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Khurram Khan

University at Buffalo School of Law (Student)

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THE KURDS IN TURKEY: EU ACCESSION AND HUMAN RIGHTS

By Kerim Yildiz†

Reviewed by Khurram Khan*

As long as the Kurds are not acknowledged in Turkey, as long as they are excluded from constitutional recognition and viewed by the state essentially as unassimilated Turks, EU accession will prove little more than an unfulfilled promise.¹

The Kurds are some of the most oppressed peoples on the planet, yet detailed accounts of their strife have conspicuously evaded media coverage, particularly in the United States. In writing *The Kurds In Turkey: EU Accession And Human Rights*, therefore, Kerim Yildiz makes an important contribution to the human rights corpus. One reason why the American press has devoted so little attention to this issue, suggests Yildiz, is that decades of U.S. military aid has abetted Turkey's brutal campaign against the Kurds. Activists like Yildiz hope that as Turkey's bid for accession into the EU advances, Western news media will expose the human rights violations the Kurds have endured at the hands of the Turkish government. Another reason why this publication is so timely is that the fate of Turkish Kurds is inextricably linked with the Iraqi regime that will emerge after the U.S.-led occupation.

A vital component of the book is the foreword written by activist and intellectual Noam Chomsky. In under twenty-seven pages, he lays out the geopolitical backdrop of the Kurdish question, specific instances of atrocities, and personal experiences in Turkey. The text is taken from a talk Chomsky delivered in 2002 and it complements Yildiz's work by focusing on the complicity of other nations in the atrocities committed by the Iraqi and Turkish governments against its Kurdish population.

In particular, Chomsky lays out the history of American military aid and economic pressure in the Gulf region, and its connection with the oppression of the Kurds. He stresses for the reader to "note that the issue

† Kerim Yildiz is the founder and Executive Director of the Kurdish Human Rights Project.

* University at Buffalo Law School, Juris Doctor, May 2007.

¹ KERIM YILDIZ, *THE KURDS IN TURKEY: EU ACCESSION AND HUMAN RIGHTS* 32 (Pluto Press 2005).

has not been *access* by the US itself, but *control*, a crucial distinction, often overlooked.”² It is precisely this control that has given authoritarian regimes the tools to lockup, detain, relocate, rape, and otherwise subjugate minority communities such as the Armenians and the Kurds. Modern analysts, he explains, have moved beyond the traditional rhetoric that was not too concerned with access to Gulf resources. They maintain that the wealthy nations have a “‘right of access’ . . . which outweighs the rights” of the inhabitants.³ Chomsky quotes respected experts Walter Lacquer and Robert Tucker, both of whom assert that Gulf oil “could be internationalized, not on behalf of a few oil companies, but for the benefit of the rest of mankind.”⁴ Chomsky points out that “the concern for mankind” that these experts exhibit can be thought also to be logically committed to the position that Western industrial and agricultural resources of the West “should also be internationalized for the common good.”⁵ However, he goes on to point out that this “natural conclusion” has yet to be reached.⁶

Chomsky prepares the reader for Yildiz’s introduction of Turkey’s bid for EU accession. On December 17, 2004, the EU announced Turkey a viable candidate for accession. However, the quandary rests in the question what implications do Turkey’s candidacy and eventual accession hold for Turkish Kurds? This is the central question Yildiz attempts to answer. As Yildiz explains, the EU accession criteria include enforcing a minimum level of human rights measures. Although at this point it is not clear whether the EU will maintain the same threshold for Turkey as it has for its current members, it is clear that Turkey’s horrendous human rights record may prove to be an obstacle to its EU membership.

While expounding on Turkey’s human rights history, the author seizes the opportunity to dispel the commonly held perception among EU citizens that the Turkish atrocities against its minority communities have been merely sporadic and incidental. On the contrary, he argues that such a position “. . . wrongly implies that the behaviour of the Turkish state is broadly compliant with international human rights standards, and belittles the severe ongoing human rights violations taking place in the country.”⁷ The book seeks to correct the misconception by detailing the record of administrations stretching back to the country’s inception, which have insti-

² *Id.* at xii (emphasis added).

³ *Id.* at xiii.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 38.

tuted systematic policies of forced displacement, arbitrary detention, torture, and other crimes against its Kurds.

Yildiz points out that the treatment of the Kurds must be seen in the context of Turkey's mono-ethnic nationalism. The government characterizes any policy or form of expression that detracts from the country's official designation as a nation as a threat to the integrity of the state. A significant portion of the book examines various manifestations of this rationale.

Chapter 4, for instance, details Turkey's torture record and its current policies in light of adopting a "zero tolerance" policy on torture that comports with the ICCPR, ECHR, and CAT.⁸ While Turkey no longer endorses institutionalized torture against its minority communities, Yildiz argues that Turkey is far from achieving the guarantees stipulated by its recent legislative reforms. There are certainly far fewer reports of electric shock treatment, hanging by the arms, and other routine torture methods; however, the level of torture still carried out by Turkish officers is shocking. Yildiz cites a report that recounts 455 cases involving incidents of torture and blatant denial of human rights in the first half of 2004.⁹ Moreover, detainees are regularly denied legal counsel and correspondence with their families, which further exacerbates the deficiency of basic human rights in Turkey.¹⁰

In terms of organization, the book's first three chapters lay out the historical background of the Kurds, the Turkish state, and the EU. The second chapter focuses on the history of the Kurds, particularly in Turkey. The 30 million Kurds, who are spread across Turkey, Iran, Iraq, and Syria, are arguably the largest group of stateless people in the world. A breakdown yields in approximate terms: 15 million in Turkey and 23 per cent of Turkey's population, 4 million in Iraq and 20 per cent of Iraq's population, 7 million and 15 per cent of Iran's population, and 1 million and 9 per cent of Syria's population.¹¹ Yildiz provides many insights into the origins of the Kurdish identity and the concept of 'Kurdistan.' Significantly, this region is also home to oil, water, and other precious resources and it is no surprise that each of these resources factor into regional politics.

Chapter 4 explains the status of civil, political, and cultural rights in Turkey, while Chapter 5 discusses the internal displacement of hundreds of thousands of Kurds and other minorities in southeast Turkey. Chapters 6 and 7 continue on this theme, as understanding the conflict in the southeast

⁸ *Id.* at 44.

⁹ *Id.* at 46.

¹⁰ *Id.*

¹¹ *Id.* at 6.

is crucial to finding means of alleviating the strife of Turkey's minority communities. In fact, Yildiz goes as far as stating that Turkey's approach to the southeast conflict is the "acid test for measuring her [Turkey's] willingness to genuinely address the situation of the Kurds."¹² The Kurdish question is not confined to Turkey, and Chapter 8 discusses the likely spillover effects from the conflict that involve, but are not limited to, civil discord in Iraq, Iran, and Syria.

In the final chapter, Yildiz takes a serious look at the December 17, 2004 decision by the EU to open accession talks with Turkey. The EU based its pronouncement on the Copenhagen Criteria, a metric by which the EU is supposed to rate a nation's candidacy for EU membership. In particular, the Criteria calls for democratic institutions across the board, adherence to the rule of law, guarantee of human rights, and the protection of and respect for minorities.¹³ In addition to laying out the theoretical framework of this particular accession criteria, Yildiz also discusses the material terms of the agreement, such as commerce and national governance policies. Furthermore, the author looks at how the European Council has viewed the performance of former candidate nations.¹⁴

As to whether Turkey is at this moment ready for further negotiations, Yildiz contends that the country has not sufficiently fulfilled the Criteria. While some legislative and administrative reforms have been implemented, the current regime has not shown an interest in a de facto analysis with respect to its Kurdish population. Moreover, the European Commission has reinforced Turkey's lack of interest by paying poor attention to the Kurdish situation in its 2004 report. By implication then, the EU's current position does not recognize the programmatic marginalization of the Kurds, and instead treats the persecution as ordinary crimes that do not target a particular ethnic group. By not insisting on adequate controls, and implying that Turkey is broadly compliant with international human rights standards, Yildiz argues that the EU has done a disfavor to the Kurds.

Finally, Yildiz explains that the Kurdish question is political in nature and therefore calls for a political answer. It is the status of the Kurds that encourages the institutions to commit severe human rights abuses against them:

[t]he marginalization of the Kurds from public discourse, including on EU accession, and the severe human rights

¹² *Id.* at 76.

¹³ *Id.* at 33 (citing European Council in Copenhagen, 'Conclusions of the Presidency').

¹⁴ *Id.* at 36.

abuses which taken place in the Kurdish region are symptomatic of the deeper problem of the status of the Kurds in Turkey.¹⁵

Without proper constitutional recognition and regard for the newly enacted statutes, EU accession will not deliver the promises the Kurds of Turkey have been waiting and hoping for.

Yildiz has shown not only a strong understanding of the Kurdish question, but also a deep sensitivity for all minority communities residing in Turkey. The author has capably discussed each of the important aspects of this situation including: internal displacement; civil, political, and cultural rights; and international dimensions of the conflict. Nevertheless, the reader is faced with a few obstacles in her attempt to examine the text.

First, there is very little discussion of the human rights status of other EU candidates or recently acceded countries. As a result, it is difficult to determine the extent to which the EU may have lowered the bar with respect to Turkey. For instance, there is neither mention of Croatia nor of the former Yugoslav Republic of Macedonia—both candidate nations with horrendous human rights records. Second, Yildiz does not give an assessment of how much of a factor Turkey's human rights policies might be in comparison to the rest of the accession criteria. Third, while the book suggests that membership is all but inevitable, no timeframe is offered for when Turkey might accede into the EU.

Also, the author has a tendency to repeat issues sufficiently covered in earlier parts of the text. For example, the sixth chapter discusses aspects of Turkey's human rights record that Yildiz explained at length on three occasions earlier in the book.

Overall, this book endeavors to give the millions of Kurds a voice by documenting the persecution and oppression that they still face in a Turkey that may soon accede into the EU. Yildiz may catch the attention of those who track the movements of the EU, yet were hitherto unaware of the human rights violations in candidate countries, but I nonetheless urge that this text should become standard reading material for all students of human rights and international relations.

¹⁵ *Id.* at 31-32.

