



Process of Resolution: Gains and Dangers

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1- The Kurdish Question and state policy

Ethno-political questions are one of the distinguishing characteristics of the nation-state era. Many states encounter such ethno-political problems and expend a lot of time and effort in order to resolve them.

Ever since it became a nation-state Turkey has been grappling with the Kurdish Question, which is of an ethno-political character. It has struggled to eliminate this question, or reduce its effect to a minimum, under various guises (Eastern Problem, Backwardness problem, terror problem etc.)

The Kurdish Question is multi-dimensional. The fact that it is multi-dimensional makes it inevitable that it will be costly. In particular in the last 30 years of conflict significant damage has been caused in the social, economic, political and judicial spheres. Hence, the Kurdish Question is the greatest obstacle to social peace and stability in Turkey, and to economic development and democracy, and needs to be resolved as a matter of the greatest urgency.

Since the PKK launched its armed struggle in 1984, Turkey has followed two lines to resolve the Kurdish Question: firstly, security. In Turkey the state has generally perceived this question as being predominantly a matter of security, and endeavoured to resolve it by stepping up measures relating to public order, restricting freedoms and, when necessary, going beyond the law. However, as it was not possible to resolve this question, which has a social and political basis and contains ethnic identity demands, merely by stepping up security measures, this has led to a deepening of the problem.

The second line has involved limited talks. After the 1990s, when the PKK gained a social base, the state tried to make contact with the organisation. These contacts were usually clandestine and made through third parties. The first attempts were made by President Turgut Özal. Following these efforts by Özal through intermediaries the PKK declared its first ceasefire in 1993.

Following Özal's death subsequent governments, too, spoke to the PKK in this way. Information that emerged later confirmed that Süleyman Demirel, Necmettin Erbakan and the Chief of the General Staff made contact with the PKK at various levels. Following Öcalan's capture in 1999 until 2006 solely the military met Öcalan on behalf of the state. From 2006 onwards the National Intelligence Organisation (MİT) took on this role. Talks between the MİT and PKK led to the "Oslo Process", when state representatives held several meetings with PKK leaders in Oslo between 2009 and 2011. However, in July of 2011 the Oslo Process collapsed and the Kurdish Question entered a new spiral of violence.

Between June 2011 and December 2012 there were violent clashes. According to a report by the International Crisis Group (ICG), this was the most violent period since the capture of Öcalan in 1999. Violent clashes, mass arrests and hunger strikes by PKK prisoners increased the political tension and the entire region came to the boil.

However, just when it seemed all the bridges had been broken, the hunger strikes ended after an appeal from Öcalan. This was followed by BDP MPs being given permission to visit Öcalan, who had for a long period been cut off from the outside world. Then Prime Minister, Recep Tayyip Erdoğan, announced that a process of resolution had begun.

The most significant difference between the current process and the previous talks is that for the first time it is being conducted in a relatively public manner. Erdoğan said: "In order to achieve a solution state officials may speak to everyone." Hence, a process began whereby talks were held with the PKK with the knowledge of public opinion.

This process disproved the theory that: "any government or party that talks to the PKK will suffer a serious reaction from society," as there was no notable reaction to the government. On the contrary, in the first two important elections following the commencement of the process (30 March Local Elections and 10 August Presidential Election) the parties that supported the process (AKP and HDP) did better than the CHP, which kept its distance from the process, and the MHP, which directly opposed it. It is therefore possible to say that the process had been accepted by the people.

I. The dynamics that initiated the process

There may be many factors that draw parties involved in a question that includes conflict into dialogue and negotiation. It is possible to sum up the main reasons that triggered the process of resolution in Turkey under three headings:

1. The events of 2011-2012 demonstrated once again that this problem could not be resolved by arms. The PKK proclaimed 2012 as a “victory year” and implemented a strategy they called “revolutionary popular war.” However, this strategy did not gain acceptance amongst the people and despite heavy losses the PKK was unable to achieve its goals. As for the state, its aim was to finish off, or at least marginalise, the PKK through military operations in the mountains and judicial and political operations (KCK operations and trials) in the cities.

However, neither party was able to achieve their aims. After a bloody period of 18 months it was apparent that neither the PKK could defeat the state, and that nor could the state destroy the PKK. Both sides realised that conflict harmed them and this impelled them towards the negotiating table.

2. Developments in Syria in particular and in the Middle East in general were also imposing a solution. The PYD, the most influential organisation amongst Syrian Kurds, had very close contacts with the PKK. Consequently, Turkey was not in a position to forge a healthy relationship with Kurds in Syria unless it ensured internal peace and order. In this period when the Middle East was being reshaped and the fire in Syria was affecting all countries in the region, it was imperative that Turkey resolve its Kurdish Question in order both to protect its territorial integrity and to be an effective actor in the region.

3. Turkey’s relationship with the Kurdistan Regional Government (KRG) also played a role in this. Today the KRG is almost Turkey’s only remaining ally in the region. It is in the interests of both Turkey and the KRG to develop economic and political relations. When the KRG’s

relationship with the Iraqi central government was at breaking point, it wanted to retain the backing of a country such as Turkey. As for Turkey, it wished to increase its influence in the region by utilising the great economic and oil potential of the KRG.

However, in order for this mutually beneficial relationship to be stable it was necessary that the Kurdish Question in Turkey be resolved. For it would be difficult for Turkey to engage in large scale economic and political cooperation with the Iraqi Kurds while being in conflict with its own Kurds. Hence, the KRG has for a long time been suggesting to both the state and the PKK to engage in negotiation to resolve the Kurdish Question. The KRG's role in the commencement of the process and in its continuing has thus been crucial.

To these may be added factors such as the fact that the Kurds in Turkey do not want to secede and that the PKK and Öcalan in particular want to be "legitimate political actors". All these reasons, some of them structural and some of them conjunctural, have led to both the state and the PKK changing strategy and the beginning of the process.

II. The strategy of the PKK and the strategy of the state

From the point of view of the PKK the change in strategy meant the political struggle coming to the fore instead of the armed struggle. Öcalan announced this to Kurdish and Turkish public opinion on 21 March 2013. The message to Kurdish public opinion was that the era of armed struggle was over. Öcalan said: ***"Those who cannot understand the spirit of the times, are bound for the rubbish bin of history."*** According to Öcalan, although certain periods had rendered armed struggle obligatory, today conditions were very different. Things had changed and it was time for politics. There were many problems that needed resolving, but the solution to all these should be sought in politics. ***"The guns should fall silent and ideas speak."*** In order for this to happen, Öcalan called on the PKK to halt the armed struggle and remove its armed operatives from within Turkey's borders.

When making this appeal, Öcalan took into consideration the concerns and objections of a segment of Kurdish public opinion. For instance, some objected, finding Öcalan's framework for a resolution to be unsatisfactory. ***"Was the 30-year struggle, made with great sacrifices,***

all just for this?" they said. Öcalan replied to them, saying that the struggle had not been in vain. In Öcalan's opinion, the policy of denying the existence of the Kurds had been ended thanks to this struggle, and the Kurds had made many political and social gains. Consequently, the gains of the struggle could not be ignored.

Öcalan assured those who worried that the struggle for the rights of the Kurds would not continue, saying that the struggle would continue, but in a different form. According to Öcalan, the struggle for the demands of the Kurds would no longer involve the use of arms and violence, but would be replaced by democratic politics.

Öcalan sent Turkish public opinion the message of 'unity'. He promoted the formula of **"A democratic Turkey within the National Pact borders,"** endeavouring to appease those concerned that the process would lead to separation/division. He underlined the fact that he was opposed to the nation state, and that the creation of a new nation state based on ethnic identity would not be beneficial for the Kurds, adding their aim was to construct a new Turkey where everyone felt freer.

Öcalan's idea of unity was based on two points: firstly, a joint history. Öcalan indicated that the historical ties of the Kurds and the Turks, who had died together at Gallipoli, carried out the liberation struggle and established the first parliament together, were very strong. Secondly, a common culture and religion. According to Öcalan, the Kurds and the Turks had not encountered great problems while living under Islam, and the cause of the discrimination that was the source of the problem was **"capitalist modernity"**. Consequently, the Kurds and the Turks, with shared historical and religious ties and a joint culture and sensibilities, could construct a new **"democratic modernity"** based on unity.

Like the PKK, the state, too, made a strategic change. Previously the dominant view within the state was to view the Kurds as a potential threat, which as a result meant that Türkiye was neither able to ensure internal tranquility nor become an influential country in the wider world. However, it had become apparent that it was no longer possible to assimilate the Kurds and Turkicise them, and that the Kurdish Question could not be resolved through

arms. The Kurdish reality had become prominent throughout the Middle East, first and foremost in Iraq and Syria, and Turkey's traditional Kurdish policy was no longer sustainable.

The AKP government's policy was inspired by a wish to play a key role in the Middle East, and it was not possible in today's Middle East for Turkey to take on such a role by fighting with Kurds. The government realised this and, instead of altercations with the Kurds which weakened the country, it opted for a policy of peace with the Kurds in order to grow. Hence, while on the one hand Turkey tried to make peace with its own Kurds, on the other it took the KRG as an ally against the central government in Iraq and abandoned its disdainful attitude to Kurdish groups in Syria.

III. Provocations and progress of the process of resolution

The parties had changed their strategies and launched a process for peace, but to construct peace was a difficult task. The peace process was vulnerable to provocations, as in the event of it succeeding the balance of power in the country would be changed. Consequently, it was inevitable that those whose power would be threatened would initiate attacks. Hence, the peace process in Turkey suffered several provocations. Right at the beginning, in January 2013, 3 women members of the PKK, one of them high-ranking, were murdered in Paris. During protests against the construction of military posts in the Lice district of Diyarbakır, in the Yüksekova district of Hakkari over claims the graves of PKK fighters had been damaged and in incidents related to the long closure of the Bingöl-Diyarbakır road people lost their lives. In Cizre news agencies filed stories saying the KCK had set up law and order units and organised diploma ceremonies, with photos provided to the media.

The aim of all this was to instill a negative state of mind in Kurdish and Turkish public opinion. To encourage a feeling amongst the Kurds that: *"The process is bringing us nothing but death,"* and amongst Turks to strengthen the fear that: *"Peace is just a pretext, a separate state is being formed there"*. Certain media outlets exaggerated every incident, serving this aim. Some claimed that: *"The AKP's aim is not peace, but is to get through the*

elections". Others claimed that: "The PKK is playing for time, it has no peaceful intentions and in reality is preparing for a large war."

In this way they endeavoured to create a lack of trust between the parties rendering it impossible to do anything, and to propagate the view amongst the general public that nothing would come of the process. In the event of a lack of trust growing between the parties and the absence of belief in the process becoming established in society, the halting of the process would be inevitable.

However, the parties' insistence on the process frustrated these provocations. Short term tension was overcome and on each occasion the mutual determination to continue with the process was declared. Steps were taken, the PKK took the decision to withdraw and halted its actions. The government halted its military operations and prepared a report to lay the ground for a research commission to be set up under the auspices of Parliament. Some democratic steps were taken, even if they didn't entirely satisfy demands. The process was taken to all sections of society by delegations of Wise Persons.

IV. The Wise Persons' Delegation and its significance

The Wise Persons Delegation was established by the government, taking into consideration proposals made by the PKK/BDP. There were 7 delegations in the seven regions of Turkey, each consisting of 9 members. There were journalists, academics and representatives of NGOs, unions and professional bodies on the delegations, representing different social and political positions and tendencies in Turkey.

These delegations put the process at the centre of the agenda through their work and the reports they published. The work and the reports were very educational, in particular the report compiled by the delegation in South East Anatolia, which was most affected by the Kurdish Question. This report detailed the structural political and social changes brought about by the process in the region.

According to the report, the atmosphere of conflict had led to four significant outcomes in the political structure of the Southeast over a thirty year period:

- a. It had narrowed the public sphere.
- b. In this narrowed public space the PKK had become almost the only dominant force.
- c. Political formations outside the PKK had withdrawn into their corners and maintained their existence through social activities.
- d. Certain organisations had taken the example of the PKK and become narrow homogenous groups with a hierarchic structure.

This picture which had come into being over a quarter of a century could obviously not be changed in a short time. But the report states that the atmosphere of peace had rapidly reversed these four negative outcomes. That is, the public space was expanding, the PKK's dominance was declining and actors apart from the PKK were emerging with great energy, with the political references rapidly moving towards democratic norms. A new social situation was emerging and the political actors in the region were positioning themselves in accordance with this new situation.

Four general conclusions may be drawn from the work of the Wise Persons all over Turkey:

- 1.** A large majority of the population supports the process. It is well understood that the problem cannot be resolved by weapons and security measures. Everyone is fed up with conflict and the old warmongering slogans such as: "We will flatten Kandil, and drown them all in a spoonful of water" are no longer as effective as they used to be. Those who are opposed to the process do not have an argument to persuade the masses.
- 2.** As the process advances popular support is increasing. The existence of a non-conflict situation, the absence of fatalities and the beginning of the PKK's withdrawal is making the process more credible. People do not want to lose the atmosphere of tranquility. Even if there are some remaining suspicions or things people are unsure about, the feeling that these will be resolved in time is strengthening. As the process becomes consolidated fears are becoming isolated and efforts by those absolutely opposed to the process to address the old anxieties no longer yield results.

3. The issue is not seen as merely a “Kurdish Question”, but as a structural problem that harms many different social segments. The regime in Turkey turns ethnic, religious and sexual identities into a problem. Alevis, headscarved women, non-Moslems and homosexuals all suffer difficulties. Hence, although the Wise Persons’ Delegation originally set out to discuss the Kurdish Question, at public meetings this was not the only issue touched upon. Various problems were raised and demands aired. The point was reached where it was agreed that a democratic reform programme addressing all identities, not just one, would be to the benefit of all.

An inclusive democratisation movement would be morally and politically correct. Morally correct, as there can be no hierarchy between problems. Everyone may consider their problem to be the fundamental one, and it is up to politicians to meet these demands. It is politically correct, as such a programme of democratisation aiming to safeguard the identity of all would block accusations of discrimination and increase support for the process.

4. People want the process to be crowned by a democratic constitution. There is a general demand for a constitution that accepts differences in order to resolve problems, is based on decentralisation of powers and makes possible popular participation. The demand voiced by the Black Sea delegation: “A constitution that recognises us, not one that defines us,” has emerged as the strongest demand.

In general the Wise Persons’ Delegation may be said to have fulfilled two important tasks:

a. It has ensured that the idea of peace and resolution has been debated in all layers of society all over the country. Different social segments, those for and against, have discussed the positives and the negatives and understood each others’ limits.

b. The Wise Persons’ Delegation acted as a kind of mediator between society and the government and parliament. It listened to the expectations, fears and demands of society, noted them in its reports and submitted them to the government. It presented a general

picture of how the public viewed peace and provided the government with a significant piece of data related to the policy it would pursue.

V. Developments and the process of resolution in the politics of Turkey

A. The Gezi incidents

Just before the work of the Wise Persons' Delegations concluded (June 2013), the Gezi incidents broke out. The incidents that began when some trees were cut down in Gezi park in Taksim Square rapidly spread to the entire country. The lack of foresight by the Governor and the Municipality, the disproportionate response of the security forces and the harsh and divisive tone used by the government, in particular the Prime Minister, caused the incidents to mushroom. The anger that had built up against Erdoğan for various reasons exploded, and the protests went beyond the Gezi park issue and took on an anti-Erdoğan and anti-government identity.

With Gezi becoming the only item on the agenda, the peace process was relegated to the background. In fact, if the PKK and BDP/HDP had participated in the Gezi incidents in a mass way and large scale conflict had broken out on the streets, with the government being seriously weakened, then the process could have suffered nigh irreparable damage.

However, the PKK and BDP/HDP side behaved responsibly and did not allow Gezi to derail the talks. Despite the negative atmosphere generated by the Gezi incidents, the PKK and BDP/HDP stated that the process should be developed. Selahattin Demirtaş and Öcalan rejected claims that the process had come to a halt. Öcalan said that despite there being obstacles, he believed the process would be taken forward and be successfully concluded.

The PKK and BDP/HDP were harshly criticised by left wing circles in particular for their stance during the Gezi incidents. According to these circles, a great resistance to the government had emerged, but the Kurds had not backed it. For the first time a sensitivity to what the Kurds had lived through had formed in the west of the country, but instead of nourishing this

awareness by lending their support, the Kurds had withdrawn from the scene. This was a great disappointment. Yes, there was something called the “process of resolution”, but the Kurds were not noticing the storm that was breaking before them on account of an imagined peace. This was an erroneous, unacceptable policy that implied support for the AKP government.

This was the gist of the critique, but they were not just and correct criticisms. For a start the PKK and BDP/HDP had not closed their eyes to what was going on. They supported the just demands and criticised police violence, calling on the government to listen to the demands. But it is true that they did not go on to the streets, pouring oil on streets that were already ablaze.

There was a just reason for this: Kurdish political circles saw that Gezi was not solely a matter of a park and of groups demanding more freedoms. While the analysis of some groups entranced by the romance of revolution was limited to the park, other groups irrevocably opposed to the AKP, such as nationalist, pro-coup groups opposed to freedom, played a leading role in many incidents. There was no possibility of uniting with such groups on a freedom platform. Hence, both Öcalan and Demirtaş kept the masses off the streets, saying the Kurds could not be expected to act in concert with those wanting a coup.

The Gezi incidents demonstrated that the government had serious problems when it came to managing a crisis. There were two fundamental problems: firstly, the discourse towards the demands and those who voiced them was unduly harsh. At the outset, Gezi was a protest action with certain limited demands. The government could have concluded the matter by entering a dialogue with those who raised the demands before the incidents got out of hand. However, the harsh interventions against protesters at the beginning mobilised all anti-AKP groups and enlarged the incidents.

Secondly, the protesters were not talked to at an early stage. When they were eventually talked to no agreement was reached. The government suggested a referendum to decide what should be done with Gezi Park. Taksim Solidarity, which played a significant role in the

Gezi incidents, rejected this proposal on the grounds of its ideological justness and its scientific understanding. This rejection handed the psychological superiority to the government. If these mechanisms had been resorted to earlier, the crisis might have been averted.

B. 17-25 December Operations

After the Gezi incidents, an extensive operation began between 17 and 25 December 2013 investigating allegations of corruption against members of the government. The operation in question was based on a just and legitimate foundation, as no one can ignore things such as bribery and corruption. The Fethullah Gülen Movement fully supported this operation, whereas the government claimed the operation was a conspiracy carried out by members of the Gülen Movement within the judiciary and police. With the 17/25 December Operations the long-running cooperation between the AKP and the Gülen Movement came to an end and the parties began to fight each other.

This operation had an effect on the process of resolution. The BDP/HDP had for a long time been very sensitive on the subject of corruption, and advocated the removal of all parliamentary immunity for those involved. Consequently, it was expected that the BDP/HDP would adopt an aggressive stance regarding the allegations concerning the government. However, this did not happen. According to the PKK and BDP/HDP bribery and corruption was only part of the picture. When the timing of the operation, the way it was carried out and those behind it were taken into consideration it was clear that the operation had political goals, rather than being an effort to cleanse the country of corruption. In that case a two-dimensional policy needed to be followed: on the one hand a principled stand should be taken against corruption, while on the other efforts to subvert politics by extra-political methods should be opposed and democratic politics supported.

The fact that the PKK and BDP/HDP adopted this stance again upset certain circles. According to them, the PKK and BDP/HDP were guilty of wrapping the peace process in cotton wool, of failing to oppose the AKP and avoiding actions that would make life difficult

for the AKP. According to them the stance adopted by the PKK and BDP/HDP was erroneous. The AKP was losing its legitimacy both internally and externally and was losing its authority as a key actor. The Kurds should therefore review their relationship with the AKP.

In fact, what these circles wished to express was that the process could no longer go on with the AKP, and that the Kurds should realise this and put an end to the process. But the PKK and BDP/HDP took no heed of these criticisms. Demirtaş issued a statement, saying: *“There are some who want us to end the process on account of the AKP being enmired in corruption. Should we say to the PKK ‘return to violence?’”* Demirtaş added that they would wage a political struggle against the AKP but would never say: *“Right, start warfare”* to the PKK. Demirtaş continued, saying: *“We don’t find this to be moral. The process and the dialogue must continue as the alternative is arms and conflict.”*

As for Öcalan, his approach was concise and succinct. He said there were those at home and abroad who were discontented with the process, and that certain forces wished to carry out a coup. Öcalan interpreted the 17 December events as an attempted coup, adding that these attempts would continue.

According to Öcalan, the AKP’s biggest sin was to use dialogue in the Kurdish Question, thereby sidelining the USA, and for this reason efforts were being made to remove it from power. The corruption operation had opened the way for attacks on the government and cleared a legitimate path for parallel structures. Öcalan said a coup had been planned targetting both the AKP and the process of resolution and that they would oppose these attempts.

“I wish to point out 2 important matters that everyone should be aware of: those who wish to set the country alight with a coup should be aware that we will not pour oil on the fire. We will oppose all attempts at a coup, as we have in the past. Those who are lukewarm or lack understanding as regards the process of democratic resolution should also realise that the only way to extinguish this fire is to realise a democratic peace as soon as possible.”

VI. The local elections of 2014 and the process of resolution

Following the Gezi incidents and the 17/25 December Operations the local elections of 30 March 2014 gained in importance. Anti-government circles turned these elections into a vote of confidence, saying that if the government was unsuccessful it should resign. However, the election results were not as these circles expected. The AKP and HDP's success in these elections produced two significant outcomes as regards the process of resolution:

1. The two-party political structure in Eastern and South Eastern Anatolia based on the BDP/HDP and AKP was further consolidated. Following the 2002 elections when the centre right and centre left parties' vote collapsed all over Turkey, in the region, too, the political equilibrium changed. In the elections of 2004 and 2007 the structure based on the AKP and BDP became clear. Parties that previously had a significant presence in the region melted away and their voters gathered around the AKP and BDP. Henceforth, the politics of the region was to involve these two parties.

Of the four parties in today's Turkish Parliament, two of them, the CHP and MHP, are of no consequence in the region. Given the political identity of the MHP this is understandable, but for the CHP, which is the "main opposition" and in theory has a claim to power, this is a pitiful situation. The CHP has been confined to the coastal areas and has hardly any presence in Central Anatolia and its politics imply that it has sacrificed these two regions. There is no indication either that this situation will change in the short term.

2. Popular support for the process was reflected at the polling stations. The people made clear their support for the process of resolution in both west and east. The two actors in the process, the BDP and AKP, took over 90% of the vote in the East. In the West, the AKP increased its vote in almost every province. Consequently, the theory that there would be a reaction from the conservative-nationalist base of the AKP if it aimed for a democratic resolution, and that it would lose votes, was once again proved to be wrong.

VII. Acceptance of the Law on the Process of Resolution

Following the local elections of 30 March the government submitted a draft bill to parliament to give a legal safeguard to the process. With the support of the HDP and the CHP the bill was passed on 10 July 2014. The law is known by the general public as the “Resolution Process Law”, officially: “The Law on the Termination of Terror and Strengthening of Social Integration”. On 16 July 2014 it was officially gazetted and came into force. This law with six articles produced three important results:

1. The process that had been continued de facto for 18 months gained legal protection. The government took responsibility and parliament became the forum where the process was to be implemented. This legalisation pushed politics and political actors to the fore.

2. The most significant provisions of the law are contained in article 2 of the law, entitled: Implementation, Monitoring and Coordination:

Implementation, Monitoring and Coordination **Article 2 – (1)** The government leads the necessary activities as regards the following points related to the solution process.

(a) It determines the political, legal, socio-economical, psychological, cultural, human rights, security areas, disarmament steps and steps which are related to these subjects that can be taken to terminate terror and strengthen social unity.

(b) If deemed necessary, it takes the decision to establish dialogue, to have contact, to organize meetings and make similar efforts with national and international actors, organizations and institutions, and it also designates people, institutions and organizations to perform these duties.

(c) It takes necessary measures for homecoming of the organization members, who laid down arms, and their participation in social life and their adaptation.

(d) It ensures to inform the public accurately and on time about the activities and the measures taken related to the solution process within the scope of this law.

(e) It surveys the outcome of the taken measures and it regulates the coordination between relevant institutions and organizations.

(f) It conducts necessary legislation work.

This article aims to provide a framework which will legally safeguard steps taken at all stages of the process. In this context the law contains a general perspective and gives the

government powers over a broad sphere. Based on this law, the government will be able to have talks with persons and groups within the country and abroad, will be able to determine what must be done for disarmament, take the necessary measures for the re-integration of members of the organisation who give up arms, and take all political, economic, judicial, cultural and psychological steps for the completion of the process. It is clear that such legal authority has strengthened the government's hand, for it will now be able to make provisions in whichever sphere it feels it is necessary.

3. Article 4 of the law protects the functionaries and the participants from being faced with future sanction threats related to their activities under the solution process, the Article also ensures that they will bear no civil, administrative and criminal responsibilities for these activities.

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Decisions and Implementation: **Article 4 – (1)** The tasks assigned within the scope of this law will be fulfilled urgently by the related institutions and organizations.

(2) Those who conduct activities within the scope of this law will not have any civil, criminal or public responsibility.

concerns of those involved in the process, and of those who were reluctant to make a contribution to the process on account of the legal vacuum, have been addressed. This is of great importance, particularly for public servants, as with the law in question the process has been officially sanctioned as “government policy”. The law has also facilitated the defining of positions within state institutions as regards contributing to the process and the carrying out of tasks in line with it.

When assessed in general, this law was important for two reasons: firstly, since the beginning of the process the PKK and BDP/HDP side's fundamental demand was the provision of a legal basis. This law, which defines the main themes of the process (disarmament, homecoming, re-integration) and safeguards it legally, means the PKK and BDP/HDP side's priority demand has been accepted.

Secondly, for the initial stages of the process to be carried out de facto and for it to continue with administrative and de facto steps is normal, but after passing the first stage the process should be supported and consolidated legally. For in order to pass from negative peace to positive peace (that is, from a state of non-conflict to a stage where the causes of the conflict have been removed and a lasting peace is possible) there is a need for institutions, norms and modalities, which this framework law will enable to be created.

The government described the enactment of the framework law as the process “*entering a road with no turning back.*” According to the coordinator of the process, Deputy PM Beşir Atalay, the law was very important, as it had a binding character and created the opportunity for further steps to be taken. The other party to the process also expressed their pleasure at the enactment of the law. Demirtaş said they considered it to be important and that everyone should support it. Öcalan described the law as a “historic development”.

After the enactment of the law on the process of resolution the government introduced a Committee of Ministers’ Decision on 1 October 2014 regarding: “The establishing of a Resolution Process Council and of Inter-Institutional Monitoring and Coordination Committees”. Thereby the modalities and basis of the process of resolution were drawn up.

VIII. The Presidential Elections and the Process of Resolution

Following the “367 crisis” of 2007 the government introduced a reform of the Constitution whereby a referendum was held that approved a the election of the President by public vote. After the end of Abdullah Gül’s term of office for the first time the people were to elect the President of Turkey. This was a historic turning point for the country. The policies to be pursued by the four parties with groups in Parliament would have significant ramifications both for them and for their rivals.

The AKP and HDP made their leaders their Presidential candidates (Recep Tayyip Erdoğan and Selahattin Demirtaş). As for the CHP and MHP, they engaged in a kind of shadow boxing,

not putting forward the party leaders, and eventually settled on a joint candidate (Ekmeleddin İhsanoğlu). Thus on 10 August the Presidential election featured three candidates.

The process of resolution was a determining factor in Demirtaş's candidature. Thanks to the process weapons were out of the picture and as there was no conflict and no fatalities Demirtaş conducted a comfortable campaign. He addressed all sections of society in Turkey and received lots of coverage in the mainstream media. He attracted interest and support, with media organs that had previously called Demirtaş and his party such names as "traitors" and "separatist" for the first time striking a positive tone and emphasising Demirtaş's positive features. If there had been conflict as in the past, none of this would have happened. The environment provided by the process of resolution and media backing broadened Demirtaş's support.

Erdoğan won the election with 52%. Demirtaş achieved the highest vote (9.8%) the political tradition he represented had ever achieved since first contesting elections in 1991. The candidate backed by the CHP and MHP, İhsanoğlu, was the only loser in the election. The result was one in support of the process of resolution. Both Erdoğan and Demirtaş had stressed the importance of the process during their campaigns, giving prominence to it and saying that in the event of being elected they would do their utmost to ensure it concluded with peace. In a way they asked the people to approve the process, and as a result the success achieved by Erdoğan and Demirtaş demonstrated once again popular support for the process.

IX. The Kobani incidents

What took place in Kobani after the Presidential elections heightened political tensions in Turkey. Kobani, a Kurdish city in northern Syria, was attacked by ISIS, causing strain between the parties involved in the process of resolution. The government accused the PKK and BDP/HDP of supporting Bashar Assad and ignoring the massacres carried out by the Syrian

regime. In response, the PKK and BDP/HDP claimed the AKP, while backing the Syrian opposition, was in fact supporting ISIS, leading to the growing influence of that organisation.

Prior to this President Erdoğan, and subsequently some members of the cabinet, criticised the PKK and ISIS. They said things like: *“For us the PKK and ISIS are the same”* and: *“However much we are opposed to ISIS, we are that opposed to the PKK”*. These words neither reflected reality, nor were in keeping with the spirit of the process. At a time when ISIS was stepping up its attacks on Kobani, President Erdoğan’s comment: *“Kobani is about to fall”* was perceived as a wish. All these statements caused a build up of anger.

When the situation in Kobani became critical, HDP Co-president Demirtaş called for urgent action, however, the protests did not remain within a democratic framework. There was violence on the streets and petrol bombs, stones and weapons were used, setting the whole region alight. A curfew was declared, schools were closed and flights cancelled. In the incidents that lasted for 3 days 51 people died.

The government held the HDP and Demirtaş responsible for the incidents and the fatalities. As for Demirtaş he pointed out that the policies pursued by the government which had upset the people had played a part in the unrest and that it was not correct to solely attribute the incidents to the call made by the HDP. The lack of trust between the parties increased and the language used hardened.

The incidents that took place during the Kobani protests had a profoundly adverse effect on the process of resolution. For the element that had initiated and nourished the process was the existence of societal support. If there had been no popular support for peace it would have been difficult for the parties to have initiated and sustained the process. The Kobani protests damaged the perception that violence was a thing of the past and harmed popular support for the process. There were two segments who wished to use the pretext of the incidents to undermine the process: one of these spoke to Turkish public opinion, the other to Kurdish public opinion.

a. Those addressing Turkish public opinion presented the incidents and fatalities as a result of the process. They said that state authority in the region had been entirely eroded and that the state had handed the region over to the PKK, and that the cause of all this was “process politics”. In this way they wanted to strengthen the anti-protest feeling in the west of Turkey. The violent scenes that took place during the Kobani protests were of great assistance in this.

b. Those who addressed Kurdish public opinion endeavoured to turn the Kobani protests into a Gezi-type movement. These segments, utilising the Kurds in their struggle against the AKP, wanted to make the most of the opportunity provided by the Kurds being on the scene, in contrast to the situation during Gezi. They therefore made calls for resistance, aiming to keep the Kurds on the streets. They claimed the process was a deception and had never really got off the ground. They propagated the view that peace was not possible with the AKP. In this way they endeavoured to discredit the process, particularly amongst PKK-supporting Kurds, and to end it.

The Kobani incidents led to Demirtaş losing some of the political gains he had made during the Presidential election by means of his impressive discourse and style, when he broadened the political sphere. Demirtaş’s mode of address had raised hopes that the HDP would be able to reach out to different social segments. However, the Kobani incidents increased the worries and fears of conservative, pious Kurds and middle and upper-middle class Kurds and inflicted a major blow on both Demirtaş and the HDP.

X. The Dolmabahçe Accord

With the Kobani incidents there was a fracturing of the process. Deputy PM Yalçın Akdoğan said “the process has hit turbulence”. PKK and HDP administrators said: “the process is in crisis”. Some observers said the process was over and that it would not recover, but for the parties involved the cost of abandoning the process would be grave. The process had also matured during the two years and become resilient. Hence, the parties did not break off

talks and continued to meet, resulting in the historic meeting at the Dolmabahçe Palace on 28 February 2015.

The joint declaration of intent made at Dolmabahçe proclaimed that the parties had reached agreement on a clear framework and agreed to act in line with this framework. In this way the problems caused by Kobani were overcome. The Dolmabahçe Accord also put certain obligations on the parties. For instance, from the state the forming of a monitoring/observation body and from the PKK an ending of actions that make life difficult for people. The process was to be consolidated by steps such as these.

With the Dolmabahçe Accord the process passed to the negotiation phase. However, the government particularly refrains from using the word “negotiation.” Bearing in mind the approaching elections it prefers to sit at the table and discuss the issue without using the concept of negotiation, as the AKP considers this may be interpreted as a concession and does not want to go into elections in such a way. As for the PKK/HDP, it demands the negotiations be proclaimed as such and that the process continue in accordance with this.

However, whether one side is reluctant and the other insistent does not change the outcome. What is taking place is negotiation, which is confirmed by the text containing ten articles. Before being made public the text went back and forth between the parties, with some words being removed and others added before eventually agreement was reached. This in itself is proof of negotiations taking place between the parties.

The joint press conference of 28 February currently represents the summit of the process between the government and the HDP. This denotes a significant stage on the road to peace. There will undoubtedly be many problems and points of disagreement ahead, but the point reached has strengthened the process and brought Turkey closer to peace.

XI. A crucial subject in the Process of Resolution: Third Party or Monitoring Delegation

Third party or monitoring bodies are structures that take on the role of arbitrator and facilitator in conflict resolution situations. When one looks at previous conflict resolution, there are many third party models. However, whatever the model and whatever powers a third party has, the aim is always the same: to assist efforts to end the conflict and to ensure an agreement for lasting peace is reached.

There are various alternatives as regards who might be the third party. The United Nations, a third country, an international organisation, an NGO, or an internationally-respected person. In recent years NGOs and international actors have played more of a role in internal conflict resolution than the UN or governments.

A pre-condition for a successful third party is acceptance by both parties. If one of the parties is uncertain about the third party, then the third party will be unable to fulfil its role. Only a third party trusted by both sides can maintain the process, determine the agenda, organise meetings, make proposals and fulfil the function of arbitrator and facilitator.

Third parties play a significant role in the successful completion of peace processes, as the existence of conflict causes two important problems: firstly, the fact that all trust between the parties in conflict has been lost. Secondly, that the parties become locked into their own narrow political interests. The importance of the third party lies in being able to build trust between the parties and in reconciling their demands. Of course, a third party does not impose agreement, but facilitates the reaching of agreement by overcoming obstacles. It is therefore very difficult to implement a peace process successfully without a third party.

However, in situations of internal conflict states generally make efforts to avoid the presence of a third party. States are reluctant to involve third parties as they wish to prevent their sovereignty being harmed, want to maintain control in negotiations and do not want to be subjected to undesirable proposals or forced into reconciliation. As for armed groups, they endeavour to get third parties involved in order to focus attention on the issue and, in particular, to mobilise international public opinion.

A similar situation exists in Turkey. While the government is keen to avoid the involvement of a third party, the PKK and HDP are persistently demanding the inclusion in the process of a third party. The process of resolution has been continuing for more than two and a half years with direct talks between the two sides, but the issue of a third party has been on the agenda since the beginning of the process. Abdullah Öcalan drew attention to this in a message he sent through a delegation that visited him on 7 December 2013, in which he said: *“There are three important elements for a resolution. The first of these is a legal basis. Secondly, the introduction of a legal framework for the parties. And, thirdly, it is necessary for a monitoring or arbitrating body to be included.”* While Öcalan raised the need for a monitoring/observation body he did not mention any preference regarding whether it should consist of native or foreign representatives.

The first mention of a foreign country taking on the role of third party was made by KCK Co-president Cemil Bayık, in an interview published in the Austrian newspaper *Der Standard* in November 2014. Bayık said the process had reached a critical stage and called for an international observer to be included. Bayık replied to the question as to whom the third party observer should be by saying: *“It could be the USA, or an international delegation. There is a need for mediators and observers. We can accept Americans (as observers) and it seems things are moving in that direction. The Kurdish Question is not only Turkey’s problem, it is an international question and the solution should also be international. The PKK will be part of the solution.”*

This statement by Bayık enlivened debate on the subject of a third party. The government rejected outright the involvement of a foreign government or organisation as a third party. Deputy PM Yalçın Akdoğan said the process was “a domestic one”, adding: *“We do not consider it right for a foreign country, mechanism, organisation or structure to be involved. Turkey is continuing this process with its own capabilities.”*

PM Ahmet Davutoğlu also opposed the involvement of a foreign third party, saying that there had been a foreign observer during the Oslo Process, which had been unsuccessful. There was therefore no need for a repetition as Turkey could resolve the problem itself.

“There is no question of there being a foreign observer. The process of resolution is a natural outcome of the process of democratisation. We have the Wise Persons. We tried the third party at Oslo and it didn’t work. This issue is Turkey’s issue and should be debated by Turkey’s citizens.”

These statements demonstrate that Turkey will not accept a foreign third party, but is open to a domestic one. The HDP also has not insisted on the third party being foreign. According to the HDP, there are many people in Turkey capable of making a contribution to the process, and they could constitute a delegation to observe the process. Hence, at the joint press conference in the Dolmabahçe Palace on 28 February 2015, it was stated that agreement had been reached on the subject of a domestic observation body being set up, and a road map was also outlined. This body was to consist of names agreed by both parties and would carry out talks with Öcalan on Imrali island and with PKK administrators on Kandil mountain. Once the delegation had begun its work Öcalan was to call on the PKK *“to abandon its use of arms against Turkey,”* and the PKK was to announce at a meeting attended by the monitoring delegation that it had ended its armed struggle against Turkey. However, developments meant that a monitoring body was not established and consequently the other steps were not taken.

XII. The General Elections of 7 June and the Process of Resolution

The process of resolution, fraught by unforeseen dangers, stagnated on account of the general election of 7 June. Just as the government was expected to take steps to speed up the process after the Dolmabahçe Accord, President Erdoğan entered the fray and everything changed. Erdoğan said he was opposed to the joint press conference at Dolmabahçe and to the setting up of a monitoring body. He said such steps were very dangerous as they would extend the legitimacy of the PKK and should be avoided. Erdoğan then began to use a very nationalist discourse, as he had done prior to the elections of 2011. At public meetings he said: *“There is no Kurdish problem.”* He told journalists that: *“There are no parties and there is no table. To accept this would mean the end of the state.”* He accused the PKK and the Gülen Movement of collaborating against the government and

Turkey. In his words: *“the terror organisation and the parallel organisation are acting in unison.”*

The PKK and HDP responded robustly. The PKK announced it had abandoned its plan to hold a congress on disarmament. The HDP accused Erdoğan of sabotaging the process, adding: *“The process of resolution has lost its authority.”* At public meetings the AKP and HDP used harsh words against each other.

The AKP entered the election aiming to secure a majority to be able to change the constitution, while the HDP aimed to exceed the 10% threshold. Both parties attached vital importance to the election and the process was thus instrumentalised excessively. Erdoğan used a nationalist discourse in order to prevent potential nationalist votes going to the MHP, while the HDP relied on an anti-Erdoğan campaign in order to pass the threshold. The HDP’s greatest promise was to prevent Erdoğan becoming an executive president and to topple the AKP. The election poisoned the process and its supporters found themselves in opposing camps.

The election results saw little change for the CHP and MHP. The CHP vote dropped slightly, while the MHP’s vote increased slightly. The real change occurred amongst the parties involved in the process. The AKP lost its majority and the HDP achieved a striking success, exceeding the threshold and gaining 80 seats in Parliament. The election results indicated three significant points as regards the process of resolution:

- 1.** The HDP’s entering Parliament ensures that the Kurds are ensconced at the centre of Turkish politics and makes it much more difficult for the PKK to resort once again to arms. The PKK and the political movement linked to it has 13% of the vote, 80 MPs and more than 6 million votes. It has control of more than 100 municipalities. It is evident that this election result has ensured politics will be to the fore in the process of resolution.

- 2.** Erdoğan and the AKP used a language during the election campaign that offended the Kurds, denied their identity and ignored the process. The AKP’s candidates were also

problematic, in that most of them were not capable of speaking about the Kurdish Question or the process. Consequently, Kurdish voters lost confidence in the AKP and turned their backs on it. The HDP constructed its entire election campaign around the AKP and Erdoğan, which limited its potential to make a constructive contribution following the election. In brief, the political preferences of the AKP and HDP during the election campaign has made it more difficult for them to continue the process together. Consequently, there is a need for both sides to learn from their errors and make a new start.

3. With the AKP losing its majority there is no longer a single ruling party to run the process. This constitutes another problem, as the existence of strong governments with parliamentary support is of crucial importance in processes of resolution. However, the 7 June elections did not produce a strong government, and taking risky decisions and sustaining the process with a weak government will be difficult.

In Turkey at present there are two options: there will either be an early election or a coalition will be formed. If there is to be another election the process will be consigned once more to the refrigerator. If a coalition is formed, the future of the process will depend on which parties are in the coalition. The ideal coalition partners would be the AKP and HDP. However, pre and post-election positions render such a coalition unviable. It would be impossible to sustain the process with an AKP-MHP coalition. Although the CHP's position on the process has not yet crystallised an AKP-CHP coalition could continue the process. The HDP has also stated it would support an AKP-CHP coalition.

XIII. Gains and Advantages in the Process of Resolution

The process of resolution has been continuing for two and a half years. In order for the process to achieve its aim in the next period it needs to be analysed along with its fundamental particularities. In this context it is necessary to put the gains of the process, its strong and weak points and advantages, and the risks it faces, under the microscope.

a. Gains

The process has made four significant gains:

1. The most valuable gain of the process is the halting of clashes. This gain prepares the ground for the issue to be comfortably debated at a social level, increases support and earns legitimacy for it. A war-weary public accept the politics of peace.

2. For the two sides to start talks with each other without mediators was of the utmost importance. Thanks to this the parties were able to learn at first hand each others' limits and sensitivities and their sine qua non.

3. The process has become socialised. Peace and resolution have become a norm which is generally accepted and there has not been a reaction to proponents of the process that has threatened their political positions. The results of all recent elections and referenda have demonstrated that the argument of the nationalist opposition to the peace process has not been persuasive, and that on the contrary, the democratic majority has not changed its positive stance on a resolution.

4. The legal infrastructure of the process has been formulated. First the framework law emerged, followed by two regulations. These legal steps provide the government with the opportunity to take all measures it deems necessary to advance the process.

These gains are significant and should not be underestimated. When examples around the world are examined their worth will be understood. Consequently, these gains made by the parties should be appreciated. Of course, things could have been done better and in a shorter time, but this does not devalue what has been accomplished and the parties should be encouraged to continue.

b. Advantages:

Factors strengthening the process of resolution may be listed under three headings:

1. The strongest facet of the process has been the feeling of legitimacy the steps taken towards a solution have evoked in Turkish society. The existence of strong public support facilitates the taking of political steps and makes it possible for political actors to continue on the path without fear of losing power. All serious opinion polls, even when the process has been at its nadir, have demonstrated a level of support that facilitates the task of the political actors.

2. It may be stated that in debates over the character, origin and resolution of the Kurdish Question, superiority has passed to those who are advocating a democratic solution. Theories such as: “You can’t bargain with terrorists” or “the origin of the problem is economic” have lost credibility. This superiority appears to have even influenced those who are opposed to dealing with Öcalan/İmralı/Kandil as interlocutors, which is also a facilitatory factor.

3. The determination of the parties to continue with the process is also of great value. Despite the difficulties that have been encountered along the way, the parties have always managed to overcome them and have maintained their determination to sustain the process. This determination to continue despite provocations and differences of opinion should be evaluated as a significant advantage.

I. Disadvantages in the Process of Resolution

Potential risks facing the process of resolution may be listed under six headings:

1. The fact that the parties impute different meanings to the process is a significant threat. What the government and the PKK understand by the process is very different. What the government means when it says ‘process’ is the end of the armed struggle and the discussion of demands within the parameters of democratic politics and a new constitution. As for the PKK and HDP, they demand that demands relating to the Kurdish Question be negotiated with them and by ‘process’ mean the establishing of a broad decentralisation, the introduction of bilingual education and the legalisation of the PKK. This difference in

understanding brings with it various problems. For instance, the parties have different approaches as regards transparency and a timetable and this causes crises from time to time. Sensitivity in this regard will shape the future of the process.

2. Tensions in domestic politics adversely affect the process. The political atmosphere generated by incidents such as the Gezi Park, 17/25 December Operations and Kobani reduce interest in a resolution in some circles. Reactions to the government, just or not, emerge in the form of “there can be no peace with the AKP”. This state of mind has even affected intellectuals who had a positive view of the peace process during the days of JİTEM. Some media actors and opinion formers have been observed to have transformed their opposition to the government into opposition to peace. This may be said to be a temporary adverse situation, but it corresponds to a significant problem at the present time.

3. There is a problem as regards the language used between the parties and stemming from a lack of coordination. Language used by both sides can sometimes be of a nature that will undermine trust. The government continues to use the term “terror organisation” frequently, and comments such as “whatever the PKK is, ISIS is the same”. As for the PKK, it does not refrain from using the terms “AKP fascism” against Erdoğan and calls him a “dictator”. It also threatens to renew hostilities if there is any problem. This reciprocal language harms the atmosphere of moderation which is necessary for the process to be sustained.

There is a clear lack of coordination between the parties. On occasions statements made after meetings contradict each other, and from time to time easily resolvable problems are allowed to fester, causing harm to the process.

The fact that the parties are both negotiating and are involved in struggle with each other makes it difficult for the process to move forward. The parties are endeavouring to consolidate their own base, while at the same time advancing the process, which involves a delicate balancing act. The parties should therefore behave responsibly and use careful

language. Constantly smearing and condemning the other side is of no benefit to either party.

4. One of the greatest threats to the non-conflict environment are complaints that the PKK and its youth wing, the YDGH, are being used to establish control and to put pressure on people in the region. Activities such as setting up road blocks, checking IDs, burning vehicles, abduction, extorting tax and inflicting punishment is seriously eroding trust in the process in the Kurdish provinces. This has become particularly evident after the Kobani protests. Many NGOs and local administrators in provinces in the East and Southeast have called on the government to maintain the process “while ensuring public order”.

5. The fact that the situation in the Middle East constitutes a risk should not be ignored. In this region the equilibrium is constantly changing, alliances change and there are new developments. The Kobani example demonstrated clearly what an adverse effect such developments could have.

6. Since the Kurdish Question has a long history, a speedy resolution cannot be expected. It is natural that the process of dialogue and negotiation will take time, but care should be taken to ensure it does not drag on for too long. For this may allow incitements to take place or lead to weariness in society. The feelings in a section of Turkish society that: *“They don’t want peace, they won’t be satisfied until they have seceded”*, and the feelings in Kurdish society that: *“They don’t want a solution, they are just playing for time”* are increasing. The continuing uncertainty will lead to a loss of hope and and increase in criticism.

Conclusion: The future of the process

Turkey is currently experiencing a crisis of government which it is trying to overcome by forming a coalition. The process of resolution will be directly affected by the make-up of a coalition. When an evaluation is made of the progress made, two parameters may be highlighted:

Firstly, a large majority of the people want weapons to be removed from the scene and for there to be peace. Certainly there are many headings as regards the Kurdish Question that need to be resolved. However, the people are of the opinion that these can be resolved by democratic politics without resort to weapons.

Secondly, a large proportion of the people believe that the solution can be realised within the territorial integrity of Turkey. They are aware that the sociology of Turkey renders this obligatory, as any alternative would be costly for all members of society. In the last election the Kurds demonstrated their will to live in Turkey along with their demand for the democratisation and renewal of the country. As the process offers an important opportunity for this they support it.

When considering these two parameters it is useful to retain a cautious optimism. Despite all the problems between them and the harsh language used, in the Turkish Parliament today the situation is in favour of the process. Only one of the parties, the MHP, is categorically opposed to the process. The CHP, although it may not support the process as much as desired, is not opposed to it. The AKP and HDP state that they will continue with the process whatever the circumstances. The presumption is thus that the process will continue.

However, it is worth underlining once again that the process of resolution has a dynamic character. Every new incident and every new actor brings with it a change in demands or the review of the entire process. Hence, the process needs to speed up and the parties must avoid language that antagonises the other side and begin to take the necessary steps, first and foremost the setting up of a third party/monitoring body.

Turkey has never in the last quarter of a century been this close to peace. People do not want to miss this opportunity. The discourse of 'peace' is becoming more accepted and is no longer just a dream. Society has seen that peace can be established and is envisaging a peaceful future. It desires the re-construction of virtually all the institutions and rules in Turkey. However, this is not something that the supporters of the process can accomplish by

themselves. It is therefore necessary for everyone who desires peace to fulfil their obligations and provide support for the process.