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THE PLIGHT OF THE KURDS AND THE RIGHT TO SELF-DETERMINATION

The “Kurdish Question” in the Turkish context, in all its complexity, can best be understood within the denial-violence matrix that has entrapped this country. Official Turkey from the early years of its inception denies the very existence of the Kurds as a distinct ethnic entity. The corollary of rejection to recognize the Kurds as a people is the consistent policy of forced assimilation and violence against those who resist it. In other words, state violence became a natural extension of the denial of the Kurdish existence.

Therefore, there is an organic unity between the denial of the Kurdish Reality and state violence against the Kurds. Besides the fact that the policy of systematic assimilation itself is a form of latent, structural violence, “denial” also breeds manifest violence. Overt state violence becomes not only a response to inevitable Kurdish resistance to assimilation but also an almost instinctive reaction to even unpremeditated, i.e., ordinary, natural, habitual manifestations of Kurdish existence. In the whirlpool of an obstinate rejection of the existence of an external reality, the Turkish state, in its utter irrationality, tenaciously take refuge in force and violence. In the process, own violence breeds more violence and she becomes a helpless addict of it.

Averse to accommodate the Kurdish existence within its normal social, political and legal framework, the whole structure is thus defined, conditioned and shaped by a spiraling vicious circle of denial and violence. Constructed over the last seventy years, that is, from the very inception of the Republic, the huge apparatus of denial and violence, has created a chauvinistic/militaristic structure, an ideological and institutional edifice totally based upon the myth of an “indivisible master Turkish race,” historically feeding itself upon “internal and external enemies.”

When all peaceful and democratic channels of self-expression have been closed, and brute force has become commonplace, the ordinary conditions of life were marred by violence for millions of Kurds in Turkey. The “Kurdish Predicament” has also degenerated the Turkish society itself in many ways making the Turks also a victim of the protracted “Dirty War.” The toll on the Turkish society has indeed been very high; the vicious circle has effectively hindered democratization, distorted social sensibilities, and, entrapping in a moral decay and intellectual paralysis, profoundly corrupted the political system.

It is no wonder then that the Kurds in Turkey now demand to redefine their relationship with the Turkish state and society. They overwhelmingly call for a new status on a new legal (constitutional) basis and on an equal footing.

This requirement for a democratic and peaceful partnership, i.e., a new framework of relationship necessitates a discussion of the right to self-determination.

There are conflicting views on the right to self-determination. There are those who assert that the right to self-determination involving secession (external self-determination) is a higher norm (*jus cogens*) of international law and that as a principle norm is binding on all (*erga omnes*). On the other hand, there are others who deal with the right to (external) self-determination in the context of Western colonialism and claim that it is not applicable to the existing states having been already exhausted in the preceding decades when the Western colonies achieved their independence. According to those the states' right to territorial integrity supersedes the right to self-determination and secession. On the other hand, the Marxist approach to external self-determination has been succinctly expressed by Lenin: "Consequently, if we want to grasp the meaning of self-determination of nations, not by juggling with legal definitions, or 'inventing' abstract definitions, but by examining the historical-economic conditions of the national movements, we must inevitably reach the conclusion that the self-determination of nations means the political separation of these nations from alien national bodies, and the formation of an independent national state...It means that 'self-determination of nations' in the Marxists' Programme *cannot*, from a historico-economic point of view, have any other meaning than political self-determination, state independence, and the formation of a national state."¹

In the Kurdish context, Turkey would hear none of this discussion. Her main allies and other states interested in the issue not by an inherent right but by imperialist interventionism, like the United States of America, United Kingdom, France, Russia, etc. are all against the right to external self-determination. So are the international organizations like The United Nations, the European Union, the Organization of the African States, etc. Together with many, mainly conservative, legal scholars, then, there is a powerful international block, a sort of a coalition of legal arguments and political exigencies, against the right to external self-determination.

What do the Kurds want? After all, they are the subject and object of the discussion.

Abdullah Öcalan, leader of the Kurdistan Workers Party (PKK) declared through his lawyers: "My project for a solution is based on democratic autonomy. On one hand democratic autonomy does not conflict with international borders, on the other it rejects global hegemony but does not clash with it. It is a system that protects its own principles without dissolving inside global hegemony (empire). This solution also comprises the principles of Democratic Confederalism. It comprises political, social-cultural, economic, diplomatic and security issues. The resolution of this issue based around democratic autonomy will illuminate the whole of the Middle East and become a model for Italy and Spain. My views regarding the state and hegemony are

¹ <https://www.marxists.org/archive/lenin/works/1914/self-det/ch01.htm>

parallel to those of (Antonio) Gramsci. Whereas Marx accepted the nation-state, I do not.”²

In an interview recorded In North Iraq (South Kurdistan) on March 23rd of 2010, one of the top leaders of the PKK, Murat Karayılan, has said this:

“You are aware that the culture, the identity, all the national rights of the Kurdish people have always been denied. There has also been violence and oppression against this people. Because of that, the Kurdish people decided to protect themselves through struggle, through arms. But since 1999, August 2nd, we have been trying to solve the Kurdish question through peaceful means, because we believe that the Kurdish question can be solved not through war but only through political means. It's a social problem, so there can be only a political solution to it. So our struggle right now is a political, democratic struggle. What we want is a political, democratic solution **within the Turkish borders**. Our motto is: **"A democratic Turkey for an autonomous Kurdistan"**³

Could we then say that in the presence of a state-based consensus against external self-determination and in view of the fact that the main representatives of the Kurds themselves do not want secession, we can drop the subject for further consideration?

Clearly not so. Legally, even by the most conservative standards, the denial of the right to external self-determination, i.e., the right to secession, is dependent upon certain conditions. In the case of war, occupation and oppression, that is in cases where internal self-determination and the rights pertaining to it are lacking then the right to external self-determination becomes a legal remedy and instrument of law. Politically, a peoples right to defend its very existence and resist oppression has moral and historical legitimacy beyond “juggling with legal definitions, or ‘inventing’ abstract definitions.” It truly transcends ideological caprice and prejudice, theoretical machination, national selfishness or state egoism.

If one is permitted at this point to use a metaphor, internal self-determination, whether one understands it as voluntary association, autonomy or as self-rule, can be likened to the right to divorce. Freedom of divorce is a positive consideration to for mutual contentment and consent in the content of the institution. Likewise, internal-self-determination may serve the same purpose in a multi-national state.

Internal self-determination is the sum total of rights and prerogatives of a people, exercised, individually or collectively, to govern their own lives. Such rights include, among others, a) to preserve and develop their culture; b) to exercise control over their resources; c) to be able to choose their

² See

http://www.english.rojhelat.info/index.php?option=com_content&view=article&id=332:rojhelat&catid=37:featured

³ <http://turkishdiary.blogspot.com/2010/04/karayilan-eu-and-us-are-responsible-for.html> (bold in the original)

representation; d) to use cultural/historical symbols of their way of life; e) to have education in mother tongue; f) to freely pursue enhancement of national life; g) to construct institutions of self-rule; h) to enjoy full constitutional security of national existence; and i) to freely participate with their national identity in local and overall affairs of the state.

Therefore, for Turkey, and her friends, the only logically consistent and plausible argumentation possible is the one that can be based upon the existence of internal self-determination for the Kurds.

For a country like Turkey, use of force and violence to suppress a people's fundamental national-democratic rights becomes counter productive especially at an historical moment when secession ceases to become the only alternative advanced by, or demand emanating from, the oppressed minority. When the Kurdish demands for internal self-determination is not heeded but on the contrary are met with repression and violence, then, at this point in time, it means that the profound momentum towards any Kurdish drive for external self-determination is actually arising from Turkey itself together with the full responsibility for the unfolding human drama and the ongoing misery, bloodshed, desolation. As long as the Kurds are compelled to choose between accepting to define themselves as Turks and behave as Turks or face oppression, demonization and persecution as terrorists or supporters of terrorism, Turkish system is effectively forcing on them emancipation through resistance.

This is more than the plight of the Kurds. This is the dialectics and tragedy of "denial and violence" syndrome besetting Turkey. And it has profound implications for the Kurdish right to self-determination.