

## **KURDISTAN AND THE MOMENTS OF LAUSANNE**

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### **Abstract**

*The paper attempts to use a comparative analysis to discuss the self-determination of Kurdistan in about two moments. One moment corresponds with the early days of Kurdish nationalism coinciding with World War I. It traces the relevant developments till the Treaty of Lausanne of 1923, which ended the hopes of an independent Kurdistan. The second moment begins in the aftermath of the Gulf War of 1990 which resulted in the autonomy of the Kurdish region of Iraq till the US exit from Syria in 2019, leaving the much-persecuted Kurdish population of the Middle East and their hopes of independence in a lurch. A comparative analysis of the striking similarity between the turn of events corresponding to both these moments have been discussed. It explores the set of actions spread over the course of a century and discusses the impediments to the possibility of an independent Kurdistan. The paper attempts to explore the idea of an independent Kurdistan in the legal, historical and diplomatic aspects of these two moments.*

## **INTRODUCTION**

Kurdistan has been a thorny issue in the regional arrangements of the Middle East for more than a century now. Kurds have been living under the rule of the multi-ethnic Ottoman Empire and were a constant target of persecution by the Ottoman Sultans. The Sykes- Picot Agreement of 1915-161 was a secret treaty that was formulated to define the mutually agreed sphere of influence in the Middle East landscape on the premise of the partition of the Ottoman Empire post-World War I. When World War I ended, The Treaty of Sèvres of 19202 signed between the Allies and the Ottoman Empire was the first glimmer of hope for an independent Kurdistan. This was backed by the British and the French who were the major players colonising a vast region of the Middle East and the new wave of self-determination and internationalism ushered in by the formation of the League of Nations. Turkey started its fight back to regain the territories it lost after the Treaty of Sèvres which eventually resulted in the Treaty of Lausanne of 19233. With the return of Turkey as a major player and no mention of the Kurds in the final text of the Lausanne Treaty, Kurdistan's hope for autonomy was dashed after a brief period of hope promised after the Sèvres Treaty.

The global war on terror had descended on the Middle East after the entry of the USA after the 9/11 attacks. Americans invaded Iraq and removed Saddam Hussein. The Kurdistan region of Iraq, due to its support to the American invasion, was guaranteed a semi-autonomous region with the capital at Erbil in the Constitution of Iraq, 2005. However, the bloodshed in Iraq resulted in the emergence of the Islamic State of Iraq and Syria (ISIS). This group started engulfing vast swaths of land in Syria, literally exacerbating the Syrian Civil War of 20114. The US started funding a

1 Dylan Evans, 'THE KURDISH QUEST for INDEPENDENCE and the LEGALITY the KURDISH QUEST for INDEPENDENCE and the LEGALITY of SECESSION under INTERNATIONAL LAW of SECESSION under INTERNATIONAL LAW the KURDISH QUEST for INDEPENDENCE and the LEGALITY of SECESSION under INTERNATIONAL LAW' (2020).

2 Loqman Radpey, 'Kurdistan on the Sèvres Centenary: How a Distinct People Became the World's Largest Stateless Nation' (2021) 50 Nationalities Papers 1187.

3 Himdad Mustafa, 'The Treaty of Lausanne: 100 Years of Destroying Kurdistan' (*The Kurdish Center for Studies* 11 July 2023) <<https://nlka.net/eng/treaty-of-lausanne-100-years-of-systematic-destruction-of-kurdistan/>> accessed 11 August 2023.

4 Lucas Swinnen, 'The Syrian Civil War' [2023] IFF Paper Online.

Branch of Kurdish fighters to stop this self-proclaimed caliphate from spreading. American guarantees ensured that these Kurdish fighters were free from a direct Turkish assault from across the border. With ISIS almost defeated by 2017 and the change in leadership in America, desperate enough to pull out of the protracted war, major withdrawals occurred which left the Syrian Kurds under the direct assault of Turkish forces. Alongside, even the semi-autonomous region of Kurdistan inside Iraq has also been losing moral ground to the Middle Eastern nations of the day. Kurds' brief romance with self-determination remains jeopardised in almost the same manner as what happened a century ago.

The two pivotal moments spread over a century hold extreme importance for the autonomy of the Kurds in the Middle East. Being the largest stateless population and one of the most persecuted groups in the world, Kurds have had difficult moments that started in the form of promises and ended in outright betrayal in their fight for self-determination. These two moments are separated by a period amongst themselves. They commenced with the hope of an autonomous Kurdistan, appropriately backed by two superpowers of the day, the United Kingdom during the 1920s and the United States in the 2000s ended with the dashing of their promises leaving the Kurds at the crossroads of uncertainty. The turn of events that took place was based upon various geo-political, diplomatic, historical, and economic decisions. In this paper, I have tried to draw the similarities and comparisons between these two moments and the role they played in Kurdish nationalism. I discuss the history, law, and politics regarding the betrayal of the promises alongside their visible and unspoken reasons, the long-term consequences it had for the self-determination of Kurdish people in the 1920s and what effects these potential consequences have had in the modern times. I analyse these two moments and the striking similarity between them in the essence of the struggle for autonomy of the Kurdish people, hence I call them the "moments of Lausanne".

### (A) Brief History: Arriving at Lausanne

Kurds were a part of the Ottoman Empire of the Middle East. The first organised nationalist movement among the Kurdish people was led by Sheik Ubeydullah who sought the recognition of a Kurdistan state, demanding outright autonomy for the Kurds<sup>5</sup>. The absolutist Ottoman Sultan, Abdul Hamid II was facing problems across the length

5 Kamal Soleimani, 'A Kurdish Sufi Master and His Christian Neighbors' (2018) 2 Zanj: The Journal of Critical Global South Studies.

and the breadth of his empire. The Sultan tried to negotiate by integrating the prominent Kurdish voices into higher echelons of his government. The inefficiency of the Hamidian regime resulted in the Young Turk Revolution of 1908 which revived the constitution and heralded an era of openly contested elections and unprecedented political pluralism. This became the basis of the foundation of the "Kurd Society for Foundation and Progress". Some of the prominent individuals behind the foundation of this party included Sheikh Abdulkadir who was the son of Sheikh Ubeydullah and Serif Pasha, who would later be known as the father of the Kurdish nation<sup>7</sup>.

The concessions given by Sultan Hamid ensured a full-scale Kurdish mobilisation for the Ottoman cause during World War I. Before World War I ended, the peoples of the Middle East had already been destined to accept the new boundaries bargained in the Sykes-Picot-Sazonov collusive deal (May 15–16, 1916), officially known as the Asia Minor Agreement<sup>8</sup>. Based on the Sykes-Picot-Sazonov agreement – for which secret negotiations had begun in December 1915. Kurdistan was to be partitioned among the French-administered area (Syria and Lebanon), the British-administered area (Iraq and other Arab states), the Russian-administered area (today's Armenia and Azerbaijan), and the Persian sphere<sup>9</sup>. The Allies, mainly Britain, and Russia, promised the Kurds an independent state post war to keep the resistance strong against the Ottomans. The Young Turks unleashed an onslaught on the Kurds which led to a population of 700000, either forcibly deported or perished. Mahmud Barzanji, a Kurdish leader broke away from the Ottoman Empire and established a quasi-independent Kurdish state under the supervision of Britain shortly before the Armistice of Mudros (1918)<sup>10</sup>, which ended the hostilities between the Ottomans and the Allies. As the war progressed, Russia retreated and forfeited all its claims after surrendering to Germany. A deal was struck between France and Britain which assigned Kurdistan to the "English zone" of "influence"<sup>11</sup>. All of this was provisional, and nothing was really finalised until the Mandate system came into force.

6 Erik Jan Zürcher, 'The Young Turk Revolution: Comparisons and Connections' (2019) 55 Middle Eastern Studies 481.

7 Hastiar Sheikhani, 'About Us' (*The Kurdish Project*) <<https://thekurdishproject.org/about-the-kurdish-project/>>.accessed 13 July 2024

8 Garrett Khoury, 'You Don't Know Sykes-Picot' (*Israel Policy Forum* 18 May 2016) <<https://israelpolicyforum.org/2016/05/18/you-dont-know-sykes-picot/>> accessed 31 July 2024.

9 Yerevan Saeed, 'Who to Blame for the Absence of a Kurdish State after Sykes Picot?' (*The Washington Institute* 1 June 2016) <<https://www.washingtoninstitute.org/policy-analysis/who-blame-absence-kurdish-state-after-sykes-picot>> accessed 15 July 2024

10 Saad Basheer Eskander, 'Britain's Policy towards the Kurdish Question, 1915-1923' (1999).

11 Loqman Radpey, 'The Sèvres Centennial: Self-Determination and the Kurds' (*American Society of International Law* 10 August 2020) <<https://www.asil.org/insights/volume/24/issue/20/sevres-centennial-self-determination-and-kurds>>.accessed 27 July 2024

The Treaty of Sèvres accounted for an independent Kurdistan. Dissatisfaction and discontent existed on both sides: the Ottomans and the Kurds. Ottomans viewed this treaty as forced and unacceptable. The Kurds were unhappy as the region demarcated in the Kurdish territory excluded parts of Kurdish Syria and there was a lack of demarcation of a clear border between them and the Armenians too. There was no unified leadership of the Kurds and the time lapse between Mudros and Sèvres tainted the importance of the issue at hand for the British. Greeks and Italians had landed in Smyrna and Antalya and had desires to conquer the lands of the now-defunct Ottoman Empire at the expense of Turkey. Alongside, the Muslim community now perceived the Armenian Christians as a threat; they were fearful of a powerful Armenian state on their borders. This was mainly due to the religious proximity and shared Christian sentiments of the Greeks and Armenians with the Allies. This common sentiment of a "Christian enemy" and Sunni Islam between Kurds and Turkey facilitated the rise of Mustafa Kemal Atatürk (also known as Kemal Pasha). The Kurds duly aided him. However, it was soon becoming clear that Kemalist Turkey would not grant any concessions to the Kurdish demands. Kurds of Turkey had to flee to neighboring areas like Syria and Iraq to avoid persecution at the hands of the Kemalist regime. Britain and France being assigned areas under the League of Nations mandate system, remained a party to these developments. The areas with substantial Kurdish populations, like, the Mosul Vilayet of Iraq and Kurdish Syria were either persuaded by the Turkish propaganda against the British or had internal differences of opinion amongst themselves on being autonomous, semi-autonomous, or staying with the native state, i.e. – Iraq, Syria. The raging forces of Turkey spread and grew in strength and the Greeks and Italians were knocked off the Turkish mainland. These developments led the French to sign a National Pact with Turkey ceding much of its land in Southern Anatolia to Kemalist forces. The Turkish forces were now sitting close to British forces stationed in Iraq. Seeing this, Britain acquiesced and left the promises of Sèvres to restructure itself albeit on Turkish and Kemal's terms. The Treaty of Lausanne was signed on the 23rd of July 1923. The Kurds were able to establish a short-lived kingdom of Kurdistan in the city of Sulaymaniyah of Iraq<sup>12</sup> for a brief period of 2 years which came to an end in 1924.

## The Law and the International Community

Paris Peace Conference was a set of diplomatic meetings between 1919 and 1920, dominated by the victorious Allies which set the peace terms and financial penalties for the defeated Central Powers<sup>13</sup>. The provision of the Covenant of the League did not inherently discuss the principle of self-determination. Article 10 of The Covenant of the League of Nations obliged the members to respect territorial integrity and

12 Mandana Hendessi, *The Kurds* (Flashpoints 2024).

13 *ibid*.

preserve political independence of all the members of the league in the face of external aggression<sup>14</sup>. The Mandate System which divided the disputed territories under mandates was authorised under Article 22 of the Covenant<sup>15</sup>. Article 22 talked about a “sacred trust of civilisation” by the ‘advanced nations’ for people who were ‘not yet able to stand by themselves under the strenuous conditions of the modern world’. The language and the intentions behind drafting made it clear that self-determination in this context would not be applied as a form of external sovereign statehood but more as an internal application of autonomy. It is imperative to note that the idea of “self-determination” had changed substantially from its original form as conceptualised by U.S. President Woodrow Wilson in his “Fourteen Points” after the Bolshevik Revolution took place in Russia. In the Wilsonian definition, the exercise of the right to self-determination was unfettered for “well-defined national aspirations,” and was contingent on no “discord” (Four Points, Address of 11 February 1918). It was only for Europeans, not for Egyptians, Indians, Chinese, Koreans, or Kurds. As the time would reveal, it was to have wide-ranging implications on the Kurds and their tryst with self-determination.

The King-Crane Commission was formed at the Paris Peace Conference to investigate the attitudes of the residents of the Levant<sup>16</sup>. The Commission proposed the Turkish state to be under a Mandate. Furthermore, it recommended Kurdistan be limited to the area between Armenia and Mesopotamia, with the Euphrates and Tigris rivers serving as the western boundary and the Persian border as the eastern boundary. The Kurds were to be allowed autonomy under mandatory rule, to prepare them for eventual independence or federation with neighboring areas. Kurdistan under the commission’s report was to be mixed with various other ethnicities like Armenians, Turks, and others. In the concurrent case of dispute between Sweden and Finland over the Aland Islands both the Committee of Jurists and Commission of Rapporteurs refused to recognize the principle of self-determination as a universal legal norm because it did not appear in the Covenant of the League. It implied that international law, as such, does not accept the right of ethno-national entities to secede from states of which they are members. The US by now had lost interest and Kurdistan was directly

a matter of British strategic concern<sup>17</sup>. Britain tried to promote independent Kurdistan alongside Armenia but the regional disparity between Northern and Southern Kurds did not let the effort materialise. France was distrusted by the Kurds as they felt that

14 Covenant of the League of Nations 1919, a 10.

15 Covenant of the League of Nations 1919, a 22.

16 United Nations, 'King-Crane Commission Recommendations – Syria/Palestine and Iraq – Non-UN Document' (1919).

17 DK Fieldhouse, *Western Imperialism in the Middle East 1914-1958* (Oxford University Press 2006).

it was only a “protector of Christian ‘communities’”. France's own interests lay in Syria and Lebanon and not Kurdistan. The widespread factors at play made France pull itself back and hand over all its responsibilities to the Britishers regarding an independent Kurdistan. Due to the wide-ranging discord in most of the meetings during the final shape-up of the Middle East, it was decided that the future of Kurdistan should be left to the conclusion of the Paris Peace Conference<sup>18</sup>.

The Treaty of Sèvres had 13 parts referring to 433 articles starting with 26 Articles of the Covenant of the League. Article 64 stated that Kurds would be granted independence provided that the desire for independence was expressed by the majority of their people. Kurds had expected full-fledged independence, but lack of unity underscored such an objective. For ex- the Kurdish territory in Syria was not determined, most Kurds in Eastern Anatolia rejected it, etc. The factionalism put the Kurds in a disadvantageous position and had the treaty been implemented, Kurdistan would have broken into multiple smaller segments with the independent portion being the least prosperous. The raging forces of Mustafa Kemal and the armistice of Mudanya between Turkey and Britain rendered the Sevres treaty a waste. A peace treaty at Lausanne was signed and had 5 parts with 143 articles. Despite the efforts of the British, the word “Kurdistan” found no mention in the text of the treaty. The Treaty of Alliance of 1922 between Britain and Iraq established Amir Faisal as the king of Iraq for the next twenty years<sup>19</sup>. Syria was put under the French mandate and France had already recognised Turkey under the Treaty of Ankara, 1921. Article 2 (1) and Article 3 (2) of the Treaty of Lausanne recognised and established the Turkish frontiers with Syria and Iraq, respectively<sup>20</sup>. With all the hopes for autonomy shattered, Kurds were not even accepted in these new states. Article 3 of the the Treaty of Alliance stated that “no discrimination of any kind shall be made between the inhabitants of Iraq on the ground of race, religion or language” whereas under Article 38 of Treaty of Lausanne, the Turkish state was supposed to “assure complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.” These provisions were never followed and the Kurds ended up not only on the wrong side of autonomy but also on basic human rights both in Iraq and Turkey<sup>21</sup>. Once the Caliphate was abolished by Kemal

Pasha, all the ideological proximity between Turks and Kurds ended. Kurds were left as second-grade citizens in the most populous Kurdish territory of the middle-east<sup>22</sup>.

18 *ibid.*

19 *ibid*,7

20 *ibid*,7

21 *ibid*,7

22 *Ibid*,7

#### (Im)morality of Actions: The Death of an Independent Kurdistan

Kurdistan under the Sykes-Picot agreement was placed under the British sphere of influence. Kurds were never the primary interest of Britain. The major interest of Britain was basically in Southern Kurdistan (Iraqi Kurdistan)<sup>23</sup>. Although Mosul was placed under the protectorate of France, the British had made it their focal point. The Armistice of Mudros with the Ottomans ensured that Britain now found itself in Mosul. What made Southern Kurdistan special was its location. The place had direct links with India. During the time of the Great War, Mosul was a substantial trading point of the Ottomans. Despite being on the same side in the war, Britain was aware of the Russian intentions. The recent experience of the “Great Game” and Russia’s presence in Persia had instilled fear of losing lucrative territories or coming into confrontation with Russia which was a very risky affair. The British had always been wary of colonies like India which was a source of massive revenue generation for them. It was even rumored that Britain wanted to separate Southern Kurdistan as an autonomous entity due to its economic importance on account of its vast oil resources<sup>24</sup>.

When the Kemalist forces raged across the Middle East, the British were unable to stir the Kurds against them. Though, once the ideology of Kemal was clear, Kurds were skeptical and took up arms. This was the phase of various Kurdish nationalist uprisings. Kurdish people had been rallying for a “United Kurdistan” and not the piecemeal with fragmented territories as were being suggested by the French and Britain<sup>25</sup>. This led to the build up of a lack of consensus mainly as the areas being integrated left out a chunk of the Kurdish region or were being grouped in tough brackets, where coming to the negotiation table was difficult, if not impossible. For Ex- Kurds and Armenians. Britain, however, did not let a “United Kurdistan” get through. The glaring example was the Anglo-Persian treaty of 1919 which stated that Britain would stand firm and respect the territorial integrity of Persia. This took the Kurds of eastern Kurdistan who were staying in Persia out of the realm of self-

determination and thwarted the dream of a United Kurdistan. The British aim in doing so was in retaining significant authority over Persian lands, customs, and oil resources. The actions of the British and the timing of the treaty casted enough doubts within an already discontented landscape which was fraught with religious diversity and schisms. Such an action would have undermined the call of a

23 Saad Basheer Eskander, 'Britain's Policy towards the Kurdish Question, 1915-1923' (1999). 24 *ibid*,8

25 Hamit Bozarslan, Cengiz Gunes and Veli Yadirgi, *The Cambridge History of the Kurds* (Cambridge University Press 2021).

Unified Kurdistan. This was exactly what the British wanted. They also did not want to share the lucrative Southern Kurdistan by integrating it with a Greater Kurdistan thus allowing interference from players like Russia and France who were having their zone of influence in the Kurdish region. By this time Britain was also clear that a further push to disrupt the status quo would only instigate a large-scale conflict that could jeopardise areas controlled by the British into discontentment. A large-scale conflict in and around its colonies was the last thing the British would have wanted, just a couple of years after the dastardly world war.

The Treaty of Sèvres was vehemently opposed by Turkey. The intensity of the Kemalist attack to recover the lost Muslim regions of the Ottoman Empire increased. Britain didn't try to implement the promises of Sèvres, at least militarily. Britain was now occupied with other developments around the globe. An independent Turkey was in no way an existential threat to the British, but a powerful Germany was. The focus of the British and her allies like France was spent on the containment of Germany rather than the events of the Middle East. Russia was herself going from civil war and the Asian colonies of Britain were safer than ever. Heralding the creation of an Arab government in Iraq and with Southern Kurdistan under its complete control, the British disavowed its interest in creating Kurdistan in 1920<sup>26</sup>. Strategically, geo politically and economically, the British were well placed. In fact, they didn't want to antagonise Turkey as it had shown the military might be a great power in the region, alongside it controlled the major straits of Bosphorus and Dardanelles which accounted for a substantial portion of the Black Sea trade. The Treaty of Alliance with Iraq and the Treaty of Lausanne between Turkey and the Allies (mainly British) almost dashed all the hopes of an independent Kurdistan. With borders institutionalised, the demand for an independent Kurdistan was murdered. Britain as well as France in limited capacity chose to remain neutral over the ill treatment of the Kurds in Iraq and especially Turkey. The only hope was Mosul Vilayet where a considerable Kurdish majority led by Sheikh Mahmud was asserting to become independent and rose in rebellion but was ironically suppressed by the Britishers themselves. Britain, Turkey, and Iraq concluded the tripartite Treaty of Angora (Ankara) on June 5, 1926, demarcating the "definite and inviolable "frontiers between



Turkey and Iraq. Mosul was ceded to Iraq, and a 10 percent share of the oil resources was assigned to Turkey for 25 years. The idea of independent Kurdistan had died<sup>27</sup>.

26 ibid

<sup>27</sup> Othman Ali, 'The Kurds and the Lausanne Peace Negotiations, 1922–23' (1997) 33 Middle Eastern Studies 521.

### III

#### The Journey from Autonomy to Dependence

The Kurdish region of Iraq attained autonomy following the Autonomy Agreement between leaders of the Iraqi Kurdish community and the government of Iraq. The tussle for the control of the northern region of Iraq however did not die down and Kurds were in constant conflict with the Iraqi government. Iraq invaded Kuwait in 1990 and suffered a drubbing at the hands of the joint force of an international coalition comprising America and Britain. A history of mass persecution of the minority Shia Arabs and Kurds by the majority, Sunni Muslims, and the apprehension that President Saddam Hussein's position had considerably weakened post the Gulf War, his staunch rivals; the Kurds and Shia Arabs took up arms against Saddam's regime. Even US President George Bush had appealed to the Iraqi people to stage an uprising against Saddam. The two "no-fly zones" enforced by the US, UK, and France in Iraq gave the protection and de facto autonomy to the Kurds in the north for the first time. A three-year (1994-1997) Civil war followed between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) for the control of Kurdistan. The US-mediated Washington agreement ended the civil war in 1998. The US also promised the Kurds protection against any future intervention from Saddam. Iraqi Kurdistan became relatively peaceful for the next 5 years<sup>28</sup>.

The coalition forces led by the United States comprising the United Kingdom, Australia, and Poland invaded Iraq in 2003 to get rid of Saddam Hussein's regime. The Peshmerga (armed forces of Iraqi Kurdistan) provided support to the coalition forces in Iraqi Kurdistan. PUK-KDP also cooperated with American forces. A new Iraqi Constitution of 2005 formally recognised Kurdish autonomy. The USA left Iraq in 2011. Meanwhile, the remnants of Al-Qaeda in the name of the Islamic State of Iraq and Syria (ISIS) had been trying to recover the lost lands, owing to the power vacuum in the area. The objective of this organisation was to build an Islamic Caliphate in Iraq and Syria. The US wanted to counter the menace and

launched Operation Inherent Resolve (OIR). Iraqi Kurdistan has been in regular dispute with the federal Iraqi forces. The export of oil and budget distribution has been the topmost contentious issue. When Iraqi Kurdistan seized the city of Kirkuk, Masoud Barzani the Kurdish leader talked of a referendum for independence, which was delayed due to the terrorist insurgencies, and was only held in 2017. 92.73% of the people voted for independence. This initiated an immediate response in the form of a military operation

28 Joost Jongerden, 'Governing Kurdistan: Self-Administration in the Kurdistan Regional Government in Iraq and the Democratic Federation of Northern Syria' (2018) 18 *Ethnopolitics* 61.

by the Iraqi government, reclaiming Kirkuk and other neighboring areas. The tensions have only escalated and with the issue of autonomy lingering on, skirmishes between the Kurds and Iraqis in the Northern part of Iraq are common where the latter keeps on seeking concessions over the former. With ISIS wiped off Iraq in 2018 and no presence of any political motive to be achieved, a free Iraqi Kurdistan remains a wishful dream<sup>29</sup>

ISIS became a party of the Syrian Civil War of 2011 which started post the Arab Spring and demanded the ouster of Syrian dictator Bashar Al Assad. The USA now focused on destroying ISIS in its entirety as there was a renewed threat to its internal security which has established itself in the eastern part of Syria. The US needed Kurds more than ever and it started funding the Syrian Democratic Forces (SDF) a component of the People's Defense Units (YPG), an ally of the Kurdistan People's Party (PKK)<sup>30</sup>. Kurdish people had claimed the semi-autonomous region of Rojava in the north-eastern part of Syria in 2013 but the vehement condition owing to the civil war made the demarcation of territories and their borders, fluid, and legality questionable. The Islamic State was defeated in 2017 at the Battle of Raqqa<sup>31</sup>. Turkey houses the biggest Kurdish population in the world. In fact, the Syrian Kurds are mainly the Turkish Kurds who fled the borders on the looming threat of persecution by the Turkish authorities. Hence, the PKK, which is designated as a terrorist group in most parts of the world, is one of the bigger internal challenges of the Turkish government as Turkey believes that the PKK keeps on flaring its domestic environment on the account of a free nation for the Kurds. Even the USA designates the PKK as a terrorist group. It was reported that the funding of SDF as a military unit of YPG was done by the USA to avoid the moral turpitude of supporting PKK at one place, while opposing it at the other. This period of USA presence was indeed a peaceful one for the Kurds. Turkey, though supporting the rival anti-government faction, restrained in its dealings on the heavily populated Kurdish borders due to the presence of the United States and its allies, YPG and SDF in this case<sup>32</sup>. Subsequent US Presidents after Bush, Obama, and Trump were determined enough to pull the US out of the Middle East conflict and call back all its troops which were positioned in the Middle East since 2003. The USA, with its objectives achieved, decided to leave Syria in 2019. Kurdistan Region of Iraq (KRI) is battling against time in

front of the government of Iraq. Rojava region's autonomy is just on the paper in a highly fractionalised Syria. Bashar Al Assad and his allies, Iran and

29 Craig Douglas and Craig Albert, 'Chicago-Kent Law Review Chicago-Kent Law Review Volume 92 Issue 3 Dignity Takings and Dignity Restoration' (2018).

30 David L Phillips, *The Great Betrayal How America Abandoned the Kurds and Lost the Middle East* (London ; I B Tauris & Company Ann Arbor, Michigan Proquest 2019).

31 *ibid*,11

32 Reuters, 'Turkey Launches Air and Ground Military Operations against Kurds in Northern Syria' (*France 24* 9 October 2019) <<https://www.france24.com/en/20191009-turkey-launches-operation-against-kurds-in-northern-syria-erdogan-says-1>> accessed 19 July 2024.

Russia had been able to weed out opposition challenging his regime. With the fall of Bashar Al Assad's regime in Syria and its takeover by the Sunni political paramilitary organisation Hay'at Tahrir al-Sham, aided by Turkey. Turkish and Syrian Kurds are now left at the latter's behest. Turkey has been brutal on its native Kurdish population and has been forcefully deporting them across the borders of Syria<sup>33</sup>. The limited autonomy, which was guaranteed in Syria's Rojava, and a dream of independent Kurdistan remains far-fetched. With the fall of the Assads regime, it looks more distant than ever.

### Self-determination for the Kurds and the Contemporary Law

Amongst the four states of a Kurdish population - Iran, Iraq, Turkey and Syria, the idea of self-determination for Kurds was institutionalised and put in practice only into Iraq. Historically, Iraqi Kurds were more disposed towards self-determination than Turkish, Syrian, or Iranian Kurds. They were mainly under the aegis of a militarily strong and politically more stable Turkey and Iran. Iraq was relatively unstable, and the Kurdish area of Iraq was economically well off. The diplomatic landscape made the Kurds of Iraq more useful to the international community than the others. Hence Iraq became the only state where the idea of self-determination for the Kurds was applied. Self-determination as a principle is highly codified and is defined as "determination by the people of a territorial unit of their future political status". The right of self-determination is one of the essential principles of contemporary international law and is widely accepted as a norm of customary international law. Article 1 of the Charter of the United Nations states: "The Purposes of the United Nations are . . . To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples . . ."<sup>34</sup> The United Nations' Declaration on the Granting of Independence to Colonial Countries and Peoples

states: “All peoples have the right to self-determination; by that right they freely determine their political status and freely pursue their economic, social and cultural development.”.

Article 2 of the United Nations Charter<sup>35</sup> talks of another fundamental principle of modern sovereignty and international law: territorial integrity. The limiting effect of Article 2 provides for the reason of lesser clarity in the scope of the application of self-determination. The United Nations’ Declaration on the Granting of Independence to Colonial Countries and Peoples states, “The subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights . . . All

33 Arab Center Washington DC (ACW), ‘Syrian Kurds in an Increasingly Precarious Position’ (*Arab Center Washington DC* 21 March 2023) <https://arabcenterdc.org/resource/syrian-kurds-in-an-increasingly-precious-position/>.accessed 20 July 2024.

34 United Nations Charter 1945, a 1

35 United Nations Charter 1945, a 2

peoples have the right to self-determination”<sup>36</sup>. However, in the modern states, there are hardly any colonies and for people who are not living under a foreign occupation but still are being oppressed, most of the covenants are silent. This exactly is the case with Iraqi Kurdistan in particular. The ICJ in its advisory opinion in the case regarding unilateral declaration of independence by Kosovo in 2008 was held to be legal as it did not violate the principles of international law. The ICJ, thus expanded the self-determination principle beyond the aspect of territorial integrity expanding its view by taking secession as an important part of self-determination, ‘IF’ there is no foreign occupation but people are still being oppressed, as was the case with Kosovars in Serbia<sup>37</sup>. The ICJ opinion legitimises the Kurdish referendum of 2017. It surely does not matter to the questions on the ground but reinforces that even in the wake of the flimsy grounds of defense as that of “territorial integrity”, Kurds have all the right to secede in the wake of constant repression from the Iraqi government.

Remedial secession is the notion that people being violently oppressed should be entitled to secede as a lawful expression of self-determination as a last resort. The ‘Safeguard Clause’ of the ‘United Nations Friendly Relations Declaration’ provides legal support for it. Allen Buchanan states remedial secession is the extension of John Locke’s Social Contract theory. Under this - people have a right to liberty from the government, if the sovereign government breaches the trust of its people, egregiously. The Kosovo judgment reiterated the opinion of the Supreme Court of Canada in the case of Quebec secession, demonstrating that they were open to equating the self-determination rights of colonial peoples with that of non-colonial

peoples who are oppressed. The logical reasoning states that if self-determination is a *jus cogens* norm for colonial people, it is also a *jus cogens* norm for non-colonial oppressed people. It implies that Kurdistan can legally secede from Iraq if the latter continues to oppress the former. Worth noting that in the other areas of the Kurdish population, i.e. - Iran, Syria, and Turkey, albeit discriminated against, the Kurdish subjects are perfectly assimilated in the sovereign structure. In Syria, they play an important role in the government. This role is to an extent where experts have formerly noted that the end to the Syrian Civil war would only be once the Kurds are brought to the negotiating terms by the Assad government. Though, it is bound to change after the swift fall of the Assad regime in Syria. Iran has political parties that represent the Kurdish voices. In fact, the highest degree of assimilation has been in Iran. The only instance in history where Iranian Kurds asserted themselves was in 1946 when the Republic of Mahabad was proclaimed for a brief period before the monarchy quelled the dissent.

36 UN General Assembly, *Declaration on the Granting of Independence to Colonial Countries and Peoples*, A/RES/1514(XV), 14 December 1960,

<https://www.refworld.org/legal/resolution/unga/1960/en/7290> [accessed 19 July 2024]

37 *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo (Request for Advisory Opinion)*, General List No. 141, International Court of Justice (ICJ), 22 July 2010,

<https://www.refworld.org/jurisprudence/caselaw/icj/2010/en/68017> [accessed 19 July 2024]

### Jeopardising Kurdistan: The American Way

America had established itself as the sole world power of the world by the 1990s when it became clear that the demise of the USSR was nearby. The Iraq invasion of Kuwait in 1990 started the Gulf War. The objective of Iraqi President Saddam Hussein to invade Kuwait was oil. Saddam wanted to keep control of the gulf oil in his hands which ultimately would have given him an unhindered leverage in the global economy and could have damaged the economic prospects of America. America, wary of Saddam's intentions, used the pretext of sovereign integrity and interfered, thus stopping the assault of Saddam on Kuwait. The US supported the factions of Kurdish people and Shia Muslims to oppose and overthrow Saddam in Iraq. When Saddam retaliated against the Kurds and Shias, a no-fly zone was imposed over the southern and northern parts of Iraq. An autonomous Kurdistan would have worn down the energies of Saddam. Alongside, if assistance in the form of arms and international support to Kurdistan could be given on the premise of self-determination, Saddam could have been ousted. This would have been a win-win situation for America. Saddam's poor human rights record was making a great story for American support for the Iraqi Kurds and their fight for self-determination.

The 9/11 attack forced the American invasion of Afghanistan and Iraq. Iraq was invaded on the inconclusive and false pretext of possession of WMDs (Weapons of Mass Destruction). The Americans coordinated with the Kurds in the north and sought their support to dismantle Saddam's regime. The Kurds reciprocated and the operation to remove Saddam was successful. The Kurds were given autonomy in the 2005 Iraqi Constitution which also accepted federalism as one of its tenets. The removal of Saddam proved to be beneficial for the Kurds in the north, albeit the American objective was more about itself rather than an independent Kurdistan. The last of American troops left the Iraqi soil in 2011. However, a new threat in the name of ISIS had emerged in Iraq and Syria by then. America, being proactive to avoid any mishap like 9/11, decided to fight the terrorist outfit. Kurds were once again the topmost priority of Americans. The promise of self-determination was lured once again as substantial arming of Kurdish groups by the US happened after 2011. America with Kurdish support fought ISIS in Iraq and mostly Syria. The US assistance to Kurdish groups garnered skepticism from Turkey. The American policy towards the Middle East changed substantially with the disappearance of the ISIS threat. America became the highest oil producer in the world in 2018. The quest for this "black gold" had earlier demanded that America maintain some kind of hegemony over the Middle East. Any rise or fall of the oil rates would not have affected American prospects as such. With no direct threat over national interests, the USA under the Presidentship of Donald Trump chose to withdraw from the Middle East altogether in October, 2019<sup>38</sup>.

Independent Kurdistan was amongst the last priorities for the Americans. They used the Kurds to balance the power games of Middle East Asia vis-a-vis Saddam Hussein in Iraq and ISIS in Iraq and Syria. Kurdish fighters were easy to persuade alongside, they had an overwhelming population in the Middle East. With a zeal to be treated at par with other ethnic groups and generations of persecution from occupying Arab powers, Kurds almost every time fell to the American promises<sup>39</sup>. America on the contrary used them as a clear instrument of diplomatic maneuvers. America's exit from the Middle East leaves the Kurds to fend themselves on their own. The failed Kurdish referendum of 2017 was also a classic example of America's priorities. While Iraqi Kurdistan was being bullied by its neighbors, the US was steadfast<sup>40</sup>. The future of Iraqi Kurdistan is in danger as the Iraqi forces have been closing in on the regions that were initially designated for Kurdistan.

#### IV

##### The History

The chain of events that took us to Lausanne in 1923 and the American exit from Syria in 2019 show exceptional levels of similarity. There was a chain of thought in the early 1900s talking of a separate Kurdish state followed by a Constitutional guarantee by the Ottomans after the Young Turks movement allowed greater leverage for the Kurds

within Ottoman politics. This was followed by an exceptional turnaround of events in the form of the great war. The initial years of conflict ensured and depicted the weakness of the Ottoman Empire, and it was apparent that they would lose the war sooner or later. Then came the Sykes-Picot agreement. For the context of comparison, I regard this moment as the “launchpad”. I call it the launchpad as it was the harbinger of the slew of events that would unfold within a span of a decade. For Kurdish autonomy, this “launchpad” would prove the first step towards the realisation of their dream of a free Kurdistan. The world war ended and the Treaty of Sèvres of 1920 guaranteed a free Kurdish nation. The revival of Turkey and the exceptional control it yielded in the

38 Bassem Mroue, ‘For Kurds, US Pull-Back Feels like Being Abandoned Once More’ (*AP News* 7 October 2019) <<https://apnews.com/general-news-eccfbcac47914858a82304cb867dd85d>> accessed 1 August 2024.

39 David L Phillips, *The Great Betrayal: How America Abandoned the Kurds and Lost the Middle East* (IB Tauris 2018).

40 *ibid*

subsequent years till the Treaty of Lausanne was implemented in 1923, junked the idea of a free Kurdistan

The autonomous region of the Kurds which was guaranteed by the US-led Gulf War Coalition by implementing a “no-fly zone” over Iraq, starts the second moment of my paper. The exceptional turnaround of events came in the form of the American invasion of Iraq. Within no time, America with the help of the Iraqi Kurds were able to crush Saddam's Baathist regime. In this contemporary context of Kurdish self-determination, I would call this moment the “launchpad”. This launchpad did provide a higher level of autonomy to the Kurds in the Iraqi Constitution of 2005. The Sykes-Picot would give way to the treaty of Sevres and the geopolitical events of the day would make way for a resurgent Turkey, eventually undermining the former. The American invasion of 2003 would guarantee Kurdish autonomy but alongside would also pave the way for ISIS. ISIS menace though countered, would be the body blow for the Kurdish people, throwing their referendum of 2017 and the human rights of the Kurdish population of Anatolia, under the bus. Like Lausanne, an American exit would leave the Kurdish people more vulnerable than ever.

The Law

The Kurdish case for self-determination was bleak post the world war. The concept of self-determination was based on US President Woodrow Wilson's vision. Wilson's idea of self-determination was clear - "national aspiration must be respected; peoples would henceforth be governed only by their consent". Wilson eventually modified his stance. This was majorly due to the Bolshevik revolution which took place in Russia in 1917. His new stance of self-determination was equal to 'popular legitimacy' or 'self-government'. Wilson was advocating for an "internal self-determination" rather than a violent breakup and a claim on territorial sovereignty<sup>41</sup>. Self-determination was not for peoples under the Ottoman Empire as they lacked "well defined national aspirations" and was fettered with a high degree of "discord". However, such an approach was not applied while the breakup of the Austro-Hungarian empire took place. For Wilson, exercise of self-determination was to be reserved for the Europeans and not for the Turkish subjects<sup>42</sup>. Kurds as a nation under the Wilsonian concept were neither legal nor legitimate. No wonder, Kurds were persecuted en masse and were denied basic human rights.

41 ANTHONY WHELAN, 'WILSONIAN SELF-DETERMINATION and the VERSAILLES SETTLEMENT'

(1994) 43 International and Comparative Law Quarterly 99.

42 *ibid*

The coming of the UN Charter in 1945, "professionalised" self-determination and its application. The question of "territorial integrity" which formed the basis of Article 2 of the Charter did put a restraint on the question of secession, if any. The law postulated self-determination for colonies but was silent on the oppression of people who were not under any foreign power. The ICJ Advisory Opinion on the case concerning the breakaway of Kosovo from Serbia owing persecution of Kosovars was a positive development for the rights of people oppressed but not under any foreign rule<sup>43</sup>. However, the Kurdish referendum of 2017 is hardly accepted. Much like the difference between the breakaway of Austro-Hungarian Empire and the Ottoman Empire, there is a difference between the treatment of a European ethnicity and a Middle Eastern ethnicity, Kosovo and Kurdistan in this case, respectively. The absence of a living space has hurt the prospects of Kurdish people in the worst way possible. Under fire from the hyper-nationalist Turkey<sup>44</sup>, a resurgent government in Iraq, and an unstable Syrian political landscape, a difficult period awaits.

The Individuals and Regional Politics



Kurdish prospects of independence were full of hope during the first world war. Sykes-Picot agreement had given a thought about ethnic groups like the Kurds and the Covenant of the League alongside the Treaty of Sèvres had fully backed the creation of a Greater Kurdistan. Despite all these developments, Mustafa Kemal Atatürk was able to outflank not only these treaties but also the superpowers of the day. Regarded as the father of the Turkish nation, Kemal Pasha was able to remilitarize Turkey after the debacles of World War I. He was able to exploit the internal schism of the Muslim communities of the Middle East. For the dream of an independent Kurdistan, no single individual did more harm than Mustafa<sup>45</sup>. He was able to instill reluctance in the minds of the already divided Kurdish population by tracing the presence of Christian Europeans on their land, thereby ensuring Kurdish support although in parcels. When the negotiations became long-drawn and the West started losing interest, Kemal Pasha showed his real intent, which was a unified Turkey with no place for Kurdish elements within it<sup>46</sup>.

43 Dylan Evans, 'The Kurdish Quest for Independence and the Legality the KURDISH QUEST for INDEPENDENCE and the LEGALITY of SECESSION under INTERNATIONAL LAW of SECESSION under INTERNATIONAL LAW the KURDISH QUEST for INDEPENDENCE and the LEGALITY of SECESSION under INTERNATIONAL LAW' (2020).

44 Amnesty International, 'Turkey: Onslaught on Kurdish Areas Putting Tens of Thousands of Lives at Risk' (*Amnesty International* 21 January 2016) <<https://www.amnesty.org/en/latest/news/2016/01/turkey-onslaught-on-kurdish-areas-putting-tens-of-thousands-of-lives-at-risk/>> accessed 1 August 2024.

45 Andrew Mango, 'Atatürk and the Kurds' (1999) 35 JSTOR.

46 Ibid 17

Kurdistan was made an autonomous zone in the aftermath of the First Gulf War. Iraqi dictator Saddam Hussein was brutal on the Kurds. Saddam's brutality was more in the realm of violation of human rights than restrictions on autonomy. The most important man who has been particularly delaying any correspondence with respect to independent Kurdistan is the Turkish president, Recep Tayyip Erdogan. Like his predecessor Mustafa Kemal, Erdogan has been sharp in leveraging the interest of Turkey vis-a-vis Kurdistan<sup>47</sup>. He has been a staunch opponent of the Kurdish groups, PKK of Turkey and YPJ of Syria. Much like Kemal Pasha's policy of winning Kurdish support in the 1920s for a more comfortable seat at the negotiating table, Erdogan's policy of opposition is also not mindless. Despite a visible interest towards undermining any autonomy to the Kurds, Erdogan has been tactful and at moments have had active relations with Iraqi Kurdistan. Though, he was a fierce voice against the Kurdish referendum of 2017. With America out of Syria, his attacks on the Kurds within and outside the borders of Turkey, mainly Syria will increase. Turkey has started sending the Kurdish

refugees across the border to Syria which is a clear violation of international law. With Syria thrown open to political turmoil amidst the ouster of Bashar Al Assad by Turkey's aided Sunni insurgent group HTS, the goal of Erdogan is established. He gets a free uncluttered hand in the Kurds dominated Syrian region and alongside, squeezes all the voices of Kurdish support within Turkey without worrying about the porous Syrian border which has been the biggest worry of Erdogan's 'Kurdish Question'. The Turkish – Syrian border had not only invited problems of illegal immigration within Turkey but has also dented Erdogan's crackdown on Kurdish elements which he has long perceived as a threat to the integrity of Turkey. All these developments put the Kurds in a further perilous situation.

### The Diplomacy and International Politics

The autonomy of the Kurds, when discussed in terms of the post-great War world, almost in entirety shoulders its burden on the British. It is pertinent to note that under the Mandate system, France was also a major player in the Middle East and hence was directly related to the struggle for Kurdish autonomy. France had secured Lebanon and Syria under its mandate. Seeing its geopolitical benefits, France never really pushed for an independent Kurdistan as other ethnic groups like Alawite Muslims and Druze Christians. The Kurds always viewed the activities of the French with suspicion and were more comfortable in negotiating with the British than the French<sup>48</sup>. Similarly, Russia had deliberations with Kurdish leaders during several occasions of the great war. This interest stemmed from the motto of cowing down the Ottoman Empire which was fighting against the Russian state in World War I. The United States pursued the idea of "self-determination of people" and took initial steps for resolving the Kurdish question via the King-Crane Commission. Owing to domestic pressures, the US gave way for the British to negotiate<sup>49</sup>.

47 Michael J Totten, 'THE TROUBLE with TURKEY: Erdogan, ISIS, and the Kurds' (2015) 178 JSTOR. 48 Aslı Bâli, 'Sykes-Picot and "Artificial" States' (2016) 110 AJIL Unbound 115

49 Norwich University , 'Isolationism and U.S. Foreign Policy after World War I | Norwich University - Online'([online.norwich.edu](https://online.norwich.edu/online/about/resource-library/isolationism-and-us-foreign-policy-after-world-war-i))<<https://online.norwich.edu/online/about/resource-library/isolationism-and-us-foreign-policy-after-world-war-i>>.last accessed on 25 July 2024

In recent times, Sweden has been the most open to Kurdish political activism. Though it designates PKK as a terrorist organisation, it still houses around 100000 Kurds within its

territory. Turkey has been a fierce opponent of Sweden. This dispute has become an obstacle in Sweden's bid to join NATO which has been vetoed by Turkey. Sweden has regularly addressed the human rights issue in the Kurdistan region and has openly held Turkey responsible for its violations. Finland has also given refuge to the Kurds. Russia has maintained close contact with Kurds but is mainly silent on the issue of self-determination. Amongst the international community, Israel is the only supporter of an independent Kurdistan. The 2017 referendum of Iraqi Kurdistan was openly supported by Israel's Prime Minister Benjamin Netanyahu. Israel has traditional animosity with almost all four countries - Iran, Iraq, Syria and Turkey; which is home to the Kurdish population. Hence, even this recognition of Israel just like much of the developments which led to the Treaty of Lausanne in 1923 is motivated by interests and diplomacy.

### The Betrayal

The Sykes-Picot agreement had changed the perception of several ethnicities that were under the Ottoman occupation. The world war ended and paved the way for the Treaty of Sèvres. The British had promised an independent state to Kurdistan but after the terms of the treaty were made public, Turkey relented and started reclaiming the lost territories. Britishers saw it as unfeasible to use force to implement the Treaty of Sevres. Britain remained an accomplice and let Turkey act, contrary to the promise and negotiations that had arrived at Sèvres. A new treaty of Lausanne was signed in 1923. Kurdistan and its dream of independence was dashed. The British could have been more resilient in demanding Turkey to implement Sèvres, but they let their regional interests take over<sup>50</sup>. The British betrayal at Lausanne came at a huge cost for Kurdistan. Not only was their independence sacrificed, but they were also now second-grade citizens in four countries of the Middle East. Turkey accounts for the largest Kurdish population and its treatment of the Kurds was perhaps the most brutal. The lack of intent by the British ensured that Kurdistan became the most trivial case for self-determination in the world. The aftermath of Lausanne resulted in mass persecution of the Kurds across the Middle East. This was on such a scale that the topic of Kurdistan had almost vanished from the dictionary of self-determination in academia. Self-determination has been such an impossible phenomenon that the academia only discusses human rights in context of the Kurds. This is the level of dejection which the incoherent objectives of the British led Kurdistan into. For the Kurds, the fight after 1924 has mainly been for the bare minimum.

50 Nick Danforth, 'Forget Sykes-Picot. It's the Treaty of Sèvres That Explains the Modern Middle East.' (*Foreign Policy* 10 August 2015) <<https://foreignpolicy.com/2015/08/10/sykes-picot-treaty-of-sevres-modern-turkey-middle-east-borders-turkey/>>.accessed 31 July 2024

The American exit from Syria spells doom for the Kurds<sup>51</sup>. The American guarantee in the region protected the Kurds from the frontal Turkish assaults. The turn of events has shown that after the exit of America, Turkey has been more determined to send the Kurdish people of Turkey to Syria. Kurds have been systematically persecuted by both Syria and Turkey. This was the case even when the relations between Turkey and Syria were anything but great. Syria was admitted back into the Arab League and with the civil war petering out, its relations with Turkey have also improved<sup>52</sup>. It spells doom for the Kurds as they will lose substantial diplomatic leverage. After using the Kurdish shield for years to protect its geopolitical and economic interest in the Middle East, the faceless American exit is almost of the same intensity that was served by the British to the Kurds, a century earlier. The long-term effect of such an action is still to be seen, but the situation on the ground looks far from good. The American exit would also dampen the prospects of Iraq Kurdistan which has lost substantial leverage in front of the federal Iraqi government.

For the Kurds, the moments of Lausanne have hit them unaware. The geopolitical actions are shaped by interests and if the American interest shifts towards Turkey as was the case with France and Britain in the 1920s, results could be disastrous for the Kurds and their Kurdistan.

v

## THE WAY AHEAD

Kurds, in the twentieth century, were regarded as "people" in a Wilsonian political sense, after World War I, but at the time, the notion of self-determination had not developed into a legal right. In the Treaty of Sèvres, the Kurds were granted a large degree of autonomy with a provision for independence. This treaty was not ratified by the signatory states.

The resurgent Turkey ensured that The Treaty of Sèvres had to be replaced by the Treaty of Lausanne. The subsequent text of Lausanne did not mention the Kurds. The question of Kurdish independence remained unanswered. Kurds were used as a hedge in multiple conflicts of the affairs of Middle East Asia. The Iraqi uprisings of 1991 established the Kurdish Autonomous Republic in Iraqi Kurdistan, mainly with the help of

51 Tom O'Connor Senior Writer and others, 'Iran Demands US and Israel Exit Syria as Bigger War Brews' (*Newsweek* 25 June 2024) <<https://www.newsweek.com/iran-demands-us-israel-exit-syria-bigger-war-brews-1917390>> accessed 1 August 2024.

52 Al Jazeera Staff, 'Syria and Turkey: A Path to Reconciliation, or a Defeat of the Opposition?' (*Al Jazeera* July 2024) <<https://www.aljazeera.com/news/2024/7/24/syria-and-turkey-a-path-to-reconciliation-or-a-defeat-of-the-opposition>> accessed 24 July 2024

the Gulf War Coalition. The American invasion of Iraq and the removal of Saddam Hussein's regime with Kurdish support made way for the new Iraqi Constitution of 2005 with better terms for the Kurds. This period coincided with the rise of ISIS, a terrorist group that wanted to establish its Caliphate in Iraq and Syria. The involvement of America and its presence in Syria ensured that the Kurds of Syria could also press for some kind of autonomy. The Kurdish referendum of 2017 to form an independent state north of Iraq was not recognised by the international community. ISIS was formally defeated and America left Syria in 2019. The little hope for autonomy and rights for the Syrian and Turkish Kurds and the independence of Iraqi Kurdistan looks very bleak.

The erratic exit of the US from the Middle East has opened a can of worms for the Kurds and their romance with autonomy and self-determination. Iraq has been exerting pressure on the KRG. This has resulted in skirmishes where the federal government forces have been able to run over the Kurdish militias. Iraq has also stifled KRG financially. In one of the recent developments, an Iraqi federal court has ordered the KRG to hand over all the oil and non-oil revenues to Baghdad. Visibly, the KRG has been losing substantial autonomy vis-à-vis the federal government of Iraq within its own territories. Turkey continues to yield considerable influence in the region. Syrian Kurds had limited autonomy in Rojava and was mainly flourishing on the guarantee of the US. Turkish Kurds were never in contention for being autonomous, but the presence of the US did ensure that the outright breach of international law on the Turkish Syrian borders would have been kept under check; at least regarding the gross human rights violation that Turkey is unleashing over its native Kurdish population in the name of countering the PKK. The fall of the Assad regime with Turkish aid in Syria has further given Turkey a huge impetus in crushing the Kurdish aspirations of the region as Turkey would yield unfettered control not only over its Kurdish population but also over the Syrian Kurds. Turkey considers Kurds as its biggest national threat and now with Syria under its sphere of influence, the results could be dastardly for the hopes of Kurdish autonomy and self-determination. For the Kurds, tough times await!!

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