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# Kurdistan on the Sèvres Centenary: How a Distinct People Became the World's Largest Stateless Nation

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## Abstract

In August 1920, the political fate of the Kurdish nation, along with its territory, Kurdistan, were on the line, after the Allies asserted their interest in national rights to self-determination following World War I. Under the Treaty of Sèvres, Kurds were acknowledged as an ethno-political entity in the Wilsonian perspective, yet the ideal of self-determination failed to crystallize as a full legal right to independent nationhood. Thus, Kurdish statehood was annulled. In contrast, the drawing of states' boundaries in Europe took place mostly along national lines. The result has been an untenable diversity across regions affected by the War in the varieties of self-determination, arguing that some peoples' nationhood was credited with less legitimacy than others. The departure of imperial powers and subsequently the League of Nations from self-determination for achieving territorial independence came as a result of imperialist world policies to reorder political influence. With the adoption of self-determination as one of the purposes of the UN in 1945, and with the crystallization of self-determination as a legal right in 1966 and the subsequent campaign of decolonization, it could be argued the Kurds' status was not repositioned and in some way is invisible to the law of self-determination, as applied.

**Keywords:** Kurds; Kurdistan; self-determination; Treaty of Sèvres; Treaty of Lausanne; statehood

## Introduction

Self-determination has engendered various alterations in territorial arrangements and divisions of the world. It has been a fountainhead and a cause of political agitation. The notion of living under a government of a people's choice goes back to the second and third decades of the 20th century, when world leaders in the wake of World War I (WWI) were urged on by subject national peoples having a shared ethnicity, language, culture, and religion to determine their own sovereign political status. The right to self-determination, the seed of which was planted in the break-up of the large Austro-Hungarian Empire (Sterio 2013, 10), was embodied in international treaties and conventions.

Western European and American democratic theorists adopted the Wilsonian political conception of the right (Whelan 1994) and "justice" for "all peoples and nationalities" by initiating democratic processes. For the president of a heterogeneous state, the people's free participation "to choose their government" or representative government, self-government or "autonomous development" was self-determination that should be "an imperative principle of action" by which "national aspiration must be respected; peoples would henceforth be governed only by their own consent."<sup>1</sup> By the end of the First World War, Wilson had modified his stance. His Fourteen and Four Points addresses (January and February 1918, respectively) on self-determination had four iterations: (1) the people's right to choose their form of government (point 6), (2) reconfiguration of Europe's borders based on the "lines of nationality,"<sup>2</sup> (3) territorial adjustment "for the benefit

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[not the will] of the populations concerned.”<sup>3</sup> and (4) the settling of colonial claims and “interests,” granting “equal weight with the equitable claims of the Government.”<sup>4</sup> Also, Britain made the territorial reconfiguration contingent upon “the right of self-determination or the consent of the governed” (George 1918, 15). Later Wilson applied this to Europe and to the non-Turkish portions of the Ottoman Empire, although that had been previously unmentioned (Manela 2007, 39).

To Wilson, the exercise of the right to self-determination was unfettered for “well-defined national aspirations,” and was contingent on no “discord” (Four Points, Address of 11 February 1918). In his view, it was only for Europeans, not for Egyptians, Indians, Chinese, and Koreans or Kurds (Manela 2007, 52). This helps explain the Middle East context of Mandates. In his address on February 11, 1918 for the post-war peace, Wilson substituted *the consent of the governed* (in his previous speeches) with the formerly unknown self-determination phrase, in order to counter Bolshevik ideology. In fact, to his mind, “self-determination” (appropriated from the Bolsheviks, then redefined and deemphasized) was equal to “self-government” or popular legitimacy; “a right to choose the sovereignty under which they shall live” (Wilson, 1916). Ethnic homogeneity, he believed, would not be considered in the reconfiguration of Poland and Italy, and oppressive regimes and colonial rule could be overthrown through government by consent, self-government, and piecemeal reform rather than by radical transformation (Manela 2007, 42–43). What Wilson had in mind was internal self-determination (Hannum 2011, 30). Wilson ultimately shaped the form of self-determination although the essential idea had come from Lenin.

Dispersed contiguously in the Mesopotamian plain and the eastern Anatolian plateau, the Kurds’ legal status was long obscure or at best considered peripheral. The following narrative describes Kurdish self-determination in the context of WWI and its aftermath. On the Sèvres Treaty centenary, the released documentary sources of the British government and Turkish documents disclose the political-legal factors that led to the partition of Kurdistan. The article frames Kurdish self-determination through the legal doctrine of the right, as to how the Kurds were treated at the end of WWI through the mid-twentieth century up to today. Typically, historians and international law scholars have suggested that the reasons for the failure of Kurdish self-determination are a result of lack of sufficient commitment to the Kurds from the Allies, the Kurds’ own fragmentation, and the indefinite boundaries of Kurdistan due to demographic changes. Here, in this writing, the aim is made to draw on primary materials to argue that in fact, there is also a need to take account of the postwar critical departure of imperial powers and the League of Nations from self-determination to create a full sovereign state through political independence. In this era, self-determination was reformulated for the purpose of “the reordering of political influence.” The battle for influence became the battle for the Kurds as a self-determining nation. In other words, the military and ideological drama of the conflict and “imperialist world policies” hindered Kurdish self-determination and the satisfaction of the Kurds’ national claim in the aftermath of WWI (Whitehall 2016). Moreover, the lack of unity amongst the Kurds came as a result of the uncertainty of the British policies toward them. Sovereign Kurdish self-determination was thus effectively nullified despite the high sounding, idealistic rhetoric supporting the concept prior to the end of the conflict. As the study encompasses Greater Kurdistan, the terms Eastern Kurdistan (*Rojhelat* in Iran), Western Kurdistan (*Rojava* in Syria), Northern Kurdistan (*Bakur* in Turkey), and Southern Kurdistan (*Bashur* in Iraq) are preferred terminologies throughout. The historico-legal background of the Kurds and Kurdistan through a sustained appraisal of self-determination is reviewed to substantively furnish insight into the Kurds’ political and legal status leading up to the Sèvres Treaty through the mid-twentieth century up to today.

## Pre-Nineteenth Century Kurdistan

### *New Boundaries and Sovereign Empires*

In the sixteenth century, the mountainous and high plateau region of Kurdistan gained stability as the Sunni Ottomans and the Shiite Safavids ran their course. The Kurds geographically overlapped

the frontiers of these two empires, at their respective peripheries. The centralized Ottoman Empire established Sunni networks in western Anatolia and Thrace. Nonetheless, the Safavids (established in 1502) took over the Kurdish regions of Diyarbakir in 1507, Mosul in 1508, and central Anatolia in 1511. The Ottoman Sultan Salim Yavuz came into contact with the Safavids at Chaldiran (North-eastern Kurdistan) on August 23, 1514 and defeated them. In 1514, the Kurds signed an agreement with the Sultan which bound the Ottoman Empire to preserve “the independence and freedom of the Kurdish princedoms” and “support[ing] the Kurds against foreign aggression.” Kurds in return “would support Turks in all their wars” (Mella 2005, 65).<sup>5</sup> The new boundaries were drawn in the Treaty of Zuhab (1639)(McDowall 2003, 25–26).

### **The Vertical Breakup of Kurdistan**

Following sporadic warfare, the Treaty of Amasya was signed on May 21, 1555. The Ottomans recognized the Safavids as a new religio-political sovereign entity. The Treaty of Zuhab (Qasr-e Shirin)<sup>6</sup> endorsed the Amasya Treaty and marked the respective Turkish-Persian geography on May 17, 1639 (Barfield 2011, 74), though not yet definitively. Not until 1914 was the border recognized as an international boundary following intermittent negotiations through several international and bilateral commissions on boundary demarcation (Ateş 2019). The Zuhab Treaty divided the contiguous Kurdish territory vertically into two halves; 70 percent of Kurdistan came under the suzerainty of the Ottoman Sultan (Izady 1992, 51; Van Bruinessen 1992, 144). However, the agreement became unstable as Turks and Persians were tempted to extend their territory (O’Ballance 1996, 3) and their fluid sovereignty, encouraged by the veering allegiance of communities including Kurds with their anti-centralist uprisings. The treaty remained effective until the Safavid demise in 1722. Confrontations continued, but later the disputants concluded the Treaty of Kurdan (September 4, 1746); reinstating the boundaries of 1639 treaty, subsequently, the first Treaty of Erzerum (or Erzurum, July 28, 1823), in which Kurdistan is mentioned, ended the wars and based the future relationships between Ottomans and Persians (O’Shea 2004, 73). The second Treaty of Erzerum was concluded in 1847 with the intervention of Russia and Britain to demarcate the final boundary and to end intermittent warfare. The final protocols were signed by the Persian and Ottoman Empires on October 27, 1914 to fully finalize their respective territorial extents (Ateş 2019).

Kurdistan was integrated into the Ottoman Empire, which imposed absolute rule and obliterated any opposition to its centralizing policy. The Kurds retained close contacts with their co-ethnics in the Ottoman Empire while relishing extensive freedom under the Qajar (McDowall 2003, 67–76). However, Kurdistan subsequently underwent great political, social, and religious changes in the nineteenth century as national consciousness grew among the Kurds, and among other groups in the region and as the Ottoman and Persian Empires each became more centralized. Both empires sought to subjugate Kurdistan, to curb the Kurds, and to cement their own sovereignty.

### **Twentieth Century Kurdistan**

Through most of history, ethnic self-determination as a democratic ideal played at best a trivial role in the configuration of borders and in international relations. Prior to WWI, the right of self-determination was manifested as a racist right for groups of elite whites and Europeans. In practice, it functioned then as *a right to alien determination* by the Allies in the First World War to reconfigure the geopolitics of the Middle East, that is, the Allied Powers (aliens) decided the fate of the peoples in the region. However, it was gradually extended as a principle of nationality for reorganizing certain selected territories in Europe. That is, the operative principle of self-determination was instrumentalized as a way of making peace during and after WWI, albeit too general, vague, uneven, and unclear in application. This was reflected both in the final draft of the Versailles Peace Treaties and the Covenant of the League of Nations (hereinafter the League).

### 1908 to World War I

For centuries, and since the integration of Kurdistan into the Ottoman and Persian Empires, the Kurds have variously cooperated with and rebelled against dominant political powers in order to gain control over the land they inhabited, with the goal of creating an independent territorial state of Kurdistan. The disgruntled Kurdish dynasties of BedirKhan and the Sayyids of Nehri (Shamdinan) inaugurated the autonomist and the breakaway tendencies of Kurdistan; the former with a religious and the latter with a secular orientation, to settle the Kurdish question within Ottoman boundaries. Ethnic or national identity became an issue among the Kurds, but the social identity of *umma* (the Muslim community or culture including the Ottoman Empire) remained preeminent within the Ottoman Empire. Gradually, though, the Turks were enticed into supporting extreme Turkic ethno-nationalism as a means of ensuring the integrity of the empire (McDowall 2003, 90–93). This was developed after 1913 (Üngör 2012).<sup>7</sup> Meanwhile the situation of the Kurds in Persia (later Iran) was relatively peaceful; however, in 1866 the Mukri tribe embarked upon a short-lived autonomy movement which ended with the unintended death of the local governor. Later, Sheikh Qazi Fatah instigated a new insurrection in 1900 but he was arrested (McDowall 2003, 101–103).

#### *The Young Turk Revolution (1908); Clamor for Autonomy within the Umma*

With the Young Turk Revolution in July 1908 promising a (never realized) representative government of all peoples (McDowall 2003, 87–90) the revival of the secular 1876 Constitution was proclaimed by the Committee of Union and Progress (CUP).<sup>8</sup> However, a number of Kurds played important roles in the Ottoman government, including ten parliamentarians in the Ottoman Parliament and ministerial positions in the government. It enhanced the parity of all Muslims and non-Muslims. In the millet system, non-Muslims (*dhimmis*) had fewer rights than Muslims and were required to pay the poll tax (*jizya*) (Burgis 2009). Ethnic and national titles were prohibited by the Law of Associations of August 1909. A number of Kurdish clubs were established after this law was enacted; however, the Law forbade nationality-based clubs from engaging in politics. Ibrahim Pasha of the Milli revolted weeks after the declaration of the constitution but yielded (Mella 2005, 96) as did the other revolts elsewhere in Kurdistan (Klein 1996).<sup>9</sup>

The Islamic concept of *umma*, which is the basis of millet system, was superseded by the secular concepts of “nation,” “society” (McDowall 2003, 93–96), and national differentiation. Indeed, Islam, *sharia*, and the goal of creating the whole community of Muslims bound together by the tie of religion acted as a campaign against any irreligious effort undertaken by the Young Turks to create a country based on national lines. Therefore, the mostly Muslim Kurds could not have any advantage over others in this system although their tribal leaders could enjoy a degree of autonomy under the Ottomans. Despite this, Islam brought no political unity between Kurds and their Islamic leaders, *ulama*, and the Turks due to the lack of a universal interpretation of Islam or the existence of heterogeneous interpretations of it among its followers, including Sunnis or Shi’is, and their respective insistence on the superiority of their version (Soleimani 2014, 155–198). This caused a competing Islamic nationalism that has survived. Different interpretations have caused the Kurds’ host states using the *surah* (chapter) names in the Quran in the justification of their operations against the Kurds, for example *Al-Fath* (“the Victory”) or *Jihad* (“Holy War”) by the Iranian regime in 1980, *Al-Anfal* (“the Spoils”) in the 1980s by the Ba’ath regime in Iraq, and *At-Tin wa Zeytun* (“the Fig and the Olive”) or the Operation Olive Branch by Turkey against the Kurds in Rojava in January 2018.

The Kurdish Sheikhs of Mosul, including Abul Salam Barzani, presented a petition in 1909 for the second time<sup>10</sup> to the Kurdish nationalists in Istanbul, proposing regional autonomy for Kurdistan and urging “the adoption of Kurdish for official and educational purposes; the appointment of Kurdish-speaking officials; [and] the adoption of the Shafi’i school of law ...” (McDowall 2003, 98). Abdulrezaq BedirKhan, with the idea of creating a Kurdish nation with national

consciousness (Reynolds 2017, 39), and Mulla Salim in 1911, together with Simqu of the Shikak in Urmia and Sheikh Taha, also led a movement as well. They asked for Kurdish self-determination modelled on “other Nations” [sic]<sup>11</sup> to establish an autonomous entity under Russian protection. Nevertheless, their proposal was not buttressed by many Kurds because Russia sought to retain eastern Anatolia for itself. A nationalist movement for autonomy was about to spring up by 1913 against the CUP; however, Hussain BedirKhan was murdered in May 1913 (McDowall 2003, 99–101), and following the collapse of the Russian Empire and the Imperial Russian Army, Abdulrezaq was hanged by Ottoman forces at the end of 1918 (Reynolds 2017, 41).

### *World War I*

The aftermath of WWI was meant to be an opportune moment for nations and national minorities to realize their claim to self-determination. It nevertheless was supplanted by the political and cultural interests revealed in the peace treaties; territories were created and transferred without the affirmation of self-determination by their peoples. Barely any plebiscites were held, yet several territories were designated without a popular vote. Transformations in the map of Europe took place to a great extent along national lines, but in ethnically mixed areas, the situation was more complex. Contingent on border circumstances, a community could be recognized as a people qualified for statehood or designated as a minority to be protected by a pact. The result was incoherence and inconsistency in the exercise of self-determination. Kurdistan was not an exception in this regard. Concurrently with the Arabs, Jews and Turks, the Kurds were then fostering ethno-national aspirations to build their own state.

The First World War (1914–1918) set the ground for the ethnic cleansing of Armenians, Christians, Kurds, and Assyrians. With Russians on the attack, Kurdistan became a battlefield. The War found the Kurds and Turks linked against the Allies (Britain, France, and Russia). The Kurds were unaware of the Turks’ animus, implemented by the Young Turks, for assimilation and elimination of their identity (McDowall 2003, 104–106; O’Ballance 1996, 10–11; O’Shea 2004, 201). The Kurds, however, hoped to achieve their goals. In July 1916, Turkish troops seized parts of South-eastern Kurdistan, but the Russians recovered it in March 1917 only to withdraw after the Bolshevik Revolution in October of the same year. It ended with a truce between the Bolsheviks and the Turks in December.

## **A New Epoch of Political Life without Consultation**

### *The Sykes-Picot-Sazonov Collusion (1916)*

Plans, during the War, were drawn up to divide Ottoman territories without taking much notice of the peoples affected. Before WWI ended, the peoples of the Middle East had already been destined to accept the new boundaries bargained in the Sykes-Picot-Sazonov collusive deal (May 15–16, 1916) (Fromkin 2001),<sup>12</sup> officially known as the Asia Minor Agreement. Britain, France, and Tsarist Russia had split up the Ottoman territories: Cilicia, Lebanon, and Syria for France; Iraq and Palestine for Britain; Istanbul and the straits for Russia (Palmer 1994, 239–240); and the southwest Ottoman portion for Italy. Upon Russia’s retreat and forfeiture of all its claims, and pursuant to the deal of December 23, 1917 between France and Britain, Kurdistan was assigned to the “English zone” of “influence” (Convention between France and England on the subject of activity in southern Russia as cited in Woodward and Butler 1949). The C zone (Southern Anatolia) was belatedly assigned to Italy when the government in Rome learned of the deal (O’Shea 2004, 108).<sup>13</sup>

Based on the Sykes-Picot-Sazonov agreement – for which secret negotiations had begun in December 1915 – Kurdistan would have been partitioned among the French-administered area (Syria and Lebanon), the British-administered area (Iraq and other Arab states), the Russian-administered area (today’s Armenia and Azerbaijan), and the Persian sphere. Any adjustments to



boundaries were undertaken without addressing the affected populations, since self-determination remained an empty motto. Notwithstanding their rhetoric, the Allies neglected to propose democratic forms of government or countenance minority rights in practice. All of this was provisional, and nothing was really finalized until the League Mandate system.

Since the Kurds were not a primary concern for Britain, the demands of the people of Kurdistan remained unheeded, and although Mosul was placed under the French protectorate, the political and economic interests of Britain made Mosul a focal point. To achieve the goal, Arnold Toynbee proposed “an autonomous Kurdistan” to Sykes. But the plan did not entail all of Kurdistan.<sup>14</sup> He even raised the cession of Northern Kurdistan to Persia conditionally by establishing “an autonomous province with foreign, presumably British, assistance” (McDowall 2003, 117–118). These proposals were refused by Sykes, since he had other ideas to create “an independent Kurdish Emirate” including Mosul,<sup>15</sup> or “an autonomous Southern Kurdistan excluding Kirkuk, Altun Kupru and Arbil [ . . . ], but including territory up to Siirt and across to Urmia and including Sawj Bulaq (Mahabad)” (McDowall 2003, 118). Later, Britain set out to recognize “a provisional Kurdish government” established by Sheikh Mahmud Barzinji (Izady 2004; Eskander 2000), but the Sheikh, who called himself the “king of Kurdistan,” (in opposition to King Faysal I) and requested an extension of Kurdish government authority to include Sinne in Persia (Jwaideh 2006, 173–175). Britain, however, hesitating to alter the Persian border, rejected the offer of a “United Kurdistan.”<sup>16</sup>

The already promulgated agreement between Britain and France in Syria urged the setting up of national governments and administrations predicated on the free exercise of the initiative and choice of the indigenous populations yet making no mention of self-determination for the Kurds. In the meantime, Isma’il Agha Simqu of the Shikak tribal federation (Koochi-Kamali 2003, 66–88)<sup>17</sup> had already created a *de facto* partial Kurdistan four years earlier (Romano 2006, 222) in Eastern Kurdistan (McDowall 2003, 119–125).

### **The Allied Powers and Kurdistan**

Britain and Russia, including the post-revolutionary Soviet state, had a presence in Persia based on the 1907 agreement, and the Russian Red Army backed a revolt in the north. In Eastern Kurdistan within the Russian zone of influence, Simqu ruled the region (McDowall 2003, 214–216) and took it upon himself to “declare the independence of Kurdistan.”<sup>18</sup>

Britain occupied Kirkuk on October 25, Khaniqin and Silêmanî (Slemani) in December, and Mosul on November 3 – four days after concluding an armistice with the Ottoman Turks (McDowall 2003, 106–109; Atarodi 2003, 52–55; Edmonds 1957). The timing was likely due to the late arrival to the warring forces of the news and the full terms of the Armistice. In addition, Article 7 of the Armistice had authorized the Allies to occupy strategic points for their security. The following narrative corroborates that Britain already had a plan to separate Southern Kurdistan (later Iraq), due to its economic prominence – e.g., oil – as well as links to India, from the rest of Kurdish areas. Within the British government, personal views and bureaucratic wrangling among the Secretary of State for India, the War Office, the India Office, and the Foreign Office entangled the formation of policy. But self-determination never figured high on the British agenda. Policy regarding the Kurds and the territory of Kurdistan remained inconsistent and marginal. The Mudros Armistice on October 30, 1918 ended WWI (Yadirgi 2017, 161) for a capitulated Ottoman Empire expectant for partition by the victorious powers. Although political developments had riven and scattered the Kurds by early 1919, they continued to agitate for “complete independence from all outside interference.”<sup>19</sup> With the occupation of parts of Anatolia by Italy and Greece in May 1919 and the threat of the creation of a new Christian state, the Kurds were dismayed by the prospect of losing the dream of their own independent Kurdistan and by accusations that they wanted to create a “big Kurdistan;” in any event, their aspirations were frustrated.<sup>20</sup> On November 7, 1918, a joint Anglo-French declaration requested “the complete and final emancipation [or liberation] of all those peoples so long oppressed by the Turks, and to establish national governments and

administrations which shall derive their authority from the initiative and free [or choice] will of the [native] people themselves.”<sup>21</sup> But it was a call that was never implemented, regarding the Kurds.

Meanwhile, Mustafa Kemal (later Atatürk) had organized resistance to preserve the territorial dominance of the Ottoman state against any Kurdish separatist movements to create “an independent Kurdistan.”<sup>22</sup> Britain could not stir the Kurds to revolt against the Empire, even though Kurds had received death sentences for their “treasonous” statements on Kurdish independence. Powerful pan-Islamic and pan-Turkish propaganda persuaded most of the Kurdish tribes to underpin Kemalism as a “sort of sympathy toward the Ottomans against the colonial powers” (Soleimani 2014, 280). In this way, Turkish nationalists made good on their claim to Kurdistan and other non-Arab territories by early 1920 (McDowall 2003, 126–131). Backing the Kemalists did not last long as the Kurds learned of the Turks’ objective and hidden agenda and their opposition to any reform. This brought about a leap to Kurdish nationalism. Despite major nationalist movements, the Kurds of Eastern Kurdistan (in Persia) were not considered candidates for self-determination. By virtue of the Anglo-Persian Treaty (August 9, 1919), Britain was obliged to be firm with respect to the territorial integrity of Persia (Wagner 2009, 18; O’Shea 1992),<sup>23</sup> subverting any chance of a “United Kurdistan” and thereby retaining significant British authority over Persian land, customs, and oil resources. Thus, Britain created a dilemma for the Kurds due to the contradictions of its policies in the region.

The United States and the Bolsheviks did not recognize the Sykes-Picot-Sazonov deal (Tejel 2009, 14). Woodrow Wilson assessed the political life of the non-Turkish peoples and reconfigured the borders of Ottoman territories in his Fourteen Points for World Peace in January 1918: “[t]he Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but other nationalities which are now under Turkish administration should be assured an undoubted security of life and an unmolested opportunity of autonomous development.”<sup>24</sup>

In November 1918, Britain and France, in a joint declaration, had called for the complete and final liberation of the peoples under the Turks by means of “native governments and administrations.” These arrangements were to be established by “their own free will” and determined “on the principles of self-determination.” They agreed “to encourage and help the establishment” of these arrangements.<sup>25</sup> Their role would be encouraging and assistance in establishing new states, not creating them. Britain, while rejecting the annexation of liberated areas, sanctioned “an Arab government or Governments.”<sup>26</sup> In May 1919, it laid bare its first withdrawal from the goal of creating a single Southern Kurdistan state by presenting the idea of creating the Arab province of Mosul with autonomous Kurdish states on its frontier (Wilson 1931, 143; McDowall 2003, 165), with “no special regime to be stipulated.”<sup>27</sup> Another agreement among the Allies was the partition of the Kurdish people into three. Sir Erle Richards proposed a solution to the British government: “[s]outhern Kurdistan [ . . . ] under British protection” as Kurds in this area “exercised the right of “self-determination,” by selecting “a separate ‘Confederation’ under British guidance.”<sup>28</sup> Nevertheless, new economic considerations and the oilfields of Kirkuk and Mosul changed British policy toward Kurdistan.<sup>29</sup> In March, Britain occupied Istanbul and put Farid Pasha in office; meanwhile, Mustafa Kemal had established his government of the Grand National Assembly in Angora (Ankara) in April 1919. Britain then forced Pasha’s representatives to assent to the terms of a peace treaty regarding autonomy for Kurds (McDowall 2003, 137). Mustafa Kemal conceded the existence of Kurds, referring to “every kind of right, racial, social and geographical” for them “in sincerity or in deceit.” At the same time, he stressed that Kurds and Turks as two peoples would unite into one whose interests are together with a common “Islamic element” (Bozarslan 1988).<sup>30</sup> Islam was indeed used to obfuscate others as Armenians. Concurrently, he declared, the Turkishness had been initiated before incorporating Northern Kurdistan into modern Turkey (McDowall 2003, 189). On June 13, 1919, J. E. Shuckburgh, a Civil Commissioner, proposed that Britain should accept responsibility for the predominantly Kurdish area,<sup>31</sup> to enable the Kurds to “progress peacefully on civilised lines.”<sup>32</sup> In a telegram from the Political Officer in Baghdad to the Foreign Office in London on August 29, 1919, the policy of creating “autonomous Kurdish States”

under British supervision was reiterated. It had already been approved by His Majesty's Government on May 1919.<sup>33</sup>

### *The Paris Peace Conference*

The principle of self-determination was not incorporated in the provisions of the Covenant of the League. Instead, Article 10 of the Covenant underscored regard for territorial integrity and political independence of Members of the League because the imperial powers could more easily accept that principle. Nonetheless, the Mandate System of "advanced nations" was proposed in Article 22 of the Covenant as "a sacred trust of civilization" for "peoples not yet able to stand by themselves." Self-determination was classified as a right for the advanced nations. In this context, the principle was mainly promoted as some form of autonomy for internal application within states, while downplaying the external form of sovereign statehood. Wilsonian self-determination was thus restricted in practice to consent, consultation, and self-governing advancement, although some territories, including Kurdistan, were partitioned without any form of consultation.

An Arab government was established in Damascus, and its parliament declared the independence of Syria on March 7, 1920 (Tejel 2009, 14). Preceding that, at President Wilson's request, the King-Crane Commission, composed of Americans, had been formed at the Paris Peace Conference (Versailles, January 18, 1919, to January 20, 1920) to investigate the attitudes of the residents of the Levant. After interviewing the religious leaders and local chiefs (1863 representative petitions), it recommended the administration of Syria by a single Mandatory Power – not as a colonizing Power with a monopolistic power – under the League for a given limited time to "train the Syrian people to independent self-government as rapidly as conditions allow, by setting up all the institutions of a democratic state"; it should be granted "as soon as it can safely be done" (King-Crane Commission 1919, Section One, 41). It also argued in favor of the unity of Syria on decentralized principles, where its boundaries should be determined by a special commission. The King-Crane Commission proposed the Turkish state to be under a Mandatory, an American Mandate as the most natural Power, as the way out of imperialistic evil conditions to a democratic state. To the Commission, the Turkish people themselves generally recognized and desired this, although the Peace Conference might assign a power to mandate Turkey to secure genuinely good government, without oppression, bribery, or corruption, to guarantee the rights of all minorities, racial or religious, and to have a state of a high order on a modern basis of equal rights to all before the law, and of full religious liberty. The Commission also proposed that Syria and Armenia come under the tutelage of American mandate.

About "*Kurdistan*," due to mix with Armenians, Turks, and others, and division among themselves into Shi'ite and Sunnis, the Commission recommended that it be limited:

[ ... ] to the natural geographical area which lies between the proposed Armenia on the north and Mesopotamia on the south, with the divide between the Euphrates and the Tigris as the western boundary, and the Persian frontier as the eastern boundary. A measure of autonomy can be allowed them under [the] close mandatory rule, with the object of preparing them for ultimate independence or for federation with neighboring areas in a larger self-governing union. It is possible to shift most of the comparatively small numbers of both Turks and Armenians out of this area by voluntary exchange of population and thus obtain a province containing about a million and a half people, nearly all Kurds [ ... ]. (King-Crane Commission 1919, Section Three, 38–39)

Concurrently and in the Åland Islands case, both the Committee of Jurists and Commission of Rapporteurs refused to recognize the principle of self-determination as a universal legal norm because it did not appear in the Covenant of the League. It was rather perceived as a modern political idea for enforcing *justice* and safeguarding *liberty*. According to this interpretation



international law, as such, does not accept the right of ethno-national entities to secede from states of which they are members.

When the US lost interest, Kurdistan became more of a British strategic concern. Britain tried to promote Kurdistan at the Peace Conference. It induced the Kurds and Armenians to combine their forces to resist Turkish sovereignty, although the British also took steps to thwart Russian Bolshevik expansion. Boghos Nubar Pasha, as the Armenian representative, signed a declaration with General Sharif Pasha, representing the Kurds, on November 20, 1919. In their accord, they agreed on a united and independent Armenia and an independent Kurdistan, with the assistance of a Great Power; Sharif Pasha clamored for an indivisible whole of Kurdistan in his map submitted to the British High Commissioner in Istanbul on March 1, 1920. The short-lived accord caused a schism among the Kurds in Northern Kurdistan, and accordingly, the old animosity toward the Armenians was resumed due to claims to overlapping territorial sovereignty. Sharif Pasha resigned (Pasha 2001; McDowall 2003, 131–134), and Paris was left without a Kurdish delegation.<sup>34</sup> Refusing a federal mechanism between Northern (French) and Southern (British) Kurdistan, Lord Curzon, for the first time, urged the Kurds to give up on any self-determination of the political status of Kurdistan. Britain nonetheless could not offer a viable option to the Sykes–Picot–Sazonov. The only viable alternative proposition was Kemalism (McDowall 2003, 132–136) as its secular ideology could prevail over that of an emergent but unsupported Kurdish state.

An Inter-departmental Conference on Middle Eastern affairs was held at the Foreign Office in London on November 17, 1919. Its main purpose was to discuss the future of Kurdistan and British policy toward the Kurdish question. France made clear that it would not “undertake the responsibility of administering or in any way mixing themselves up with the political future” of Kurdistan (Burdett 2015a, 680–681). Major Edward W.C. Noel believed that Kurdish nationality was “inchoate,” though national consciousness “certainly existed” but was not “organised;” that is, the “western sense of” nationality was “almost non-existent.”<sup>35</sup> To him, therefore, making any promise to the Kurds was “impossible;” however, the Allied Powers in the Peace Conference would not lose sight of Kurdish national aspirations. Earl Curzon of Kedleston as the Chairman of the Conference declared that Britain “should evacuate Kurdistan altogether,” and “must look to the future” (Burdett 2015a, 685).

On November 22, 1919, the Secretary of State in London informed the Civil Commissioner in Baghdad that “His Majesty[s] Government will in no circumstances take a mandate for Kurdistan,” however, he made it clear that “the restoration of Turkish sovereignty over Kurdistan cannot be allowed.”<sup>36</sup> In this telegram, Noel recommended that “(1) Turkish authority should be excluded from Kurdistan; (2) Kurdistan should not be partitioned; and (3) that the frontier should follow as nearly as possible the ethnological line between Kurds and Arabs.”<sup>37</sup> Sir Erle Richards, in a memorandum to Lord Curzon on January 1919, had rejected under any circumstances putting the people of Mesopotamia (today’s Iraq) back under the sovereignty of Turkey, for they have suffered too much from “the bloody tyranny of the Turks.”<sup>38</sup> Meanwhile the Kurds had rejected the “French tutelage in any shape or form,”<sup>39</sup> as France was only a “protector of Christian communities,” according to Kurdish leaders who tended to be Sunni Muslims (Burdett 2015a, 558).

At the Inter-departmental Conference on February 23, 1920, France proposed “a partition of Kurdistan between the British and the French [ ... ] and the setting up of a federal organisation” under these two Powers. It was rebuffed by Britain except in Southern Kurdistan. Kurdistan should have been considered simultaneously with the formation of Armenian State, by allowing the Kurds to decide whether they would form a single state or a number of small loosely knit areas. Colonel Wilson (of the War Office) was in favor of making an ideal example of Southern Kurdistan in Mesopotamia, while the India Office buttressed “the establishment of an autonomous Kurdish State [ ... ] with British advisors [ ... ], but [one that] would remain politically distinct from Mesopotamia.” Lord Curzon, as the chair of the Conference, declared that British forces would withdraw from Kurdistan to give the new entity the opportunity “to form itself into an autonomous

State,” which could be attained by the evacuation of Turks from all Kurdish areas. In the end, the Conference deferred that “the final decision on the future of Kurdistan” to the conclusion of the Paris Peace Conference.<sup>40</sup>

The Ottoman Empire had fractionalized the Kurds in political and social aspects, and constructing a collective ethno-national identity was not an easy task for the Kurdish intellectuals and elites who formed the basis of a national consciousness at the turn of the century. The First World War presented a hurdle (Reynolds 2017, 46), keeping the Kurdish leaders fragmented in their understanding of nationalist politics. The moribund Ottomans and their tyrannical rule provided the Kurds with the impetus for the emergence of Kurdish nationalism toward creating a Kurdish state or achieving autonomy by liberating themselves from Ottoman rule. This awareness began after the Russo-Turkish War, the Ottomans’ dispossession of territories, and their endeavors to crush the Kurds and their identity through furthering pan-Islamism and Turkification policies within Ottoman boundaries (Soleimani 2014, 93–138). Finally, suspicions of Kemalist-Turkish nationalism and fears of the Armenian fate united them politically to create a Kurdish state. The National Pact (Misak-i Milli) of the new Turkish government rejected the secession of territories (Article 1) with the Muslim majority. Arab territories under foreign occupation were an exception to this article. In 1920, with the breakup of the Society for the Advancement of Kurdistan (SAK), Emin Ali Bedirkhan established the Society for the Kurdish Social Organization openly promoting full independence. The demise of the government in Istanbul united the Kurdish leaders in achieving independence (Özoğlu 2001).

### *The Creation of Syria*

In a separate agreement, France recognized the independence of Syria. In return, Syria recognized the French mandate over itself (Syria), which was assigned by the Allies’ Supreme Council on April 20, 1920. Although Syria and its people had not been consulted at all, the League later confirmed and defined the French Mandate for Syria and the Lebanon on July 24, 1922.<sup>41</sup> The Syrian parliament, however, had declared independence in March 1920, although Britain and France did not extend immediate recognition. The mandate system was imposed once again in the San Remo Resolution of 1920 (Khoury 1987, 122–123) as a continuation of the Sykes-Picot-Sazonov agreement (Tejel 2009, 14).

### *The Treaty of Sèvres (1920): National Self-Determination Within Reach*

The Turkish Sultan signed and endorsed the Treaty of Peace with the Allies known as the Treaty of Sèvres in Paris on August 10, 1920 (McDowall 2003, 137; Shields 2011, 20; Mango 1999a, 182)<sup>42</sup> in the French town of Sèvres, while the US and Russia were excluded from dealing with the Kurdish issue in any active sense (Bulloch and Morris 1992, 90). A commission of representatives of the Great Powers provided a scheme for the Kurds pertaining to local autonomy, with the right of independence within one year. So henceforth, Kurds expected full-fledged independence although the specified Kurdish area did not correspond to the extent of Greater Kurdistan but was rather a “postscript to independent Armenia” (O’Shea 2004, 10).

The Treaty had 13 parts referring to 433 articles starting with 26 Articles of the Covenant of the League. It was indeed signed between Turkey on one part and the Principal Allied Powers (British Empire, France, Italy, and Japan) and the Allied Powers (Armenia, Belgium, the Hedjaz, Poland, Portugal, Romania, the Serb-Croat-Slovene State, and Czecho-Slovakia). Article 62 (Section III, Kurdistan) postulates: “[a] Commission [ ... ] shall draft within six months [ ... ] a scheme of local autonomy for the predominantly Kurdish areas lying east of the Euphrates, south of the southern boundary of Armenia [ ... ], and north of the frontier of Turkey with Syria and Mesopotamia [ ... ], and with this object a Commission composed of British, French, Italian, Persian and Kurdish representatives shall [ ... ] decide what rectifications, if any, should be made in the Turkish frontier

[ ... ].” According to Article 63, Turkey would agree “to accept and execute the decisions” of both mentioned commissions “within three months from their communication to the said Government” (Treaty of Peace with Turkey 1920). Article 64 follows:

“[i]f within one year from the coming into force of the present Treaty the Kurdish peoples [ ... ] 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.”

Within one year, Kurds would be granted independence provided that the desire for independence was expressed by a majority of their people. Upon the renunciation by Turkey of these areas, the Kurds in the Mosul vilayet (of Southern Kurdistan) could adhere to the future independent Kurdish state. Also, Turkey was bound to abandon “all rights of suzerainty or jurisdiction of any kind over Moslems who are subject to the sovereignty or protectorate of any other State.”<sup>43</sup>

Kurds expected full-fledged independence but the Treaty did not affect the Kurdish territory in Syria, and its boundaries with Armenia had not been set. Indeed, it did not cover what previously was put under the French and British administration. Thus, most Kurds in Eastern Anatolia rejected it (Reynolds 2017, 43). Still, a flimsy government in Istanbul could not guarantee the execution of its terms. Attempts to convince the Kemalists to be bound to the Sèvres provisions failed as Mustafa Kemal was intent on holding on to the Ottoman Muslim majority (Heper 2007, 124). Nevertheless, Turkish nationalists agreed that three Kurdish sanjaks should, via a popular vote, determine their status, “*if necessary*” [emphasis added] (Avebury 1994). Dread of the creation of an Armenian state made many Kurds embrace the Kemalists with the idea of creating a country based on the shared religion of Sunni Islam. On the other side, the Alevi Kurds of Dersim were up in arms in 1920 lasting half a year (Reynolds 2017, 43–44). Britain thereupon backed out of its commitment to an independent Kurdish state (Olson 1992) in its correspondence with the Turks on March 12, 1921 and left the Kurds “to their own devices”:<sup>44</sup> “[i]n regard to Kurdistan the Allies would be prepared to consider a modification of the Treaty in a sense in conformity with the existing facts of the situation, on condition of facilities for local autonomies and the adequate protection of Kurdish [ ... ] interests.”<sup>45</sup>

Following the end of WWI, the Kurdish independence committee in Cairo and the SAK in Istanbul both played an important role in post war lobbying efforts and in publicizing nationalist demands. However, the Kurds were devoid of unified objectives resulting from the “uncertainty” of the British intentions toward them and the hesitation of British policy in the face of the Kurdish nationalist program;<sup>46</sup> whereas their non-representation to Europeans<sup>47</sup> and the hazy boundaries of Kurdistan due to demographic changes were factors hindering the international ratification of Kurdish independence. However, Major Francis Richard Maunsell’s map of Kurdistan had with near accuracy depicted the Kurdish regions in 1892 (Helmreich 1974, 13–22; O’Shea 2004, 111; Pasha 2001).<sup>48</sup>

The Kurds were in a disadvantageous position, and if the Treaty of Sèvres had been implemented, Kurdistan would have been broken up into multiple smaller segments, with the independent portion being the least prosperous (Kendal 1993, 35). The Treaty had not determined the details of its implementation clearly enough and the region west of the Euphrates (one-third of Kurdistan) would have been included in the French zone of interest. Another third (North-eastern Kurdistan) would have been under Soviet Armenia. The fertile territories were detached and Persia received Eastern Kurdistan<sup>49</sup> on the basis of armed conquest (Fisch 2015, 155), thereby nullifying self-determination.

## Kurdistan Eclipsed

In this period, self-determination was perceived and interpreted as an ambiguous, hazily defined principle of justice and liberty. State sovereignty prevailed over self-determination. It became clear that ethnic or national minorities were not entitled to sovereign self-determination, but they could be entitled to maintain their separate ethnic identities through autonomy or guarantees of certain linguistic, cultural, and religious rights incorporated in peace treaties.

How was international self-determination evolved by Wilson? His foremost Point 5 was his long-lasting “countermanifesto” to Lenin’s stance on imperialism (Manela 2007, 41) and “to counter the powerful appeal of Bolshevism” (Yergin 2011, 188). What Wilson believed in was a form of ruling which was later known as internal self-determination. There are, however, four objections to the “altruistic” (Avebury 1994) Wilsonian solution to national demands. First, it was too general, vague, and unclear in application. Second, Wilson either had no idea about the consequences of his theory concerning the global community, or he underestimated them. Third, his ideas were designed for foreign consumption – i.e., they were not supposed to be applicable to the US. He believed that “America does not consist of groups” (Wilson, as cited in Claude, 1955, 81), that is, internal self-determination was not an issue for the US. The US stance regarding secession had become clear in light of the Civil War (1861–1865), which was marked by violence and military force (Fisch 2015, 133–135). Fourth, Wilson failed to successfully promote these ideas among other nations. Therefore, they were not reflected either in the final draft of the Versailles Peace Treaties or the Covenant of the League due to obstruction by Republican senators within the US government itself and a mixed reception by prominent British figures (Cassese 1995, 23). However, Wilson knew that “the principle would mean the disruption of existing governments, to an indefinable degree” (Lynch 2002). Although self-determination as a tenet had been enunciated, its application was contingent upon a “standard of civilization” and peoples capable of reaching a point of *maturity* (Gong 1984, 21). Also, international law would apply only to the civilized world, although civilized states were not equal in power and in rights (Barten 2015, 187). The Great Powers believed that nations other than whites and Europeans had not reached the capability of self-governing and ruling themselves. In practice, this functioned as an excuse to justify their control over the colonies they had seized.

Before WWI, the right of self-determination was intended for *some* peoples (civilized or mature, valued capable Europeans, and their descendants), that is, it was a *racist* right. In other words, it became a *right to alien determination* (Fisch 2015, 122). The Allies had professed that among their war aims was the achievement of the right of self-determination, although both Germany and Austria objected owing to the status of the minorities in the territories acquired by the Allied Powers’ governments. The claim was replaced by the ratification of the Allies’ political and ideological interests in the peace treaties. Thus, based on the Treaty of Versailles of June 28, 1919, Czechoslovakia and Poland (former German and Habsburg territories) were created. But the formerly German-occupied territory of Kiaochow (now spelled Jiaozhou) in China was transferred to Japan without requesting or exercising self-determination by its Chinese inhabitants. A few plebiscites were conducted under international monitoring, but some territories were ceded without any plebiscite such as the granting of South Tyrol to Italy despite Point Nine of Wilson’s Fourteen Points which stipulated the “readjustment of the frontiers of Italy [ ... ] along clearly recognizable lines of nationality.”<sup>50</sup> The Treaty of Neuilly with Bulgaria of November 27, 1919 produced a similar result. A few plebiscites were to be held in Burgenland, Klagenfurt, and Teschen according to the Treaty with Austria (Cassese 1995, 24). The redrawing of Europe was to a great extent on national lines although this was difficult to achieve in ethnically intermixed areas, and some issues could not be settled by the Allies’ Supreme Council. Meanwhile, international agreements by the new Soviet state promoted citizenship predicated on the right to self-determination, including treaties with Afghanistan, Poland, Romania, and Turkey (Brownlie 1970, 94–95). Depending on circumstances, the *national line* would be drawn and a group could be identified as a people and entitled to statehood or as a minority to be

protected by a treaty (Whelan 1994). Such was the inconsistent postwar application of self-determination.

By October 1920 Britain had disavowed its interest in creating Kurdistan, heralding the creation of an Arab government in Iraq. At the end of the year the Colonial Office, with Winston Churchill as its head, assumed Britain's responsibility for Iraq under the India Office. In November 1920 the Provisional National Government of Iraq was established with Slemani under British control, and with Kirkuk and Hewlêr (Erbil) under a local governor (Edmonds 1957). At the Cairo Conference (March 1921), Kurdish autonomy was replaced by the Mandate system of "Anglo-Kurdish" administration,<sup>51</sup> in which Kurds would be considered a minority in the new Iraq until they espoused integration into a new state (Avebury 1994). This occurred against the backdrop of Churchill and Major Noel vigorously arguing for an independent Kurdistan (Eskander 2001). Noel had expressed the view that the "goal of an independent Kurdistan [ . . . ] can now be easily attained" (Burdett 2015a, 524). The Kurds had also considered federation under British protection, until a representative body of Kurdish opinion opted for inclusion in the new state.<sup>52</sup> However, self-determination in practice meant nothing more than autonomy, i.e., what was supposed to be encouraged albeit not established.

For considering the real wishes of Kurds, a so-called referendum had been held among the notables, elected local councillors, recognized aghas, and representatives of communities in 1919 throughout Iraq including Kurdish regions. Most of them renounced separation from Mosul, while some expressed their wish for detachment and a new Kurdish administrative division. Slemani almost unanimously rejected any form of integration with Iraq. To the British government, Slemani should have been excluded from the referendum as it was governed by Article 64 of the Treaty of Sèvres – the formation of an independent Kurdish state (League of Nations 1925). Slemani did not take part in the referendum. While Churchill was emphasizing a policy of limiting Iraq (Catherwood 2004, 113; Olson 1992)<sup>53</sup> to purely Arab areas, Percy Cox (Eskander 2001; Olson 1992)<sup>54</sup> and Gertrude Margaret Bell referred him to "a non-separatist policy" (or integration with Iraq) expressed by the subjects covered in the consultation (Olson 1992).

Churchill was convinced but later he would call his acquiescence on attaching the Kurds to Iraq as one of his "worst mistakes" (Olson 1992). In a formalized election in 1921, from which Slemani abstained, Kirkuk voted against it (Edmonds 1957). Later, the Commission of the Council of the League with the agenda of the Mosul vilayet did not consider this method of expression as a plebiscite as no individual or secret vote was taken and there was no guarantee of the freedom and independence of the voting. Also, referenda were not held across the whole territory. Thus, these expressions are not incontestable evidence of the wishes of the population in the unstable political conditions of military occupation (League of Nations 1925, 17–18). Britain anchored the Kurds in Iraq to use them as a card to balance the power of the Arabs and to bolster Sunnis against a Shi'ite preponderance in the Iraqi government (McDowall 2003, 168). The idea of creating an independent Kurdistan or even Kurdish autonomy was thus crushed.

The Kemalists prevailed upon defeating the Allies vis-à-vis the situation on several fronts (Beck 1981). France signed the Treaty of Ankara with the Turks, and in the process of doing so ceded Cilicia (Fromkin 2001, 536–537). The new boundaries were set by France and Mustafa Kemal on October 20, 1921 (the Franco-Turkish Agreement Signed at Angora 1921),<sup>55</sup> according to which Western Kurdistan was put under the French mandate of Syria.

The Turkish Grand National Assembly decided to grant "autonomous administration for the Kurdish nation in harmony with their national customs" on February 10, 1922 (Olson 1989, 40), but with the reservations of supporting an elected made between the inhabitants of Iraq on the governor, commanding forces, and using Turkish as the official language of the Kurdish assembly. Article 15 encouraged the use of Kurdish, but not as a basis for accepting it as the official language of the government. The proposal, however, was rejected by Kurds, and was never applied by the Turks (McDowall 2003, 188). Indeed, no concessions were supposed to be granted to the Kurds as they were opposed to the sovereignty of the new Turkey based on the ideology of Turkish Kemalism.



### ***The Creation of Iraq***

In the Treaty of Alliance of October 10, 1922, which was supposed to remain in force for twenty years (Article 18), Britain recognized Amir Faysal as the King of Iraq and was committed to assisting the Iraqi army (Article 7). Also, Faysal was obliged to act so that “no discrimination of any kind shall be made between the inhabitants of Iraq on the ground of race, religion or language” (Article 3).<sup>56</sup> However, the Kurds became the very target of discrimination. Britain undertook “to secure the admission of Iraq to membership of the League of Nations as soon as possible” (Article 6). Both parties, in Article 8, pledged themselves not to cede or lease territory in Iraq “in any way placed under the control of any Foreign Power.” Britain made a compromise with the Turks although it was sure the Turkish government would not contemplate any more liberal regime for the Kurds.

### ***The Treaty of Lausanne (1923): Alien-Determination***

The Allies, especially the British government, were reluctant to use force to implement the Sèvres Treaty. According to the Armistice of Mudanya between Britain and the Turkish nationalists on October 11, 1922, the terms of the abortive Treaty of Sèvres were to be renegotiated. The Allies and the Kemalists – as the sole uncontested representatives of Turkey – assembled accordingly in Lausanne on November 20 to hold a peace conference (Wagner 2004, 90; Olson 1992). Mustafa Kemal had overturned the Treaty of Sèvres and declined it in its entirety. By using the Grand National Assembly to abolish the position and the system of the Sultan on October 27, Kemalists moved the government from Istanbul to Ankara (Mango 1999a, 195) to declare the new republic in the following year under the new ideology of Turkish-Kemalist nationalism. The Kurds received a blow at the end of October 1922 when Churchill, a leading proponent of setting up Kurdistan as an independent buffer state between Iraq and Turkey, was replaced by William Cavendish, who opposed that view (Eppel 2016, 128–129).

On February 17, 1923, Mustafa Kemal made no reference to the Kurds in his remarks to the Izmir Economic Congress (Mango 1999a, 253).<sup>57</sup> He had already recognized the ethnic and cultural rights of the Kurds in the Amasya Protocol (1919) and in a public interview (Yeğen 2011, 67–84),<sup>58</sup> but soon Turks were assigned to all senior administrative posts in Kurdistan. Mentions of Kurdistan were obliterated from official Turkish correspondence, replaced by Turkish names. March 1924 marked the climax of a process by which the Kurdish language was prohibited in courts and schools. Simply put, linguicide and ethnocide became the genesis of “progressive colonization” (Bulloch and Morris 1992, 172). Kurds who came to the rescue of Turks as “true brothers” and “brothers-in-race” became veritable archenemies (Mango 1999a, 306).<sup>59</sup>

During the negotiations in Lausanne, the Turks still considered the Kurds as a distinct ethnicity but then did a complete about-face from this policy, i.e., they presented the Kurds as part of the Turkish nation. (McDowall 2003, 188).<sup>60</sup> After negotiations in which each side tried to wear down the other, the Treaty of Lausanne (Treaty of Peace with Turkey 1923) and other instruments (Straits Conventions, Commercial Convention, Declaration relating to the Amnesty, etc.) were concluded on July 24, 1923 between Turkey on one side and the governments of the British Empire, France, Italy in agreement with the governments of Japan and Greece, Romania, the Serb-Croat-Slovene state, and Czecho-Slovakia. The US was invited to this peace treaty. The Lausanne Treaty has five parts with 143 articles. “Turkey” by that name was recognized as an independent state. A Turkish-proposed plebiscite had been refused by Britain because Turkish emissaries were functioning for the Kemalists throughout Southern Kurdistan (Van Bruinessen 1992, 275; Beck 1981, 144). Article 2(1) of the Lausanne Treaty recognized the frontier between Turkey and Syria, as agreed in Article 8 of the Franco-Turkish Agreement of October 20, 1921. According to Article 3(2) of the Treaty: “[t]he frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months. In the event of no agreement being reached [ ... ], the dispute shall be referred to the Council of the

League of Nations [ ... ].” Turkey and the British government undertook not to use military force or other means to modify the state of the territories.

Despite Britain’s efforts to incorporate Kurdish autonomy in an article, the treaty made no allusion to the terms “Kurdistan,” “Kurd,” or to safeguarding their rights (Dahlman 2002; Gunter 1997, 4; Palmer 1994, 264). Indeed, it was not Britain’s priority concern. Article 39 was an exception: “no restrictions shall be imposed on the free use [ ... ] of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings. Notwithstanding the existence of the official language, adequate facilities shall be furnished to Turkish nationals of non-Turkish speech for the oral use of their own language before the courts” (Article 39). Nonetheless, the articles germane to minority rights (Treaty of Peace with Turkey 1923, arts. 37 to 44, 29–33) and other undertakings under the “Protection of Minorities” limiting to non-Muslims (i.e., principally Armenians) and all inhabitants of Turkey were never applied hitherto as Turkey has not recognized any minority or their rights. Furthermore, Article 11 of the 1921 Constitution, relating to local government, was never put into force. The Lausanne Treaty purported to grant no rights to ethnic, linguistic, and other religious minorities. Thus, the Lausanne Treaty effectively annulled the Kurdish state (McDowall 2003, 137–142). As per Article 38, the nascent Turkish state was supposed to “assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.” The provisions of this section would constitute obligations of international concerns and were parts of the guarantees of the League as per Article 44. Any modification in these provisions had to be approved by a majority of the Council of the League.

Turkishness became the basis of citizenship in the 1924 Constitution. Mustafa Kemal toppled the caliphate on March 4, 1924, ending the ideological connection between Kurds and Turks (McDowall 2003, 190–192; Olson and Tucker 1978; Edmonds 1957). To liberate Kurdistan and “the Kurdish nation” from “the despotism of the Turks” (Strohmeier 2003, 89)<sup>61</sup> through reviving the caliphate and Islamic law within boundaries of Kurdistan (Soleimani 2014, 245), Sheikh Sa’id of Piran, induced by the nationalist organization of Azadi, revolted to create “a Muslim Kurdish state” (Bozarslan 2003, 185), but, despite massive support by Sunni Kurds, Alevi Kurds rose up against him to back the Turkish state motivated by dread of Sunnism (Reynolds 2017, 43–44). This was despite his endeavor to gain the Alevi Kurds’ backing. Tribalism and religious cleavage counteracted against the political unification of the Kurds, who feared an impending Armenian state and “possible British retribution for their involvement in the 1915 genocide” (Soleimani 2014, 281). The Kemalists started to rebuff Kurdism and its turn into Kurdish nationalism by attributing false ideas to the Kurds or dismissing them as a small group that could not constitute a nation (Zürcher 2014, 234). French neutrality reinforced the Kemalists’ policy regarding the Kurds (Strohmeier 2003, 102). This policy has been followed since then and been reflected in Turkey’s constitution by denying the recognition of any ethnicity other than Turks.

### **Mosul Vilayet**

The case of Mosul was submitted to the League Council on January 25, 1923 but suspended on February 4, for further negotiations. The dispute was resubmitted on August 6, 1924, but the negotiations had no outcome. A commission of inquiry was established on September 30 to advise on and investigate the views of the people (League of Nations Official Journal 1923).<sup>62</sup> A new constitution was promulgated on October 29, 1923 in Turkey, and on August 13, 1924, a new republican system was established with Mustafa Kemal as its president (Mango 1999a, 235). The people under his rule were defined as “Turkish” (Shields 2011, 24). Modern Iraq (Mesopotamia) had been created in 1920, and its survival was contingent on annexing Southern Kurdistan. Britain had the obligation of safeguarding the rights of Iraqis by virtue of the Treaty of Alliance (1924). Since there was no official map defining the Mosul boundaries, the Kurdish majority faced a dilemma that led to brutal clashes with Assyrians and Turks. The League initially drew the

temporary Brussels Line (or Brantling Line) on October 29, 1924, after Britain referred the case to the League on August 6, 1924. On the advice of cartographers, a sub-committee advised the League on demarcation on October 27, based on the Brussels Line (Lloyd 1926).

Ultimately, the report and its attachments (maps, statistics, and charts) were due in July 1925 after a long delay for considering the “geographical, ethnic, historical, economic and strategic factors” and the “wishes” of the people residing there as determined in a plebiscite (Beck 1981). But the International Commission of Inquiry refrained from adhering to the ethnic line, due to the economic interdependence of Kurds and Arabs in Mosul itself (McDowall 2003, 144),<sup>63</sup> and the strategic interests of Britain: “the frontier proposed by the British Government is an excellent strategic frontier,” the Commission concluded (League of Nations 1925, 87). Hence, its denouement “would be that an independent Kurdish State should be created, since the Kurds form five-eighths of the population” (League of Nations 1925, 43). Counting the Yezidis as “very like the Kurds,” the Kurds formed seven-tenths of the whole population of the vilayet with an ethnic composition of Kurds, Arabs, Christians, Turks, and Jews (League of Nations 1925, 43, 57). But an independent Kurdistan did not happen.

Despite the rupture among Kurds, their national consciousness was growing “reasonable [sic] enough” especially in Slemani with 189,900 Kurds (out of 191,525 inhabitants), which supremely desired their “complete independence” while there was “a strong movement for local autonomy, allowing of the use of the Kurdish language in education, administration and the courts of law” Kurds in this province “did not evince any special attachment to the Arab Government. Union with Turkey was rejected, and a desire was expressed for economic union within Iraq.” The Kurds “recognised the advantages of an enlightened and intelligent trusteeship.” In Kirkuk with the population of 111,650, Kurds (47,500) were less unanimous; the majority of Kurdish declarations, without analysis, were “strong pro-Turkish.” Nevertheless, the declarations of the great Kurdish chiefs suggested they were “more in sympathy with Iraq.” In Hewlêr with 191,780 inhabitants, the Kurds of Koi Sanjak were mostly of the same standing as in Slemani. A considerable number of Kurds were pro-Turkey in central Hewlêr, as were most of the Turks and Arabs in this region. Certain chiefs were in favor of “a Kurdish Free State under European—preferably British—protection,” and some pro-Iraq Kurds with “a prolongation of the British mandate.” Hewlêr had as a whole “a pro-Turkish majority,” with Arabs (11,700), Kurds (170,650), Turks (2,780), Christians (3,900), and Jews (2,750). Kurdish national feeling was “much less developed” and in some parts “non-existent” among the Kurds in the city of Mosul with 88,000 Kurds out of 306,000 inhabitants. A majority of the Kurds favored of Turkey with some favorable to Iraq. The Kurdish Yezidis were “mainly in favour of Iraq provided it is under a European mandate” (League of Nations 1925, 76–78).

Sheikh Mahmud had been confirmed by Britain as governor in Slemani in October 1918 (McDowall 2003, 158).<sup>64</sup> He formed a government with its own flag and national emblem (Eppel 2016, 119). Owing to his history of having tried to create a Greater Kurdistan by *jihad* (Gunter 2016, 65), he was ousted by Britain and his government buildings were bombed by aircraft in March 1923. After his reinstatement in July 1923, the Kurds in Slemani were divided. He refused the restricted powers proposed by Britain, and his government was bombed again by the British RAF in August and December 1923 and in May 1924. He was finally arrested on 6 September 1930 causing a riot and brutal reaction by the Iraqi Army and deported forever from Kurdistan (Gorgas 2008). Britain could not stand by the allocation of sovereignty to the Kurds in any external or internal form of self-determination. Thus the Kurds’ role amounted to nothing more than balancing.

The Commission of Inquiry added: “[o]pinion among the Kurds is divided; the group in Sulaymaniya and the neighbouring districts which ask [sic] for autonomy within the Iraq State includes almost half the total Kurdish population” (League of Nations 1925, 87). The people in the Mosul vilayet had backed up their pro-Turkish proclivities by suppressing and deporting Kurds, thus ending the rule of the caliphate that was sacred for Kurdistan, and had codified the secularist and Kemalist features of a new Turkey. It is worth mentioning that religion has never been separate

from the state in Turkey, as the latter has controlled the former over the last century. Therefore, the Commission rejected, though not completely, the Turkish argument on the separation of the vilayet of Mosul from Iraq in the Sykes-Picot-Sazonov deal and its placement in the French zone as parts of Anatolia.<sup>65</sup> With the majority of Arabs, the Kurdish Yezidis, Jews, and Christians in Mosul in favor of Iraq rather than Turkey, and under an effective European tutelage, the Commission wrapped up its work by conditionally ceding the vilayet to Iraq: "(1) The territory must remain under the effective mandate of the League of Nations for a period which may be put at twenty-five years; (2) Regard must be paid to the desires expressed by the Kurds that officials of Kurdish race should be appointed for the administration of their country, the dispensation of justice, and teaching in the schools, and that Kurdish should be the official language of all these services." Before reaching its conclusion, the Commission would perceive the attachment of the vilayet to Iraq as "the most advantageous settlement" (League of Nations 1925, 72), by taking into account the purely economic aspects of the dispute while, for other than economic reasons, partition of the areas was desirable. In addition, it suggested that "(1) The country will remain under [the] League of Nations for a period of about 25 years. (2) The desire of the Kurds that the administrators, magistrates and teachers in their country be drawn from their own ranks, and adopt Kurdish as the official language in all their activities, will be taken into account" (League of Nations 1925, 88–89). The Commission underscored the maintenance of the status quo or the historical unity of Baghdad and Mosul as well as the British mandate over Iraq for maintaining the existence of Iraq, despite its unstable internal situation, and settling the tension between Sunnis and Shi'a Arabs.

This was contrary to the claim of the Commission itself where it confirms that [a]mong the Kurds we find a growing national consciousness, which is definitely Kurdish and not for Iraq," there is no "national Iraqi feeling" or solidarity with the Arab Kingdom in the territory, except among those with some degree of education, and "pro-Iraq sentiments are somewhat tepid." Even nationalist Arabs mostly "would prefer Turkey to an Iraq under foreign control" (League of Nations 1925, 78). Furthermore, economic considerations plus having foreign tutelage for a long time were significant for those in favor of Iraq. To the Commission, the territory occupied by the British and Iraq authorities still had no legal sovereignty over the territory occupied as Turkey did not renounce her rights although she was occasionally willing to "give up the purely Arabs territories." Iraq had already been established and, to the Commission, was "morally" entitled to have frontiers to survive and develop politically and economically (League of Nations 1925, 84).

The Commission achieved a vague conclusion. It also refuted the Turkish argument of the peoples' indisputable aspiration to return to Turkey and the British argument as well to take districts and races separately. Variable sentiments of the ethnic groups were not taken as the sole basis for the future political status of Iraq because the area was ethnically mixed. Self-determination was being realized only internally within states, whereby minorities were entitled to maintain their separate identities through guaranteed linguistic, cultural, and religious rights, but were not given full sovereignty. Sovereign self-determination was reduced to this fall-back, which was included in the Covenant of the League in the form of minorities' rights. Indeed, the principle of self-determination was not addressed at all in the Covenant.

### The Partition of Kurdistan

According to the Commission, "it would be more advantageous for the territory to remain under the sovereignty of Turkey" should the mandate expire before Iraq could be regarded "as ripe for self-government without League support" (League of Nations 1925, 85). People of the Mosul vilayet preferred Turkey to Iraq (Olson 1989, 148) if the aforementioned conditions were not fulfilled, although the Commission intended to ignore the first condition that postulated Iraqi membership in the League for 25 years. Nevertheless, no political or cultural rights were granted to the Kurds, despite the Commission's pledges. Kurdish petitions remained unanswered by Britain, which had imposed its mandate over Iraq in the Treaty of January 1926. Turkey's attempts to retake the

vilayet's *quid pro quo* oil concessions were in vain (O'Shea 2004).<sup>66</sup> Despite Britain's pressing for the Kurds' rights pursuant to the Commission's decision, Turkey followed the policy of impugning their rights: it rejected both the report and the Council's jurisdiction and their binding decisions, while Britain disavowed direct negotiation. The Council's judgment was referred to the Permanent Court of International Justice, whereas Turkey did not admit the Court's jurisdiction (Beck 1981, 144). At the League's request, the Advisory Opinion of the Court closed the dispute on December 16, 1925 (PCIJ Report 1925), declaring the Commission's decision and Article 3 (paragraph 2) of the Treaty of Lausanne binding for both parties. As the Turkish independence war repudiated the Sèvres Treaty, and once the Mosul dispute was resolved in favor of Britain, Britain weighed the costs and benefits of an alliance with the Kurds versus an alliance with the Sunni Arab elite, organized around the Hashemite family in Iraq. The Kurds increasingly lost out in this diplomatic struggle. Britain increasingly prioritized other interests and scaled back its commitments to the Kurds. Kurdish self-determination took a back seat to other superpower concerns.

Neither the US nor any other state committed to a Kurdish mandate although some politicians in the British government were for a time enthusiastic about establishing a Kurdish state or protectorate (Tejirian 2004; Izady 2004, 100).<sup>67</sup> But that disposition was secondary and it disappeared as time passed. On December 22 and 23, 1922, the Anglo-French Conference on Turkey declared that "no mandate, whether English or French or Anglo-French, was possible or desirable for Kurdistan as a whole, except perhaps for the more settled areas in Southern Kurdistan" (Dockrill 1991c, 267). Britain, in its Protocol (April 23, 1923) with Iraq (McDowall 2003, 168) had disavowed its former policy and, less than four months after the Treaty of Lausanne (declaration of December 1923), wittingly bypassed the Kurdish issue once and for all.

Realizing the pernicious effect of the uprising, the Turks vowed to grant the Kurds a special system of government and clemency. Nevertheless, the Turks launched a new offensive to arrest the Kurdish leaders. Martial law was proclaimed, and under the Law for the Restoration of Order "Tribunals of Independence" were established, empowered with the right to use capital punishment against defendants. On May 27, 1925, Sheikh Abdulqadir was sentenced to death (Özoğlu 2001).<sup>68</sup> The "fully-fledged nationalism in religious garb" led by Sheikh Sa'id failed (Soleimani 2014, 241–276). He was caught on April 15, 1925 (Mango 1999a, 251) and executed along with many others in Diyarbakir on 29 June (Olson and Tucker 1978; Olson 1989),<sup>69</sup> marking the advent of "implacable Kemalism" (McDowall 2003, 198) through the declaration of a state of siege, the expulsion of the Kurds to western Turkey or Syria, and the settlement of Turks in Kurdish provinces. The new policy had the effect of erasing Kurdish identity. Turkish nationalism or "Turkification" metastasized in the provinces to convert Kurds to "good Turks" (McDowall 2003, 194–202) by the establishment of the People's Houses (Kurban 2020, 89). Following that, the geographical term "Kurdistan" was expunged from the books (Van Bruinessen 1992, 282), a process which has continued to the present.

Territorial changes over Kurdish lands became unlikely after 1923. However, the disgruntled Kurdish dynasty of Bedir Khan inaugurated the autonomist and breakaway tendencies of Kurdistan; with a secular persuasion to unravel the Kurdish question within Ottoman boundaries. Under the leadership of Jaladat (Celadet) and Kamuran Badirkhan (Emin Ali's sons), the Xoybûn League (Khoybun, be yourself or be oneself)<sup>70</sup> as a "national pact" for all classes of Kurds had a critical role in promoting a common Kurdish culture and creating a school of Kurdish nationalism to liberate "Kurdish national soil" in the Levant from under Kemalism. It was established in October 1927, which later led to the *Ağrı Dağı* (Mount Ararat) rebellion under the command of Ihsan Nuri Pasha in the 1930s (Edmonds 1971).<sup>71</sup> Military cooperation among Britain, France, and Italy regarding sanctions on Turkey proved decisive. Having acquiesced in the League's decision and the conditions attached to it, Britain, Turkey, and Iraq concluded the tripartite Treaty of Angora (Ankara) on June 5, 1926, demarcating the "definite and inviolable" frontiers between Iraq and Turkey, ceding Mosul to Iraq, and assigning a 10 percent share of the oil resources to Turkey for 25 years (McDowall 2003, 146).<sup>72</sup> The land of the Kurds was shattered on June 5, 1926 in practice, but in total opposition to "the interests of the populations" and their "defined national aspirations" (Link 1984, 322–333).<sup>73</sup>



Later and with the dissolution of the Soviet Union, the Kurdish minorities in Soviet territories were split between the separate Republics of Armenia and Azerbaijan.

### New Nation-States in the Middle East

The Anglo-Iraqi Treaty of Alliance (June 30, 1930),<sup>74</sup> which replaced the 1922 and 1926 treaties,<sup>75</sup> declared Iraq to be an independent state although its emancipation from the Mandate was not welcomed by either the League Council or the Permanent Mandates Commission.<sup>76</sup> Ultimately – upon Britain’s falsified report on the fulfilment of the conditions and meeting political development for membership of the League – Iraq became a member of the League on October 3, 1932 (based on Articles 6 and 18 of the Treaty of Alliance with its protocol of October 10, 1922 and the protocol of April 30, 1923) (McDowall 1992, 20).<sup>77</sup> In 1936, Persia changed its name to ‘Iran’ supposedly to mark the multi-nationality of the Iranian modern nation-state. Britain backed off or cried betrayal with regard to its support for Kurdish self-determination. In fact, the British government was “contemptuous” (Bulloch and Morris 1992, 99) of Kurdish independence. Therefore, it imposed a preponderance of Arab influence on the Kurds. “Owing to the underdeveloped state of the country, the lack of communications, and the dissension of the tribes,” Britain found the creation of an independent Kurdistan impossible at least for *that time*, despite “a strong national movement towards self-determination and independence.” However, a Kurdish administration or a “very large measure of autonomy,” with Kurdish as the official language, was merely deemed “possible” (Burdett 2015b, 189–192).<sup>78</sup> Kurdish sovereign self-determination, in other words, was not a priority in the British policies regarding the Kurds. Self-determination was at best unevenly applied during the period between the two World Wars.

The defeat of France in 1940 provided a rationale for ending the French mandate in the Levant. With the victory of Syrian nationalists in the parliamentary elections of July 1943 and the launching of an Arab revolt, the new government in France recognized the independence of Syria and Lebanon. In 1946, Syria declared its independence from the French Mandate and the Fourth Republic of France withdrew its troops with no concessions to the Kurds (Savelsberg 2014, 90). The ending of the French mandate in the Levant and Syria’s independence in the 1940s again occurred without any change to the Kurds’ rights. Thus, self-determination or even democratic governance remained a chimera.

### Modern Nation-States’ Rejection of Sovereign Kurdistan

When the two leaders, US President Franklin Delano Roosevelt and the British Prime Minister Winston Churchill, issued a joint non-binding declaration of their war aims (the Atlantic Charter 1941) on August 14, 1941, self-determination was among its objectives. The declaration including “certain common principles” rejected any “territorial changes that do not accord with the freely expressed wishes of the peoples concerned” (the Atlantic Charter, Second Principle), which expressed subjective criteria of self-determination. The two leaders proclaimed a principle to allow “all peoples to choose the form of government under which they will live” (the Atlantic Charter, Third Principle), which in practice insinuated internal self-determination rather than external self-determination. Indeed, Churchill on September 9, 1941 in the House of Commons, clarified the concept by declaring that self-determination was not applicable to the existing far-flung colonies of Europeans outside Europe, but only to “the States and nations of Europe now under the Nazi yoke” (HC Deb 1941).<sup>79</sup> It bears noting, however, that the Charter had no practical function or part in the victors’ eventual attitudes toward self-determination. Resettlements and expulsions often became their *de facto* policies which did not accord with the freely expressed wishes of the peoples concerned, whereas self-determination was rejected in subsequent practice (Fisch 2015, 183–185). The Allies subscribed to the principles in the “Declaration by [the] United Nations” on January 1, 1942 not to make a separate armistice or peace with the Axis enemies. The American

Republics bolstered the Atlantic Charter and its principles in their Third Meeting of Ministers of Foreign Affairs in 1942. This could be considered the first broad adherence of nations to the principle of self-determination. In 1944, at the Dumbarton Oaks meeting in Washington DC, the US, the UK, the Soviet Union, and China set about founding a world organization, the “United Nations.” The principles of self-determination and the trusteeship system were not anchored in the draft Charter although it included many comments relating to self-determination and the status of dependent peoples (propounded by Australia) and the principles of the Atlantic Charter.

Ultimately, upon the insistence of the tenacious Soviet Union at the United Nations Conference on International Organization in San Francisco, the four Great Powers identified them as the “purposes of the United Nations” in spite of all critiques by the other states’ delegates, notably Belgium and Egypt, on the ambit, dimensions, and implementation of the principle (Cassese 1995, 38–41). “Nations” was even inserted in the name of the organization so as not to confine itself to the political “rhetoric” of self-determination of its precedent, the League Covenant. The preamble starts with “We the peoples of the United Nations [ ... ]” and Article 1(2) refers to self-determination as one of the purposes of the organization. Later, the right was incorporated in the UN Covenant on Economic, Social and Cultural Rights and the UN Covenant on Civil and Political Rights. It was a transmutation process from slogan to universal right, by which (Fisch 2015, 9) all peoples have the right of self-determination.

The early second decade of the formation of the UN organization corresponded with a call for an end to colonization, which prompted the adoption of the General Assembly Resolution of Declaration on the Granting of Independence to Colonial Countries and Peoples. Many of the current UN Member States are former colonies and have, following the Second World War, realized their claim to self-determination and, therefore, to statehood. The most important factor in the process is that colonial boundaries were not altered by virtue of *uti possidetis*. The internal self-determination of colonies was completely overlooked; i.e., the mode of their governance could not be decided. Moreover, ethnic and national minorities were not considered in the process of decolonizing specific countries and regions. The ideal of self-determination was thus actually thwarted in the implementation. The Kurds, whose territorial units were decolonized separately, were denied the opportunity to exercise self-determination because the principles of state sovereignty and territoriality restricted self-determination. Now the Kurds are fragmented within decolonized units whose self-determination has already been implemented. Moves to set up an autonomous or independent Kurdistan have been suppressed through genocide, discrimination, and repression.

## Conclusion

Nationalism (national consciousness) is the basis of self-determination, through which linguistic, religious, and cultural identity are expressed where there is no congruence between ethnicity and state boundaries. Two promoters, Lenin and Wilson, introduced self-determination to the international community as an anti-colonialist concept and as a standard for liberating peoples under the sovereignty of vanquished empires, respectively. For the inclusive Western European and US version of self-determination, ethnicity did not have a role owing to its emphasis on representative government and individual liberty. But for the exclusive Central and Eastern Europe (socialist) version of it, ethnicity was a valid issue (Musgrave 2000, 2, 5–14). Earlier versions of self-determination envisioned the creation of an “ethno-culturally homogeneous nation-state” (McWhinney 2002, 2).

In the twentieth century, the Kurds were regarded as a people in a Wilsonian political sense after WWI, but at the time, the notion of self-determination had not crystallized into a legal right. Under the Treaty of Sèvres, the Kurds were granted a large degree of autonomy with a provision for subsequent independence, but this treaty was not ratified by the signatory states. The unfulfilled agreement was replaced by the Treaty of Lausanne, with no mention of Kurds. In the peace treaties,

peoples had no opportunity to express themselves and neither did the Allies insist on representative governments. A provision was embedded in the Treaty of Lausanne for an exchange of Turks and Greeks between Turkey and Greece, carried out without consulting the populations concerned (Avebury 1994).<sup>80</sup> Even democratic forms of governing in the newly created states were not successfully imposed by the Allies, though some were obliged to support and secure their minority groups' rights as in the peace treaties with Turkey, Yugoslavia, Poland, Hungary, Austria, Romania, Czechoslovakia, and Bulgaria.

After World War I, the powers had little interest in demands for self-determination due to the economic and strategic importance of their colonies; it was only a propagated slogan, which was perverted and exploited as an instrument for achieving the goal of expansionism. The power principle in fact supervened and determined the fate of peoples and territories. Consent of the Powers was critical for any border change. In the postwar era, the departure from national self-determination hampered the self-determination principle in the Kurdish situation.

State sovereignty and territorial integrity overrode the principle and were consecrated. This system was just for defeated parties and was not applied to the victors' territories. As self-determination was an empty slogan, it was refigured for reordering the world and achieving imperialist objectives. Self-determination survived, but in an attenuated internal form amidst a climate of nationalism (Brownlie 1970, 97). Finally, the principle of self-determination was truncated and not anchored in the provisions of the Covenant of the League. Article 10 of the Covenant emphasized respect for territorial integrity, since many states, especially European imperial powers, were ambivalent about the axiom (Manela 2007, 60–61) although the Mandate System of *advanced nations* was proclaimed as a sacred trust of civilization in Article 22 for *peoples not yet able to stand by themselves*. Ultimately, two bodies of the League appointed in the case of Finland's Åland Islands played a key role in studying and developing the self-determination principle and raised it as the *ultima ratio* and possible solution for the oppressive policy of states toward internal minority groups.

Despite the struggle for a Kurdish nation-state, the Kurds' status as a nation had no legal consequences during the late imperial division of the Middle East, driven by competing objectives. There was alien-determination as a right for the Allies, alien-determination that determined how the region would be configured. The role of the Allied Powers' political and economic interests, especially those of Britain, France, and the Soviet successor state to Russia, could not then be overlooked in the Kurds' failure to achieve statehood in this period. The relevant credible archival British and Turkish historico-legal sources documents, with details cited, demonstrate how little the Kurdish pleas ultimately meant to the Allies. Self-determination remained a mere ideal. There were no practical implications compelling Great Powers' support for the Kurds' political standing as a nation. In the context of the twentieth century, efforts were made to establish an independent Kurdistan; however, Kurdish independence negatively affected the Allied Powers, and the cause was also dropped as a rational political consideration by the League.

The aftermath of World War II and the creation of the UN led to a shift in thought from *national* self-determination to *peoples'* self-determination. By this was meant that the right to self-determination was narrowed, to be invoked by the whole people of a state, not by an ethno-culturally homogeneous minority. Ultimately, self-determination was identified as one of the *purposes* of the UN without forcing its members to adopt exhortatory provisions legally. Self-determination took the form of self-government. With the adoption of common Article 1 of the Human Rights Covenants in 1966, the status and context of self-determination changed dramatically, from a colonial principle to a post-colonial right. The Covenants endowed the right to *all peoples* of the Member States. It crystallized the UN Charter provisions germane to dependent peoples. National groups hoped to achieve their objective through the exercise of external self-determination. Nevertheless, this in practice meant internal self-determination rather than external self-determination; peoples were theoretically to be allowed to choose the form of government under which they would live. For other national groups in third world states, the legal-political

concept of self-determination meant challenging the imperial occupier of their land and removing alien power domination. Self-determination was also granted to the peoples of colonial territories and meant *de facto* decolonization. The Kurds also did not fit within the decolonization framework because they were not a discrete colonial territory; their host states had implemented external self-determination on their behalf.

Subjected to political vicissitudes, the Kurds were numerically gerrymandered as minorities in Armenia, Iran, Iraq, Syria, and Turkey, and are now the largest stateless nation in the world. Kurdistan was thus effectively partitioned, and without Kurdish participation the sovereignty of new nation-states was imposed on them. Kurds remain unrecognized as minority-peoples and are unrepresented by most governments. The host states contrived a *Staatsvolk* in which a group of Persians, Arabs, and Turks dominated and proclaim their identity as Fars, Arabic, and Turkish. After eight decades of suppression by the Iraqi government, the 2005 Iraqi Constitution granted the Kurds their only constitutionally autonomous region, governed by the Kurdistan Regional Government (KRG). The Kurds in Rojava (Western Kurdistan) are now asserting a form of democratic federalism free from the control of the Syrian state. However, Turkey has occupied parts of Rojava since 2018 as a result of military operations, and the area is still subject to Turkish control. Other states have followed the non-recognition model of ethnic differences in fictitiously homogeneous states. By such means, Kurds are deprived of the right to participate effectively in public affairs and decision-making over matters that directly affect them.

Contemporary *lex lata*, or the way normative self-determination still operates for “all peoples” is a conundrum. Kurds should ideally be the paradigm of a distinct people who benefit from self-determination because of their well-defined peoplehood. Yet internal self-determination limits the Kurds in terms of political autonomy or even unity as a nation. Territorial integrity and *uti possidetis juris*, or the territorial emphasis on self-determination, are considered barriers to implementing their right to self-determination. The withdrawal of self-determination during the 1920s was echoed by the US decision to abandon Rojava’s democratic confederalism in the face of the Turkish incursion on the centenary of the Treaty of Sèvres. Western abandonment of the Kurdish people is a long-ingrained geopolitical habit. And to this day, Kurds remain an irredentist collectivity that, within the precise framework of self-determination, still lacks recognized status and is still denied a sovereign state of their own. The legal principle of self-determination is basically flawed and, in practice, is problematic at best. Indeed, the current scope of self-determination fails to capture how the Kurds are treated in reality.

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**Disclosures.** None.

## Notes

- 1 “President Woodrow Wilson’s Message to Congress, 1/8/1918,” U. S. Senate, 65<sup>th</sup> Cong., Record Group 46. Wilson used the Bolshevik term “self-determination” for the first time publicly in the latter.
- 2 “President Woodrow Wilson’s Message to Congress, 1/8/1918,” U. S. Senate, 65<sup>th</sup> Cong., Record Group 46. Points 9, 10, 11, 12, and 13.
- 3 Papers Relating to the Foreign Relations of the United States, 1918, Supplement 1, The World War, vol I, Document 59. The Third Principle: “Third, every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival states.” <https://history.state.gov/historicaldocuments/frus1918Supp01v01/d59>. (Accessed June 27, 2021.)

- 4 “President Woodrow Wilson’s Message to Congress, 1/8/1918,” U. S. Senate, 65<sup>th</sup> Cong., Record Group 46. The Fifth Point: “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 be determined.”
- 5 The treaty was violated by the Ottomans 15 years later.
- 6 Zehaw (in Kurdish) or Zohab.
- 7 In the aftermath of the Bab-i Ali coup (Üngör 2012).
- 8 Or the Society of Ottoman Unity.
- 9 Klein notes that Ibrahim Milli Pasha’s revolt has little to do with nationalism. He had maintained close relationship with the regime of Abdulhamid II and revolted when the new revolutionary regime attempted to reign him in.
- 10 The first one had been presented in 1907 following a conference of Kurdish leaders. Abul Salam Barzani was executed in December 1914 by the governor of Mosul.
- 11 FO 608/95, Telegram, Political Officer, Baghdad, to [Foreign Office?], April 15, 1919, No. 4380, as quoted in Burdett (2015a, 307).
- 12 Though commonly referred to as an “agreement,” it is the outcome of several letters exchanged among the British, French, and Russian Ministers of Foreign Affairs. It is merely a secret “document’ or “deal.”
- 13 PRO FO 608/83 No. 342–8–3/5104, Conversation between British and Italian delegates regarding the Asia Minor.
- 14 FO 371/3407, Toynbee to Sykes, Memorandum, October 12, 1918.
- 15 It was declined by Picot as “contrary to French interests.” FO 608/95, Report on the Situation in Kurdistan from the Secretary’s note for the Inter-Departmental Conference on Middle Eastern Affairs, September 15, 1919, as quoted in Burdett (2015a, 519).
- 16 Telegram, Chief Political Officer, Baghdad, to India Office, May 12, 1919, No. 5354 [FO 608/95]; Foreign Office Minutes, 26 May 1919 on the Future of Kurdistan [FO 608/95]; Letter, Sir Louis Mallet for Mr Balfour, London, to Lord Curzon [Acting Foreign Secretary], May 27, 1919, No. 821 [FO 608/95]; and Brief by Political Department, India Office, on “Mesopotamia: British Relations with Kurdistan,” August 27, 1919, [FO 608/95], quoted in Burdett (2015a, 333, 354, 357, 508).
- 17 For his revolt in detail, see Koohi-Kamali 2003, Ch. 3.
- 18 Note entitled “Kurdistan,” February 10, 1919, Referencing Summary Intelligence No. 291 of January 15, 1919 [AIR 20/512], as quoted in Burdett (2015a, 264).
- 19 FO 371/4192, Calthorpe to Foreign Office, July 10, 1919.
- 20 Ibid.
- 21 HC OR (1920), “Anglo-French Joint Statement of Aims in Syria and Mesopotamia 8 November 1918,” (5 CXLV) col. 36. The text in the official report of House of Commons is: “the complete and definite emancipation of the peoples so long oppressed by the Turks and the establishment of national administrations deriving their authority from the initiative and free choice of the indigenous populations.”
- 22 Note, commenting on Britforce telegrams up to 24 July 1919, General Headquarters, Mesopotamian Expeditionary Force, July 25, 1919. Views of Mustafa Kamal in Paris regarding the future of Kurdistan [AIR 20/512], as quoted in Burdett (2015a, 470).
- 23 The British Delegation in Paris on British Policy in the Middle East declared: “[i]t is impossible to include all Kurdish tribes and settlements in a Kurdish State without violating the integrity of Persia; nor would the Kurds, if united, be capable of governing themselves” (Dockrill 1991b, 148).
- 24 “President Woodrow Wilson’s Message to Congress, 1/8/1918,” U. S. Senate, 65<sup>th</sup> Cong., Record Group 46. The Twelfth Point. Also, see (Gunter 1990) and (Wilson 1966).



- 25 Mesopotamia, Memorandum by Sir Erle Richards to Lord Curzon, January 1919, as quoted in Burdett (2015a, 672).
- 26 Ibid.
- 27 FO 371/5067 Civil Commissioner to India Office, Baghdad, February 4, 1920, as quoted in McDowall (2003, 165).
- 28 Mesopotamia, Memorandum by Sir Erle Richards to Lord Curzon, January 1919, as quoted in Burdett (2015a, 673–675).
- 29 Mesopotamian Geological Reports (1919), IO L/P&S/10/815.
- 30 Statement made on May 1, 1920, Grand National Assembly records, as quoted in Bozarslan 1988.
- 31 FO 808/95, Despatch, J. E. Shuckburgh, India Office, to the Under-Secretary of State, Foreign Office, 1 August 1919, No. P.1284, as quoted in Burdett (2015a, 494).
- 32 FO 608/95, Brief by Political Department, India Office, on ‘Mesopotamia: British Relations with Kurdistan’, 27 August 1919, as quoted in Burdett (2015a, 507).
- 33 Telegram from the Political Officer, Baghdad, to the Foreign Office, London, 29 August 1919, No. 10081, [L/PS/10/833], as quoted in Burdett (2015a, 515).
- 34 FO 371/4193, File 44/156272 of November 28, 1919. Britain had not given any assurance of British mandate to Pasha. FO 608/95, Letter, Sir Louis Mallet for Mr Balfour, London, to Lord Curzon [Acting Foreign Secretary], May 27, 1919, No. 821, as quoted in Burdett (2015a, 357).
- 35 Inter-Departmental Conference on Middle Eastern Affairs, Foreign Office, November 17, 1919, [L/PS/10807], as quoted in Burdett (2015a, 682).
- 36 FO 608/95, Telegram, Secretary of State, London to Civil Commissioner, Baghdad, November 22, 1919, No. P.7495, quoted in Burdett (2015a, 550).
- 37 FO 608/95, Telegram, Secretary of State, London to Civil Commissioner, Baghdad, November 22, 1919, No. P.7495, as quoted in Burdett (2015a, 550).
- 38 Mesopotamia, Memorandum by Sir Erle Richards to Lord Curzon, January 1919, as quoted in Burdett (2015a, 699–670).
- 39 FO 608/95, ‘Kurdistan,’ October 15, 1918, quoted in Burdett (2015a, 559).
- 40 Minutes of an Inter-Departmental Conference on Middle Eastern affairs, Foreign Office, February 23, 1920, [L/PS/10/807], quoted in Burdett (2015a, 687–692).
- 41 League of Nations Official Journal 3 (8 Part II), 1922, 1013. <https://biblio-archive.unog.ch/detail.aspx?ID=128234>. (Accessed May 30, 2021.)
- 42 It was mostly drafted without consultation with the British Foreign Office, PRO FO 371/4231, No. 121884.
- 43 Ibid, art. 139, 32.
- 44 FO 608/95, Brief by Political Department, India Office, on ‘Mesopotamia: British Relations with Kurdistan’, August 27, 1919, quoted in Burdett (2015a, 508).
- 45 FO 371/6467 E 3357.
- 46 Telegram from the High Commissioner of Iraq (Cox) to the Secretary of State for the Colonies, November 16, 1922, No. 804, quoted in Burdett (2015b, 195).
- 47 For Kurdish representation, see O’Shea (2004).
- 48 Sharif Pasha prepared a map for the Paris Peace Conference which rejected by Armenians and was not considered by Britain. Memorandum on the Claims of the Kurd People, Paris, March 1919 (O’Shea 2004, 143). Also, see Pasha (2001).
- 49 The Foreign Office’s Political Intelligence Department had studied the Ottoman Empire before the Peace Conference in which they stated, while highlighting the strategic value of Kurdistan, “[w]e are thus committed to the partition of Kurdistan into three sections, in the two largest of which certain rights are secured to ourselves, the French, and the Arabs, but none to the Kurds” (Dockrill 1991a, 57).
- 50 “President Woodrow Wilson’s Message to Congress, 1/8/1918,” U. S. Senate, 65<sup>th</sup> Cong., Record Group 46. The Ninth Point.

- 51 FO 371/6346 High Commissioner Mesopotamia to Secretary of State for the Colonies, June 12, 1921, as quoted in McDowall (2003, 166).
- 52 Note by the Political Department, India Office, "Kurdistan," December 14, 1918, by Sir J. E. Shuckburgh. Burdett, *supra* 80, at 220. Noel also had proposed "one mandatory Power for the whole of Kurdistan and Armenia." FO 608/95, Report on the Situation in Kurdistan from the Secretary's note for the Inter-Departmental Conference on Middle Eastern Affairs, September 15, 1919, quoted in Burdett (2015a, 524).
- 53 Churchill was persuaded not to create an independent Kurdistan though being sought at the beginning. At the same time, the British Middle East Department was supportive of creating independent or autonomous Kurdistan.
- 54 The British High commissioner in Iraq who then strived for the inclusion of Southern Kurdistan in Iraq.
- 55 This treaty is also known as the Accord of Ankara, Franklin-Bouillon Agreement, and Franco-Turkish Agreement of Ankara.
- 56 The Treaty of Alliance (with protocol) of October 10, 1922.
- 57 He never mentioned the Kurds after proclaiming the new Republic.
- 58 "In accordance with our constitution, a kind of local autonomy is to be granted. Hence, provinces inhabited by the Kurds will rule themselves autonomously. [ ... ] The Grand National Assembly of Turkey is composed of the deputies of both Kurds and Turks and these two peoples have unified their interests and fates."
- 59 Mustafa Kemal's private archive, the telegrams from Mustafa Kemal to Diyarbakir on the Kurdish issue (May 1919 to April 1920) (the Military History Department of the Turkish General Staff 1996): "Kurds and Turks are true brothers and cannot be separated"; "Our existence requires that Kurds, Turks and all Muslim elements should work together to defend our independence and prevent the partition of the fatherland."; "I am in favour of granting all manner of rights and privileges in order to ensure the attachment [to the state] and the prosperity and progress of our Kurdish brothers, on condition that the Ottoman state is not split up" (Mango 1999b). Mustafa Kemal "toyed" with autonomy for the Kurds (Gunter, 2016, 28). For ongoing Kurdish language ban, see Australian Department for Foreign Affairs and Trade, DFAT Country Information Report Turkey (October 9, 2018) <https://www.dfat.gov.au/sites/default/files/country-information-report-turkey.pdf>. (Accessed May 30, 2021.)
- 60 Mustafa İsmet İnönü referred to the equality of Kurds and Turks at Lausanne. However, he later reconsidered it as the "Turkish nation is above all other nations. Those who do not admit this superiority are in a state of battle with us" (Strohmeier 2003, 106).
- 61 A call from Sheikh Sa'id to rebellion in March 1924.
- 62 League of Nations Official Journal, iv, 1923, 201–202. For Britain's stand on referring the Mosul case to the League, see Beck (1981).
- 63 For a detailed account, see Hussain (1955).
- 64 His epitomized rule is an exponent of Kurdish nationalism. He was exiled and replaced by Soane, who was in turn dismissed in March 1919 due to "his autonomist views in conflict with Britain's growing integrationist policy." Mahmud was reinstated by Britain in September 1922 to tackle the Turks. In his second term, he was more determined to create "a Kurdish Kingdom," including Iranian territory with Simqu as his ally. Americans abandoned Wilson's Fourteen Points. For Britain's policy toward the Kurds, see Olson (1987), Mella (2005, 127), Bell (1927) and Eskander (2000).
- 65 The Commission considered the Turkish argument "only partly accurate" (League of Nations 1925, 24).
- 66 O'Shea concludes that oil was relatively unimportant for Britain since it was not highlighted in the Churchill-Cox correspondence, but economic and commerce issues. In addition, she believes that the Kurds themselves did not have a reliable leader (O'Shea 2004, 125–126). Also, see Gruen (2004) and Eskander (2000).

- 67 Also see Tejirian (2004, 159).
- 68 The Law was abolished in 1929, while the Tribunals continued until 1949 (Kurban 2020, 87).
- 69 After Shaikh Said, the Merdisian Tribe revolted in 1926 under the command of Shukri Agha which was crushed since a Turkish spy had been penetrated their gatherings. (Mella 2005, 104).
- 70 In October 1927, the self-exiled Kurds of any strata formed the party of “Khoybun League” in Bhamdoun, Lebanon. Some sources refer to its establishment in 1924. Disappointed in Britain and France, they cast about for patronage of Italians and Americans. Its headquarters were based in Aleppo with missions in London, Paris, and Detroit and clandestine branches in Iraq, Syria, and Turkey (Fuccaro 2003, 197). The *Khoybun* had commenced a “pen” (cultural and linguistic) movement to bolster the national identity of the Kurds through teaching Kurdish language (Kurmanji), literature, and the history and geography of Kurdistan in schools. The periodic journal of Hawar (The Calling) was published in Kurdish and French from 1932 to 1943. After that, Roja Nû (New Day) was produced up to 1946. The Kurds had also used radio from March 1941. Concurrently, other Kurdish societies such as Ciwanên kurd (Young Kurds) and the Sharaf al-Din Bitlisi Club, the Salah al-Din Club established in Jazira and Damascus. Also, the French Kurdologists and orientalist aided them in providing materials and nation building as well. The Kurdish cultural movement had a creative aspect, the Kurdish women that Badirkhan referred to it as “one of the elements of the eastern renaissance.” It could be considered the basis of founding the special armed force for women, the Women’s Protection Units or Women’s Defense Units (Yekîneyên Parastina Jin, YPJ) in Rojava (Tejel 2009, 23–28).
- 71 Sureya BedirKhan referred to Khoybun as a national pact (Strohmeier 2003, 109).
- 72 The Treaty between the United Kingdom and Iraq and Turkey, UK Treaties Online. <http://foto.archivalware.co.uk/data/Library2/pdf/1927-TS0018.pdf>. (Accessed May 30, 2021.) Also, see Cuthell (2004, 260).
- 73 Four Points, Woodrow Wilson, “An Address to a Joint Session of Congress [4 Points]” (Link 1984, 322–333).
- 74 The 1930 Treaty was replaced by the special agreement of April 4, 1955 to rein in the Iraqi Army and its military airbases by Britain, which later led to the continual quell of the Kurds in their rebellions. <https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=65637>. (Accessed May 30, 2021.)
- 75 The Anglo-Iraqi Treaty of January 13, 1926, regarding ceding the Mosul region to Iraq, did not allude to the Kurds’ rights.
- 76 For Iraq’s road to statehood, see Pedersen (2010). For Britain’s withdrawal from Iraq, see Sluglett (2007).
- 77 Treaty of Alliance. <http://foto.archivalware.co.uk/data/Library2/pdf/1926-TS0010.pdf>. (Accessed May 30, 2021.)
- 78 Britain had relinquished his support of the Kurds by December 1921. See Olson (1992).
- 79 Parliamentary Debates, House of Commons, September 9, 1941, ‘War Situation’, vol. 374, 68–69, available at [https://api.parliament.uk/historic-hansard/commons/1941/sep/09/war-situation#column\\_94](https://api.parliament.uk/historic-hansard/commons/1941/sep/09/war-situation#column_94). (Accessed May 30, 2021.)
- 80 Recommended by the intelligence of the US.

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