

# A belated awakening: National and international responses to the internal displacement of Kurds in Turkey

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Internal displacement has replaced the flows of border-crossing refugees as the major form of forced migration across the world in the past two decades. International organizations seek to have a central role in providing assistance to internally displaced persons (IDPs) although this phenomenon comes under the traditional realm of state sovereignty, in contrast to the refugee regime, which is part of international law. The evolving international IDP regime has triggered policy and scholarly debates about various aspects of state responsibility and international assistance. On one hand, when states fail to provide protection to the displaced, the decision to take international action is often selective and depends to a large extent on the balance of geopolitical interests of powerful donor states. On the other hand, extant international humanitarian assistance practices also face criticism for having created new modes of power over displaced groups.

The displacement of several hundred thousand people in the Kurdish-populated southeastern region of Turkey during the 1990s and recent deliberations about how to protect and assist them constitute a very important case which demonstrates the nexus between the workings of the interstate system, state sovereignty and the regulation and control of target populations. After years of neglecting the plight of people evicted from their homes in the course of the armed conflict with Kurdish guerillas,

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Turkish authorities have agreed to tackle this problem under international pressure within the context of Turkey's bid to join the European Union. The official perspective has shifted in recent years from denying this phenomenon and ignoring its consequences to an ambiguous policy of regulation.

In this essay,<sup>1</sup> we argue that this regulation takes place within the framework of a depoliticized policy discourse centered on "regional development" which is taking shape in the course of the interactions between the Turkish government, the EU and the UN. We say that this discourse is depoliticized since it disentangles the phenomenon of internal displacement from the Kurdish issue<sup>2</sup> as a political problem and instead links it to a "technical" agenda of development. In this process, issues of accountability, justice and reconciliation are tacitly circumvented not only by the government, but by the EU and the UN as well.

In order to situate displacement in Turkey within a broader context, we first discuss the global IDP crisis and international responses to it. We raise two sets of issues in this context: first, the tensions between international action and sovereignty in the context of the emerging international IDP regime, and second, the pitfalls of humanitarian assistance programs in opening the way for the construction of new forms of power relations regarding displaced groups. Then, a retrospective account of displacement in southeastern Turkey during the 1990s is given. Official non-acknowledgement and hence the lack of programs of assistance to displaced villagers have carried internal displacement to the plane of urban poverty and destitution. In the wake of the military victory over the PKK in 1998, the government formally allowed displaced people to return to their villages, albeit with restrictions. However, we maintain that it was Turkey's candidacy to the EU, granted in 1999 at the Helsinki Summit, which

1 This essay is based on our fieldwork consisting of a total of 75 interviews conducted between Spring 2004-Spring 2005. As part of our field research we interviewed high ranking bureaucrats, MPs and representatives of international agencies in Ankara, and journalists, NGO representatives, local politicians, local government officials, former and current mayors and municipal officials in İstanbul and Diyarbakır. We also conducted in-depth interviews (some with the help of an interpreter) with IDPs in İstanbul and Diyarbakır. In addition, we scanned newspaper coverage, NGOs' and official reports and parliament proceedings pertaining to this topic. Part of the fieldwork in Diyarbakır took place as part of Deniz Yüksek's work for the "Working and Monitoring Group on Post Internal Displacement Restitution of Rights" under the direction of the Turkish Economic and Social Studies Foundation (TESEV).

2 The public discourse in Turkey has been using *Kürt Sorunu* as the common term to describe issues relevant to Kurdish identity or the Kurdish conflict. Scholars have often translated this term as the "Kurdish question." Since this term is highly problematic because it points to the Kurds as the problem rather than the politics of the Turkish state, we use "Kurdish issue" as a relatively less charged term in this essay.

initiated the political process resulting in a gradual policy change by the government. The visit of the UN Special Representative for IDPs to Turkey in 2002 represents a milestone after which the government began to collaborate with the UN on internal displacement in Turkey. Another major development was Turkey's quest to secure the European Commission's approval for starting accession negotiations in 2004, during which a compensation bill was passed by the parliament and a government-initiated study on IDPs was launched. After analyzing the unfolding of this process, we discuss the shortcomings of the emerging policies. We argue that the policy discourse that is in formation is geared more towards *regulating* the consequences of displacement and less towards bringing a lasting solution to it. Therefore, in the absence of efforts for a durable solution to the Kurdish issue, the fate of IDPs will continue to depend on the contingent political situation in the Southeast where armed clashes have recently revived.

### **The global problem of internal displacement**

The forced internal displacement of people has been described as one of the most pressing global crises of the twenty-first century.<sup>3</sup> After the end of the Cold War, a drastic increase in ethnic conflict and intra-state wars has led to the massive displacement of people within their countries. While in 1982, 1.2 million internally displaced persons (IDPs) were counted in 11 countries, today, an estimated 25 million IDPs live uprooted in 49 countries: "In 1993 and 1994 alone, internal conflicts worldwide forced an estimated 10,000 persons a day to flee their homes."<sup>4</sup> In the meantime, the number of refugees has declined to less than 12 million worldwide. Almost all continents are affected: the largest number of IDPs can be found in Africa, with over 13 million. This is followed by 3-4 million in Asia, 3-4 million in South America, 3 million in Europe and over 2 million in the Middle East.<sup>5</sup>

Because IDPs flee within their country and do not cross a state border, they are not considered refugees from a legal perspective and hence remain outside of the protection system of the international refugee regime. While

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3 GAO, "Internally Displaced Persons Lack Effective Protection," (Report to the Chairman and the Ranking Minority Member, Committee on Foreign Relations, U.S. Senate by the US General Accounting Office, 2001), Erin Mooney, "Towards a Protection Regime for Internally Displaced Persons," in *Refugees and Forced Displacement-International Security, Human Vulnerability, and the State*, ed. Edward Newman and Joanne van Selm (New York: United Nations University Press, 2003).

4 Roberta Cohen and Francis Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington D.C.: Brookings Institutions Press, 1998), 3.

5 Global IDP Project, *Internal Displacement - Global Overview of Trends and in 2004* (Norwegian Refugee Council, 2005); available from [http://www.idpproject.org/global\\_overview.htm](http://www.idpproject.org/global_overview.htm).

a binding legal definition is still absent for IDPs, the “Guiding Principles on Internal Displacement” describe them as

...persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.<sup>6</sup>

There is no binding law or a powerful international agency dedicated to IDPs’ plight since the international state system regards internal displacement as an internal problem of the respective states. The conventional principle of sovereignty assigns responsibility for the protection of IDPs to nation-states, and only with the states’ consent can international organizations intervene with relief efforts. This is highly paradoxical since it is often the very states themselves which have deliberately caused IDPs to leave their homes. The expectation that states would protect their IDPs and/or effectively cooperate with international organizations to improve the situation of IDPs has so far not been fulfilled. Rather, the fact that most cases of internal displacement prove to be protracted over many years shows that governments rarely do take up their responsibility towards IDPs. Since many of the post Cold War internal wars were caused by national identity crises or ethnic conflicts, IDPs are often not seen as victims by the government but as partisans of the conflict. Especially when IDPs belong to a national minority or a marginalized group peripheral to the dominant identity group, IDPs are often seen as enemies rather than as citizens to be protected.<sup>7</sup> Trapped in the paradox of sovereignty, IDPs thus become one of the most vulnerable groups in the international state system lacking effective domestic and international protection.

The conventional notion of sovereignty has been challenged in academic and policy circles in the aftermath of the end of the Cold War and the subsequent increase in intra-state wars.<sup>8</sup> Spurred by “Operation Provide

6 Cohen and Deng, *Masses in Flight*, 305.

7 Roberta Cohen, “Sovereignty as Responsibility: The Guiding Principles on Internal Displacement” (paper presented at the Calcutta Research Group and the Refugee Studies Centre at Jadavpur University, December 2003).

8 One important contribution to the debate was pushed forward by the Special Representative for IDPs, Francis Deng. In his concept of “sovereignty as responsibility,” Deng offers a positive interpretation of sovereignty where states should “invite or at least welcome international assistance to complement national efforts.” This formulation is particularly relevant for the IDP problem. He argues that if a state cannot provide protection for its citizens, then it is its *duty* to allow international

Comfort” in Iraq 1991, these discussions evolved mainly around the issue of humanitarian interventions.<sup>9</sup> The 1990s were marked by a rapid increase in the number of humanitarian interventions, which sometimes took the plight of displaced persons as their main motive for international action.<sup>10</sup> Yet sharp criticisms towards the apparent contingency of the decision for military intervention on behalf of displaced people – mostly depending on the geopolitical interests of powerful states – have accompanied the increase in interventions.<sup>11</sup> While some cases of displacement led to military interventions, others remained unnoticed by the international community. This divergence in the international reactions to the situation of IDPs illustrates that their fate depends not only on the actions of their state, but to a significant degree on the actions of the international community as well. Thus, the problem of internal displacement is as much a problem for national governments as it is for the international community.

### International responses to internal displacement

What have been the key responses of the international community since the problem of internal displacement surfaced on the global agenda? In 1992, the UN Secretary General appointed Francis Deng as his Special

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actors to provide assistance. This conceptualization of sovereignty is an attempt to prevent a state from misusing sovereignty as a shield for abusing its population; see Francis Deng, “The Plight of the Internally Displaced: A Challenge to the International Community” (paper presented at the UN High-Level Panel on Threats, Challenges and Change, April 8, 2004).

- 9 For a discussion on the political and ethical aspects of the humanitarian intervention in Iraq, see Howard Adelman, “The Ethics of Humanitarian Intervention: The Case of Kurdish Refugees,” *Public Affairs Quarterly* 6, no. 1 (1992), Kemal Kirişçi and Gareth Winrow, *The Kurdish Question and Turkey: An Example of a Trans-State Ethnic Conflict* (London: Frank Cass, 1997).
- 10 UN Security Council’s Resolution 688 on Iraq was the first resolution where displacement and civilian repression were elevated to reasons for breaching state sovereignty. It laid the ground for subsequent humanitarian interventions of the 1990s. For a discussion, see Robert C. DiPrizio, *Armed Humanitarians: U.S. Interventions from Northern Iraq to Kosovo* (Baltimore: Johns Hopkins University Press, 2002), Simon Duke, “The State and Human Rights: Sovereignty versus Humanitarian Intervention,” *International Relations* 12, no. 2 (1994), John Harriss, ed., *The Politics of Humanitarian Intervention* (London: Pinter, 1995).
- 11 For instance, some have argued that one of the motives behind the humanitarian interventions in the 1990s was North American and European powers’ quest to stem the tide of refugees by extending humanitarian assistance to displaced people *before* they crossed international borders. This concern emerged in the course of the ethnic strife in the Balkans and the refugee crisis in northern Iraq in 1991 (e.g., Mark Barutciski, “Tensions between the Refugee Concept and the IDP Debate,” *Forced Migration Review* 3 (1998), Bill Frelick, “The False Promise of Operation Provide Comfort: Protecting Refugees or Protecting State Power?” *Middle East Report* (May-June 1992), Bonaventure Rutinwa, “How Tense is the Tension between the Refugee Concept and the IDP Debate?” *Forced Migration Review*, no. 4 (1999). The divergent positions of western powers on the Iraqi refugee crisis in 1991 on one hand and Kurdish internal displacement in Turkey on the other illustrate the prioritizing of geopolitical interests over humanitarian concerns for IDPs. However, a further discussion of this crucial issue is beyond the scope of this essay.

Representative on Internal Displacement (RSG). While the appointment reflected an acknowledgement of the global crisis of internal displacement, the mandate was very limited with its temporary, voluntary, part-time form without any allocation of funds. The most notable achievement of the mandate was the development of a normative framework for the protection of IDPs: the “Guiding Principles on Internal Displacement.” The Guiding Principles are a set of non-binding norms based on refugee, human rights and humanitarian law. They aim to provide protection guidelines to be followed by political authorities as well as NGOs and humanitarian organizations working with IDPs. Consisting of 30 items, the Guiding Principles cover all phases of internal displacement, ranging from the right not to be arbitrarily displaced, to standards for protection during displacement and standards for protection during return, resettlement and reintegration. As members of the Deng team emphasize, the goal of the principles are “not to create a privileged status for IDPs but rather to ensure that, in a given situation, they, like others, would be protected and their unique needs would be acknowledged and addressed.”<sup>12</sup> Hence the ultimate purpose of the Guiding Principles is to respond to the particular needs of IDPs and to guarantee their human rights.<sup>13</sup>

The Guiding Principles were developed upon the request of the UN Commission of Human Rights in 1996 to prepare an “appropriate framework” for the protection of IDPs. As the Deng team was quite aware of, the demand was not for a “legal” or “binding” framework, but an “appropriate” one.<sup>14</sup> This wording of the request demonstrates quite well the unease of the UN regarding the issue: while on one hand, the need for an immediate response to the global crisis of internal displacement has been apparent, at the same time the cooperation of UN member states has been rather half-hearted, given that displacement is often caused by states themselves. The general reluctance of member states to advance restrictions on state sovereignty contributed to the unwillingness for further institutionalization of an IDP regime. This resulted in the preference for a “soft regime” in which the Guiding Principles are endorsed by the UN, yet no separate agency has been set up to implement them.

12 Roberta Cohen, “The Guiding Principles on Internal Displacement: An Innovation in International Standard Setting,” *Global Governance* 10 (2004): 463. See, also, Mooney, “Towards a Protection Regime.”

13 The emphasis on the human rights of IDPs was reinforced when the title of the RSG mandate was changed from “Special Representative on Internal Displacement” to “Special Representative on the Human Rights of Internally Displaced Persons” in 2004.

14 Walter Kälin, “How Hard is Soft Law? The Guiding Principles on Internal Displacement and the Need for a Normative Framework” (paper presented at the Roundtable Meeting, Ralph Bunche Institute for International Studies, CUNY Graduate Center, December 19 2001).

Although the development and dissemination of the Guiding Principles have been successful, their implementation has not.<sup>15</sup> Instead of creating a new agency for IDPs, the UN preferred a “collaborative approach” where existing agencies such as the UNHCR, the newly created IDP division at OCHA (Office of Coordination of Humanitarian Affairs) and the International Red Cross cooperate on the issue of internal displacement with the Emergency Relief Coordinator (ERC) as the focal point.<sup>16</sup> UN officials occasionally acknowledge problems of coordination among these agencies, yet overall, this collaborative approach seems to suffice for the UN since no further initiatives to create a separate agency have been taken. However, recent reports evaluating international activities on behalf of internally displaced persons raised alarm by concluding that IDPs still lack effective protection.<sup>17</sup>

Critics of the current soft regime for IDPs compare it to the evolution of the international refugee regime. The development of a binding international refugee regime from the 1950s onwards was motivated by political interests of the US and European powers.<sup>18</sup> In contrast to the

15 Five countries with IDP populations (Angola, Burundi, Colombia, Liberia, Sri Lanka) have already integrated the Guiding Principles into their national law; Mexico, Uganda and Sudan are in the process of doing so. See Walter Kälin, Online Interview with IRIN (January 2005); available from <http://www.irinnews.org>.

16 Mooney, “Towards a Protection Regime,” 167-172.

17 One such report was published in 2001 by the US General Accounting Office which conducted a survey in 48 IDP-affected countries. The report concludes that “international organizations have been unable to secure effective protection for internally displaced persons as set forth in the Guiding Principles on Internal Displacement, although they have made some effort to do so” (GAO, “Internally Displaced Persons Lack Effective Protection,” 3). The study criticizes that international organizations are not assertive enough, do not use their existing possibilities and fail to take proactive measures such as establishing country-level coordination mechanisms. Due to fear of endangering their relationship with the respective governments, international organizations avoid challenging governments on protection matters. A subsequent field study by the IDP Unit at OCHA and the Brookings-SAIS Project on Internal Displacement in nine IDP-affected countries corroborated the findings of the GAO Report; see Simon Bagshaw and Diane Paul, *Protect or Neglect? Toward a More Effective Approach to the Protection of Internally Displaced Persons* (Washington D.C.: The Brookings-SAIS Project on Internal Displacement, 2004). These two reports show not only the existence of practical and technical problems in the soft IDP regime, but also the absence of a serious international commitment to the situation of IDPs – even among UN agencies.

18 Frelick explains how the interests of Western European states following World War II regarding refugees from communist Eastern Europe were responsible for the state and Eurocentric definition of a “refugee” in the 1951 convention. Even though the geographical limits of the application of the convention were dropped in 1967, he argues, “the implicit Western and Eurocentric state bias remained untouched.” Frelick, “The False Promise of Operation Provide Comfort,” 23. Furthermore, Suhrke contends that US interests during the 1970s Indochinese refugee crisis had a major impact in the expansion of the UNHCR, see Astrid Suhrke, “Reflections on Regime Change,” *Forced Migration Review*, no. 17 (2003). Both authors see the absence of hegemonic forces as the central reason for the soft IDP regime, in which even the very term IDP remains a description rather than a legal definition.

emergence of the refugee regime, small states such as Norway and Austria have pushed for an international protection regime for IDPs.<sup>19</sup> Studies on the European and US policies on internal displacement have shown that while there is an acknowledgement of the IDP problem, consistent policies have not been developed so far: IDPs are “present, but not accounted for.”<sup>20</sup> The priority of powerful Western states to contain the flow of asylum-seekers has often led to generous funding for humanitarian aid in conflict-zones, yet so far it has not been accompanied by assertive and consistent policies for the protection of IDPs. Hence, this dependency on the geopolitical interests of the seemingly neutral “international community” makes IDPs a highly vulnerable group at the global scale.

### Humanitarianism as a form of regulation

The criticism towards the international community is not limited to the absence of a binding regime for the protection of and humanitarian assistance to internally displaced groups. Scholarship informed by critical theory emphasizes that existing humanitarian policies and practices targeting forced migrants often lead to the creation of new fields of power.<sup>21</sup> According to this view, international agencies create new forms of knowledge, discourses and new categories in the course of giving aid to, providing shelter for, and processing the applications of, refugees and displaced people.<sup>22</sup> For instance, international agencies form new subject categories so that humanitarian aid and other forms of assistance can be allocated. “Refugees,” “internally displaced persons,” “vulnerable groups” and “demobilized combatants” are some of those categories.<sup>23</sup> Such subject categories objectify

19 Cohen, “The Guiding Principles on Internal Displacement.”

20 James Kunder, *The U.S. Government and Internally Displaced Persons: Present, but not Accounted For* (Washington D.C.: The Brookings Institution and The U.S. Committee For Refugees, 1999). For European donor policies towards IDPs, see Philip Rudge, *The Need for a More Focused Response – European Donor Policies toward Internally Displaced Persons* (Washington D.C.: Brookings: CUNY Project on Internal Displacement, the Norwegian Refugee Council and the U.S. Committee for Refugees, 2002). For reports on US policies towards IDPs, see GAO, “Internally Displaced Persons Lack Effective Protection.”, Kunder, *The U.S. Government and Internally Displaced Persons*, USAID, *USAID Assistance to Internally Displaced Persons Policy* (Washington D.C.: USAID, October 2004).

21 The main theoretical insight that informs these studies is Michel Foucault’s work on discourses and power relations. For instance, see Paul Rabinow, ed., *The Foucault Reader* (New York: Pantheon Books, 1984). Power is a productive force which helps translate certain viewpoints into practices, policies and institutions. When translated into policies, such power “acts on and through the agency and subjectivity of individuals” since people become involved in governing themselves. Cris Shore and Susan Wright, “Policy: A New Field of Anthropology,” in *Anthropology of Policy: Critical Perspectives on Governance and Power*, ed. Cris Shore and Susan Wright (London: Routledge, 1997), 6.

22 Barbara Harrell-Bond, “Can Humanitarian Work with Refugees Be Humane?” *Human Rights Quarterly*, no. 24 (2002), Jennifer Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism* (Minneapolis: University of Minnesota Press, 2000).

23 Birgitte R. Sorensen, “Anthropological Contributions to Forced Migration Studies: Critical Analysis



target populations by depoliticizing their plight and by assuming that their characteristics, needs and wants are homogeneous. Put differently, these terms categorize people in terms of their victimization and for purposes of allocating humanitarian assistance, pushing aside other forms of identification<sup>24</sup> (such as in terms of ethnicity, political choices and so on).

Parallel to this, there has also emerged a vocabulary about conflict-related problems such as “post-conflict reconstruction,” “rehabilitation” and “capacity building.” Critical scholarship on forced migration argues that such policy-oriented terms have a link to the “discourse of development”<sup>25</sup> not only in assuming the possibility of linear solutions to problems (informed by modernization theory), but also in terms of their emphasis on poverty alleviation, employment creation, reconstruction, etc. Therefore, policies informed by the discourse of development tend to depoliticize the consequences of armed conflicts since they lay emphasis on “technical” issues rather than political struggles, demands and claims. In a nutshell, international agencies create an object by first defining the problem and then identifying the best methods of policy intervention. In this way, the problem and its suggested solution constitute a single entity, or part of the same discourse, and hence they are rendered integral parts of the same power relations.<sup>26</sup>

When viewed through the prism of critical studies on forced migration, a set of issues specific to IDPs are brought to the fore: international organizations often assume that IDPs are homogeneous groups with identical problems and needs. A related policy priority of international agencies is the swift “return, resettlement and reintegration” of IDPs. What is behind this policy priority is the view that displacement is a single, temporal phenomenon rather than a social process protracted over many years. Related to the previous point, IDPs are often assumed to want to go back home.

How can we assess the Turkish case in light of critical forced migration studies? In some respects, the above-mentioned criticisms seem to be only

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and Ethnography,” *Acta Geographica* (forthcoming).

24 Liisa H. Malkki, “Refugees and Exile: From ‘Refugee Studies’ to the National Order of Things,” *Annual Review of Anthropology*, no. 24 (1995).

25 Here, we are alluding to the notion of “development discourse” as discussed by Arturo Escobar. He describes the development discourse as having created an “apparatus for producing knowledge about, and exercising power over, the Third World” (Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World* (Princeton: Princeton University Press, 1995), 9.). Escobar refers to the entire corpus of theories, strategies and policies produced under the rubric of development studies in the postwar period. The sense in which we use “development discourse” in the context of forced migration studies refers to a much more limited discursive practice.

26 Sorensen, “Anthropological Contributions to Forced Migration Studies.”

remotely relevant to the Turkish case because of certain particularities. Since the state did not allow any international assistance in the immediate aftermath of the displacement of Kurds, it was out of question for international organizations to exercise control over IDPs through humanitarian practices. Put differently, IDPs' problems were entirely left to the initiative of the sovereign nation-state. But even in the absence of international intervention, the state gradually began to frame IDP-related issues within a developmental language. Moreover, the recently emerging collaboration among Turkey, the UN and the EU on the issue of internal displacement is bolstering the regulation of post-displacement problems through a discourse of development. Thus, in light of the critical literature on forced migration, one of our goals is to describe how the developmental policy discourse is being reinforced in the course of diplomatic cooperation. Another of our aims is to lay bare the problems occasioned by this policy discourse: For instance, can we make generalizations about the conditions and problems of Kurdish IDPs? Can policies with a developmental agenda fully address IDPs' expectations and aspirations? And hence, can currently implemented policies solve the IDP problem in a durable way?

However, the setting in which this discourse is being constructed cannot be grasped before we identify the particularities of the Turkish case. For almost a decade, Turkey's policy of denial and neglect was accompanied by silence and inaction on the part of the international community. While forced displacement in the surrounding region triggered strong international reactions by western countries and the UN, the displacement of Kurds in Turkey went diplomatically relatively unnoticed. It was only in the course of Turkey's efforts to secure the EU's approval for starting accession negotiations that international pressure became enforceable and the government began a dialogue with international agencies on its problem of internal displacement. But so far, the policy discourse that is taking shape under international guidance promotes a depoliticized approach that disentangles forced displacement from its causes, namely the Kurdish issue in Turkey.

### **The internal displacement of Kurds in Turkey**

During the 1990s, several hundred thousand people were internally displaced in the Kurdish-populated southeastern and eastern provinces of Turkey in the course of the "low intensity conflict" between Turkish security forces and Kurdish militants.<sup>27</sup> A parliamentary investigation report in 1998 put the figure of the internally displaced at 378,335, based

27 In addition to the internally displaced, more than 13,000 people fled across the border to northern

on numbers provided by the State of Emergency Governorship (*Olağanüstü Hal Valiliği*).<sup>28</sup> This figure reflected the evacuation of 905 villages and 2,523 hamlets by the security forces and the PKK. Domestic human rights organizations, on the other hand, estimated the number of Kurdish<sup>29</sup> forced migrants<sup>30</sup> as high as three million.<sup>31</sup> Neither number is based on a systematic estimate or count, but the discrepancy is foremost due to an inconsistency in definitions. The “official” numbers were based on the 1990 general population census figures for villages and hamlets whose residents were subsequently completely evicted. NGOs, on the other hand, consider as forced migrants all people forced or compelled to leave their homes because of feelings of insecurity, armed clashes, military-imposed food embargoes as well as threats by the security forces, the PKK and government-employed village guards (*köy korucuları*).<sup>32</sup> By the mid-

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Iraq, about 9,300 of whom were settled in the Makhmour camp. See UNHCR, *Briefing Paper on Voluntary Repatriation of Turkish Refugees from Northern Iraq* (May 1, 2004). This essay does not concern those refugees.

- 28 This was the report of the Parliamentary Investigation Committee set up in 1997 for finding solutions to the problems of citizens who migrated because of village evacuations. See “Doğu ve Güneydoğu Anadolu’da Boşaltılan Yerleşim Birimleri Nedeniyle Göç Eden Yurttaşlarımızın Sorunlarının Araştırılarak Alınması Gereken Tedbirlerin Tespit Edilmesi Amacıyla Kurulan Meclis Araştırma Komisyonu Raporu,” *T.B.M.M. Tutanak Dergisi* 53 (Dönem 20), June 2, 1998, available from <http://www.tbmm.gov.tr/tutanak/donem20/yil2/bas/b108m.htm>. But as of 2005, the Ministry of the Interior has lowered the number of evicted people to about 353,000 from 930 villages and 2,018 hamlets, arguing that the previous figure erroneously included some economic migrants, see İçişleri Bakanlığı, *Köye Dönüş ve Rehabilitasyon Projesi Bilgi Notu* (May 2004 [accessed September 7, 2004]); available from <http://www.icisleri.gov.tr/apk/Daireler/AnaSayfa/kKOyeDonus2004.htm>.
- 29 Not surprisingly, there are no figures indicating the ethnic composition of the internally displaced population in the southeast. However, the overwhelming majority must be Muslim Kurds, with some exceptional cases such as the eviction of Assyrian Christians (*Süryani*) and Kurds belonging to the Yezidi sect in some villages of the Mardin, Batman and Şırnak provinces (e.g., HRW, *Displaced and Disregarded: Turkey's Failing Village Return Program*, in vol. 14, no. 7 (October 2002), available from <http://hrw.org/reports/2002/turkey/Turkey1002.pdf>; Nazif İflazoğlu, “Süryanilerin Bir Ricası Var,” *Radikal*, September 25, 2004.) In this essay, we refer to “Kurdish internal displacement” although bearing in mind the exceptional cases.
- 30 In this essay we use the terms “internally displaced persons” and “forced migrants” interchangeably regarding the Turkish case. NGOs, journalists, politicians and IDPs in Turkey have exclusively used the latter term until UN terminology was introduced within the framework of international cooperation in the past few years.
- 31 For instance, see Mehmet Barut, *Zorunlu Göçe Maruz Kalan Kürt Kökenli T.C. Vatandaşlarının Göç Öncesi ve Göç Sonrası Sosyo Ekonomik, Sosyo Kültürel Durumları, Askeri Çatışma ve Gerginlik Politikaları Sonucu Meydana Gelen Göçün Ortaya Çıkardığı Sorunlar ve Göç Mağduru Ailelerin Geriye Dönüş Eğilimlerinin Araştırılması ve Çözüm Önerileri* (İstanbul: Göç-Der, 1999-2001).
- 32 The parliament report stated that the numbers it provided did not include partially evacuated villages and it conceded that the official figures might have understated the actual extent of the evicted population. See, “Boşaltılan Yerleşim Birimleri.” Moreover the “official” figure does not include forced migration from town centers, but only from rural settlements. In fact, towns such as Lice (Diyarbakır), Cizre and its provincial center Şırnak were largely depopulated after intense military operations between 1992 and 1996. For journalistic accounts of these military operations, see for

1990s, the population of regional provincial centers such as Diyarbakır and Van had swollen with rural migrants and IDPs. The bulk of the migration from the southeast was directed towards İçel, Adana and Antalya in the south, İstanbul and Kocaeli in the north, and İzmir and Manisa in the west as well as the capital Ankara.<sup>33</sup>

In a number of cases, local authorities provided IDPs with some humanitarian aid and settled some of them in vacant or newly built housing, but overwhelmingly, IDPs were left to fend for themselves once they were evicted.<sup>34</sup> The accounts of forced migrants and documentation by human rights groups indicate that often the only help available for IDPs was from their kin in the towns and cities where they arrived. Since no population census was undertaken between 1990 and 2000 and since state authorities refused to admit that security forces had evacuated more than a few villages, our knowledge of the extent of population displacement and how it happened is descriptive at best. The accounts given by IDPs almost invariably mention ultimatums by the gendarme to leave their villages within a short period of time (a few hours to several days). The reason of the ultimatums was either the villagers' refusal to become village guards<sup>35</sup> – armed and paid by the state – and/or the accusation that they aided and abetted PKK militants.<sup>36</sup> Houses, sheep pens, stored grains, fields and trees were often burnt during or soon after the eviction of the residents, either by the gendarmes or by accompanying village guards, to make return to the villages impossible.<sup>37</sup> In subsequent months and years, some villagers petitioned

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instance Faruk Balıkcı and Namık Durukan, *Ölümün İki Yakasında* (İstanbul: Berfin Yayınları, 2004), Celal Başlangıç, *Korku Tapınağı* (İstanbul: İletişim, 2001).

33 This breakdown is based on Hacettepe University Institute of Population Studies' (HÜNEE) analysis of migration figures for the Southeast between 1995 and 2000 based on the General Population Census of 2000, Turgay Ünalın, "Türkiye Göç ve Yerinden Olmuş Nüfus Araştırması (T-Gyona) Türkiye'de Son 20 Yılda İç Göç Hareketleri ve Yerinden Olmuş Nüfusun Sayısı Boyutu" (paper presented at the HÜNEE Workshop, March 4 2005). Out-migration from the region based on the Census of 2000 is 628,000 for 14 provinces in the southeast and east (Adıyaman, Ağrı, Batman, Bingöl, Bitlis, Diyarbakır, Elazığ, Hakkari, Mardin, Muş, Siirt, Şırnak, Tunceli, Van) for the years between 1995 and 2000. However, the 2000 Census questionnaire did not contain questions on migration between 1990 and 1995 – the height of forced displacement in the southeast. Rural to urban intra-regional analysis of the migration figures in the 2000 Census has not been made public yet.

34 Mazlum-Der, "Doğu ve Güneydoğu'da İç Göç, Neden ve Sonuçları," *Evensel İnsan Hakları*, no. 9/10 (1995).

35 The state started to arm civilians after 1985 in order to use them in its fight against the PKK. Currently, there are more than 58,000 village guards on the state payroll in the southeast, see Abdülkadir Aksu, "İçişleri Bakanı Abdülkadir Aksu'nun Milletvekili Mesut Değer'in Yazılı Soru Önermesine Verdiği Yazılı Cevap," *T.B.M.M. Tutanak Dergisi* 97 (Dönem 22/1), June 24, 2003; available from <http://www.tbmm.gov.tr/d22/7/7-0630c.pdf>.

36 Nevertheless, some villages whose residents had already become village guards were also evacuated since authorities could not provide for their security against PKK attacks.

37 Interviews with forced migrants in Diyarbakır from its villages, and interviews in İstanbul with IDPs

local authorities (local gendarmerie commands, and provincial or township governors) to return to their homes or to be compensated for losses, but such applications were either left unanswered or outright rejected.<sup>38</sup>

The evacuations were concentrated between 1992 and 1994.<sup>39</sup> This was the period when the armed forces had started to implement a strategy of domination over large swathes of rural territory.<sup>40</sup> According to testimonies of military commanders of the period, military personnel buildup, equipment upgrading, intensive and continuous operations, and cutting off the supply routes of the PKK were integral parts of that strategy.<sup>41</sup> Therefore, it can be conjectured that the rationale for the evacuation of especially mountainous rural settlements was to cut off logistic support to PKK militants.<sup>42</sup> Successive governments never explicitly conceded that the villages were evacuated by security forces. Instead, government officials claimed that the PKK was responsible for the majority of evictions, also arguing that some of the migration was economically motivated.<sup>43</sup> It is also significant that state authorities have always carefully avoided ethnically identifying displaced people as Kurds.<sup>44</sup>

Thus, the official stance has been one of conceding the existence of non-voluntary migration, but denying the authorities' role in bringing it about until now, and ignoring responsibility for dealing with its consequences until at least 1998. Nevertheless, this position of denial and neglect does

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from Van, Batman, Tunceli and Diyarbakır in summer and fall 2004.

38 Cases brought before the European Court of Human Rights usually cited rejection of their petitions as proof of exhaustion of domestic juridical procedures (e.g., ECtHR, *Case of Ağgöl and Others v. Turkey* (2001); available from <http://www.echr.coe.int/Eng/Judgments.htm>). The fact that only about 1,500 displaced families have taken their grievances to the ECtHR is an indication that very few people in fact could apply to authorities (Interview with an İstanbul attorney representing IDPs at the ECtHR on February 26, 2004).

39 "Boşaltılan Yerleşim Birimleri," 31.

40 Interview with the spokesman of the parliamentary investigation committee on July 29, 2004.

41 Hasan Cemal, *Kürtler* (İstanbul: Doğan Kitap, 2003), 269-70.

42 Algan Hacaloğlu, "Terör ve Terörle Mücadeleden Doğan Zararların Karşılınması Hakkında Kanun Tasarısı İle İçişleri ve Plan ve Bütçe Komisyonları Raporları Hakkında Genel Kurul Görüşmesi," *T.B.M.M. Tutanak Dergisi* 57 (Dönem 22), July 16, 2004; available from <http://www.tbmm.gov.tr/tutanak/donem22/yil2/bas/b117m.htm>.

43 For instance, the Internal Affairs Minister in 1998 claimed that only 5 percent of the settlements listed in the parliamentary investigation report were evacuated by the security forces, whereas 60 percent of forced migration was due to PKK terror and the rest based on economic reasons (Murat Başesgioğlu, "(10/25) Esas Numaralı Meclis Araştırması Komisyonu Ön Görüşmesi," *T.B.M.M. Tutanak Dergisi* 53 (Dönem 20), June 2, 1998); available from <http://www.tbmm.gov.tr/tutanak/donem20/yil3/bas/b096m.htm>.

44 An MFA bureaucrat privately acknowledged to us that Turkey would oppose any suggestion that the evacuation of rural settlements targeted a certain ethnic group, namely the Kurds. UNDP officers in Ankara also conceded that there is a tacit agreement that the word "Kurdish" is not to be used in any meetings or correspondence between Turkish authorities and international organizations on the IDP issue.

not mean that internal displacement was not sometimes discussed in public settings. A number of NGOs as well as the Turkish parliament addressed this issue repeatedly during the 1990s and drew international attention. Despite persistent obstructions by the state, domestic NGOs such as the Human Rights Association (IHD), the Human Rights Foundation (TIHV), Association for Solidarity with the Oppressed (Mazlum-Der) and the Association for Solidarity with Migrants (Göç-Der) undertook a number of activities to raise awareness of the situation of IDPs: surveys and data were compiled, reports published, conferences held and petitions brought to the parliament and government agencies. The above-mentioned parliamentary investigation committee was formed by 13 MPs from different parties in 1997. During the session of the parliament in which the investigation committee report was discussed in June 1998, a heated debate ensued between committee members defending its findings and MPs from the ruling coalition who denied the responsibility of the security forces.<sup>45</sup> While governments refrained from debating forced displacement at home, they had to discuss it at the European Court of Human Rights, where villagers evicted by security forces filed their claims. Since 1996, several dozen cases have ended in “friendly settlements” in which the Turkish state agreed to pay compensation to the plaintiffs for damages. But in none of these cases has the state accepted that its security forces carried out the evictions and the burning of property.<sup>46</sup>

### **Internal displacement as a sustained violation of citizenship rights**

Since forced displacement in the southeast took place without official acknowledgement and in contravention of the constitutional protection of life, property, domicile, and freedom of travel, it stripped IDPs of some of their citizenship rights<sup>47</sup> and produced lasting consequences. The most distinctive characteristic of the displacement of Kurds during the 1990s was its implementation beyond the rule of law, a point repeatedly underlined in the parliament report.<sup>48</sup> In fact, the 1987 decree-law (no.

45 Interviews with the chairman and the spokesman of the parliamentary committee in July 2004. See also USCR, *The Wall of Denial – Internal Displacement in Turkey* (Washington D.C.: Committee for Refugees, 1999).

46 For instance, see ECtHR, *Case of Ağgöl and Others v. Turkey*. See also Kerim Yıldız and Caitlin Hughes, *Internally Displaced Persons – the Kurds in Turkey* (London: Kurdish Human Rights Project, 2003).

47 According to the parliament report, constitutional rights violated during and after the village evacuations included the principle of equality before the law, the right to protect and develop one's life, the sanctity of private and family life, the sanctity of domicile, the right to property, and the principle of protection of basic rights and freedoms (“Boşaltılan Yerleşim Birimleri”).

48 This extralegality (*hukukdışılık*) was also mentioned during the deliberations on the parliament

285) that initiated emergency rule in the region, and which lasted until 2002, authorized the State of Emergency Region Governor (*Olağanüstü Hal Bölge Valisi*) to evacuate villages and hamlets and to resettle their population according to security needs; but this authority was never utilized during the whole period.<sup>49</sup> A comparison of recent displacement with the forced resettlement of Kurdish tribes who had taken part in the Dersim uprising of the 1930s highlights the extralegality of the eviction of villagers during the 1990s. In the former case, population displacement was carried out in the context of a special resettlement law; people were resettled in designated regions in central and western Anatolia and were given land and other economic entitlements.<sup>50</sup> But in the 1990s, village evacuations were carried out without leaving a paper trail behind.

More broadly, Kurdish displacement should be considered within the context of the widespread breaches of the rule of law in the provinces under emergency rule. Internal displacement in the southeast has created one of the most sustained and widespread (and still ongoing) violations of human rights in Turkey in recent years, although it has not received much public attention until recently.<sup>51</sup> This situation gave Turkey's internal displacement problem its particular characteristics. Thus, by evicting several hundred thousand people from their rural homes, the security forces to a great extent displaced the Kurdish issue from its territorial base in the southeast onto the plane of urban poverty and destitution in metropolises in western Turkey. The social problems that displacement triggered and the political mode in which these problems are addressed today lend support to our argument.

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investigation committee's report, and was expressed in later years by some opposition MPs. For instance, the Ottoman language terms *tehcir* (forced migration) –commonly used for the forced Armenian exodus of 1915 – and *tebid* (expulsion) were used to define the evacuation of villages in the southeast by two MPs who argued that this practice was illegal under international law. See, Ahmet Nurettin Aydın, (*T.B.M.M. Tutanak Dergisi* 74 (Dönem 21), 1 November 2001); available from <http://www.tbmm.gov.tr/tutanak/donem21/yil4/bas/b015m.htm>; Hüseyin Çelik, (*T.B.M.M. Tutanak Dergisi* 76 (Dönem 21), November 27, 2001); available from <http://www.tbmm.gov.tr/tutanak/donem21/yil4/bas/b026m.htm>.

49 “Boşaltılan Yerleşim Birimleri.” Cf. Kemal Kirişçi, “Turkey, Regional Profile Europe,” in *Internally Displaced People: A Global Survey*, ed. Janie Hampton (London: Earthscan Publications, 1998).

50 A more detailed discussion of Kurdish forced resettlement in the 1930s is beyond the scope of this essay. But see Soner Çağaptay, “Kemalist Dönemde Göç ve İskan Politikaları: Türk Kimliği Üzerine Bir Çalışma,” *Toplum ve Bilim* 93 (2002), for a discussion of resettlement policies in the early republican period; and İlhan Tekeli, “Osmanlı İmparatorluğu'ndan Günümüze Nüfusun Zorunlu Yer Değiştirmesi,” *Toplum ve Bilim*, no. 50 (1990), for a discussion of longstanding policies of population displacement and resettlement as methods of controlling certain groups since the Ottoman times.

51 Interviews with the spokesman of the parliamentary investigation committee in Ankara, and with the head of the Diyarbakır Branch of the Human Rights Association in July 2004.

### Internal displacement and its urban consequences

Studies carried out in the late 1990s demonstrated that the most urgent needs and problems of displaced people were urban problems. For instance, a survey conducted among Kurdish migrants in six provinces by an advocacy group for the forced migrants described their destitution: widespread poverty, joblessness, lack of access to healthcare, lack of access to schools, poor housing, etc.<sup>52</sup> A large survey conducted in 12 provinces in the region and 6 provinces in the south and west, and commissioned by the Prime Ministry's Office of Family Affairs, likewise pointed out that joblessness and poverty were the rule among displaced villagers.<sup>53</sup> Studies conducted in Diyarbakır by the Union of Chambers of Architects and Engineers<sup>54</sup> and a group of city planners from the Middle East Technical University<sup>55</sup> had similar findings: in poor migrant neighborhoods, more than 60 percent of household heads were either jobless or did not have regular work.

In metropolitan Diyarbakır, whose population grew to more than 800,000 after the peak of the evacuations (from about 380,000 in 1990),<sup>56</sup> new districts mushroomed to house the recent wave of migrants. On one hand, a rent economy was created through the building of "modern" shantytowns with multiple floors but without any legal permits or inspection. On the other hand, the inadequacy of the city's infrastructure and its schools and hospitals in the face of a rapid influx of people created serious problems. A shortage of classrooms and primary healthcare facilities are still among Diyarbakır's most important problems.<sup>57</sup> Meanwhile, infectious diseases (e.g., typhoid fever and cholera) and infant mortality increased to alarming levels in Diyarbakır in the second half of the 1990s, creating a public health disaster exacerbated by poverty, poor housing, and the inadequacy of piped water and sewage systems.<sup>58</sup> It is impossible to retrospectively demonstrate that any of these problems were caused by forced displacement *per se*. However, testimonies of public and

52 Barut, *Zorunlu Göçe Maruz Kalan Kürt Kökenli T.C. Vatandaşlarının Durumları*.

53 Ahmet Türkyılmaz et al., *Doğu ve Güneydoğu Anadolu'dan Terör Nedeniyle Göçeden Ailelerin Sorunları* (Ankara: Başbakanlık Aile Araştırma Kurumu Başkanlığı Yayınları No 115, 1998).

54 Rifat Dağ, Atilla Göktürk, and H. Cengiz Türksöy, eds., *Bölgeçi Zorunlu Göçten Kaynaklanan Toplumsal Sorunların Diyarbakır Kenti Ölçeğinde Araştırılması* (Ankara: TMMOB Yayınları, 1998).

55 Melih Ersoy and H. Tarık Şengül, eds., *Kente Göç ve Yoksulluk: Diyarbakır Örneği* (Ankara: ODTÜ Kentsel Politika Planlaması ve Yerel Yönetimler Anabilim Dalı Yayınları, 2002).

56 Dağ, Göktürk, and Türksöy, eds., *Bölgeçi Zorunlu Göç*, 26.

57 Interviews with the mayor of Diyarbakır, former and current mayors of Bağcılar Municipality, and officers of the City Planning Department of the Diyarbakır Metropolitan Municipality in July and August 2004.

58 Interview with the head of the Diyarbakır Chamber of Physicians on June 24, 2004. See also "Boşaltılan Yerleşim Birimleri."



NGO officials and IDPs alike suggest that the juxtaposition of already weak urban and healthcare services neglected throughout the course of the conflict, a stagnant urban economy and the sudden influx of forced and “voluntary” migrants have shaped Diyarbakır’s current problems.

In İstanbul, which continues to be a magnet for migration from all over the country, internally displaced Kurds are not recognized as a distinct group and, therefore, their specific problems are not addressed by local politicians and authorities. But some scholarly studies suggest strong links between the new urban poverty and forced migration from the southeast. Abrupt dispossession of land, coupled with the already less welcoming structure of the urban housing and labor markets in the 1990s, put internally displaced Kurds at the bottom of the barrel among the new urbanites,<sup>59</sup> making these families more likely to resort to having their children contribute to household income. For instance, two studies indicate that in both Ankara and İstanbul, the children of displaced Kurds are significant groups among children working on streets.<sup>60</sup> More than a decade after it took place, it is difficult to quantitatively gauge the impact of forced displacement on urban poverty in large metropolises.

The dynamism of the population movements triggered by the armed conflict adds to the difficulty of such a task. As we explained above, forced migration in the southeast was not limited to the evacuation of villages, but it also included displacement due to perceptions of insecurity, intimidation, threats and so on. Furthermore, the ravages of the internal war also triggered economic migration and urban out-migration from the region. Moreover, once families moved to regional urban centers such as Diyarbakır, Batman and Van, many of them started to engage in seasonal migration to coastal regions as agricultural laborers. And lastly, in many cases, teenage sons (and sometimes daughters) moved further west to İstanbul, İzmir and Antalya in search of jobs in informal manufacturing and services. Nevertheless, it may be argued that the state itself perceives a link between recent migration from the southeast and burgeoning urban problems such that recently formulated policies to cope with the consequences of internal displacement are couched in the language of development.<sup>61</sup>

59 Sema Erder, *İstanbul'a Bir Kent Kondu: Ümraniye* (İstanbul: İletişim, 1996), Sema Erder, “Köysüz ‘Köylü’ Göçü,” *Görüş*, no. 34 (1998), Oğuz Işık and Melih Pınarcıoğlu, *Nöbetleşe Yoksulluk: Sultanbeyli Örneği* (İstanbul: İletişim, 2001).

60 Betül Altuntaş, *Mendile, Simite, Boyaya, Çöpe: Ankara Sokaklarında Çalışan Çocuklar* (İstanbul: İletişim, 2003), Abdullah Karatay et al., “Beyoğlu Bölgesinde Yaşayan Yoksul Aileler ve Sokakta Çalışan Çocuklar,” in *Yoksulluk 3* (İstanbul: Deniz Feneri Derneği, 2003).

61 In fact, the Turkish state has a longstanding tradition of approaching the Kurdish issue as a problem of underdevelopment (and hence, its solution as development) rather than an ethnic or national

### Internal displacement framed as a problem of development

In 1998, a “Return to Villages and Rehabilitation Project” (RVRP) was adopted by the government to meet the demands for return once PKK activities declined.<sup>62</sup> Under this program, villagers who applied to the governor’s office for returning to their village would be given in-kind aid (construction materials and/or animals) if there were no security hindrances to return to the village. Sometimes, the funds were used for repairing a village’s roads, electricity poles or water pumps if a significant number of villagers were returning.<sup>63</sup> The RVRP, which was administered by the Southeast Anatolia Project (GAP) Authority in some provinces and the Rural Services Directorate in others, prioritized the concentration of settlements (*yerleşim yerlerinin toplulaştırılması*) and discouraged the resettlement of hamlets.<sup>64</sup>

In 1999, return to villages was recast in terms of the imperative for regional development.<sup>65</sup> Then, in 2000, the National Security Council adopted an “Action Plan for the Eastern and Southeastern Regions” which reportedly targeted the social and economic development of 25 provinces.<sup>66</sup>

problem. Likewise, academicians often approach the problem as one of (lack of) development as well. Yet, a discussion of this issue is beyond the scope of this article. For the state’s consistent evasion of the “Kurdishness of the Kurdish question,” see Mesut Yeğen, *Devlet Söyleminde Kürt Sorunu* (İstanbul: İletişim, 1999).

62 A “Return to Villages Project” under the authority of the Ministry of Agriculture existed since 1994, but its scope was limited to several provinces and the allocation of the funds seemed to have been rather arbitrary. The current RVRP was initiated by a prime ministry circular dated January 27, 1998 (İçişleri Bakanlığı, *Köye Dönüş ve Rehabilitasyon Projesi Bilgi Notu*).

63 Interview with a vice-governor of Diyarbakır on February 2, 2005.

64 By the admission of government bureaucrats, the RVRP is not really a “project” but a program under which funds are allocated to each province in the region; each governor has authority to dispense funds to applicants (Interview with a Ministry of Internal Affairs official on July 29, 2004). A UN consultant who monitors IDP-related government initiatives thought that there were no checks and balances on the RVRP (Interview with the UNDP consultant on IDPs in Ankara on July 16, 2004).

65 The then president Süleyman Demirel declared in his address opening the new legislative year in October 1999 that measures should be taken to quicken the pace of return to villages, to revitalize farming and animal herding, and to create incentives for investments in the southeastern region (“Meclisin Açılışında Konuşan Cumhurbaşkanı Demirel ‘Devlet, Doğu ve Güneydoğu Bölgesindeki Vatandaşın Kalkınma Hamlesini Canlı Tutmalıdır’ Dedi; İşte Konuşmanın Tamamı,” *Hürriyet* October 1, 1999.); available from <http://www.arsiv.hurriyetim.com.tr/tur/turk/99/10/01/14sdc.htm>.

66 The content of the “Action Plan” was never made public. Reportedly, the 107-item plan had 47 clauses related to the economy, 30 about public administration, 14 on education, 13 on health and 3 miscellaneous items (R. Kazım Yücelen, *T.B.M.M. Tutanak Dergisi* 74 (Dönem 21), November 1, 2001; available from <http://www.tbmm.gov.tr/tutanak/donem21/yil4/bas/b015m.htm>). In a written response to a question about the content of the Action Plan by an opposition MP in 2000, the Vice Prime Minister avoided discussing the plan and just stated that “it should be considered within the framework of the basic goal of development of the eastern and southeastern regions.” See, Devlet Bahçeli, “Devlet Bakanı Devlet Bahçeli’nin Van Milletvekili Hüseyin Çelik’in Yazılı Soru Önergesi Hakkında Bilgi ve Görüş Notu,” *T.B.M.M. Tutanak Dergisi* 42 (Dönem: 21/3), January 10, 2001, available from <http://www2.tbmm.gov.tr/d21/7/7-3130c.pdf>. See also Çelik, *T.B.M.M. Tutanak Dergisi* 76 (Dönem 21); available from <http://www.tbmm.gov.tr/tutanak/donem21/yil4/bas/b06m.htm>.

For the next several years, the RVRP was cited alongside the “Action Plan” by government officials when addressing development in the southeast. In 2001, the GAP Authority commissioned a study on a “Sub-regional Development Plan” (*Alt Bölge Gelişme Planı*) as part of the RVRP. The GAP and the State Planning Organization (SPO) wanted to turn the resettlement of evacuated villages into an “opportunity” for rural development through the designing of “central villages” (*merkez köy*), “centers of attraction” (*cazibe merkezi*) or “village townships” (*köy-kent*) – concepts that have existed in rural planning for some time in Turkey. The rationale for this would be not only cost-effectiveness of rural development by avoiding the resettlement of sprawling and low-density hamlets, but also the ease of provision of security. But the study, carried out by a group of social scientists and regional planners in selected rural areas of 11 southeastern provinces, reached a different conclusion. The researchers pointed out that the overwhelming majority of the displaced villagers they surveyed rejected being resettled in a rural area other than their own village or hamlet for various economic, historical and cultural reasons. Therefore, instead of the “concentration of settlements,” the study argued for the “concentration of public services” (*hizmetlerin toplulaştırılması*) for clusters of villages. The research thus yielded “models” for concentration of public services.<sup>67</sup> However, these sub-regional plans were never implemented.<sup>68</sup>

The RVRP has continued to this day without any overarching plan or project. Governors allocate in-kind aid to displaced persons according to less than transparent criteria.<sup>69</sup> The Ministry of Internal Affairs claims that 120,000 displaced persons in more than 19,000 households have returned to their villages between June 2000 and May 2004 in the 12 provinces where RVRP is implemented.<sup>70</sup> The number of returns is disputed by NGOs, which argue that much fewer people in fact have returned to their

67 Türk Sosyal Bilimler Derneği, *Doğu ve Güneydoğu Anadolu Bölgesi Köye Dönüş ve Rehabilitasyon Projesi Alt-Bölge Gelişme Planları* (Ankara: GAP İdaresi, 2002).

68 Apparently, the GAP never contacted the research team after the final report was handed in (Interview with a member of the research team in August 2004 in Diyarbakır). The shelving of the sub-regional plan must have been motivated by several factors, including the lack of financing for such a project in the aftermath of the 2001 economic crisis, the disappointment of bureaucrats with the findings of the research that contradicted their aims, and reaction by international NGOs to the central village concept on the grounds that it would be tantamount to forced resettlement (see, for instance, HRW, *Displaced and Disregarded*). Indeed, the World Bank refused funding village-township projects in the region in the wake of international reaction (Interview with a UNDP officer in Ankara on July 16, 2004).

69 A government minister conceded that people who applied to governors' offices for returning to their villages and getting in-kind aid were required to fill out a form in which they were asked to state their reason for departing. Alongside some voluntary reasons for migrating, “due to terror” was the only option offered pertaining to forced displacement on this form (Yücelen, T.B.M.M. *Tutanak Dergisi* 74 (Dönem 21)). Thus, eviction by security forces was not one of the options.

70 İçişleri Bakanlığı, *Köye Dönüş ve Rehabilitasyon Projesi Bilgi Notu*.

villages on a permanent basis.<sup>71</sup> The returnees are sometimes elderly members of families who stay in the village during the planting season in makeshift tents or huts since the old structures are uninhabitable.<sup>72</sup>

Thus, the state allowed displaced people to return only after it secured the military control of the rural areas in 1998, and only to those villages that were declared as safe. Military considerations played an important role in the promotion of the goal of development in the southeast, just as they did in the evacuation of rural areas.<sup>73</sup> Development had the goal of revitalizing the regional economy in the wake of the “fight against terror,” but the policies implemented in the region have so far only had the practical aim of reversing the negative impact of migration and displacement, namely the increasingly visible urban poverty and destitution. A number of nationwide programs to fight poverty, some adopted with international backing, have been rigorously implemented in the region. For instance in Diyarbakır, which has become a showcase for government policy in the region, the governor’s office and the Social Aid and Solidarity Foundation (SYDV) are very active in reaching out to poor families. Local representatives of the government are proud of the outreach of programs such as free healthcare for the poor (the “Green Card”), income transfers to families who keep their children in school, income transfers to farmers, monetary and in-kind aid to needy families and the campaign to enroll school-age girls in primary education. They concede that a significant segment of the targeted groups are migrants and evicted villagers.<sup>74</sup> Diyarbakır’s governorship and metropolitan municipality have also initiated a number of programs, some in cooperation with local NGOs, to

71 HRW, “Still Critical.” *Prospects in 2005 for Internally Displaced Kurds in Turkey*, in, vol. 17, no. 2 (March 2005), available from <http://www.hrw.org/reports/2005/turkey0305/turkey0305.pdf>.

72 This is what we observed in a village of the Dicle township of Diyarbakır in July 2004, where elderly people and children said they would stay until after the harvest season. Among the 30-40 temporary residents of the village there were no younger men. The elders explained that it would be dangerous for men to stay as the gendarmes had been active in that area recently. See also *Ibid*.

73 A recent development that would lend support to our claim is the National Security Council’s taking up of “internal migration” as a security concern. In a recent meeting, the NSC agreed that the alarming pace of migration to western metropolises from the southeastern and Black Sea regions was the cause behind increasing urban poverty, crime and “social incidents” such as the so-called “flag burning incident” in Mersin during the celebrations of Newroz, the Kurdish new year, on March 21, 2005. In order to stem the tide of migration, the NSC recommended that steps should be taken to develop those regions (Tolga Akıner and Hilal Köylü, “MGK Yoksulluğu Gördü,” *Radikal*, April 19, 2005.)

74 Interviews with the former governor of Diyarbakır, the provincial director of national education, and the director of the Diyarbakır Social Aid and Solidarity Foundation in July and August 2004. A high-ranking official of the SPO also listed the same range of programs among policies geared towards alleviating the plight of IDPs and migrants in the southeast in a recent meeting organized by the Hacettepe University Institute of Population Studies on internal displacement (HÜNEE Workshop on March 4, 2005).

rehabilitate children working on the streets and to help poor migrant women gain income-earning skills. Significantly, women and children are the primary targets of such projects, some of which have received funding from the EU.<sup>75</sup>

But so far no overarching regional economic development plan has been designed and fresh investments in the region are still lacking.<sup>76</sup> In some ways, local leaders are looking forward to Turkey's integration with the EU for that promise to be fulfilled.<sup>77</sup> However, the context of the talk of regional development cannot be understood without analyzing the evolution of international responses to forced migration in Turkey. As the international approach to Turkey's IDP problem took shape in the course of its bid for European Union membership, the EU too has prioritized developmental concerns as we discuss below.

### International responses to internal displacement in Turkey

While overall the forced displacement in Turkey was ignored and did not trigger significant international action, a number of international organizations attempted to lift the veil of silence on the issue. From 1990 onwards, the Human Rights Watch regularly alerted the international public opinion about forced displacement in Turkey.<sup>78</sup> In 1999, the US Committee for Refugees published a report examining both the process of village evacuations and the situation of the Kurdish IDPs in the cities.<sup>79</sup> The London-based Kurdish Human Rights Project published reports and carried the claims of a number of Kurdish IDPs to the ECtHR.<sup>80</sup> In several publications affiliated with the RSG, Roberta Cohen and Francis Deng mentioned Turkey as a critical case of a country that denied the existence of an IDP problem despite its large IDP population.<sup>81</sup> In an article in 1999, Cohen described Turkey as a "hard case" and a "tough nut to crack" along

75 Interviews with the director of Women's Center (KAMER) in July 2004 and February 2005 and interview with the Diyarbakır director of the "EU-Turkey Support to Basic Education Project" in August 2004.

76 Interviews with Diyarbakır's Mayor and the Head of the Diyarbakır Chamber of Industry and Commerce in July 2004.

77 Ruşen Çakır, ed., *Türkiye'nin Kürt Sorunu* (İstanbul: Metis, 2004).

78 See annual HRW Country Reports on Turkey, as well as HRW, "Displaced and Disregarded," HRW, *Forced Displacement of Ethnic Kurds from Southeastern Turkey* (Washington D.C.: Human Rights Watch, 1994).

79 USCR, *The Wall of Denial*.

80 Yıldız and Hughes, *Internally Displaced Persons*.

81 See, for example, Roberta Cohen, "Hard Cases: Internal Displacement in Turkey, Burma (Myanmar), and Algeria," *Forced Migration Review* (December 1999), Roberta Cohen and Francis Deng, "Exodus within Borders: The Uprooted Who Never Left Home," *Foreign Affairs* 77, no. 8 (1998), Cohen and Deng, *Masses in Flight*.

with Algeria and Burma – rather unfavorable companions for a member of NATO and the Council of Europe.<sup>82</sup>

Yet, as long as the issue of internal displacement did not significantly affect Turkey's foreign relations, the activities of these domestic and international actors did not manage to break the "wall of denial"<sup>83</sup> regarding Turkey's displacement problem. UN agencies present in Turkey such as the UNHCR and the UNDP did not address the IDP problem and kept silent in order not to antagonize the government.<sup>84</sup> As a close ally, the US protected "the sensitivities" of Turkey and refrained from exerting significant pressure by merely addressing forced displacement in its annual State Department reports. European institutions often followed inconsistent strategies: the Parliamentary Assembly of the Council of Europe (PACE) and the EU Parliament criticized the politics of denial with respect to displacement, yet more powerful institutions such as the EU Commission and the EU Council refrained from addressing the problem of displacement at the intergovernmental level.<sup>85</sup> Not surprisingly, resolutions by PACE on the humanitarian situation of Kurdish IDPs were ignored by the government.<sup>86</sup> It was only when the relationship between Turkey and the EU intensified in the course of Turkey's quest for EU membership that both Turkey and the EU gradually began to approach this issue.

In 1999, Turkey was granted candidacy status for EU accession yet with the condition that accession negotiations would only begin once Turkey fulfilled the Copenhagen Criteria, which consists of political and economic standards.<sup>87</sup> This brought the longstanding and often fragile relationship

82 Cohen, "Hard Cases," 26.

83 USCR, *The Wall of Denial*.

84 Cohen and Deng, *Masses in Flight*, 357, and Francis Deng, "Specific Groups and Individuals, Mass Exoduses and Displaced Persons," (Report of the Representative of the Secretary General on Internally Displaced Persons, submitted pursuant to Commission on Human Rights, UN ECOSOC, 2002).

85 For an analysis of conflicting strategies of European institutions with respect to human rights in Turkey, see Jonathan Sugden, "Leverage in Theory and Practice: Human Rights and Turkey's EU Candidacy," in *Turkey and European Integration*, ed. Mehmet Uğur and Nergis Canefe (London: Routledge, 2004).

86 See, PACE, *Recommendation 1563* (2002) and *Recommendation 1377* (1998); both available from [http://www.coe.int/T/E/Legal\\_Affairs/Legal\\_co-operation/Foreigners\\_and\\_citizens/Asylum\\_refugees\\_and\\_stateless\\_persons/texts\\_documents/3Texts\\_AP.asp](http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Foreigners_and_citizens/Asylum_refugees_and_stateless_persons/texts_documents/3Texts_AP.asp).

87 The political standards of the Copenhagen Criteria consist of stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities. The economic criteria consist of a functioning market economy and a capacity to cope with competitive pressure and market forces within the European Union Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey," *JCMS* 41, no. 3 (2003).

between Turkey and the EU – which formally began in 1959 – to an unprecedented level of intensity. Turkey embarked on major political and social reforms while the EU acquired more influence on domestic politics. Cultural rights for Kurds and other minorities, the improvement of Turkey’s human rights record and other democratic steps were among the political reforms that Turkey promised to undertake in its “National Program” in a bid to secure a date for accession negotiations. The candidacy also entailed Turkey’s stronger integration within the international community: after 1999, Turkey signed a number of international human rights conventions and extended awaited invitations to Special Rapporteurs of the UN Commission of Human Rights.<sup>88</sup> During the reform process the EU gradually began to address the issue of internal displacement. While the first Accession Partnership Document between the EU and Turkey in 2001 did not mention internal displacement, the revision of the document in 2003 added the return of displaced people to their original settlements (as part of the effort to reduce regional disparities) to its list of priorities.

However, the real milestone in this process was the Special Representative Francis Deng’s visit to Turkey to examine the IDP situation. Since neither the EU nor the UN Country Team in Turkey had previously a specific policy on internal displacement, Deng’s report following his visit provided a framework for these institutions to engage the government more forcefully on this issue. Indeed, after Deng’s visit a shift in government policy became apparent when Turkey entered a dialogue with international organizations to take steps to remedy the conditions of IDPs. In 2003, officials from the SPO, the Ministry of Internal Affairs and the Ministry of Foreign Affairs had a series of meetings with the UN Country Team in Turkey to determine what could be done, and a number of initiatives were started.<sup>89</sup>

### **Deng’s mission to Turkey**

The Turkish government extended an invitation to Special Representative Francis Deng in 2001 who had expressed his wish to visit Turkey to the government a number of times over several years. Deng undertook his mission in May 2002, at the end of which he announced that the Turkish government no longer denied the existence of internal displacement.<sup>90</sup> Six

88 The Special Rapporteur on extrajudicial, summary or arbitrary executions visited Turkey in February 2001, and the Special Representative on IDPs made a visit in May 2002.

89 Interview with two officers of the MFA on July 28, 2004.

90 Özgür Politika, “Hükümetten Zorunlu Göç İtirafı” ([www.ozgurpolitika.org/2002/06/02/allhabb.htm](http://www.ozgurpolitika.org/2002/06/02/allhabb.htm), June 2, 2002).

months later, Deng submitted a report of his mission to the UN Commission on Human Rights with observations and policy recommendations to which most international organizations now refer in their engagement with Turkey's IDP problem.

In his report, Deng emphasized that contrary to the negative international perception of the Turkish government as a state denying the existence of displacement and not assisting IDPs, the officials with whom he had met displayed a positive and cooperative attitude in which they acknowledged the existence of internal displacement and expressed willingness for international cooperation. It is apparent from the report that Deng made a strong effort not to alienate the government and focused on the promises given during his visit rather than on the policies of the previous decade. His recommendations and criticism were directed not only at the Turkish government, but the international community as well. He stated that "as a result of the government's apparent sensitivity with regard to the issue, the international community, including the UN agencies in the country avoided open discussion of the problem with the authorities and refrained from providing protection and assistance to those displaced."<sup>91</sup> While Deng related the failure of the international community to its priority not to antagonize the Turkish government, later in the report he pointed also to the unwillingness of UN officials in Turkey to engage with IDPs as a special category: "making a distinction of the displaced and non-displaced populations in the south-east was not a straightforward, practical, or even desirable exercise."<sup>92</sup> Accordingly, the situation of IDPs was not too different from the general population in the southeast that suffered from structural economic underdevelopment and widespread poverty. Thus, the UN country team's approach was similar to that of the government, e.g., preferring to locate the IDP problem in the drastic regional disparities between eastern and western Turkey. In contrast, Deng pointed out to the particular needs of IDPs ranging from psychosocial rehabilitation to education, health and employment. He also criticized the government for focusing on the issues of return and resettlement at the expense of addressing the current conditions of IDPs.

Deng's report listed ten recommendations which can be summarized into three sets of tasks: first, he called on the government to collect data to adequately assess the scale of the problem along with the need to address the current condition of the IDPs. Another set of tasks relates to enhanced cooperation with international organizations, in particular with the UN

91 Deng, "Specific Groups and Individuals," 10.

92 Ibid.



country team in Turkey as well as with local NGOs who are in touch with IDPs on a daily basis. A third set of tasks relates to the removal of obstacles for return, such as compensation, mine clearance, abolition of the village guard system and the revision of the role of the security forces in the region. Deng also called upon the UN country team to take an active role in assisting Turkey to implement these recommendations and pointed to the need of financial assistance Turkey would require in this process.

Turkey's Ambassador to the UN criticized the report for portraying "the cause of displacement as the equal responsibility of the terrorist organization and the authorities."<sup>93</sup> Reiterating official policy, he blamed the large portion of displacement to PKK's activities, while "only a small number of settlements had to be evacuated by the relevant authorities to ensure the safety of our people as a precaution."<sup>94</sup> Thus, this response is in line with the government's unwillingness to take responsibility for displacement while at the same time embarking on international dialogue.

### **IDPs enter the EU accession agenda**

The Deng Report was a catalyst for the international community's greater involvement with Turkey's internal displacement problem. Accordingly, the European Commission incorporated the needs of IDPs as described in the Deng Report in its annual "Progress Reports" on Turkey starting in 2002.<sup>95</sup> In the course of the talks between the EU and Turkey regarding accession negotiations, the European Commission increasingly associated the displacement issue with regional development.<sup>96</sup>

Most telling in this respect is the 2004 EU Progress Report on Turkey, disclosed several months before the European Commission's decision on starting accession negotiations with Turkey. This report described the situation of internally displaced people as "still critical" and stressed that a number of problems needed to be addressed before they could return to their villages. It stated that "[t]he normalization of the situation in the Southeast should be pursued through the return of displaced persons, a

93 Permanent Mission of Turkey to the UN, *Letter Dated 19 August 2003 from the Permanent Mission of Turkey to the United Nations Office at Geneva Addressed to the Acting High Commissioner for Human Rights* (November 7, 2003), available from <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/8254f9aad4a4cfd2c1256e1300502e67?Opendocument>.

94 *Ibid.*

95 European Commission, *2002 Regular Report on Turkey's Progress towards Accession* (October 9, 2002); available from <http://europa.eu.int/comm/enlargement/turkey/docs.htm>.

96 For instance, the 2003 Progress Report stated that "serious efforts are needed to address the problems of IDPs and the socio-economic development of the region in a comprehensive fashion." See, European Commission, *2003 Regular Report on Turkey's Progress towards Accession* (November 5, 2003), available from <http://europa.eu.int/comm/enlargement/turkey/docs.htm>.

strategy of socio-economic development and the establishment of conditions for the full enjoyment of rights and freedoms by Kurds.”<sup>97</sup> The report made the following observation about internal displacement: “an integrated strategy with a view to reducing regional disparities and addressing the economic, social and cultural needs of the local population has yet to be adopted.”<sup>98</sup> In a supplementary document, the European Commission emphasized that the poorest regions in an enlarged EU would be located in Eastern Turkey and it identified Turkey’s main challenges as low per capita GNP and “strong regional disparities.”<sup>99</sup>

The conclusions reached by the European Commission are not surprising since the reduction of regional disparities within Turkey and the reduction of socio-economic disparities between Turkey and the EU are the two basic goals of the negotiation process for Turkey’s possible membership to the Union. What is noteworthy however is that there is a convergence between Turkey’s position on this issue maintained since the late 1990s and that of the EU. According to MFA officials, the EU and the UN initially raised the possibility of an aid program for the internally displaced people, but Turkey argued against this on the grounds that it would be discriminatory towards the rest of the population in the region.<sup>100</sup> Officers of the European Commission Representation in Ankara expressed a similar position. Any future EU fund for a socio-economic program for the Southeast would not target only the IDPs but would have a regional perspective.<sup>101</sup> Furthermore, although the situation of the IDPs was mentioned under the rubric of political criteria in EU reports on Turkey, the demands were not expressed in terms of the restitution of rights. Since the state says it evacuated villages for security reasons, ostensibly, it could claim that it was not violating their rights but protecting them. Therefore, the EU worded its demands in terms of return and resettlement and regional development, not human rights.<sup>102</sup>

In 2004, Turkey responded to the demands expressed in the Deng Report and echoed by the EU in the run-up to the European Commission’s announcement that accession negotiations would start. In July 2004, a demographic study, recommended in the Deng report and commissioned by the government to Hacettepe University Institute of Population Studies

97 European-Commission, *2004 Regular Report on Turkey’s Progress towards Accession* (October 6, 2004); available from <http://europa.eu.int/comm/enlargement/turkey/docs.htm>.

98 Ibid.

99 Ibid.

100 Interview with two MFA officials on July 28, 2004.

101 Interview with an officer of the European Commission Representation in Ankara on July 16, 2004.

102 Ibid.

was officially launched. Later in the same month, the “law on compensation of damages arising from terror and the fight against terror” (law no. 5233) was passed by the parliament. But further actions recommended in the Deng Report such as mine clearance, abolition of the village guard system, a greater role for national NGOs, and a revision of the role of the security forces in the region have not yet occurred.

In a nutshell, in the process of talks, the UN and the EU tacitly agreed to Turkey’s tackling the situation of internally displaced people without publicly naming the problem<sup>103</sup> or accepting its responsibility in displacing people. Hence, the activities and documents that these talks yielded used the language of return to villages and more generally that of development rather than the restitution of rights. We should also point out that the emphasis laid in the Deng report on addressing the *current* conditions of IDPs rather than exclusively focusing on return and resettlement also seems to have been overlooked in the course of the talks.<sup>104</sup>

### The “social state” promises to compensate damages

The compensation law is worthy of some discussion here not only because it was passed in response to the EU demands, but more importantly, since it frames the restitution of rights in a pecuniary language and thus contributes to the state’s ongoing evasion of its responsibility for evicting people.<sup>105</sup> In explaining its rationale, the preamble of law no. 5233 refers to the constitutional clause that the Turkish Republic is “a social state based on the rule of law” (*sosyal hukuk devleti*) and maintains that the “damages resulting from terror and the fight against terror” will be compensated within the framework of the “social risk” principle based on “objective responsibility.”<sup>106</sup> It then states that, being part of the EU harmonization

103 An officer of the European Commission Representation in Ankara privately acknowledged this point.

104 During a recent working visit to Ankara, Walter Kälin, the UN Secretary General’s Special Representative for the Human Rights of Internally Displaced People, likewise observed that the conditions of IDPs living in cities were so far ignored (Interview with Kälin on May 5, 2005 by the TESEV Working Group on Post-Displacement).

105 “Terör ve Terörle Mücadeleden Doğan Zararların Karşılanması Hakkında Kanun,” no. 5233, July 17, 2004, *Resmî Gazete*, no. 25535 (July 27, 2004). The regulation implementing the law was issued in October 2004 (“Terör ve Terörle Mücadeleden Doğan Zararların Karşılanması Hakkında Yönetmelik,” implementing law no. 5233, October 4, 2004, *Resmî Gazete*, no. 25619 (October 20, 2004).

106 The Preamble of the law states that although the juridical responsibility of the administration is based on the “principle of fault,” in exceptional situations, “damages that the administration could not prevent although it was responsible for doing so should be covered without searching for a causal link or the principle of fault. This is called the principle of social risk based on an understanding of objective responsibility” (translation ours). (T.B.M.M., *Terör ve Terörle Mücadeleden Doğan Zararların Karşılanması Hakkında Kanun Tasarısı ile İçişleri ve Plan ve Bütçe Komisyonları Raporları* (Sayı 650 (Dönem 22), April 19, 2004); available from <http://www.>

package, this piece of legislation aims to prevent further applications to the ECtHR and for these applications to be a source of “unjust enrichment”<sup>107, 108</sup>

The law rules that compensation will be awarded for losses resulting from physical damages to houses and agricultural and commercial property as well as losses resulting from lack of access to such income-bearing property through “peaceful means” (*sulh yolu*), that is, by mutual agreement between the applicants and the provincial committees, which will determine the value of the damages.<sup>109</sup> The awarded amount can be rejected by the applicant and is open to litigation. But the compensation of non-pecuniary damages suffered by individuals (*manevi tazminat*) is not mentioned in the law. More significantly, the law establishes an indirect link with the Return to Village and Rehabilitation Project. On one hand, the value of past in-kind or monetary aid for returnees under the RVRP will be deducted from the awarded amount. On the other hand, the regulation explicitly states that in-kind compensation (such as building materials or housing projects) should be given priority over cash payments wherever possible.<sup>110</sup> As such, the law’s spirit is not one of restitution of violated rights, but one of economic reparation.<sup>111</sup>

### From denial to regulation

Over the course of ten years, the Turkish state has moved from a position of complete denial to selective regulation of the consequences of internal displacement under international pressure. However, the UN’s “soft” IDP regime could not bring about this change of position on its own. Only when accession to EU membership became a foreign policy priority did Turkey agree to take steps towards tackling post-displacement problems. Currently, the United Nations Development Program (UNDP) Office in

[tbmm.gov.tr/sirasayi/donem22/til01/ss650m.htm](http://tbmm.gov.tr/sirasayi/donem22/til01/ss650m.htm).

107 Ibid.

108 In friendly settlements reached between the state and the evicted villagers at the ECtHR, Turkey has agreed to pay damages based on the same principle, that is, “objective responsibility” (Interview with a lawyer from İstanbul representing displaced persons from Tunceli on February 26, 2004).

109 The law also rules the payment of pecuniary compensation to the families of persons who were killed and to persons who were injured or handicapped in the course of the fight against terror (“Terör ve Terörle Mücadele Kanunu”). As such, the law is meant to cover all civilian losses suffered in the course of the war, and not just the damages of displaced people. However, the largest number of applications will come from IDPs (Interview with a vice-governor in Diyarbakır on February 2, 2005).

110 “Terör ve Terörle Mücadele Yönetmeliği.”

111 In fact, the wording of the law is designed to avoid any talk about rights or faulty actions of the state. The provincial committees that handle the applications are formed of local government officials; the only non-governmental member is the representative of the provincial bar association. Furthermore, the burden of proof rests with the applicants for producing evidence that the damages to their property resulted from the fight against terror rather than due to wear and tear (Interview with the migration coordinator of the Diyarbakır Bar Association on February 4, 2004).

Ankara – with tacit agreement of the European Commission – provides consultation to and monitors the Turkish government departments coordinating IDP-related activities. The Hacettepe University study which will be completed in 2006 is the first product of this international collaboration. The study's goals are to make a quantitative estimate of the number of IDPs by analyzing available statistical sources and to determine the problems, expectations and the return tendencies of displaced people with the help of a large-scale survey. The findings of the research will help shape policies and projects for rural development and rehabilitation of evacuated villages in the southeast.<sup>112</sup> Therefore, tangible projects for development in the southeast and the improvement of the conditions of IDPs, partly to be funded by the EU, will not be on the table before 2006.

Although such projects have not materialized yet, what is significant for our purposes here is the *ongoing construction of a policy discourse centered on development* as a remedy for IDPs' plight. Our argument is that such a policy discourse attempts to regulate the consequences of internal displacement *as perceived by* international and national authorities rather than find durable solutions to a problem rooted in political conflict. As such, the diversity of the aspirations of IDPs has not been taken into account so far, either. In what follows, we seek to demonstrate this argument through a nuanced reading of the critical forced migration literature discussed at the outset of the essay. As mentioned before, the existing literature argues that international humanitarian organizations tend to regulate displaced populations by constructing depolitized discourses, categories and policies. What we would like to emphasize here is that even in the absence of international intervention, a discourse propagated by the state can result in a comparable situation. The Turkish IDP problem, distinguished by the authorities' unique mode of dealing with it as well as the state's longstanding position on the Kurdish issue, occasioned a particular set of policy practices, recently backed up by international institutions, which then pose a number of problems as we discuss below.

*Deployment of Regulatory Categories:* More than ten years after the majority of the displacements occurred, the belated inclusion of the international community in the policy-making process on IDPs is unlikely to create the same kinds of control over them that often happens in the course of providing humanitarian aid in refugee and IDP camps. Still, there are some immediate impacts of the emerging international collaboration on Turkey's IDPs, such as the adoption of "imported" terminology. We see

112 Sabahat Tezcan, "Türkiye Göç ve Yerinden Olmuş Nüfus Araştırması" (paper presented at the HÜNEE Workshop, March 4, 2005), Ünalın, "Türkiye Göç ve Yerinden Olmuş Nüfus Araştırması."

this foremost in the use of the term “internal displacement.” As mentioned before, domestic NGOs used to refer to the evicted people as forced migrants.<sup>113</sup> Internal displacement as a term (translated as *yerinden olmuş* or *yerinden edilmiş*) helps neutralize an otherwise highly politically charged phenomenon.<sup>114</sup> But more significantly, the adoption of this term incorporates the much criticized policy assumptions of international organizations that IDPs are often a localized and identifiable group.<sup>115</sup> The particularity of Turkey’s displacement problem lies in the consequences of the state’s denial and negligence. As we explained above, displacement has created patterns of seemingly permanent migration across the country and often triggered seasonal as well as second-generation migration. The controversy about the number of IDPs in Turkey also reflects this false assumption. In fact, it may be impossible to estimate the “true” number of forced migrants. During the decade since displacement took place, children grew up, new households emerged through marriage, babies were born, and some family elders died. Due to the failure of immediate intervention during the actual course of displacement, the problems of IDPs have manifested and reproduced themselves as structural conditions in shantytowns of urban centers both in the Southeast and elsewhere in Turkey where IDPs often constitute some of the poorest. While the socio-economic reconstruction of the depopulated rural regions in the Southeast is certainly important, the current conditions of an entire generation of uneducated, unemployed, marginalized IDPs in urban centers require immediate attention as well.

*Prioritizing Return and Resettlement:* Existing policies are exclusively concentrated on return and resettlement. Regarding this issue, there is indeed a convergence between the state’s discourse on one hand and the priorities of the EU and the UN on the other. In its broader policy priority, the EU has an interest in seeing displaced people return home so that they do not become potential asylum seekers.<sup>116</sup> European Union’s concern

113 For instance, Mazlum-Der, “Doğu ve Güneydoğu’da İç Göç.”

114 For instance, in workshops organized by the Hacettepe University Institute of Population Studies, participants from NGOs criticized the use of “internal displacement” and insisted on the use of “forced migration” (Ankara, July 26, 2004 and March 4, 2005).

115 As one MFA official complained, the UN consultant for internal displacement was expecting to see “card-carrying IDPs and camps” when he first arrived in Turkey!

116 The talks about the repatriation of the Makhmour Camp refugees in Iraq should be considered within this framework. More than 2,600 of them have individually returned to Turkey since 1995 under the mediation of UNHCR’s Turkey office (UNHCR, *Briefing Paper*). In the past several years, Turkey, Iraq and the UNHCR have been negotiating an agreement so that Turkey would allow anybody from Makhmour, which is known to have many PKK militants, to return to Turkey with a non-discrimination guarantee. The majority of the returns have taken place before 2001 and UNHCR officials do not expect any more returns (Interview with UNHCR officials in Ankara on July, 2004).

with reducing regional disparities in development is also partly related to this. As for the UN, voluntary return to original homes is one of the primary ways in which the Guiding Principles foresee an end to internal displacement, although the feasibility of this option is increasingly coming into question. Turkey's approach to tackling the problem also prioritizes returns, as in the examples of the RVRP and the compensation law, and the implicit connection between the two. However, two caveats are in order here. Firstly, it is unclear if the Turkish state is sincerely committed to the resettlement of vacant rural areas in the southeast. Some villages are still not open to returning villagers due to security reasons, and the resettlement of hamlets is discouraged.<sup>117</sup> The continued existence of the village guard system and landmines are critical hurdles preventing many IDPs from returning to their homes, issues also raised in the last EU Progress Report.<sup>118</sup> The government has officially adopted "return to villages" as the solution to the displacement problem and is desperate to show to the international community that returns are strong and steady; nevertheless its policies fall short of fulfilling this goal. The doubts raised about the number of returnees – 120,000 according to official figures – by domestic and international NGOs should also be seen in this light.<sup>119</sup> But secondly, domestic NGOs also focus on return and resettlement, thereby suggesting that IDPs would rather go home if given the chance. For some Kurdish politicians who view forced displacement as a systematic project to depopulate rural Kurdish regions, return to original homes has been a major political demand as well.

Therefore, there is a need to go behind the surface level of the prevalent discourse and carefully delineate what "return" to original homes means for different people. For instance, for many IDPs who were forcefully evicted, "returning home" might have more than a simple signification. At one level, returning home is returning to the *homeland*. As such, it is a widely shared political demand by Kurdish IDPs for the removal of the violation of the right to live in one's homeland. But at another level, returning home is an important decision about livelihood, which may depend on a variety of factors. Indeed, our interviews with forced migrants in İstanbul and Diyarbakır, albeit not based on a representative sample,

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But the EU insists on the signing of this agreement, probably as a symbol of Turkey's commitment not to produce asylum seekers in the future. The agreement has been delayed so far because of the war and change of regime in Iraq.

117 İçişleri Bakanlığı, *Köye Dönüş ve Rehabilitasyon Projesi Bilgi Notu*.

118 European Commission, *2004 Regular Report on Turkey's Progress towards Accession*.

119 The most recent report by the Human Rights Watch on Kurdish IDPs reflects this. When the HRW rapporteur visited rural areas which had been identified as repopulated villages in the official list in fall 2004, he found that only a few families were residing in some of them. See, HRW, *Still Critical*.

demonstrate the diversity of their aspirations based on age, gender and location. Only elderly people and men expressed a firm wish to return to their villages. Young adults of both genders and married women, on the other hand, saw their future in the city. For instance, in İstanbul, young working men and women did not want to go back to the village since they were unaccustomed to rural life. Yet they wanted their villages to be rebuilt for visits during summer. Furthermore, unmarried women saw the social life in villages and small towns as very restrictive. Their most significant aspirations were about education – from taking literacy courses to getting a high school diploma – and finding better jobs. In Diyarbakır, likewise, both single teenage and married women said they preferred to stay in the city. What they demanded most immediately from the government and local politicians were steady employment opportunities.

These responses demonstrate that a single-track policy based on return and resettlement is likely to miss the diversity of the needs, problems and aspirations of the multitude of IDPs. Although it is crucial that destroyed rural areas be reconstructed and villages be opened for return, an exclusive focus on returns continues to sidestep the need for making policies for urban-dwelling IDPs, some of whom may never permanently go back to their rural homes.<sup>120</sup>

*Sidestepping Political Issues:* Moreover, IDPs who wish to go back home do not consider this to be possible under existing conditions. Even if a regional development program that would revitalize evacuated rural areas goes into effect in the next few years, a host of vital issues have still not been addressed by state authorities; nor has the EU or the UN pressured Turkey to do so. The most important one is the root cause of the displacement itself: the Kurdish conflict. After the military victory of the Turkish army over the PKK in 1998, the armed clashes slowed down, yet the in the absence of a political solution, the Kurdish issue continues to linger on. Since the summer of 2004, the noticeable increase in the number of armed clashes in the Southeast and more recently, a series of nationalistic outbreaks demonstrate the volatility of this stagnant stage. In this sense, the developmental discourse shared by the government, the EU and the UN is highly problematic because it disentangles the forced displacement of Kurds from the Kurdish conflict itself. In our interviews, some IDPs mentioned their fear of renewed armed clashes and military operations as the reasons why they would not return to their village before there is

120 However, a positive caveat is in order here. If the Hacettepe University study produces findings which indicate that permanent returns to evacuated villages will be low, this might be a useful feedback for future policy-making.



“peace.” Some observers doubt that developmental projects will be implemented anytime soon in the Southeast, since throughout the republican period investments have been warded off by the state for security reasons.<sup>121</sup> Also, domestic NGOs working with IDPs questioned the credibility and sincerity of the current policies based exactly on this disentangling.<sup>122</sup> Noteworthy in this respect is the status of the village guard system. The presence of armed civilians in the rural areas deters many from returning to their homes because their lands or pastures have been occupied by armed village guards.<sup>123</sup> But the disarming of the guards would not be sufficient to solve this problem, since deep-seated hostilities have emerged between those groups who accepted to become guards and those who refused to do so. Some argue that what is precisely needed is reconciliation between these groups, to be guaranteed by the state and Kurdish political actors,<sup>124</sup> a move which can only take place within the framework of a durable solution to the Kurdish issue.

### Concluding remarks

By avoiding addressing the causes and history of displacement, the developmental discourse circumvents issues of core aspects of post-conflict peace-building such as reconciliation, justice and accountability. While the government has taken initiatives to remedy the situation of IDPs, it has done so without a public acknowledgement of its responsibility. Re-establishing trust between IDPs and the state remains an urgent task. The Representative for the Human Rights of IDPs, Walter Kälin, recently emphasized that remedies which states “owe to victims of human rights violations are not limited to ‘rehabilitation, restitution, compensation and repair’ but also include ‘satisfaction’ (which includes an element of justice, such as full disclosure, apology, and, particularly, imposition of judicial and administrative sanctions on those responsible).”<sup>125</sup> The policy discourse arising from the international collaboration among the government, the EU and the UN tacitly circumvents such concerns. The international dialogue still proceeds at a

121 Interview with journalists in İstanbul and Diyarbakır in spring and summer 2004.

122 Interviews with representatives of Göç-Der, İHD and Mazlum-Der in July and August 2004 and February 2005 in Ankara, İstanbul and Diyarbakır.

123 Interviews with the head of the Diyarbakır Branch of the Human Rights Association and the Diyarbakır representative of Göç-Der in July 2004 and February 2005.

124 Interview with Diyarbakır’s metropolitan mayor on February 2, 2005.

125 Walter Kälin, “Specific Groups and Individuals, Mass Exoduses and Displaced Persons,” (Report of the Representative of the Secretary General on The Human Rights of Internally Displaced Persons submitted pursuant to Commission on Human Rights Resolution 2004/55, UN Commission on Human Rights, 2004).

diplomatic level far away from an open and public discussion that should include the IDPs themselves.

Ten years after the internal displacement of Kurds in Turkey, the belated awakening of the government and the international community is an important step to improve the livelihoods of the Kurdish IDPs. However, the emerging policy discourse has important shortcomings and fails to address key issues pertinent to the IDP problem in Turkey. As long as post-displacement problems are handled in a depoliticized manner while a solution to the Kurdish conflict continues to be postponed, return, resettlement, rehabilitation and “satisfaction” might remain elusive goals. What is more, displacement may even reoccur if the armed conflict intensifies again.

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