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THE EUROPEAN PARLIAMENT AND TURKEY

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I have examined the European Parliament's (EP) resolutions adopted on Turkey between 1994 and 1998 for this study. They strongly suggest that the EP's approach to the democracy and human rights situation in Turkey is almost exclusively related to the 'Kurdish Problem'. These resolutions imply that a lack of democratic freedoms and respect for human rights in Turkey has created this problem. As a result, democracy ought to be strengthened in such a way as to solve the problem..

This approach virtually denies that Turkey is a democracy and that her democratic institutions function. It completely overlooks the fact that Turkey is the only secular predominantly Muslim country that has been striving to reconcile democracy with its Islamic legacy. It also ignores the fact that unlike the so-called Tigers of the Pacific rim, Turkey as a developing country has been facing the challenges of democracy and the cost of trade union rights in the course of economic development. On top of all this, Turkey has to cope with the terrorist savagery of the PKK.

Ethnic problems develop no matter what a country's political regime. Hence, strengthening democracy does not necessarily resolve ethnic problems. This is especially true of countries where ethno-nationalism has degenerated into terrorist violence. In this respect there are some examples in the EU as well.

Democratic regimes are no more predisposed than are others to grant the right of self-determination to ethnic groups that aim at the dismemberment of the territorial integrity or impairment of political unity of the country concerned.

Since ethno-nationalists basically aspire to secession and independence, meeting them halfway usually works only temporarily. So far, EU countries' experiences with this problem are not altogether different, although their problems are smaller in magnitude than Turkey's in terms of population and area. Moreover, unlike Turkey, they enjoy the full co-operation of democratically advanced neighbours as well as the EU's solidarity.

Even European integration has not moderated the demands of ethnic groups or the instincts of states for self-preservation. Apparently the reason why an ethnic conflict is so intractable is that it constitutes a zero-sum-game both for the state and for the armed group. The democratic nature of a regime seems to be as unrelated to the resolution of the problem as it is to its genesis.

In its resolutions, the EP usually uses the term 'the Kurdish people' although 'people' means the whole people, in ancient Greek demos, not separate ethnic groups. Since a people is entitled to self-determination, the use of this term could be taken to mean that the Turkish citizens of the

Kurdish origin have the right to secede. Specifically, the resolution adopted on 15 December 1994 upon the conviction of the former Democracy Party (DEP) MPs claims that the Turkish Grand National Assembly no longer represents “entire regions of the south-east Turkey” and, hence, is “no longer representative of the whole country”. In legal terms, this clause means that the population living in the region is authorised to exercise the right of self-determination to secede.

This attitude is neither factually correct nor is it in conformity with international law, and it does not befit a parliament, which should represent the principle of international legitimacy.

According to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, in accordance with the United Nations Charter¹ and the Vienna Declaration and Programme of Action² adopted at the Second World Conference on Human Rights no action is authorised to dismember or impair territorial integrity and the political unity of states if they have a democratic political system. This rule is valid whether or not an ethnic group is described as a people.

Moreover the right of self-determination is exercised only once in a country’s history. In the case of Turkey this was done through the National Pact which was adopted by the Parliament on 28 January 1920 on the basis of which the Turkish War of Independence was fought with the participation of all segments of the population and all regions.

The conviction of the former DEP MPs in 1994 did not affect the representative nature of the Turkish parliament. These MPs could not have been elected in 1991 had they run as an independent party. Instead they had the ticket of another party, namely the Republican People’s Party, for on their own, their vote would remain under the national threshold of ten per cent. Their absence did not significantly diminish the number of deputies from provinces in the southeast of Turkey, for there remained many MPs of Kurdish origin from the same region. Since elections are held at regular intervals in a democracy, new elections two years later removed the very basis of these arguments.

In positive law, there is no right to rebellion. But the preamble of the Universal Declaration of Human Rights acknowledges the possibility of recourse to rebellion in case of oppression or tyranny. Since the political regime in Turkey cannot reasonably be equated with oppression or tyranny there is no justification for rebellion. Moreover, PKK terrorism cannot be described as ‘rebellion’, which is characterised by a massive participation of people.

If one goes through the statements and writings of the PKK’s chief, one understands that he aspires to secession and independence from Turkey. The most important document³ prepared on this subject by the UN system states that if there is discrimination against a group “the remedy will have to be that the discrimination is brought to an end” Only if the representatives of the group concerned can prove beyond reasonable doubt that there is no prospect within the foreseeable future that the government will become representative of the whole people, can it be entitled to demand and to receive support for a quest for independence. "If it can be shown that the majority is pursuing a policy of genocide against a group, this must be seen as very strong support for the claim of independence. The mere fact of there being ethnic violence between the majority and the minority (a term used in the text only to designate a group which makes up less than half of the population) does not prove that there is intent to destroy the group as such. Even if there were, it would still have to be shown that the majority side was more responsible than the minority for the acts of violence". Unlike some countries where there is rampant racism, it has never been state policy to discriminate against

any group. Despite the continuous terrorist activities of the PKK, there is no violence, let alone genocide, by the 'majority' against the population of the region. Moreover their participation in elections has always been very high, thus the Turkish parliament is representative of the whole peoples.

In most of its resolutions the EP recommends simply autonomy or cultural autonomy as a solution to the 'Kurdish issue'. 'This depends on the acceptability of the concept of internal self-determination'. The UN Declaration on Friendly Relations provides that the people as a whole have the right to elect its government. Democracy is thus clearly a manifestation of self-determination. What is less clear is whether groups have a particular right to some local self-government or autonomy within the state, on the basis of self-determination. One concludes from the UN Report on Protection of Minorities that there exists no right in this respect.⁴

As for individual cultural rights, much has already been achieved. "The purpose of minority protection is not and should never be to create privileges."⁵ Contrary to the claims made in some of the EP's resolutions that the 'Kurdish language' cannot be spoken in Turkey, Turkish citizens of Kurdish origin can freely use all of their many languages. There is no reason whatsoever to set aside the many Kurdish dialects in favour of creating an artificial language and imposing it on all of them living in Turkey or treating the languages of the Turkish citizens of Kurdish origin in a more privileged way than the other languages and dialects spoken in Turkey.

The linguistic approach is incongruous with recognising the right of self-determination or cultural autonomy since most of the Kurdish dialects are mutually unintelligible. These dialects are not written languages of culture with sufficiently large vocabularies. Hence Turkish is the lingua franca for even the PKK terrorists.

"A situation arises when there is a widespread sense of frustration among members of minority groups. Whether or not it is justified frustration may have to be closely examined; in some cases it may be the product of an ambitious group of entrepreneurs whose concern is not the promotion of human (or ethnic) rights but power, exclusiveness or dominance."⁶ Can anyone really deny that some EP resolutions confuse the behaviour of an ambitious group of entrepreneurs with the frustration of the group in question?

Turkey has the right to fight and repress PKK terrorism. But the EP in some resolutions claims that 'a policy of repression' is perpetrated 'against the reasonable aspirations of the Kurds', and that 'action' is taken 'against Turkish citizens of Kurdish origin'. These accusations are unfair and unfounded. They tend to confuse the PKK with the vast majority of the Turkish citizens of Kurdish origin, thus implicitly and unwittingly justifying the fight against the PKK terrorism.

Although these resolutions also condemn PKK terrorism in general terms, they always fall short of calling the PKK a terrorist organisation or elaborating its terrorist acts. However, if the EP does take the view, which it expresses frequently, that what is happening in south-east Turkey is an armed conflict in the sense of humanitarian law, (a view which Turkey cannot accept for legal reasons), its attitude towards the PKK's method of struggle, as reflected in its resolutions, should be radically revised.

If we suppose, hypothetically, that we are confronted with an armed conflict, the originator of aggression becomes important. It was the PKK that launched the first attack on 15 August 1984 in a

cross-border operation, only nine months after Turkey's return to democracy. Therefore the aggressor responsible for the subsequent bloodshed is the PKK.

In a situation of armed conflict the EP should not be content with generally condemning PKK terrorism, but ought to reserve as much space for it in its resolutions as it does for violations allegedly committed by the Turkish security forces. This is the unwritten rule embodied in the article 3 common to the four Geneva Conventions of 1949, irrespective of Turkey accepting the validity of this article for the situation in the southeast.

The EP has never mentioned in any of its resolutions that the PKK has so far murdered nearly 4500 innocent civilians including women, children and elderly people, almost all of them of Kurdish origin. The curious omission of mention of these killings, apart from being profoundly unfair to the victims of PKK terrorism, encourages further killings in the absence of international censure of any kind. It also obscures the fact that the majority of the Turkish citizens of Kurdish origin do not support the PKK, its ideology or its aspirations.

While holding itself to its assumption that the southeast situation is an internal conflict, the EU should have stated that the systematic and massive killings of innocent civilians by the PKK amount to a crime against humanity.

The PKK publicly declares that it carries out Maoist guerrilla warfare. This method of combat is based on the participation in the struggle of civilians, called 'militia' by the PKK or 'part-time guerrillas' by the American Global Terrorism report. They provide logistics, raise funds, recruit 'guerrillas' and take part in terrorist acts such as assassination, sabotage, etc. Apart from these acts being illegal, the militia blurs the important difference between combatant and civilian, hence these acts become worse than perfidy, a breach of humanitarian law.

A technique of struggle, if one can really call it so, based on the killing of civilians by civilians is a non-permissible form of violence, hence prohibited by law. But the EP has never denounced this method of struggle, giving the impression that it recognises it as if it were a permissible form of violence, at a time when everything Marxist or Maoist has for long lost its validity or credibility. The EP's human rights approach is largely confined in practice to monitoring violations allegedly committed by the security forces against members of this 'militia', who are simply terrorists. But the EP refers to them as 'political prisoners'.

The EP has occasionally condemned the village guard system. This implies on the one hand that the population of the region who are attacked by the PKK should remain defenceless, since the security forces cannot always anticipate attacks by extremely mobile terrorists. On the other hand, it is an implicit condemnation of the strong Kurdish opposition against the PKK.

The EP also criticises the evacuation of villages in the southeast, referring to it as 'destruction'. It is a well-known fact that the population in the villages and hamlets in remote mountainous regions are vulnerable to PKK pressures, are frequently forced into submission and exploited as a source of logistics, shelter and recruits. Even assuming, once again for the sake of argument, that we are faced with an internal conflict, the state has the right under the article 17 of the Second Protocol additional to the Geneva Conventions to evacuate these villages, both to protect their inhabitants and for military imperatives.

To be effective, the PKK's method of struggle requires sanctuaries in neighbouring countries. Until

very recently, Syria has served as sanctuary as well as a training ground, headquarters, a source of funds and weapons, etc. This country used the PKK as a proxy in order to further its interests with respect to the trans-boundary water issue. This attitude, however, is in stark breach of article 2(4) of the UN Charter on the use of force against the territorial integrity and political unity of Turkey. At times, the PKK incursions staged from Syria reached the level and density of aggression given in UN resolution 3314 on the Definition of Aggression, article 3(g). However, the EP has never condemned Syria for its support against Turkey. This is not only a critical omission of a legal obligation, but also gives the impression that the PKK was a product of indigenous developments in Turkey.

The PKK is deeply involved in drug trafficking, the extortion of money from Turkish citizens living in the EU and the smuggling of illegal immigrants to Europe. As such, it is a criminal organisation par excellence. The EP also omits to mention this aspect of the PKK in its resolutions, deflecting this important information from public opinion.

MEPs, like many others, say that Turkey has the right to fight PKK terrorism. But in practice this is little more than semantics. As seen from above, fighting PKK terrorism is subjected to harsh criticism and condemnation under the pretext of human rights, while the terrorist and criminal features of the PKK are largely played down or even obliterated in EP resolutions. The EP's criticisms go well beyond the shortcomings of the rule of law or violations of human rights in Turkey: they aim to curb the fighting capacity of Turkey with the respect to this form of terrorism.

The EP constantly calls for a cease-fire, an end of the state of emergency and a political solution to the problem. The state of emergency is permitted by law to deal with a 'threat to the life of a nation'. One can objectively assess that the threat faced by Turkey is a serious one. Despite this fact, Turkey derogated only from article 5 of the European Convention, one among many derogatable rights and freedoms, including article 10 on freedom of expression. But it is impossible for Turkey to derogate from the main prerogative of statehood, namely fighting terrorist violence.

The EP resolutions say that the Kurdish problem cannot be solved by military means. This statement contains a series of assumptions, namely: that the population in question have grievances which amount to a problem, that the PKK represents them, and that a direct correlation exists between their 'grievances' and the PKK terrorism. As a result PKK terrorism acquires a rationale, indeed rationality. The advocacy of a non-violent, political and democratic solution to the problem is based on this rationale.

The existence of ethnic violence does not necessarily prove by itself the existence of grievances that justify this violence. In many parts of the world there are worse grievances which do not lead to violence. The EP seems to be unduly impressed by the efficiency of the Maoist revolutionary struggle, which can be organised by a small group and which penetrates into society through ideological propaganda and, above all, coercion.

Even if one accepts the concept of grievances (but then, who doesn't have grievances?), the ultimate aspiration to independence is not necessarily prompted by grievances. So, the remedy to the grievances of a group does not automatically satisfy the aspirations of the terrorists (although naturally we should do all we can to remedy grievances). Such flawed analysis is inspired from the outmoded 'consequentialist' theory on terrorism that claims that terrorism can help achieve legitimate political objectives.

In terrorism, what is important is not the publicly professed, high-sounding political objectives, but the nature of the terrorist act. According to a minimalist definition, terrorism means killing innocent people for 'political' reasons. Means and ends are nowhere so oddly, irrationally and antithetically linked as in terrorism. Consider the sheer absurdity of a massive killing of innocent civilians with the ostensible aim of promoting their rights. On the other hand, anyone who kills an innocent person, violating the absolute prohibition, becomes pathological. The terrorist act constitutes an essential part of individual and group identity for the terrorists. In order to preserve their identity, terrorists always escape from attempts to find a solution to the problem and manage to spoil all such occasions at the last minute. Do we need to cite examples of this in today's world?

Turkey does not aim to solve any social problem by military means, but it doubts that a political solution to terrorism really exists. In order to clarify the dangerous confusion over the relationship between terrorism and group grievances, Turkey expects the EP to declare unequivocally that violence, whether terrorist or not, cannot be considered a legitimate or valid means to promote human or ethnic rights. This is something the EP has not done so far.

It cannot be denied that human rights violations can, unavoidably, be committed in the fight against a terror campaign of this magnitude. I think that this is one of the reasons why Turkey has recognised the right of appeal to the European Commission on Human Rights and the European Court of Human Rights.

Freedom of expression is an area where criticism is often directed at Turkey. Sometimes it is claimed that there is no freedom of expression in the country. Here the word 'freedom' is used to mean the freedom to ask for secession or independence. It is presented, however, as if this would enable public opinion freely to discuss possible solutions to the 'Kurdish problem'.

The EP is dissatisfied both with the previous article 8 of Turkey's Anti-Terror Law and its revised version. The text of the new article 8 reads as follows: all "propaganda (which) aims at disrupting the invisible integrity of the State, the country and nation" is prohibited. If the text of the Grounds for the Amendment, which has the effect of law and was adopted together with the new article, is taken into account together with the article itself, the propaganda in question has to be an incitement to violence in order to be prohibited. This is not incompatible with article 10 of the European Convention for Human Rights.

One has to remember that according to international law, no act, be it peaceful or violent, is authorised to dismember or impair the territorial integrity or political unity of democratic states. Therefore, a freedom of expression that would enable one to peacefully advocate independence or secession would aim at something that is not authorised by law.

Moreover, in a country where terrorism is widespread, any propaganda that aims at disrupting the territorial integrity of the country supports violence at least implicitly by legitimising its objectives, even if it does not openly incite violence. Hence this aspect of the freedom of expression may be suspended in times of public emergency.

As for a public debate over individual cultural rights, the present wording of article 8 does not impede freedom of expression in any way. Therefore, if what the EP has in mind by defending the freedom of expression is cultural rights of the people, the present scope and practice of the law is not an obstacle to public discussion of this kind of political or democratic solution.

Regarding a possible solution to the problem, some members of the EP seem to be under the influence of various Kurdish fringe groups in EU countries. This is only human. In countries experiencing the phenomenon of diaspora for the first time in their history, the idea of an oppressed minority has seemingly gained common currency. It is not a coincidence that in those countries with homogenous cultures, where the concept of *gemeinschaft* still prevails, there is a sympathy, even support, for an exclusionist solution to ethnic problems. It should not be forgotten that this approach is also closely linked to cultural relativism with all its dangerous consequences. A concept centring on minor differences between ethnic groups as the basis of identity is conducive to separation, segregation, ethnic cleansing and eventually ethnocracy in the racial sense rather than democracy. There is not much difference between the ultra-rightists who want racially pure societies in their countries and the 'humanists' who support the creation of ethnically pure societies in other countries. The racial 'Kurdish diaspora identity' cultivated in some parts of Europe is alien to Turkish society. A so-called political and democratic solution to the problem on these premises cannot be a solution.

It is impossible not to notice that some segments of European public opinion approach the 'Kurdish issue' with what might be called 'guerrilla romanticism'. It fails to see the absurdity of the anachronistic Marxist ideology of the PKK, which denies all familial, communal and religious values of the population in the southeast region of the country. It also overlooks the anomaly of the PKK chief, who has a deep self-hatred and hatred for anything Kurdish.⁷ As a result, PKK members feel their identity only when they kill the Turks or get killed by them.

The romantics do not understand that the violence that the PKK uses against the population of the area and even against its own members can never lead to a sane outcome, such as democracy and respect for human rights. The PKK, with its despotic structures, is nothing more than what it wants to escape most: a tribe that combines ethno-nationalism with Marxism.

One senses that historical prejudices against Turkey, which have resurfaced, are probably due to the fact that, since Turkey is absent from the EP, she cannot defend herself against continuous accusations. As a result, not only are the resolutions on human rights unbalanced, to say the least, but so are others, for instance, on Cyprus and northern Iraq. The question here is how a country can always be wrong. Alternatively, is it possible that criticism of Turkey has already acquired for some groups in Europe a new function distinct from attempts to influence Turkey's attitude on particular issues? Do certain circles use Turkey and the Turks as a target group for scapegoating, which Europe has done so many times in the past against other target groups? Does racism against the Turks in Europe overlap with other prejudices against Turkey? As a result, is all sense of proportion and fairness being lost towards Turkey?

These questions should find appropriate answers in the conscience of MEPs, not only for the sake of the successful resolution of difficult problems, but also for the future of Europe's relations with Turkey.

Nevertheless, the latest EP resolution on Turkey (3 December 1998) is not promising from this standpoint. In operative paragraph 16, the EP asks Turkey "to put an end to persecution, imprisonment and torture, to which the Kurds in particular are subjected", a statement not only incorrect but also defamatory. The resolution of the 'Kurdish question' is set as a condition to bring Turkey closer to fulfilling the Copenhagen criteria, as if other member countries had solved their ethnic problems before acceding to the Union (operative paragraph 24). The EP refers to "terrorist activities by certain Kurdish organisations" but not to the PKK in operative paragraph 19. Finally, it

calls for “an international conference on the Kurdish problem with a view to finding a political and peaceful solution”. This is an encroachment on the sovereignty of Turkey. The reason why the EP makes this proposal while knowing very well that the Turkish authorities and the overwhelming majority of the Turkish public cannot accept it, seems to be to induce Turkey to forsake its application for full-membership of the EU so that the EU would not have to reject it on the grounds of religion.

1 Resolution 2625 adopted by the UN General Assembly on 24 October 1970.

2 Section I, para. 2, subpara. 3.

3 Protection of Minorities, E/CN./Sub. 2/1993/34, the United Nations Commission of Human Rights, p. 18.

4 Ibid, p. 18.

5 Ibid, p. 14.

6 Ibid, p. 10.

7 Küçük, Yalçın (1993), *Dirilişim Öyküsü*, Abdullah Öcalan, (The Story of Revival, Abdullah Öcalan), İstanbul, p. 18.