-its-what-is-and-isnt-changing-in-them-levent-koker/> (accessed 13 August 2013).

172 See Menderes Çınar ‘Solving the Kurdish Issue: The Key to the New Constitution’ *Turkey Constitution Watch*, TESEV Democratization Programme, 14 May 2013,

It should also be noted that other areas of Turkish law continue to be problematic both in terms of their formulation and their interpretation by the judiciary. The one most frequently singled out for criticism by the respondents was the Anti-Terror Law, which has also been the subject of criticism by the European Commission. The 2012 progress report on Turkey's accession to the European Union highlighted in relation to the Anti-Terror Law and freedom of expression that "Turkey needs to amend its penal code and anti-terror legislation to make a clear distinction between the incitement to violence and the expression of nonviolent ideas. The application of Articles 6 and 7 of the Anti-Terror Law in combination with Articles 220 and 314 of the Turkish Criminal Code leads to abuses; in short, writing an article or making a speech can still lead to a court case and a long prison sentence for membership or leadership of a terrorist organization."¹⁷³ While the focus currently is on reform of the constitution it is expected that the process will pave the way for amendments to other areas of the law.

September 2013 Reform Package

During the interviews carried out for this report almost all of the respondents in the Kurdish region of Turkey felt that at that stage of the process the onus was on the governmentGovernment to take the next concrete steps and that this should involve the announcement of a democratization package. It should be noted,

available at <http://turkeyconstitutionwatch.org/index.php/solving-the-kurdish-issue-the-key-to-the-new-constitution-menders-cinar/> (accessed 12 August 2013).

173 'Turkey: 2012 Progress Report {COM(2012) 600 final}, Brussels, 10 October 2012, p. 22.

however, that this view was not universally held; Aydın Altaç, AK Party representative for Diyarbakır, stressed the measures that have already been taken by the current governmentGovernment over the past ten years, which, he stated, include the abolition in 2004 of State Security Courts (*Devlet Güvenlik Mahkemeleri*), the composition of which had been found to violate the fair trial provisions guaranteed by Article 6 of the European Convention on Human Rights, changes to the military structure in the region and the provision of elective Kurdish language courses.¹⁷⁴ Nonetheless, in early August 2013, reports circulated in Turkish media that the governmentGovernment would begin debating “a package of long-awaited reforms...aimed at bolstering Kurdish rights and boosting democracy, a step which could help keep a fragile peace process on track. The cabinet will discuss the ‘democratization package’ - whose proposals range from wider Kurdish-language education to changes to anti-terror laws”, according to a senior justice ministry official.”¹⁷⁵

The weight of anticipation regarding the democratization package was arguably so great as to make it virtually impossible for its content to meet expectations and when it was announced on 30 September 2013 it met with much criticism in terms of its failure to include measures which would help move the process forward.

174 Interview with Aydın Altaç, AK Party Diyarbakır Branch, Diyarbakır, 30 July 2013.

175 ‘Turkish Government to debate reforms as Kurdish pressure mounts’, *Today’s Zaman*, 13 August 2013, available at <http://www.todayszaman.com/news-323393-turkish-Government-to-debate-reforms-as-kurdish-pressure-mounts.html> (accessed 13 August 2013).

The co-chair of the pro-Kurdish BDP, Gülten Kisanak, for example noted that the package failed to meet their expectations: “Was this really a package worth waiting for? Kurds wished for the Kurdish problem to be solved, Alevis wished for freedom of religion, and other discriminated groups in Turkey wished for more participatory governance. They’ve fought for that for years. We say very clearly that this package does not meet any of these expectations. It is not a package that responds to Turkey’s need for democratisation.”¹⁷⁶

Content of the Reform Package

The democratisation package signalled reform in a number of areas and significant measures included:

- the abolition of the requirement that school students take an oath of allegiance to the Turkish State;
- allowing provision of education in ‘languages other than Turkish’ in private schools;
- the letters x, q, and w can now be used in official documents and place names can be changed back to the original names preceding the 1981 coup;
- public servants not required to wear an official uniform can now wear the headscarf;
- politicians can run election campaigns in ‘languages other than Turkish’;
- reforms relating to the number of co-chairs political parties can have.

As well as these specific reforms the Prime Minister at the press conference announcing the package also indicated a willingness to discuss the 10% election threshold, which remains a feature of

¹⁷⁶ Cited in C Letsch ‘Turkish PM unveils reforms after summer of protests’ *The Guardian*, 30 September 2013.

Turkish politics. The reform package met with a mixed reaction, with some observers suggesting that ahead of the municipal and presidential elections next year its main aim was about retaining maximum power for the Prime Minister's party, in particular the relaxation on the wearing of the headscarf by public servants was "aimed at shoring up his own conservative Muslim constituency."¹⁷⁷ Or as another commentator has noted, the reform package shows the AK Party government continuing its "balancing act based on a 'little bit of everything and not too much of anything' approach to reforms – as evident in the inclusion in the same package of the easing of restrictions on the headscarf ban, new language rights for the Kurds, and the return of confiscated properties to an Assyrian monastery."¹⁷⁸ Other observers have suggested, however, that the reforms read as part of a broader change in State ideology may prove significant: "[t]he democratization package includes minor yet revolutionary steps towards democratization since it aims to go beyond the "taboos" set forth by the official republican ideology, inscribed in the foundational mission statement of the Turkish nation-state."¹⁷⁹

Language and Identity: The importance of the issue of

177 Ian Traynor, 'Erdoğan's split personality: the reformer v the tyrant' *The Guardian*, 30 September 2013, available at: <http://www.theguardian.com/world/2013/sep/30/erdogan-personality-reformer-tyrant-analysis> (accessed 13/12/2013)

178 Dilek Kurban, 'Not a Roadmap for Peace: Erdoğan's Democratisation Package Defies Kurdish Expectations' *SWP Comments 35*, German Institute for International and Security Affairs, November 2013.

179 A Nas 'Democratization in Turkey: the end of the First Republic?' *Open Democracy*, 14 October 2013. Available at <http://www.opendemocracy.net/alparslan-nas/democratization-in-turkey-end-of-first-republic> (accessed 30 November 2013).

language rights

The question of language rights was highlighted by almost all of the interviewees in the Kurdish region of Turkey, as well as in Diaspora groups, and by one respondent as being even more important than the 10 per cent threshold of votes political parties require to enter parliament, another area of contention.¹⁸⁰ The importance of the language rights issue took on increasing resonance in late 2012 when it was one of the claims made by more than 700 prisoners who went on hunger strike to protest at the lack of education in the Kurdish language and the fact that the Kurdish language could not be used in court (as well as to protest against the conditions of Mr. Öcalan's detention). It is also an area on which there can be said to be agreement on what is required; as Coşkun has noted, "Kurds' political preferences may vary, but on the issue of language rights, it can be said that there's a large consensus."¹⁸¹

The demand for recognition of full language rights of course forms part of broader cultural identity claims and of these claims the most emphasised demand would appear to be the use of Kurdish in education. A report commissioned by the Diyarbakır Institute for Political and Social Research (DISA) in 2011 outlines that Kurds base their demands in this area on three main principles. First, the use of mother tongue in education is a human right and it is the

180 Interview with Tahir Elçi, Head of Diyarbakır Bar Association, Diyarbakır, 30 July 2013.

181 Cited in Jake Hess 'Behind the Kurdish Hunger Strike in Turkey' *Middle East Research and Information Project*, 8 November 2012, available at <http://www.merip.org/mero/mero110812> (accessed 10 August 2013).

duty of the State to fulfil the requirements that arise from this right; second, the use of mother tongue in education is an indispensable precondition for the preservation and development of the Kurdish language and of sustaining communication and culture, and third; the use of Kurdish in education will make a positive contribution to the resolution of the Kurdish issue, given that the use of Kurdish in education is a point on which all Kurdish movements agree.¹⁸²

Whilst the decision to allow the teaching of elective language courses in Kurdish in 2009 was undoubtedly welcome, restrictions on the use of Kurdish in public life remain. The 2012 report on Turkey's progress towards EU accession pointed to the fact that Turkey has to date failed to implement the Council of Europe Congress of Local and Regional Authorities' Recommendation 229 (2007), to permit municipal councils to use languages other than Turkish in the provision of public services when appropriate and to reform the Municipality Law.¹⁸³ Overall, the report concluded that whilst fewer restrictions on the use of Kurdish in prisons during visits and exchanges of letters were reported, "legislation still restricts the use of languages other than Turkish, including the Constitution and the Law on Political Parties.

Also, the judiciary took a number of restrictive decisions on the use of languages other than Turkish, including the use of Kurdish

182 Vahap Coşkun, M. Şerif Derince and Nesrin Uçarlar 'Scar of Tongue: Consequences of the Ban on the Use of Mother Tongue in Education and Experiences of Kurdish Students in Turkey' *DISA*, March 2011, p. 9-10.

183 'Turkey: 2012 Progress Report {COM(2012) 600 final}, Brussels, 10 October 2012, p. 32.

in court cases concerning Kurdish politicians and human rights defenders.”¹⁸⁴

The banning of education instruction in languages other than Turkish formed part of the policy of ‘Turkification’ that was aggressively pursued by Atatürk from 1923 onwards. By 1924, any references to Kurdistan had been deleted from official documents, Kurdish place names were replaced by Turkish ones and the use of Kurdish in an ‘official capacity’ was banned, which at that time effectively deprived people in Kurdish areas of formal education.¹⁸⁵ More recently, however, demands for mother tongue education (made not solely by Kurds) have been equated at State level with a security threat. As Pişkin observes, these demands “have been taken up by the state from a militaristic mindset as a problem of ‘security’ or ‘separatism’... The country’s recent history has developed within a framework of opposition between those who make demands for mother tongue education and those who oppose this with apparatuses of ideology and suppression.”¹⁸⁶

Mother tongue is, as Thomas observes, “a well-established and emotive term used to effect by minorities when claiming the right at least to elementary education in their own language. Who, after

184 ‘Turkey: 2012 Progress Report {COM(2012) 600 final}, Brussels, 10 October 2012, p. 33.

185 David McDowall *A Modern History of the Kurds* (3rd edn IB Tauris & Co Ltd London 2004) p. 192.

186 Levent Pişkin ‘We Need Mother Tongue Education for a Democratic Citizenship’ *Turkey Constitution Watch*, TESEV Democratization Programme, 5 December 2012, available at <http://turkeyconstitutionwatch.org/index.php/we-need-native-language-education-for-a-democratic-citizenship-levent-piskin/> (accessed 14 August 2013).

all, can justify the linguistic estrangement of small children from their mothers by the education system?”¹⁸⁷ In the Turkish context research has shown that the impact of the ban on the use of mother tongue in education – the “linguistic estrangement” - has a starkly negative impact on children whose mother tongue is Kurdish but who receive schooling in the Turkish language. These include communication problems – children are unable to understand teachers or express themselves; ‘falling behind’ – the subjects of the study all stated that they considered themselves at a disadvantage in comparison to students who received their education in their mother tongue (namely Turkish); these children are more likely to fail and quit school; stigmatization both in and outside school and a lack of self-confidence; and both direct and indirect violence.¹⁸⁸ The report’s recommendations regarding the educational system include the use of Kurdish in education and the development of bilingual models.¹⁸⁹

These findings clearly underline the importance of this issue as it continues to form part of the negotiations on constitutional reform, a fact that was highlighted by a number of the interviewees for this report. The availability of elective Kurdish language courses only, for example, was criticized by the Kurdish Language Association,

187 Ned Thomas ‘Enabling Minority Languages’ DPI Report (2012), available at <http://www.democraticprogress.org/wp-content/uploads/2013/02/DPI-Expert-Paper-Ned-Thomas-Enabling-Minority-Languages.pdf> (accessed 2 September 2013).

188 Vahap Coşkun, M. Şerif Derince and Nesrin Uçarlar ‘Scar of Tongue: Consequences of the Ban on the Use of Mother Tongue in Education and Experiences of Kurdish Students in Turkey’ *DISA*, March 2011, p. 79-84.

189 *Ibid* p. 96.

Kurdi-Der, as well as the fact that State prepared Kurdish language books currently contain numerous inaccuracies, indicating bad faith on the part of the State in terms of its commitment to Kurdish language provision.¹⁹⁰ To the requirement of mother tongue education, Hak-Par (Rights and Freedoms Party) also expressed the need for State services in the Kurdish region to be provided in Kurdish as well as the Turkish language.¹⁹¹ The prevailing attitude regarding language rights in the region was perhaps best encapsulated by NuŞerivan Elçi, who was of the view that it is “absurd that it is still necessary to fight for language rights in the 21st century.”¹⁹² There are, however, signs of improvement. As noted above, elective Kurdish language courses have been permitted since 2009 and as this report was being finalized the Constitutional Reconciliation Commission reportedly agreed a draft article that would legally guarantee the right to broadcast in languages other than Turkish.¹⁹³ Legal guarantee of the right to be educated in mother tongue language will undoubtedly remain on the agenda despite Erdoğan’s insistence that the issue of mother tongue education “is not one that we can deal with now.”¹⁹⁴ The democratisation package announced

in September 2013 did, however, attempt to deal in part with the

190 Interview with Arife Kutlar, Kurdi-Der, Yüksekova, 26 July 2013.

191 Interview with Bayram Bozyel, Hak-Par, Diyarbakır, 29 July 2013.

192 Interview with NuŞerivan Elçi, Head of Şirnak Bar Association, Cizre, 27 July 2013.

193 See Göksel Bozkurt ‘New charter to secure broadcast in Kurdish’ *Hürriyet Daily News*, 16 August 2013, available at <http://www.hurriyetdailynews.com/new-charter-to-secure-broadcast-in-kurdish.aspx?pageID=238&nID=52630&NewsCatID=338> (accessed 16 August 2013).

194 Mustafa Ünal ‘Erdoğan says PKK did not fulfill promises concerning withdrawal’ *Today’s Zaman* 16 August 2013, available at <http://www.todayszaman.com/news-323764-erdogan-says-pkk-did-not-fulfill-promises-concerning-withdrawal.html> (accessed 16 August 2013).

question of mother tongue education by providing for mother tongue education in private schools, prompting one Kurdish observer to note that “only the rich Kurds can learn Kurdish.”¹⁹⁵ A point sometimes overlooked in the understandably harsh criticism of the failure of the governmentGovernment to provide for mother tongue education in public schools however, is that it is in fact constitutionally precluded from doing so as Article 42 of the Constitution states in part “No language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institution of education.” This article would need to be either amended or repealed to allow for mother tongue education in public schools but the AK Party governmentGovernment does not have the requisite majority in Parliament to force a change to the Constitution and the future of the Constitutional Reconciliation Commission, as noted above, remains in doubt at the time of writing.

Political representation and governance

One of the most pressing concerns amongst most interviewees in the Kurdish region is the continuing 10 per cent threshold for political parties to take seats in Parliament. Whilst the pro-Kurdish BDP managed to circumvent this rule in the last election by putting forward candidates as independents it remains the highest threshold among Council of Europe member States despite the overtures made by Prime MinisterPM Erdoğan at the announcement of the democratization package in September that it was an issue he was willing to address.

195 Cited in C Çandar ‘Mysterious Reform Package Disappoints Turks’ *Al-Monitor*, 2 October 2013. Available at: <http://www.al-monitor.com/pulse/originals/2013/10/turkey-reacts-to-reform-package.html> (accessed 13 December 2013)

The nature of political representation is an issue of contention in the current context in Turkey due to the expressed wish of the PM Prime Minister to move to a system of an executive presidency. On November 6th in the aftermath of the announcement of the reform package the AK Party presented its proposal to Parliament for the establishment of a presidential system in which the president would appoint ministers, who would not be members of parliament and there would no longer be parliamentary mechanisms such as confidence votes and censure motions.¹⁹⁶ The proposals, however, met with fierce criticism from the opposition CHP and MHP parties, with CHP deputy Riza Turmen stating it would mean a “dark dictatorship” for Turkey: “Turkey is already on this path. The parliament is unable to fulfil its duties even in a parliamentary system. The judiciary is not independent, the press is not free.”¹⁹⁷ At the time of writing it is therefore not clear whether a lack of agreement amongst the main political parties on changing the political system in Turkey will stymie the Prime Minister’s plans for change.

A failure to compromise by the political parties is, as discussed above, stalling the process of constitutional reform but it is also a

196 P Aydinli ‘Turkey’s Erdogan has eye on new, strong president’s role’ *Reuters*, 6 November 2013, available at <http://www.reuters.com/article/2012/11/06/us-turkey-presidency-proposal-idUSBRE8A50VS20121106> (accessed 30 November 2013).

197 Cited in P Aydinli ‘Turkey’s Erdogan has eye on new, strong president’s role’ *Reuters*, 6 November 2013, available at <http://www.reuters.com/article/2012/11/06/us-turkey-presidency-proposal-idUSBRE8A50VS20121106> (accessed 30 November 2013).

feature of the political landscape in Turkey that has been identified by the European Commission as contributing to a failure to bring about other political reform. Its most recent report noted: “work on political reforms and parliament’s ability to perform its key functions of law-making and oversight of the executive continued to be hampered by a persistent lack of dialogue and spirit of compromise among political parties. There was a pattern of insufficient preparation and consultation – within and outside parliament – prior to the adoption of key sensitive legislation. There was no progress in the long-standing discussion on the need for systematic consultation with civil society and other stakeholders in law-making...While the scope of parliamentary immunity in relation to corruption charges is particularly wide, shortcomings in anti-terror legislation and a restrictive interpretation of Article 14 of the Constitution continued to pose a risk to MPs’ freedom of expression.”¹⁹⁸

Anti-terror laws

The means by which the state possesses the capacity to restrict the freedom of the media is enshrined in numerous pieces of legislation, including the Press Law, the Penal Code, Internet Law, and Radio and Television Law, and perhaps most notoriously in the Anti-Terror legislation.

In April 2013, Turkey’s Grand National Assembly approved amendments to the latter, narrowing its definition of terrorist

198 ‘Turkey 2013 Progress Report: Communication from the Commission to the Parliament and the Council’ Brussels, 16 October 2013, p. 7-8.

propaganda, so as to bring it more into line with EU standards,¹⁹⁹ having been urged to do so by the Council of Europe in February.²⁰⁰

On the other hand, however, there are signs of increasing intolerance of the media, largely on the part of Prime Minister Erdoğan himself, which appears to have accelerated remarkably since the Gezi Park incidents of June. There has been, for example, an upsurge in censorship which is generally interpreted as an attempt to instil or assert the AK Party's 'Islamic values'²⁰¹

The arrest of journalists accused of Kurdish or 'Ergenekon' related plotting against the Government²⁰²

Force (including water cannon and tear gas) used against journalists covering the Gezi events²⁰³

In late July, the Turkish journalists' union said that 72 journalists had been sacked, forced to take leave or resign since the beginning

199 'Turkish Parliament approves amendments to anti-terrorism legislation', *Jurist*, April 12th, 2013, available at: <http://jurist.org/paperchase/2013/04/turkish-parliament-approves-amendments-to-anti-terrorism-legislation.php> (accessed 13 December 2013)

200 'Council of Europe urges Turkey to speed up legislation reform', *Jurist*, February 6th, 2013, available at: <http://jurist.org/paperchase/2013/02/council-of-europe-urges-turkey-to-speed-up-legislation-reform.php> (accessed 13/12/2013)

201 'In Erdogan's Turkey, Censorship Finds Fertile Ground', *Al-Monitor*, January 13th, 2013, available at: <http://www.al-monitor.com/pulse/originals/2013/01/turkey-censorship-steinbeck.html> (accessed 13 December 2013)

202 'Journalists' arrest in Turkey threaten plot investigation', *The National*, March 8th, 2011, available at: <http://www.thenational.ae/news/world/europe/journalists-arrests-in-turkey-threaten-plot-investigation> (accessed 13 December 2013)

203 'Journalists call for international action to end crackdown on media', *IFJ*, June 17th, 2013, available at: <http://www.ifj.org/en/articles/journalists-call-for-international-action-to-end-crackdown-on-media-in-turkey> (accessed 13 December 2013)

of the Gezi Park incidents²⁰⁴ for their critical coverage of the events and the Government's response.

While numbers are disputed, it is known that between 50 and 100 journalists are held in Turkish prisons,²⁰⁵

most of whom are either connected with the clampdown against the KCK, or related to the Ergenekon conspiracy. The Government argues that for the most part those imprisoned are not genuinely journalists, but terrorists.

This interpretation is made possible by the very broad definition of 'terrorism' under Turkish law. As a report published by the OSCE stated in 2012: "Media outlets reporting about sensitive issues (including terrorism or anti-Government activities) are often regarded by the authorities as the publishing organs of illegal organizations. Courts often consider reporting about such issues as equal to supporting them."²⁰⁶

It also criticizes long sentences, lack of pre-trial releases and long pre-trial detentions and points out that journalists typically face multiple charges at once (in the case, of one, 150) and notes that

204 'Turkey: 72 Journalists forced out for covering protests, union says,' *Reuters*, July 23rd, 2013, available at: http://www.nytimes.com/2013/07/24/world/europe/turkey-72-journalists-forced-out-for-covering-protests-union-says.html?_r=0 (accessed 13 December 2013)

205 Carl Bialik, 'Seeking meaning in jailed journalists count,' *Wall Street Journal*, June 21st, 2013, available at: <http://blogs.wsj.com/numbersguy/seeking-meaning-in-jailed-journalists-count-1250/> (accessed 13 December 2013)

206 'Main findings of the table of imprisoned journalists in Turkey', *OSCE* (2012), available at: <http://www.osce.org/fom/89371> (accessed 13 December 2013)

they are often imprisoned in F-type high-security facilities alongside the most dangerous criminals.

With regards to the AK Party's allegations that journalists are not imprisoned for what they write but due to their terrorist activities, OSCE provided the following note:²⁰⁷ 'In cases classified as secret, access to trial documents was not permitted even to the defence lawyer of the charged journalist. In some cases it was not possible to find the writings for which a journalist was imprisoned, as these documents were classified once the journalist was charged or convicted. In many cases the charges upon which convictions were based were not related to journalism, but it was widely perceived by the public and human rights organizations that imprisonment was the result of their writing. As a result, the statistics relating to the issue and details of the cases cannot be stated with full precision.'

A 2012 European Commission report assessing Turkey's readiness for EU accession ("Turkey Progress Report") was generally scathing about press freedom, observing: "[T]he increase in violations of freedom of expression raises serious concerns, and freedom of the media was further restricted in practice. The legal framework, especially as regards organised crime and terrorism, and its interpretation by the courts, leads to abuses. Together with pressure on the press by state officials and the firing of critical journalists, this situation has led to widespread self-censorship. Frequent

207 'Erdogan'dan "tutuklu gazeteci" cevabi', *Yeni Safak*, February 25, 2013, <http://yenisafak.com.tr/politika-haber/erdogandan-tutuklu-gazeteci-cevabi-25.02.2013-493614> (accessed 13 December 2013)

website bans are a cause for serious concern and there is a need to revise the law on the internet.”²⁰⁸

It also observed “a shortfall in the implementation of the constitutional right to hold demonstrations and meetings [and] excessive administrative restrictions on freedom of assembly”, with “disruption of demonstrations and disproportionate use of force by security forces against demonstrators – especially in rallies related to the Kurdish issue, students’ rights, the environment, activities of the Higher Education Board (YÖK) and trade union rights” – a prescient statement in the light of the Gezi protests. In response to both the criticism of the European Commission and the very large number of cases concerning the Anti-Terror law’s infringement of freedom of expression in particular before the European Court of Human Rights, parliament passed reforms to the law in April 2013. The amended law will punish only direct incitement to violence, although critics suggest that the definition of terrorism remains overly broad.²⁰⁹

Regional context

One of the significant points to emerge from the interviews conducted in the preparation of this report was the perceived

208 ‘Turkey 2012 Progress Report, *European Commission*, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapport_2012_en.pdf (accessed 13 December 2013)

209 See A Bragga ‘Turkey media crisis: how anti-terrorism laws equip the war on dissent’ *Open Democracy*, 24 June 2013. Available at <http://www.opendemocracy.net/anna-bragga/turkey-media-crisis-how-anti-terrorism-laws-equip-war-on-dissent> (accessed 30 November 2013).

potential benefit attached to regional factors on the trajectory of the peace process and the sense that developments in Turkey are not independent from developments taking place in the rest of the Middle East.

Turkey has been seen as a resurgent force in the Middle East in recent years, not least due to the 'zero problems with neighbours' foreign policy adopted by the influential Foreign Minister Ahmet Davutoğlu. The pace of EU membership negotiations has led to frustration domestically, with a survey in 2010 revealing that only 47 per cent of Turkish citizens view EU membership as 'a good thing', a drop from 71 per cent in 2004.²¹⁰ In a study conducted by TEPAV, the Economic Policy Research Foundation of Turkey, in 2011 39.4 per cent of those polled indicated they would vote no if a referendum on Turkey's accession to the EU was held²¹¹. This negative sentiment undoubtedly reflects a growing impatience with the length of time invested in the EU process but perhaps also reveals an increasing sentiment that Turkey should focus more on relations with its near neighbours. Recent events in the Middle East have, however, led to a reappraisal of Turkey's foreign policy in the region with critics suggesting that the Turkish Government's "principled stance" against the anti-Morsi coup in Egypt has left it isolated, its relations with Iraq are "deteriorating" and the "[b]attles

210 Eurobarometer 74: Public Opinion on the European Union, Autumn 2010.

Available at http://ec.europa.eu/public_opinion/archives/eb/eb74/eb74_public_en.pdf (accessed 2 September 2013).

211 'Turkey and the European Union: Prisoners with a Dilemma' *TEPAV*, Ankara, 3 March 2011. Available at http://www.tepav.org.tr/upload/files/haber/1300201233-1.Turkey_EU_Prisoners_with_a_Dilemma_Mehmet_Ratip.pdf (accessed 1 September 2013).

between the Kurdish Democratic Union Party (PYD) and Jabhat al-Nusra are posing a dilemma to Ankara.”²¹² Criticism has also been leveled at the Turkish Government for its “interventionist” approach to the Syrian conflict, “urging its Western allies to go much beyond the limited military strikes currently being hesitantly considered, [r]ather than concentrating on achieving lasting peace at home.”²¹³

It is the events in Syria which arguably have the greatest impact on the current efforts at a peaceful solution to the Kurdish question in Turkey. The import of the situation in Syria was underlined whilst we were in the Southeast by the visit of Saleh Muslim, leader of the Democratic Union Party (PYD) to Turkey, at the invitation of the Turkish Government. Given the PYD’s links to the PKK it has traditionally been viewed as a threat to Turkish security but this position would appear to have changed over the past number of months. In August a Turkish official was quoted as stating that Turkey was “trying to bring the PYD into the [Syrian] opposition, recognising them as a major actor in Syrian politics, trying to make them understand that Turkey is not against Kurds,”²¹⁴ signaling a major shift in approach just a year after Turkey’s foreign minister

212 See Sami Kohen ‘Turkey’s Failed Middle East Policy’ *Al Monitor*, 13 August 2013. Available at <http://www.al-monitor.com/pulse/politics/2013/08/turkey-failed-mideast-policy.html> (accessed 1 September 2013).

213 Nicole Pope ‘Elusive Peace’ *Today’s Zaman*, 2 September 2013. Available at <http://www.todayszaman.com/columnist-325237-elusive-peace.html> (accessed 2 September 2013).

214 See Daniel Dombey and Abigail Fielding-Smith ‘Turkey Seeks to Bolster Ties with Syrian Kurds’ *Financial Times* 5 August 2013, available at <http://www.ft.com/cms/s/0/c78a7798-fda2-11e2-a5b1-00144feabdc0.html#axzz2cJmbZTXC> (accessed 15 August 2013).

Ahmet Davutoğlu rejected an offer by the Kurdistan Regional Government in northern Iraq (KRG) to broker a meeting between him and Saleh Muslim in Erbil.²¹⁵ The change in approach may reflect a genuine change in attitude or with the imposition of a *de facto* autonomous Kurdish region in northern Syria, may simply be a recognition of the new *realpolitik* in the region.

Although the majority of interviewees felt that the Syria dimension was mainly a positive one in the sense that it “internationalizes the Kurdish issue, putting pressure on the Turkish Government to resolve the Kurdish problem within its own borders”²¹⁶ and “strengthening the regional position of the Kurds,”²¹⁷ it was also identified as a potential threat to the process as ethnic division in Syria may have the effect of “further destabilizing the region.”²¹⁸ The situation also creates additional pressure on the peace process, “pressure which the Government must be careful not to allow affect the process.”²¹⁹

The other main regional factor identified as being influential in the process is relations between Turkey and The KRG in northern Iraq. Political and security relations between Turkey and the KRG have drastically improved in recent years but the real harbinger

215 See Amberin Zaman ‘Turkey’s Syrian Kurdish Gamble: A Double Edged Sword’ *Al-Monitor Turkey Pulse* 11 August 2013, available at <http://www.al-monitor.com/pulse/originals/2013/08/turkey-contain-syrian-kurdish-autonomy-peace-with-kurds.html> (accessed 15 August 2013).

216 Interview with Mehmet Emin Aktar, Lawyer, Diyarbakır, 30 July 2013.

217 Interview with Necip Çapraz, Journalist, *Yüksekova Haber*, Yüksekova, 26 July 2013.

218 Interview with Aydın Altaç, AK Party Diyarbakır Branch, 30 July 2013.

219 Interview with Mahmut Bozarlan, Diyarbakır Correspondent, *Aljazeera Turk*, Diyarbakır, 29 July 2013.

of good relations may be economic factors. Turkey is currently heavily reliant on Russia and Iran for energy, both countries which, as Dalay notes, are inclined “to use energy as a foreign policy bargaining tool” posing a huge threat to Turkey’s energy security.²²⁰ With the KRG’s vast oil reserves and the requirement of channels for international export, friendly relations are in the interests of both parties.

Recent developments in the Middle East were highlighted as being positive for Kurds and the peace process in two ways: first, the existence of a strong Kurdish Regional Government in northern Iraq is a motivation for Kurds in other regions and promotes a regional confidence and second, developments in the Middle East and international developments forced the peace process to a certain extent and ultimately pushed the Turkish Government to engage in direct talks with Mr. Öcalan.²²¹ Şahismail also emphasized the importance of Turkey’s energy requirements and pointed to the fact that as Turkey’s influence in the region has grown, its relationship with both Russia and Iran has deteriorated, thus underscoring the need for good relations with the KRG for the purposes of energy security.

In discussions with people in the Kurdish region of Turkey it becomes clear that the regional factors influencing the process

220 Galip Dalay ‘Foreign policy implications of the Kurdish peace for Turkey’ *Al Jazeera* 26 July 2013, available at <http://www.aljazeera.com/indepth/opinion/2013/07/2013725121452974827.html> (accessed 16 August 2013).

221 Interview with Şahismail Bedirhanoğlu, founding member DISA, Diyarbakır, 28 July 2013.

are very much seen (by the majority of interviewees) as having a positive impact on the process as they provide an increased impetus for Turkey to solve the Kurdish question. An issue which has under Turkey's traditional security narrative been treated as an internal 'problem' has now taken on a much broader regional significance, the dynamics of which appear to be appreciated by the AK Party Government. These changing dynamics are perhaps illustrated by planned Kurdish National Congress, to be held in Erbil in September 2013, and which for the first time in modern Kurdish history will bring together Kurdish representatives from the Kurdish regions of Iran, Iraq, Syria, and Turkey, as well as Kurds in Europe. The message of the conference, Massoud Barzani has noted will be one "of peace, dialogue and peaceful coexistence between Kurds and other peoples."²²²

222 See Othman Ali 'Kurdish National Conference in Arbil: its impact on Kurds and Middle East politics' *Today's Zaman*, 1 August 2013, available at <http://www.todayszaman.com/news-322476-kurdish-national-conference-in-arbil-its-impact-on-kurds-and-middle-east-politics-by-othman-ali-.html> (accessed 17 August 2013).

Conclusions

The notion that peace is more than the mere absence of violence is a prominent one among scholars of conflict resolution and transitional justice²²³ and borne out by the all too frequent instances of the breakdown of fledgling peace processes and the return to violence. However, that is not to say that the absence of violence should be underestimated. The overwhelming majority of people we spoke with in the Kurdish region of Turkey in the preparation of this report pointed to the absence of killings and funerals as being the most immediate and powerful impact of the current process, regardless of the fact that not everyone we interviewed recognize the current situation as a peace process but rather maintain that it is still just at the ceasefire stage. That being the case it is perhaps pertinent in this final section to address the identifiable positive steps taken by both parties before addressing what was conveyed to us as the main challenges to the process.

In considering the nature of the current process numerous respondents were clear that this process can be distinguished from earlier attempts at peace-making for one primary reason centred on the fact that the Government is negotiating directly with Mr. Öcalan and thus for the first time Mr. Öcalan has been accepted as “the rightful agent of the Kurdish people in the process.”²²⁴

Correspondingly, the supporters of the Government in the process

223 See, for example, Jørgen Johansen 'Nonviolence: more than the absence of violence' in Charles Webel and Johan Galtung (eds) *Handbook of Peace and Conflict Studies* (Routledge: London & New York, 2007) 143-160.

224 Interview with Kadri Salaz, Van, 24 July 2013.

see Prime Minister Erdoğan's strong leadership as being the main driver of the process. Previous attempts at reaching a settlement may have failed but now "because of the will of the Prime Minister it is understood that he is really serious about reaching a successful conclusion."²²⁵ Good will gestures made by the Prime Minister were also highlighted as being evidence of his sincerity, in particular Prime Minister Erdoğan formally opened Şirnak airport in late July, which was named Şerafettin Elçi Airport, in honour of the prominent Kurdish lawyer and politician. Whilst in Şirnak the Prime Minister also met with the families of the victims of the Uludere massacre,²²⁶ which was also seen as a gesture of good faith, although he was subsequently criticized for abdicating responsibility for the action, stating that "not all operations are carried out with the knowledge of the prime minister".²²⁷ Families of the victims of the Uludere killings with whom DPI met were also critical of the failure of the Government to establish an inquiry into the incident.²²⁸

Other positive developments of the recent process, noted above but worth reiterating, flow from the constitutional reform process,

225 Interview with Aydin Altaç, AK Party Diyarbakır Branch, 30 July 2013.

226 The Uludere (or Roboski) killings took place on 28 December 2011 when Turkish warplanes bombed Kurdish smugglers crossing into Turkey from Iraq, ostensibly because they were suspected PKK members. Most of the victims were teenagers. See 'Massacre at Uludere' *The Economist* 9 June 2012, available at <http://www.economist.com/node/21556616> (accessed 16 August 2013).

227 See Tulin Daloglu 'Erdoğan's Doublethink', *Al-Monitor Turkey Pulse*, 31 July 2013, available at <http://www.al-monitor.com/pulse/originals/2013/07/erdogan-orwell-double-think-police-action.html> (accessed 17 August 2013).

228 Interview with families of the victims of the Roboski killings, Uludere, 27 July 2013.

which has been underway since 2012, and considered a critical part of any eventual settlement. This includes the fact that it is now possible to use the Kurdish language in Court, (since January 2013) and the provision of elective Kurdish language courses. The overarching impact of the process has also been in opening up of the democratic space due, as one respondent noted, to the absence of violence²²⁹ but also likely aided by the move from the securitization and militarization paradigm to one where the path to resolution is posited as being through negotiation.

The most commonly identified threat to the current process was acknowledged as the absence of any concrete steps by the Government in what was widely perceived to be a time of stalemate in the process, leading to tension in the region and apprehension regarding the future of the process. The steps that were deemed necessary to move the process forward varied depending on the respondent but centered on democratization measures such as the provision of mother tongue education and reform of the Anti-Terror Law, as well as the release of political prisoners (particularly those arrested under the infamous KCK suppression), the changing of the place names in the region from Turkish to Kurdish, a constitutional basis for local/autonomous Government, and crucially, the lowering of the 10 per cent threshold for political parties to enter parliament.²³⁰ Other issues, such as an improvement in the conditions of Mr. Öcalan's detention, or eventual possible

229 Interview with Zozan Özgökçe, VAKAD (Van Women's Association) Van, 24 July 2013.

230 Interview with Necip Çapraz, Journalist, *Yüksekova Haber*, Yüksekova, 26 July 2013.

release, were generally recognized as issues that would be addressed in the medium to long-term future of the settlement process.

The question of transparency of the peace process is one that arose in many of the interviews conducted for this report and opinions varied considerably as to whether or not the current process is as transparent as it needs to be. On the one hand numerous respondents noted that the process is a far more open one than previous attempts and the Oslo process in particular,²³¹ but the opposite viewpoint was also expressed, albeit less frequently. Zozan Özgökçe of Van Women's Association criticized a lack of transparency in the process and failure to convey to the public the content of the process. Advocating a more active role for the public in the process, she was also critical of the fact that the current process does not reflect the diversity in Kurdish politics as it is based on Mr. Öcalan and the BDP alone, who together have become the 'elite' of the Kurds.²³² The differences in opinion regarding the transparency, or lack thereof, represent what is arguably one of the greatest challenges to the process, to communicate effectively with both the Turkish and Kurdish sides so that all parties feel invested in the process and continue to support it. The problem of communication was also highlighted by the building of new police stations in the Kurdish region, which many interviewees cited as evidence of bad faith on the part of the Government and a sign that the Government was not serious about the process. The AK Party

231 Interview with Tansel Parlak, Young Civilians Group, Van, 25 July 2013.

232 Interview with Zozan Özgökçe, VAKAD (Van Women's Association) Van, 24 July 2013.

representative in Diyarbakır outlined that the decision regarding the building of police stations was taken long before the process and in fact some of the stations were being renovated or rebuilt.²³³ Effective communication of this point to the public would arguably calm fears at what is a tense point in the process.

As well as the construction of gendarmerie stations, DPI heard much criticism of the failure of the Government to 'normalise' the region. The 'normalisation' efforts required are multi-faceted and were outlined by Diyarbakır IHD as requiring at a minimum the removal of armed forces from the region, including the elite special forces, and the disbanding of the village guard system which would include a 'rehabilitation and reintegration' scheme for village guards in the region.²³⁴ Indeed the continuing operation of the village guard system was cited as a "cause for concern" in the most recent report on Turkey's progress towards EU membership.²³⁵ The possibility of an amnesty for PKK members, including both those "in the mountains and those in exile in Europe" was also outlined as being an important part of any lasting agreement.²³⁶

Apart from the specific challenges identified above a number of 'macro' challenges to the process exist such as the risk of the "political elite assuming the management of the process of a political solution" and any potential mismanagement of the process "which

233 Interview with Aydın Altaç, AK Party Diyarbakır Branch, 30 July 2013.

234 Interview with M. Raci Bilici, Human Rights Association Diyarbakır Branch, 30 July 2013.

235 'Turkey 2013 Progress Report: Communication from the Commission to the Parliament and the Council' Brussels, 16 October 2013, p. 16.

236 Interview with Bayram Bozyel, Hak-Par, Diyarbakır, 29 July 2013.

would have its roots in the presumptions which do not correspond to the real balance of forces or reflect the real feelings of Kurdish political society. A major secondary risk factor can be identified as “Turco-centric nationalist reaction” and anti-Kurdish resentment, which manifests itself as opposition to the process.²³⁷

Overall, our findings reveal that the main threats to the process arguably stem from a lack of trust on both sides. The fact of ‘getting to the table’ and engagement in a ‘process’ (albeit contested) cannot be underestimated. Yet in situations of protracted conflict it cannot be expected that trust will be created immediately. The Northern Irish example is perhaps instructive in this context, where US envoy George Mitchell highlighted the importance of a “decommissioning of mindsets,” noting that trust and confidence “must be built, over time, by actions in all parts of society”.²³⁸

Despite these challenges, however, and there will likely be many more in the path to an eventual settlement, the overwhelming sense garnered from people on the ground is that both sides to this protracted conflict are tired of violence and largely view a return to conflict as inconceivable. The coming months are recognised by all observers as a critical juncture in the process.

237 Interview with Murad Akıncılar, Diyarbakır Institute for Political and Social Research, Diyarbakır, 29 July 2013.

238 See George J Mitchell *Making Peace* (University of California Press: US, 1999) p. 37. Senator Mitchell was Chair of the peace talks which led to the Good Friday Agreement in 1998.

DPI Board and Council of Experts

Director:

Kerim Yildiz

Kerim Yildiz is Director of DPI. He is an expert in international human rights law and minority rights, and is the recipient of a number of awards, including from the Lawyers Committee for Human Rights for his services to protect human rights and promote the rule of law in 1996, the Sigrid Rausing Trust's Human Rights award for Leadership in Indigenous and Minority Rights in 2005, and the Gruber Prize for Justice in 2011. Kerim has written extensively on human rights and international law, and his work has been published internationally.

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Priscilla Hayner

Co-founder of the International Centre for Transitional Justice, global expert and author on truth commissions and transitional justice initiatives, consultant to the Ford Foundation, the UN High Commissioner for Human Rights, and numerous other organisations.

Arild Humlen

Lawyer and Director of the Norwegian Bar Association's Legal Committee. Widely published within a number of jurisdictions, with emphasis on international civil law and human rights. Has lectured at law faculties of several universities in Norway. Awarded the Honor Prize of the Bar Association for Oslo for his work as Chairman of the Bar Association's Litigation Group for Asylum and Immigration law.

Jacki Muirhead

Practice Director, Cleveland Law Firm. Previously Barristers' Clerk at Counsels' Chambers Limited and Marketing Manager at the Faculty of Advocates. Undertook an International Secondment at New South Wales Bar Association.

Professor David Petrasek

Professor of International Political Affairs at the University of Ottawa, Canada. Expert and author on human rights, humanitarian law and conflict resolution issues, former Special Adviser to the Secretary-General of Amnesty International, consultant to United Nations.

Antonia Potter Prentice

Expert in humanitarian, development, peacemaking and peacebuilding issues. Consultant on women, peace and security; and strategic issues to clients including the Centre for Humanitarian Dialogue, the European Peacebuilding Liaison Office, the Global Network of Women Peacemakers, Mediator, and Terre des Hommes.

DPI Council of Experts

Dermot Ahern

Dermot Ahern is a Former Irish Member of Parliament and Government Minister and was a key figure for more than 20 years in the Irish peace process, including in negotiations for the Good Friday Agreement and the St Andrews Agreement. He also has extensive experience at EU Council level including being a key negotiator and signatory to the Constitutional and Lisbon Treaties. In 2005, he was appointed by the then UN Secretary General Kofi Annan to be a Special Envoy on his behalf on the issue of UN Reform. Previous roles include that of Government Chief Whip, Minister for Social, Community and Family Affairs, Minister for Communications, Marine and Natural Resources, Minister for Foreign Affairs and Minister for Justice and Law Reform. Dermot Ahern also served as Co-Chairman of the British Irish Inter Parliamentary Body 1993 – 1997.

Dr Mehmet Asutay

Dr Mehmet Asutay is a Reader in Middle Eastern and Islamic Political Economy and Finance at the School of Government and International Affairs (SGIA), Durham University, UK. He researches, teaches and supervises research on Middle Eastern economic development, the political economy of Middle East including Turkish and Kurdish political economies, and Islamic political economy. He is the Honorary Treasurer of BRISMES (British Society for Middle East Studies) and of the International Association for Islamic Economics. His research has been published in various journals, magazines and also in book format. He has been involved in human rights issues in various levels for many years, and has a close interest in transitional justice, conflict resolution and development issues at academic and policy levels.

Christine Bell

Legal expert based in Northern Ireland; expert on transitional justice, peace negotiations, constitutional law and human rights law advice. Trainer for diplomats, mediators and lawyers.

Cengiz Çandar

Senior Journalist and columnist specializing in areas such as The Kurdish Question, former war correspondent. Served as special adviser to Turkish president Turgut Ozal.

Yilmaz Ensaroğlu

SETA Politics Economic and Social Research Foundation. Member of the Executive Board of the Joint Platform for Human Rights, the Human Rights Agenda Association (İHGD) and Human Rights Research Association (İHAD), Chief Editor of the Journal of the Human Rights Dialogue.

Dr. Salomón Lerner Febres

Former President of the Truth and Reconciliation Commission of Perú; Executive President of the Centre for Democracy and Human Rights of the Pontifical Catholic University of Perú.

Professor Mervyn Frost

Head of the Department of War Studies, King's College London. Previously served as Chair of Politics and Head of Department at the University of Natal in Durban. Former President of the South African Political Studies Association; expert on human rights in international relations, humanitarian intervention, justice in world politics, democratising global governance, just war tradition in an Era of New Wars and ethics in a globalising world.

Martin Griffiths

Founding member and first Executive Director of the Centre for Humanitarian Dialogue, Served in the British Diplomatic Service, and in British NGOs, Ex -Chief Executive of Action Aid. Held posts as United Nations (UN) Director of the Department of Humanitarian Affairs, Geneva and Deputy to the UN

Emergency Relief Coordinator, New York. Served as UN Regional Humanitarian Coordinator for the Great Lakes, UN Regional Coordinator in the Balkans and UN Assistant Secretary-General.

Dr. Edel Hughes

Senior Lecturer, University of East London. Expert on international human rights and humanitarian law, with special interest in civil liberties in Ireland, emergency/anti-terrorism law, international criminal law and human rights in Turkey and Turkey's accession to European Union. Previous lecturer with Amnesty International and a founding member of Human Rights for Change.

Avila Kilmurray

A founder member of the Northern Ireland Women's Coalition and was part of the Coalition's negotiating team for the Good Friday Agreement. She has written extensively on community action, the women's movement and conflict transformation. Serves on the Board of Conciliation Resources (UK); the Global Fund for Community Foundations; Conflict Resolution Services Ireland and the Institute for British Irish Studies. Avila was the first Women's Officer for the Transport & General Workers Union for Ireland (1990-1994) and became Director of the Community Foundation for Northern Ireland in 1994. Avila was awarded the Raymond Georis Prize for Innovative Philanthropy through the European Foundation Centre.

Professor Ram Manikkalingam

Visiting Professor, Department of Political Science, University of Amsterdam, served as Senior Advisor on the Peace Process to President of Sri Lanka, expert and author on conflict, multiculturalism and democracy, founding board member of the Laksham Kadirgamar Institute for Strategic Studies and International Relations.

Bejan Matur

Renowned Turkey based Author and Poet. Columnist, focusing mainly on Kurdish politics, the Armenian issue, daily politics, minority problems, prison literature, and women's issues. Has won several literary prizes and her work has been translated into 17 languages. Former Director of the Diyarbakır Cultural Art Foundation (DKSV).

Professor Monica McWilliams

Professor of Women's Studies, based in the Transitional Justice Institute at the University of Ulster. Was the Chief Commissioner of the Northern Ireland Human Rights Commission from 2005-2011 and responsible for delivering the advice on a Bill of Rights for Northern Ireland. Co-founder of the Northern Ireland Women's Coalition political party and was elected to a seat at the Multi-Party Peace Negotiations, which led to the Belfast (Good Friday) Peace Agreement in 1998. Served as a member of the Northern Ireland Legislative Assembly from 1998-2003 and the Northern Ireland Forum for Dialogue and Understanding from 1996-1998. Publications focus on domestic violence, human security and the role of women in peace processes.

Jonathan Powell

British diplomat, Downing Street Chief of Staff under Prime Minister Tony Blair between 1997- 2007. Chief negotiator in Northern Ireland peace talks, leading to the Good Friday Agreement in 1998. Currently CEO of Inter Mediate, a United Kingdom -based non-state mediation organization.

Sir Kieran Prendergast

Served in the British Foreign Office, including in Cyprus, Turkey, Israel, the Netherlands, Kenya and New York; later head of the Foreign and Commonwealth Office dealing with Apartheid and Namibia; former UN Under-Secretary-General for Political Affairs. Convenor of the SG's Executive Committee on Peace and Security and engaged in peacemaking efforts in Afghanistan, Burundi, Cyprus, the DRC, East Timor, Guatemala, Iraq, the Middle East, Somalia and Sudan.

Rajesh Rai

Rajesh was called to the Bar in 1993. His areas of expertise include Human Rights Law, Immigration and Asylum Law, and Public Law. Rajesh has extensive hands-on experience in humanitarian and environmental issues in his work with NGOs, cooperatives and companies based in the UK and overseas. He also lectures on a wide variety of legal issues, both for the Bar Human Rights Committee and internationally.

Professor Naomi Roht Arriaza

Professor at University of Berkeley, United States, expert and author on transitional justice, human rights violations, international criminal law and global environmental issues.

Professor Dr. Mithat Sancar

Professor of Law at the University of Ankara, expert and author on Constitutional Citizenship and Transitional Justice, columnist for Taraf newspaper.



11 Guilford Street
London WC1N 1DH
United Kingdom

+44 (0)203 206 9939

info@democraticprogress.org

www.democraticprogress.org