International Journal of Conflict and Violence

DOI: 10.11576/ijcv-5777
IJCV: Vol. 16/2022

The Politics of Negotiating the Kurdish Self-Determination Conflict: Failure by Design?

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Vol. 16/2022

ISSN: 1864–1385

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This study explores the long-standing conflict over Kurdish self-determination as it played out in three cases of negotiations conducted between the governments of Iraq, Iran, and Turkey, and the representatives of Kurdish movements from the 1970s onwards. Drawing on conflict and negotiations studies, the paper seeks to explain (a) why efforts at negotiating the conflict in question have not been successful and (b) what reasons account for this failure. To this end, the study first conceptualizes the Kurdish question as a *constitutive conflict of self-determination* grounded in a dynamic contest between direct rule and self-rule. Second, it systematically links the failure of negotiations to the absence of substantive commitments by the states involved, the lack of collective action on the part of the Kurdish actors, and negative third-party involvement. The objective is to provide a theoretically guided and empirically informed conceptual approach to the failed politics of negotiating the Kurdish self-determination conflict.

Keywords: Kurdish self-determination conflict, self-rule, direct rule, denial of political accommodation, negative third-party involvement, intra-Kurdish contention

Acknowledgement: I would like to express my appreciation to both anonymous reviewers for their comments and suggestions. My thanks also go to Prof. Dr Gülistan Gürbey and Dr Arzu Yilmaz for all the work they have done to make this special issue possible.

Kurdish aspirations for self-rule remain a major source of conflict across four states. Whilst there have been recurrent episodes of negotiations, none have resulted in a negotiated agreement. This is a striking phenomenon that raises puzzling questions as to why there has been no political accommodation beyond the use of violence with devastating consequences. The present study is an attempt to identify the key factors behind the failure to negotiate a settlement to the Kurdish self-determination conflict, by focusing on the three crucial cases of the negotiations conducted between the Kurdish self-determination movements and the states of Turkey, Iraq, and Iran.[1]

The article is organized as follows: the first section presents a conceptual framework to make sense of the Kurdish self-determination conflict and negotiation failure; section two analyzes the selected cases of failed negotiations. I conclude by presenting the main

[1] According to the Center for International Development and Conflict Management (CIDCM), a self-determination movement is understood as involving "any attempt launched by a territorially concentrated ethnic group for autonomy or independence from the central government using political or military means" (cited in Walter 2006, 315, footnote 8). Similarly, other scholars define self-determination movements as those "political organizations that are connected to an ethnic group and make claims for increased SD [self-determination] from the state" (Sambanis, Germann, and Schaedel 2018, 658). Self-determination is, in turn, referred to as "a group-defined right to self-rule within the boundaries of a territory" (ibid.). It should, however, be emphasized that the concept of self-determination is inherently related, but not identical, to secession. This understanding is also indicated in the widely held distinction between "external self-determination" and "internal self-determination" (cf. Summers 2013, 232 ff.). The former mainly refers to the right to secession, whereas the latter reflects a non-secessionist understanding of self-determination, aiming internally changing the system of governance "according to the will of the governed" (for an elaboration of the concept of self-determination as a principle and means of conflict resolution see Weller 2008, 23 ff.).

insights and emphasizing the need for future research.

1 The Question of Kurdistan and Its Negotiation: A Framework of Understanding

Marked by recurring patterns of conflict and negotiations, the dispute over Kurdish claims for self-determination has been remarkably persistent for almost a century. The intermittent episodes of negotiations represent little more than brief interludes in the armed conflict. What emerged was a dynamic conflict formation that has, in varying degrees, resulted in policies and practices of domination and destruction by the states involved, and a range of what can be called "peripheral insurgencies" launched by various Kurdish movements seeking "secession or greater regional autonomy" (cf. Fearon 2004, 287–91).[2]

Scholars have proposed a range of concepts to help shed light on the reasons behind failed negotiations. One striking approach is framed as "avoidance negotiation", that is, the use of negotiation with the aim of avoiding an agreement (Wallihan 1998, 257–358). This includes a variety of tactics such as "making offers that must be refused, stalling, and scrambling offers and terms, thus putting the conventions of negotiation to unconventional uses so as to avoid detection and preserve a credible claim to good faith bargaining" (Wallihan 1998, 257–58).[3]

Similarly, some scholars have offered the concept of "false negotiations", that is, involvement "in the negotiation process without any intention of reaching an agreement" (Glozman, Barak-Corren, and Yaniv 2015, 671–75).[4] False negotiation occurs "when a party gains more by stalling the negotiations until an external change takes place that improves its position considerably" (Glozman, Barak-Corren, and Yaniv 2015, 671). Other scholars focus on the ways in which negotiators deal with negotiation situations, offering concepts such as "integrative", "distributive", or "coercive" essentially to indicate whether disputing parties take cooperative and/or zero-sum approaches to the conflict.[5]

Since the scholarship has largely focused on successful negotiations, failed negotiations have received less attention thus far (cf. Faure and Zartman 2012, 9–10; Janusch 2016, 497 ff.).[6] Yet identifying the reasons for not reaching an agreement acceptable to all parties may yield more insights into the modes of conflict resolution than any examination of successful negotiations (cf. Faure and Zartman 2012, 4).

The present study aims to contribute to this area of research by exploring three cases of failed negotiations. In providing an answer as to why and how negotiations failed, the article adopts a two-step approach that links the defining features of the Kurdish question with the politics of its negotiation. I first

[2] Peripheral insurgencies are defined as military contests where "the parties hope to prevail in one of two general ways either by bargaining a position of military dominance that allows the imposition of terms or using violence to inflict costs" (Fearon 2004, 289). Using data from the period 1945 to 1999, Fearon and Laitin maintain in their comparative study on 161 countries that neither the end of the Cold War nor "a greater degree of ethnic or religious diversity" are in themselves responsible for the outbreak of violent conflicts (2003, 75). It is rather conditions that favor insurgency, understood "as a technology of military conflict characterized by small, lightly armed bands practicing guerrilla warfare from rural base areas" (Fearon and Laitin 2003, 75 ff.)

[3] The primary goal of avoidance bargaining is not reaching an agreement, although an agreement can nonetheless emerge as "incidental to, and may even defeat, such primary goals as diverting attention or intelligence gathering" (Wallihan 1998, 257).

[4] While trying to systematically undermine the negotiation process, the false negotiators remain keenly interested in cultivating a facade of cooperation by using a range of tactics to stall the negotiations, such as "delaying responses, avoiding discussion of core issues, postponing concrete offers, and presenting themselves as unauthorized representatives" (Glozman, Barak-Corren, and Yaniv 2015, 689).

[5] More generally, coercive bargaining involves "either the threat of pain or the causing of pain in an attempt to persuade an enemy to conform to one's will" (Berridge 1997, 109). It is rooted in imposition of costs, aiming to force the counterparty to accept a deal worse than her "reservation point", that is "the point at which the negotiator should walk away from the table rather than reaching agreement" (Kirgis 2014, 118–22). Integrative bargaining is grounded in the idea that "it is possible for the negotiators to reach a win-win settlement by expanding the potential outcomes" (Putnam and Jones 1982, 172). In contrast, distributive bargaining, while involving the distribution of scarce resources, is essentially marked by fixed-sum alternatives, that is, "one party must win and the other must lose"' (Putnam and Jones 1982, 172). Consequently, parties that adopt a distributive strategy tend to view the negotiation as a zero-sum game in which gains of one party come at the direct expense of the other (Nir 2012, 288).

[6] The failure is generally defined as a "discrete negotiation round convened for achieving an agreement but instead breaking up in continued disagreement" (Faure and Zartman 2012, 4 ff.).

reconceptualize the question of Kurdistan as a *constitutive conflict over self-determination* rooted in an underlying contradiction between statist *direct rule* and the Kurdish drive for *self-rule*. As such, it is foundational to the constitution of sovereign power of the ruling states, that is, built into the territorial, national, ideological, and institutional design of the states in question, as well as into the making of the Kurdish collective claims and actions. In this study, the terms "sovereign power" and "ruling state" are used interchangeably: both refer to the states that govern the Kurdish regions and consider them an "indivisible part of their territorial and national integrity" (Bezwan 2008, 295 ff.; 2018, 64 ff., 73 ff.). While clearly shaped by the Kurdish self-determination movements and the governments of the sovereign powers, the dynamics of the conflict have also been fundamentally influenced by the politics of external and/or regional third powers.

After providing the context within which the negotiations took place, I explain the failure of negotiations by bringing together three conceptual variables, namely the states' *lack of substantive commitments*, the Kurds' *collective action failure*, and *negative third-party involvement* by external and regional third powers. In this study the states' commitment problem is taken to mean the primacy of military force over the principles and methods of conflict resolution, i.e., refusing to resolve the conflict by peaceful and democratic means. As will be shown below, this underlying approach reveals itself, first, in the fact that the Kurds' collective claim-making in self-rule is framed by the states involved as one of "terrorism", "banditry", "foreign conspiracy", "existential threat to the territorial integrity of the state" and the like (cf. Yeğen 1999, 563; Bezwan 2021, 22 ff.).[7] Second, the episodes of negotiations are always accompanied by the implementation of policies and practices that are designed to destroy the very basis on which a negotiated agreement can be founded. The negative third-party involvement, unlike credible third-party mediation,[8] is understood as a calculated intervention *with the aim of undermining a negotiated accommodation*. As such, it is related to what is called "the spoiler problem", that is, systematic obstruction of negotiations by powerful external or internal third-parties.[9] Finally, the collective action failure refers to intra-Kurdish contention as expressed in policies and practices of Kurdish actors that evidently have detrimental effects on their attempts to reach a negotiated settlement.[10] As the analysis will show, the lack of collective action impinges on the very capability and agency of the Kurdish actors seeking self-determination, while cast-

[7] In conflict studies, the commitment problem refers to "situations in which mutually preferable bargains are unattainable because one or more states would have an incentive to renege on the term" (Fearon 1995, 381). It consists of a "set of substantive issues over which the minority and majority have conflicting preferences, either in the present or in the future" (Fearon 1988, 121). Fearon offers the commitment problem model as the most relevant mechanism linking the collapse of Communist central governments to the onset of large-scale ethnic violence. This collapse, the argument goes, has created "a commitment problem that arises when two groups find themselves without a third party that can credibly guarantee agreements between them" (Fearon 1988, 108). Following Fearon, Powell also argues that the inability to commit, along with the arguments of "large, rapid shifts in the distribution of power", constitutes a real impediment to agreements and the most relevant causal pathways leading to war (Powell 2006, 178–95).

[8] The concept of mediation generally refers to a process of third-party involvement, aiming at assisting two or more disputing parties without imposing agreements or outcomes (cf. Bercovitch and Houston 2000, 171 ff; Wall and Dunne 2012, 209). Mediation, while constituting one the most effective instruments of conflict management, can also be used as an "instrument of destruction if applied unwisely" (Rubin 1994, 33). The other forms of third-party involvement are "conciliation, fact-finding, good offices, peer mediation, arbitration, facilitation, adjudication, mediation-arbitration, policy dialogue, and consensus building" (Fisher 2001, 10).

[9] Spoilers are defined as "parties to the armed conflict who use violence or other means to shape or destroy the peace process and in doing so jeopardize the peace efforts" (Nilsson and Kovacs 2011, 623). Spoilers exist "only when there is a peace process to undermine, that is, after at least two warring parties have committed themselves publicly to a pact or have signed a comprehensive peace agreement" (Stedman 2000, 180).

[10] The issue surrounding "internal division" within self-determination groups has grown in significance in recent studies. It is argued that the states tend to target internally divided self-determination movements and that "internal divisions within opposition movements affect their ability to bargain with the state and avoid conflict" (Cunningham 2013, 659). As such, internal division not only undermines the ability of opposition movements seeking self-determination to make credible commitments, but also "creates acute information problems that increase uncertainty about what the movements would settle for and exacerbate commitment problems for opposition factions" (Cunningham, 2013, 664.). It is suggested that "more fragmented opposition movements will be more likely to engage in civil war" (ibid.).

ing them into conditions of dependency, vulnerability, and disposability.

The conceptual approach presented above thus builds, extends, and integrates the insights from conflict and negotiation literature into a theoretical construct to elucidate the politics of negotiating the Kurdish question. Framing the question of Kurdistan as a constitutive conflict does not suggest that it is intractable or defies resolution. Rather, it seeks to provide insights into the historical, contextual, and structural peculiarities of the conflict and the failure to negotiate any settlement thus far. A close examination of the selected cases will allow a more accurate understanding of failed negotiations, and thus provide new insights into the impediments to a political and democratic accommodation.

2 Presenting the Cases of Failed Negotiations

This section traces the politics of negotiating Kurdish self-determination claims through its empirical manifestations and implications as reflected in three sets of failed negotiations conducted between the Ba'ath government and the Kurdistan Democratic Party (KDP) during the 1970s in Iraq, between the Kurdish representatives and emerging Islamic regime in the immediate aftermath of the 1979 Islamic revolution in Iran, and finally, between the AKP government (Turkish: Adalet ve Kalkınma Partisi /Justice and Development Party) and the PKK (Kurdish: Partiya Karkerên Kurdistanê/Kurdistan Workers' Party) between 2008 and 2015.

The latter case involves two sets of negotiations conducted intermittently over a period of 10 years. This first phase, known as the Oslo Peace Process (2008–2011) was facilitated by Norwegian intermediaries in Oslo. The second is known as "the İmralı Process" as it centered on the imprisoned leader of the PKK Abdullah Öcalan at the İmralı island prison where he has been held in isolation since his capture in 1999.

2.1 The Oslo Peace Process

After the AKP came to power in 2002, an initial period of indecision and ambivalent signaling concerning the Kurdish question ensued. This was followed by a series of carefully considered moves towards recognition of the Kurdish question which would become known as the "Kurdish opening" or the "resolution process" (for background see Gürbey 2018, 16 ff; Çandar 2020, 234 ff.).[11]

Following an initial phase of preparing the ground through international backchannels, the first secret meeting between Turkish intelligence officials and a high-level PKK delegation took place on September 3–4, 2008 in Oslo (Çandar 2020, 253–76).[12] As the negotiation process unfolded, the PKK submitted three protocols to the Turkish delegation in the meeting held on May 12–13, 2011 (Çandar 2020, 282 ff.). The protocols were part of Öcalan's road map for a democratic solution "based on ceasefire, constitutional reform and normalisation, with the PKK becoming a political actor in Turkey" (Uzun 2014, 29–30). These issues were to be dealt with by setting up three commissions, namely a truth and reconciliation commission, a peace committee, and a commission for a new constitution, which established the cornerstones of the proposed roadmap (Yeğen 2015, 7; Başaran 2017, 75 ff.).

The ball was now in the government's court. Yet, the offer was not reciprocated. The government, as it turned out, was not willing to commit itself to a substantial framework that would address the underlying issues. In the final meeting held in Oslo on July 5, 2011, before the breakdown of negotiations, Turkish officials communicated to the PKK delegation that they had not yet received "the government's response,

[11] The AKP government's discursive reframing of different episodes of the negotiation process is quite telling. The first initiative launched in early 2009 was called the "democratic opening" (*Demokratik Açılım*) and was used interchangeably with the term "Kurdish Opening" (*Kürt Açılımı*). Both terms are taken as expressing a willingness to deal with the Kurdish question by political and peaceful means as opposed to the state's traditionally dominant politics of using military force and mass violence against Kurdish aspirations (cf. Gürbey 2018, 12 ff: Bezwan 2021, 13ff). After January 2010, the Kurdish Opening was officially designated the "Democratic Opening: National Unity and Fraternity" (*Milli Birlik ve Kardeşlik Projesi*). The second initiative was in turn called the "Reconciliation Process" (*Çözüm Süreci*), which was followed by the 2013 Newroz declaration of Abdullah Öcalan in which he called on the PKK to lay down its arms in exchange for a democratic and political solution (Köse 2017, 141 ff.).

[12] This negotiation process consisted of eleven sessions between September 2008 and June 2011. The parties spent "a total of twenty-two days together during the process, sharing the same location and getting together for breakfast, lunch, and dinner" (Çandar 2020, 281).

and asked for patience" (Çandar 2020, 283). Such delayed responses, as well as the avoidance of negotiating core issues, and the postponement of concrete offers were viewed by the PKK as proof of the government's insincerity.

Meanwhile, the escalating situation on the ground led to violent clashes between the army and PKK guerillas, and ultimately to the collapse of the Oslo process. What followed was an enormous increase in violence which lasted about eighteen months with heavy casualties on both sides (Yeğen 2015, 7–8).[13] The AKP government accused the PKK of instigating terrorist attacks against soldiers, whereas the PKK accused the government of employing delaying tactics and pursuing a policy of liquidation.

Even while the process was ongoing, extensive police operations were launched, targeting human rights activists, trade unionists, Kurdish community leaders, politicians and elected mayors. Those arrested were accused of illegal and "terrorist" activities on behalf of the KCK (*Koma Civakên Kurdistan,* Kurdistan Communities Union), an umbrella organisation of the Kurdish movement considered a front for the PKK (Bayir 2013, 33 ff.).[14] The police operations started with the arrest of 53 people in Diyarbakir on 14 April 2009. On a single day in December 2009, eighty people were arrested, including eight BDP mayors.[15] By 2011, the KCK operations had resulted "in nearly ten times as many arrests, with more than 7,700 suspects held, nearly half of them in pre-trial detention" (George 2018, 8). Given the scope of persecution and repression involved, the KCK mass trials were referred to as a "politicide" aimed at "eliminating the Kurdish opposition" (Bayir 2013, 33–24). This was the context when a new initiative took shape at the end of 2012.

2.2 The Resolution Process, 2012–2015

The resumption of arguably the most promising peace talks was announced by Prime Minister Recep Tayyip Erdoğan in a televised interview on December 27, 2012. After intense bargaining, a "trilateral mechanism" was initiated, involving Mount Qandil where the PKK headquarters is located, the İmralı Prison Island, and Ankara (cf. Çandar 2020, 273).[16]

The process gathered significant momentum in March 2013 when a letter from Öcalan announcing a ceasefire and the PKK's withdrawal from Turkey into northern Iraq was published and widely disseminated.[17] In what seemed to signal a positive response the Turkish government reciprocated by establishing a *Committee of Wise Men* composed of 62 experts, opinion leaders and intellectuals in April 2013, composed of academics, journalists, artists, ex-politicians and NGO representatives, with the express aim of building popular support and promoting public understanding for the process (Aktoprak 2018, 146; George 2018, 10; Waldman and Çalışkan 2016, 183 ff.). In addition, in July 2014, the parliament passed a *Law to End Terror and Strengthen Social Integration* to authorize the government and state officials to hold talks and take necessary political and legal measures (cf. Yeğen 2015, 9).

[13] Following the death of soldiers on a military operation in the district of Silvan, Amed (Diyarbakir) on July 14, 2011, the government terminated meetings with Öcalan, while using the state-controlled media to promote the idea that the "PKK had cut off the meetings" (Uzun 2014, 29–30).

[14] The KCK operations were widely believed to have been conducted by officials close to the Gülen movement, known as *Cemaat*, one of the most powerful groups opposing the peace process and a former ally of the AKP government – later held responsible for instigating the failed coup of 15 July 2016 (Toktamis 2018, 2 ff.) Most Gülenist intellectuals depicted the PKK and affiliated Kurdish civilian networks as adversaries and terrorist organizations, while heavily criticizing the AKP for starting to negotiate with the PKK leader, "instead of focusing on the national security aspect of the problem by eliminating the PKK through police and judicial action" (for a discussion of the Gülenist movement see Toktamis 2018, 8 ff).

[15] Interestingly, the arrest campaign took place just one day after the electoral success of Kurdish candidates from the pro-Kurdish Peace and Democracy Party (BDP) in the local elections held in March 2009. The number of municipalities won by the party went from 53 to 98, "to the dismay of the ruling party which had predicted the opposite outcome" (Çandar 2020, 286).

[16] Çandar describes this fragmented mechanism as follows: "the Turkish officials would meet Öcalan at İmralı, obtain from him a letter on his views about the talks, carry it to Oslo, and hand it over to the PKK delegation. At the end of the sessions, the Turkish intelligence officials would carry the letter written by the PKK's Oslo participants back to Öcalan. Hence, Öcalan was indirectly involved with the Oslo talks and oddly, the Turkish intelligence outfit MİT functioned as an intermediary between the PKK's uncontested leader and its executive" (Çandar 2020, 273).

[17] This is known as the Newroz Declaration because it was proclaimed on the day of Kurdish New Year during a public gathering in front of tens of thousands of people (see Waldman and Çalışkan 2016, 183).

Despite these positive steps, including public endorsement of the Kurdish peace process by the prime minister, acknowledgment of PKK leader Abdullah Öcalan as a negotiating partner, and inclusion of elected representatives of the Kurdish people in the process (Çandar 2020, 278), there was no real progress around the most pressing issues. Whereas the government gave absolute priority to the complete withdrawal and disarmament of the PKK, the Kurdish side insisted on the introduction of legal and constitutional changes, considering the disarmament question not as a prerequisite but as a part of an overall solution and thus an outcome of a negotiated peace (cf. Yeğen 2015, 11).[18]

To overcome the impending deadlock, in February 2015, Öcalan offered a ten-point document which was subsequently negotiated between the representatives of the government and those of the HDP. The outcome of the negotiation was then presented to the public during a joint conference held on 28 February 2015 at the Prime Minister's Office at Dolmabahçe in Istanbul, known as "Dolmabahçe Accord" (cf. Çiçek and Çoşkun 2016, 8 ff.

This document was a last-ditch effort to overcome the underlying commitment problem by calling for a cease-fire in exchange for democratic and constitutional transformation at societal, cultural, ecological and gender levels. Even the very existence of the Accord in question has been contested by the government. President Erdoğan went on to declare the joint statement null and void in a speech made in March 2015 whereas the Kurdish side sees it as mutually concluded agreement (cf. Köse 2017, 156 ff; Başer and Özerdem 2019, 329).

Obviously, the peace process was no longer deemed expedient to the AKP's calculations to consolidate its power. Referring to the rising popularity of the HDP in the run-up to parliamentary elections on 7 June 2015, Erdoğan complained that "the AKP was bearing the burden of the peace process while the HDP [the pro-Kurdish Peoples' Democratic Party] was reaping its rewards" (cf. George 2018, 10 ff.). Likewise, the AKP government needed the support and mobilization of Turkish nationalist constituencies (George 2018, 11). Despite intimidation and multiple violent attacks targeting the HDP throughout the election campaign, the party succeeded in acquiring 13.1 per cent of the total vote and winning eighty members of parliament.[19] The HDP's spectacular electoral success acted as an important turning point in the process. The Kurdish movement was able to overcome the 10 per cent threshold, a very high electoral barrier introduced by the military regime in 1982 essentially to block the Kurds from political representation in parliament. The AKP won 40.9 percent and thus failed to secure a parliamentary majority for the first time since its rise to power in 2002. Erdoğan responded with "a new military campaign against the Kurdish rebels and pursued an alliance with the right-wing nationalist MHP" (Nationalist Movement Party) (George 2018, 11). Tactical attempts to form a coalition ended with Erdoğan calling new elections for 1 November 2015 which ultimately restored the AKP's parliamentary majority.

The termination of the peace talks once more resulted in military clashes between Turkish security forces and PKK-affiliated groups, culminating in a destructive "urban war"[20] with devastating consequences for life and livelihood of millions of people.[21] The ma-

[18] The government was adamant about considering the question of disarmament in isolation from the demobilization and reintegration as opposed to the widely acknowledged DDR (disarmament, demobilization, and reintegration) approach in peace studies (cf. Knight 2008, 25 ff.).

[19] Just two days before the elections on June 7, a bomb exploded at an HDP (Peoples' Democratic Party) rally in Diyarbakır, which resulted in the deaths of five people and wounded four hundred participants.

[20] As indicated by David J Betz (2021), the concept of urban warfare generally refers to combat occurring in a built environment to the effect that that environment turns into a battlespace. This phenomenon is sometimes referred to as Military Operations on Urbanized Terrain (MOUT) or as Fighting in Built Up Areas (FIBUA). It is widely considered a particularly destructive form of war, both because of the built environment in which the combat takes place and due to the presence of civilians and sensitive civilian infrastructure such as places of worship, hospitals, museums and the like.

[21] According to the Office of the United Nations High Commissioner for Human Rights (OHCHR) some 2,000 people were killed during security operations from July 2015 to December 2016 in South-East Turkey. "The killings", the UN report maintains, "were reportedly invariably followed by mass displacement of the survivors and the destruction of their homes and of local cultural monuments. Over 355,000 South-East Turkey residents, mainly citizens of Kurdish origin, were displaced" (2017, 5). The UN report states that domestic protection of human rights "has effectively been non-functioning since at least July 2015, as demonstrated by the reported lack of a single investigation into the alleged

jor Kurdish cities were put under curfews. These were enforced by tens of thousands of security personnel from the regular army, special police, state intelligence as well as shadowy special forces, "with heavy shelling destroying residential areas, sniper fire preventing people from getting to hospital or burying their dead, including the use of rape as a weapon of terror and massacre by burning alive" (Jongerden 2018, 269).[22]

Taken together, there has been an intense scholarly and public debate as to why the peace process has broken down in the summer of 2015.[23] A range of arguments are cited to explain the puzzle of failed negotiations (cf. Köse 2017, 157). The commitment problem[24] is referred to by scholars as one of the important factors responsible for the termination of the peace process (Yeğen 2015; Çiçek and Coşkun 2016, 19). The major shortcoming of the Oslo talks, Çandar maintains, "was the lack of real commitment on both sides for a political settlement" (2020, 285).[25]

The commitment problem was manifestly revealed and exacerbated by a twin empowerment of the Kurdish movement: the unprecedented electoral success of pro-Kurdish parties and the rise of a PKK-affiliated Kurdish movement in the aftermath of Syrian civil war, a momentous process that has been referred to by many scholars as one of the most relevant factors causing the collapse of the peace process (cf Özkahraman 2017, 7 ff,; Gürbey 2018, 18 ff; Çandar 2020, 282; Savran 2020, 777; Başer and Özerdem 2019, 330 ff.).[26] The absence of credible third-party mediation is another key element leading to the termination of the process as it provided the government with an easy exit from the process without being held accountable. Whereas the Kurdish delegation insisted on third-party mediation, the Turkish officials argued that this should be limited to the logistical needs of the Kurdish side, and should not be able to take an active part in the talks so as to avoid discussing Turkey's own problem "in front of the foreign lobbies" (Çandar 2020, 287).[27]

unlawful killing of hundreds of people over a period of 13 months between late July 2015 and the end of August of 2016" (OHCHR 2017, 3).

[22] The period between June 7 and November 1, 2015, namely the electoral loss and reinstallation of the AKP rule, is considered one of the darkest episodes and most critical junctures in Turkey's recent history. The period in question is thus characterised by military clashes, bomb attacks, cross-border operations, detentions and extensive arrests across Turkey, curfews in the Kurdish region, and deaths of civilians, guerrilla fighters, soldiers, and police officers. "If we were to rake up the past", the then prime minister Ahmet Davutoğlu (August 2014/May 2016) said in a televised interview in August 2019, "several people cannot go out in public" (for more information see https://bianet.org/english/politics/212210-what-happened-in-turkey-between-june-7-and-november-1-2015, accessed on 17 June 2021).

[23] By the time the peace process was underway, Tezcür had suggested that the process might not lead to a negotiated settlement on two counts: "First, the current military situation is a stalemate that is not ripe for peace. The costs of the conflict remain highly tolerable for both sides" (Tezcür 2013, 69). Second, there were huge differences between "what the Turkish government is willing to deliver and what the Kurdish insurgency is willing to accept for disarmament" (ibid.).

[24] In an interview on the peace process for the Turkish newspaper *Evrensel* on 29 May 2014, I characterized the government's course of action as "timid, ambivalent, calculated", emphasizing that the AKP government tends to manage the question of Kurdistan rather than accommodating it by political and peaceful means. The interview is available at: https://www.evrensel.net/haber/85224/hukumet-kurt-sorunu-cozmuyor-yonetiyor (accessed 17 June 2021).

[25] Despite important steps taken by the government, disarmament rather than a negotiated peace agreement was the primary objective; other means of conflict resolution such as constitutional amendments to accommodate the most basic Kurdish aspirations were not seriously considered. One government official even went so far as to claim that the on-going peace process had been made possible because the representatives of the PKK and Peoples' Democracy Party (HDP) promised that they would not be demanding political status for the Kurds. He also pointed out that the previous peace talks, held between 2008 and 2011, ended in stalemate because the Kurdish delegates had brought demands for a political status and autonomy to the negotiation table (cf. Yeğen 2015: 9).

[26] The emergence of the Democratic Union Party (PYD, Partiya Yekitiya Demokrati) and the People's Protection Units (YPG, Yekîneyên Parastina Gel) was a momentous event and meant the empowerment of a Kurdish movement in Syria which is considered by the government as an extension of the PKK and thus utterly detrimental to its power consolidation.
The first major unrest in the Kurdish region took place in autumn 2014 to protest the AKP-government's approach to the Kurdish movement in Syria. The governors of major Kurdish cities promptly declared curfews and allowed the use of military force against Kurdish protesters, without even bothering to declare the state of emergency as required by the constitution (cf. Göztepe 2018, 529).

[27] Çandar points out in his extensive account that until the beginning of 2008, the Turkish state and the PKK conducted their contacts with Norwegian intermediaries and the Centre for Humanitarian Dialogue in Geneva, "without Norway and Geneva knowing about each other's existence in the process" (Çandar 2020, 240). When they learned about the

Even though Erdoğan went further than any previous Turkish leader on the Kurdish question, "the secrecy and centralized handling of the peace process by the government" carried with it the seeds of its own failure (Hoffman 2019, 6.). More importantly, the dual empowerment of the Kurdish movement both in Turkey and at the regional level made clear that the peace process can only be sustained by offering a credible framework that addresses cultural rights along with political representation through some form of self-government. However, this was perceived by the Erdoğan government as undercutting its power consolidation at home and power projection abroad. Hence, the military "solution" appeared as the *best alternative to a negotiated agreement*. As for the Kurdish movement, although eagerly interested in political solutions, it failed to counteract the government's imposition of an armed confrontation by challenging it with new political initiatives and non-violent forms of resistance. When exposed to a sharp conundrum between the denial of a negotiated settlement by the government and the resumption of war, the Kurdish movement found itself involved in destructive urban warfare that it could neither convincingly explain nor win. This loss of control over the process was also facilitated by the lack of coordination and consultation between military, civil and diaspora segments of the Kurdish movement, and the insufficient participation of other Kurdish actors.

2.3 The 1970 Negotiations with Iraq

This section deals with the second case of negotiations conducted over a period of five years between the Ba'ath government (Arab Socialist Ba'ath Party – Iraq Region) and the Kurdish movement led by the KPD (The Kurdistan Democratic Party, Partiya Demokrat a Kurdistanê), the leading political party in Kurdistan by that time (for an assessment of the Kurdish movements in the 1970s (cf. Günes 2021, 250 ff.). As will be demonstrated, the dynamics and outcomes of the 1970s negotiation process were shaped by the absence of a credible resolution framework on the part of the Iraqi regime, negative third-power involvement in the context of superpower rivalry and the Cold War, and the devastating intra-Kurdish infighting.

Kurdish aspirations for self-rule in Iraqi Kurdistan date to the inception of the Iraqi state under the British mandate and the resulting incorporation of southern Kurdish territories into the emerging territory of Iraq (cf. Tripp 2007, 53ff.; Marr and Al-Marashi 2017, 77ff.). This historical process brought "the Kurds under the direct rule of the Arab government which the British had established in Baghdad" (cf. Tripp 2007, 53ff.). The incorporation of the Kurdish territories into the emerging Iraqi state's territories to the exclusion of Kurdish national rights and aspirations led to several uprisings followed by recurrent episodes of negotiations.

Central among these was the March Agreement of 1970, a "transitional" agreement on Kurdish autonomy with Saddam Hussein concluded on 11 March 1970. Following its second seizure of power in 1968, the Ba'ath regime went on to negotiate with the Kurds. Faced with powerful domestic opposition and foreign policy challenges, the new regime was desperately seeking to consolidate its power over the state and society. Negotiations with the Kurds seemed to offer a way out of the regime's predicament. The then vice-president of Iraq, Saddam Hussein, travelled north to meet with the Kurdish leader Mustafa Barzani, where he handed over "a blank sheet of paper" to convince the Kurds to enter negotiations (Stansfield 2021, 364).[28]

The secret talks led to the March Agreement of 1970, wherein the government promised "Kurdish rights that far exceeded anything that had been conceded before" (cf. Tripp 2007, 193). The agreement recognized the Kurds "as free and equal partners of the

presence of another track, the Norwegians were disappointed and withdrew their engagement temporarily at the end of 2007 (ibid.) Ankara preferred to continue with the Centre for Humanitarian Dialogue in Geneva, which is obligated by its principles not to acknowledge its participation in any peace process without mutual consent of all parties involved. Given the reluctance, indeed the rejectionist position of the government towards third-party involvement, this strict procedural requirement of the Geneva based Centre was more than welcome for the Turkish side (cf. Çandar 2020, 247 ff). .

[28] As indicated by Stansfield, this approach, while demonstrating the weakness of the regime, was quite in line with "the pattern of Iraqi–Kurdish relations that have arguably persisted to the present day: when the Iraqi state is weak, then concessions are made to the Kurds; when the state is strong, status quo ante is reimposed" (2021, 364).

Arabs and promised them full recognition of their national autonomy within four years" (Whitesell 1993, 460). It defined Iraq as a "bi-national state," and pledged to respect Kurdish rights in all domains and to hold a census to determine the Kurdish population of Kirkuk (Wolfe-Hunnicutt 2021, 207). In return, the Kurds had to give up the armed struggle and formally recognize Baghdad's sovereignty over Kurdistan (cf. Little 2010, 74).

Baffled by the Baath's "peace offensive", the Kurds began to participate in a joint committee, which drew up plans for Kurdish legislature, Kurdish language curricula in schools, and some measure of administrative autonomy (Tripp 2007, 193). However, when Saddam Hussain took over the chairmanship of the committee in May 1971, "it was clear that the key questions of defense, of finance and of oil were out of bounds" (ibid.). The government simultaneously began to encourage Arab families to settle in the Kurdish populated areas in an attempt to change the demographic structure of the Kurdish region, especially around Kirkuk to ensure that the oil fields remained outside Kurdish control (Tripp 2007, 193).

The overall situation suggested that "the Baath were playing for time and the year 1971 brought a disintegration of trust between the two parties" (McDowall 2017, 329). In July 1972 serious clashes broke out between the Kurdish and Iraqi forces at Kirkuk and Sinjar.[29] By 1973 the projected partnership became increasingly difficult because the Ba'ath "wanted Kurdish co-operation but was unwilling to share control" (cf. McDowall 2017, 332). The rejection of self-government then acted as the key driver behind the breakdown of negotiations and the resumption of the conflict. Forced into submission, the Kurds tried to counteract this policy by renewing their ties with Iran and seeking American support, an exit policy which turned into a fatal miscalculation.

On June 30, 1972, two Kurdish representatives were received by CIA Director Richard Helms at its headquarters in Virginia. Henry Kissinger, President Richard Nixon's national security advisor, "had personally authorized Helms to express American sympathy for the Kurds' plight and assure them of his readiness to consider their requests for assistance" (Gibson 2019).[30] What followed is a textbook case of international negotiation and certainly one of the worst instances of what is referred to in this study as "negative third-power involvement". The US covert action was orchestrated by the Shah of Iran and Kissinger, who played a crucial role in its covering up and conduct (Wolfe-Hunnicutt 2021, 218). On 30 May 1972 during a visit of President Nixon and Secretary Kissinger to the Shah in Tehran, the Shah's request to aid the Kurds was granted (Shareef 2014, 140; Wolfe-Hunnicutt 2021, 217). In July 1972, in coordination with Tehran, Kissinger "authorized $5 million in covert assistance to the Kurds – a down payment in what would eventually total more than $20 million in secret aid by 1975" (ibid.).

The ongoing crisis reached a new level when the Baath urged the KDP to support an Autonomy Law to be announced March 11, 1974, and to join the National Front, an Iraqi popular front constituted by the Ba'ath regime in 1974 The Kurds responded by emphasizing that the law was insufficient to meet their demands and did not include any guarantees for meaningful participation in the government (cf. Whitesell 1993, 460). Yet, "arguing the Autonomy Law was the best they could hope for and should be supported" (McDowall 2017, 337), some leading figures of the KDP, including a military commander and Mustafa Barzani's eldest son Ubayd Allah, defected from the party to join the "National Front" in Baghdad (McDowall 2017, 337).

With the intra Kurdish split growing, the Iraqi regime appeared to have achieved its main objective: *the imposition of divide and rule instead of self-rule.* The final blow to the negotiation process came with the Algiers Agreement of 1975 concluded between Saddam Hussein and the Shah of Iran (Shareef 2014,

[29] In September 1972 the Ba'ath regime issued a memorandum to the KDP in which it accused the Kurdish leadership of fostering relations with Iran inimical to Iraqi unity. By the end of November, the Kurdish side responded to these allegations by indicating a set of repressive policies and practices such as Arabization policy in Kurdistan, exclusion of the Kurds from legislative authority and state planning, assassination attempts on Mustafa Barzani and others, obstruction of the census, and the bombing and razing of Kurdish villages (cf. McDowall 2017, 332).

[30] https://foreignpolicy.com/2019/10/14/us-kurdish-relationship-history-syria-turkey-betrayal-kissinger, accessed 23 June 2021.

140). The agreement was based on ceding contested territory in the southern Shatt al-Arab waterway to Iran "in exchange for an end to Iranian and CIA support for the Kurdish insurgency" (Wolfe-Hunnicutt 2021, 229–30). Both regimes also agreed to impose strict border security, while preventing subversive infiltration from either side (McDowall 2017, 338). The deal should not have come as a surprise for the Kurdish leadership as Saddam Hussein, in an attempt to force the Kurds into capitulation, and to prevent them from receiving any Iranian support, had some eighteen months earlier signaled that, if necessary, he would make concessions to Iran (ibid.).

Within hours of the agreement the Shah cut off supplies to the Kurds and closed the border with Iraq as required by the Algiers Agreement (Wolfe-Hunnicutt 2021, 229–30). The termination of support resulted in the collapse of the Kurdish resistance and led to the policies of destruction conducted by the Baath regime against the Kurdish population, as evidenced by the deployment of Iraqi tanks and fighter jets in Iraqi Kurdistan during the spring and summer of 1975. Over the next several years, "the Baath razed some fourteen hundred Kurdish villages and deported more than a half-million Kurds to concentration camps in the south, while moving Arab families into what were now formerly Kurdish regions in the north" (Wolfe-Hunnicutt 2021, 229–30).

In a nutshell, the covert action encouraged the Kurdish leadership to reject the 1974 Autonomy Law and engage in a military offensive against the Ba'ath regime. However, once the border dispute between two countries was settled, the Kurds were abandoned and left exposed to the destructive policies of the Ba'ath. As noted in the 1976 Pike Report of the House Select Committee on Intelligence, a top-secret congressional report on the CIA's misdeeds, the two main protagonists of this covert action project, the Shah of Iran and the Secretary of State Henry Kissinger, were sure that the Kurds would not prevail (cf. Shareef 2014, 143). The American officials involved in this cynical and deceptive scheme were indeed clear and ruthlessly honest in their assessment of the situation and its consequences.[31] For example, having been informed about the CIA secret plan, Harold Saunders, the United States National Security Council staffer responsible for the Middle East, warned Kissinger on 7 June 1972 that "[i]f the battle turned against the Kurds, we would have neither the assets nor the interest to provide decisive support" (cited in Little 2010, 76).When the aforementioned committee quizzed Kissinger on his involvement, he was quoted as saying "[c]overt action should not be confused with missionary work"(ibid.).[32]

Overall, this unscrupulous and deceptive scheme resulted in the collapse of the Kurdish resistance in March 1975 with the KPD breaking into several factions (Gunter 1996, 229). Emboldened by the suppression of the Kurdish movement, Saddam Hussein took over power through a military coup. Ironically, it was Saddam Hussein, the main architect of the Algiers Agreement, who began to accuse the Ayatollah Khomeini regime "of having violated the terms of the agreement", claiming that "Iraq had been forced to cede control of the Shatt al Arab waterway under duress" (Whitesell 1993, 463). Saddam Hussein then declared the agreement null and void, provocatively tore up the treaty, thus paving the way for escalating

[31] Scholars have indicated different motivations behind the covert action project. Gibson indicates that by the time the conflict between the Kurdish forces and Iraqi army resumed in March 1974, "three separate dynamics—the Arab-Israeli conflict, Iran-Iraq rivalry, and Cold War interventionism—all coalesced to ensure that it would have a violent conclusion" (Gibson 2015, 163). The logic of the Cold War is considered the major cause for the "backing" of the Kurds by the Ford Administration, as it sought to change the pro-Soviet course of the Baath regime (Gibson 2015, 163). The second objective was to strengthen the Israeli position in the 1973 October War. Once the war began, "Israel stepped up pressure on Barzani to launch a full-scale offensive that would draw Iraqi forces away from the Israeli-Syrian front" (Wolfe-Hunnicutt 2021, 219).

[32] Following the leak of the document in February 1976, Kissinger dismissed the Pike Report's critical assessment of his role in the covert action, arguing that it was the Shah's decision to abandon the Kurds which was "presented to the United States as a fait accompli" (cf. Gibson 2015, xx). Whether fait accompli presented by the Shah or willing execution on the part of the US Administration, Kissinger as one of the masterminds behind the covert action can hardly be "exonerated" as implied by Gibson in his well-informed study (2015, xxi). The U.S. abandonment of the Kurds was nothing but a deliberate action undertaken in full knowledge of the circumstances and anticipation of possible outcomes. "Even in the context of overt action", the Pike Report concluded, "ours was a cynical enterprise" (Little 2010, 83 ff.)

the conflict into a war of mutual destruction between the two countries in September 1980.[33]

In sum, while sharing some of the basic characteristics of the Kurdish peace process in Turkey – in terms of the instrumental use of negotiation and rejection of any meaningful degree of a self-government – negotiations between the Iraqi regime and the Kurdish movement differs from those between the AKP and the PKK as the former is more pronouncedly defined by "negative third-power involvement", as opposed to third-party mediation, as well as by intra-Kurdish "split and infighting" (cf. Gunter 1996, 228; Tripp 2008, 172).

2.4 The Kurdish-Iranian Negotiations after the 1979 Islamic Revolution

The Kurdish self-determination conflict in Iranian Kurdistan, known as Eastern Kurdistan (Kurdish: Rojhelat), has also seen recurring uprisings accompanied by various negotiations for political autonomy (cf. Mohammadpour and Soleimani 2020, 2 ff.; also Hassaniyan 2021, 10). The Kurdish struggle for recognition and self-rule resurfaced with the establishment of an authoritarian dynastic regime committed to the politics of homogenisation by military means under Reza Shah Pahlavi in the 1920s (cf. Romano 2006, 212 ff.). As will be demonstrated below, the overall dispute is defined by a compelling dialectic between the imposition of direct rule over the Kurdish inhabited territories and the Kurdish quest for self-rule.

By far the most critical juncture in Kurdish-state relations in Iran came with the formation of the short-lived Kurdish Republic (from January to December 1946), which was "the first autonomous Kurdish administration in modern times" (Vali 2020, 180; also, Romano 2006, 225 ff.).[34] Shortly after its proclamation, the Republic, which still serves as a powerful source of inspiration for the Kurdish quest for self-rule, was destroyed. This was followed by a brutal reimposition of direct rule by the Iranian state.[35] Yet, its legacy remained quite alive, both in terms of inspiring and informing the Kurdish quest for self-government and shaping the state response.

That said, it was not until the late 1970s, specifically until the 1979 regime change from a monarchy to an Islamic republic, that the underlying contest between direct rule and self-rule reemerged to dominate the political process. While marking the rise of political Islam, the Islamic revolution demonstrated "a paradigm shift that was taking place across the Middle East, a paradigm shift from one era to another, from the hegemonies of the Left and secular nationalism to that of Islamic politics" (Cronin 2021, 24).[36] The downfall of the Shah's regime also inaugurated a new era for Iran's diverse ethno-national and religious communities (cf. Hassaniyan 2021, 81). Unsurprisingly, having suffered under the Shah's regime, a broad spectrum of the Kurdish population in Iran supported the Revolution of 1978–79 (Entessar 1984, 923; Bozarslan 2021, 273). The Kurds "revived their demand for the recognition of their national/ethnic identity and rights in the framework of a democratic constitution" (Vali 2020, 205). The Kurdish movement, represented by the KDPI (the Kurdistan Democratic

[33] The failed negotiations and Algiers Agreement of 1975 not only led to the near destruction of the Kurdish self-determination movement in Iraq, but also fundamentally shaped the regional balance of power, precipitating a bloody eight-year war between Iran and Iraq.

[34] This is also sometimes referred to as the Mahabad Republic.

[35] The emergence and destiny of the Republic was, however, fundamentally determined by the military presence of the British and Soviets, which occupied Iran in August 1941. Both Britain and the Soviet Union were suspicious of Reza Shah's pro-Nazi tendencies and occupied the wider territories of Iran to counteract the German military advance in the Middle East. The ensuing collapse of the Iranian military and administrative structures in the Kurdish and the Azeri regions of Iran provided propitious conditions for self-government which were also encouraged by the Soviets (cf. Koohi-Kamali, 2003,105 ff.). With the withdrawal of the Soviet forces from Iran, however, the Iranian state imposed its control over Kurdistan. The driving force behind the Republic, the Kurdistan Democratic Party of Iran (the KDPI hereafter) established in 1945 "lost its leadership and organisational cohesion, mainly through the executions and imprisonments carried out by the Iranian army" (cf. Vali 2020, 11). A long period of political repression ensued, "Kurdish books were gathered in a square by soldiers and burned, and the teaching of the Kurdish language became forbidden" (Koohi-Kamali, 2003, 121 ff.)

[36] As stated by Cronin, the Islamic revolution inaugurated a pattern of "the manipulation of discontent by elite interests to produce regime change under the rubric of colour-coded uprising" (Cronin 2021, 42). The early 1980s saw the political and even physical annihilation of the left in Iran, achieved only by internal repression conducted in the shadow of total war with Iraq (Cronin 2021, 56).

Party of Iran) and the Revolutionary Organization of the Toilers of Iranian Kurdistan (the Komala hereafter), took de facto control of many Kurdish cities in Iranian Kurdistan (Bozarslan 2021, 274).[37] The overthrow of the Shah ended the longstanding exile of the KDPI and its leaders (Ahmadzadeh and Stansfield 2010, 17); after having been forced underground for thirty-three years, the KDPI began in March 1979 to operate as legal political party (Koohi-Kamali, 2003, 171ff.).

Throughout this period, the underlying strategy of the Kurdish movement was framed as democracy for Iran and *khodmokhtari* (autonomy or self-government) for Kurdistan (cf. Koohi-Kamali 2003, 172ff; Hassaniyan 2021, 80). To achieve this goal Kurdish representatives were involved in a series of negotiations with the Provisional Revolutionary Government (Van Bruinessen 1986, 20). On 19 February 1979, the first round of negotiation between the Provisional Revolutionary Government and the Kurdish representatives was conducted in Mahabad, the very city in which the first Kurdish republic was once proclaimed. This was followed by other talks during the interim period (Stansfield and Hassaniyan 2021, 8). In April the KDPI, supported by other Kurdish political organizations, presented an autonomy program to Ayatollah Khomeini, which he immediately dismissed as unacceptable.

The emergent clerical rulers rejected demands for self-rule from any segment of the Islamic *umma* (community of believers) as divisive and the very notion of democracy as incompatible with the exclusive sovereignty of God exerted through *velayat-e faqih* (governance of the jurist) (Vali 2020, 206 ff.; Bozarslan 2021, 273–74). The Kurds' quest for autonomy was met with mass violence and heavy military attacks (cf. Hassaniyan 2021, 119). By March 1979 the emerging regime launched extensive military operations by using the air force and revolutionary guards against the major Kurdish city of Sanandaj (Romano 2006, 236). In the run-up to the referendum on the Islamic Republic (held on 30 and 31 March 1979), the new regime sought to eliminate the Kurdish movement as an alternative source of power and enforce its own authority throughout Kurdistan (cf. Hassaniyan 2021, 108 ff.). The referendum asked the voters if they wanted "to maintain the monarchical system or replace it with an Islamic republic" (Entessar 2019, 402). Even though 85 to 90 percent of the Kurdish voters boycotted the referendum, it was nonetheless approved by an overwhelming majority of the wider population of Iran (Romano 2006, 236; Ahmadzadeh and Stansfield 2010, 17 ff.).

Ayatollah Khomeini ordered the establishment of an Assembly of Experts composed of 73 members, with the task of reviewing the proposed constitution. However, the Kurdish representatives were intentionally excluded from that body (Entessar 2019, 402). The council began its work on August 19, 1979, the same day Khomeini declared *jihad* (holy war) against the Kurds, banning all Kurdish political organizations and cancelling Ghassemlou's membership of the Assembly of Experts, while denouncing him as well as Shaikh Izzeddin Husseini, another leading representative of the Kurdish movement "as enemies of the Islamic Republic" (Romano 2006, 237; Ahmadzadeh and Stansfield 2010, 18).

The final Constitution of the Islamic Republic of November 1979 included no mention of minority rights. All references made in earlier drafts to the equality of Iran's various ethnic groups, guarantees of Sunni religious rights, and Kurdish language rights were simply removed (Romano 2006, 237).[38] The path was thus paved for an increasingly authoritarian regime rooted in ethno-sectarian domination by constitutional design. Nonetheless, the leading Kurdish parties participated in the parliamentary elections on March 14, 1980 and achieved great electoral success, winning the majority of parliamentary seats from the predominantly Kurdish-inhabited areas. However, the Islamic regime soon declared the results from the Kurdish

[37] The Kurdistan Democratic Party of Iran (KDPI) was established in August 1945 and at that time was led by Dr Abdul Rahman Ghassemlou, a former Marxist turned social democrat (Bozarslan 2021). The Komala in turn was founded in 1969, located on the left of the political spectrum, with a revolutionary Marxist disposition "that not only involved a rejection of the bourgeois revisionism of the KDPI but also bypassed the growing anti-imperialist consensus on the left. The bulk of the younger generation of Kurdish men and women who subscribed to such views were soon to form the backbone of the Komala", making it the second-largest Kurdish political organization after the KDPI in post-revolutionary Iran (Vali 2020, 148).

[38] The constitution was finally approved in a referendum held in December 1979.

cities void, which prevented the elected candidates from ever attending parliament (Ahmadzadeh and Stansfield 2010, 19 ff.).[39]

To conclude, the Iranian Kurdish case is also strongly shaped by the pursuit of self-rule and the imposition of direct rule. Negotiations took place and evolved at the intersection of the collapse of the old regime and the formation of a new one. The evolving process manifested itself as the reestablishment of direct rule in Iranian Kurdistan ruthlessly enforced by the emerging theocratic regime. Similar to the two other cases of negotiations under review here, the Kurdish quest for self-government in Iranian Kurdistan was also met with politics of deception, exclusion, and the use of mass violence (Bengio 2017, 35). After a temporary respite from repression during the transitional period, "a new and more systematic use of concentrated violence and savage repression was executed by the newly installed theocratic regime" (Vali 2020, 185).

Although the Islamic regime rejected proper third-party mediation as a means of conflict resolution, it entered into secret talks with representatives of Kurdish movements, notably the KDPI. It was during one of these secret talks (held on 13 July 1989 in Vienna), that the head of the KDPI, Abdul Rahman Ghassemlou, was killed at the negotiating table by his Iranian counterparts (Stansfield and Hassaniyan 2021, 8).[40]

The negative third-power involvement, a key driver behind the failure of the negotiation, was interacting with the intra-Kurdish division, altogether producing devastating outcomes for the Kurdish movements, especially with the outbreak of the Iran-Iraq war in September 1980. During the war "the Iraqi Kurdish forces fighting against the Iraqi regime had their bases in Iran, in effect bringing into proxy conflict the Iranian-supported KDP and the Iraqi-supported Iranian KDP" (Ahmadzadeh and Stansfield 2010, 20). The intra-Kurdish contention and fragmentation among the Kurdish parties, which was instigated, exploited, and massively driven by Iran and Iraq, acquired a self-destructive quality.[41]

3 Conclusions and Prospects

This study set out to explore the Kurdish self-determination conflict by investigating three cases of negotiations carried out by representatives of Kurdish movements from the 1970s onwards with Iraq, Iran, and Turkey respectively. To provide an explanation why there has been no negotiated agreement, I have presented a conceptual framework that allowed me to link the quintessence of the Kurdish question, that is, *foundational conflict over self-determination rooted in a dynamic contest between direct rule and self-rule*, with the key drivers behind the failure of its negotiation: *states' refusal of substantial commitments, Kurds' collective action failure, and negative third-party involvement.*

The conceptualizing of the question of Kurdistan in terms of a foundational conflict between direct rule and self-rule is parsimonious and goes to the heart of the problem. This approach not only lends itself to explaining how the issue historically emerged and evolved, but also *what* it is and *how* it plays out in the present. Such a framing, while suitable for a deeper

[39] During the summer of 1980, regular clashes broke out between the Kurdish fighters and the Iranian military, notwithstanding some negotiations, especially between the KDPI and Iranian government. When Iraq attacked Iran (on September 22, 1980), there were still severe clashes between the Kurds and government forces. The KDPI expressed its willingness to fight alongside Iran against Iraq if the government accepted autonomy. However, the Iranian government not only ignored this, but also intensified its attacks on the Kurds which resulted in the death of more than 10,000 people, many of them children and the elderly (cf. Ahmadzadeh and Stansfield 2010, 19 ff.)

[40] Referring to the killing of Kurdish leaders from Ismail Simko to Qazi Muhammad (the leader of the Mahabad Republic) and Ghassemlou, Bengio maintains that "Iranians were unique in their systematic killing of strong Kurdish leaders" and this had a debilitating effect on the movement (Bengio 2017, 35). Ismail Agha Simko (1887–1930) was the leader of a significant Kurdish revolt in Iranian Kurdistan from 1918 to 1922. He managed to establish an autonomous government but was defeated and eventually assassinated by the government (cf. Gunter 2020, p.56). There is indeed a long tradition of killing Kurdish leaders during secret talks, a historical tendency on the part of the states ruling over Kurdistan that cannot be dealt with here because of space constraints. This phenomenon may best be described as *parapolitical negotiation,* that is, methodological obstruction of negotiations intended not only to avoid a negotiated agreement but also to physically eliminate adversaries.

[41] From the early days of the revolution, Hassaniyan concludes, the two leading political forces, Komala and the KDPI, "conspired and acted against each other as two hostile competitors, rather than as allies fighting for the same cause", whereas the emerging regime adopted a strategy of eliminating the Kurdish movement by fomenting internal division and creating fragmentation (2021, 80 ff.).

understanding of what the conflict is all about, also fundamentally differs from widely held ethinicised definitions of the dispute, which tend to either depict the Kurdish quest for self-determination in terms of "ethnic terror" and "violence" or to reduce it to narrow ethnic criteria, and thus failing to understand the political nature as well as democratic and emancipatory potentials it entails.

The study has shown that the framework presented has great explanatory power and can identify the key drivers behind the breakdowns of negotiations. While interacting and intersecting with each other, the states' commitment problem in our case not only means the refusal to a negotiated settlement but also a systematic tendency towards escalating the conflict into military confrontations.[42] Differences concerning the political ideologies and regimes of the states notwithstanding, in all three cases under review the governments engaged in negotiations without offering any credible framework for accommodating Kurdish aspirations, while rejecting any third-party mediation. Since a level playing field negotiation would make it necessary to offer some degree of Kurdish self-government, the commitment problem on the part of the governments of the ruling states reveals itself as the problem of imposing and maintaining direct rule over Kurdistan. In as much as the states insist on the maintenance of that rule, negotiations are deployed as a means of coercive incorporation in a "take it or leave it"' manner, absent any rights-based and rules-based resolution to address the underlying injustices and the rights of Kurdish communities. The denial of a negotiated accommodation of the Kurdish question by the states involved is facilitated and sustained by the ongoing politics of non-recognition of Kurdish aspirations for self-government on the part of the international community.

Similarly, the internal division among the Kurdish actors, framed in this study in terms of collective action failure, has provided the governments with a strategic opportunity to apply policies of divide and rule and to end negotiations at will. In Iraqi and Iranian Kurdistan, the intra-Kurdish division degenerated into self-destructive military conflict, while in the Kurdish-Turkish peace process it became substantiated as agency fragmentation and conflicting policy choices, such as the resumption of the armed conflict versus civil and civic forms of resistance.

Finally, third-power intervention had a fundamental bearing on the outcome of the negotiations, particularly in Iraqi Kurdistan with the joint secret intervention of the USA and the Shah of Iran – an unscrupulous covert action which played the primary role in the collapse of the Kurdish movement and the disastrous outcome that ensued. In Iranian Kurdistan, it was especially the intervention of the Iraqi Baath regime following the 1980 Iran-Iraq war that poisoned the intra-Kurdish relations across two countries and provoked fratricidal infighting. In the Turkish-Kurdish peace process, the *negative third-power involvement* took place in the form of hostile behavior and attitudes towards the negotiation process by powerful groups within the Turkish state and society. The precise effects of third-power intervention in the Turkish-Kurdish case have yet to be examined and should therefore be the subject of future research.

The absence of a credible third-party mediation, which was, despite the Kurds' insistence, rejected by the AKP government added a new dimension to the fragility of the peace process, as ultimately the AKP only "backed the peace process as long as it served its own interests" (Başer and Özerdem 2019, 332).[43] The government's instrumental use of the peace process along with the absence of third-party mediation left the process susceptible both to the imperatives of unscrupulous power projection by the AKP government and the PKK's fatal miscalculation.[44]

[42] For a discussion on the concept of commitment escalation (see Brockner 1992, 39 ff).

[43] Çiçek and Coşkun in their assessment on the failure of the peace process emphasizes the following factors as being responsible for the collapse of the peace process: the usage of time, extreme uncertainty and failure to comply with commitments along with "the inability to form a mechanism that will monitor the obligation of the parties" (2016, 19).

[44] Miscalculation of the "resolve or capability of adversaries and incentives to misrepresent them", referred to in the scholarly literature as informational problems (Fearon 1995, 409). It goes beyond the scope of this article to deal with this aspect in any detail, but it suffices to say that in all three cases here under review, miscalculations have been, to differing degrees, effective. For example, referring to the heavy consequences of urban warfare, one of the leading figures of the PKK, Duran Kalkan, maintained that "the war has taken its toll. We did not anticipate such a brutal mili-

As the analysis has demonstrated, ultimately, the states tend to conceive non-solution as "the best alternative to a negotiated agreement". The denial of a negotiated resolution of the conflict along with systematic implementation of suppressive policies by the governments of the states involved compels the Kurds to involve themselves in armed insurgencies as a "survival alternative". In all three cases prolonged periods of armed conflict were followed by episodes of negotiations, only to culminate in the resumption of violence. As scholars of peace studies maintain, recurring conflict is as symptomatic of unaddressed grievances, "a sign that latent conflict has not been properly resolved" (Gates, Nygård, and Trappeniers 2016).

Given the insights presented, one may legitimately raise the question: Why were the states then involved in bargaining if they were not committed to a negotiated agreement at all? The answer may be formulated as follows: The states in question tend to negotiate with the Kurds either out of sheer necessity for the formation of a new regime and power consolidation or with the aim of reimposing direct rule. In contrast, the Kurds approached negotiations as a way of attaining recognition, power-sharing and/or a degree of self-rule. This may explain why across the selected cases negotiations were initiated at the onset of a regime change, specifically, after the 1967 Baathist military coup in Iraq, the Islamic revolution in Iran, and the emerging Islamic government in Turkey, and at a time when direct rule was undermined through Kurdish resistance and empowerment. In each of these cases the governments, to varying degrees, found themselves in urgent need to provide the conditions under which new regimes could be established and power consolidated.

What then from a conflict resolution perspective should follow from this analysis? Is the situation "ripe" for a solution or is it still far away from a "mutually hurting stalemate"?[45] Given the current conditions and the past experiences, it is in fact difficult to conclude on an optimistic note. However, the evidence generated through this study suggests several implications for future practice. First, the states involved in the question of Kurdistan should offer credible frameworks that address the national aspirations of Kurdish societies as well as their grievances and demands for justice.[46] Second, reliable international third-party mediation is of vital importance (as opposed to negative third power involvement) and should be considered a key policy priority. A third important practical implication is related to the Kurdish actors' responsibility to generate collective action capability by dealing with their internal differences through democratic means and by overcoming the conundrum of either a negotiated settlement or armed insurgency through non-violent forms of resistance, broad-based coalitions, and emancipatory politics.

To garner more insights, the conceptual approach adopted in this study should be applied to other cases of failed negotiations. This would not only further illuminate the reasons behind these failures, but would also provide a better grasp of the underlying dynamics that give rise to both the outbreak of the conflict and the intra-Kurdish division. Moreover, it would be of great benefit if future research focused on the effects of the Kurds' territorial and national dividedness, the role of statelessness, and the ensuing politics of non-recognition by the international system.

tary campaign. We erred; we were mistaken. Even though we are enemies, we took our adversaries as being human." Author's translation from interview published by *ANFNews* on 26 February 2016 (https://anfturkce.com/guncel/kalkan-akp-ye-dur-denilmezse-bir-degil-bin-ankara-olabilir-65871, accessed 25 June 2021).

[45] Given the long history of the conflict over Kurdish self-determination claims and the immeasurable suffering, it would seem cynical to suggest that the time is not ripe for a negotiated solution. Ripeness refers to the perception of the objective condition as "Mutually Hurting Stalemate" by the parties to a conflict (Zartman 2001, 9). But ripeness, as suggested by Zartman, "is only a condition, necessary but not sufficient, for the initiation of negotiations" (2001, 9). And more importantly, it is not "self-fulfilling", that is, "must be seized, either directly by the parties or, if not, through the persuasion of a mediator" (ibid.).

[46] This is possible to the extent that the perception of zero-sum conflict around national identity and existence can be transformed into "a process of successive approximation and breakdown of the monolithic view of the enemy camp" (Kelman 1987, 359 ff.). Put differently, negotiations are possible "only in a framework of mutual recognition, which makes it clear that recognition of the other's rights represents assertion, rather than abandonment, of one's own rights" (Kelman 1987, 347). This requires an understanding that considers negotiations not as being about winning, "but about meeting the needs of both parties through generating creative options, discovering new insights, and altering the name of the game" (Putnam 2010, 326).

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