Universidade de Lisboa

Faculdade de Direito

THE SYRIAN KURDS' RIGHT OF SELF-DETERMINATION IN THE LIGHT OF "ARAB SPRING".

Azzma Aljurf

Dissertação de Mestrado em Direito Internacional e Relações Internacionais.

Orientadora: Prof. Doutora Isabel Maria dos Santos Graes

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Abstract

The Kurds are one of the largest ethnic minorities in the world whose rights of independence and having an independent state have been questionable and debatable at many international fronts such as the international politics in the Middle East region. In 2011, the "Arab Spring" has taken place in so many Arab countries in which people demonstrated in large number to call for their right to freedom in all its forms. In Syria, the uprising turned into blood bath and the whole country was divided under so many fighting groups on the ground. The Syrian Kurds were largely influenced by the unrest and conflict.

In this research, the Syrian Kurds right of self-determination is examined in regard to the Syrian uprising in 2011. The aim of the study is to fill the gap in research about the Syrian Kurds and in the same time, offers an approach to examine their right to be independent given their common culture, language and traditions through looking into the Kurds' history and their struggle from the United Nation resolutions perspective.

The Kurds historically lived on the Middle East region and never had their own independent territory. As a result of the World War I, the Kurds were divided in four neighboring countries Syria, Turkey, Iran and Iraq. Since then, they were struggling to get their voice heard and been persecuted and denied their right to self- determine their own regions. Similarly, in Syria they were heavily targeted by the Ba'athist regime and declined. The Kurds' right of self-determination has been in the fore since the Syrian uprising as they had to fight to protect their existence in the northern regions from one of the extremist groups with low or zero support from any international support.

After examining the right of self-determination, its implications and applicability, on the Syrian Kurds, it is evident that they do not qualify for independence from an international law view for several reasons (see chapter 5). However, in Al-Jazira and Afrin, the two highly dense Kurdish regions in Syria, the demography and policies are changing whether by the Syrian state or the Turkish in the Afrin region. Hence, the Kurds' right to independence could be seen from different perspective in the future given the on-going conflict and power dynamic among the neighboring countries.

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Key Words

The Syrian Kurds, Right of Self-determination, Autonomous Administration, Syria, Al-Jazira, Afrin, Ba'ath party Democratic union Party, Arab Spring.

Abbreviations

(PYD)Democratic Union Party: the dominant Syrian Kurdish political party, which administers the Rojava cantons. The party is ideologically linked to the PKK, even though it denies being a branch of the PKK.

(YPG) People's Protection Units: the militia associated with the PYD.

(PKK) Kurdistan Workers' Party: the militant organization, formed in 1978, which is the dominant Turkish Kurdish group.

(KDP) Kurdistan Democratic Party: the Iraqi Kurdish political party which controls the most important positions in the KRG and has a long-standing rivalry with the PKK.

Research Structure

Chapter 1: Introduction: The Kurds' issue was introduced as the largest minority in the world whose rights were taken in the countries, they are scattered in. In Syria, the Kurds has been a systematically targeted and their political rights were alienated.

Chapter 2: Research Methodology: It is a qualitative research, looking at the Kurds' right to create their independent state given the Syrian civil war and its consequences on their struggle. I relied on the existing documents and used document analysis as my main source for collecting data and then analyzing it.

Chapter 3: Literature Review: I started researching the question of the Kurds' right to self-determination by following a methodology based on analyzing the documents and studies related to the Syrian Kurdish issue by identifying the problem and analyzing its causes in accordance with international treaties and laws. On the literary side, I have dealt with studies and researches related to the Syrian Kurd issue, as you will see most of these studies written by Arab and Kurd Scholars, and I faced as most of the researchers in the Kurdish affairs a problem of the lack of reliable sources, reflecting the lack of local and international interest of the Syrian Kurdish issue before 2011. I tried to find intersections in these studies so that I could build the research on what previous researches had done and add my own analysis in accordance with the principles of international law for the right of Kurds to self-determination.

Chapter 4: The Kurds History: there is a mention and analysis of the most important historical events that the Syrian Kurds went through, which divided into several stages, starting with the status of the Kurds before independence, through the stage of independence and unity between Syria and Egypt, and then the rule of the Baath Party since 1970 until today. During this chapter, I focused on the measures taken by successive Syrian governments regarding the Kurds

Chapter 5: The Right of Self-determination: I addressed the concept of the right of self-determination legally, and its development and nature, in addition to discussing the international treaties and jurisprudence concerning its implications and meaning for minorities across the world. I mentioned many examples of how the legal status of many minorities in different countries developed, and then moved to study the concepts of people and minority in international law, analyzed the two concepts according to the definition of some scholars and then began to apply these definitions to the Syrian Kurdish issue.

Chapter 6: Al-Jazira and Afrin: I discussed the geographical presence of the Kurds in Syria, namely Al-Jazeera and Afrin, where most Kurds reside in these two regions. In this chapter I discussed the geopolitical dimension of Al-Jazeera and Afrin as border areas with Iraq and Turkey, and in terms of the economic importance of these areas where the most important natural resources of Syria are located in Al-Jazeera (significant oil fields and rivers).I discussed how the

geographical separation between Afrin and Al-Jazeera is one of the obstacles to the idea of Kurdish independence from Syria, as There is no geographical link between the Kurds inside Syria.

Chapter 7: Conclusion: I summarized the research question and how I attempted to answer it throughout my research. It is clearly re-states that the Kurds doesn't qualify- based on the international criteria- to have the right of self-determination for many reasons discussed previous chapters.

1: Introduction:

The Kurds' struggle to create a homeland "Kurdistan" is one of the key features post the First World War. Kurdish people are one of the indigenous peoples of the Mesopotamian who are scattered in south-east Turkey, north-eastern Syria, Northern Iraq, and North-western Iran. Their estimated population is 30 million which makes them one of the largest unsettled group in the modern history.

Today, Kurds form a homogenous community that share common race, culture, traditions and language although they do not have a unified dialect as they live in different countries. The Kurdish identity is very diverse and in the same time distinct from that of their Arab, Persian and Turkish neighbors.

While most research on the Kurdish issue focuses on the Kurds of Turkey and Iraq due to many acts of brutality against the Kurds in these two countries, the Kurds received less or no attention in Syria and Iran. The Kurds in Iraq and Turkey had to resort to armed struggles for political and historical position. Moreover, the political role that the Kurds of Iraq and Turkey play is significant and rooted in their history. The lack of interest can be seen by the fact that the number of Kurds in Syria is small compared to their number in Turkey and Iraq. Moreover, the Kurds in Syria were not subjected to systematic massacres, hence, they did not resort to armed struggle.

Although there is no official statistics on the number of Kurds, the average percentage of Kurds in Syria according to various resources 10% to 15% of the total population of Syria[1] . Despite of the Kurds' culture and distinctive ethnic identity, the Syrian state did not give the Kurds recognition as an ethnic minority. Furthermore, historically speaking, the Kurds is seen a threat to national security and unity by the Syrian regime. The Syrian Kurds have been subject to extreme oppression, violence and marginalization to the extent that the Kurdish language and culture in Syria were illegal to be expressed. The Syrian state has denied the Kurds' rights and attempted to control and contain the Kurdish community inside Syria.

This research aims to study the impact of Arab spring on the right of self-determination of Syrian Kurds through focusing on the context of the Syrian Kurds, their history and present situation. In particular during the Syrian uprising that took place in 2011 till 2018, this study will allow for close examination of the Syrian state's treatment of the Syrian Kurds and explore whether the right of self-determination is applicable to the Syrian Kurds. In the following is my research question which will frame the study and attempt to answer it throughout it.

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[1] Robert Lowe. "Studying the Kurds in Syria: Challenges and Opportunities." 2011, pp. 1–2., ojcs.siue.edu.

2: Research Methodology

This is a qualitative research that aims at drawing conclusions on the impact of the Syrian uprising on the Kurds 'right of self-determination in Syria. The guiding question for my research is: How does the "Arab Spring" impact the Syrian Kurds' right of self-determination? To breakdown this question, I focused on studying the history of the Kurds in the region and in Syria specifically. Also, a close attention is paid to their right to create an independent state given the turmoil that was brought with the 2011 uprising in Syria.

A qualitative research is "a careful investigation or inquiry especially through search for new facts in any branch of knowledge.[2]" Redman and Mory define research as a "systematized effort to gain new knowledge.[3]" It is an Academic research that attempts at defining a problem and redefining it. Therefore, studying the documents that are related to the Kurds serves the exploration of their right of independence using historical documents and international treaties.

2.1: Methods:

It is library research that focused on studying the existing documents and literature and highlighting how the recent changes may or may not impact the Kurdish right of self-determination. The attempt to find answers for this research, I mainly used document analysis method in tackling this research question due to many reasons such as the rootedness in history of the Kurdish case, narrow the scope on the Syrian Kurds, and due to time limitation to interview people.

2.2: Document Analysis:

Document analysis is a systematic procedure for reviewing or evaluating documents—both printed and electronic (computer-based and Internet-transmitted) material. Like other analytical methods in qualitative research, document analysis requires that data be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge (Corbin & Strauss, 2008; see also Rapley, 2007[4]). Documents contain text (words) and images that have been recorded without a researcher's intervention. For the purposes of this discussion, other mute or trace evidence, such as cultural artifacts, is not included. Atkinson and Coffey (1997)5 refer to documents as 'social facts', which are produced, shared, and used in socially organized ways (p. 47).

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[2] The Advanced Learner's Dictionary of Current English, Oxford, 1952, p. 1069.

[3] L.V. Redman and A.V.H. Mory, The Romance of Research, 1923, p.10.

[4] Corbin, J. & Strauss, A. (2008). Basics of qualitative research: Techniques and procedures for developing grounded theory (3rd ed.). Thousand Oaks, CA: Sage.

[5] Atkinson, P. A. & Coffey, A. (1997). Analysing documentary realities. In D. Silverman (Ed.), Qualitative research: Theory, method and practice, London: Sage, 45–62.

Merriam (1988) pointed out, 'Documents of all types can help the researcher uncover meaning, develop understanding, and discover insights relevant to the research problem' (p. 118)[6].

Advantages and Limitations:

Documents analysis can be a vital method in collecting data and accessing information. It allows the researcher to gain in depth knowledge on their research and gives background to the research question. Also, it is important because:
- ❖ Efficiency: it is a less time-consuming method
- ❖ Availability: Many documents are accessible especially in the advent of the internet where information is two clicks away.
- ❖ Cost-effective: it is a less expensive way to gather data and access variety of sources whether books, articles, magazines and journals.
- ❖ Stable sources of data
- ❖ Accuracy and exactness of the details and data
- ❖ Broadness and coverage of many events across time and history

However, document analysis might have setbacks such as:
- ❖ Insufficient details to what you are researching and incomplete information
- ❖ Low retrievability: Documentation is sometimes not retrievable, or retrievability is difficult.
- ❖ Biased selectivity: An incomplete collection of documents suggests 'biased selectivity' (Yin, 1994, p. 80)[7].

2.3: Analyzing and evaluating documents:

Critical investigation of the documents used is a must. The documents must not be treated as accurate or complete recordings of events. Researchers should not simply "gather" available document words and excerpts inserting them in your research report. Instead, they must establish the meaning of the document and its contribution to the topics being investigated.

The researcher as an analyst must determine the relevance of the research papers. In addition, the researcher must ensure that the contents is relevant to the conceptual framework of the study, also, the authenticity, reliability, accuracy and representativeness of the selected documents. The documents are evaluated as complete to be comprehensive (covers the topic fully or broadly). As a researcher, I looked into the gaps in the documents and determined if the documents are (balanced) or uneven (contains great details on some aspects and some or not nothing in other respects).

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[6] Merriam, S. B. (1988). Case study research in education: A qualitative approach. San Francisco: Jossey-Bass.
[7] Yin, R. K. (1994). Case study research: Design and methods (2nd ed.). Thousand Oaks, CA: Sage.

3: Literature Review

In this section, I will attempt to review the literature on the Kurds in general while paying specific attention to the Kurds in Syria during the Syrian uprising.

Despite the development of international law in the last century, and the fact that many people have the right to self-determination, the Kurdish people today are considered the largest stateless country in the world[8]. They live among several independent countries, namely Iraq, Turkey, Syria and Iran, as well as some countries of the former Soviet Union. The Kurdish identity is seen as a political problem to the different regimes they live under when looking at the complex situations in the Kurdish-populated countries. Therefore, the politicization of the Kurds 'rights and their demands has been a prominent contested issue in the states they live in. Therefore, I will provide a historical context that allows for a better understanding of the Kurds' history and present and their continuous struggle to be independent.

3.1: Brief Background about the Kurds' Struggle for Independence:

Kurdistan did not constitute an independent country with political borders, although a homogeneous people inhabited it, despite its important and strategically privileged position. The Kurdish writer Sawsan Zakzak asserts that it is difficult to determine the number of the Kurdish population in their areas of presence because most of the countries, where the Kurds live today, are trying to obliterate the multiple identities and nationalities of their people and consolidate the concept of the national state and considering its population descended from one nationality.

Language is one of the basic elements on which the nation rests in its existence and renaissance among the nations, and the Kurdish language belongs to the family of Indo-European languages and written in the Arabic alphabet. Despite the challenges have faced the Kurds, this language has maintained its privacy and contributed to the strengthening of the Kurdish national feeling, despite the biography of the languages of the countries in which the Kurds live such as Arabic, Turkish and Persian. Qasimlo 1990.

The revolutions of what has come to be known as the Arab Spring have inspired the Kurds in their areas of presence in Syria and have given them strong hope of establishing their own state, or at least a political entity to achieve their national aspirations. The Kurds are striving hard to realize their national hopes. The current developments in Syria will inevitably change the Syrian geopolitical and demographic map and will have an impact on minority issues in the region, especially the Kurdish question.

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8 Vali, Abbas. "The Kurds and Their 'Others': Fragmented Identity and Fragmented Politics." Www.academia.edu. Comparative Studies of South Asia, Africa and the Middle East, Vol. XVIII No. 2, 1998, pp. Page 1

The study of Mohammed Jamal Barout entitled: *The question of the Kurds of Syria, reality - history – myth.* The study was published in the Arab Center for Legal Research and Studies, Beirut 2013

The study deals with the situation of the Kurds in Syria, and the so - called Kurdish question, in its first section dealt with the recent history of the Kurds in Syria, and the emergence of a new local Kurdish community in the region of Al-Jazira , in a demographic, geographical and political context.

The second section focuses on the start of the Kurdish political movement in Syria, the emergence of the political Kurds parties and the Kurds relations with other political forces in Syria, and the third section of the study discuss Kurdish participation in the Syrian revolution, the degree of participation. In the revolution, meeting points and differences with the Syrian revolution. The scholar offers an approach to the Kurds youth engagement in the revaluation and the emergence of Kurdish political groupings participating in the revolution in exchange for a Kurdish party's reservation in the participation.

The study reached several conclusions and proposals to deal with the Kurdish question, the most important are the following:

- The development of events since the First World War until the 2011 revolution resulted in the emergence of two Kurdish communities inside Syria, the first society in Damascus and Aleppo. These are closer to the ruling regime and do not demand cultural rights or special legal status. The second one is in northeastern Syria in Afrin and the AL-Jazira .
- This distribution does not allow any proposal to resolve the Syrian Kurdish issue based on the concept of "Greater Kurdistan", outside the Syrian national framework, and must resolve the Kurdish issue based on non - confusion and redraw the existing political borders of the current states.

A recent study entitled "*The impact of the Syrian Kurdish question on regional stability*", the researcher addressed the Syrian Kurdish issue because of the significant impact of this issue locally, regionally and internationally after 2011.   The study was divided into three chapters, the first chapter presents a theoretical introduction to the subject of minority by defining the minority and clarifying legal terms such as the term people and the term minority in jurisprudence and international law. In this chapter, the researcher explained the nature of the relationship between minorities and political stability, and the right of ethnic minorities to self-determination.

The second chapter deals with the regional situation of the Kurds through their numbers, whereabouts and legal status in Syria since the First World War until the post-2011 uprising and the impact of Kurdish policy about the Kurds in Syria. Then the scholar talked in the third chapter about the development of the Kurdish issue after 2011 and the prospects for this issue in the future. The study has reached several results, the most important are:

- The Kurdish question derives its importance and its basis from the nature of the Kurdish group itself, this group is one of the largest and most important

national groups in the Middle East, which has linguistic and cultural characteristics that distinguish it from other nationalities in the region of Arabs, Persians and Turks.

- Despite the historical presence of Kurdish groups in the region, but the Kurdish issue did not emerge until the developments in the Middle East after the end of the First World War and the resulting settlement of the situation in the region.

- The Kurdish question in Syria has entered a new phase since the 2011 uprising, which was considered an important turning point in the evolution of the Kurds issue, both inside Syria and in neighboring countries, especially Turkey.

3.2: Several Observations after Reviewing the Existing Studies:

1 - The Existing studies and books are one of the most important references that talked about the Kurdish issue in Syria, these studies dealt with the Kurdish public affairs without focusing on the right of Kurds to self - determination.

2 - Some of these studies and researches dealt with the Kurdish issue in different periods of my periods study, where the Syrian revolution is relatively recent and in addition to the evolution of the reality of the Kurds on the ground in Syria in a rapid change, therefore most of the published studies on the Kurds of Syria are Still limited.

3 - Academic studies and research centers justify the lack of studies related to the Kurd's situation in Syria, the available references are generally few, in addition to the difficult security situation before and after 2011, which makes it difficult to access reliable information and neutral sources, especially the population and geographical distribution of the Kurds.

4 - After the withdrawal of the Syrian government from the Kurdish areas in northeastern Syria "Al-Jazira" and northwestern Syria "Afrin". Some Kurdish specialists visited these areas and obtained some historical references that encouraged the research on the Kurdish issue, especially the legal status of them since the First World War until today.

4: The Kurds in Syria between the past and the Present

4.1: The Kurds' Early History:

Historically, Kurds are considered to be of European Indian origin who are believed to have settled in the region- that has been part of Kurdistan- for more than 4,000 years. [9]Archaeological evidence of a people who lived between 6000 and 5400 BC in the Kurdish mountain regions, sharing a distinct 'Halaf' culture[10]. The boundaries of the Halaf culture are like the area today referred to as Kurdistan.

The name Kurdistan is used to refer to the geographical area in which the Kurds live today(see figure 1), meaning Kurdish land. This name was given for the first time in the twelfth century, it was a Seljuk Turkish state established by Prince Sandger, which is considered the Kurdistan of Iran today11. Although there is no fixed and clear border as Kurdistan is not an independent state, it extends from the Zagros and Taurus mountain chains in the west and stretches southward into northern Iraq today, northward to the Anatolian plateaus and plains. The region was divided in the 16th century between the Ottoman and Persian empires after the Battle of Chaldrin.[12]

After the collapse of the Ottoman Empire at the beginning of the 20th century and the First World War, the so-called Kurdistan was under the control of the Western imperialist powers. After the countries of the region gained their independence after the Second World War, Kurdistan was divided again between what became the modern sovereign states in Iran, Syria, Turkey, Iraq, Azerbaijan and Armenia.

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9 Izady, Prof. M.R., 'Kurdish History and Culture', taken from a lecture given at Harvard University (10 March 1983).
10 The Halaf culture is a prehistoric period which lasted between about 6100 BC and 5100 BC. The period is a continuous development out of the earlier Pottery Neolithic and is located primarily in south-eastern Turkey, Syria, and northern Iraq, although Halaf-influenced material is found throughout Greater Mesopotamia.
11 Nezan, Kendal, 'A Brief Survey of the History of the Kurds', presented
to the International Paris Conference 'The Kurds: Human Rights and
Cultural Identity' (14–18 October 1989), available in Collated Contributions
& Messages published by Institut Kurde de Paris (March 1992), page 31.
12 https://www.britannica.com/event/Battle-of-Chaldiran.
took place on 23 August 1514 and ended with a decisive victory for the Ottoman Empire over the Safavid Empire.

(figure1)

Livestock was the most important economic activity of the Kurds until the nineteenth century. With the emergence of international borders, the Kurds were forced to work on agriculture and settle because of the difficulty of grazing and movement that accompanied the demarcation of the border.

Kurdish areas are rich in agriculture, minerals and oil, and the huge oil reserves of Syria and Iraq are concentrated in the north of these two countries where the Kurdish majority lives(see figure 2). With the discovery of oil in the Kurdish regions, the conflict with the countries of the region intensified. The discovery of oil after the Second World War is one of the main reasons why these countries do not negotiate an area called Kurdistan.

The Tigris and Euphrates rivers are among the most important rivers in Iraq, Syria and Turkey. The construction of dams on these rivers has had devastating effects on thousands of Kurds as the two rivers cross the three countries across the predominantly Kurdish areas. The water issue caused many tensions between these countries almost reached the brink of war, which has added more to the already existed tension the Kurdish situation[13].

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13 See KHRP, Downstream Impacts of Turkish Dam Construction on Syria and Iraq.

(figure 2)

4.2: Historical Background of the Syrian Kurds between1918-1946

At the end of the Ottoman Empire due to defeat in the First World War and the French Mandate began in Syria in 1920, there were two Kurdish views in Syria based on the presence of Kurds in the urban and rural area.

The Kurds' presence was predominately in urban and rural areas after the fall of the Ottoman Empire and the start of the French Mandate in Syria in 1918. Politically speaking, the Kurds had two different views on their future under the new changes.

Most of the Syrian Kurds who lived in rural area, supported the policy of decentralization advocated by the French. While Kurdish families living in cities such as Damascus and Aleppo supported the central authority in Istanbul, which sought to maintain the status quo. The Kurdish minority opposed Syrian independence, as this minority did not welcome the Arab revolution of 1916 which called for independence.

Since the beginning of the French mandate, the Syrian Arabs increasingly embraced the idea of Arab nationalism[14], although at the time there were no Arab or Kurdish nationalist movements. For the Kurds, their general position was represented by the minority who lived in the main Syrian cities such as Damascus and Aleppo who had an influence and access to the political decision-

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[14] The ideology that dominated the Arab world for most of the twentieth century, Arab nationalism, evolved, much as did other nationalisms in the developing world, out of a reaction to the prospect (and later the reality) of European domination and under the influence of European ideas about nationalism.

making circles[15]. Therefore, the Kurds at that time were described as against independence and supportive of the mandate.

4.2. A: International Treaties and the Kurds:

The Kurds lived under the Ottoman Empire, like the rest of the Arabs and the Armenians. I will explain through this text how the legal status of the Kurds changed after the collapse of the Ottoman Empire and the establishment of modern nation states.
It is known that the collapse of the Ottoman Empire and the sharing of its territory was in accordance with international treaties. I will mention the treaties that took care of the Kurdish issue and how their influence up to now continues playing a prominent role in the Kurdish issue.

Following the defeat of the Ottoman Empire in the First World War (1914-1918) and its surrender in Mudras on October 30, 1918, Kurdish newspapers and societies called for the independence of Kurdistan and the establishment of a Kurdish state. This helped the independence of the Arab country after the "revolution" of Sharif Hussein, The Greater Arab state, and the promises of the Allies, especially Britain, which called for "the liberation of the peoples under the Ottoman Empire, which was reinforced by the call for a peace conference. To re-divide the legacy of the Ottoman Empire in particular.

❖ The Peace Conference 1919

The conference was held in Paris and continued from 1918 to 1920. Most of the decisions of the conference came in favor of Britain and France. The Kurds tried to realize their national aspirations for independence from the Ottoman Empire through this conference, relying on the promises of Britain and the principles of President Wilson. The right of peoples to self-determination).
For the first time, Kurdistan and the Kurdish issue were discussed at the conference in 1919 by a representative of the British delegation, who called for the separation of Armenia, Syria, Mesopotamia, Kurdistan, Palestine and the Arabian Peninsula from the Turkish Empire in full, and dividing Kurdistan among the four neighbor countries Iran, Syria, Iraq, and Turkey.
In response to the partition of Kurdistan, the head of the Kurdish delegation, Sharif Pasha, sent a letter to French Prime Minister George Clemenceau as president of the conference, in which he demanded the independence of Kurdistan and presented the Kurdish view to the Supreme Council of the Conference through two memoranda.
The conference ended with the signing of agreements, talking about the Convention on Kurds

❖ SÈVRES Convention 1920

Ottoman Turkey accepted the Treaty of Sevres, which states: Kurdistan gets independence according to items 62, 63 and 64(see the index)[16].   The SÈVRES Treaty is an outstanding document in the history of the Kurdish issue, which provided for a solution to the Kurdish problem in some parts of Kurdistan, through stages leading to independence. This is the first official international recognition of the rights of the Kurdish people.

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15 Hendriques, John (ed.) (2003), Syria: Issues and Historical Background (New
York: Nova Science Publishers), page 73.
[16] http://www.hri.org/docs/sevres/part3.html

The treaty did not live up to the Turks and they circumvented them. Kemal Ataturk described them as a death sentence against Turkey and led a war against the allies called the War of Liberation.

❖ **London Conference 1921:**

A conference was held in London on February 26, 1921 between the allies and Turkey to discuss the outstanding problems, including the Kurdish problem, where the allies intended to give important concessions in this issue. But the Turkish government insisted that the issue internally can be solved internally, especially since the Kurds have a desire to live with their Turkish brethren as alleged at the time and hinted by the allied countries that it intends to make concessions to Turkey and re-discuss the future of Kurdistan and Armenia.

When Britain found the Ankara government steadfast in its position, it hinted that it was ready to amend the Sever Treaty without compromising its substance. Britain abandoned independence asked the Turkish government to grant autonomy to the states in which a Kurdish majority lives and to define its borders accurately. Turkish Foreign Minister Bakr Sami replied that autonomy would not be granted to Kurds alone, but generally to all states, and that broad decentralization would be applied. After Britain secured control over the "Mosul state," British-Turkish relations improved. The Turkish foreign minister declared that "Mesopotamia was a cheap price for British friendship."

Britain abandoned in this conference for the Kurdistan of Ankara except for southern Kurdistan, which falls within the mandate of Mosul. On the sidelines of the conference, France signed with the Ankara government a military, political and economic agreement in which it strengthened its interests in Turkey and amended the borders of the French Mandate over Syria 1921.

❖ The Treaty of Lausanne II:
The aim of the conference was to negotiate a new treaty with Turkey, which refused to recognize the SÈVRES Treaty. After long negotiations, differences between Britain, France and Turkey were resolved.

❖ The Treaty of Lausanne II provides, inter alia:
Ankara pledged to grant the majority of the population of Turkey full and complete protection, to grant freedoms without discrimination, without any reference to the Kurds, or to refer to the Treaty of Sever. The Kurds regarded this treaty as a blow to their hopes of independence and was a British tamer against Kurdish rights which gave up the Kurds in exchange for Mosul, Iraq. This divided the Kurds among four entities established after World War I and the Kurdish issue is still going on.

4.3: The Syrian Kurds under the French Mandate 1920

According to the Sykes-Picot Agreement, Syria were under French mandate since 1920. The French sought to confront the idea of pan-Arab nationalism to facilitate their control of Syria[17]. Therefore, the French supported ethnic and religious minorities within Syria and emphasized the

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17Hendriques, John (ed.) (2003), Syria: Issues and Historical Background (New York: Nova Science Publishers), page 121

principle of decentralization. A state of the Sunni Muslims, a state of the Alawis, and a christian state. The French succeeded in establishing a christian state in 1926, the state of Lebanon today.

During the mandate period, the Franco-Kurdish relations were differentiated. Some Kurdish tribes and Christians supported France because French politics provided more space for the formation of local forces of influence, while other Kurdish tribes refused to support the French and supported Arab independence movements. Therefore, the Kurds were divided between two basic principles: independence within the Arab group or decentralization. These two principles contributed to the development of the national consciousness of the Kurds, especially the legal issues related to the existence of the Kurds in Syria and their cultural rights. But the split of the Kurdish position inside Syria has weakened the political position demanding rights.

The situation continued until 1927, when the first Kurdish nationalist movement, Xwebûn, was formed to confront the Turkish state. This movement gained French support after reassuring the French that it would not cause ethnic or national tensions within Syria to reassure Arab fears.

Despite the short period of activity of Xwebûn, it created an environment for Kurdish intellectuals to gain experience in defending Kurdish issues in the right to self-determination.

[18] Other practices carried out by the French mandate were "Les Troupes Spéciales de Levant", which is the security forces in the Levant[19], which was a security forces formed from the Syrian minorities such as the Kurds, Alawites and Druze, which is intended to help the French mandate to take control of Syria, which increased tension between these minorities and the Arab majority.

In 1937, the Arabs led a military resistance against the French mandate, forcing the French to form the first centralized Arab national government in Damascus, at the expense of the rest of the minorities, including the Kurds. As a reaction, the Kurds have staged several uprisings against Arab domination of the central administration. The most prominent of these was the uprising of Amouda in the northern region "Al-Jazira "of Syria. The French had to establish a special administrative system in the region Al-Jazira to calm the Kurds. This led to an increase in the independence of the Kurds and they had started establish a cultural and social organizations and clubs Kurdish. That led to increase the tension between Arabs and Kurds, and Arabs began to view the Kurds as a source of ethnic tension in the country and as a separatist group.

4.4: Syrian Kurds after the Independence 1946-1961

Syria gained independence in 1946. The Syrian leadership was from a commercial upper class. This class sought to preserve the situation as it was before the independence, as they were the political leaders during the mandate. The country was subjected to a number of military coups that led to arrive the army to rule instead of the parliamentary government.[20] The army, which carried a thought closer to the anti-imperialist, had gained popularity throughout the countryside, and the

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[18] Abdul Rahman Qasimlo, a historical study of political and human rights. 2003 page 123.

19 The Levant is an approximate historical geographical term referring to a large area in the Eastern Mediterranean, primarily in Western Asia. In its narrowest sense, it is equivalent to the historical region of Syria. Damascus; Amman; Aleppo; Beirut; Gaza; Jerusalem.

20 Hinnebusch, Raymond (1990), Authoritarian Power and State Formation in Ba'thist Syria: Army, Party and Peasant (Oxford: Westview Press), pages 71–2.

army was seen a possible model for integrating religious minorities such as Alawites, Druze, and Christians with Sunni Arabs into a single society. However, the Kurds were almost the only ethnic group that the Syrian ruling elite found difficult to integrate into the new identity.

A Syrian officer, Adib al-Shishakli, led a military coup in 1949, imposing martial law and a new constitution. The goal of Shishakli was to form a homogenous Arab Islamic state combines all components. He issued decrees restricting the use of non-Arabic language. At the same time, he admitted that Syria's borders were artificially created by imperialist forces. [21]Therefore, Syria includes different Arab and non-Arab ethnic components, without mentioning the rights of non-Arab races. Parliamentary rule was restored to Syria in 1950, despite the new political and media freedom. The idea of Arab nationalism continued to be promoted as a single nationalism within the borders of Syria.

In the middle of the twentieth century, the idea of Arab nationalism spread in the region, especially after the Suez War in Egypt in 1955. In 1952, the so-called Free Officers led by Gamal Abdel Nasser in Egypt launched a military coup. Gamal Abdel Nasser's basic idea was to unite Arabs on the basis of Arabic language and culture in the face of Western colonial powers. Nasser led a union between Syria and Egypt that lasted from 1958 till 1961, when the United Arab Republic was established between Syria and Egypt, Nasser abolished all political parties in Syria and Egypt. Gamal Abdel Nasser's thought strengthened Arab nationalism but threatened the Kurdish national identity in Syria. During this period, the Kurds were considered separatists and many were arrested. [22]Political activists were forced to work in secrecy and expelled Kurdish officers from the army.[23]

In 1957, the Kurds established the first Kurdish party the Partîya Demokrat a Kurdistan – Sûriye (al-Partî) to confront the hostile situation towards the Kurds in Syria and to emphasize the Kurdish national demands. The idea of Arab nationalism was on the rise. But the goals of this party were contrary to the idea of Arab unity that called by Gamal Abdel Nasser, since the mention of the word Kurdistan in the name of the party symbolizes the lack of recognition of the borders of Syria Arab as one state, therefore the members of this party were arrested in 1960, and were accused of belonging to a separatist organization. Later, the party changed its name to Partîya Demokrat Kurdi-Sririye (al-Partî) to avoid allegations that it had called for the establishment of a Kurdish state that included part of Syrian territory.[24]

Unity between Syria and Egypt has negatively affected the Kurds' demand for rights. This effect increased with the Iraqi Kurds in 1961[25], who launched an uprising to demand self-government in Iraq, in particular the accusation of Iraqi Kurds to obtain Israeli support. Despite the failure of

21 Kaplan, Robert R. (February 1993), The Atlantic Online, 'Syria: Identity Crisis'. Available from <www.theatlantic.com/issues/93feb/kaplan. htm>.

22 Sirwan Kajjo, Christian Sinclair. "The Evolution of Kurdish Politics in Syria." MERIP, merip.org/2011/08/the-evolution-of-kurdish-politics-in-syria/.

23 Rui MANUELManuelMouraRamos, De Comunidade internacional E Do Seu Direito. 1996.
 Rui talked about the evolution of the concept of nationalism in European countries and how he moved to the countries that gained independence after World War II.

24 The Kurdish Democratic Party of Syria 1963.

25 Revolvy, LLC. "'Iraqi Kurdistan' on Revolvy.com." Revolvy, www.revolvy.com/page/Iraqi-Kurdistan.

unity between Syria and Egypt, these developments have increased Arab fears that the Kurds will secede. The year 1961 witnessed a setback to the Kurdish demands by announcing the name of Syria, the Syrian Arab Republic and the accompanying programs of Arabization of all the cultural and educational aspects of the state.

4.4.A: THE 1962 HASAKEH CENSUS

The year of 1962 is considered one of the most important stages in the Syrian Kurdish issue. The Syrian government issued Legislative Decree No. 93, which provides for a census in the province of Al-Hasakah in [26]northeastern Syria in only one day. The Syrian government justified the measure because of concerns over the Kurds number in northern Syria, who entered Syria from Turkey and Iraq after the end of the Second World War to escape the massacres that took place for the Kurds in these two countries or who have resorted to Syria for economic reasons. The main objective of the census was to find out who was entitled to Syrian nationality and who obtained it illegally.

The Kurds considered the census have taken place suspiciously. As the Syrian authorities did not tell them about the census and suddenly conducted it in a non-professional manner. The Syrian authorities demanded that the residents of this predominantly Kurdish region prove their residency in Syria before 1945, by highlighting one of three documents, either the Syrian identity card, the family card or the land deeds before 1945.

Most of the Kurds were unable to prove ownership of their land, since it was based on working in the land without private ownership. The only documents that some Kurds possessed were sheep tax receipts, which were most of the owners of the Kurdish lands have lost it. Farmers have not been accustomed to keeping such papers unimportant for more than 17 years from 1945 until 1962. The Kurds considered this census unfair because it is difficult to prove the residence within one day. [27]In addition many of them avoided participating in the census for fear of conscription because the region was on the verge of a war with Israel.

Based on the census results, the Kurds were classified in three groups:

- Kurds with Syrian nationality
- Foreign Kurds are tens of thousands, where they were considered foreigners because they could not prove their nationality.
- For Kurds who did not participate in the census, they were classified as stateless[28] even if they were Syrian citizens.

[29]More than 150,000 Kurds were stripped of their nationality within one day. In 1963, the head of internal security in the province of Hasaka, Lt. Col. Mohammed Talib Helal, issued

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26 Sawsan Zakzak. "Kurds of Syria 1962-2011: The Long Road from Census to Citizenship." 2016.
27 Human Rights Association of Syria (November 2003), The Effect of Denial of Nationality on Syrian Kurds (Damascus: HRAS). Available from <www.hras-sy.org>.
[28] Stateless is a Administrative term refers to the absence of the person concerned in official records
29 See Human Rights Association of Syria, Effect of Denial of Nationality on Syrian Kurds; Human Rights Watch (October 1996), Syria: The Silenced Kurds (HRW); Tharwa Project (9 August 2004), Special Report: The Plight of

recommendations as a result of the census. The Kurds resembled a malignant tumor in the body of an Arab nation and suggested their confrontation through a plan that included 12 items:[30]

I.   The state has to follow the processes of displacement Kurds to another area inside Syria, with , and noting the elements of danger first and foremost, and not to be the plan bilateral or triennial years, starting with the dangerous elements, to end to the less dangerous elements.

II.   The policy of ignorance: not to establish schools, or scientific institutes in the region, because this proved contrary to the required blatant and strong.

III.   The overwhelming majority of Kurds living on the Al-jazera enjoy Turkish citizenship. It is necessary to correct the civil records, and this is happening now, but we ask that this entails the evacuation of all those who have not proved their nationality and handed over to their State. In addition, those who prove their nationality must be considered to be a reasonable study and to observe how to acquire citizenship, because citizenship is only earned by a presidential decree. Every nationality is not by decree, it must be discussed, it keeps those who remain, at least less dangerous, and refuses to renounce nationality, so that it can be returned to its homeland.

IV.   Then there is a conflict of nationality, If the government find one of two nationalities at the same time, or three nationalities, it must be returned to the first nationality, and in any case, it is important that the census and scrutiny of the work, where must be immediately evacuations.

V.   Close the door to work: We must also contribute to the plan to close the doors of work for Kurds, to make them in a situation, first unable to move, and second in the unstable situation ready to leave at any moment, and this must be taken by land reform, that means in Aljazera The Kurds are not allowed to rent or own land, and the Arab elements are many and fortified.

VI.   Launch a campaign of widespread propaganda among the Arab and focus on the Kurds, by creating tension between the Arab and Kurds, that will be led to disrupt the situation of the Kurds.

VII.   To remove the religious status of the sheikhs of the religion in the Kurds and replace them by Arab sheikhs.

VIII.   Housing Arab in the Kurdish areas on the border to control the Kurds.

IX.   Making the northern strip of the Aljazera a military zone such as the front area, where the military units are assigned to the task of housing the Arabs, and the evacuation of the Kurds, according to the scheme of the state.

X.   Establish collective farms for the Arabs living in the northern strip, provided that these farms are trained and armed militarily, such as the Jewish settlements on the border.

XI.   Not to allow anyone who does not speak Arabic to exercise the right to vote.

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the Denaturalized Kurds, 'Al Hassakeh "foreigners": Eternal suffering, nightmare of lost identity'. Available from <www.tharwaproject.com/ English/Main-Sec/Files/Kurds/Hasakah.htm>.

30 David McDowall. "A Modern History of the Kurds." Page 474

XII.   To prevent the granting of Syrian nationality to anyone who wishes to live in that area, regardless of his or her original nationality (other than Arab nationality).

XIII.   The Syrian government says Helal's report was independent and not biased, but it will not be formally adopted. But many of the problems facing the Kurds from that time to the present date back to this report, in addition to many of the procedures used by successive Syrian governments until 2011 converge frequently with the 12 points mentioned in Helal's report. For example, the denial of Syrian nationality to part of the Kurds based on the 1962 census. The establishment of the so-called Arab belt along the border with Turkey in 1973 is a project aimed at housing Syrian Arab citizens on the Turkish border where the Syrian-Kurdish majority lives.

4.5: Kurds after Ba'ath military coup from 1963 to 1970

[31] Syria passed power struggles between Baathists and Nasserites between 1961 and 1963, ending with a military coup led by the Baathists, who have dominated the country ever since. Arab Socialist Ba'ath Party is a national party, and its essence is the establishment of one Arab nation, where the Ba'ath Party represents an Arab nationalist ideology. The Ba'ath Party continued to attract the rural population to the party, the rural people who suffered from marginalization and poverty since independence and until 1963.[32] The most prominent of these minorities was the Alawites. The Ba'ath Party opened the door to Recruitment in the army to the rural elements. Most of them were Alawites. This is the first time that Syria is no longer under the control of the merchants and urban Sunni Arabs. However, it was not so easy. There were internal conflicts between members of the Baath party, especially among the Alawites, and on their heads were Hafiz al-Assad and Salah Jadid , who fought for Syria rule in 1970, where Hafez al-Assad succeeded in ousting Salah Jadid and leading the country from 1970 to 2000 where Hafez al-Assad restructured political and military formations in the country to ensure its stability.

The redistribution of land within the agricultural reform program was one of the policies used in Egypt and was transferred and applied by the government in Syria. [33]This policy aims to distribute land to those who work and to ensure the division of wealth. However, the agricultural reform policy was not applied in all of Syria, to shorten the unit period between Syria and Egypt from 1958 to 1961. When the Baath came to power in Syria, it adopted the policy of agricultural reform and applied it in the area of aljazira where the largest agricultural sector in the region. Under the pretext of agricultural reform, the Baath Party carried out a series of measures later called the Arab belt, the aim was to build a military cordon along the Syrian-Turkish border and the Iraqi-Syrian border, thus enclosing the area of the island on the Iraqi and Turkish borders. The length of the ring was supposed to be 15 km deep and 375 km long. This policy was implemented by Hafez al-Assad upon completion of the Tabqa Dam, where the Syrian authorities ordered all the Kurdish families who were living on the Turkish-Syrian border and the Syrian Iraq to leave

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[31] Sawsan Zakzak. "Kurds of Syria 1962-2011: The Long Road from Census to Citizenship." 2016.page 22 .

32 Perthes, Volker (1995), The Political Economy of Syria Under Asad (London: I.B. Tauris), pages 36–7; Zisser, Eyal (2001), Asad's Legacy: Syria in Transition (London: Hurst & Co), page 7.

33 Winckler, Onn (1999), Demographic Developments and Population Policies in Ba'thist Syria (Brighton: Sussex Academic Press), page 124.

their homes and resettle in the Syrian interior. At the same time the authority transferred the Arab families who displaced by the construction of the Tabqa Dam and Alassad Lake to the areas evacuated by the Kurds. This policy has led to a demographic change in the area of the Aljazira, its influence has so far extended to the status of the Kurds.

Between 1973 and 1975, the Syrian government established 41 new villages in areas vacated by the Kurds and inhabit the Arab. Where the government distributed land to the new Arab population, agricultural fertilizers and loans to help them start a new life. While Kurdish villages suffered from service-level neglect. During this period, tensions were rising between the new Arab population and the Kurds.

The northern and northeastern Syrian region " A-ljazira " is of great economic value for several reasons. First, it is considered the best in Syria to produce wheat and cotton, where the Euphrates and Tigris rivers cross from the region. In addition to the heavy oil discoveries as 80% of the Syrian oil fields are concentrated in the area of Al-jazira where the Kurdish majority. Therefore, the Kurds considered that the measures of the Syrian government also aim to reduce the influence of the Kurds in areas of economic importance. When we look at the agricultural areas that were confiscated by the Syrian government in the area of the Al-jazira and compared with the rest of the Syrian areas, we note that the seizures of Irrigated and non-irrigated lands were in Al-jazira area much larger than the rest of the Syrian provinces. Here, we must remember the 12 items in the 1962 Helal report.[34]

In this period, the Syrian government succeeded in separating the Kurds of Syria and the Kurds of Iraq and Turkey, where the Arab belt led to the establishment of a demographic barrier between the Kurdish components in the three countries.

4.6: The Kurdish Political Movement since the First World War until Hafez al-Assad's Reign:

The initial political structure of the Syrian Kurds:

1- *Xwebûn association:*

This political association was founded in 1927 as the first political expression of the Syrian Kurds. It is true that it was founded in the Lebanese city of Bhamdoun, and it was the result of a meeting between Kurdish elites and Armenian political elites. But what matters here is that it was the first "national" political organization within the Syrian Kurdish community

Through the awareness of the nature of the 13 Kurdish founders of this association, which remained the only official political spokesman on behalf of the Syrian Kurdish community, we can learn about the nature of the Syrian Kurdish political community at the time.

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34 Winckler, Demographic Developments and Population Policies in Ba'thist Syria, page 124.

The thirteen Kurds (Prince Gladt Badrakhan, Mamdouh Salim Bey, Ali Reza Sheikh Said, Hajo Agha Hafirki, Kadri Jamil Bek, Akram Jamil Beck, Kadri Jan, Prince Kamran Badrakhan, Mohamed Issa, Leader Osman Sabri, etc.)

It is clear that all founding members are the "elite" of the patriarchal community in the Kurdish community, whose families have lost their symbolic and material positions in the Ottoman-Kurdish society. They could not obtain any high positions in the era of the "modern" countries that followed the collapse of the Ottoman Empire.

The main work of the organizers within this association was to create military movements against the Turkish army, from the Syrian territory, through the use of these tribal leaders to their tribal loyalists in those border areas. These tribal movements failed for complex political, regional and subjective reasons. Slowly, it began to fade due to the political self-wrestling between the two brothers Prince Gladt and Kamran Badrakhan from one side, and the brothers Kadri and Akram Jamil Pasha from another side.

[35] What important in this initial establishment of the Kurdish political movement is the awareness of three overlapping points:

1- None of the Kurdish community classes were engaged in any form of political activity, which was the preserve of the very upper class tribal leaders, princes and bishops, who built the Kurdish nationalist left wing on their political theory, citing the failure of the nationalist movement to achieve any demands for Kurds in the region, That is due to the nature of that dominant class of social and political life. The Kurdish community was closest to the model of political serfs, following with full satisfaction and acceptance of their local political leaders, who were direct representatives of the aspirations of these Kurdish community.

2 - The organization was not programmed on any political options and rhetoric of depth and social significance. In a sense, the Kurdish community was not fundamentally present in the founders' imagination. The only message launched by the Assembly was "the unification and liberation of Kurdistan". It was an overarching slogan for the elite. It did not understand the nature of the Kurdish society at that historical moment; on the one hand, it was a purely political slogan and an antithesis of the political entities that swarmed Kurdish communities in the region.

3- Ideology and political knowledge were not the tools and concerns of the first Kurdish political organization. This is an indication that the Syrian Kurdish rural and the illiterate society was outside the movement of history then, divided between the left and right and the forces of social and national modernization. The first establishment was part of this, through a union and communication between these local leaders, and the process of political activity was exclusive to them, while the grassroots was just a small party, and the breakup of the political contract was due to internal and personal struggle among themselves.

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[35] Sawsan Zakzak. "Kurds of Syria 1962-2011: The Long Road from Census to Citizenship." 2016.page 47

2 - Syrian Kurdish Democratic Party 1957, and Community Diversity:

Between 1946 and 1957, few Kurdish political parties were established, except for some partial local partisan experiences, such as the establishment of the poet Jacqueline Azadi in the early 1950s. By tracing the "social reference" of the founding members of the first Kurdish Central Committee of the Kurdish Democratic Party in Syria, which was founded in 1957 and compared to the organization of the Khuibun 1927 Association, we can know the extent of the changes that have affected the Syrian Kurdish community during the thirty years Between the establishment of the two main political organizations in the history of the Syrian Kurds.

Founding Members and their Social Background:

Dr. Noureddine Zaza: Born from a semi-urban Kurdish feudal family, he completed his studies in social sciences from the University of Lausanne in Switzerland (island territory).

- Othman Sabri: from a Kurdish feudal family, carrying a certificate of elementary (Kubani province).

-Abdulhameed Darwish: From the Malaki family to the land, a student at the Faculty of Law from the University of Damascus (Al Jazeera).

- Nuziran goat: from a peasant family, did not finish secondary education (island territory).

- Rashid Hamo: from a semi-urban agricultural family, primary teacher (Afrin region).

- Shukt Hanan: from the family feudal urban, lawyer (Afrin region).

- Mohammed Ali Khoja: from a displaced agricultural family to the city, primary teacher (Afrin region)

The extent of the transformation that separated the founders' structure from the two organizations is very clear:

1- Almost half the founders of this organization descended from peasant families, whose members were not known to have a "high" social status in the traditional social ladder in the Syrian-Kurdish society at the time. They don't belong to the feudal class or the landowners or elders of religious roads.

2- The founders are almost in line with the demographic balance of Kurdish distribution over the three Kurdish regions.

3- None of the first founders share blood ties. But most of the connections were formed through participation in the same atmosphere, the democratic atmosphere of Syria in the 1950s, which was so vital to the extent that a traditional revolutionary and combatant (Osman Sabri) with a young student at the Faculty of Law (Abdul Hamid Haj Darwish), and allow the communication of a new graduate from college Political sociology in the Swiss city of Lausanne, Noureddine Zaza, with a Communist teacher from the far north of the country, Rachid Hamou, with a simple farmer Hamza Nouiran,

The first split of 1966, and the emergence of the Syrian Kurds "workers" class:

[36]Once the party was founded in 1957, its popular bases were greatly enlarged after one year of its founding in which three Kurdish social groups were heavily involved:

1. The students of the Kurdish secondary schools, who were living a contradiction in the political life of the school at the time, were all Syrian ideological parties with official organizations in secondary schools, the Baath party, the Syrian Communist Party and the Syrian national party.

2 - All the Kurds dissident from the Syrian Communist Party, one of them the poet and historian Jekrkhwen represents a model of them.

3. The third generation of the feudal class and the Kurdish owners, who were qualified to form the first brick to form the Syrian Kurdish bourgeoisie in the north of Syria, especially since many of them had received their primary education in private schools outside the Kurdish areas. On the other hand, two Kurdish social classes remained totally opposed to the new party and considered it a real threat to their social and economic interests.

1. The more traditional class, which was allied with the Syrian national bourgeoisie, and seeks to monopolize the political representation of the Syrian Kurds.

2 - The layer of the clergy of the Kurds, who were organized through the Sufi methods of widespread, and who founded the «Association of Islamic Scholars» as a political front for them.

The political schism of 1966 was the result of a fundamental contradiction in the party between two social political "mindsets," a populist one with a Marxist left-wing nationalist discourse, and one more inclined to political mediocrity. The first was Constituent Party Secretary Noureddine Zaza, a professor of political sociology at the University of Lausanne, and the founding leaders Abdel Hamid Darwish and Rashid Hamo, and the other led by (revolutionary) Osman Sabri and the younger members of the Central Committee, coming in part from the social and economic references poorer and marginal.

The first internal contradiction in the party's leadership emerged during the famous trials of 1960, when Osman Sabri insisted that the party's goal was to "liberate and unify Kurdistan." Party secretary Noureddine Zaza insisted that the party's demands were determined by the cultural and political rights of the Syrian Kurds within the country.

When the first party split broke out in 1966, each side attracted a certain spectrum of Kurdish-Syrian society, although it seemed strange that these conflicting classes would converge within the same organization, which would explode again in 1971 during the second party split.

The first schism developed into two Kurdish parties in Syria:

1- The Kurdish Democratic Progressive Party led by Abdel Hamid Darwish:

   It was considered the intellectual extension of Dr. Nur al-Din Zaza's thoughts, is inclined to move away from rhetoric and national political agendas. Therefore, this party was able to attract

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[36] Abdul Rahman Qasimlo, a historical study of political and human rights. 2003 page 88.

the entire class of Kurdish students in the secondary and Syrian universities, who will then turn with their children to the middle-class Kurdish civilian throughout the country. This party also attracted the sons of the owners and small urban bourgeoisie that began to crystallize since the mid-sixties because its political speech was not "upheaval" in the political and social senses. This class of sons of the owners and feudalists of the Kurds had tasted the consequences of the political and social coups in Syria since the second half of the fifties, with the start of unity with Egypt until the Baath coup in 1963, these coups that pulled this class all its moral and traditional powers.

4.7: The Kurdish Situation in Syria under Hafez al - Assad: 1971 - 2000

This phase began with Hafez al-Assad's accession to power in Syria in 1970. At this stage, the Baath committed itself to the regional Kurdish issue in order to strengthen its position in the game of regional equations. At the same time, direct the attention of the Syrian Kurds to the outside, both towards the Kurdistan of Turkey or the Kurdistan of Iraq, to confirm that the Kurds in Syria are just an immigrant minority, resorted to the country to escape the genocide.

While recent history of Syria shows how the northern border of Syria was drawn on the basis of arbitrary agreements between Turkey and France. During this period, Syria was under the rule of the Baath Party, which ruled Syria under the Syrian Constitution, which states in Article III of its constitution that the Baath party is the party that leads the state always. Since the Baath Party is an Arab nationalist party, it has worked to abolish the Kurdish presence in various ways, based on a set of pillars:

1- Constitutional rejection of the Kurdish presence in Syria. The Syrian constitution does not recognize the presence of only Arabs in Syria. The Syrian people are considered to be part of the Arab nation that the Baath party is working on based on its constitution for reunification in one state.

2- Arabization: It included the names of cities, towns and villages. This period witnessed a cultural war against the Kurds

Neglect of development in the Kurdish areas: The Kurdish areas of Syria is one of the most neglected areas of the country and subjected to looting and corruption, under the policy programmed program followed by the Baath since he received power.

4.8: Kurds under Bashar al-Assad till Now:

Bashar al-Assad is the current president of Syria, took over the presidency after the death of his father in 2000, Bashar al-Assad had no political presence before the 2000. He was studying ophthalmology in Britain and immediately, after his father's death, he became a president of Syria. The constitution was amended to make him the president and immediately a referendum took place to officially make him the president.

Bashar promised at the beginning of his rule to lead political and economic reforms and openness to the opposition, but failed to do so. On the contrary, he resorted to the oppression and keeping a tight control over political, social and any freedom of expression in the country. The lack of change

and shut down of freedom was seen as a threat to the regime which kept it under a close watch. The Kurds were pressured and suffered more which lead to an uprising.

4.9: 2004 Kurdish Uprising:

This uprising took place in the spring of 2004, the first Kurdish movement against the Syrian regime under Bashar Assad rule. The protests began in northern Syria after a Kurd match between a Kurdish team and an Arab team in the city of Deir al-Zour, where the Kurds launched political warnings during the game, which led to clashes between fans. The Syrian regime did not deal with these protests peacefully but opened fire on the protesters and killed 7 Kurds. The next day, the Kurds celebrated the funeral and tens of thousands attended the funeral ceremony, where mourners called for political slogans to demand national and cultural rights.

The police killed a number of demonstrators and developed events to spread unrest in the country and reached Damascus, Aleppo and Damascus University, the regime suppressed the protests and arrested more than 2000 Kurds, most of them university students. The events ended with the killing of about 30 Kurds. The Syrian authorities promised to give more freedom of expression to the Kurds but did nothing on the ground.

4.10: The Structure of Syrian State

The concept of state in Syria is complex. Syria is classified as a dictatorship state, and the biggest proof of this is the choice of Bashar al-Asad as president. The Syrian constitution stipulates that the age of presidential candidate must be at least 40 years. However, after the death of Bashar al-Assad's father, parliament held an extraordinary session and amended the constitution within 20 minutes to fit the age of Bashar al-Assad. Article 1 of the Syrian constitution states that Syria is a democratic, popular and socialist state. But the political practices of the authorities contradict this article. Article 3 of the Syrian constitution states that the candidate for the presidency must be a member of the Baath party. This is evidence of the lack of circulation of power in Syria.

Access to leadership positions in most undemocratic countries depends on the building of strong economic and social relations of influential people. But in Syria, another condition is required, namely, the ideological allegiance to the Baath Party, where most of the leaders in state institutions (hospitals, universities, government departments Etc) are members of the Baath party. There are seven security branches in Syria that have a bad reputation among the Syrians, where any Syrian working in the public sector must obtain the approval of one of these security branches. This mechanism, which is pursued by the Syrian authorities, is a disincentive to the arrival of the Kurds to any positions of leadership in the Authority, except those who showed loyalty to the Baath party and the security branches, which is rare. Since the coup of Hafez al-Assad in 1970, he has linked politics with the army, so that the army dominated all the joints of power at the expense of civilian forces. I mentioned earlier that Hafez al-Asad encouraged minority and rural people to join the army. The most prominent of these were Alawites, the sectarian component of Hafez al-Assad. From the time of Hafez al-Assad until today, Al-Alwait holds most of the Syrian army and intelligence leadership. This policy, as part of Assad's portfolio, has failed any military coup. This is what has happened since Syria has not experienced any military coup since Al-Assad took power

in 1970 until today. The leadership positions received by some Kurds who live in Damascus, and most of them did not speak the Kurdish language and they had no cultural or national demands.

- **The Syrian Arab Socialist Ba'th Party**

The party was first established under the name of the Arab Baath Movement in April 1947 in Damascus and was renamed the Arab Baath Socialist Party in 1952 after the integration of the Arab Socialist Party into the Baath Party. The slogan of the party is "one Arab nation with an eternal message" and its goal is "to work for unity, freedom and socialism," and took note of the flag of the Great Arab Revolt. The party defines itself as "a popular nationalist movement that struggles to achieve Arab unity, freedom and socialism." The party has ruled Syria since 1963. The 1960s witnessed several conflicts and divisions between national leaderships. On November 16, 1970, Hafez al-Assad carried out a coup d'état within the party called a corrective movement, which was followed by the leadership of the party by him.

- **The Syrian Legal System and the emergency Law**

Most Syrian legislation derives from French law, such as commercial, civil and criminal law. While reliance on Islamic law as a source of personal property law such as marriage and divorce.

The current constitution was drafted after Hafez al-Assad took power in 1973 and has undergone constitutional amendments over the past 40 years. The Syrian Constitution states that: "The state, with its institutions, operates from the principle of popular democracy for a unified Arab socialist society." However, since 1962, many constitutional principles have been suspended due to the Emergency Law, which is still in force. And thus the disruption of many constitutional guarantees that protect and safeguard individual freedom and human rights.

The emergency law is the legal framework, not the constitution. Article 113 of the constitution states that the Emergency Law is a legitimate situation, allowing the president to take immediate measures required by circumstances to confront the country's predicament. However, the continuation of this law, even today, more than 60 years ago, is a legitimate tool in the hands of the "Father and Son" to suppress the opposition and extend their control of the country. According to the Emergency Law, the opposition is referred to the military courts instead of the civil courts. Prevent rallies, or form parties without the consent of the branches of security. Many Kurdish newspapers and cultural centers were closed in the north of the country under the pretext of threatening Syria's national security, a charge the Syrian regime uses to build emergency laws.

- **The Effect of Reginal Relations on Kurds:**

The Kurds live in three countries neighboring Syria, namely Iraq, Iran and Turkey. Therefore, the differences and interests between these countries play an important role in the dealings of each of these countries with the Kurds. At the same time, Kurds played on the rivalry between these

four countries to achieve their own interest, however, the Kurds were used as a pawn by each country separately to settle accounts between these four countries.

The four countries agree that the Kurds should be considered a separatist group and they should be prevented from forming an independent entity. There is no clear policy for these countries to deal with each other on the Kurdish issue, especially since the political nature of these countries prevents knowing the clear framework of their relations, which sometimes improve and sometimes tense according to the political context of the interest of each of these States.

But it is clear that the four countries are making an effort to prevent the Kurds from forming any cultural, political or economic entity that strengthens their status. In the four countries, the Kurds were subjected to racial discrimination, and legislation was enacted in the four countries to prevent them from claiming their national rights.

Some of these countries have provided support to the Kurds in another nation, which is in their interest. Where Syria used the Kurds as political cards in the liquidation of accounts of the Iraqi and Turkish government and The Kurds of Iraq received support from the Shah of Iran in 1975. Another example, Because of the rivalry between the left and right wings of the Ba'th Party, Iraq's Kurds have won support from Hafez al-Assad.

The Kurdish interests within Syria are affected by internal developments in Iraq and Turkey, for example. Turkey, Iran and Syria cooperated earnestly after the 2003 Iraq war and self-rule for Iraq's Kurds, as hostile policies increased to Kurds in Syria and Turkey after the US invasion of Iraq.

- **Turkish-Syrian Relations Related to the Kurdish Issue**

[37]The Kurds became a direct contributor to the escalating tensions between Syria and Turkey. These tensions date back to 1939, when Syngq Alexandron of Syria - formerly an administrative brigade in the Ottoman Empire - was transferred to Turkish sovereignty. These tensions were exacerbated when, in the late 1970s, Turkey built dams on the Euphrates River, threatening a Syrian water source. This prompted Syrian President Hafez al-Assad to allow the PKK to launch its military operations against the Turkish army from bases in northern Syria. Even today, according to some estimates, the Syrian Kurds represent up to 25% of the PKK fighters

Throughout the 1980s, the PKK's call for the establishment of a unified and independent Kurdistan State was met in the strata of Syrian-Kurdish society. Many saw the PKK's call for a "new Kurd" to revive or form a common Kurdish identity and put the Kurds on an equal footing with the Arabs. The armed conflict led by the party has also raised sympathy for the Syrian Kurds because it provided the possibility of concrete political achievements, in contrast to the political activities of other Kurdish parties that have seldom borne fruit.

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[37] Abdul Rahman Qasimlo, a historical study of political and human rights. 2003page 140.

Syrian Kurds in Abdullah Ocalan,[38] the leader of the Kurdistan Workers' Party (PKK), who is distinguished by his charismatic personality, found a second, semi-legendary embodiment of Kurdish nationalism after the late Mustafa Barzani[39]. In areas such as Kord Dag (Jabal al-Kurd) and Tripoli, the party was able to fill the vacuum left by other Kurdish organizations based mainly on the High Aljazira and Damascus. Party officials, well organized and supported by the Syrian regime, have established highly effective networks in these areas and have been able to earn substantial financial resources from Kurdish-owned enterprises. Young people in poor areas, such as the Derbysa and Kubani, found that their involvement in the party could enable them to achieve economic and social progress. Moreover, the rapprochement between the Syrian authorities and the PKK has allowed the organized gangs to control illicit illegal trade in drugs and weapons along the Turkish-Syrian border.

The alliance with the PKK was not at no cost to the Syrian government. The relative freedom of movement granted to the PKK led to the revival of Kurdish identity and the consolidation of Kurdish nationalism in Syria. The most obvious political result in this dynamic was the adoption by the new parties, such as Yekiti (Unity), of the term "Syrian Kurdistan" to refer to northern Syria instead of the traditional term "Kurdish areas of Syria". On the other hand, it has also become clear that strategic cooperation between a "subordinate minority" and a "lady's state" has involved many risks for the PKK. After Syria felt the threat of the Turkish-Israeli alliance in 1996, and because of its reliance on the Euphrates, it finally succumbed to Turkish pressure, withdrew all the support it had given to the PKK and expelled Abdullah Ocalan from Damascus.

After Hafez al-Assad's death in 2000 and his son Bashar took the rule, the relationship between Syria and the government of Turkish Prime Minister Erdogan has been improving rapidly. Dozens of PKK activists based in Syria surrendered to the Turkish authorities, while prison sentences ranging from one to 10 years were handed down against former PKK fighters returning to Syria. In spite of this hostile atmosphere, however, Syrian party fighters managed to establish the UDD in 2003, which has two goals: to avoid state repression and to maintain the support of thousands of PKK members and supporters.

The Democratic Union's relationship with the Syrian regime has remained vague since its inception. While Damascus promised Ankara throughout the 1990s to combat the presence of the PKK in Syria, Bashar al-Assad kept several channels of communication with the DUP.

When the Syrian revolution broke out in March 2011 and Syrian-Turkish relations collapsed, Assad reversed the course he followed. He allowed the head of the Democratic Union Party, Saleh Muhammad Musallam, to return to Syria, and encouraged the PKK to consolidate its presence in the north of the country. Thirty years after Ocalan was arrested and imprisoned by the Turkish

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[38] known as Apo, is a Kurdish leader and one of the founding members of the militant Kurdistan Workers' Party.
[39] known as Mullah Mustafa, was a Kurdish nationalist leader, and one of the most prominent political figures in modern Kurdish politics.

authorities, the Syrian regime and the PKK again found themselves linked to an alliance by necessity.

5: THE RIGHT OF SELF-DETERMINATION AND THE KURDS' INDEPENDENCE

5.1: What is Self- determination?

The concept of the right of self-determination in its traditional form has been linked to the idea of enabling peoples under foreign colonial domination to decide their own destiny and, if they so choose, to acquire their independence in an entity that is embodied by an independent, sovereign State with all its components on its national territory and its interests and prosperity.

Today, the question arises about the interpretation and application of this right for minorities or groups of people belonging as minorities to the peoples of fully independent and sovereign States, the right to claim self-determination as part of the people of the mother State or to separate it from a part of its territory within the framework of an independent State , A problem that stems from a shift in understanding of the legal concept and its interpretation of the right to self-determination in the context of a broader shift in the rules of public international law relating to human rights derived from international treaties and charters, which are fundamental sources of contemporary international public law. In addition, there has been an increase in internal conflicts with ethnic and sectarian backgrounds, and the internationalization and direct and indirect interventions of the globalization portal of democracy and human rights issues are entering their course. These factors have given new meanings to the concept of the right of self-determination within the framework of certain conditions and standards, some of which are in conformity with the provisions of international law, while others acquire de facto legitimacy from a political or military reality supported by influential international powers on the world stage.

To clarify the nature of the transformation and its arguments in the concept of self-determination and its compatibility with Principles of International Law.[40]

I will discuss the changing trends in the legal concept of the right of self-determination, and then move on to an empirical study of the situation of the Kurds in Syria in order to assess their legal legitimacy as it continue to be a subject of wide debate within the framework of the application of the right of self-determination.

5.2: LEGAL NATURE OF THE RIGHT TO SELF-DETERMINATION

The emergence of the principle of the right to self-determination on the international scene dates back to the era in which the concepts of people's authority prevailed that accompanied the American revolutions in 1776 and French in 1789, in order to enable peoples to get rid of tyrannical regimes[41], which was mentioned by US President "Monroe" in 1823 in the context of his rejection of foreign intervention, specifically the European in the internal affairs of his country. Then, it came into being in the fifth paragraph of the proposals of President Wilson announced on 8 January 1918 to settle the conditions of the peoples of the territories under the domination of foreign powers, as defined by US President "Wilson" in a letter Send it to the congress US: A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to

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[40] António Pinto Barbedo de Magalhães,East Timor, Land of Hope, University of Porto 1992 .
[41] Some scholars believe that the historical origins of the right to self-determination date back to the late 18th century. The French Revolution adopted this right in accordance with the principles set forth in the Decree of the French National Assembly of 19 November 1792, in which it affirmed its support for peoples demanding independence and protection for struggling freedom fighters.

be determined. Wilsonian self-determination stems primarily from Western democratic theory, corresponding to the corollary of popular sovereignty: rulers must base their decisions on the consent of the governed. Thus, self-determination basically consists in the right of peoples to freely choose their rulers.[42]

Despite distinction the idea of the right of self-determination both morally and legally, but the colonial policies that led by the dominant European countries, contributed to the exclusion of this right from the rules and principles of public international law, where primarily concerned with addressing the problems was raised by the issues of power-sharing over the Territories under colonialism, and the jurisprudence was engaged in working to explain and develop theories that legitimized such powers therefore, The Territories under colonialism were considered to be part of the entity of colonial Powers, The acts of the administration of such territories are at the core of the national sovereignty of these States "Colonial powers", which has been reflected in the international arena in the aftermath of the First World War. The victorious States ignored any reference to the Charter of the League of Nations in an attempt to keep the peoples of the colonial Territories under their control so that the peoples' right to self-determination would remain far from the sphere of public international law and would be unable to enjoy international rights, The right of sovereignty or the right to enjoy the international personality that makes it part of the international community in the legal sense of the word.

The principle of self-determination continued to be politicized until it began to take its place as a principle of contemporary international law after the international community referred to it in the body of the Charter of its new organization following the Second World War of 1945, This legal status has been further strengthened after being included in the texts of many international covenants and the advisory opinions of the International Court of Justice.[43]

5.2.A: The Right to Self-Determination in International Conventions:

1. [44]Article 2 of the Charter of the United Nations states: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

"Article 55 of the Charter also stipulates: With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.

2. the General Assembly issued guidelines for the applicability of the principle in international law, with the creation of numerous Resolutions, removing the principle of free disposal from the

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[42] Antonio Cassese. Self-determination of Peoples:
University Press, 1995. p. 19

[43] Jorge Miranda Curso de Direito Internacional Público . page 14

[44] Macquarie Law Journal. (2003). Retrieved from http://classic.austlii.edu.au/au/journals/MqLawJl/2003/8.html.

threshold of mere expectation of law, since "it would be the UN's later practice to operate the progressive transformation of a vague and programmatic principle of self-determination into a fundamental principle of international law, authentic universal law, integral to ius cogens .[45]

The United Nations General Assembly resolution 1514 of December 1960, which contains the Declaration on the Granting of Independence to Colonial Peoples and Countries" All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

Such resolution conditioned self-determination to the criterion of independence by establishing new guidelines in the decolonization process. Also, it affirmed that this right is an absolute principle that could not be delayed by the lack of dominance of the peoples in terms of political, economic and social levels. In addition, it established that the right to decolonization would apply in all states, non-autonomous territories and territories under its supervision.[46]

Importantly, seven principles emerged from this resolution:[47]

1) the right to self-determination would be a fundamental human right guaranteed by the United Nations Charter.

2) people would be direct holders of a collective right and subject to international law for the specific purpose of decolonization.

3) the right to free determination of people would imply respect for their willing.

4) the right to self-determination would imply access to independence. (5) The right to self-determination for access to independence required immediate action.

6) prevent people to dispose of themselves would enable the use of force.

7) Maintain the territorial integrity of the territory to be decolonized.

3. Article 1 of the International Covenants on Civil and Political Rights and the Economic, Social and Cultural Rights of 1966 provides for the right of all peoples to self-determination and, under this right, to determine their political status and freely pursue their economic, social and cultural development.

4. The of the Declaration of Principles of International Law Relating to Friendly Relations and Cooperation among States state in accordance with the Charter of the United Nations of the United Nations General Assembly Resolution 2625 of 1970 under the title of the principle of the equal rights of peoples and their right of self-determination: "the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations" embraces the right of all peoples "freely to determine, without external interference, their political status and to pursue their

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45 Francisco António de Macedo Lucas Ferreira de Almeida. Direito Internacional Público. Coimbra, 2003. p. 316.
46 DINH, Nguyen QUE.; DAILLIER, Patrick; PELLET, Alain. Droit International Public. Paris. Translation Lisboa: Fundação Calouste Gulbenkian, 2003.
47 Carlos Blanco de MORAIS. O Direito à Autodeterminação dos Povos: O Estatuto Jurídico do Enclave de Cabinda. Lisboa: Edições da Universidade Lusíada, 1998. pp. 149-151.

economic, social and cultural development" as well as the duty of every State "to respect this right in accordance with the provisions of the Charter". It further added that "the establishment of a sovereign and independent State, the free association or integration with an independent State, or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination", thus stressing, as the critical issue, the methods of reaching the decision and not the result.

[48]In its advisory opinions, the International Court of Justice has considered the principle of the right of self-determination to be a binding international legal principle, in the context of its exposure to the issues[49]East Timor on 30 June 1995.[50]

5.2 B: The Right to Self-Determination and the International Jurisprudence:

International jurisprudence has tended in its traditional directions to regard self-determination as a right for peoples characterized by the characteristics of nations from this understanding it began to define this right by the same connotations although, the terms differed.

The French jurist "Alfred Cobban "defined it as: "the right of every nation to be an entity Independent, and to decide their own affairs. Also, the jurist "Eli, E, Hertz" defined as "the right of every nation to be the sole authority competent to determine all its affairs without any foreign interference". While other believed that "the right of every national group to choose for itself the form of its political system and its relationship with other groups"

5.2. C: The Essence of the Right of Self-Determination:

The essence of the right to self-determination from legal aspect -in the light of the foregoing - is based on the fundamental idea of recognizing the right of each people to determine the form of the entity that represent them. This right includes two parts:

First, it comes in the context of enabling the peoples that are under colonialism to obtain their own entity at the international level.

The second part is based on internal national principles related to the duty of states to enable their peoples to define their political, economic, social and cultural systems in order to ensure their well-being and development.

We can summarize the content of each of these two parts:

    a.   The right to external self-determination:

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48 Galvão Teles, P. (1997), "O estatuto jurídico de Timor-Leste: um case-study sobre as relações entre os conceitos de autodeterminação e soberania", Política Internacional, 1 (15/16), 193-248.

[49] The Court, commenting on Portugal's position in favor of the right of the East Timorese to self-determination regarding their relationship with Indonesia, affirmed that Portugal's insistence that the right of peoples to self-determination, as derived from the Charter of the United Nations and United Nations practices, was generally mandatory. This is not flawed, and states cannot agree on a violation.

[50] The view of the Court in commenting on Portugal's position in favor of the right of the East Timorese to self-determination in relation to Indonesia was that Portugal's insistence that the right of peoples to self-determination as derived from the Charter of the United Nations and from the practice of the United Nations was mandatory In general, which is not flawed, and States cannot be agreed upon.

An absolute right recognized by international conventions, foremost United Nations General Assembly Resolution 1514 of 1960 and resolution 2625 of 1970, in which the peoples of the States under colonial rule or the peoples of the Territories under the Trusteeship System are to decide freely it destiny from one of the three options[51], The first option is the option of independence and the establishment of a sovereign state. The second is the option of obtaining self-government while establishing contractual relations with an independent state, which is entrusted with some of its defense and foreign affairs. The third option is the option of integration into an independent state, in the main constitutional systems.

    b. The right of internal self-determination:

It means the right of the majority of the people within the political unit that represent it - in accordance with the principles of international and constitutional law- to exercise the authority to establish the form of government and national institutions in a manner consistent with the interests of this majority. This right has been explicitly referred under the first article of the Covenant the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights in 1966, This article provides for the right of peoples to determine their political status and their right freely to pursue their economic, social and cultural development.

The Arbitration Commission of the Peace Conference in Yugoslavia commented on that text by saying. "This right is one of the human rights which everyone has the right to choose any ethnic, religious or linguistic group to which he wishes to belong." This comment was made in the opinion of the High Commissioner The declaration by the Serbs of Bosnia and Herzegovina of the RS Serbs on 11 January 1992, and whether the Serb population in Bosnia and Herzegovina and Croatia are also entitled to self-determination in this way?[52] In the same context, the situation of South Africa in the first half of the nineties is one of the most prominent cases of internal self-determination, since the majority of African assets have been able to end the apartheid regime and establish a civil and democratic state within a pluralistic system in which all the citizens of this country are equal.

5.3: Trends in the Content Interpretation of the Right of Self-Determination:

The concept of the right of self-determination is looked at it with the perspective of what was established by the traditional international jurisprudence as a mechanism for settling the issues of

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51 Committttee on the Elimination of Racial Discrimination, General Recommendation XXI on Self-Determination, U.N. Doc. CERD/48/Misc. 7/Rev. 3 (Forty-Eighth Session, 1996)., http://hrlibrary.umn.edu/gencomm/genrexxi.htm.
[52] European Economic Council on 27 August 1991 to provide legal advice to the Peace Conference in Yugoslavia. It consisted of a President and five members of the Presidents of the Constitutional Courts of the Council of Europe. The Commission has expressed its opinion fifteen times on key legal issues arising from the conflict between the parties to the conflict in the former Yugoslavia. Its   comment was mentioned in its second opinion, literally: "the Serbian population in Bosnia and Herzegovina and Croatia is entitled to all the rights concerned to minorities and ethnic groups[...]" and "that the Republics must afford the members of those minorities and ethnic groups all the human rights and fundamental freedoms recognized in international law, including, where appropriate, the right to choosenationality".http://en.wikipedia.org/wiki/Arbiration_Commission_of_the_Peace_Conference_on_Yugoslavia.

foreign colonization of peoples. However, the transfer of the idea of applying this right from its international scope, which is related to the issues of the emancipation of peoples under foreign colonialism to the areas of internal conflicts that are not of an international character, which is taking place here or there between some minorities and the governments of their countries, making it a place to take and attract on the international scene, and have made its legal significance a constant subject of conflict and transformation, especially after the international balance collapsed in favor of the United States of America.

This was accompanied flow of waves of globalize the concepts of American and European democracy and values where a large segments of the ethnic and religious minorities living in independent states and aspiring to separate them from independent entities, Thus giving rise to profound shifts in the meaning of the right to self-determination in dealing with the conflict situations of some minorities in their countries It is a shift in legal attitudes between two directions:53

5.3.A:The First Trend: its supporters believe that the interpretation of the right of self-determination, in such cases, must be in The framework of internal self-determination so that the request is the freedom to choose the political status within the state entity and its institutions, and in this sense they see that the right of self-determination guarantees the right Minorities may have access to representation within the central government, which in some cases may require the granting of certain national-specific minorities the right of self-government or federalism within the borders of the existing State, which has a dual status (legal-political) that does not amount to separation,
Considering that neither international law nor international practice recognizes entities that composing independent States with full sovereignty over the right to secession, whether by unilateral declaration or otherwise. The proponents of this view are based on the case of the referral of the separation of Canada's Quebec Province in 1998, The Supreme Court of Canada has been asked to answer the follow question: Does the international law have the right to self-determination that gives Quebecers a unilateral right to secession?[54]

The Court's response was that it was clear that international law did not grant the constituent parts of a sovereign state a legal right to unilateral separation from the mother State and the right of self-determination recognized by general international law created only the right to external self-determination in former colonial and foreign military occupations, Or when there is a barrier between a specific group and its right to govern in a meaningful way to pursue political, economic, social and cultural growth. The Court follows its judgment by saying in the judgment: "In all previous cases, the people concerned have the right to external self-determination because It is prohibited to exercise internally the right to self-determination, but these exceptional circumstances do not apply to the situation in Québec, and therefore neither the inhabitants of

53 James Crawford ,State practice and International Law in relation to Unilateral Secession , Report to Government of Canada Concerned Unilateral secession of Quebec , 19 February 1997, para61,p20.
54 Retrieved from https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do

Québec and nor the institutions that represent the province have the right to separate from Canada under the provisions of public international law "55

This interpretation has been adopted in other countries whose population includes diverse national and ethnic groups such as New Zealand, Switzerland, Belgium and Iraq. They have adopted constitutional arrangements that allow their citizens to share power or participate without the right to demand separation.56

5.3.B:The Second Trend : Its supporters believe that the right of internal self-determination includes the right of the various groups in a country to move from the right of internal self-determination to the right of external self-determination by granting them the right to demand separation57, an interpretation adopted by many national groups throughout the world such as , The Kurds in northern Iraq, southern Turkey, the Kashmiris in India, the Tamils in Sri Lanka, the Tibetans in China, some tribes in southern and eastern Sudan, the inhabitants of the Corsican region in France and the Basques in Spain, and the proponents of this trend support their interpretation by returning to International behavior represented by the international community's recognition of Senegal's secession from the Republic of Mali in 1960, Singapore from Malaysia in 1965, Bangladesh to Pakistan in 1974 and Eritrea to Ethiopia in 1993, and to the secessionist fever that swept Eastern Europe in the early 1990s through the secession of the three Baltic republics Latvia, Estonia, Lithuania, Armenia, Azerbaijan, Uzbekistan, Georgia, Turkmenistan, Belarus, Ukraine, Moldova, Kyrgyzstan, Tajikistan and Kazakhstan from the former Soviet Union, as well as the break-up of the Federal Republic of Yugoslavia to four States Nia, Croatia, Slovenia and Bosnia and Herzegovina.

   In the context of the arguments of supporters of this trend, the decision of the International Court of Justice of 22 July 2010, which claimed that the Declaration of Kosovo independent from Serbia in 2008 did not violate international law, as the judge "Hisashi Owada" President of the Court in the sentence that "the Court sees That general international law contained no applicable prohibition of the Declaration of Independence. "In the same context, the Court concludes that the Declaration of Independence does not constitute a violation of general international law.

The Possible Forms of Self-determination:

   According to UN General Assembly Resolution 1541[58], there are three options for the Non-Self-Governing Territories: "The establishment of a people for an independent, sovereign state or free association with an independent state, its free integration in that state, or the acquisition of

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55 The resolution document is reserved by: [1998] 2 S.C.R. 217; 1998 CanLII 793 (S.C.C.); (1998), 161 D.L.R. (4th) 385; (1998), 55 C.R.R. (2d) 1

56 Shin,Imai. Indigenous Self – determination and the state, CLPE research paper, vol.04, NO,05, 2008, p8

57 There are countries whose constitutions adopted an approach that recognized the right to demand secession, including Ethiopia, which is a multi-ethnic and tribal state. Article 39, paragraph 1, of the Ethiopian Constitution states that every nation, people in Ethiopia has the unconditional right to self-determination, including the right to demand separation. (Quoting the English version of the texts of the Ethiopian Constitution that we obtained from 2012 on the following link : http://www.servat.unibe.ch/icl/et00000_.html

58 A/RES/1541(XV) - E - A/RES/1541(XV), https://undocs.org/en/A/RES/1541(XV).

any political status determined by itself for its own right to self-determination. This was in the classical colonial context, but in the non-colonial context, the exercise of this right has several consequences, in the both internal and external side for self-determination, From contributing to the public affairs of the state or organizing certain constitutional arrangements for authority - sharing, such as autonomy and federalism, to secession and the establishment of an independent state, such as Bangladesh's separation from Pakistan, Eritrea's separation from Ethiopia.

In short, the exercise of the right to self-determination entails the following situations:

 1. The right to be free from colonial domination, or to remain under the control of the colonial power, if this result coming from the real will of the people concerned in the colonial territory, such as the relationship of Puerto Rico with America.[59]

2. The right to dismantle the state: At least if it is peacefully dismantled and new states appear, such as the secession of the three Baltic republics (Latvia, Estonia, Lithuania) and then the secession of another 11 republics (Armenia, Azerbaijan, Uzbekistan, Georgia, Turkmenistan, Belarus, Ukraine, Moldova, Kyrgyzstan, Tajikistan, Kazakhstan) (following the disintegration of the Soviet Union in 1991.As well as the dissolution of the Socialist Federal Republic of Yugoslavia to 5 independent states: Republic of Serbia, Macedonia, Croatia, Slovenia, Bosnia and Herzegovina).[60]

 3. The right to secede from an independent state and form another state, such as the secession of Senegal from the Republic of Mali (1974-1960), Singapore from Malaysi 1965, Bangladesh from Pakistan (1972) and Eritrea's separation from Ethiopia in (1993).

4. The right of reunification of divided states, such as the unity of the two parts of Yemen, as well Germany.[61]

5. The limited right of self-governance within the unity of the existing states and the sufficiency of acquiring a legal-political status inferior to separation and the formation of the independent state of the nationalities that constitute the majority in a particular territory within the state concerned and which have linguistic characteristics, customs, historical traditions and common origins.

6. Federalism, there are examples in Canada, Spain and Britain. Based on the text of Article I of the International Covenant on Civil and Political Rights, which states that:

> "All peoples have the right to self-determination and, on the basis of this right, may freely determine their political entity and freely pursue their economic, social and cultural development, and on the basis of (Declaration on the Granting of Independence to Peoples and Colonial Countries, United Nations General Assembly Resolution 1514, 14th Session, 15 December 1960, Based on the Declaration of Principles of International Law relating to Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations] United Nations General Assembly Resolution No. 2625, 25th Session, 1970, and the Universal Declaration of the Rights of Peoples, "Algiers Declaration, July 1976, and the African Charter on Human Rights and Peoples, 1981

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59 http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.473.1475&rep=rep1&type=pdf
60 James CRAWFORD. Https://Is.muni.cz. 1997.
61 Ibid, p.7

and The Vienna Declaration and the 1993 Program of Action
adopted by the World Conference on Human Rights.

Based on all the above, the right to self-determination is directly related to a term "People"

5.4: The Definition of People:

However, there is no clear and agreed definition so far of the term "people" [62]in the sense that no specific objective criteria have been agreed upon in determining whether a particular group can be a people or not[63].

It is started with Article 1, paragraph 2, of the Charter of the United Nations. The difficulty with what "people" means and entails especially with the respect to the right of self-determination is challenging and the four views below emerged and attempted to define it.

a) **Define people based on state:**

The people here are defined as the entire population of the State, regardless of any other factors that they collect except as individuals belonging to the same State. Here, the term "people" is equivalent to the term "state"[64], and states, as we know, are "political and legal entities exercising their sovereignty over the entire population of a given territory".

Using of the term "people of the state" derives from a conservative reading of the Charter of the United Nations in article 1 of the second paragraph, which states: "To develop friendly relations

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62 International Court of Justice (ICJ-CIJ)." Encyclopedia of U.S.-Latin American Relations, 1975, doi:10.4135/9781608717613.n472.

63 Turp, Daniel. "The Recognition of Québec's Right of Self-Determination and Its Exercise within a Novel Body Politic." Self-Determination, 1996, pp. 277–283., doi:10.1007/978-1-349-24918-3_15.

64 Sylvie N. Leger. "Figure 2f from: Irimia R, Gottschling M (2016) Taxonomic Revision of Rochefortia Sw. (Ehretiaceae, Boraginales). Biodiversity Data Journal 4: e7720. Https://Doi.org/10.3897/BDJ.4.e7720." Https://Open.library.ubc.ca, doi:10.3897/bdj.4.e7720.figure2f.

among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

Only states on this item can benefit from equal rights in public international law, so the meaning of the condition for the people is the population of the State.

b) The *Colonial* Definition of People:

The second possible definition is that which is firmly limited in the scope of decolonization[65]. As we have seen, the principle of self-determination has been extended since the Second World War to include the idea of Non-Self-Governing Territories and Territories that could develop into independent States.
In this context, many jurists in international law have argued that the people as a term refers to the inhabitants of the colony.
For instance, B. E.N. Tzou said: "After 1945 the period of decolonization, the basic definition of the people are the non-European population of the colonies, regardless of the religious, ethnic and linguistic characteristics of the colonized people or any other characteristics."

In other words, the term "people" referred specifically to human beings in the land under colonial rule[66]. "The justification for this narrow interpretation of the people lies in the complex and varied arguments that are presented mainly by the ancient colonial powers. In fact, the principle of "salt water" which text on the right to self-determination can only be applied to territories separated by oceans or large seas from their own territories, known in the United Nations by former colonial Powers "when they were focused on resisting separation threats, such as those in Katanga in the Congo and Biafra in Nigeria, but the limit artificial borders which established by the colonial, increased separation threaten by dissident people."[67]

c) Define people based on representative government:

The third definition emphasizes the principle of government. This interpretation relies heavily on resolution 2625 and on the preservation of the character of internal self-determination, where the debate escalates in favor of an interpretation that affirms the right of all peoples to influence the political system. Where paragraph 7 of resolution 2625 states that territorial sovereignty is not wholly or partially affected, thus clearly linking self-determination with the government represented by the entire population of the state.
In conjunction with the strict and precise resolutions of the International Covenant on Human Rights in Article I, two basic parameters can be identified to define the people on the basis of the represented government:

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[65] www.un.org/en/sections/issues-depth/decolonization/index.html
66 Junfei Wu. "Nationalism in Chinese Foreign Policy: The Case of China's Response to the United States in 1989-2000." p. 72.
67 Michael Kirby. "Self-Determination in Human Rights Instruments." Peoples and International Law, 1991, pp. 341–343., doi:10.1163/9789004232969_009.

On a global scale: Applied to independent and sovereign states as applied to non-autonomous territories. The people in this issue constitute the entire population of the political entity, that mean, the people determine by the territorial boundaries of the state.[68]

It is noticeable that, the definition of the people here ignores the importance of language, culture and religion in the way that people define themselves, treating all the people of the state as one people, thus completely ignoring the basic aspect of multi-ethnic States. One of the jurists of international law points out: "Because the ethnic group considers itself a distinct unit and does not identify with the entire population of the territory, it cannot accept the principle of applying democracy to them as part of the population of the larger state. This dissatisfaction sometimes extreme in inciting the group to secede and form a state they can control their political affairs. "[69]

d) Ethnic Definition of the People:

After reviewing the earlier definitions of the term people, I proceed to the ethnically based definition of the group, which consists of objective criteria and subjective criteria, since the possession of standards and objective determinants is not sufficient, but it is necessary to possess a sense of self-awareness, where the group works to preserve its identity.

Practically, according to Hurst Hammun, there are six objectives criteria that must be present in the ethnic definition of the people as follows:[70]

1) The territorial interdependence of the territory in which the ethnic group forms most of the population.
2) Common Historical Traditions.
3) Ethnic identity or common origin.
4) Shared culture.
5) Shared language.
6) The unity of religion or ideological cohesion of the ethnic group.

In addition to these objective characteristics, this ethnic group must have emotional connection in the will of the group to define itself as a people, or to have a self-awareness to distinguish itself as an independent people, and to have national institutions represent their willing.

Nevertheless, it is necessary to pass briefly on the opinions of some jurists who try to extract most of the common characteristics that must unite the ethnic community to be sufficient criteria to define them as a people, according to the views of the proponents of the ethnic definition of the people.

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68 Ibid, p. 152
69 Ibid, P.153-54
70 Hurst Hannum. "Autonomy, Sovereignty, and Self-Determination The Accommodation of Conflicting Rights."
Paper 1996 | ISBN 9780812215724 , 1990.

"It is necessary for members of the ethnic group to think of themselves as a distinct group, in addition to having objective characteristics that are objectively defined, such as ethnicity, language, religion, history," says Hurst Hammun.

Thomas D Mosgrave recalled that the United Nations, following the adoption by the General Assembly of resolution 1514 in 1960, said that "any attempt to infringe upon the territorial integrity of the state in whole or in part is incompatible with the purposes and principles of the Charter of the United Nations.

Therefore, if there is more than one ethnicity in the territory, all these ethnic groups form the people, not each group separately. "By adopting resolution 1514, the United Nations has increasingly become unwilling to allow any division of the Non-Self-Governing Territories, regardless of how many differences and incompatibilities exist," Thomas D Mosgrave said.This was reinforced by the example of the condemnation by the Security Council of the division of Cyprus into two separate Turkish Cypriot and Greek Cypriot entities, where neither of them was recognized as a people, and the people remained the inhabitants of the island of Cyprus, all Greeks and Turks.

Aureliu Cristescu also presented in his study the three elements of the definition of the people:[71]

a) The term people refer to a social entity that deals with a clear identity with its own characteristics.
b) The term "people" includes the relationship with the territory, even if the people have been arbitrarily expelled from the territory and deliberately replaced by other inhabitants.
c) The term "people" shall not be confused with the term ethnic, linguistic or religious minority recognized by its existence and rights contained in article 27 of the International Covenant on Civil and Political Rights.

Here I will go into a brief explanation that deals with the confusion between the concepts Minority and People in International Law items.

E: Minority and People in International Law:

Minorities are defined as a group of individuals within the state that differ from the majority in terms of race, creed or language. Scholars have endeavored to draw some general criteria that allow the classification of certain categories of minorities.[72]

Numerical criterion: This means that the minority should be fewer in comparison to the rest of the population who represent the majority of the members of the community.

71 Aureliu Cristescu. "THE RIGHT TO SELF-DETERMINATION HISTORICAL AND CURRENT DEVELOPMENT ON THE BASIS OF UNITED NATIONS INSTRUMENTS." p. 41.,
https://www.cetim.ch/legacy/en/documents/cristescu-rap-ang.pdf.
72 Haydar Ibrahim. "Minority Crisis in the Arab World." 2002, p. 21.

Non-domination: This means that the minority that is an area of interest to the international community is that minority, which is in an uncontrollable situation, because the aim of this concern is to provide appropriate protection to members of this minority of the majority arbitrariness.

The criterion of national belonging: This means that the small and distinct group to which the description of the minority applies, requires that its members belong to the state in which they live in order to maintain stability.

The criterion of differentiation: In the sense that members of this small or minority group have common characteristics of their own. This distinction may be based on religious considerations (religious minorities) or ethnic origin (ethnic minorities) or linguistic minorities, or (cultural) cultural minorities.[73]

Based on these criteria, the United Nations Sub-Commission on Human Rights concluded by defining a minority as follows:[74] Minority or minorities in general are those with a consistent ethnic origin, religious and linguistic traditions, and distinctly different from the rest of the people in which they live. The numbers of the minority is sufficient to preserve its traditions and characteristics, and it must be loyal to the state with its nationality.

International conventions in this regard have played a vital role to protect the lives and rights of minorities. The most important of these conventions is the International Covenant on Civil and Political Rights. Article 22 states: States with ethnic, religious or linguistic minorities shall not deprive persons belonging to the said minorities of the right to enjoy their own culture, profess their religion, their language in association with other members of their group.

International conventions in this regard have come to protect the lives and rights of minorities. States with ethnic, religious or linguistic minorities may not deprive persons belonging to such minorities of the right to enjoy their own culture, profess their religion, practice their religion or use their language in association with other members of their group.

In order to know the difference between the minority and the people, it would be useful to express the opinion of some jurists of international law.

[75]Antoni Cassese asserts that most of the world countries have largely adopted the International Covenant on Civil and Political Rights, the United Nations Declaration on Friendly Relations, the Helsinki Convention, all of which have stopped at the sharp and fundamental differences between the right of peoples to self-determination and the protection of minorities ,where no connection can be imagined between the two, quite the contrary, any possible intersection is strongly rejected as a serious mix between two themes returning to a different world.Antoni believes that the rights of minorities have been used as a consolation prize for those groups that do not deserve the right to self-determination.

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73 Adel Mohammed Al - Sabah. "Human Rights in the Modern World." 1999, p. 78.
74 "Minorities under International Law." OHCHR,
https://www.ohchr.org/EN/Issues/Minorities/Pages/internationallaw.aspx.
75 Antonio Cassese. "Self-Determination of Peoples. A Legal Reappraisal. P . 348" Www.cambridge.org.

Patrick Thornbery provides the clearest illustration of the rights of minorities and the right of self-determination in his article in 1989: "There is a qualitative difference between the two themes: the right of self-determination means full rights in the cultural, economic and political spheres, The essence is political control, accompanying with other forms of control while, minority rights are defined in a closed list and do not include political control".[76]

As a conclusion to the difference between the minority and people, it is noted that the minority does not require the territorial interdependence of the territory inhabited by the group, The minority is not required to be involved in religion, culture, race and language, it is enough to sharing one of them, while the people, by ethnic definition, share all those factors.

As for the concept of the people and the minority in Syrian law, The Syrian Constitution did not only address the issue of minorities in Syria, but also stressed that the Syrian components are all Arab(Article 1 of the Syrian Constitution)[77]. In addition, the Syrian constitution consider the Arab language the only official language in the country. This leads us to consider that, all the Syrian people are Arab citizens, where the Syrian Constitution affirms in its preamble that Syria is part of the Arab nation and the Syrian people are part of the Arab people, ignoring the existence of other Syrian minorities who live in Syria and have their own cultural and national characteristics which are different from the Arab culture. Syrian minorities were not mentioned in any of the Syrian jurisprudence.

5.5: The Concept of People and the Kurdish Situation in Syria under International law:

To study the Kurdish situation in Syria and to determine the extent to which the definitions of the people mentioned above correspond to the Kurdish situation:

First, we find that the first definition, which defines the people as the entire population of the state, regardless of any other factors that combine them except as individuals belonging to the same state, this definition does not apply to the Kurdish situation in Syria, as the people here is the entire population of the Syrian state. It does not consider any sub-group within this people, the people do not know the Kurds or Arabs or others according to this definition as a people.

Second, we also find the definition of the people in the colonial domain, which defines the people as a term referring to the inhabitants of the colony. This definition also does not apply to the Kurdish situation in Syria due to the absence of colonialism.

Third, the people on the basis of the representative government constitute the entire population of the political entity, that is, the people determine the territorial boundaries of the state. This definition ignores the importance of the factors of language, culture, religion and race in the way

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76 Patrick Thornbery. Self-Determination, Minorities, Human Rights. P. 868-870.
77 The Syrian Arab Republic is a democratic state with full sovereignty, indivisible, and may not waive any part of its territory, and is part of the Arab homeland; The people of Syria are part of the Arab nation.

that population defines themselves. Where all the inhabitants of the State are treated as one people, thus completely ignoring the basic vocabulary of multi-ethnic States. It does not apply to the Kurdish situation in Syria.

Fourth: To analyze the ethnic definition of the people and the extent of the conformity of the Kurdish situation in Syria to this definition, it is necessary to analyze items of the definition, both objective and subjective.

In objective criteria:

1. The territorial interdependence of the territory in which the ethnic group forms the majority of the population. This criterion is not achieved in the Kurdish situation in Syria, since the Kurds are distributed geographically in separate areas, most of them on the border strip in the northern part of the province of Al Hasakah, and another part is concentrated in the area of Afrin, Aleppo province, more than 511 km from North of Al Hasakah province. Another part is located in Damascus, more than 1111 km north of Al Hasakah governorate, and a small part is located in Ain Al-Arab, Aleppo.

Therefore, the regional interdependence of the Kurds is not achieved in Syria. There is also no Kurdish majority in any of the regions in Syria. This is a matter of great confusion and deliberate misrepresentation by some Kurdish politicians. [78]A report presented by the Central Bureau Of Statistics, a Syrian government organization, in which the villages of Al Hasakah governorate were identified based on their ethnicity. This report shows the existence of 445 Kurdish villages of 1707 of the total population of Al Hasakah governorate, 26.7% of the governorate's villages, As indicated by the census of rural areas in the province of Al Hasakah carried out by the National Gathering of Arab Youth based on the figures in the Central Bureau of Statistics in Syria, which listed a census dating back to 2004 the number of rural population in Syria. This statistical project submitted by the Assembly shows that the percentage of the Kurdish population in the rural areas of the province is 27.24%, while the Arabs constitute 71.54% of the rural population in the province, noting that the proportion of the population of the province of Al Hasakah province is 64.12% of the total population of the province, almost double the urban population.

The Kurds do not achieve the requirement of the majority of the population in the province of Al Hasakah, they make up 25% to 31% of the population of the province, where there is the largest gathering of Kurds in Syria.

2. Common Historical Traditions: This is a valid condition, since the Kurds in Syria have a common tradition that shares a large part of it with the Arabs living in the same region.

3. Ethnic identity or common origin: It is a valid condition too, as the Kurds in Syria share with the Kurds in Iraq, Turkey and Iran common Kurdish origin.

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[78] http://cbssyr.sy/index.htm

4. Shared culture: a common culture, the bulk of which is due to the Islamic culture through which the Kurds participate culturally with the Arabs.

5 The common language: The Kurds in Syria speak the Kurdish language, in Kurdish dialect, gathered with the Kurds in Turkey and part of the Kurdish population in Iraq.

6 The unity of religion or ideological interdependence of the ethnic group: It is achieved in the case of the Kurds of Syria, where the Islamic religion combines with the Arab tribes in the province of Al Hasakah, where the bulk of the Syrian Kurds live.

In the subjective criteria:

Most of the Kurdish political spectrum has the will to define themselves as a people. The bulk of the Kurds in Syria have the self-awareness to identify themselves as an independent people with national institutions that express their will. In the ethnic definition of the people, we find that the Kurds in Syria do not achieve the first criterion and the basic of the objective criteria, not achieve the territorial interdependence and majority of the population, while the Kurds achieve other criteria, it does not meet the full criteria on which the advocates of the ethnic definition of the people.

However, the completion of the objective and emotional criteria of an ethnic, religious or linguistic group was not a justification for the recognition of any group as a people under international law, as evidenced by many examples:

❖ **The Chechen Situation in the Russian Federation**:

Chechnya enjoys autonomy in the Chechen territory within the Russian Federation, they have their own language and culture and their own religion, where they condemn Islam, their different ethnicity and differ in all this with the rest of the population of the Russian Federation. They also have strong historical ties to their territory, where Chechens live in the mountains and plains of the region since the first millennium BC. The Chechen region includes three ethnic groups: Chechnya, Russia and Ingushetia. In the region, Chechnya has a population of 72% according to the population census in 1989, while Russians constitute 27% and Ingushetia's constitute 2.5 % the population of the province. The Chechens do not return their origins to a people or group inhabiting another territory.

In addition to the above-mentioned objective criteria, the Chechens have acquired the subjective criterion inherent in the will of this group and self-awareness to distinguish itself as an independent people with national institutions that express its will, and they had a fierce war for their independence. Despite all these standards conforming to the ethnic definition of the people, international law did not recognize Chechens as a people with the right of self-determination.

❖ **The situation of the Kosovar Albanians in Serbia**:

The province of Kosovo is self-governing within the Republic of Serbia, which was part of Yugoslavia. Albanians in Kosovo constitute a population of 90% according to the 1981 census, while Serbs constitute 10%. Albanians have their own language, culture and religion. They condemn Islam and their Albanian ethnicity, which they share with Albanians in the Republic of

Albania. Albanians are defined in international law as a "nation ". Albanians in Kosovo are part of the Albanian nation, most of which is concentrated in the Republic of Albania.

In addition to the completion of the above-mentioned objective criteria, Kosovo Albanians also possessed the subjective criterion inherent in this group's will and self-awareness to distinguish itself as an independent people with its own national institutions. This will be caused brutal human rights violations against the Albanians by the Serbian army and its militias. Despite all these standards of ethnic identification of the people, international law did not recognize Kosovo Albanians as a people. Despite the theoretical acceptance by the International Court of Justice of the legitimacy of Kosovo's declaration of independence in contemporary international law, the advisory opinion was that Kosovar Albanians were "minority" within Republic of Serbia.

The Advisory Opinion of the International Court of Justice clearly pointed to the conclusion that Minority can be treated as a people who have the right to self-determination only in two cases:

1) Gross violations of human rights and injustice committed against the minority by the mother country.
2) The political support provided by the international community to the minority in its demand.

Kosovo Albanians benefited from this situation while the Chechens did not benefit from it because of the failure of the international community to provide political support to Chechnya for fear of damaging their relations with the Russian Federation.

❖ **Quebec State Case in Canada:**

The province has a majority of French Canadians, who speak French as opposed to the rest of the country and possess the remaining objective and subjective standards of the ethnic definition of the people. However, the Canadian Supreme Court rejected the definition of the French population as "people". In response to the following question: Does the international law of the National Assembly, the Legislative Council, or the Quebec County Government give the right to unilateral separation from Canada? In this context, does the international law of the National Assembly, the Legislative Council or the Quebec District Government give the right to self-determination leading to the unilateral separation of the province from Canada?

❖ **The Cyprus situation:**

The Greek Cypriots were not recognized in international law as a people, although they had all the objective and emotional criteria of the ethnic definition of the people. The Security Council condemned the division of Cyprus into two separate entities for Turkish Cypriots and Greek Cypriots.

In view of the previous analysis of the Kurdish situation in Syria in the light of the definitions given to the people and the comparison of the Kurdish situation in Syria, which did not match the ethnic definition of the people with the vision of the international law of the above four cases Chechnya, Kosovo Albanians, Quebec in Canada and Greek Cypriots. In addition to the comparison with the situation in which the Serbs in the Republic of Bosnia and Herzegovina and in the Republic of Croatia were considered a minority in international law. In view of all this, I

find clearly that the Kurds in Syria do not apply the term "people" but are part of the people Syrian state, however, Kurds apply to the term minority.

5.6: Restrictions on the Implementation of Self-Determination:

Self-determination, like any principle and legal right, is not an abstract legal right unrelated to other principles. It is not implemented automatically or unilaterally; rather, it is interpreted and implemented in the context of other fundamental principles of international law, there is no doubt that when a people make its claims based on the right of self-determination, these demands collide or intersect with other rights and demands.

Sometimes these demands require changes in the structure of the state, which is maybe affected the rights of other groups and may affect rights and interests the rest of people. Also, it may affect rights and interests outside the borders of the concerned state as well. Therefore, a balance must be struck between the fundamental rights and principles that are contrary to international law and the particular circumstances surrounding each issue should be taken into consideration. On the other hand, we should not give a broad interpretation of the restrictions imposed so as to limit the exercise of the right to self-determination, since the latter is the right of the people. Hence, more attention has been paid to balancing all rights, but the final outcome must be in the interest of the people.

There are two types of restrictions:

- Restrictions placed on the protection of the rights of individuals and other groups.

- Restrictions to protect the public interests of the community:

5.6.A: Restrictions on the Protection of the Rights of Individuals and Groups:

It is not denied that each State has obligations to the international community and must represent the entire population and protect their interests regardless of their religious, sectarian or ethnic affiliation. This limitation is based on Article 5, paragraph 1, of the International Covenant on Civil and Political Rights, which states: "Nothing in the present Covenant may be interpreted as implying for any state, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant."

At the conference held on August 27, 1991, the European Commission for Arbitration on Yugoslavia, known as the Padentar Commission for Legal Consultations, and the Serbian minority living within the borders of the State of Bosnia and Herzegovina, affirmed in its advisory opinion: Giving guarantees to Serbs before Bosnia exercise its right to decide Destiny In the sense that self-determination cannot be exercised as contained in article 1 of the International Covenant on Civil and Political Rights, in a way that violates or affects another right in this Convention.[79]

Based on what is presented in this limitation, we can imagine the right of self-determination for the Kurdish situation in Syria could deprive the Arab majority of the region of their rights. This violates the International Covenant on Civil and Political Rights and the other international conventions. Then how many guarantees are required by the Arab majority from the Kurdish minority that will decide their future and the future of the majority so as not to violate the rights of the majority.

5.6.B: Restrictions to Protect the Public Interests of the Community:

In particular with regard to international peace and security: The exercise of the right to self-determination must be consistent with the provisions of the Charter and other fundamental principles of international law. States, in accordance with the Charter of the United Nations and other documents, have a range of obligations: Non-use of force against other states, non-interference in the affairs of other states, peaceful and peaceful settlement of disputes, mutual cooperation between states and sovereign equality. Resolution 2625 of the General Assembly states in one of its paragraphs: The principles set out above are interrelated in their interpretation and application and each principle is interpreted in the light of other principles.

In general, these principles emphasize international peace and security, and to some extent in today's world, the achievement of international peace and security is linked to the maintenance and non-penetration of international borders. To maintain public interests there are two constraints:

   a) Maintaining Regional Integrity

This restriction is not only a legal and political principle, but a pragmatic principle that serves the practical purpose of maintaining international peace and security and is related to the principle of non-interference in the internal affairs of states. States invoke this restriction when the exercise of the right to self-determination affects the sovereignty of the State, since the State considers itself responsible for any act or activity prejudicial to that sovereignty.

This limitation is a general limitation on the exercise of self-determination as it affirmed in the Charter of the United Nations and United Nations General Assembly resolutions 2625 and 1514 and is also invoked in international application, because all states want the social and legal system to be fairly stable as the achievement of this system is linked to the stability of its international borders. Hence, states take this constraint seriously in their relations with each other.

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[79] Robert McCorquodale, Self-Determination: A Human Rights approach Self-determination: Human rights, available in: http://www.eleves.ens.fr/home/blondeel/law.html

For example, during 1991-1990, the United States did not recognize the independence of Lithuania, Estonia, and Latvia until the Soviet Union recognized the independence of these states. Part of this American decision is due to this limitation.[80] However, this limitation is not considered in all cases. In other words, it is not an absolute restriction. "Only states that abide by the principle of equality of peoples in their rights and self-determination and have a government representing the entire people of the territory without distinction based on race, creed or color" can invoke this restriction, because to consider this limitation as absolute means to legitimize the persecution of peoples.[81]

This is consistent with the provisions of General Assembly resolution 2625 "nothing in the preceding paragraphs shall be construed as authorizing any action or encouragement of any act which would, in whole or in part, impair the territorial integrity or political unity of independent and sovereign States which In their actions, abide by the principle of the equal rights of peoples to self-determination and the right to self-determination as set forth above and which therefore have a government representing the entire people of the Territory without distinction as to race, creed or color. "

At a time when the principle of self-determination and the principle of territorial integrity appear to be contradictory and difficult to reconcile. But can be balanced, so that article I of the International Covenant on Civil and Political Rights can be interpreted so that individuals and national groups living within the territory of a given State have the right to enjoy their civil and political rights and to participate in public life in the State and society without any discrimination. In the case that the state denies this right and creates serious obstacles to its implementation and serious violations of humanitarian law against national groups, then with the lack of chances of a negotiated solution, the territorial sovereignty of the state cannot be protected. In the sense that the degree of persecution and violation of international human rights law determines the treatment proposed for the enjoyment of certain rights leading to separation.[82]

On the assumption that the right conditions for self-determination in the Kurdish situation in Syria are met, the Kurds in Syria have not been subjected to any serious human rights violations. Syria's old or contemporary history did not mention a struggle against the Kurds. On the contrary, the Kurds were major participants in the contemporary rule of Syria, including leaders engaged in political life and the Syrian public affairs between the two periods of independence and the Baath. The violence against the Kurds in 2015 is organized by a terrorist group called ISIS, but not by the regular army or the armed opposition factions. Moreover, the negotiating opportunities have been not exploited to make this restriction "in the process of maintaining territorial integrity" present strongly in the Kurdish situation in Syria, where no Syrian government has entered into negotiations with the Kurds since independence until today. But after the uprising that has begun in 2011, the Syrian government entered into negotiations with the Kurds to discuss security issues

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[80] Ibid, p.30

[81] Ibid, p.31

[82] Louis Belanger, Erick Duchesne and Jonathan Paquin, Foreign Intervention and Secessionist Movements: The Democratic Factor, p.5, available in:
http://www.mcgill.ca/politialscience/gradstudents/paquin.html

in the north-eastern region of Syria. All assuming the existence of appropriate conditions for the right of self-determination.

b) <u>Maintaining the Boundaries Drawn during the Colonial Period:</u>

In the case of the separation of part of the territory of the state, this restriction is intended to achieve stability through the preservation of the borders set by the colonial powers. Although the colonial powers considered only their interests, the world finds in keeping the borders demarcated intact in order to maintain international peace and security. The International Court of Justice says in an advisory opinion" in many cases, the independence of the peoples of Africa, which has been achieved as a result of a long struggle, is seen as an appropriate means of maintaining the status quo in Africa, as well as of creating cracks that deprive the continent of the gains made by the great sacrifices,"

Hence, the Court encourages African states in their interpretation of the principle of self-determination to consider the principle of preserving the boundaries set in the colonial period.[83]

Here, too, assuming that the right to self-determination is available in the case of Kurdish in Syria, this restriction "under the maintaining of the demarcated boundaries during the colonial period" remains where the application of the right of self-determination to the Kurdish situation in Syria could change the internationally recognized boundaries as a direct result or in the future.

5.7: summary

This paper deals with the concept of the right to self-determination in international law: its definition, the historical basis and the legal nature, the study of its legal basis, the scope of its application as internal or external self-determination, and the possible forms of self-determination. Then focused on the definition of the people and clarified the difference between the minority and the people in international law. The study shows that only the people deserve the right to self-determination in international law.

In analyzing the concept of the people as a legal term and its compatibility with the Kurdish situation in Syria, it is found that the Kurdish situation does not match any of the four existing definitions of the people. It does not agree with the definition of the people on the basis of the state. The colonial domain, which defines the people as a term referring to the inhabitants of the colony, and by virtue of the absence of the colonial state, does not match this definition with the Kurdish situation in Syria. It does not agree with the definition of the people on the basis of the representative government. In which the people constitute the entire population of the political entity, that is, the people is determined by the territorial boundaries of the state. This definition

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[83] ICJ Report, In the Burkina Faso and Mali (Frontier Dispute) case of 1986, the International Court of Justice held that the principles of uti possidetis "is a general principle, which is logically connected with the phenomenon of the obtaining of independence, wherever it occurs, 554,567.

ignores the importance of language, culture, religion and ethnicity in the way that people define themselves. It does not apply to the Kurdish situation in Syria.

The Kurdish situation in Syria does not match the criteria on which the supporters of the ethnic definition are based. The Kurds in Syria do not achieve the first and basic criterion of objective criteria, so they do not achieve the territorial and majority population of Kurds in the region. Kurds in Syria, but the Syrian Kurds according to international standards are an ethnic minority, and they are at the end an essential part of the Syrian people's multi-religious, ethnic and denominational.

As the right of self-determination in international law is a right of the people, which is not the case with the Kurdish situation in Syria, it is not permissible under the international conventions and the relevant UN resolutions to exercise the self-determination by the Syrian Kurds, in addition to the disastrous effects that can reach it and cannot be reconciled with the stability of the region, and the great injustice that lies on the majority of Arab and other minorities that live with the Kurds in the region.

6: Al-Jazira – Afrin and the Kurds

The area of the Al-Jazira has always been a transit point between Iraq, Syria and Turkey(see figure 3), due to its geographical location at the intersection points of these three countries. Although most of the *Al-Jazira* is now in Syria, this north-eastern corner of the country has always been a hotbed of influence for its neighbors. Arab, Assyrian, Kurdish and Syriac communities

along the borders of these three countries continued to communicate and connect with one another.[84]
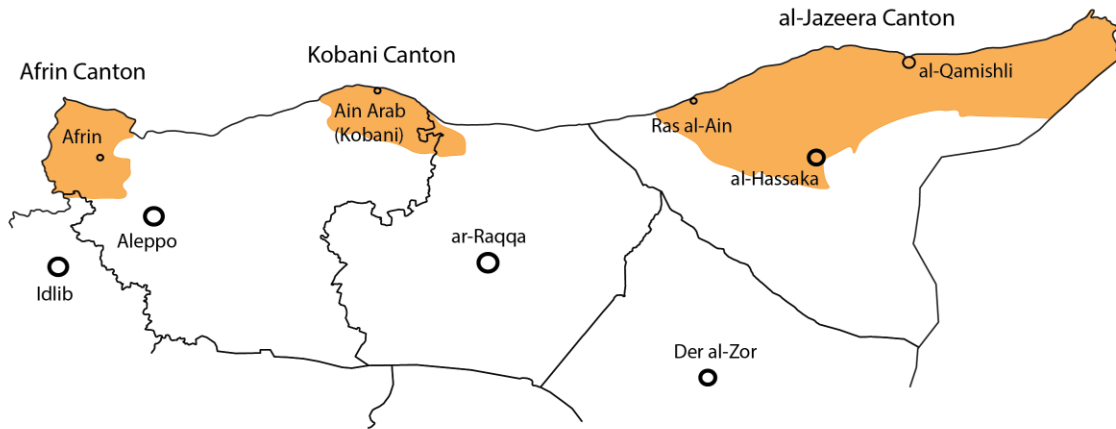
Since Syria gained its independence in 1946, the Syrian government has kept this region in a state of lack of development and marginalization (Later I will explain more why), with the aim of isolating it from abroad. Beginning in the 1970s, President Hafez Al-Assad and then his son, Bashar, continued to apply this approach, keeping the decision-making process in this region concentrated in the hands of the security services. While at the same time containing the course of the policy.

After the 2011 uprising, the Al-Jazira became a major focus of regional rivalries. In July 2012, receiving military aid, while the United States was waging military campaigns in Syria the Syrian regime withdrew most of its security elements from the area. The Syrian Kurds, led by the Democratic Unionist Party and its military wing YPG, have filled the vacuum left by the regime's withdrawal. Both PYD and YPG are linked to the Kurdistan Workers' Party PKK, a left-wing organization led by Abdullah Ocalan, who fought the Turkish state for decades. In 2014, the Democratic Unionist Party was Washington's main against the self-proclaimed Islamic state. Today, large parts of the Al-Jazira are under the strict control of the United Democratic Party **(PYD)** rebels trained by the PKK, although the Syrian regime maintains a presence in the main urban centers of Hasakah and parts of Qamishli.

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[84] Arab, Assyrian, Kurdish and Syriac communities in Syria can be described as ethnic groups rather than sectarian groups. Differences between them are not primarily religious. The vast majority of the Kurds and all the Arab tribes scattered on the Al-Jazira are Muslims, but these two groups do not share the same language or the same social customs, and each has a firm belief that they are of different origins. In addition, Syriacs and Assyrians are Christians, giving the difference of religion to the equation, compared to the Kurds and Arabs, as well as the firm belief among Syrians and Assyrians that they come from different origins from their Kurdish and Arab neighbors.

Map 20: Approximate borders of the Kurdish Autonomous Region in northern Syria (Rojava)

(figure 3)

As soon as the Democratic Union Party and th**e** YPG seized power in 2012, they deliberately established their civil administration on the Al-Jazira, but the decision-making process remained largely concentrated within a network of professional PYD militants trained in a PKK military base Qandil Mountains in northern Iraq. However, the administrative institutions of the Union Party served as a mechanism for containment and control rather than as a governance body, with the aim of promoting and strengthening the new elites that emerged on the scene in addition to those created by the Syrian regime.[85]

Meanwhile, the PKK, the Kurdistan Democratic Party (KDP) in Iraq, Turkey and the United States have had many regional interests at stake on the Al-Jazira. These same interests will continue to generate and exacerbate tensions if they are not addressed. Turkey, for example, is concerned that the Democratic Unionist Party (PYD) may extend to the border areas south-east of its Kurdish-populated territory (Afrin) , which could exacerbate unrest there and encourage Turkish Kurds to raise their appeal for self-rule. For its part, the KDP in Iraq also does not want to see the influence of the PKK and its affiliates spreading to areas under its authority Kurdistan Region(Because of a historical ideological political conflict between PKK and KDP. As for the United States, everything that happens on the Al-Jazira is linked to its military campaign to against Islamic state IS. US military assistance to PYD AND YPG allowed the expansion of the territory they controlled, causing a Turkish military intervention in August 2016 in Syria to abort this surge. The United States was concerned that hostilities between Turkey and the PKK to undermine its efforts to eliminate the Islamic state in Syria in cooperation with the Democratic Union Party.

Such regional agendas have profound repercussions on the Al-Jazira both the Al-Assad regime in Damascus and the rising Kurdish Democratic Union Party. As the Syrian regime struggles to re-establish the Syrian state as it was before 2011, this region seems important because future security conditions and governance prospects will have a structural impact on the development of

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[85] Haydar Ibrahim. "Minority Crisis in the Arab World." 2002, p. 76

many central issues related to Syria's future. These include relations between the Al-Assad regime in Turkey and the Kurdistan region of Iraq, the future role of the United States in Syria, the potential role of the PKK in Syria and prospects for recognition of the political and cultural rights of the Kurds in Syria. A careful examination of how these security interests intersect is necessary to explore how to achieve much-needed practical compromises that pave the way for stable governance in the Al-Jazira region and the rest of Syria.

I will discuss in the next paragraphs the history of Al-Jazira's territory, trying to link events that occurred in the past and their impact on the Kurds'situation of the Al-Jazira region today.

6.1: Under the French Mandate to Baath Rule:

The Al-Jazira, which is the size of the province of Hasakah, lies at the far end of northeastern Syria. Bordered by Turkey from the north, and Iraq from the east (see figure 1). Before the post-World War I settlement demarcated the borders of modern states in Iraq, Syria and Turkey, the Al-Jazira was spread over territories that would later become integrated into each of these three countries. While the mountains separate them from Turkey, the land between the Al-Jazira and Iraq is very flat.[86]

Geographers identified the Al-Jazira as the land between Mount Sinjar in northwestern Iraq and Jabal Abdul Aziz about 45 km west of Al Hasakah. The Euphrates River crosses this area and enters Syria from Iraq and divides the land around it. The geographers allowed the Al-Jazira to be described as the land where people remained without roots because their inhabitants, until the end of the nineteenth century, were mainly nomads.

6.1. A: External interventions on the Al-Jazira

Throughout the 20th century, the Al-Jazira was a strategic task, because it found itself on the front lines of Syria's competitors in Iraq and Turkey. At the same time, however, the Demographics of the region, and the ensuing fragmentation and divisions, mean that no one can dominate it alone.[87]

During the French Mandate over Syria (1923-1946), the Mandate authorities sought to establish a modern state. They turned the Al-Jazira administratively into a province, encouraged the tribes to settle, and established land ownership organizations to persuade tribal elders to settle in return for granting them property rights. Thus, the landowners of the Kurds and tribal sheikhs, as well as members of the Assyrian and Syriac communities, became a class of elites, mainly based in the capital city of Hasaka. At the same time, another town, Qamishli, on the Syrian-Turkish border, became an important commercial center, when the Kurds of southeast Turkey settled as traders or workers of the Al-Jazira's landowners.

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86 Andre Gibert and Maurice Fevret, "La Djezireh Syrienne et Son Reveil Economique,"

87 Nezan, Kendal, 'A Brief Survey of the History of the Kurds', presented to the International Paris Conference 'The Kurds: Human Rights and Cultural Identity. P. 28

Because of its location and its ethnically motivated local policies, the Al-Jazira was too exposed to external interference and border tensions. The containment and control of domestic policies has been one of the major security challenges facing successive Syrian governments since independence. To strengthen its hold on the region, the central authorities mobilized communities politically within specific frameworks.

In the early 1950s, the Al-Jazira's communities were organized under the umbrella of political parties according to their religious and ethnic identities. Thus, while the Arabs joined the Baath party, the Communist Party and the Nasserist parties, the Kurdish elders who had tribal ties with the Kurds of Iraq established the Kurdish Democratic Party in Syria in 1957 as a brother party of the Kurdistan Democratic Party in Iraq. In the same year, Assyrians were organized under the cloak of the Assyrian Democratic Organization.[88]

The Al-Jazira is the only Kurdish part of Syria that verge the areas inhabited by Kurds in both Iraq and Turkey. This is not the case with other areas inhabited by Kurds in Syria, such as the Kurdish enclave in Afrin, in the northwest of the country, which is still cut off from Kurdish communities and political dynamics in Iraq. Thus, the Kurdish community in the Al-Jazira received special attention from the Syrian authorities, which considered the Kurdish aspirations in neighboring Iraq a potential security threat. Indeed, the self-rule movement launched by Mullah Mustafa Barzani and his Kurdistan Democratic Party inspired the Kurdish national movement in Syria and inflamed its enthusiasm. Such Kurdish aspirations were previously less clear in the Syrian Kurdish areas far from the Kurdish communities in Iraq and Turkey.

In the era of Hafez Al-Assad, who seized power in 1970, the regime's fears went beyond the Kurds' question, after the Arab community on the Al-Jazira was exposed to Iraqi influence, at a time when mutual hostility was straining Syria-Iraq relations. In the early 1980s, when Saddam Hussein's regime was at the height of his popularity, he extended support and help to the Syrian Arab tribes on the Al-Jazira.

Al-Assad's regime sometimes used ties between the Kurds in Syria and Turkey as a pressure card against Ankara during the latter's conflict with the PKK, which broke out in the early 1980s. This has occasionally led to strategic setbacks for Damascus. Because of the long-standing differences with Turkey over the inclusion of the Sanjak of Alexandretta (*Hatay* Province in Turkey today), and on water sharing, the Syrian regime allowed the PKK to operate from Syrian territory as a means of putting pressure on Ankara. In 1998, tensions between the two sides escalated and skyrocketed when Turkey deployed troops on Syria's northern border and threatened to stop the flow of Euphrates from Turkey into Syria. The Syrian regime had to bow to an agreement imposed by Turkey, known as the Adana Agreement.[89] After that, Syria expelled Ocalan, the leader of the Kurdistan Workers' Party (PKK), who was living there, and leaked

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[88] Mohamed Gamal Barout, "The Modern Historical Composition of the Syrian Al-Jazira " (Beirut: Arab Center for Research and Policy Studies, November 2013), Page 749, Page 778.

89 Mahmut Bali Aykan. "The Turkish-Syrian Crisis of October 1998: A Turkish View." Middle East Policy Council, 1999, www.mepc.org/journal/turkish-syrian-crisis-october-1998-turkish-view.

information that helped the Turkish intelligence services identify, capture and imprison PKK militants.

6.1. B: Means of Control in the Baath Era:

In the midst of the dangers of these interventions, Hafiz Al-Assad and Bashar Al-Assad systematically put the Al-Jazira and its inhabitants under their own control. The real decision-making process was entrusted to security agents with the confidence of the regime. Administrative structures and political organizations were used as means by which the regime could organize communities on the Al-Jazira. Although the Syrian security services were responsible for the intensive monitoring of political activities on the Al-Jazira, they were also empowered to intervene in details of administrative decisions. For example, Farmers were forced to grow only grains instead of other more important agricultural products, because of the fear that the area would become more independent of Damascus. Another example: the Syrian government enacted a new law in 2004 stipulating that anyone wishing to develop a real estate in the Syrian border areas, including the Al-Jazira, must first obtain permission from the security services.[90]

Until the Revaluation developed into an open conflict in 2012, the Assad regime managed this balance by carefully controlling the political and economic entrances to the issue of Kurdish progress on the Al-Jazira. It tolerates with the emergence of Kurdish political parties but as useful structures through which Damascus can frame, manage and control Kurdish political activity. The Assad regime was able to contain the Kurdish national movement by joining party members through Syrian professional organizations. The regime used its power over bar associations, teachers and engineers to promote a Kurdish middle class that either supported it or at least Damascus could exert influence over it. For the Kurds and other communities on the Al-Jazira, the relationship with political parties was the only gateway to professional ties with its advantages. Such policies ensured that the middle class of the Al-Jazira remained depend on the Syrian regime.

Although there were many political parties, their ability to engage in political activity was limited and restricted. In fact, these parties were actually used to cut off the mobilization that would make their way between them. This was evident in the behavior of political parties during the 2004 disturbances in Qamishli, when the Kurds demonstrated against the government and smashed a statue of Hafiz al-Asad. At the time, the parties, under pressure from the security services of the regime, refrained from supporting the demonstrators, which greatly discouraged the demonstrators' momentum and made them in a state of fragmentation and division.[91]

The regime sought to maintain its control and to prevent the emergence of broader alliances among local communities through a divide-and-conquer policy based on ethnic divisions on the Al-Jazira. It is often aimed at exacerbating Kurdish-Arab divisions by publicly favoring Arab candidates for parliament over Kurdish candidates, or by focusing on Kurds' mistrust of Arabs. For example, during the 1990 parliamentary elections, Kurds ran in three out of four seats in a

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90 See "Legislative Decree 49 of 2008 amending Law 41 of 2004":
http://parliament.gov.sy/arabic/index.php?node=5588&cat=4784&%2049%20law,%202008

91 Julie Gauthier, "Les événements de Qamichlo: irruption de la question kurde en Syrie?" Études Kurdes, no. 7 (May 2005): 97–114

separate list of alliances favored by the regime. Four years later, during the 1994 elections, the regime, which wanted to avoid repeating this situation, Unofficially "constitute what was called "shadow list ", with the aim of defeating Kurdish candidates on the independent list. Two seats were allocated to the shadow list of candidates from the Jabbur and Tey tribes, considered the most important Arab tribes on the Al-Jazira and the seat of a member of the Syriac community. Only one seat remained for Kurd. Such policies exacerbated tension between the various communities on the Al-Jazira and prevented them from working together against the regime, allowing the regime to continue to tighten its grip on the region.

The US invasion of Iraq in 2003 led to increased tensions between the Al-Jazira's communities. It provided an unprecedented opportunity for Iraqi Kurds to establish a quasi-independent region, thus forcing Assad's regime to work to contain the Kurdish nationalist movement on the Al-Jazira, which lies geographically very close to the Iraqi border. Kurds who participated in the 2004 Qamishli protests remember that they heard cheers praising US President George W. Bush, whose invasion of Iraq facilitated the birth of a Kurdish autonomous region. Members of Arab communities then chanted songs glorifying Saddam Hussein. This reflected not only the lack of confidence among ethnic groups in the region, which had been blowing up the regime for decades, but also the extent to which the Al-Jazira was exposed to the impact of developments in neighboring countries.

The security forces and the Governor of Hasakeh thanked the members of the Tae tribe for their cooperation with the regime in suppressing the demonstrations, which confirmed the Kurds' feeling that the Arab tribes on the Al-Jazira were complicit with the regime in the process of containing their aspirations. Anti-Kurdish sentiment, by persuading Arab tribes that Kurdish demonstrations are part of a larger US-led plot to divide Syria.[92]

The administrative structures in Al-Hasakah governorate were an effective tool in the Assad regime to ignite social rivalries by distributing the spoils of favoritism, joining local elites and preventing independent political activities. It balances its tactics to suit different groups of citizens. Thus, the main posts in the province, such as the Rmelan oil field manager, were usually assigned to senior officials from outside the Al-Jazira. Members of the Jabburi and Tati tribes were represented in local government institutions such as the provincial council or even in the parliament in Damascus. The Arabs, Assyrians and Syrians from the middle class were also placed in key positions in the country. In contrast, Kurdish dignitaries, often followed by professional ties, were rarely appointed in leading positions in local government or state institutions in order to limit their ability to mobilize broader Kurdish solidarity movements against the Assad regime.

6.2: The Impact of 2011 Uprising on Al-Jazira:

In the early stages of the 2011 uprising, Syrian president Bashar al-Assad resorted to these same tactics concerning political parties and administrative structures on the island, to constraint the rise of the opposition. In the beginning, most of the Kurdish parties avoided public support for

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[92] Sirwan Kajjo, Christian Sinclair. "The Evolution of Kurdish Politics in Syria." MERIP, merip.org/2011/08/the-evolution-of-kurdish-politics-in-syria/.p 122

the protests. The regime also took unprecedented steps to calm street marches, most notably the granting of Syrian nationality to Kurds who had no citizenship for generations. [93]

Another action was that the Syrian regime congratulated the Kurds for the first time in 40 years. The vice president congratulated the Kurds on the Nowruz (the celebration of the traditional Kurdish people, it is the feast celebrated by the Kurds every year on March 21st a day that the Kurds inherited from Zardashti and considered a symbol of their own national identity.

These actions did not have the effects expected by the Syrian regime. Initially, the older generation of Kurds and political parties refrained from joining the demonstrations, recalling their previous attempts to mobilize the politics crushed by the regime. But the uprising, led mainly by young people in the rest of Syria, has encouraged a new generation of Kurds to mobilize protests that the regime could not contain through Kurdish parties.

When Syria's neighbors began to intervene, Assad was forced to face a double threat: the Kurdish national movement was expanding to the Al-Jazira, and the pro-Turkish rebels sought to take control of northeastern Syria. Thus, in 2012, Kurdish leader Masoud Barzani, the son of Mustafa Barzani, doubled his support for Syrian Kurdish parties to extend the (Kurds Democratic Party) KDP's influence to the Al-Jazira and provided its leaders with safe haven in Erbil, the capital of the Kurdistan region of Iraq. He also began recruiting Syrian Kurds to form Syrian Peshmerga forces. At the same time, Turkey began supporting the Syrian rebels in their fight against Syrian government forces.

The Syrian regime has taken a strategic choice of withdrawing most of its security forces from the Al-Jazira, allowing members of the Kurdish Democratic Union Party who belong to the (Kurdistan Workers' Party) PKK and the People's Protection Units YPG to be concentrated in large pockets in the region. While the People's Protection Units (as the enemies of the KDP and Turkey) have faced somewhat extern Al-Assad rivals, But Al-Assad's decision to withdraw his forces has put the Al-Jazira region in the face of the prospect of broadening the influence of the PYD.

6.2. A: The Fragile Presence of Al-Assad on Al-Jazira:

Al-Assad's regime largely withdrew from the Al-Jazira in 2012 but retained its authority in two major urban centers in the region, Al Hasakah and parts of Qamishli. Because the Syrian Government continues to provide the main structures of power that have previously allowed it to extend its control over the entire Al-Jazira, therefore Al-Jazira province has practically become subject to dual security arrangements, under which the Democratic Union Party (PYD) controlled much of the Al-Jazira outside urban centers. While the administrative networks of both the regime and the Democratic Union Party competed, they duplicated each other's tasks, at least with regard to the control and militarization of the local population through the extension of control the Syrian regime. For example, young men on the Al-Jazira are subject to compulsory military service on

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[93] https://www.omrandirasat.org

both sides. However, since neither of them recognizes the military service documents of the other, young men can enlist in both parties.

The continued presence of the Al-Assad regime has impeded the ability of the Democratic Union Party **PYD** to gain power and full legitimacy on the Al-Jazira. Damascus has kept the administration as a mere control the Syrian regime that cannot evolve into a governance tool capable of replacing state functions. Thus, the decision-making process of the Al-Assad regime in the Al-Jazira area remained highly concentrated in the hands of the security services, which still controlled the joints of state power, limiting the ability of the Democratic Union Party to govern. Security officials in Qamishli and Hasakah are still active and continue to arrest and send prisoners to Damascus to prove to their superiors that they are carrying out their duties.

In addition, al-Qamishli airport and the important border crossing point between al-Qamishli and the Turkish city of Nisibin remain under the authority of the regime. More importantly, although the **PYD** administration has enacted its own law on land and construction, the Syrian state still controls land registration certificates in Hasakah, thus declaring nullity any land transactions, and declaring that any construction project is under the laws of the party administration Democratic Union, is illegal.[94]

All this means, for the Democratic Unionist Party, that the Al-Assad regime is hampering its ability to govern by exploiting its continued control over vital state resources. (Damascus is still the only guarantor of any areas of important legal and practical governance related to the daily lives of citizens).

6.2. B: Construction of the Autonomous Administration of the Democratic Union Party 2012:

The Democratic Unionist Party sought to legitimize its military control by establishing a separate political body called an Autonomous Administration system[95] in parallel to the Syrian state in place in the two urban centers of Al-Hasaka and Al-Qamishli. In November 2013, the Democratic Union Party PYD and the Kurdish People's Protection Units YPG began to reorganize the areas along the Syrian-Turkish border, dividing them into three cantons: the first concerned the province of Hasakah and was named the Al-Jazira canton. And the second, in the northern province of Aleppo, including Kobane[96] and the surrounding areas. And the third canton in Afrin in the north-western corner of the province of Aleppo. These subdivisions have placed the geographically unsettled Kurdish areas under the control of a unified political entity dominated by

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[94] https://twsas.org/archives/198

[96] officially Ayn al-Arab, is a city in the Aleppo Governorate in northern Syria, lying immediately south of the border with Turkey. As a consequence of the Syrian Civil War, the city has been under control of the Kurdish People's Protection Units militia since 2012.

the Democratic Unionist Party and the associated forces, providing a political cover for the military control of the movement on the Al-Jazira.

These cantons are divided into a series of municipal units with specific boundaries, which intersect almost with the administrative boundaries of the Syrian state before 2012. While each municipality has a responsible council in all the towns and villages, the basic renewal added by the **PYD** is the Cominet which formed councils responsible for neighborhoods and even for small gatherings of houses. Municipal councils and communes supervised by them are responsible for the provision of basic municipal services such as water, electricity and garbage collection. The Democratic Union Party PYD appoints prominent figures or members of political parties associated with them.

The Autonomous Administration of the Democratic Union Party was effective in integrating the territories that controlled into a broader political entity. In other words, the establishment of the communes was aimed to legalizing what the PYD had taken by military force. Just as the territory controlled by the PYD was changing and expanding, the same thing happened with his political agenda, although his goals of strengthening and legitimizing his self-rule was far from being verified. One proof of this was the extension of the military control of the **PYD** beyond the Kurdish cantons in March 2016.

The Democratic Unionist Party announced that its goal was to establish a federal structure that would integrate these cantons. This structure was called the democratic federal system of northern Syria. However, the geographical scope of this federal system is extended with the expansion of military control of the **PYD**, suggesting that the Democratic Union Party was more interested in legitimizing its local military control and authority than exercising its governance on behalf of the citizens of the Al-Jazira.[97]

6.2. C: Efforts and Mechanism of the Democratic Union Party for Governance and Control 2012-2013:

The local administration network of the **PYD** has played an important role in its efforts to tighten its grip on the strategic areas of the Al-Jazira. It ensured the continued reliance of the population on the Department for access to services and protection, while the network was putting in place a system for monitoring them. The Kurdish People's Protection Units **YPG** (Military branch of **PYD**) maintained their control over the cities on the Al-Jazira's border with Turkey, where the **PYD** formed an extensive network of municipalities and communes. In Qamishli, for example, which lies on Syria's border with Turkey, the **PYD** established three municipalities.

Overall the Democratic Union Party and the Kurdish People's Protection Units (KDPs) since their capture of the main areas of the Al-Jazira in 2012 have had to deal with a challenge faced by the Syrian central authorities in the past: how to manage regular communities under the umbrella of ethnic parties that have maintained links with external forces. The Syrian conflict has strengthened these relations between Kurdish parties, except the Democratic Unionist Party and

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[97] Sirwan Kajjo, Christian Sinclair. "The Evolution of Kurdish Politics in Syria." MERIP, merip.org/2011/08/the-evolution-of-kurdish-politics-in-syria/.p.98

the Iraqi Kurdistan Democratic Party, such as the Syrian Kurdish Democratic Party. These parties have refused to cooperate in the management of the Al-Jazira if the ʏᴘɢ continue to impose their military control. This is one of the Kurds' challenge among themselves, as the Kurds are divided and politically incompatible among themselves, both before and after the 2011 revolution.

In addition, with rare exceptions, the PYD was not able to attract influential Arab tribal leaders or members of the Assyrian and communities to its side. However, most of the parties and elites on the Al-Jazira do not trust the mission of the National unity party NU, which means that it is not a unanimous supporter Of the Kurds of the Al-Jazira.[98]

The PKK cadres and protection units YPG trained by the PKK occupy the decision-making structure in parallel to those who are formally involved in the administration of the region. These military elements tend to enjoy greater powers and interfere in both administrative and political affairs. Together with its almost exclusive monopoly on security, it manages natural and financial resources, intervenes in judicial cases and imposes appointments in local administration. This decision-making process is carried out with a cover of secrecy, limited to a small number of officials, and implemented through leaders working alongside administrative institutions.

Although the administrative institutions established by the Democratic Unionist Party were powerless, they served as a major bridge between the party's militants and the inhabitants of the Al-Jazira. This is important, because the links were almost lost when the PKK troops first deployed there in 2012. They also allowed the PUK to form a basic administrative apparatus to legitimize its gains from land, provide basic services, and create its own mechanism of restriction Political activities.

6.2. D: New Generation of Leaders 2013-2014:

The Democratic Unionist Party sought to give local figures in the governing bodies of cantons, municipalities and communes official leadership roles, and to join and promote a new class of local elites. He did so in order to create an alternative to the officials appointed by the Al-Assad regime. These individuals come from diverse groups on the Al-Jazira. They are Kurds from secondary families, compared with large families owning land that traditionally led Kurdish parties. Or members of the Arab tribes on the Al-Jazira rivals of tribal sheikhs with whom the Syrian regime usually deals. In addition, members of the Assyrian and Syriac communities in the important urban areas of Al-Hasakah and Al-Qamishli are the cornerstones of the Syrian state administration in the governorate, holding senior positions as governors and general managers in hospitals and schools. In response, the Union party rose to positions of higher Assyrians and Syriacs who came from smaller towns around Qamishli and Hasaka, like Qahtaniya or Rmelan, whose inhabitants were excluded from positions of power.

6.2. E: The influence of External Threats 2015-2016:

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98 Robert Lowe. "Studying the Kurds in Syria: Challenges and Opportunities." 2011, p. 161, ojcs.siue.edu.

The power dynamics of the Al-Jazira remained close to the regional situation and perceptions of the external threats to the Democratic Union Party PYD. While the party is distinguished by the centrality of decision-making and its security priorities, it has succeeded in establishing partnerships with local leaders in areas where the threat of external threats is low. Many middle-level officials participated in the party's administrative institutions, which is essential for good governance in the region. However, this suggests that the Al-Jazira has a distinctive nature, as it is a spot where the intersection of interests among the various regional players has resulted in poor cooperation between party officials **PYD** and local leaders, and poor management performance, prompting the rush to build a strong security apparatus.

However, the provision of security and services is not the only tool in the hands of the **PYD** to maintain control, although this seems to be the most effective way. Since the party spread in the Al-Jazira, and even before the announcement of the establishment of its local administration in the region, it also created a number of social organizations that wanted to guide society and disseminate the ideology of the party, following the actions of the PKK led by Abdullah Ocalan. But now it is clear that ideology is just A small factor linking the Al-Jazira's inhabitants to the **PYD** (because Ocalan's ideas were never popular in Hasakah and Qamishli).

What more important than the ideology was the ability of the Democratic Union Party to provide services and protection to the population living in the areas under their control and who have been in dire need of it since the Syrian regime withdrew most of its forces from the region.

This is illustrated by the position of the communes, which were initially founded as the main units of self-government that aim to propagate the ideology of the Ocalan Labor Party, but instead evolved to provide security and basic services to citizens, which proved to be a more effective means of building the bloc's control. It then exercised the same functions as the municipal councils and became an important body in which the party could control society. In Qamishli, for example, there are more than 150 communes with 150-160 families each. The party can obtain extensive information about the population by providing services such as water and electricity as well as garbage collection, as well as appointing commune leaders from their own areas. Thus, contrary to the planned role of these communes, a means of mobilizing people behind Ocalan's ideas, in fact became a tool to control the population, and to exercise more practical roles in the exercise of governance.

The danger of the organization of the Islamic state allowed the **PYD** to force the local population, especially in the eastern part of the Al-Jazira near Rmelan, to accept a form of military government in exchange for protection. Prior to the end of 2014, the local administration issued the Compulsory Military Service Act, which requires every Syrian over the age of 18 to undergo a six-month military training course. **PYD** applied this law by relying on Party organizations or commune leaders to prepare recruitment lists. For example, the members of the **PYD** at Al-Furat University-Al Hasakah branch used a student organization in support of Ocalan to recruit students for military training. The conflict with the Islamic state is in favor of the Democratic Union Party and the

Kurdish People's Protection Units **YPG**, Through the threats posed by this conflict, political opposition is being neutralized at the same time that the difficult economic circumstances resulting from it (conflict) make the population dependent on the **PYD** for access to services and access to economic opportunities.

Economic conditions sometimes facilitated the cooperation between the **PYD** and the Syrian state, for example, a delegation from the Syrian Ministry of Health met with officials of the Democratic Union Party to discuss the transfer of medical materials to the Al-Jazira. Middle-class professionals and Syrian state officials, initially reluctant to work with the Union's administration, needed such cooperation to provide for a living amid growing inflation while maintaining their jobs in the state. This highlights how the **PYD** is exploiting the bottlenecks suffered by the local population to strengthen its authority. In the beginning, the challenge for the party was to integrate young Syrians into its political apparatus and reduce opposition, but as security changed, young men had no choice, either to accept military service, or to leave the Al-Jazira to become refugees in Turkey or Europe. Many chose the option of leaving.

2.6. F: Regional Security Interests in the Vicinity of the Al-Jazira 2016-2017:

The effect of the ruling regime of the Democratic Union Party on the Al-Jazira created a paradox. While the main actors with interests in the region - the Kurds of Iraq, the Syrian regime, Turkey, and the United States - opposed or obstructed the rise of an independent entity of the Union Party, their efforts to achieve their own strategic priorities indirectly enhanced the Party's Autonomous Administration as a system Control across different aspects.

Since 2015, the Kurdistan Regional Government, controlled by the Kurdistan Democratic Party (KDP) in Iraq, has been sporadically closing the border between Iraq and the Al-Jazira. This is because repeated attempts by the KDP to persuade the Democratic Unionist Party to share the al-Jazira's decision-making power with parties supported by the KDP have failed. The Dohuk Agreement, signed in October 2014 between the Democratic Unionist Party and Iraqi Kurdish parties close to the Kurdistan Regional Government, temporarily revived the possibility of a power-sharing formula,[99] but ultimately the agreement did not survive. The Democratic Union refused to allow the deployment of any military forces except its military branch the protection units of the Kurdish people on the Al-Jazira.

However, closing the border would be counterproductive to the interests of the PYD and its Syrian Kurdish parties. Although this limited the ability of the **PYD** administration to achieve economic self-sufficiency, it also retained the livelihood of the people of the Al-Jazira at the mercy of the Union Democratic Party. This meant, on a larger scale, that the Al-Jazira's only economic outlets were the areas controlled by the regime, further weakening the region and enhancing the desire of many Al-Jazira not to break their relations with Damascus.

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[99] http://www.rudaw.net/english/kurdistan/221020141.

In the meantime, the Turkish intervention in Syria, known as Operation Euphrates Shield[100], aimed at containing the Democratic Unionist Party, prompted **YPG** to intensify their control of the Al-Jazira and turn it into a military stronghold against Turkey. The actions taken by Ankara prompted the cadres of the Democratic Union Party trained by the PKK to tighten their security measures and continue militarizing the region to stand up to any possible attack by the Turkish army or its forces.

On the other hand, the United States think the YPG as the appropriate ally against the organization of the Islamic state but does not want the Democratic Union Party to become a political entity that can destabilize relations with Turkey. Washington, even for reasons quite different from Ankara, has inadvertently encouraged the militarization of the Al-Jazira. In the US-led campaign to fight the Islamic state, **YPG** played a major role, and US military assistance contributed to the decision-making process of the Democratic Union Party **PYD** assigned to military commanders in the PKK-trained **YPG**. Thus, the Al-Jazira has effectively become a reservoir for military recruits to support the campaign against the Islamic state. The presence of a US military airport in Rmelan now means that the region has become a regional military base similar to that of the United States in the Gulf. Although, the campaign against the Islamic state finished, this tension remains unresolved.

Moreover, the PYD still has to rely on the Al-Assad regime in important respects. The party controlled a vital infrastructure but relied on the Al-Assad regime for technical expertise to benefit from it. **YPG** dominated large parts of the Al-Jazira, the Al-Assad regime used elements of **YPG** to ensure that strategic infrastructure did not fall into the hands of other opposition forces, even if it sought to ensure that the management of the PYD could not completely free from the subordination of the regime.

On the other hand, the Al-Jazira's energy supply is an example of how this dynamic works. Since 2014, YPG have controlled Rmelan oilfields. But the PYD administration does not control an oil refinery or an oil export pipeline. As a result, the party administration has smuggled oil through areas under regime control. In addition, electricity production reflects a similar reality. Although Rmelan power station is under the control of YPG, its senior engineers and technicians are all employees of the Syrian state outside of Hasaka. These employees, who are still paid by the al-Assad regime, are the only ones with the skills required to operate and maintain the station. It is worth mentioning here that the latter supplies the headquarters of the security services in Al Hasakah and Al-Qamishli with electricity but does not provide them to the residents of the cities who rely heavily on private generators. YPG also seized the Mabrouka power station in 2016, Al

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[100] Operation Euphrates Shield was a cross-border operation by the Turkish military and Turkey-aligned Syrian opposition groups in the Syrian War which led to the Turkish occupation of northern Syria. Operations were carried out in the region between the Euphrates river to the east and the rebel-held area around Azaz to the west. The Turkish military and Turkey-aligned Syrian rebel groups, some of which used the Free Syrian Army label, fought against forces of the Islamic State of Iraq and the Levant (ISIS) as well as against the Kurds Forces from 24 August 2016 to 29 March 2017, the Turkish military officially announced that Operation Euphrates Shield was "successfully completed".

Hasakah with static electricity. However, this station also requires skilled personnel to operate properly.

Despite his limited presence on the Al-Jazira, the regime was keen to keep its political slogans in public places, as an indication of its continued presence in the region alongside the Kurdish Democratic Union Party and **YPG**. The statue of Hafez Al-Assad is still standing at the round in the center of the city of Qamishli, which is under the joint security control of the regular forces (al-Assad Forces) and the Kurdish forces, while the political slogans supporting the Democratic Union Party and **YPG** in the other neighborhoods are completely under Kurdish military control. However, at one of the Al Hasakah roundabouts, the flags of the pro- Al-Assad Baath party were displayed on both sides of the road, and the flags of the Kurdish Democratic Union Party on the other.

Under such circumstances, the positions of the main actors in the Al-Jazira region - the Kurds of Iraq, the Syrian regime, Turkey and the United States - ranged from opposition to the emergence of an independent entity or abort this step. But its efforts to achieve its own strategic priorities indirectly led to the help of YPG to strengthen its military control system. But the PYD has so far failed to build effective self-governing institutions that allow communities on the Al-Jazira to participate. Because the behavior of the Democratic Union Party was driven by the need to control and organize the situation, in a region characterized by sectarian and ethnic diversity. The PYD has not yet developed a system of effective governance but has focused more on maintaining power. It is therefore not surprising that he failed to build a governance-focused administration rather than control and containment, because of the extremely complex conditions prevailing in the Al-Jazira and the imminent threats to the Syrian regime and other neighboring countries.

2.6. G: The Kurds Autonomous Administration after defeat of ISIS 2018-2019

The elimination of ISIS opened the door to question the fate of this region, which is beyond the control of the Syrian regime and which lies at the heart of international and regional disputes over the Syrian case , in addition to its strategic and economic importance, to the various forces that wish to impose their influence there, as well as Asking questions about the political life in this region, and whether the victorious forces will accept the involvement of the rest of the Kurdish and Arab political forces in the management of the region in the future.

The eastern Syrian areas east of the Euphrates River "the Al-Jazira" in the governorates of al-Hasakah, Raqqa and Deir al-Zour are under the control of the SDF and its political facade, while they are administered locally under the autonomous administration, according to a special local governance model based on neighborhood councils. Communes), municipal councils and provincial governments.

At present, it is not possible to predict the outcome of events in the eastern Euphrates region, because of the many agendas and contradictions. As soon as America announced its intention to leave the region, Turkey announced its intention to manage the region under the pretext of protecting its national security. Military action, while Washington insists on rejecting any regime or Iran presence in the region."

The deputy head of Autonomous administration AKram Hisso declared that "we are open to dialogue with all the political and societal forces that have a national project and work for a decentralized democratic Syria in which everyone participates in administration and governance. Syria is a homeland for all, regardless of ethnic, religious and sectarian affiliation. The interest of the people and the nation shall be above all."

Since the beginning of 2019, Turkey has been demanding the establishment of a safe zone on the border with Syria in the area east of the Euphrates River "the Al-Jazira", to protect itself from the threat of the Kurds, and to facilitate the return of Syrian Arab refugees from Turkey to Syria, and is currently negotiating with the United States on the distance that will be established The safe zone. The Kurds object to this because they believe that they do not threaten Turkish security, but Turkey's goal is to bring demographic change to the Al-Jazira region by increasing the Arab population.

2.6. H: The Future of Al-Jazira:

Al-Jazeera has not suffered the same amount of violence and repression that has been tinged by other parts of northern Syria. However, given the extent to which the interests of regional and international players are intertwined in this northeastern part of the country, the complexities of the Al-Jazira region, whatever the political framework that will be reached at the end of the conflict. No Syrian peace process will succeed unless a compromise is found to ease the fears of various forces with vital interests on the Al-Jazira from the l-Assad regime, the PKK and the PYD, to Turkey and the United States.

As a result of the priority given by the Kurdish Democratic Union Party to security, the Al-Jazira region has suffered continuously from shortcomings at the level of development, marginalization and dependence on the outside. What highlights the few options available to the people of this region is the possibility that the Al-Jazira will once again be under the authority of Damascus if the Kurdish Democratic Union Party's project fails to establish governance rather than control. It is hard to imagine a scenario in which the Al-Jazira will be able to meet these challenges, without considering the competing priorities of all the stakeholders in the final outcome of the events on the Al-Jazira.

Achieving decentralization in Syria, the transfer of political power from Damascus to the provincial capitals, will not soon address the core of the Al-Jazira's basic problem, which is the competing and often conflicting security concerns of its main actors. This has led the forces that hold political power in the Al-Jazira to adopt a security-focused approach that has hampered development projects in the city. Therefore, any peace process in Syria should be designed to offer

possible solutions to the al-Jazira beyond the question of decentralization, and to encourage the various stakeholders to accept a reduction in the ceiling of the goals they aspire to achieve.

Meanwhile, developments in the Al-Jazira will continue to be linked to the security challenges that have plagued the region and other areas in Syria for several years, including the continuing conflict between the Turkish government and PKK separatists and the development of relations between Damascus and Ankara. It will also be important to look into the relationship between the PKK and the Kurdistan Democratic Party PYD led by Masoud Barzani[101], which may determine the possibility of opening the eastern border of the Al-Jazira. In order to reach a lasting solution, Turkey and the Kurdistan Democratic Party must not be kept under the control of an organization linked to the PKK and guarantee the Kurdish Democratic Union Party that it will remain on the Al-Jazira even after defeating the Islamic state. And the Syrian state that the Al-Jazira will remain under the umbrella of state institutions.

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101 is a Kurdish politician who was President of the Iraqi Kurdistan Region from 2005 to 2017. However, Barzani's post sparked controversy, as his mandate expired 19 August 2015. He is also leader of the Kurdistan Democratic Party since 1979.

6.3: Afrin Region

Afrin is located on the banks of the Afrin River in the far northwest of Syria, to the west of the city of Azaz, and to the south city of Aleppo, which is about 60 kilometers away, which belongs to it administratively. It is bordered to the southwest by Idlib governorate, while it is bordered Turkey in the west and north.

Afrin is a mountainous area of about 3,850 square kilometers, equivalent to 2 per cent of Syria, and is geographically separated from other Kurdish-controlled areas along the border with Turkey, namely, the regions of Ain al-Arab (Kobani) and the Al-Jazira in the east.

Unlike Ain al-Arab (kobani) and Al-Jazira, Afrin is located at a relatively remote point from other Kurdish areas, not bordered by Arab cities or regions, nor is it bordered on the Turkish side by Kurdish cities or villages. Although Afrin is not a coastal city, it is the Kurds' hope of reaching the Mediterranean Sea, as it is closest to the sea, and losing the city, it means losing that hope.

From 2013 to 2018, the city was politically the Autonomous Administration, militarily and security for the Kurdish People's Protection Units (YPG), which established strong fortifications in Afrin, where thousands of Kurdish fighters were stationed. In 2018, the Turkish army launched a military operation called `` Olive Branch ''. The military operation ended with the Turkish forces taking control of the city and the expulsion of Kurdish forces, in addition displacing the local Kurdish population and replacing them with Arabs displaced from Damascus and Aleppo. These displaced are Arabs from Damascus and Aleppo who fled to the north after the Syrian regime forces took control of their cities and villages in Damascus and Aleppo.

The population of Afrin is more than half a million according to the Syrian regime's statistics in 2012, but Kurdish sources say that the population today is more than one million after the waves of displacement to the region as a result of battles between various parties in recent years.

Afrin includes about 350 villages and small and large towns, the most important of which is Afrin, a city with a population of more than 50,000 people.

6.3: Demographic Change in Afrin:

The concept of demographic change: This is the transformation in the population structure of a geographical patch, resulting from an official or unofficial action towards individuals or groups, usually lose their willing in that transformation.

It is evident from the above definition that demographic change can only take place if it is preceded by another procedural act that would pave the way for this, such as moving a group or population from one place and bringing another group or population to replace it.

According to IOM, forced migration is[102] "a migratory movement which, although the drivers can be diverse, involves force, compulsion, or coercion." The definition includes a note which clarifies that, "while not an international legal concept, this term has been used to describe the movements of refugees, displaced persons (including those displaced by disasters or development projects), and, in some instances, victims of trafficking. At the international level the use of this term is debated because of the widespread recognition that a continuum of agency exists rather than a voluntary/forced dichotomy and that it might undermine the existing legal international protection regime." (IOM Glossary on Migration, 2019).

Forced displacement is either direct, that is, the forced displacement of people from their areas of residence, or indirectly, by forcing people to leave and migrate, using means of pressure, intimidation and persecution. It falls within the scope of war crimes, genocide and crimes against humanity.

It is evident from the above definition that demographic change can only take place if it is preceded by another procedural act that would pave the way for this, such as moving a group or population from one place and bringing another group or population to replace it.

According to the Rome Statute of the International Criminal Court, 1998, in articles 8.7 and 6, "Deportation of the population or forcible transfer of population, when committed as part of a widespread or systematic attack directed against any civilian population, is a crime against humanity".

Article 49 of the Fourth Geneva Convention of 1949 and its 1977 Protocols prohibit the forced or mass transfer of persons, or their exile from their areas of residence to other territories for war crimes, unless this is in their interest in order to avoid the risk of armed conflict.

Forced displacement often comes as a result of internal armed conflicts or conflicts of a religious, ethnic, sectarian or tribal nature, and is done by the will of one of the parties to the conflict when it has the power to displace parties belonging to other components, and this party believes that its immediate or future interest in the displacement of the other party, Displacement occurs when a party threatens a different population by religious, sectarian or ethnic affiliation by not staying in a city, region or country.

Forcible displacement and genocide are consistent with article 2 of the United Nations Convention on the Prevention of the Crime of Genocide, adopted by the United Nations on 9 December 1948 and entered into force on 12 January 1951, which the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group are considered genocide

6.3. A: Stages of Demographic Change in the Afrin Region:

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102 (n.d.). Figure 2f from: Irimia R, Gottschling M (2016) Taxonomic revision of Rochefortia Sw. (Ehretiaceae, Boraginales). Biodiversity Data Journal 4: e7720. https://doi.org/10.3897/BDJ.4.e7720. doi: 10.3897/bdj.4.e7720.figure2f

1- The stage of unity between Egypt and Syria1958-1963:

Law No. 161 of 1958 was issued in the name of the Agrarian Reform Law, whereby thousands of hectares of land were expropriated from the owners of the Afrin region from the feudal lords and distributed to Arab families brought from other Syrian regions, where settlements were established on the banks of the Afrin River in the administrative boundaries of the Jenderes area.

2 -The stage of the Baath rule from 1963-2011:

The policy of deliberate neglect of the region was followed by the Baath authorities such as refraining from building factories and factories and setting up economic, health and service projects in order to push their residents to leave in search of a living in the big Syrian cities such as Damascus and Aleppo (transfer of Afrin Hospital to Azaz for example). - Act No. 41 of 2004, as amended, Decree No. 49 of 2008 on the necessity of obtaining legal authorization in border areas.

The ruling authorities imposed on anyone who wishes to transfer ownership of a property to his name in the Afrin area to obtain a legal license from the Ministry of Interior, which was subject to strict security procedures. On the contrary, if the buyer of the property is an Arab expatriate and settler in the region, they are licensed directly as a kind of encouragement for them to come to Afrin and settle therein in order to bring demographic change in the region.

According to geographical surveys, identification and liberation that began in the Afrin area after the year 2000, thousands of agricultural properties belonging to Kurdish citizens in the Afrin area were seized and registered in the name of state property under the pretext of adjacent to forest lands or because they contain forest lands or under the pretext of ownership owned by the state.

3- The third stage post Syrian Crisis in 2011

Because of the Syrian conflict, thousands of Syrian citizens left their homes in the cities that were witnessing brutal events between the regime and the armed opposition, where more than 300 thousand Arab citizens from different Syrian provinces fled to the Afrin region, which was witnessing a stable security situation under the rule of the Autonomous Administration , where they found their security and safety there and pushed some of them to settle in them and open economic projects for them, which negatively affected the proportion of population distribution in the region between the Kurds and Arabs.

4- The stage of Turkish military intervention 2018:

Started with the entry of the Turkish army to the Afrin reign on January 22nd 2018 under the name (olive branch). This is one of the most dangerous stages in the region of Afrin in history in terms of targeting The Turkish army, through its tools of Arab military factions, targeted the Kurdish presence in the Afrin region in order to make a demographic change in it by displacing Kurds, by bombarding and destroying their villages with tanks and artillery to coerce and force

their inhabitants to forcibly displace and leave. Coincided with bringing the Arabs displaced from Damascus, Aleppo and Homs had resettled them in the homes of Kurdish civilians who are close to 300 thousand citizens. Where, the proportion of Arabs in the Afrin region is about 30-40% of the total population in the city of Afrin.

Since then, tensions between the Arab and Kurdish components in Syria have increased. This complicates the scene of a political compromise between Arabs and Kurds. And thus, will increase the difficulties in the way of the Kurds to claim their rights.

7: Conclusion

This study reviews the Kurdish issue in terms of the right of self-determination of the Kurdish group in Syria, where it began to study the historical aspect and the interaction of the Kurds with the events witnessed by Syria since the First World War until the beginning of the so-called Arab Spring in 2011, and then focused on the participation of Kurds in The so-called Syrian revolution and their demands for self-determination, and the impact of international relations on their right, then moved to study and define the concept of self-determination in accordance with the rules of international law and international conventions, and the compatibility of the demands of the Kurds with international laws and conventions.

In a brief historical background, the Kurds are one of the largest ethnic group living in the Middle East without recognizing their rights as a homogenous group with a distinct identity locally "Syria Iraq Iran and Turkey and internationally.

The Kurdish issue emerged after the disintegration of the Ottoman Empire and the beginning of World War I. The Kurds have called for independence and establishment of a Kurdish state, however the conflicting international interests of Britain, Turkey and France, did not allow to it to be actualized. As a result, they live in four countries, namely Syria, Iraq, Iran and Turkey, with partial recognition of their rights in some countries as in Iraq, and not fully recognized in other countries as in Syria.

The focus of this research is on the Kurds of Syria, since they are largely impacted by the 2011 uprising in Syria also, there is lack of research how the recent changes in the region influenced their right of self-determination. The Kurdish right and the call for autonomy pre and post the Syrian independence was not welcomed by international treaties and consecutive Syrian authorities.

Especially in the time Al-Ba'ath party until today, the Syrian authorities systematically draw policies to arabize the Kurds areas with the aim to change the social, cultural and demography of the Kurds regions. The Kurds like other ethnic minorities were not mentioned in Syrian constitution, on the other hand, they are considered Arabs without any recognition to their ethnic distinct identities.

Today, the Kurds live in two areas in the north of Syria, Al-Jazira, where most of the Syrian Kurds and in the northwest Afrin, and the rest of the Kurds are distributed in the major Syrian cities such as Damascus and Aleppo.

The Kurds tried to establish political parties to claim their national rights but failed for several reasons, discussed earlier, firstly, the division of Kurdish political leaders, and secondly, the historical tension between Turkey and the Kurds in northern Syria, where Turkey considers the Kurds of northern Syria as a threat to their national security because of their separatism.

In this study, I discussed the concept of the right of self-determination, its definition and application, legal interpretations and international conventions that affirmed the right of peoples to self-determination. I found that the Kurds are a minority and hence began to make comparisons between other minorities in other countries that demanded self-determination, in order to draw conclusions closer to the Kurdish situation in Syria. This is one of the challenges facing the Kurds before demanding self-determination. Because as I mentioned in the research as long as the Kurds are a minority within Syrian society, they do not meet the criteria that allow them to demand secession, but to claim their rights within Syria without secession.

The geographical existence of the Syrian Kurds in different regions in Syria highly influenced their right to autonomy. After understanding the right of self-determination and its applicability on the Syrian Kurds, it was essential to this study to explore their distribution in two major areas in Syria Al-Jazira and Afrin and explore how the 2011 uprising has greatly influenced their existence and hopes of creating their own autonomous areas.

Al-Jazira has been neglected and marginalized since the Syrian independence. In particular during Al-Assad's regime pre and post the 2011 uprising, policies of Arabizing this area have taken place long time ago through granting ownership over lands and properties to Arab and denying the same right to the Kurds.

With the breakout of 2011 upheaval, the Syrian army was completely withdrawn from the Kurdish areas and they were left to defend their own existence against the extremist groups ISIS. The Syrian Kurds were able to protect their regions as they were led by the Kurdish democratic unionist party and its military troops known as YPG. Although the Kurdish areas are run by Kurdish leadership, it was merely to contain and control the existing situation rather than creating a long term administration system. The Kurdish autonomy has drawn Turkey attention and increased the tension especially the strength the democratic troops shown after the United States aids to fight ISIS.

The importance of al-Jazira is known to Al-Assad and Turkey and it is being used politically to pressure each other which have kept the relation between the Kurds and Syrian regime going and balanced (the oil example discussed the previous chapter). On the other hand, Turkey views the Kurdish autonomy a national threat and attempted to intervene after the defeat of ISIS. In 2019, Turkey called to create safe zone in Al-Jazira to control the Kurdish threat.

Afrin is another Kurdish area in northern Syria which has been under so many changes since 2011. It is out of al-Assad's regime control since 2013 with its changing demography due to the large volume of internal displacement in Syria. Turkey has a major role and interest in this area as it borders Turkey and been a strategic point for what is happening inside and outside Syria. They systematically placing Arab Syrian refuges in Turkey through forcing them to leave and settle in Afrin through they are under the risk of being killed or tortured as it is unstable region and been contested between so many fighting groups.

To conclude, this research attempted at studying the Syrian Kurds right of self-determination under the influence of the 2011 Syrian uprising. As discussed above, although the Kurds enjoy common culture, language, traditions and they self-identify themselves as a homogenous group, they do not meet the international criteria of having an independent state or self-autonomy. However, the international community should work on creating peaceful areas in which their full rights of citizenship and representation are obtained.

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9: Appendix

1. SÈVRES Convention 1920

SECTION III.
KURDISTAN.
ARTICLE 62.

A Commission sitting at Constantinople and composed of three members appointed by the British, French and Italian Governments respectively shall draft within six months from the coming into force of the present Treaty a scheme of local autonomy for the predominantly Kurdish areas lying east of the Euphrates, south of the southern boundary of Armenia as it may be hereafter determined, and north of the frontier of Turkey with Syria and Mesopotamia, as defined in Article 27, II (2) and (3). If unanimity cannot be secured on any question, it will be referred by the members of the Commission to their respective Governments. The scheme shall contain full safeguards for the protection of the Assyro-Chaldeans and other racial or religious minorities within these areas, and with this object a Commission composed of British, French, Italian, Persian and Kurdish representatives shall visit the spot to examine and decide what rectifications, if any, should be made in the Turkish frontier where, under the provisions of the present Treaty, that frontier coincides with that of Persia.

ARTICLE 63.

The Turkish Government hereby agrees to accept and execute the decisions of both the Commissions mentioned in Article 62 within three months from their communication to the said Government.

ARTICLE 64.

If within one year from the coming into force of the present Treaty the Kurdish peoples within the areas defined in Article 62 shall address themselves to the Council of the League of Nations in such a manner as to show that a majority of the population of these areas desires independence from Turkey, and if the Council then considers that these peoples are capable of such independence and recommends that it should be granted to them, Turkey hereby agrees to execute such a recommendation, and to renounce all rights and title over these areas.

The detailed provisions for such renunciation will form the subject of a separate agreement between the Principal Allied Powers and Turkey.

When such renunciation takes place, no objection will be raised by the Principal Allied Powers to the voluntary adhesion to such an independent Kurdish State of the Kurds inhabiting that part of Kurdistan which has hitherto been included in the Mosul vilayet.