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Abstract:

The social, economic, and political situations of Kurdistan and other areas in which Kurds live have changed drastically during the last decades. The Kurds are now almost totally autonomous in Northern Iraq, building state institutions in Rojava (Syrian Kurdistan) and democratic autonomy in Northwest Kurdistan (eastern Anatolia). Politically, until the 1990s, Kurds were dominated and contentious players; today they are key players in the Near East. This paper considers Kurdish interactions with regional powers - Turkey, Iran, Iraq and Syria - and 'disputed boundaries', and the role of self-determination, autonomy and federalism in solving the Kurdish Question. Within the current context marked by political upheaval of the Kurds in some areas of Kurdistan and the continued repression of Kurds in other areas, I examine the potential for federal solutions to solve the Kurdish Question by giving Kurds regional autonomy within the state boundaries of Turkey.

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**Turkey and the Kurds –
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by Dr. Kubilay Arin

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University of California, Berkeley and
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Societal Issues



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Turkey and the Kurds – From War to Reconciliation?

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Kurdish studies have paid considerable attention to the processes of (national) identity construction and ethnic and national mobilizations, and the heritage of the Kurdish revolts starting with Koçgiri and Ağrı and extending to the PKK insurgency. Within the current context marked by political upheaval of the Kurds in some areas of Kurdistan and the continued repression of Kurds in other areas, which has been accompanied by new forms of contestation, the politics of recognition, and Turkish domination provoking Kurdish resistance, these different processes call for an analysis of ethnic mobilization and for a renewed approach to understanding oppressive practices of domination and resistance in Kurdistan.

Turkey's guerrilla war against the separatist PKK (the Kurdistan Workers' Party) began escalating dramatically in the 1990s, and increasing charges of human rights abuses were leveled at Turkey from human rights groups and Western governments, including the United States. The list of human rights abuses committed by the Turkish security forces during this decade is long: deaths under suspicious circumstances in custody, extrajudicial killings during raids, retaliations for PKK attacks that resulted in terrorizing and killing civilians and destroying property and livestock, destroying more than 4000 villages, "mystery killings" (failli mechuller), and harassment and intimidation of the Kurdish minority (including physicians, human rights activists, local politicians, and especially leaders of successive pro-Kurdish parties). Thousands of civilians were killed and hundreds of thousands lost their homes and livelihood in this thirty-year long insurgency.

While the West, interested in Turkey remaining strong militarily and in one piece, voiced support for Ankara's struggle against the PKK, western officials told the Turkish leadership that it should not pursue its war against the separatists at the expense of the country's responsibility to basic standards of human rights. They also warned that a military approach was unlikely to solve the Kurdish question, and they urged Ankara to consider political concessions, such as the granting of cultural and language rights, to its Kurdish minority alongside the military struggle.

When the AKP came to power Turkey refused to recognize its Kurdish citizenry, estimated to number 15 million or about one-fifth of the country's total population, as an ethnic minority. Prime Minister Erdoğan first recognized the Kurdish question in 2005; more recently in March 2015 he took a step back in stating that there does not exist any Kurdish question in Turkish politics. With the Ergenekon and Sledgehammer trials the military was subjugated to civilian control, which also allowed the AKP administration to reframe its approach – from a terrorism problem addressed through the military command structure to a Kurdish problem addressed in the political sphere.

In the spring of 1994, however, Turkish authorities arrested Kurdish parliamentarians belonging to the Democracy Party and banned the party outright. This outraged some members of the U.S. Congress. Consequently, members of the House of Representatives attempted to withhold some aid to Turkey, while the U.S. Senate was willing to grant the aid without cuts, provided that US military equipment not be used against civilians. In the end, a percentage of the aid was withheld and the delivery of frigates and Cobra helicopters stalled due to US lawmaker concerns about human rights violations and about continuing tension in the Aegean. Ankara began to complain that a "shadow embargo" on arms sales to Turkey had

emerged in Washington. The events in Turkish view were reminiscent of the unpleasant period following Turkey's intervention in northern Cyprus in 1974 when the US imposed an arms embargo on its NATO ally.

American assurances aside, Turkey's frustration with both US and European criticism of its handling of the Kurdish insurgency, coupled with the emergence of different policy priorities between Turkey and its Western allies after the Cold War, has led to a feeling among the Turkish leadership that Ankara is becoming isolated from NATO, whose allocations to Turkey for common military infrastructure projects have been declining since the 1990s. This perception, that Turkey is now faced with shouldering its own security costs, has prompted the military to launch its massive new defense procurement program.

From the elite theory's point of view, which claims that a rich class of conservative elites formulates the political agenda in Ankara on behalf of the military-industrial complex contrary to the wishes of the Turkish people because the politicians are dependent on donations for their re-election, the AKP has propagated a hegemonic-unilateral conception of Turkish interests, which has benefitted the arms industry and disregarded the desire of its own citizenry to live in peace with its neighbors. Hawks in the administration used the heat of the Syrian moment since the beginning of the rebellion in 2011 for implementing the special interests of the army, the arms industry and their lobbyists, i.e. the military-industrial complex, in the wake of the Syrian civil war in opposition to the interests of the Turkish people.

In this context, the term 'derin devlet' (deep state) is used in Turkey: a network of scholars, managers, and former politicians who seek to affect officeholders' decisions in ways that secure their elitist and financial interests. Power is concentrated in the hands of the upper class, which uses its wealth to control the biggest corporations in Turkey and thus the state institution. Unlike their 77 million countrymen, this national elite exerts an immediate influence on Turkish politics. State activity is formulated and directed by corporations, banks, insurances, the mass media, foundations, and think tanks led by the so-called 'Beyaz Türkler' (the White Turks). Despite their narrow selfish class interests, these elites may occasionally initiate reforms - such as the AKP's Kurdish opening - for the common good for securing their rule in the political system of Turkey from Kurdish upheaval.

This paper will focus on the concepts of Democratic autonomy and Democratic confederalism advocated by pro-Kurdish actors such as the HDP and Abdullah Öcalan from a political and legal perspective. The Kurds are now almost totally autonomous in Northern Iraq, building state institutions in Rojava (Syrian Kurdistan) and democratic autonomy in Northwest Kurdistan (East Anatolia). The integration of Iraqi Kurdistan into the world economy has brought an economic boom to the region, which has also brought along social change. This is also witnessed in Turkey, which entered liberalism in the 1980s and is now an important economic player in the region. Politically, until the 1990s, Kurds were dominated and contentious players; however, they are now becoming key players in the area. These different processes call for an analysis of the transformation or reproduction of national liberation and mobilization from separatism demanding an independent Kurdistan to regional autonomy within the state boundaries of Turkey and for a renewed approach to practices of domination and resistance-oriented civil disobedience in Kurdistan.

The Stalled EU Accession Bid and Nationalist Opposition

The EU accession bid has stimulated political and legal reforms and intensified the democratization process in Turkey. The accession talks are overshadowed by the Kurdish question, which illuminates the divergences in EU-Turkey relations considering Ankara's maturity and its ability to accede. At the same time, a nationalist current in Turkey remains

agile and considers international organizations critically, as institutions that have determined from time to time Turkish foreign policy. Referencing the Sevres syndrome, nationalists view international organizations as agents that squander Turkish resources, are hostile to national interests, and therefore function as obstacles to a foreign policy oriented at the national self-interest of Turkey.

According to this nationalist perspective, Turkey should not be captured by decisions from multilateral institutions. Ankara should be prepared to act unilaterally, i.e. to act outside of these organizations and thus ignore their rules and decisions. For nationalists, Turkish unilateralism is a necessary response to alliances with the West that endanger Turkey's existence. Among the nationalists, the United Nations or the EU play an inferior role and reform efforts of the international organizations designed to obtain a seat in the UN Security Council or membership in the EU are a waste of time.

However, the parliamentary opposition parties ask for a reset of Turkish foreign policy to overcoming the tension between the imperial (neo-Ottoman) and cooperative aspects of Turkish foreign policy, while underscoring that international institutions serve Turkey's needs of realizing its regional and national interests. International law is flexible enough to allow Turkey and other nations the solution of novel security necessities. Beyond that, neither Turkish values nor strategic aims should be devised to justify acts of violence and use of force. In retrospect, Turkish foreign policy in the last century could have stopped miscalculations and wrong decisions by upholding the UN Charter with regard to the use of military force including the Kurdish question. The violations of the international norm of renunciation of force have never led to a settlement of conflicts. Never before, Turkish foreign policy actually accepted to restrict its freedom of action by the regulation and the codification of international relations. This is also true for the previous multilateralism of the AKP administration. As a result, Turkey faces again hard power threats from the PKK, Iran, and Syria simultaneously, while struggling to reassess its relationship with the Free Syrian Army as the conflict intensifies. As it aims for influence in Syria and Iraq, Ankara has to make peace with its Kurdish minority. If autonomy is the way to resolve the Kurdish question in Iraq and Syria, in Turkey the path to conflict resolution is more federalism.

Turkish nationalists and the opponents of an EU-membership always invoke the spirit of Sèvres. The peace treaty from 1920 was dictated by the victorious powers of the First World War and intended as a means to divide up the Ottoman Empire leaving the Turks with a small rump state. In Eastern Anatolia independent Armenian and Kurdish states were expected to emerge. In the west Turkey would lose territory to Greece. After heavy human losses in the war of independence, the Treaty of Lausanne recognized Turkey in 1923 without mentioning an Armenian or Kurdish state.

The decisive factor in Turkey's fear of Kurdish separatism is its concern that the Syrian conflict could spark the destabilization and division of Syria. Furthermore, Ankara is rightly afraid of the increasing Iranian influence. The Turkish leadership recognizes another menace in the rise of Kurdish nationalism and in their pursuit of independence and self-determination, which would put into question the territorial integrity of Turkey by its own Kurdish minority. That is why American support for the Kurds in Rojava (Syrian Kurdistan) brought about a change of strategy in Turkish foreign policy. The instability in Syria threatens Turkey's national security placing Ankara on a collision course with the nationalist Kurds, even though Turkey could overcome its difficulties with the PYD (Democratic Union Party of Kurdistan) – which Turks see affiliated with the PKK and established Kurdish self-rule in Rojava – through political, economic, and diplomatic means. From the angle of the neighboring states (Syria, Iraq, and Iran), Kurdish independence in Rojava is not a source of stability; rather Kurdish nationalism should be contained and any endeavor of diplomatic recognition of Kurdistan as a state must be averted.

The Failed Democratic Opening

Since taking office in 2002 Erdoğan's AKP has been striving for a more democratic and modern nation and a solution to the biggest domestic challenge: the political, legal, and economic equality of 15 million Kurds. The push for democracy should result in offering the Kurds certain individual and cultural freedoms in the hope of ending the decades-long insurgency of the PKK. However, the military inaction in Kobane – the PYD controlled canton which was ambushed by the Islamic State terrorists from September 2014 until January 2015 – and the culture wars between the Gulenists and the AKP have put a strain on the relations between Ankara and Brussels. This infighting has menaced not only the reforms of the AKP government but the newly-won international prestige of Turkey.

As far as domestic politics is concerned the AKP administration faces the twin challenges of solving the Kurdish problem and the new drafting of the first civilian Turkish constitution. If Erdoğan takes on these challenges and solves them, this will remove the current obstacles standing in the way of the EU accession and Turkey's economic boom will continue. Whereas his failure would trigger a rise in nationalism and autocracy causing violence against minorities and leading to political instability reminiscent of the 1990s. Besides overcoming external factors, such as the EU requirements and globalization, Turkey's civic society must defy the omnipotence of the apparatus of state (the deep state) most recently demonstrated by the state's crushing response to the Gezi protests. Only by guaranteeing equal rights to all its citizens can Turkey promulgate itself as a model in the Middle East with full support from Washington and Brussels. To promote the 'Turkish model' in the Middle East, Erdoğan's AKP must first guarantee democratic rights at home, including freedom of speech and press, minority rights, and freedom of - and from - religion. In this regard, Erdoğan still needs the west. Yet, if the current course of action is maintained, it may well drag Turkey into turmoil and the kind of instability and polarization that could cause Turkey to look more like the post-Arab Spring Middle East rather than an inspiration for pluralist democracy, consensus building and tolerance. Indeed, it would be incorrect for the AKP leaders to believe in Turkey's increasing international prominence with growing strategic independence from the West. In fact, Turkey's economic and political ascent remains deeply contingent upon preserving its bonds with the Western world. It is up to the leaders of the Turkish parties to make politics work toward the objective of advancing the democratization process and aligning Turkey with the West.

Turkey is now more polarized than ever before in its history. A political rearrangement such as concessions to Kurdish autonomy appear to Turkish nationalists and the military as high treason. Their motto calls on Turkey to defeat the terrorists at any price. Democracy and minority rights should not serve to break up the Kemalist nation state. Turkey has no western understanding of minority rights despite its large minorities of Alevis and Kurds. The non-recognition of Kurds as a distinctive ethnicity harms, in the long run, the inner stability of the country and those of its neighboring states Iran, Iraq, and Syria which also have large Kurdish minorities. It is up to the government in Ankara to create the political and economic premises for a lasting agreement with the Kurds. The war on terror requires in the first instance a political solution and not a military one. The AKP should defend human rights, democracy, and the rule of law in its EU accession bid. A negotiated solution to the Kurdish problem could be achieved through reform of the Turkish constitution authorizing the creation of administrative autonomy in the Kurdish region (bilingual education, local finance), that would not threaten the territorial integrity of Turkey, and would rather consolidate the state, defeating both the increasing Turkish nationalism and Kurdish militancy.

How the AKP Administration Elevated the Sunni Turkish Majority to Downgrade Alevi and Kurdish Minorities in Turkey

The politics of ethnic leveraging can be illustrated in the Erdogan administration's dialogue with Alevi representatives and the stalled "Alevi opening". Turkey has no western understanding of minority rights despite its large minorities of Alevis and Kurds. The non-recognition of Alevis as a distinctive religious minority harms the inner stability of the country. The EU Commission asks for certain conditions that Ankara has had difficulty meeting. One of these conditions involves the enhanced representation of the religious community of Alevis and the ethnic minority of Kurds in Turkish politics. Alevis and Kurds represent approximately one-third of the total population. Yet their religion and ethnicity are not recognized by the state. They raise the complaint that the 10-percent threshold in parliamentary elections prevents minority parties from gaining seats.

Moreover, Turkey cannot act as a pioneer of Islamic democracy without recognizing that extreme force, deportations, and ethnic cleansing contributed to building the Turkish Republic. Denying past crimes against humanity not only thwarts democratization but also reconciliation between the ethnic and religious communities. Without admitting its role in the mass murder of Armenians and atrocities against Kurds and Alevis, Turkey cannot assume the role in the field of human rights that she aspires to.

Even though more than thirty years have passed since the end of the military dictatorship in Turkey, the process of democratization in Turkey has still not been completed. The 1982 constitution remains for many a limited document. The European Parliament demands no less than basic rights, minority rights, and cultural rights, which were denied by the 1982 charter that did not guarantee the protection of civil rights but rather created the structure for their constraint. The Turkish constitution was not enacted to protect the rights and liberties of the citizens but rather to defend the repressive state against its subjects, whom the military legislators in their Hobbesian thinking mistrusted and whom they feared. Consequently, the rights and freedoms of Turkish minorities were restricted as far as possible. Can the AKP lead the change or will its Islamist past prevent it from introducing a new and democratic constitution guaranteeing civil rights and liberties to its religious and ethnic minorities?

On September 30, 2013, the AKP leader introduced a new reform package, the so-called "Democracy Package". Western media focused on the lifting of the headscarf ban in public institutions and for state employees, but with regard to minority and religious rights the reforms failed to win over the affected parties. No concessions were made to Alevis concerning their demands for the legal recognition of their religious sites and spiritual leaders. Alevi students are still forced to attend classes on Sunni religion. In addition, neither the European Commission nor the ethnic and religious minorities were convinced by the AKP's long-awaited proclamation. Consequently, the reforms suffered a setback by the Islamists' rejection of greater participatory rights for the minorities in Turkish politics.

In the end, the codification of the so-called 'Alevi opening' was not even mentioned by Mr. Erdoğan; this does not augur well for the anticipated new Turkish constitution. To overcome obstacles in its domestic politics and in its foreign policy, the Islamic-conservative government must proceed with the project of democratization and encourage its neighbors to follow the path to peace, stability, and prosperity.

The Syrian Conflict

Turkish President Tayyip Erdoğan signaled a shift in Ankara's position by saying for the first time in 2014 that Turkish troops could be used to help set up a secure zone in Syria, if there

was international agreement to establish one as a haven for those fleeing the fighting. But if one considers the Saddam Hussein regime in Iraq, one finds that neither the no-fly zone nor the buffer zones in the north and the south of the country protected the Kurds or the Shiites from Saddam's ground troops. As the Kurds are drawn ever deeper into the Syrian conflict, they obviously must defend themselves against attacks from extremists of the Islamic State but it is unlikely that they will play a larger part either on the side of the Assad regime or on that of the rebels.

Though Barzani, the President of the Kurdish Regional Government, has declared his willingness to come to the defense of his brethren in Syria, the Kurdish nation has no interest in tying itself to the dream of an Islamic Caliphate after the ouster of Assad. Besides, Turkey first refused the passage of armed Peshmergas into Rojava. All parties to the conflict, both the regime and the opposition groups, have repeatedly stated that they won't tolerate Kurdish autonomy, which is also feared by Turkey and Iran. History has shown the Kurds that they won't benefit from a war alliance even if they are on the winning side. The PKK thus threatened that it was ready to take up arms again in Turkey after signs of a possible Turkish invasion into Syria that might establish a buffer zone in the Kurdish autonomous zone under the control of the PKK-affiliate PYD, the Democratic Union Party, which is currently fighting for its entity's survival against the jihadist ISIL (IS). Thus, Cemil Bayik, the PKK's second-in-command, considered Turkey's Syria war resolution as a 'declaration of war' that ends the peace process, and the PKK sent its guerillas back to Turkey.

The West's efforts to provide arms to the moderate Kurdistan Regional Government has once again resulted in the Kurds becoming victims of power-politics in the client Iraq. This is not about self-determination but the fate of the Kurdish civilians dying at the hands of the barbaric Islamic State. The humanitarian catastrophe on Mount Sinjar and now in Kobane could have been prevented right from the beginning if promised weapon deliveries had reached the Peshmerga (i.e., Kurdish soldiers). As Molla Mostafa Barzani, the revered Peshmerga leader, told a foreign journalist, the reality on the ground has proven that 'Kurds are still the orphans of the universe'. Nonetheless, Kurds are grateful for the air campaign against ISIL led by the US, the UK, France, Canada, Australia and some Arab countries such Saudi Arabia, Qatar, and UAE. They are grateful for the arms deliveries from Italy, Iran and Germany, among others. They hope for a decision by the Turkish government to provide support for the defenders of Kobane. So, Turkey probably does fear the Kurds more than ISIL, and without Ankara's full cooperation in both arms and spirit, it is hard to envision the American Kurd strategy working.

US-Turkey relations with regard to Kobane show the deepening rift between President Erdoğan and his US counterpart Obama on the unfolding humanitarian crisis in Kobane. Kobane represents the Turkish dilemma in addressing the Kurdish question. While Turkey has stood idly by in the last months, Kurds in Syria have faced an onslaught campaign of ISIL (IS) on the Kurdish-controlled enclave Kobane. Soon critics accused and blamed Ankara for not taking responsibility to assist the US and its allies in the air campaign against IS. It is true that Turkey saved more than 200,000 Kurdish civilians from Kobane who were fleeing to Turkey. It continues to provide shelter and protection to these refugees. Although the Turkish government declared its willingness to allow the passage of armed Iraqi Kurdish Peshmergas through its own territory to relieve the PYD defenders in the border town Kobane, Ankara has been criticized for not doing enough to sustain the military efforts of its Western and Arab partners in Syria and Iraq. Suspicions remain as to Turkey's 'real motives'. Ankara needs to work closely with Washington in order to shield itself from the instability of the Syrian War. If Ankara fails to provide assistance to the US against the Assad regime, Ankara could lose this war.

A Legal Solution to the Kurdish Question

Kurds represent the largest nation in the world - approximately 35-40 million - without a state. Kurdistan is partitioned between Turkey, Iran, Iraq and Syria. Since the declaration of U.S. President Woodrow Wilson's Fourteen Points in 1918 and the Sèvres Treaty in 1920, which Turkish officials rejected outright because of the international demand for self-determination of Kurds, the independence movement in Kurdistan has not ebbed. In Northern Iraq and Northern Syria Kurds enjoy an uneasy autonomy threatened by the terrorist organization ISIS and the respective central governments. The Kurds are now almost totally autonomous in Northern Iraq, building state institutions in Rojava and democratic autonomy in Northwest Kurdistan (East Anatolia). The integration of Iraqi Kurdistan into the world economy has brought an economic boom to the region, which has also brought social change. This is also witnessed in Turkey, which entered liberalism in the 1980s and is now an important economic player in the region. Politically, until the 1980s, Kurds were dominated and contentious players; however, they are now becoming key players in the area. The Kurdistan Region of Iraq, and its interactions with regional powers raises questions about Iraq's 'disputed internal boundary', and particularly the use of federal models and the complications brought by resource competition.

The Nation's territorial rights are one of the dominant ways used to justify the legitimacy of territorial sovereignty in normative political theory. According to David Miller, a nation's moral right over a territory is generated through a sequence of acts whereby a nation materially improves the land, or endows it with symbolic meaning. Nations build cities, its poets (dengbej) sing about localities that carry spiritual and political importance for the nation's self-understanding, collectively, and over time, the members of a nation clear the land, build villages, bridges and roads, and as a result acquire a territorial right over the land they have so transformed. These symbolic and material acts provide the 'ethical force' that justifies both national jurisdiction over the territory and its physical shape. Thus, nationalist theory postulates the existence of a national collective whose members, across generations, share the same national consciousness.¹

In Kurdistan, national consciousness emerged in the 19th century when the Ottoman Empire abolished the autonomy of the Kurdish Emirates. Kurdish nationalists also refer to the Meds as their ancestors to develop a national heritage since the antiquity. According to most nationalist theorists, nations have territorial rights over the lands, which played a formative role in the emergence of their nation's identity. The existence of such territories should, according to Tamar Meisels, be objectively verifiable through a 'historiographical inquiry'.² As a result, the Kurds, a pre-political ethnic nation, present themselves as collective subjects who are qualitatively different from Turks, Persians, and Arabs. Kurds are true 'owners' of the national territory of Kurdistan – the bearers of a territorial right – who in a new polity continue to act as 'landlords' to minority invaders, whose right is, in turn, inferior, derivative and revocable.

Though foreign occupation in Kurdistan continues to balance their illegitimate rule to ethnic Kurdish cultural hegemony with their respect for minority linguistic and political rights in all four parts of Kurdistan, the Kurdistan Workers' Party (PKK), the most important paramilitary organization in the region, continues to understand Kurdistan's territory as rightfully belonging to the ethnic Kurdish nation. Insofar as such visions of world order are anchored in and articulated by different class interests, the concept of self-determination is also a site of class struggle. The PKK mediates different class-based accounts of nationhood,

¹ David Miller, „Territorial Rights: Concept and Justification“. *Political Studies*, 2012, 252.

² Tamar Meisels, *Territorial Rights*, Springer 2005, p. 40

statehood, and international order. It refers to Lenin and claims that self-determination came to be invested with the status of a revolutionary call to arms – a force for mobilizing anti-colonialist and anti-imperialist sentiment on a truly global scale. In addition, the question of Kurdish territorial right brings up the accusation of ‘usurpation’, ‘occupation’, and ‘injustice in annexation’. Consequently, in her critique of statist-popular theory, Ayelet Banai has argued that many contemporary states emerged as the heirs of colonialist, despotic or authoritarian regimes.³ In the case of Kurdistan, the Ottoman and Persian Empires both lacked democratic legitimacy. Banai writes:

The recognized sources of international law establish that the right to self-determination of a people is normally fulfilled through internal self-determination of a people’s pursuit of its political, economic, social and cultural development within a framework of an existing state. A right to external self-determination (which in this case potentially takes the form of the assertion of a right to unilateral secession) arises in only the most extreme of cases and, even then, under carefully defined circumstances.⁴

According to legitimate state theory, Kurds possess the legitimate people’s ‘residual territorial right’ to create its own state and establish ‘authoritative legal institutions’ because justice depends upon them. The majority of Kurds are forced to live in a political community to which they don’t have allegiance. To solve territorial conflict the Kurdish nation strives for nationhood in Syrian and Iraqi Kurdistan, fighting for the survival of their political entities against the ISIS onslaught. Territorial changes should strive to achieve political outcomes that increase the satisfaction of minority rights. The Kurds have a right to self-determination as a consequence of the failure of foreign authorities to engage in reasoned, democratic deliberations concerning the allocation of political authority in the region. Constitutional change may grant extensive minority rights after a referendum where Kurds as participants in the political process determine the status and the legitimate interests of their territory and ultimately acknowledge Kurdish demands for territorial autonomy within all parts of Kurdistan. Selahattin Demirtaş, the co-chair of the pro-Kurdish HDP, underlines the Turkish-Kurdish misunderstanding by stating: “Looking back at history, we see that the leaders of Kurdish rebellions were either executed, exterminated, or deported. It was the same case during the Ottoman Empire as during the Republican era; we do not have a tradition of a modern negotiation in this country”⁵. In this regard, *internal self-determination* provides the recipe for the establishment of a liberal constitutional order in a confederal state – what the PKK terms ‘Democratic confederalism’. The HDP follows up with its proposal of decentralization through local municipalities: “Without the existence of neighborhood assemblies, civic councils, city councils, and women and youth assemblies, along with their organized pressure on Parliament in order to defend their rights, a democratic existence cannot be achieved”.⁶ Contrary to external self-determination, internal self-determination preserves the norm of territorial integrity and shared bi-national jurisprudence reducing the threat of conflict and the minimization of human suffering.

Kurdish politicians underline the reality “that the resolution of the Kurdish Problem cannot be considered separately from the democratization of Turkey”. With a view to democratic autonomy, Demirtaş demands that “[t]he Parliament should also be supervised by

³ Ayelet Banai, „The Territorial Rights of Legitimate States: a Pluralist Interpretation”. *International Theory* 2014, 140, pp. 144-46.

⁴ Reference re Secession of Quebec [1998] 2 SCR 217 (The Supreme Court of Canada)

⁵ Selahattin Demirtaş, “The Middle East, the Kurdish Peace Process in Turkey, and Radical Democracy”. *Turkish Policy Quarterly*, Winter 2015, pp. 27-33.

⁶ Ibid.

democratic, local, civic ‘assemblies’⁷. In constitutionalism, there is a legal duty on the part of the central government to negotiate federalization in good faith, otherwise the Kurds can decide as a sovereign nation their political destiny and their territorial rights according to nationalist and legitimate state theories. Territorial rights may not only lead to a legal process that carries the ethical force needed to satisfy a claim to equal political representation without the formation of a new polity. As Buchanan explains:

If the state persists in serious injustices toward a group, and the group’s forming its own independent political unit is a remedy of last resort for these injustices, then the group ought to be acknowledged by the international community to have the claim-right to repudiate the authority of the state and to attempt to establish its own independent political unit.⁸

Another component is the mandated inclusiveness of different stakeholders in the negotiating process and the adoption of a new constitution. Kurds as the constituent units, in addition to Turks of the Turkish Republic, ought to have a seat at the negotiating table for a constitutional power-sharing agreement to achieve the political legitimacy needed after almost a century of political misrepresentation. Thus, the HDP plans to introduce *radical democracy*: “a participatory and direct democracy, which can be organized all together only through a radical democratic system based on labor and resistance”⁹. The territorial pluralism should be seen as a desirable institutional outcome, supported by the same normative ideal that lies behind the invocation of both a territorial people’s or an ethnic nation’s territorial rights. The state’s laws and institutions must track the interests of all ethnic groups. When this condition is not fulfilled, the Kurdish nation has the right to contest the state’s authority and this contestation can take the form of secession. Selahattin Demirtaş explains, “According to the foreign policy approach employed by the AKP, new models created by the peoples of the Middle East such as the Rojava Revolution should not take place in Syria.”¹⁰ Needless to say, the resonance of these institutional proposals will be determined by (geo)politics, not theoretical argument over how to reconstitute the territorial boundaries of sovereign polities. Widespread recognition of a unilateral attempt at secession (e.g., Kosovo) can have state-creating effects; seeking unilateral secession is thus not illegal in international law.

This new democratic confederalism may not hinder the Kurdish nation’s rightful exercise of self-government (democratic autonomy) within the existing state borders partitioning Kurdistan into four parts. According to choice theorists, from the fact that territoriality is a necessary condition for the state to be able to provide adequate protection, it follows that an ethnic group’s ability to provide adequate protection means that this group is entitled to the territory it wants to control from the larger state. Hence, if the secessionist group is able to provide adequate protection, the larger state is no longer needed to secure adequate protection, and it would not be justified in resisting the secessionist group’s rightful exercise of self-determination. This is most obvious in the case of the Kurdistan Regional Government in Iraq and Cantons in Syrian Rojava where the local Kurdish administrations defend their citizens against ISIS terror while the respective central states fail to provide adequate protection to Shiites, Sunnis, Christians, Turcomans, and Kurds. According to

⁷ Ibid.

⁸ Allen Buchanan, *Justice, Legitimacy, and Self-Determination*. (Oxford: Oxford University Press, 2004), p. 335.

⁹ Selahattin Demirtaş, “The Middle East, the Kurdish Peace Process in Turkey, and Radical Democracy”. *Turkish Policy Quarterly*, Winter 2015, pp. 27-33.

¹⁰ Ibid.

Demirtas, “The cantons of Rojava are trying to experiment with the practice of democratic self-governance, trying to overcome its ethnic, sectarian, and gender identity divides.”¹¹ The Kurds are rightfully exercising self-determination as they have a valid claim to the territory that belongs ultimately to them as a nation. As governing bodies, the autonomous regions of Iraqi and Syrian Kurdistan fulfill the territorial justification of political legitimacy in their polities. With fair elections, the political representatives merely act as the agents of the Kurdish people. There exists a legitimate authority over the people who established legitimate control over the territory – a necessary condition to create a new state through a referendum. Kurds have developed a sustained history of social and political cooperation, giving rise to shared social practices and political institutions, through which they are able to exercise self-determination and jurisdictional rights, i.e. rights to make and enforce law. This means that even if international law does not recognize a general right of secession, international institutions might still have an important role to play in arbitrating secessionist claims.

At the same time, secession is not necessarily prohibited under international law. International law is indeed neutral on the question of secession. In the *Western Sahara Advisory Opinion*, the International Court of Justice (ICJ) pronounced that “the application of the right of self-determination requires a free and genuine expression of the will of the peoples concerned.”¹² Referendums were held in Quebec, Scotland, and Catalonia. Out of the three, the Catalonia referendum was the only time a majority voted for independence but the Spanish government declared it unconstitutional. It follows that independence referendums generally do not have direct self-executing legal effects. Redrawing the borders of the infamous Sykes-Picot Agreement will not be an easy task for the Kurdish Regional Government in its pursuit of an independence referendum. It will also demand a diplomatic offensive to gain the recognition of the international community, as the examples of Kosovo and Palestine have amply demonstrated.

The International Legal Framework

The United Nations Charter speaks in the name of the “Peoples of the United Nations”, “and predicates international peace and cooperation” on respect for the principle of equal rights and self-determination of peoples.”¹³ Nonetheless, the international legal order has effectively privileged the territorial inviolability of existing sovereign states that frustrate ethnic, religious or linguistic minorities’ demands for self-governance. Contradicting this assumption, the right of all peoples demands that people be allowed to “freely determine their political status” with an option to sovereign independence. The United Nations Declaration on the Rights of Indigenous Peoples from 2007 ascribes to indigenous peoples the right to self-determination, though pointedly excluding any impairment of existing states’ ‘territorial integrity or political unity’ in art. 3. On the insistence of African states, art. 46 states that “the principle of self-determination applies only to peoples under colonial and/ or foreign occupation.”¹⁴ Moreover, the “Friendly Relations Declaration” in 1970 can be construed to reconcile self-determination with the territorial inviolability of states¹⁵ by noting that the Yugoslav and other cases have inspired among many advocates and scholars a disparagement

¹¹ Ibid.

¹² *Western Sahara Advisory Opinion*, ICJ Rep 1975, para. 55.

¹³ United Nations Charter (1945), preamble, art 1 (2).

¹⁴ Ibid.

¹⁵ Declarations on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the Nations (hereafter „Friendly Relations Declaration“) G.A. Res. 2625 (XXV) (1970).

of the traditional territorial integrity norm for its insensitivity to claims based on considerations of democracy, constitutionality, history or ethno-national discords: “The democratic process in this context governs independence referenda and does not interfere with the choice of a political system.”¹⁶ In this way international law can serve to mobilize broad-based opposition to cross-border mischief and predation.

The UN model of national statehood – central to the “embedded liberalism” that lays at the heart of the post-1945 project of reconstituting international order through international legal and financial institutions – can be safeguarded only through fidelity to the general norm of territorial integrity and respect for the “will of the people”, at least insofar as this is made manifest in a functional liberal democracy that is nominally dedicated to free, fair, and regular elections. On the one hand, self-determination is frequently characterized as a right or principle that is capable of being asserted and exercised only by a minimally cohesive and clearly identifiable “people”. Yet, it is only through the assertion and exercise of this right or principle that a determinate “people” is generally understood to come into being. Thus, the concept of collective self-determination would seem to presuppose the existence of the very “people” its operationalization is supposed to call forth.

The international legal framework described above is used to establish a legal order of sovereign political communities bearing the “inalienable right” according to the Friendly Relations Declaration to choose their own political system, and therefore to breach, to alter, or to overthrow their existing constitutions. The International Court of Justice noted in the Nicaragua case that to hold a state’s adherence to any governmental doctrine as a violation of customary international law “would make no sense of the fundamental principle of State sovereignty, on which the whole international law rests, and the freedom of choice of the political, social, economic and cultural system of a State.”¹⁷ The Badinter Commission reasoned that since the very existence of the Yugoslav state presupposed functioning federal institutions, the collapse of these institutions and the recourse to force entailed nothing less than “a process of dissolution” of the Yugoslav state into its ethnic components.¹⁸ Drawing on the Badinter Commission’s opinion, Syrian and Iraqi Kurds can claim that the continuing sectarian civil war in their countries creates legal reasons for the dissolution of the respective central governments in Baghdad and Damascus as these can no longer provide adequate protection to their citizenry.

According to the Commission, with the disappearance of central authority, the republics’ territorial relations *inter se* were to be governed (even before the territories’ objective emergence as states, let alone any formal external recognition) by the venerable principle of *uti possidetis*, which in the decolonization context had ascribed to the newly independent states their previous colonial boundaries.¹⁹ The Commission’s solution to dissolve existing boundaries at the expense of ethno-national claims for self-determination served not to thwart ethno-nationalism throughout Yugoslavia, but to realize exclusively those ethno-national aspirations that coincided with constitutionally-established boundaries. The democratic will of ethnic majorities within these territories would fuel secession and then the emergence of new sovereign states. It was seen as a corrective to colonialism, in the form of the authoritarian and ethnically unbalanced regime in Belgrad misrepresenting its populations within the term of prevailing socialism. In essence, self-determination is to be understood as the foundation of independent statehood, not as a constant threat to territorial

¹⁶ Jure Vidmar, *Democratic Statehood in International Law. The Emergence of New States in Post-Cold-War Practice* (Oxford: Hart 2013).

¹⁷ Military and Paramilitary Activities (Nicaragua v United State), 1986 ICJ 14 (27 June).

¹⁸ Conference on Yugoslavia Arb. Commission. Opinions on Questions Arising from the Dissolution of Yugoslavia, Jan. 11 and July 4, 1992.

¹⁹ *Ibid.*

integrity and *uti possidetis*. The extreme circumstances, which doom a territorially concentrated ethnic minority to subordination and predation within an inalterably adverse political community, might therefore justify relaxation of the rule of self-determination leading to statehood that is needed to pre-empt endless controversy and bloodletting. However, Kurdistan has a demographic coherence where territorial boundaries can easily be drawn.

Conclusion

Diplomatic efforts must be made to broadly inform the international community of attempts by Ankara to alter the status quo through the use of force so that a shared perception can be formed regarding the need to prevent an escalation of such activities vis-a-vis Syria and Iraq. Given the extent of these domestic challenges, such as the peaceful solution of the Kurdish question, it seems likely that the administration will continue to chart a unilateral foreign-policy course with a view to keeping regional actors at bay. To be sure, one cannot rule out the possibility that the current government will shift at some point to a hard-line, hawkish stance in hopes of fanning nationalist sentiment and strengthening unity at home. So what we fear most isn't '1914' by design, but by accident.

The AKP should abandon its use of populist, anti-Western and anti-Israeli rhetoric to boost its popularity in the run up to the June 2015 parliamentary elections. Failure will mean a return to nationalist and autarchic policies as well as continual violence and instability. If things go beyond what is originally expected, a regional modeling policy of Turkish hegemony might turn into a regional containment of Turkey. As a result of its sectarian policy, Turkey faces again hard power threats from the PKK, Iran, and Syria simultaneously, while struggling to reassess its relationship with the Free Syrian Army as the conflict intensifies. Meanwhile, the idea of a 'Turkish model' for the Middle East has butted up against stark demonstrations of the limits of Ankara's power in the region, with many policy initiatives not working out as planned. To promote the 'Turkish model' in the Middle East, Turkey must first guarantee democratic rights at home, including freedom of speech and press, minority rights, and freedom of – and from – religion. In this regard, it still needs the west, one of the anchors of liberal democracy in Turkey. Yet anyone who cares about the future of the western alliance with Turkey should not lose sight of ongoing trends that could potentially threaten the democratic nature of Turkey's security – and with it the possibility of a stable and secure peace between Turkey and its neighbors. In fact, Turkey's economic and political ascent remains deeply contingent upon preserving its bonds with the Western world. Assuming that Turkey remains a democratic system, continued partnership will be possible.

Even without a constitutional change, Erdoğan uses the presidency to wield maximum power. In his thinking, direct election provides him with a popular mandate, which goes far beyond the ceremonial functions inherent in a parliamentary system. Thus, Erdoğan also makes use of powers that the president has under the current constitutional set-up, such as chairing sessions of the cabinet. This scenario, where there is no formal installation of a presidential system, poses a challenge to legislative oversight. As long as the Kurdish peace process is on track, the HDP (left-wing People's Democratic Party), which has links to the pro-Kurdish Democratic Regions Party (DBP), will prefer to cooperate with Erdoğan rather than with what it considers the parties of the *ancien regime*, who are wedded to the notion of Turkey as a nation made by a single ethnicity. Once Erdoğan's party is reaffirmed in parliamentary elections, he could push more for constitutional change in order to overhaul the organization of the executive branch. Together with the pro-Kurdish HDP, the AKP might win enough seats in a future parliament to pass a constitutional draft to be put to a referendum. However, the HDP would not trade its support for anything less than

constitutional status for the Kurdish community and radical decentralization of power, leading to de facto 'democratic autonomy' for the east-Anatolian provinces. The AKP leadership has to balance such steps against concessions from the Kurds, and maintaining the approval of public opinion among the ethnic Turkish majority. Sealing a peace treaty will not be easy, especially given the opposition parties' estrangement: the Kemalist CHP (Republican People's Party) is at best lukewarm, while the MHP remains hostile. For their part, Kurdish politicians are distrustful of the AKP realizing their demands; there is a perception that the government's actions are directed at managing the issue rather than solving it. The crisis in Kobane and the Syrian PYD, which blames Turkey for nurturing enemy jihadists, are also feeding into the situation. Finally, the intelligence service and the armed forces have turned from blockers to stakeholders.

A law was passed at the end of 2014 giving a legal basis for the ongoing peace talks. This is a clear win-win scenario now that peace talks have reached the top of the policy agenda, yet the end is not in sight. However, domestic politics often trumps strategic thinking. Erdoğan himself treats the peace process primarily as a tool in the campaign that he wages against the parliamentary opposition. Periods of cooperation are followed by moments of crisis and stalemate. Should the peace deal derail, the AKP and the opposition would easily fall back into the usual blame game, as Erdoğan appropriates more power and rams through decisions in disregard of the opposition parties.

The EU will have to demand more strongly that the Turkish government respect the values of liberal democracy, ranging from freedom of expression to the rule of law and respect for human rights. Kurds and Alevis must enjoy full minority rights, and all citizens should be permitted to exercise increased control over politics through cultural and municipal decentralization. In doing so, Erdoğan may revive the peace process to address the domestic and regional challenges that the Kurdish question poses and secure Kurdish votes against his political rivals in the upcoming elections. In quid pro quo, the pro-Kurdish party HDP would be supported to implement its program of democratic autonomy in the localities that it commands. Indeed, such a Turkey would regain its constructive role in its neighborhood and also energize its relationship with the EU. Turkey must overcome sources of internal tension if it is to continue to thrive economically, consolidate its democracy, and act as a compelling example to others. Such a course of action would revitalize Turkey's democratic transition and credentials as a model capable of reconciling Western liberal values with a religiously conservative society.

To sum up, we may say that Kurds, Alevi and Orthodox citizens have once again been disappointed by the Turkish state. After great acclamation by the AKP, and fierce resistance from the neo-fascist MHP, the Erdoğan Administration used delaying tactics to postpone the process of democratization in Turkey. Instead of lowering the electoral threshold immediately to 7 or 5 per cent, Erdoğan opened an indefinite debate on the size of parliamentary constituencies. Neither the European Commission nor the ethnic and religious minorities were convinced by the AKP's long-awaited proclamation. The reforms thus suffered a setback through the Islamists' rejection of greater participatory rights for minorities in Turkish politics. In the end, the abolition of both the freedom-averse anti-terror legislation and the criminal code was not even mentioned by Erdoğan; this does not augur well for the anticipated new Turkish Constitution. While both Erdoğan and Davutoğlu offered an apology to the Alevi Kurds for the massacre in their homeland, in the Dersim region of Kurdistan, in 1937/38, the Kemalist CHP refused to give any official statement acknowledging, not to mention offering condolence for, its past crimes against humanity. In addition, the neo-fascist MHP tragically provoked this religious minority by propagating and legitimating the thousands of atrocities 'in the defense of the Republic' during a so-called uprising. To overcome obstacles in its domestic politics and in its foreign policy, the Islamic-conservative

government must urgently proceed with the project of democratization, and encourage its neighbors to follow the path to peace, stability, and prosperity. Yet, the region remains a powder keg, and the longer the peace process drags on, the larger the risk of explosion looms.

A security bill also risks jeopardizing the peace process between the Turkish government and the Kurdistan Workers' Party (PKK). The bill broadens police powers to carry out searches during protests and gives police the power to detain people for up to 48 hours without the authorization of a prosecutor. It also permits police to use firearms to prevent an attack in a public place against people using Molotov cocktails or similar weapons. It gives provincial governors the authority to instruct police to pursue suspects, without needing to go through the judiciary. The bill boosts police powers to search people and property and increases penalties for carrying petrol bombs, slingshots and fireworks – all commonly used in Kurdish protests. Anyone hiding their face with headscarves at militant protests will face up to five years in jail. Critics say that the new measures are part of a steady march toward blocking mass demonstrations that threaten Erdoğan's iron grip over Turkish politics.

Having realized this dangerous constellation, the AKP government withdrew its controversial homeland security bill from parliament and sent it temporarily back to a committee for further revision. This move appeared to be a concession to the pro-Kurdish opposition in parliament to avoid damaging a fragile peace process with Kurdish rebels. Over half the articles in the 130-clause security bill have already been approved by parliament. The bill has proven to be one of Turkey's most contentious pieces of legislation in recent years. Opponents fear that the bill, which the government claims is necessary for the security of citizens during protests, will turn Turkey into a virtual police state with the police given sweeping new powers to arrest and even fire on protesters.

The opposition party HDP vehemently opposes the bill but is also negotiating with the government over an end to the three-decade armed separatist Kurdish insurgency. Expectations were growing of a major breakthrough in the peace process ahead of the Kurdish New Year on March 21, 2015 and the government did apparently not want to risk the fragile talks. In a landmark message on February 28, 2015, Abdullah Öcalan, the nominal head of the Kurdistan Workers' Party (PKK), urged the separatists to take a "historic" decision to lay down arms. Now the security bill will receive the AKP's parliamentary approval, as Öcalan's call was renewed on March 21, 2015. With the intensity of talks subsiding, HDP lawmakers are not given state permission to mediate in a shuttle diplomacy between the Imrali Island in the Aegean where Öcalan is incarcerated and the Kandil Mountains area of northern Iraq where the PKK's armed wing is based.

The peace talks are overshadowed by the election campaign where both parties appeal to the Kurdish electorate. The HDP, running for the first time on a party platform, now faces the 10% threshold. In prior elections, the pro-Kurdish parties had put individual candidates on the ballot to prevent the AKP from winning the electoral majority in the Kurdish provinces. Not surprisingly, Erdoğan rejected the existence of a Kurdish question in a campaign speech, HDP co-chair Selahattin Demirtaş reacted by declining to support the constitutional amendment designed to introduce a presidential system much-wanted by Erdoğan. Unlike former presidents who remained neutral during their tenure, Erdoğan polarizes Turkish politics with his polemical speeches directed against his political opponents. Therefore, all opposition parties (CHP, MHP and HDP) have become united in their rejection of Erdoğan's proposed presidential system in Turkey before the parliamentary elections in June 2015.

The pro-Kurdish party HDP demands no less than the recognition of the Kurds as an ethnic minority, of Kurdish as an official language in the country's constitution, and broad autonomy for the Kurdish East. The ruling party has Kurdish votes to gain from such a

bargain. As a recent NYT editorial stated, “Mr. Erdoğan is more concerned with opposing Kurdish autonomy within Syria and with bringing down the Syrian president, Bashar al-Assad”²⁰. As it vies for influence in Syria and Iraq, Ankara needs to make peace and reconcile with its Kurdish minority, whose time has come for its moment in history and the region. Turkey's determination to diversify its oil and natural gas sources also serves as a major incentive to deepen relations with the Kurdistan Regional Government.

To achieve regional hegemony, Turkey must prove that as a Muslim nation, it is ready to treat all its citizens equally, especially its religious and ethnic minorities. In order for Turkey to rise as a regional power and lead the regional movement for democratic change it has to peacefully solve the Kurdish question and thus provide more diversity, constitutional equality and citizens' rights within the country. Turkey's latest challenge will be proving its credentials as a liberal democracy while debate continues on drafting its first civilian constitution. Therefore, Soner Çağaptay, from The Washington Institute for Near East Policy, underlines the necessity of a “lasting peace [which] would neutralize the ‘Kurdish card’ that Turkey's rivals have long played when they wished to push back against Turkish regional ambitions.”²¹

One of the leading AKP executives, Bülent Arınç put the blame for the imprisoned Öcalan's not giving a date for the PKK's disarmament to congress on Erdoğan's denial of the Kurdish question in March 2015, right before the Kurdish New Year, and on his rejection of a monitoring committee. Arınç accused Erdoğan of undue intervention into the peace process asserting that not the president but the government determines the direction of Turkish politics. Erdoğan responded harshly that he had the right to make politics. However, according to the Turkish constitution, the presidency is limited to a representative office. With this in mind, Davutoğlu called on all parties “to abstain from tactical maneuvers” that could torpedo the resolution process, reaffirming his commitment to solve the Kurdish question. In a show of party unity, Davutoğlu succeeded in calming down the parties to the dispute within the AKP. During the neo-fascist MHP's party convention, its leader Devlet Bahçeli accused the president of high treason in appeasing “the incarcerated terrorist” at Imrali Island – meaning Öcalan; while Erdoğan's calculation sought to appeal to the nationalist voters by denouncing the peace process, Bahçeli countered this with apolitical campaign rhetoric.

With his most recent outburst, Erdoğan has not only endangered attempts at reconciliation with the Kurdish minority, but also his ability within the AKP to empower the hawkish critics of the ongoing negotiations with the Kurdish rebels. The PKK hardliner, Cemil Bayık, has thus stated that “Öcalan's proposal for disarmament constitutes a declaration of intent rather than a decision.” Negotiations between Öcalan and the AKP are ongoing, and changes in AKP-PKK dynamics may yet prompt a strategic shift. Such an outcome, however, will also be crucial for the Kurdish movement as a whole. If the HDP fails to reach the 10 percent threshold on June 7, 2015, all formerly HDP-aligned seats are likely to go to the Kurdish regions' next-most-popular party, the ruling AKP. Erdoğan's AKP will therefore be further empowered to change the constitution unilaterally and introduce a presidential system in his vision.

The ability for Kurdish parties to negotiate with Erdoğan would be severely limited, whereby the HDP will be blamed for allowing Erdoğan to secure his power. Nonetheless, the HDP's decision to formally participate in the parliamentary election came after its co-chairman, Selahattin Demirtaş, received 9.8 percent of the vote in the presidential contest in August 2014. Should the HDP pass the 10 percent threshold, the party could secure more

²⁰ “Turkey's Drift from NATO”. *New York Times*, Editorial Board, March 13, 2015.

²¹ Soner Çağaptay, *The Rise of Turkey. The Twenty-First Century's First Muslim Power*. Sterling: Potomac Books, p. 67.

than 50 seats in parliament, an unprecedented victory in Kurdish politics. Within Kurdish politics, the HDP supports *Türkiyelileşme* – the idea that Kurds should pursue a political future within Turkey’s legal system – over separatism. If the HDP falls short, the Kurdish movement is said to establish a Kurdistan parliament in Diyarbakir and ratchet up criticism that Kurds have no political representation in Turkey’s parliament. In the event of the HDP’s failure, the DBP (Democratic Regions’ Party) will become the foremost legal Kurdish party, which places special emphasis on self-determination in Kurdish populated regions. The DBP, which competes in local elections and represents the municipalities, hopes that these bold steps would push Erdoğan to step up negotiations and fulfill his promise to pursue decentralization in Kurdish-majority regions.

President Erdoğan is not the only leader who feels he must deliver to reach a framework for a peace agreement. Prime Minister Davutoğlu has staked his political present and future on his ability to conclude a deal. So far, the great majority of the Turkish and Kurdish peoples are staying with him, beckoned by the promise of reconciliation and better economic times. Yet just as the AKP is facing strong resistance from the nationalist bloc, the peace negotiators are contending with powerful Gülenist opponents. Thus, the anti-Gülen campaign in state institutions shows astounding similarities with US Senator McCarthy’s anti-Communist crusade in the early years of the Cold War. As the opposition fails to check and balance the AKP, much depends on the burgeoning civil society, constituting a grass-roots control on the AKP’s majoritarian prerogatives amply demonstrated in the Gezi Protests of 2013. “Democracy is more than just winning elections,” former President Abdullah Gül asserted, rightfully criticizing the brutal crackdowns of riot police on civil disobedient and peaceful protesters. In the end, the AKP should not fall victim to its electoral successes and sink into political stagnation, hubris, and self-praise. It should follow through with the process of democratization with the creation of a new egalitarian constitution to uphold its Western alignment by way of the EU accession bid.

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