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The Kurdish Conflict in Turkey

Obstacles and Chances for Peace and Democracy

LIT

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LINGUISTIC MINORITY RIGHTS IN TURKEY, THE KURDS AND GLOBALIZATION¹

The linguistic rights of minorities in Turkey are stipulated in Articles 37 through 44 of the „Protection of Minorities“ section of the Lausanne Treaty (LT; 24 July 1923), the only treaty to be still in force among the international instruments signed to end the First World War. These articles are almost exactly the same as those in the Polish Minorities Treaty² (PMT) of 28 June 1919, signed on the same day and at the same place as the famous Versailles Treaty.

But with one important difference: The expression „*racial, religious or linguistic minorities*“ in the PMT gave way to „*non-Muslim minorities*“ in Lausanne. Therefore, linguistic positive (plus) minority rights (such as the right to set up minority schools in minority language) were recognized for non-Muslims only. Art. 40 of the LT (Art.8 of PMT) stipulates that „... they shall have an equal right to establish, manage and control ... any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein“. Art.41/1 assures that in areas where a considerable proportion of non-Muslim nationals are resident, adequate facilities will be provided so that these minorities receive primary education in their own language. No such rights providing education in mother language are provided for Muslim citizens of Turkey.

What were the reasons and drives of Turkey in so limiting the scope of the Treaty?

1) Theoretically: Under the „Millet System“ lying at the very hearth of the Ottoman administration, when one talked of „minority“ one necessarily meant a non-Muslim. Muslims were never considered minorities. (See also below, the subheading dealing with the Millet System).

2) Structurally: There was such a multitude of Muslim ethnic groups in Turkey that, the country would be withering away if these were considered as minorities and if everyone of them had minority rights under international guarantees.

1 Paper delivered at the Linguistic Human Rights Conference in Budapest organized by Linguistics Institute, Hungarian Academy of Sciences (16-19 October 1997).

2 For the text of the Treaty see: Patrick Thornberry, *International Law and the Rights of Minorities*, Oxford, 1991, appendix 1, pp. 399-403.

3) Politically: Protection of Christian minorities had always been the pretext par excellence of the Great Powers for interfering in the Ottoman Empire, the climax of which was the Ottoman Peace Treaty of Sèvres (10 August 1920), called the „Death Certificate“ of the Empire.

4) Ideologically: The leaders of new Turkey were very staunch nationalists just like the leaders of all the new States created after the War in central and eastern Europe, with the exception of Czechoslovakia. Just like all of them, they wanted a homogenous nation and therefore fought hard to get rid of their minorities and of the minority rights imposed solely on them (not on Germany, Italy, etc.) by the Allies.

For example, the PMT was denounced soon after it was put in force. Bratianu, the Rumanian prime minister resisted against the Rumanian Minorities Treaty so fiercely that the Allied ultimatum that ended on 25 November was postponed twice, and by the time the treaty was finally signed on 8 December Bratianu had obtained all the modifications (restrictions) he had asked for concerning Jewish rights.³

And, what were the reasons why the Allies did not pressure to the end for the rights of minorities other than non-Muslim?

The fact was that they didn't really care. As long as the rights of the Christian citizens of Turkey and especially those of their own citizens doing business in the said country were secured, it was all right. On 23 December 1922 Rumbold, the British representative to the Lausanne Conference finally declared in the Sub-Commission on Minorities that if the Turkish counterpart would accept „*All those living in Turkey*“ instead of „*minorities*“ in the article concerning the „protection of lives, freedoms, and the free practice of religious rights“ (LT art. 38/1 and 2) he would consent to the use of „*non-Muslim minorities*“ in all other clauses.⁴

What is the situation of these rights today?

They have generally been observed in the past and they are being observed fairly well in our day. But sincerely speaking, there have been serious exceptions. With the influence of the nationalist currents shaking the world of 1930s and later because of the Cyprus question in the 50s there were public campaigns and demonstrations in Istanbul and Izmir, where most non-Muslims lived, centered around the slogan: „*Citizen! Speak Turkish!*“. But nevertheless the non-Muslim minorities have always been able to send their kids to their own schools where education was given in their mother language. In December 1993 one directorate of the Turkish Ministry of National Education well known with its right-wing

3 David Hunter Miller: „My Diary at the Conference of Paris“, vol. 13, 1924, p. 221-369, cited in: Stéphane Yérasimos: *La Naissance des Minorités* (book draft).

4 *Lozan Baris Konferansi*, Tutanaklar, Belgeler, Takim I, Cilt 1, kitap 2, Ceviren Seha L. Meray, Ankara: SBF Yayinlari, 1970, p. 206. (Turkish translation of the integral records and documents of Lausanne Conference).

tendencies tried to indirectly ban the use of Armenian language in Armenian minority schools but it encountered such a severe campaign from the Turkish journalists and from the Turkish NGOs that it had to draw back promptly.⁵

But it all doesn't end there. When one speaks of linguistic rights in Lausanne, one has to mention another article of the „Protection of Minorities“ section, very important and a very interesting one which also grants linguistic rights, not only to the non-Muslims, but to all citizens: Art. 39/4 and 5 (Art. 7/3 and 4 of PMT). Interesting, because this article is practically unknown in Turkey and has never been fully observed in this country as far as citizens of Kurdish descent especially are concerned. Its para.4 states: „No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press or in publications of any kind or at public meetings“

The same policy of violation was from time to time applied for para.5 also, which stipulates that: „... adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the courts.“

These two paragraphs of LT which recognized (in fact, founded) the State of Turkey in international legal and political arena (the foundation of the Republic was to be realized three months and five days later, on 29 October 1923) openly permitted any Turkish citizen to use any language practically anytime and anywhere, except in Government offices where only the official language could be used. „Anywhere“ includes, if you interpret it in accordance with the very liberal spirit of the Art.39, radio or TV broadcasts as well, since the article, as written in 1922, covered practically all area of linguistic usage, since it said „in the press or in publications of any kind“ at a time when regular radio broadcasts were unknown to Europe, TV was unknown even as a mere notion, and the term „media“ had not existed yet. But in the '30s and '40s again, fines were imposed upon those who spoke Kurdish, not in villages or big cities though, but in towns. In these decades the „Citizen! Speak Turkish!“ campaigns of Istanbul and Izmir were equally carried out in heavily Kurdish-populated areas.⁶

After the pro-fascist military coup of 12 September 1980 the oral use of Kurdish was banned again and its written use was prosecuted. The military administration's 1982 Constitution declared in its articles 26 and 28: „No language prohibited by law can be used in publications.“

The „law“ that the Constitution referred to was promulgated a year later. This law no. 2932 entitled *Law on Publications in Languages Other than Turkish* had a rather peculiar wording in so far as it stipulated in its Art.2 that, other than Turkish, the only languages that could be used in publications were „the first official languages of foreign countries recognized by Turkey“. The junta's law-

5 Oran, Baskin: *Devlet Devlete Karşı* (The State vs. The State in Turkey), Ankara: Bilgi Yayınevi, 1996, p. 13-22.

6 According to a newspaper of that period (Son Posta, 23 September 1932), a fine (very heavy for the epoch) was declared per Kurdish word uttered. Hikmet Kivilcimli, *İhtiyat Kuvvet: Milliyet* (Park), Istanbul: Yol Yayınları, 1979, p. 318.

yers had cleverly taken into consideration the fact that the second official language of Iraq was Kurdish and they had also cleverly discarded the danger presented in this field by a possible Kurdistan. This law which also indirectly banned music cassettes in Kurdish, declared in its Art.3: „The mother language of the Turkish citizens is Turkish’. In this particular context, one should also mention that the military administration’s mentality was faithfully reflected in the Art.3 of the 1982 Constitution which, instead of repeating the terms so far used by the previous Turkish constitutions („the official language“ – 1921 and 1961 –, and „the State language“ – 1924 –), declared that Turkish was „the language of the Turkish State“.

Equally important during the military administration was the violation of para.5 of Art.39 of LT. Normally, in areas with a heavy non Turkish-speaking population, the judges always called for interpreters when someone who spoke no or little Turkish was summoned before a tribunal, but the generals of 1980 observed neither LT nor this custom and applied penalties to those who insisted in speaking Kurdish in military courts, the most illustrious example being the case of Mehdi Zana, a former mayor of Diyarbakir.

Although the above mentioned articles of the 1982 Constitution are still in force, they are practically meaningless today, because the law no.2932 was abrogated in 1991 by the civil administration. Since then, a much more liberal attitude was gradually seen in official policy. Today Kurds of Turkey cannot set up radio or TV stations broadcasting in Kurdish but have a Foundation („Kürt-Kav“) and they publish newspapers, periodicals, books and music cassettes in this language. It took the Kurds and the liberal Turks quite some time and effort to get to the present point, but now one can buy them freely everywhere. Of course, this does not mean that the state attorneys cannot prosecute these publications on the ground of content this time, but this is quite outside of our subject matter here.

Why is the Turkish State so stringent on the linguistic rights of the Kurdish-speaking population? Apart from the influence of strong nationalist, even pro-fascist, atmosphere that dominated the whole central and eastern Europe during the inter-war years, with the only exception of Czechoslovakia, one can detect four reasons:

(1) *New Turkey was impregnated by a twofold legacy of the Ottoman Empire:*

(a) The age-old Millet System ignored ethnic differences among Muslims and therefore did not allow for a separate Kurdish identity: At the very heart of the Ottoman administration lay the concept of Religion. Every religion (and, in the case of Christians, every confession) was considered a different „millet“ (religious community/nation). Accordingly, all Muslims, regardless of their other (ethnic etc.) differences, belonged to the one and same „Muslim Nation“ (umma). Therefore, Kurds (or, any other Muslim ethnic group) were never considered to have a separate identity. When the Republic was founded in 1923, this legacy of

the Millet System fitted very well into the nationalist policy of the State that hated to allow for multiple identities.

(b) The new Turkish elite directly descended from the Young Turk Tradition of nationalism: In the second decade of the 20th century the Young Turks (and especially their political party, *İttihat ve Terakki*, The Party of Union and Progress) dominated the political scene in the Empire. As a reaction to the two other solutions for „Saving the Empire“ („Ottomanism“, and „Islamism“) which had been offered but failed before them, they put forward a third solution, „Turkification and Westernization“, that was extremely hostile to any other cultural identity than Turkish. Mustafa Kemal and other administrators of the early Republic, in addition to being devoted students of the French Jacobins, all came from this school.

(2) *The fear of repetition of the Ottoman disintegration was new Turkey's nightmare:* The Ottoman Empire which once expended over three continents went through an astounding fragmentation throughout the 19th century to the point of total collapse at the end of the World War; it was indeed reduced to a small national state squeezed in the Anatolian peninsula. As the Republic inherited almost the same mosaic of peoples from the Empire which disintegrated, the possibility that the same phenomenon could happen to them always terrified both the Turkish people and elite. The fear of loosing the Anatolian peninsula, too, contributed a lot to the intolerance displayed against other cultural identities.

(3) *There was also a strategic dimension, usually overlooked:* In the minds of the Turkish military elite, loosing the eastern region bordering Russia (where most of the Kurds live) means loosing the very important factor of „territorial depth“ against the Russians, the eternal foe, especially at a time when Russia made a comeback in the 1990s.

(4) *The Kurdish Uprisings of the '20s and '30s made it look as if the nightmare came true:* The above-mentioned fear was transformed into a sheer paranoia when the Kurdish underground organization Azadi, founded before the Republic by the Kurdish military intelligentsia and joined by Kurdish sheiks, started in February 1925 a very serious uprising merely sixteen months after the advent of the Republic. Only 13 years later, in 1938 was the State able to put out this fire. This scared the hell out of the new Young Turks and they launched an ever continuing policy of assimilation. Therefore, the Turkish State has always been afraid of a separate Kurdish identity the core of which would of course be the Kurdish language.

Now, it is an open secret that this assimilation policy has ultimately failed. Historical, structural, ideological and political reasons of this failure are the subject of quite another paper.⁷

7 See my „Thoughts on the State and Kurdish Identity in Turkey“, in: Ole Høiris & Sefa Martin Yürükel (ed): *Contrasts and Solutions in the Middle East*, Aarhus: Aarhus Univ. Press, 1997, pp. 489-499.

Here at this point, it's time to ask two important questions:

The *first* question is: 'This fear of the Turkish State, is it that silly today?'

I don't think this is an unreasonable question because, after all, every single nationalism known so far started as cultural nationalism motored by linguistic rights, and it only stopped at the „last station“, i.e., independence. And after all, in less than a decade, all of us have witnessed more than one unbelievable example of national disintegration. The Era of Globalization is also the Era of Minority Renaissance.

On the other hand, this question will be very well understood by the Kurds themselves because the Kirmanchi speaking Kurds of Turkey got very nervous (and had the publication stopped) when Hawar, the periodical of the Institute Kurde de Paris started to publish in Zaza, along with Kirmanchi and Sorani. The same thing happened when Med-TV of the Kurds in Europe started to broadcast in Zaza also.

The *second* question is: 'This policy of the Turkish State, is it that reasonable today?' – This question is unavoidable for many reasons: Turkey is now going through a very difficult stage in which the economically disadvantaged individual is not only strongly deprived of essential material things, but more importantly, he also feels a very strong sensation of relative deprivation. This is because of a very heavy rural exodus to big cities (slums next to luxury apartment buildings) and also because of a very fast modernization without widespread industrialization in rural areas (people without running water watching at their color TV all sorts of exorbitance).

In such a difficult context, the Turkish State, by also denying the group identity and the mother language of the Kurds, a people still much impregnated by feudal disadvantages and traditions, simply facilitates the nationalist terror of PKK.

We know that to feel secure, every individual has a natural tendency to identify with a certain group („conformity/uniformity“). This group is usually the one that he/she is born into („primary group“). The mother language is the most important element of this identification. It is naturally learned before the kid goes to school, and its unhindered use is the most important aspect of individual/group identity. In case the individual chooses later to identify with another group speaking another language, or if a language other than the mother language is imposed on the individual by economic etc. factors, there is no problem („acquired identity“). This is the case of the immigrants in the New World.

But two other cases are bound to create problems:

(a) In case the State disapproves, or refuses, or especially, denies the group identity/mother language of the individual (for example: official ideology's slogan „Kurds are Mountain Turks“), the Kurdish individual, who is also economically at the very bottom, tends to feel left out, an outsider, and he develops a strong sensation of deprivation. This individual can assert his/her identity through channels other than normal/usual ways and this is not very desirable for a State.

(b) Furthermore, in case the State imposes by force (ex: fines in 1930s to those speaking Kurdish, and prison sentences under Law no.2932 throughout the 1980s) a language other than the mother tongue as the only language to be used (even orally) in the country, the individual will very likely feel oppressed and will be readier to dwell in rebellious tendencies when the conditions are ripe. This is even more undesirable for a State. This is the case of the Kurds in Turkey, who are, what's more, not immigrants but autochthonous people of Anatolia.

This rebellious tendency will even be greatly enhanced if the individual is in the social stage of having one (or, very few) sub-identity only, because he/she has a second and equally important socio-psychological tendency besides conformity/uniformity: „Distinction“. When the individual has no other identity than that of his primary group, his/her only chances to be „noticed“ in the group will materialize if he/she becomes an „extremist“. This is an important factor to take into consideration in the study of the PKK's nationalist terror.

The fears rationalizing a policy that creates so many problems inside the nation and darkens so much the country's international image, are far from being real and realistic.

(a) To start with, in the Age of Globalization, granting linguistic rights will not lead the Kurds to ask for independence. Western capital, to enlarge its market to the size of nothing less than the globe, is tearing down the whole concept of the „national“. The concept of „material success“ is the only password of this New World Order. What's more, no reasonable alternative to it is perceptible in the horizon. The superstructure of this new infrastructure is a single one, the Western culture, wildly motored by the English language (the new and real „Esperanto“). It knows no speed limit and is shaping the whole world in the direction of „global (read: unnational) values“. In such a cultural atmosphere, even concepts like „national pride“ might well be destined, in time, to become no more important than blue jeans brands.

Let us assume that today the Kurds of Turkey have the right to send their kids to Kurdish-medium schools. Although the Turkish language is the tongue of some 150 million around the world, all the reasonable Turkish parents in Turkey now go through immense material and moral sacrifices to send their kids to English-medium schools with the hope to enable them, maybe, to get a better job in the future. In such a Turkey, do you think it is realistic to assume that Kurdish parents will send their kids to Kurdish-medium schools? I seriously doubt it and find the fears of the Turkish State more paranoiac than realistic.

But I know one thing for sure: Music cassettes in Kurdish were selling like hot cakes when they were banned in the 1980s, and they sell like stale cakes today. In such a material and cultural atmosphere, and given that the PKK's nationalist terror frightens the Kurds as much as the Turks, it all boils down to the question as to where the Kurds of Turkey would realistically expect to live a better life: In an independent Kurdistan traditionally torn between feudal antagonisms, land-

locked by four hostile neighbors, with very little natural resources to live on, or a Turkey in which they enjoy the material and cultural life to which they aspire?

That is why I believe that, in this „globalized world“, if the basic material needs (to find work) and cultural aspirations (recognition of Kurdish identity and language) of the Kurds are simultaneously met, they might get off at the „cultural autonomy station“, instead of going as far as the „very last station“.⁸

(b) On the very contrary, not the granting of cultural rights, but precisely the denial of cultural rights might well drive the Kurds of Turkey to ultimately ask for independence. If this people give up all their hope to realize the material and cultural life in Turkey to which they aspire, an independent Kurdistan, then, might well be the only alternative despite all future difficulties. They might be compelled to go as far as the last station. Because, in this case, „oneness“ becomes the adverse notion of „unity“.

A last question to settle: 'What if the Kurds use cultural and linguistic rights as a step to independence? Or, as the official ideology puts it: 'If we recognize the Kurdish identity by conceding cultural autonomy, our country will go to pieces because afterwards they will ask for independence too.'

To this, the best remark is probably made by the renowned novelist Yashar Kemal who calls himself „the most Kurdish of all the Turks and the most Turkish of all the Kurds“. And he commented: „Won't they ask for independence if we don't give them cultural autonomy?"

Anyway, all the solutions displayed by the Turkish Republic so far to „settle the Eastern [Kurdish] question“ have been based on the denial of Kurdish language and identity and the results of this policy are only too obvious: Thirty thousand dead from both sides since 1984 to say the least, and a big deadlock. Just about everything have been tried until now except the recognition of this identity. In a world where even marriages do not last forcefully, this is the only thing that hasn't been tried yet for the peaceful cohabitation of Turks and Kurds.

8 For a more detailed exposé of this thesis, see *ibid.*, p. 495-499.