



TRABAJO FIN DE GRADO
GRADO EN RELACIONES INTERNACIONALES (INGLÉS)
CURSO ACADÉMICO 2023/2024
CONVOCATORIA JUNIO

**THE RIGHT TO SELF-DETERMINATION: THE KURDISH CASE IN IRAQ AND
TURKEY**

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En Madrid, a 17 de junio de 2024

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INTRODUCTION

Peoples' right to self determination is a fundamental principle in contemporary international law that recognizes the right of ethnic and national groups to freely determine their political status and pursue their economic, social and cultural development. This right, enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, as in many other human rights conventions, represents a cornerstone in the resolution of conflicts and the promotion of peace in multicultural and plurinational contexts.

This paper focuses on the right of self-determination of the Kurdish people, the so-called "largest stateless nation". This ethnic group has an estimated population of between 25 and 35 million people, distributed mainly in territories covering parts of Turkey, Iraq, Iran, Syria and Armenia. Over the centuries, the Kurds have maintained a unique cultural identity, characterised by their own language, traditions and social structures. Despite having experienced periods of intermittent autonomy in the past, the Kurdish people have also faced periods of oppression and marginalisation, particularly under centralised regimes that have sought to assimilate or repress their cultural and political identity.

The decision to address the right of self-determination of the Kurdish people in this work is based on several considerations. First, the right of self determination, despite being one of the main principles of the international community, might be the one which international relations struggle the most. The contradictions rising from the applicability of this right, turn it into an interesting subject of analysis. Second, the situation of the Kurds exemplifies the challenges faced by ethnic and minority groups in their fight for recognition and autonomy within established and powerful nation-states.

The Kurdish question is not only one of the oldest and most persistent in the Middle East, but also has significant implications for regional stability and international security. Kurds might not only be the largest stateless nation, but also one of the least standardised. The circumstances of the Kurdish population in Syria, for instance, has nothing in common with the ones living in Iraq. Each State has its own policies to deal with the Kurds, which leads to an uneven Kurdish degree of self-determination.

Having explained that, this qualitative research will analyse the following hypothesis: the unbalanced differences in the range of autonomy and self-determination achieved by the Kurds are due exclusively to international pressure and foreign interventions.

To prove that, a specific comparison between Turkey and Iraq will be made. The dichotomy of these two countries in terms of Kurdish autonomy, positioned them as the perfect subjects for this study. In Turkey, the Kurdish question has been marked by decades of armed conflict between the Turkish state and the Kurdistan Workers' Party (PKK), while in Iraq, Kurds have gained a considerable degree of autonomy through the Iraqi constitution of 2005 and the formation of the Kurdistan Autonomous Region. The remarkably different political and social dynamics that characterise their respective relations with the Kurds invite study of the topic.

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This analysis aims to examine the right of self-determination of the Kurdish people from a legal, historical and comparative perspective, focusing specifically on the experiences of Iraq and Turkey. The main objective is to assess how different state policies and international dynamics can influence the aspirations and outcomes of autonomy.

Through the work the concept of self-determination of peoples, its legal foundations in international law and its application in the specific case of the Kurdish people will be analysed, together with the historical background and evolution of the Kurdish movement in its struggle for the recognition of its political and cultural rights.

It will be assessed a detailed comparative analysis of the political, social and legal conditions affecting Kurdish self-determination in Iraq and Turkey. Moreover, the research will show the impact of state policies, regional geopolitical interests and international dynamics on the realisation of the right of self-determination of the Kurdish people.

The relevance of this research relies on various meaningful points. To begin with, the Kurdish case offers a huge window to examine how demands for autonomy and recognition can be managed within existing legal and political frameworks. And moreover, how and why two states coming from a repressive posture towards the Kurds, end up having two completely different outcomes.

On the other hand, the Kurdish issue, despite being the oldest and most persistent in the Middle East, is out of media focus in comparison with other current ongoing conflicts such as the Palestine or Ukrainian questions. It is imperative to acknowledge and give some credit to the Kurdish cause, especially when human rights are being violated systematically.

Summing up, this work will contribute to the understanding on the right of self-determination and ethnic conflicts in plurinational contexts, while providing a detailed and comparative view highlighting the complexities inherent in the Kurds' aspirations for self-government and national and international recognition.

PEOPLES' RIGHT TO SELF-DETERMINATION

"The principle of self-government is, and always has been, the essential principle of freedom." - John Stuart Mill.

The right of self-determination symbolises the freedom of communities to choose their own path without external coercion, a principle that resonates with the intrinsic dignity of human existence. This principle stands not only as an ethical compass, but also as an affirmation of the sovereignty and agency of peoples in the creation of their own future.

According to the International Covenant on Civil and Political Rights 1966 and the International Covenant on Economic, Social and Cultural Rights 1966, peoples' right to self-determination is understood as the right all peoples have to "*freely determine their political status and freely pursue their economic, social and cultural development*".

The concept of self-determination has evolved significantly during the 20th century, becoming a driving force behind the decolonization movement, as many colonised peoples sought independence and statehood after World War II. The scope of the principle has expanded beyond the colonial context to apply in other situations, such as peoples under apartheid rule or belligerent occupation (Diakonia International Humanitarian Law Centre, 2024).

It is not only recognised as a core principle of international law derived from customary law, but also acknowledged as a general principle of law. The right is evoked in many international treaties such as the UN Charter, the above-mentioned International human right Covenants, or several judgement and opinions of the International Court of Justice (Vashum, 1996, 66). The ICJ itself has confirmed on several occasions the *jus cogens* status of peoples' right to self determination, which is one of the highest forms of international law. Therefore, all states are bound to ensure this right whether they have ratified any treaty about the issue or not (Bowring, 2009, 19).

The Peoples' right to self-determination relies on different important concepts such as nation, sovereignty, and human rights.

According to Tamir, a nation is understood as a "*community whose members share feelings of fraternity, substantial distinctiveness, and exclusivity, as well as beliefs in a common ancestry and continuous genealogy*". This idea of nation is often used as a synonym

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of “peoples”, as members of a particular community or ethnic group (Tamir, 1997, 18) . The right to self-determination allows nations to express their collective identity and determine their political status, which can lead to the formation of new states or autonomous regions (Cristescu & United Nations, 1981, 48).

Sovereignty, on the other hand, refers to the supreme authority of a State to govern itself without external interference. The concept of self-determination challenges traditional notions of sovereignty, especially when it involves claims for independence or autonomy within existing States. Balancing the principles of sovereignty and self-determination is crucial in international relations, as the pursuit of this right may conflict with the territorial integrity and sovereignty of another State (Shrijver, 2013, 96).

Lastly, regarding human rights, self-determination is inherently linked to them , as it empowers individuals and groups to shape and protect their cultural, social, and political rights. The Universal Declaration of Human Rights 1948 recognizes it as a fundamental human right that should be upheld for all peoples without discrimination. It is a universal right that underpins the principles of freedom, justice, and peace among nations (United Nations, 2013).

Despite the broad conceptual and legal development peoples’ right to self determination already holds, in terms of applicability it remains complex and controversial. When the right to self determination is exercised it may come into tension with other ruling international principles such as territorial integrity or sovereignty (Pastor Ridruejo, 2023, 282-284). That is the principal reason why, after all these decades, peoples' right to self determination is still nowadays a contentious subject.

I. Origins of self-determination

Self-determination is an idea whose roots, according to some scholars, date back to the city-states of Ancient Greece where the concept of self-government was widespread. Others, however, point out the Peace of Westphalia in 1648 with the first international recognition of sovereignty (Vashum, 1996, 64). There are still those who date the early notions of self-determination in the 18th Century as a result of the Enlightenment and its main advances and developments.

Keeping in mind the Enlightenment theory, the also known as “Age of the Reason” was a social process of revolution and development in all fields of Knowledge. From science to politics, there was an eagerness for achieving intellectual progress as an actor of change to improve both human society and individual lives (Bristow, 2010). Although there was actually an Enlightenment's notion of self-determination, it was related to individuals, not nations. It was an issue of motivation and willingness, not of communities’ political development (Weitz, 2015, 463).

For the German enlightened philosophers such as Immanuel Kant or Johann Fichte, the defining events which articulated the current conception of self-determination were the

French Revolution and the Napoleonic conquests. Both phenomena encourage the rise of nationalism and the creation of several nation-states across Europe (Ibid, 463).

The French Revolution was the first time that self-determination concept was used as a political weapon for liberation. In addition, it was a matter of change for the development of the people's rights to live in dignity under a ruler's power. In this sense, The American Revolution follows the same approach as the French one. Both The American Declaration of Independence 1776 and French Declaration of the Rights of the Man and the Citizen 1789, acknowledge popular sovereignty as a recognition of the right of the masses (Vashum, 1996, 64).

Later, from the 1860s to 1920s, self-determination totally lost individualism in favour of a nation-centrist perspective. This was the main period of European nation-state formation and first glimmers of anticolonial and independence movements in Africa, India and the Middle East. The principal illustrators of this achievements were the Unification Processes of Germany and Italy in 1871, the independence of Bulgaria, Montenegro, Serbia, and Romania at the Congress of Berlin in 1878, and the emerging states resulting from the Russian, Habsburg, and Ottoman empires after World War I and the Paris Conference (Weitz, 2015, 483).

Despite Johann Fichte's transformation of the self-determination perception into a collectivist approach (Ibid, 470), the current notion of the concept is attributed to former US president Woodrow Willson and his Cardinal Fourteen Points (Vashum, 1996, 64). Wilson's points were introduced on January 8th 1918 at the US Congress as guidelines for rebuilding the international community post-World War I. He, thereby, proposed several ideas regarding nations' foreign policy, freedom of seas, free trade, the dismantling of European empires, national self-determination, and the creation of new states (National WWI Museum and Memorial, 2024).

The Allies accepted the Fourteen Points presented by Willson as the needed principles to restore peace among warring states. Therefore, as Wilson suggested, the Austro-Hungarian, Ottoman, and Russian empires were fragmented into various novel States. In order to reorganise these States the principle of "one nation, one State" was applied for the first time (Vashum, 1996, 65).

Although none of the primary treaties post-World War I included the term "self-determination", it was a powerful idea existing in the configuration of the new states and their borders, and in the establishment of the League of Nation mandate and minority protection system (Weitz, 2015, 487).

The expression of self-determination became so widespread that even the Nazis employed it to justify their expansionist politics. Hitler argued that the Versailles Treaty violated Germany's right as a nation and attacked the German minorities in Central and Eastern Europe. The German National Socialist version of self-determination was called "*Volksgemeinschaft*", and defended the Aryan racial community's determination of its own future without concern of the other nations or racial communities (Ibid, 489).

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After World War II, self-determination would become a central item in the architecture of the postwar system. With the establishment of the United Nations and the development of its legal framework and treaties, this concept would be enshrined as a human right and adopted by numerous anticolonial activists and movements (Ibid, 489).

II. Self determination inside UN legal framework

The UN has played a pivotal role for the development of self-determination as a legal right. From the UN Charter to the human rights Covenants, all have made significant contributions to the evolution of the concept.

An important first breakthrough was the allusion to self determination in Articles 1(2) and 55 of the UN Charter (Crawford & Brownlie, 2019, 130). Inside Article 1(2) of the Charter it is established the purposes of the organisation being:

“to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples [...]”.

On the other hand, Article 55 presents several goals that the UN shall boost in the line of:

“the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples [...]”.

Despite these references to self-determination, the principal sponsors of the Charter had very different approaches of how to apply the idea in terms of peoples subjected to colonial domination. On the one hand, the US and the USSR were against colonisation due to political and ideological interests. While colonialism was questionable for the US as a former colony of the British empire, the USSR considered it as a capitalist phenomenon. However, France and the UK, who were not only sponsors of the Charter, but also important colonial powers, were interested in maintaining dominion over their colonies (Pastor Ridruejo, 2023, 277). Taking into account those two perspectives the chapter XI, XII, and XIII of the UN Charter were developed.

Chapter XI was created under the title of “Declaration Regarding Non-Self-Governing Territories” (United Nations, 1945, 14). Its purpose was to maintain the power of the winning powers and non-enemies over the colonial territories until they developed self-government (Pastor Ridruejo, 2023, 277). Whilst, chapter XII and XIII established an international trusteeship regime controlled by the UN, and applicable to territories held under mandate from the League of Nations; territories which might be detached from enemy states as a result of the Second World War; and territories voluntarily placed under the system by states responsible for their administration (United Nations, 1945, 15).

Those chapters together with article 1(2) and 55 are the beginning of the legal articulation of peoples’ right to self determination (Pastor Ridruejo, 2023, 278). Although

many have misunderstood this principle as a simple political statement, in practice the UN has reinforced it through powerful institutions and treaties (Crawford & Brownlie, 2019, 130).

Example of this reinforcement is the resolution 1514(XV) of the UN General Assembly approved in 1960 which contained the “Declaration on the Grating of Independence to Colonial Countries and Peoples”. The resolution highlights the imperative of respecting and upholding fundamental human rights, particularly the right to self-determination, as outlined in the Charter of the United Nations. It also condemns exploitation and subjugation, while advocating for the peaceful transfer of power to territories seeking independence, and denouncing any actions that undermine national unity or territorial integrity. According to the Declaration, all states should adhere to these principles, emphasising equality, non-interference, and respect for sovereignty (UN General Assembly, 1960, 67).

The Article 2 of the resolution 1514 (XV) states that *“All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”*. The same statement was included as the Common Article 1 of the International Covenant on Civil and Political Rights 1966 and the International Covenant on Economic, Social, and Political Rights 1966. This addition expanded the applicability of the right of self-determination from a right entitled to “colonial people” to a human right (Bowring, 2009, 20). Later, it would be also attached to other UN documents such as the Article 2 of the United Nations Vienna Declaration Programme of Action 1993 (Vashum, 1996, 71).

Further developments were made on account of the UN General Assembly’s resolution 2625 (XXV) of 1970, which includes the “Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations” (UN General Assembly, 1970, 121-124). Inside this resolution it can be found the principle of equal rights and self-determination of peoples, responsible for one of the most significant changes in framing the concept. While resolution 1514 (XV) articulates self-determination as a peoples right, the 1970 Declaration acknowledges it as both right of the people and duty of the States (Pastor Ridruejo, 2023, 280). As the principle of equal rights and self-determination of peoples states in the Declaration:

“By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, realisation of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle[...].”

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The final exaltation of peoples' right to self-determination as positive law came with the International Court of Justice's Advisory Opinion about Namibia in 1971. The Court determined, referencing the UN Charter and resolution 1514 (XV), that South Africa's ongoing presence in Namibia was unlawful and mandated that South Africa withdraw its administration at once (ICJ, 1970). Therefore, peoples' right to self-determination can no longer be considered as a mere moral expression but as a customary norm emerged from the *opinio iuris* practice of the UN General Assembly (Pastor Ridruejo, 2023, 286). In addition, according to Articles 53 and 64 of the 1969 Vienna Convention on the Law of Treaties, self-determination as a norm has an *ius cogens* character since it is a "*norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character*" (United Nations, 1969, 18). Besides, it had already obtained conventional consecration when Article 1 of both 1966 human rights Covenant enunciates it.

At the end, the peoples' right to self-determination development as a legal norm has emerged under the United Nations' framework, and it has been applied by its organs and institutions' incentives (Pastor Ridruejo, 2023, 286).

III. Subjects and limits of the right to self determination

Considering Resolution 2625 (XXV), peoples' right to self determination's scope is quite wide since it refers not only to political status, but also to cultural and social development.

Although resolution 1514 (XV) when structuring self-determination right focused on the peoples under colonial domination without considering how other peoples would be beneficiated from this right, resolution 2526 (XXV) proclaims self-determination in general terms so all kinds of peoples can exercise it.

However, there are two specific circumstances of people that are more legally entitled to proclaim self determination. On the one hand, national minorities have an extremely limited subjectivity, basically related to a generic right to preservation of one's existence regulated by the Convention on the Prevention and Punishment of the Crime of Genocide 1948. On the other hand, Indigenous peoples. They have an international status and rights that must be respected such as recognition of the right to autonomy and prerogatives over the land and natural resources of its settlement area. In case these rights are not given, it could be raised if they have the right to self-determination.

In political terms, self-determination has two different projections: internal and external. Resolution 1541 (XV), adopted two days after resolution 1514, contemplates three manifestations of this right's exertion, being: the creation of a new State, free association with another State, and integration within another State. This is what is understood as external projection.

However, when resolution 2526 (XXV) proclaimed the right in general terms, it was necessary to add another expression of it: the procurement of any other political statute freely chosen by the people. This is how internal projection is held, as peoples' right to a representative and democratic political system within its own country (Vashum, 1996, 67). According to Article 21(3) of the Universal Declaration of Human Rights 1948, "*the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures*".

Thus, self-determination is not restricted only to secession and independence, but also has many other different manifestations. However, among all the diverse projections the peoples' right to self-determination could hold, there is always an implied potential transformation of a community into a sovereign State. This issue, far from contributing to international peace and justice, could turn into a possible threat to the stability of international relations (Pastor Ridruejo, 2023, 282).

In order to control the hypothetical damage the unlimited exertion of self-determination might cause to the international community, both already cited resolutions provide a clause about the protection of national unity and territorial integrity. Nevertheless, resolution 2625 (XXV) establishes a criteria of legitimation to apply the clause. Hence, only States with a fully representative and non-discriminatory government are able to embrace the clause (Ibid, 282).

Regarding the principle of territorial integrity, it is restricted by interstate relations, the principle of non-intervention, and the prohibition of the threat or use of force against States territorial integrity, present in resolution 2625 (XXV). What this resolution doesn't take into account is how these constraints apply not only to international relations, but also to the relations between a State and a community (Ibid, 282).

There are only three situations in which secession shall not be denied: peoples under colonial domination, situations of domination by racist regimes, and Peoples occupied by another power or foreign occupation.

When talking about the case of colonial domination, it refers to those territorial colonies which had not achieved full self-government and were dependent on the supplying power. As a result, they have recognized the right to self-determination and its transitory nature. They may seek help from other actors if other States prevent them from exercising their right of self-determination. They are mainly represented by national liberation movements rather than a government and the use of force is permitted in cases where self-determination is prevented.

One of the main concerns about borders and territorial integrity, specifically after the decolonisation process, is that most of the current boundaries of post-colonial States were inherited from the previous colonial administration regardless of the wellbeing of the pre-existing communities or any kind of ethnic unity. This situation brought up the debate between two opposite principles: one State, one nation; and frontier stability. In this sense, for

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the international community and international law, frontier stability would always be more valuable due to its power in terms of peace and security (Ibid, 284).

HISTORICAL BACKGROUND AND EVOLUTION OF THE KURDS IN TERMS OF SELF-DETERMINATION

When talking about “the Kurds”, it refers to the ethnic minority group concentrated in the converging area between Iran, Iraq, Syria, Turkey, and little regions of Armenia, also known as Kurdistan (Britannica and T. Editors of Encyclopaedia 2024). Although Kurds nowadays constitute a mixture of several communities as a result of previous invasions and migrations, most of them are sunni muslims and Indo European-speaking people. These features are what differentiate them ethnically from the Turks, Arabs, and Iranians despite sharing some cultural rituals (Gunter 2004, 198).

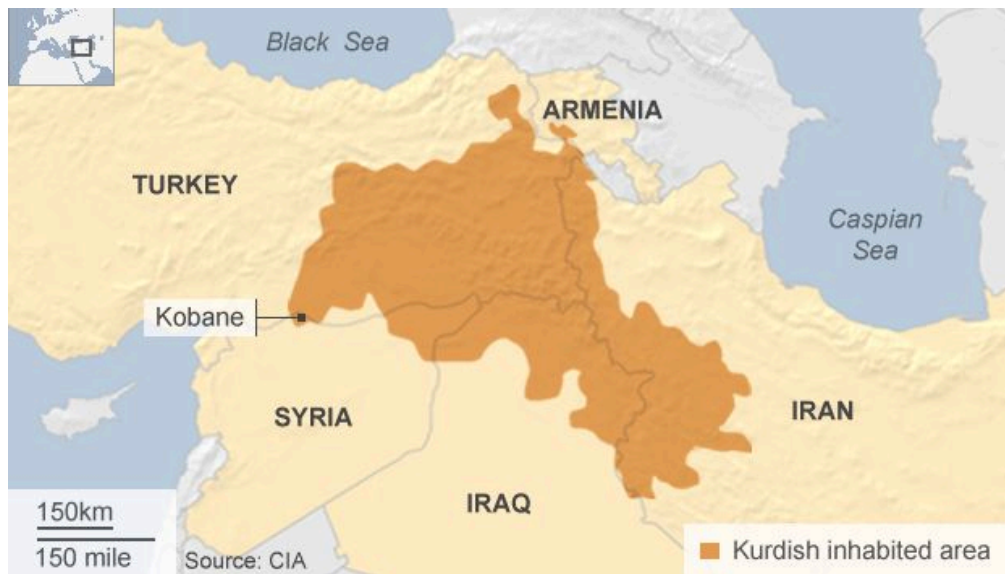


Figure 1. Map of the dimensions and location of Kurdistan. BBC

Kurds are said to be the largest stateless nation as the territory where they have traditionally settled was divided between the previously mentioned states after the collapse of the Ottoman Empire (Rubin, 2016).

The total population of Kurds around the world is estimated to be between 35 and 45 million people, from which between 1.5 and 2 million are victims of the Kurdish diaspora as

a result of the persistent exclusion and violence of the States against them (Fondation-Institut kurde de Paris, 2017).

I. Origins of the Kurds and first sights of autonomy

The beginning of the Kurdish ethnicity remains unclear because, according to multiple historians, there is no such a thing as a common ancestor to all the Kurds. Following this perspective, some scholars defend the Kurds to be descendants of several Indo-European tribes who established in the area around 4 thousand years ago (Gunter 2004, 199).

On the other hand, the Kurds themselves claim their origins back to the Medes (Rubin 2016). Also known as the Medians, they were nomadic people who contributed to the downfall of the Assyrian Empire in 612 BC. The Median Empire eventually developed powerfully until the Persians conquered it in 550 BC (Choubineh 2024).

Centuries later, the word “Kurd” appeared in the 7 th AD as the name the Arab conquerors applied to the Islamicized people living in that mountainous region (Gunter 2004, 199). Arab-Muslim invasions were fiercely resisted by the Kurds who, in spite of joining Islam, remain non-Arabized. Thus, as soon as the caliphs’ power started to weaken, Kurds developed their own political power. Example of this is the town of “Akhlat” founded in 837 AD by a Kurdish lord. Theoretically the town was a principality vassal to the Caliph, but, in fact, it was almost independent (Fondation-Institut kurde de Paris, 2016).

The first actual Kurdish principality was established during the middle 10th Century AD where the border of Iran and northern Iraq is situated nowadays (Rubin, 2016, 9). Other Kurdish tribes and dynasties followed the same steps giving birth to several other principalities. Despite the attempts of the Kurdish settlements to stay independent, they were continuously disrupted by massive invasions by emerging tribes from central asian. In the 11th Century, the Seljuks Turkish dynasty, precursors to the Ottoman Empire, who had already conquered Iran and the Caliphate of Baghdad, started to systematically annexionate the Kurdish principalities. As a result of this incorporation the Seljuks created the province of Kurdistan (Fondation-Institut kurde de Paris, 2016).

Kurdish sovereignty has flourished and disappeared many times through-out history; however, the Kurds have been constantly subordinated to a greater neighbouring power such as the Turkish or Persian Empires (Rubin, 2016, 9).

II. Kurds under the Ottoman and Persian Empires

Kurd people were characterised for their hermetic temper towards themselves and others in order to preserve their autonomy and customs. In that sense, even when they were subordinated to another power, they usually insisted on being managed by a Kurdish ruler.

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Hence, when having to choose between being conquered by the Ottomans or the Persians, they most likely supported the side which accepted this condition (Tas, 2014, 508).

Between 1513 and 1517, when the Ottomans were fighting the Persians, the Mamluks, and the Safavid, several Kurds joined the Ottoman forces to defeat their enemies. In exchange for submitting under their authority and helping to defend the Empire, Kurdistan's autonomy and Kurdish chiefs' authority were recognised (Idem.). The treaty resulting from the battle of Chaldiran, a battle with an enormous impact on shaping the modern Middle East boundaries and demography, granted the Kurds a permanent autonomy over their ancestral lands (Pillalamarri, 2014).

For the purpose of maintaining ethnic stability, during the 16th and 17th centuries, the strongest era of the Ottoman Empire, the *millet* practice was applied. *Millet* was the word used for the different ethnic or religious minority groups living within the Empire. Therefore, with the *millet* system these communities were given different levels of self-governance which not only avoided ethnic conflict, but also enabled the Ottomans to conquer without losing control over the Empire (Tas, 2014, 498).

The Kurdish regions as *millets* had the status of semi-independent principalities. As long as the Kurds provided the central government with soldiers and military supplies, they had total fiscal, judicial and administrative autonomy. They also were able to apply their own customary law over disputes arising from their members (Ibid, 509).

As mentioned, by the early 16th century most Kurds were under Ottoman rule; however, the remainder fell under the Persians (Gunter, 2004, 199). Also known as Safavid Empire, they destroyed the original Kurdish principalities and established centralised policies. Safavids, who were originally Sunni¹, over time changed towards shi'ism. Thus, the Kurds subjected to them were forced to a process of Shiization. That is the reason why Kurdish identity was less developed with the Persians than with the Ottomans (Bengio, 2017, 33).

Kurds were comfortable with their situation under the Ottoman Empire and didn't expect it to change. Kurdish princes were concerned about the interests of their clan, family or dynasty, not the hypothetical "Kurdish nation". However, this tendency started to change as soon as the Ottoman sultan started to deprive the Kurds from their autonomy (Fondation-Institut kurde de Paris, 2016).

At the beginning of the 19th Century, the Ottoman sultan Mahmud II established a centralising tax recollection policy as a desperate measure to obtain income to compete with the European powers. Until that moment Kurds were only entitled to pay a bare minimum, which was usually paid off in military supplies. After some expeditions to the Kurdish

¹ Inside the Islam doctrine there exists an ideological division between two main groups called Sunni and Shia. Shias, a term that stems from shi'atu Ali, Arabic for "partisans of Ali," believe that Prophet publicly designated his cousin and son-in-law, Hazrat Ali (peace be upon him), as the first in a line of hereditary Imams from the Prophet's family to lead the community after him.. Sunnis, meaning followers of the sunnah, or "way" in Arabic, of Mohammed, are opposed to political succession based on Mohammed's bloodline. This separation is not only political, but also in terms of rituals in traditions since they have some disparities between the two groups. In addition, the division between Sunni and Shia has influenced and caused many conflicts such as the Syrian Civil War. (Maizland, 2023)

principalities, the Ottoman State decided to end the independent authority of the Kurdish tribes. The last semi-independent unit was pulled out of power in 1847 (Özoğlu, 2001, 390).

From that moment to the Russo-Ottoman war (1877-78) there is no record of Kurdish leadership in any aspect. Nevertheless, the paralyzation of the region as a result of the brutal war contributed to the rise of Sayyid Ubeydullah, a political and military figure who assumed Kurdish leadership in both Ottoman and Iranian Kurdistan. The main incentive of Ubeydullah to rise and try to unify the Kurds was to stop the potential Armenian expansion over Kurdistan as a result of the pact made between the Ottomans and the Armenians after the Treaty of Berlin 1878. Thus, Ubeydullah started in 1880 a revolt to unify the different Kurdish tribes against the Persian and Ottoman States, while attempting to restore peace and order in the region. Since the Ubeydullah's militia was composed mainly by Kursh tribesmen, they were easily defeated by the Qajars of Persia. When he returned to the Ottoman territories, he surrendered to the authorities who exiled him until his death in 1883. The Ubeydullah's movement sets a landmark in Kurdish national development not only for the emergence of a new political leadership in Kurdistan, but also, according to some experts, it was the genesis of the Kurdish nationalist struggle (Ibid, 390-391).

By the end of the 19th century the Ottoman Empire was dealing with the convulsion of nationalist revolts arising from every edge of the empire. Since the idea of pan-Ottomanism was completely unsuccessful, the Turkish cultural and political elites changed their predisposition towards a pan-Turkism ideology. The main goal of this doctrine was the creation of a nationalist Turkish empire from the Balkans to Central Asia (Fondation-Institut kurde de Paris, 2016). The non-Turkish of the Empire were not the only ones holding uprising moments of uprising. In 1908, the "Young Turk" revolution broke out against the autocratic regime of the sultan in defence of a constitutional regime. Eventually the Young Turk Organisation, also known as the CUP, managed to take the power of the Empire, inaugurating a more progressive and liberal period (Özoğlu, 2001, 392).

Following this new atmosphere the Kurdish elites took comfort in Istanbul and the CUP itself. The son of Sayyid Ubeydullah, Abdulkadir, was not only for a period of time a member of the CUP, but also became one of the founding members of the Kurdish Society for Mutual Cooperation and Progress. This was the first political Kurdish organisation. Influenced by European ideas, it called for the awakening of Kurdistan economic, social, and politically (Ibid, 393). From that moment, several Kurdish societies started to appear; however one of the most relevant was, the Society for the Advancement of Kurdistan (SAK) established in 1918. This second organisation, according to the experts, is the one representing the Kurdish nationalist leadership the most. The SAK was the best organised, the most inclusive, and its leaders requested openly the independence, or at least autonomy, of Kurdistan (Ibid, 386-387).

II. Kurds in the post-World War I period

Between 1914 and 1918 most European powers and countries were involved in the First World War, and the Ottoman Empire was not indifferent to it. Fighting against each other, there were on the one side the so-called “Central Powers” being Germany, Austro-Hungary, and the Ottoman Empire; and on the other side the so-called “Allies” being France, Great Britain, Russia, Italy, Japan, and, from 1917, the United States. The victory of the Allies over the Central Powers had enormous consequences for the defeated such as the Ottoman Empire. The end of World War I led to the collapse of the Empire (Gunter, 2004, 199).

The Treaty of Versailles, which set the final of the War and the consequences for the losing powers, was followed by the Sèrvres Treaty. The purpose of this second treaty was to rebuild the Middle East from the ashes of the crashed Ottoman Empire, regarding one of Wilson's Fourteen Points which declared that the non-Turkish minorities should be granted the right of autonomous development (Ibem.). In accordance with their imperialistic interest, the Allies elaborate a plan in which their troops would occupy the Ottoman capital and internationalise it. Then, the territory of Anatoly, todays Turkey, would be mostly divided between the Greeks, Kurds, Armenians, French, British, and Italians; therefore dividing the empire’s territory into European spheres of influence (Danforth, 2015).

The Treaty of Sevres 1920 was a significant document for the Kurds since it contained some provisions about the possibility of their autonomy and even independence. Article 62 established an specialised commission to determine the borders of a Kurdish region wish in that moment was comprehend between “...east of the Euphrates, south of the southern boundary of Armenia as it may be hereafter determined, and north of the frontier of Turkey with Syria and Mesopotamia...”. On the other hand, Article 64 outlined the process for Kurdish leaders to submit a request for independence to the League of Nations, who was in charge of approving it.



Figure 2. Consequences of the Treaty of Sèvres. Quora

The Kurdish population reacted to the Treaty of Sèvres with a mix of hope and cautious optimism. Thus, the SAK split up between the secessionists and autonomists. However, the expectations set by the Treaty of Sèvres were soon to be dashed. The rise of Mustafa Kemal Atatürk and the Turkish National Movement led to the rejection of the treaty by the new Turkish government. The Turkish winning of the War of Independence emerging from the Greek invasion of Anatolia, set a precedent for the Turks. Atatürk's nationalist vision sought to create a homogenous Turkish state, leaving little room for Kurdish autonomy or independence (Özoğlu, 2001, 394-395).

By the Treaty of Lausanne 1923, the previous Treaty of Sèvres was dismissed and the territorial status quo between Turkey and its neighbours was defined (Sfetas, 2015, 198). The Lausanne Treaty solidified the borders of modern Turkey, Iraq, and Syria, dividing the Kurdish population among these states. It set a precedent for the understanding of Turkey as the “home of the Turks and Kurds”. The Turkish intentions behind this statement was the annexation of the territories inhabited by Kurds to the new Turkish State (Harris, 1977, 115).

With this situation the Kurds found themselves divided among several states, each with its own policies and attitudes toward Kurdish identity and autonomy. In Turkey, Atatürk's government embarked on the creation of a secular and purely Turkish State based on a policy of forced assimilation, suppressing Kurdish culture, language, and political expression (Tadik, 2013, 78). The repression against these people led to three great Kurdish revolts in Turkey. The first, Sheikh Said Rebellion in 1925, was both nationalistic and religious since it fought for the reunification of the Kurds through Islam and with the prospect of the reinstatement of the Caliphate. After Sheikh Said was crushed and hanged, in 1927 a transnational Kurdish party was founded in Lebanon under the name of Khoyboun, which means independence. The party encouraged another important uprising in the Ararat area

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pursuing an independent State of Kurdistan. This revolt was also defeated by the Turks, this time with help of the Iranians. Lastly the Dersim rebellion, despite being able to last from 1936 to 1938, was also a Kurdish failure (Gunter, 2004, 200).

The Kurdish region of Iraq maintained its autonomy for a while after the Lausanne Treaty. Nevertheless, as soon as the League of Nations granted the newly created Kingdom of Iraq control over the province in 1925, any hope for Kurdish Independence disappeared. Although the League stipulated that the province would be administered by Kurds themselves and that Kurdish would be an official language together with Arabic, these commitments didn't have much value for the Iraqi authority (Rubin, 2016, 12). Kurdish discontent grew due to unfulfilled promises of autonomy and ongoing marginalisation. This discontent manifested in several significant revolts. Sheikh Mahmud, a prominent Kurdish leader, led multiple uprisings against the British, while the kingdom was under its mandate, and later Iraqi rule. Although he was initially appointed as the governor of the Kurdish region by the British, Sheikh Mahmud declared himself "King of Kurdistan" in 1922 seeking independence for the Kurds. Despite initial successes, his uprisings were ultimately crushed in 1932 by British and Iraqi forces (Gunter, 2004, 202).

IV. Kurds after the creation of the United Nations

As it was explained, throughout the 1920s and 1930s, the Kurds faced various forms of repression and assimilation policies from States in which they were abducted. Kurdish uprisings in Turkey and Iraq were brutally suppressed. Any effort to create a unified Kurdish identity was fiercely censored by the central governments of these countries.

The period from World War II to the creation of the United Nations, also had a relevant impact in Kurdish history. This era was characterised by significant geopolitical shifts and the emergence of new international institutions aimed at fostering global peace and cooperation.

During World War II, the Kurdish regions found themselves directly involved in the conflict or under the influence of the major warring powers. The significant role of the Middle East in providing resources, especially oil, led to the second British occupation of Iraq and the Anglo-Soviet penetration in Iran. Although Turkish Kurds did not see direct military conflict on their lands during the war, the Turkish government continued its policies of assimilation and repression against Kurdish identity and autonomy (Tejel, 2023, 4).

In 1941 the Allies established in Cairo the Middle East Supply Centre (MESC). This institution was responsible for controlling maritime traffic to the Middle East as a way of increasing the inflow of military supplies. (Ibid, 7) However, the MESC intervention in the region resulted in terrible side effects such as famine, inflation, unfair competition, etc. As the price of the raw material rose due to the war and the massive presence of foreign military, the merchants and commercials took advantage of it, selling most of their products to the foreigners for a higher price. Thus, the locals were not able to afford the products which caused a famine problem. The most affected by it were the Kurds

who were not only mainly rural people, but also suffered the constant marginalisation and oppression of the States where they lived. Therefore, a large number of Kurds decided during this period to cross borders illegally looking for better opportunities (Ibid, 8-10).

The establishment of the United Nations in 1945 after the end of the Second World War, brought new hope for many stateless and marginalised groups around the world. The UN Charter emphasised principles such as self-determination, human rights, and the promotion of social progress, which resonated with the Kurdish aspirations for autonomy and recognition.

One of the most notable events during this period was the establishment of the Mahabad Republic in Iranian Kurdistan. Until that moment the Kurdish secessionist movement in Iran had no relevance despite the fact that the number of Kurds in the country was double than in Iraq for instance. With help of the Soviet Union, who was in its way of creating pro-Soviet proxies against the West, The Iranian Kurdish intellectuals declared in January of 1946 the Mahabad Republic. Although it lasted less than a year, and had no international recognition, its existence inspired Kurdish nationalist movements across the region, especially in Iraq (Rubin, 2016, 13).

The post-war period in Iraq was marked by political instability and efforts by the central government to consolidate power. The Kurds in Iraq, who had experienced British colonial rule and subsequent integration into the Iraqi state, faced ongoing challenges in their quest for autonomy. After the defeat of Sheikh Mahmud in 1931, Mulla Mustafa Barzani emerged as the new leader of the Kurdish movement in Iraq. Although he was said to be conservative and tribalist, he turned to be the guiding spirit of the Kurdistan Democratic Party (KDP) founded in 1946 (Gunter, 2004, 202). Barzani was one of the four generals who served the Mahabad Republic, so after its downfall he spent a decade in exile in the Soviet Union (Rubin, 2016, 13).

In Turkey, the post-war period saw continued repression of Kurdish identity and aspirations. Even though most of the Kurdish tribes either supported the government or were neutral on the issue, the Turkish authorities, under the influence of Kemalist ideology, pursued policies aimed at assimilating the Kurds and suppressing any form of Kurdish culture and tradition that could lead to separatism. This measure included the prohibition of the language or the Kurdish names (Gunter, 2004, 202). The persistent repression led to the radicalization of segments of the Kurdish population, culminating in the formation of the Kurdistan Workers' Party (PKK) in 1978. The PKK, under the leadership of Abdullah Öcalan, adopted a Marxist-Leninist ideology and sought to establish an independent Kurdish state through armed struggle (Rubin, 2016, 14).

The Iranian Revolution of 1979, which led to the overthrow of the Shah and the establishment of the Islamic Republic, significantly affected the Kurdish regions. Initially, Kurds hoped the new regime would recognize their rights and grant autonomy. However, the Islamic Republic's centralising policies and commitment to a unitary state led to renewed conflict. Kurdish political movements, such as the Kurdistan Democratic Party of Iran (KDPI), engaged in armed resistance against the new regime. The Iranian government responded with military campaigns aimed at suppressing Kurdish dissent, leading to significant casualties and displacement (Gunter, 2004, 203).

V.. Legal and international concerns about the Kurds

The international perception of the Kurds has varied significantly over time due to the geopolitical context. In the post-World War II era, the Kurds were seen primarily as a stateless ethnic minority facing repression and discrimination in several countries. This perception continued throughout the Cold War, although there were times of increased international visibility, especially in relation to the Kurdish uprisings in Iraq and Turkey. In recent decades, the image of the Kurds has evolved considerably. The Kurdish resistance against Saddam Hussein's regime in Iraq, and the struggle of Kurdish forces against the Islamic State in Syria, have made the Kurds key players and important allies in the region. Media coverage and public relations campaigns have improved the international perception of the Kurds, highlighting their commitment to democratic values and human rights (Phillips, 2017, 72).

International recognition of the Kurds' right to self-determination has been limited and uneven. While some entities, such as the Kurdistan Autonomous Region in Iraq, have received some degree of recognition and support, other Kurdish movements have been labelled as terrorists. International support has been more evident in humanitarian and security terms. Kurdish forces, particularly the People's Protection Units (YPG) in Syria and the Peshmerga in Iraq, have been trained and armed by coalitions led by the United States and other Western allies. This support has been crucial in their efforts against the Islamic State, but it has also given rise to diplomatic tensions, especially with Turkey, which considers the YPG an extension of the PKK (Gunter, 2011, 95).

On the other hand, the UN, as one of the main actors of the international community, has played a limited role in the Kurdish question. The sovereignty of member states and the complexity of self-determination outside the context of decolonization have diminished its capacity to interfere on the issue. Nevertheless, several UN bodies have been involved with the Kurdish cause in terms of human rights and humanitarian aid. For example, the United Nations High Commissioner for Human Rights (OHCHR) has documented human rights violations against Kurds in Turkey, Iraq, Syria and Iran (Pinheiro, 2024). The UN Security Council has also indirectly impacted the Kurdish situation. Resolutions related to the protection of civilians in armed conflict and the fight against terrorism have influenced the dynamics of security in the Kurdish regions. Still, the lack of an international consensus on the Kurdish problem has limited the UN's ability to take concrete measures in support of the Kurds.

The international community, including non-governmental organisations (NGOs) and other actors, has been instrumental in raising the visibility of the Kurdish cause. Organisations such as Human Rights Watch or Amnesty International, have documented and denounced the systematic human rights violations against the Kurds, providing evidence that has been used in international forums to stimulate improvements in their situation (Amnesty International, 2020). Awareness campaigns and advocacy initiatives have also played an important role.

The Kurdish diaspora has played a crucial role in the international visibility of the Kurdish conflict. It is distributed globally, with significant communities in Europe, North America and elsewhere. There are an estimated 1.5 million Kurds in Europe, with special concentrations in Germany, France and Sweden (Baser, 2015, p. 38). These communities have maintained strong ties with their places of origin and have been active in promoting Kurdish self-determination. Through civil society organisations, media and political lobbies, Kurds in the diaspora have influenced the policies of their countries of residence towards the states in which the Kurds live (Eccarius-Kelly, 2011, p. 123). For instance, in the US, groups such as the Kurdish National Congress of North America (KNCNA) have worked to influence US foreign policy towards the Kurds, especially in relation to Iraqi Kurdistan and the Syrian civil war (Ibid, 127). In addition, the diaspora has been instrumental in providing financial and logistical support to Kurdish movements in the Middle East.

In terms of international law, as it has been analysed in the previous chapter, the UN Charter establishes self-determination as a fundamental principle, but its practical application has been inconsistent. Moreover, General Assembly's Resolution 1514 (XV) of 1960, was an important step towards decolonization and the promotion of self-determination. However, since the Kurds were not considered as a colony in the classical sense, they did not benefit directly from these provisions.

The ICCPR is another international treaty that has failed the Kurdish people. Article 1 reaffirms the right of all peoples to self-determination including the right to "freely determine their political status and freely pursue their economic, social and cultural development". Despite these guarantees, the Kurds have faced significant obstacles to exercising this right due to opposition from the States in which they reside.

Due to the particular circumstances of the Kurds, most of the international conventions related with self-determination are not directly applicable to their situation. However, they help to create a framework of protection and to strengthen their rights.

The Universal Declaration of Human Rights, for example, states in Article 21(3) that "*the will of the people shall be the basis of government authority*", which implies a basis for democratic self-determination. This declaration has been fundamental to Kurdish aspirations, as it provides a human rights structure in which the legitimacy of their struggle for self-determination can be argued.

In addition, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) also supports the right to self-determination, declaring in article 5 the right of everyone to equality before the law and to enjoy civil and political rights without discrimination. ICERD has been used to denounce systematic discrimination against Kurds in countries such as Turkey and Iran.

Despite Kurds not being considered as indigenous people in the technical sense, the UN Declaration on the Rights of Indigenous Peoples' principles, such as the right to maintain and strengthen their own political, legal, economic, social and cultural institutions, are applicable to their struggle. (United Nations, 2007).

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Lastly, it is important to mention International Labour Organization (ILO) Convention No. 169 as it establishes specific rights for indigenous and tribal peoples. Those include the right to self-determination and control over their own institutions and lifestyles. Again, although the Kurds are not officially categorised under this convention, the principles contained therein reinforce their demands for self-government and cultural protection (ILO, 1989).

COMPARATIVE ANALYSIS OF KURDISH SELF-DETERMINATIONS IN THE STATES OF IRAQ AND TURKEY

After studying the evolution of the Kurd people and its fight in favour of their historical and ethnic rights, it is interesting to focus the analysis of their current self-determination in two specific countries.

Being Turkey the country where Kurds have the least amount of rights and autonomy, and Iraq the most, it is more significant for the analysis to compare them and look for the social and political elements that generate those completely different situations.

A comparison between the experiences of the Kurds in Turkey and Iraq could reveal both similarities and significant differences in their struggles and achievements. This comparative perspective not only enriches our understanding of the Kurdish question, but also offers valuable lessons on the various strategies and policies that can facilitate, or impede, the recognition and autonomy of stateless peoples.

I. Political system of Iraq: background, development, and relevant events

The Republic of Iraq is a federal parliamentary republic established in Southwest Asia with an extension of approximately 438,317 km². Iraq's current political system, which was introduced by the Constitution of 2005, is based on the separation of powers and federalism. These features allow the existence of autonomous regions inside the State which possess a certain degree of self-government (Saleh, 2015, 124).

Iraq's political history has been influenced by periods of foreign domination and internal conflict. Although the Ottomans conquered some Iraqi provinces at the beginning of the 16th Century, Iraq didn't fall under the control of the central authority until the 19th Century. The tribal system that characterised Iraq was weakened by the integration and unification policies of the Empire. The repression of the Ottomans encouraged the Iraqi tribes to convert to Shi'ism as a way of rebellion against the central authority (Saleh, 2013, 51-52).

As a former Ottoman region, when the Empire collapsed as a result of World War I Iraq remained under British rule due to the League of Nations decision. (Gunter, 2004, 2002). Wilson's Fourteen Points had also an impact in how the British controlled the territory. They decided to give Iraqis some autonomy establishing their own Arab monarchy; however, it was still under the British mandate. Iraq continued being managed by the British until 1932 when the League of Nations granted its actual independence. (Saleh, 2013, 54-55).

Over the following decades, Iraq experienced a series of coups d'état that culminated in the establishment of a republican regime in 1958. The General 'Abd-ul-Karim Qasim was the leader behind the downfall of the monarchy. He transformed Iraq into a dictatorship with help of the Soviet Union and the Iraqi Communist Party (ICP). The Qasim's regime endangered the Western interest in the country not only because they were in the middle of the Cold War, but also due to the role of Iraq as a key supplier of oil (Jacobsen, 2013, 1029-1030). Thus, the United State government started to cooperate with local actors who were against the dictatorship of Qasim such as the Ba'th Party. Eventually the Ba'th organised a coup d'état in 1968 which ended Qasim rule (Ibid, 1040) .

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The Ba'th Party as a political unit embraced the empowerment of Sunni Arabs in decline of Shi'i. The government's political rivals, mainly Shiites and Kurds, were arrested and punished. In 1979 Saddam Hussein came to power becoming president of Iraq. He pushed to the extreme the political behaviour of the Ba'th Party by crashint the ICP, persecuting the Shi'i opposition and Kurdish movement, purging the Ba'th party itself, and eliminating basically anyone who could turn into a threat (Saleh, 2013, 65-66).

Under the leadership of Saddam Hussein, Iraq was involved in several important conflicts like the Iran-Iraq War 1980-1988, the invasion of Kuwait in 1990, and the Gulf War of 1991 which triggered the United States' invasion of Iraq. US' intervention led to the overthrow of Saddam Hussein in 2003 and his execution in 2006 for committing crimes against humanity (Bengio, 1998, 119). These significant events had devastating consequences for Iraq. The long-lasting Iran-Iraq War left the country economically exhausted and deeply in debt after the death of hundreds of thousands of people. The Hussein regime during this war took the decision to use chemical weapons against the enemies and the minorities as a way of repression (Tripp, 2000, 85). Since Kurds were the principal target, internal tensions were aggravated in the middle of this instability. On the other hand, the UN economic sanctions imposed on Iraq after the 1990 invasion of Kuwait and the subsequent Gulf War, had a terrible impact on the country's economy and infrastructure. The sanctions started an important humanitarian crisis which involved famine, shortage of medicines, and the deterioration of basic services (Bengio, 1998, 122).

After the invasion of Iraq and the disposal of Saddam Hussein, the US, together with the international community, helped with the reconstruction of the State. Iraq at that moment was facing several challenges emerging from decades of totalitarian rule. The whole political and State system needed to be reform from the military and security services, to justice and economy (Dobbins et al., 2003, 169). The dissolution of the Baathist institutions and the army as a result of the reform, incited the flourishing of insurgents and pseudo-militias due to the temporal power void. Besides, the existing tension between Sunni, Shi'i, and Kurds hinder the creation of the new constitution. (Allawi, 2007, 98).

Eventually, in 2005 the current Constitution was introduced as a turning point for Iraq's modern history. It was approved by referendum and pretended to be the most important instruments for the acknowledgement of the ethnic and religious diversity of the country. As it was mentioned before, federalism is one of the pillars of the Constitution and a statement towards decentralisation and autonomy of the different ethnic groups, specially the Kurds (Ibid, 92).

The early years of this federalist republic were challenging mostly due to sect conflicts within the Shi'is and the Sunnis. The worst episode of violence occurred between 2006 and 2007 when the sects orchestrated daily assaults and armed battles (Tripp, 2007, 112). Despite the huge instability, in 2010, the second parliamentary elections of this new-born republic were celebrated proving its compromise with democracy.

In 2011, The US forces retreated from Iraq despite the situation there was uncertain. The situation worsened with the appearance of the ISIS terrorist organisation. Also known as Islamic State of Iraq and the Levant, it managed to capture important extensions of Iraq's territory. For instance, Mosul, the second biggest city of the country fell under ISIS' control (Mansour, 2017, 15). However, as the international community, led by the US, returned its support to Iraq, in 2017 the Iraqi government declared victory over ISIS (Ibid, 18).

II. Political system of Turkey: background, development, and relevant events

The Republic of Turkey is a transcontinental state situated mainly in the Anatolia's peninsula of Western Asia, with some territory in the Balkans in South-East Europe. Since 2017, Turkey has been ruled by a presidential system whose current leader is Recep Tayyip Erdogan. Unlike, Iraqi republic which is based on the embracement of the country's ethnic diversity, Turkey's policies are extremely centralised and orientated towards a pan-Turkish² ideology. (MAEC, 2024, 1-2).

The political history of modern Turkey starts with two important national traumas consequences of losing World War I. The downfall of the Ottoman empire, and the following Treaty of Sèvres played a significant role in articulating Turkey's national sensitivity. Some scholars agree that Sèvres has a strong legacy in the country as it helped to develop a "nationalist paranoia" which some called the "Sèvres syndrome" (Danforth, 2015).

Right before starting the First World War, Turkish nationalists, whether in the name of Islam or under the flag of secularism, undertook ethnic cleansing in order to create a true Turkish State. Following this path, the Republic of Türkiye emerged in 1923, built under an Ottoman administrative system and army, controlled by Mustafa Kemal, also known as Atatürk. From this one moment Turkish ethnic nationalism becomes radicalised. The concept of "Turkish" was intensified by the Kemalist speeches to express an identity of a common nation without ethnic distinctions. All of this resulted in a policy of Turkification through non-acceptance of the different Turkish ethnicities, especially the Kurds. The central government granted them the category of Turks, or more contemptuously "Turks of the mountains", thus denying their identity and preventing the expression of any type of claim for a nation that for them didn't exist (Shmatko, 2021, 12).

On the other hand, Atatürk also led a series of profound reforms to transform the country into a modern State. Coming from the theocratic Ottoman Empire, Turkey turned into a secular country due to the abolition of the Caliphate in 1924. The new administration changed the Arabic alphabet for Latin and introduced a new civil code based on the Swiss model. (Zürcher, 2004, 156-160). Economic policies were also implemented such as the nationalisation of the main industries, or the massive investment in infrastructure. The purpose was to separate Turkey from the Islamic tradition and get closer with the European and Western States (Ahmad, 1993, 33-40).

After the death of Atatürk in 1938, the Second World War broke out. However, during this War Turkey remained completely neutral, or at least most of the time. Due to the imminent defeat of the Axis, in February of 1945 Turkey declared war on Germany and Japan as a way of giving support to the Allies. The post-war period and the estrance of the State in the UN increased both internal and external pressure towards the democratisation of the country (Zürcher, 2004, 192-198). The end of World War II meant the beginning of the Cold War, and, as a result of the Truman doctrine of 1947, Turkey permitted the creation of opposition political parties. This new openness led to the creation of the Democratic Party (DP) and its overwhelming victory in the elections of 1950 (Harris, 2001, pp. 45-50).

The government of the DP wanted to be the representatives of the popular will together with the country's economic liberation. What started as a "democratic party", as

² Pan-Turkism is understood as a cultural, academic, and philosophical and political concept advocating the unity of Turkic peoples. Ideologically, it was premised on social Darwinism which defends the supremacy of a group of people over the others.

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soon as the economic situation turned defective, began to implement autocratic policies that caused the discontent of the population. Nevertheless, it was under the DP's rule when the alliances between Turkey and the NATO started. The DP managed to stay in power until 1960, when the Turkish military elites deposed the government by the first of many coup d'états that Turkey would endure (Ahmad, 1993, 55-60).

The two decades between 1960 and 1980 was a period of political and democratic experimentation. A new constitution was made under military supervision, the political parties had to negotiate and create coalitions due to the lack of a specific majority, and the ideological division together with political violence increased significantly. The turbulence and instability of the government led to a new pronouncement in 1971. Considered as a "soft" coup d'état due to the lack of warlike confrontations, it wanted to put an end to the prevailing anarchy and implement reforms to achieve a democratic and modern Türkiye. This uprising didn't represent any relevant change in the course of the country's political drift. Political fragmentation persisted and increased because of the decline of the economic situation that inspired a rise in violence between nationalist and communist groups. The consequence of all this was a new coup d'état in 1980 (Zürcher, 2004, 192-198).

The military regime established after the coup proceeded to dissolve parliament, suppress basic freedoms and apply martial law. After a period of two years, the military returned the government to civilian hands; however, with the condition that the allegedly "responsible" for the situation of chaos prevailing before the establishment of the military regime were banned from returning to politics. Many of the constitutional articles that protected the leader of the coup couldn't be clarified until 2010 (Torcu, 2017, 72-82).

The political turmoil seemed to be a feature of Turkish history in the 20th century. The 1990s decade was no different from the last fifty years with another "soft" coup d'état, insatiable qualifications, and frequent change of government. In addition the Turkish government had to deal with the PKK since 1978. This Marxist-Leninist based party, magnified its activities during the 90s fighting for an independent Kurdish State. The Turkish government proceeded with intense military oppression in response to the armed struggle of this organisation (Zürcher, 2004, 192-198).

The 2002 elections set a turning point for Turkish politics. This election had a special significance among the population due to the great discontent of the voters with the rulers. The main parties competing in the elections were the Justice and Development Party (AKP) and the Republican People's Party (CHP). Due to its newness, most of the Turkish people voted in favour of the AKP, a recently created party based on a moderate Islamist and conservative ideology (Torcu, 2017, 72-82).

In recent years, especially with the rise to power of Recep Erdogan in 2014, current leader of the AKP, and the 2016 referendum after another attempted coup d'état, the Turkish regime has become more authoritarian. Its foreign policy is called neo-Ottomanism or new Ottomanism, which have also influenced domestic politics are the intensification of nationalism and anti-Kurdish policies inside and outside its borders. Since the 80s, Turkish society has been witnessing a process of Islamization or Islamism of State, where religion provides the mechanism of superiority. In 2017, Erdogan, with his strengthened position and a stable economic situation, facilitated a constitutional reform that transformed the republic into a presidential system. This change granted greater powers to the president to the detriment of those of the Assembly (Ibem.).

The Erdoğan regime has significantly transformed the Turkish political system and state. Since his rise to power in, Erdoğan has consolidated his control through constitutional reforms, an initially prosperous economy and assertive foreign policy. However, his government has also been marked by a growing authoritarian tendency, repression of the opposition and a deep polarisation in Turkish society. These changes have shaped a very different Turkey from the one that existed in the first decades of the republic, with significant implications both internally and in regional and international politics.

III. Current situation of the Kurds in Iraq and Turkey

Having analysed the historical and political particularities of each regime, this part of the chapter would focus on the comparison of the situation of the Kurdish people within each country. In order to do so, the current status quo of the Kurds will be put under analysis through some specific parameters.

1. Brief summary of the historical relation between both States and the Kurds

The Kurds in Turkey, who constitute approximately 20% of the country's population, have been subject to assimilation and repression policies since the founding of the Republic of Turkey in 1923. Despite the persecution of these people started under the late years of the Ottoman rule, was the regime of Atatürk the one setting a precedent that his successors would follow. Atatürk's policies prohibited the use of the Kurdish language and denied the Kurdish identity, referring to them as "mountain Turks" since Kurdistan is an extremely mountainous region. (Bozarlan, 2008, 35). Although the intention behind these policies was the creation of an homogenous national identity, they were executed at the expense of minimising and eliminating ethnic and cultural diversity.

After decades of systematic repression and discrimination, the Kurdish identity reawakened in Turkey with the PKK. The establishment of the party in 1978 marked the recent history of the Kurds in Turkey. The PKK, led by Abdullah Öcalan, initially sought Kurdish independence through armed conflict; however, over time it moderated its demands for greater autonomy and cultural rights (Nuñez Gonzales, 2019, 67). From 1984, when the PKK officially launched its insurgency, to 2000, due to the conflict with the Turkish State the amount of deaths due to the conflict with the Turkish State was over 37 thousand and around 3 million people were internally displaced (Human Rights Watch, 2019).

Nowadays the situation of the Kurds in Turkey remains tense. Although there have been some advances in the cultural recognition and use of the Kurdish language in certain contexts, Kurdish political aspirations face tight resistance. The repression of Erdoğan's government against the PKK together with any movement minimally perceived as separatist, has intensified tensions (Nuñez Gonzales, 2019, 68). In 2013, a peace process was started between the Turkish government and the PKK. In spite of its initial progressive perspective, in 2015 it collapsed resulting in a resurgence of the conflict (Ibid, 72). The military operations in south-eastern Turkey and the mass arrests of Kurdish activists and politicians reflect the harsh policy of the Turkish government towards the Kurdish question.

On the other hand, Kurds in Iraq, representing about 15-20% of the population, have also faced a long history of discrimination and violence. The Kurdistan Democratic Party (KDP), founded in 1946, pursued in 1970 the so-called "March

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Manifesto” that was going to provide the Kurds with autonomy. However, as soon as the leader of the KDP was defeated by the Iraqi government the negotiations were put off. (Gunter, 2005, 204)

During Saddam Hussein’s dictatorship, the Iraqi regime carried out the Anfal campaigns in the late 1980s. This infamous crusade against the Kurds was responsible of causing genocide, mass displacement and destruction of Kurdish villages (McDowall, 1996, 312). The campaigns included chemical weapons attacks, such as the infamous attack on Halabja in 1988.

After the Gulf War the Iraqi Kurds managed to establish an autonomous State with its own parliament in northern Iraq. Nevertheless, what seemed to be a victory for the Kurds turned around in another different direction. The appearance of this Kurdish state started a civil war between the KDP and the PUK. The US was responsible for promoting the ceasefire which ended with this conflict. Later, the de facto reunified Kurdish parliament decided to exercise its autonomy as a region of the Iraq federal State to be. This autonomy was formalised within the 2005 Iraqi Constitution, which recognizes the Kurdistan Region as an autonomous federal entity with its own parliament and security forces (Natali, 2005, 92). Although the Kurds have achieved huge goals in terms of self-governance, tensions with the central government of Baghdad have persisted, especially in relation to the management of natural resources and disputed territories such as Kirkuk (Natali, 2010, 117).

Currently Iraqi Kurdistan enjoys a significant degree of autonomy, although it faces internal challenges such as corruption and political fragmentation among the main Kurdish forces, KDF and the PUK. The region has also been a key player in the fight against Islamic State, which has strengthened its relations with international actors. The economy of Iraqi Kurdistan depends heavily on oil, which has led to constant disputes with the central government over income distribution and control of oil fields (Natali, 2010, 120). Moreover, the independence proclaimed in the 2017 referendum was rejected by both Baghdad and the international community, leading to a series of punitive measures by the Iraqi government (Gunter, 2018, 89).

As it has been shown, the main difference between the Kurds in Turkey and Iraq lies in the degree of autonomy. While Iraqi Kurds have managed to establish a constitutionally recognized autonomous region, Kurds in Turkey continue to fight for basic rights concerning cultural and political recognition (Ibid, 62).

In Iraq, Kurdish autonomy has been institutionalised to some extent, providing a framework for self-government and regional development. In Turkey, however, any movement towards Kurdish autonomy is perceived as a threat to the territorial integrity of the state, resulting in constant repression (Ibid, 89).

In Turkey, state policy has oscillated between violent repression and limited attempts at cultural concessions. The prohibition of the Kurdish language and the denial of the Kurdish identity have been persistent elements of Turkish politics, although there have been periods of greater openness, as during the 2013-2015 peace process (Ibem).

In contrast, Iraq, especially after the fall of Saddam Hussein, has offered a legal framework for Kurdish autonomy, although the effective implementation of this framework remains problematic. Disputes over the control of resources and territories remain sources of conflict, but the official recognition of Kurdish autonomy represents a significant advance compared to the situation in Turkey (Rubin, 2016, 13).

2. Legal and constitutional framework towards self-determination and autonomy

The contrast between the situation of the Kurds in Turkey and Iraq gets more remarkable when discussing the legal and constitutional framework.

2.1. Irak

As discussed previously, After the 2003 invasion of Iraq, the need for a new constitution that could consolidate peace and promote national unity became indisputable. The process of drafting the new constitution was a collaborative effort involving various political and ethnic factions in the country, including Kurds, Shiite Arabs, Sunni Arabs and other minorities. (Institute for International Law and Human Rights, 2013).

The 2005 Constitution introduces several important elements aimed at establishing the federal and democratic system that respects the rights of different communities in Iraq. One of the fundamental principles of the Constitution is the recognition of Iraq's ethnic and cultural diversity. The document seeks to establish a legal framework that promotes peaceful coexistence and mutual respect among the different communities in the country. The federal structure, apart from being another central pillar, was designed to decentralise power and allow greater autonomy to the different regions of the country. Besides, it places a strong emphasis on the protection of human rights and fundamental freedoms. This approach reflects a significant shift from the repressive policies of the previous regime as the current Constitution guarantees rights such as freedom of expression, freedom of religion and equality before the law (Seed Foundation, 2021).

The Iraq Constitution represents a fundamental step in the recognition and promotion of the rights of the Kurdish people. One of the most significant aspects is the official recognition of the Kurdish language through article 4 of the Constitution which states that both Arabic and Kurdish are official languages of the country. This recognition not only reaffirms the Kurdish identity and culture, but also strengthens the sense of belonging and respect towards the Kurdish community. The fact that Kurdish is an official language allows it to be used in the educational system and in public administrations of the Kurdistan Region and other areas with a significant presence of Kurds. This ensures that Kurds can receive education in their mother tongue and can interact with government institutions in Kurdish, promoting cultural diversity and facilitating access to information in their native language (Institute for International Law and Human Rights, 2013).

Another crucial aspect is the regional autonomy recognized through Article 117, which officially recognizes the Kurdistan Region as a federal entity within Iraq. This article allows Kurdistan to have its own government and parliament. The Kurdistan Region can establish its own government institutions, including a regional parliament that legislates on political, social, and internal affairs. The Kurdistan regional government has executive and legislative powers in various areas, enabling it to adapt policies and laws to the specific needs of its population. A particularly important area is the management of natural resources, especially oil. Although the constitution is not completely clear on the distribution of these resources, the Kurdistan regional government has established agreements and policies to manage resources within its territory (Ibem.).

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Article 121 also plays a vital role in giving regions the right to modify the application of national legislation in certain areas. This allows the Kurdistan regional government to adapt national laws to local conditions and needs, giving the region a significant degree of self-government. This ability is crucial in fields such as education, health and public administration, where policies can be adjusted to better serve the Kurdish population. Moreover, this flexibility allows the Kurdistan Region to protect and promote the rights and freedoms of its people, ensuring that the laws reflect the cultural and social particularities of the Kurdish community. However, the region must coordinate with the central government on several aspects, especially in policies that affect the entire country, which has been a source of tension but also of negotiation and cooperation (Ibem.).

Despite constitutional provisions, the implementation of Kurdish autonomy has faced several challenges and tensions. One of the constant points of friction has been the management of natural resources, especially oil. Disputes over income distribution and exploitation of oil fields have generated significant tensions between Iraq's central government and the Kurdistan regional government. (Institute for International Law and Human Rights, 2013).

In September 2017, the Iraqi Kurdistan Region organised an independence referendum that marked a significant turning point in relations between Baghdad and Erbil, the capital of Kurdistan. The referendum was widely supported by the Kurdish population, with an overwhelming majority voting for Iraq's independence. However, the central government in Baghdad and the international community strongly opposed this initiative, considering it illegal and potentially divisive for Iraq's territorial integrity. In response to the referendum, the Iraqi government took several steps to reassert its federal control over disputed regions. The central government in Baghdad mobilised military and paramilitary forces to regain control of the city and its environs, which had been under the rule of the Kurdish regional government since 2014 (Seed Foundation, 2021,).

From a legal perspective, the referendum and its consequent military response pose significant challenges in terms of the interpretation and application of Iraq's 2005 Constitution. The constitution recognizes the Kurdistan Region as a federal entity with a significant degree of autonomy, but also establishes Iraq's sovereignty and territorial integrity as fundamental principles. The independence referendum and the military response of the central government underscored the ambiguities and tensions within this constitutional framework (Nuñez Gonzales, 2019, 62).

In legal terms, the declaration of the referendum as illegal by the central government raised questions about the constitutional authority for the secession and unilateral independence of a region within a federal state. The military response, on the other hand, generated debates about the use of force and the legality of such actions under international law and the Iraqi constitution. This episode underlined the need for continued political and legal dialogue to resolve differences within the existing constitutional framework and avoid violent conflicts.

2.2. Turkey

Turkish law proclaims the equality of all individuals regardless of race, language, and other factors. Nonetheless, there is documented evidence of both state and societal discrimination against

Kurds based on their ethnicity. Historically, such discriminatory practices have refrained Kurds from speaking Kurdish in public and attaining senior employment positions.

The Turkish Constitution declares that all individuals are equal and that all citizens are "Turks." There is no legal prohibition against Kurds obtaining public or private sector employment, participating in public life, or accessing services. However, the extent to which Kurds can exercise these rights depends on individual circumstances and geographical location. Some Kurds may conceal or downplay their Kurdish identity to avoid employment discrimination (van Bruinessen, 2024, 7-12).

The official language of Turkey is Turkish, and the Constitution mandates that no other language can be the primary language of instruction in educational institutions. This stipulation disadvantages Kurdish pupils who may not speak Turkish. While the ban on Kurdish languages, instituted after a military coup in 1980, has been gradually lifted since the early 2000s, Kurdish language instruction remains limited. The government has prevented numerous Kurdish performances and imposed restrictions on Kurdish names due to prohibitions on certain letters from the Kurdish alphabet. (United Kingdom Government, 2023).

Politically, the Kurdish population exhibits diverse views. While some support the PKK's ideology and methods, many oppose them. Conservative Kurds have at times given significant support to the ruling AKP, which includes several Kurdish members of parliament. The left-wing social democratic HDP also enjoys substantial Kurdish support. Despite governmental pressure on pro-Kurdish parties, including attempts to ban them and prosecute their members, Kurds continue to be represented in Turkish politics (van Bruinessen, 2024, 14).

In the judicial system, some lawyers are reluctant to represent Kurds in cases against the government. Nevertheless, there are also lawyers who offer their services to Kurdish clients, and translators are provided in court for those who cannot speak Turkish (United Kingdom Government, 2023).

3. Human Rights

Since 2000, freedom of expression for Kurds in Turkey has been severely restricted. The Turkish Constitution theoretically guarantees freedom of expression, but in practice, the government has implemented anti-terrorist laws and other regulations that limit this right, especially for Kurdish communities. According to a report by Human Rights Watch, Kurdish journalists, academics and activists have been arrested and imprisoned on terrorism-related charges simply for expressing opinions that criticise the government or support Kurdish rights (Hassan, 2024).

The political rights of the Turkish Kurds have also been systematically violated. Although Kurds can vote and be candidates in elections, Kurdish political parties have faced numerous legal barriers and reprisals. The pro-Kurdish People's Democratic Party (HDP) has seen many of its members and leaders arrested or removed from office on terrorism charges, and replaced by administrators appointed by the central government, seriously undermining Kurdish political representation (Amnesty International, 2020).

In education they have been enduring policies of cultural assimilation that have limited the use and teaching of the Kurdish language. Besides, according to a UN report of 2019, access to education in Kurdish remains low and many Kurdish students face discrimination and language barriers in the education system.

Access to health services for the Kurdish population is also poor, especially in the predominantly Kurdish regions of South-Eastern Turkey. These areas historically have been

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underdeveloped and lacking adequate medical infrastructure. The quality of health services in these regions is considerably lower than in the rest of the country, and forced displacement has exacerbated these deficiencies (Roth, 2021).

The Kurdish regions in Turkey are some of the poorest in the country. Poverty is a widespread problem, exacerbated by the armed conflict between the Turkish government and the PKK. According to World Bank data in 2020, poverty rates in these areas are significantly higher than the national average. In addition, access to basic services such as drinking water, electricity and sanitation is limited, especially in rural areas (Ibem.).

Undoubtedly, forced displacement has been a tragic consequence of the conflict between the PKK and the Turkish government. Since the 1980s, millions of Kurds have been displaced from their homes due to violence and military operations. It is estimated that since 2000, tens of thousands of Kurds have been internally displaced, with many families living in precarious conditions in Turkish cities (Ibem.).

In Iraq, the situation of freedom of expression for Kurds is relatively better than in Turkey, especially in the Kurdistan Autonomous Region. The 2005 Iraqi Constitution guarantees freedom of expression and, in general, the Kurdish authorities have conceded a greater degree of freedom for the media and Kurdish cultural expression. However, there are still restrictions and cases of intimidation and violence against Kurdish journalists and activists, although less frequent than in other parts of Iraq (Amnesty International, 2024).

Since the Kurdistan Autonomous Region has a significant degree of political autonomy with its own parliament and government, the Kurds in this region have broader political rights than elsewhere in Iraq or any other part of the world.

Kurdish education is much more developed in Iraq than in Turkey. Schools in the Region teach in Kurdish and universities as the Salahaddin, among others, offer comprehensive programmes in Kurdish. Despite these advances, the education system faces significant challenges, including scarce resources and the need for structural reforms to improve educational quality (UNESCO, 2020).

The health system has improved over the past two decades, but it continues to face challenges due to political and economic instability. According to the UN, access to health services has increased, but disparities in the quality and availability of these services between urban and rural areas remain a problem. In addition, the influx of internally displaced persons and refugees has put additional pressure on the health system (UN, 2021).

Despite being one of the richest regions of Iraq in terms of natural resources, the Kurdistan Autonomous Region faces significant economic problems. Falling oil prices and disputes with the central government have affected the local economy. According to World Bank data, poverty has increased in the region, and access to basic services, although better than in many other parts of Iraq, is still limited in some areas .

The war against ISIS had a devastating impact on Iraq, including the Kurdistan Autonomous Region, which hosted hundreds of thousands of internally displaced persons and refugees. Many of these displaced people face difficult living conditions and limited access to basic services, although the region has shown relatively greater capacity to manage these crises compared to other parts of Iraq (HRW, 2020).

CONCLUSION

This study has comprehensively addressed the right of self-determination of the Kurdish people from multiple perspectives: historical, legal and comparative between the cases of Iraq and Turkey. Throughout the work, we have explored the concept of self-determination of peoples within the framework of international law, its historical evolution and the specific challenges facing the Kurds in their quest for recognition and autonomy.

The right to self-determination, enshrined in the UN Charter and other international instruments, establishes a fundamental principle that empowers the people with the right to freely determine their political, economic, social and cultural status. Although it is widely recognized, this right, faces divergent interpretations and challenges in its practical application, especially in contexts where state sovereignty and geopolitical dynamics are sensitive.

The Kurds, as "the largest stateless nation", have maintained a cultural identity and aspiration for autonomy throughout history. From the earliest historical records to the modern era, the Kurds have experienced periods of intermittent autonomy and repression under centralised regimes, such as the Ottoman Empire and later national States emerging after World War I. The failed promise of self-determination by the League of Nations and the consequences of international agreements have left the Kurds divided between multiple states, facing challenges to preserve their culture and seek meaningful political recognition.

Moving into the conclusions of the comparative analysis, the historical relationship between the Kurds and the states of Iraq and Turkey has been shaped by domination and resistance. In both contexts, the Kurds have sought autonomy and recognition, while the states have fluctuated between repression and negotiation. In Iraq, decades of conflict under Saddam Hussein's regime, including the Anfal genocide, have affected the outcome of the Iraqi Kurdish population. Meanwhile in Turkey, the conflict with the PKK and the non-stopping assimilation policies have marked the relationship between the state and the Kurds.

Regarding the political system, Iraq has experienced fluctuations in its policy towards the Kurds, from periods of repression under centralised regimes to the granting of significant autonomy through the 2005 Constitution. The Kurdistan Autonomous Region has served as an enclave of self-government, although tensions persist with the central government in Baghdad over the limits of autonomy and resource distribution. They have managed to develop their own political institutions, including a regional parliament and presidency, and maintained a military force known as the Peshmerga.

In contrast, the Turkish State has denied historically the existence of a separate Kurdish identity, promoting assimilation policies and banning the use of the Kurdish language and other Kurdish cultural expressions. Besides the continuous conflict between the Turkish government and the PKK, it has exacerbated tensions and led to serious human rights violations and forced displacement of Kurdish populations. Despite some advances in terms of cultural and political recognition, the Kurdish question remains a divisive issue in Turkish domestic politics.

In general the relationship between the States of Iraq and Turkey and the Kurdish population has been marked by conflicts, negotiations and fragile agreements over time.

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The legal framework in Iraq and Turkey reflects significant differences in the recognition and protection of the rights of the Kurds. Notably, Iraq has allowed greater integration of Kurdish demands after the 2005 constitution, which not only recognizes Kurdish autonomy, but also guarantees proportional representation in the Iraqi parliament. In Turkey, however, the constitutional framework has been less favourable to Kurdish aspirations. Despite some reforms aimed at improving cultural and linguistic rights, state policies remain restrictive, and the Kurdish issue is highly politicised, affecting stability and social cohesion.

The search for self-determination by the Kurds in Iraq and Turkey has manifested itself through political movements, negotiations with the central government and, in some cases, violent confrontations. In general the relationship between both States and the Kurdish population has been marked by conflicts and fragile agreements over time. The Kurds in Iraq have made special progress through the Kurdistan Autonomous Region, which acts as a quasi-state entity with broad competences in various areas, including education, security and resource management. In contrast, Turkish Kurds have fought for greater political representation through pro-Kurdish parties such as the People's Democratic Party (HDP), but face constant challenges, including arrests and legal restrictions.

The human rights of the Kurds vary considerably between Iraq and Turkey. In Iraq, Kurds in the Kurdistan Autonomous Region enjoy a greater degree of cultural and political freedom, although they still face economic and infrastructure challenges. The Kurdish region, despite being more stable than other parts of Iraq, still deals with corruption, lack of public services and political instability.

In Turkey, Kurds meet severe restrictions in terms of civil and human rights. The government's repressive policies, especially after the failed coup attempt in 2016, have led to the arrest of Kurdish politicians, activists and journalists, as well as the suppression of pro-Kurdish media. Living conditions in the Kurdish regions of Turkey are also difficult, with high levels of poverty and unemployment compared to the rest of the country.

What is left to compare is that, keeping in mind the three main situations in which the right to self-determination can be exercised with a secessionist outcome, to what extent Kurds in Turkey and Iraq are entitled to do so. Remember the three circumstances were peoples under colonial domination, situations of domination by racist regimes, and Peoples occupied by another power or foreign occupation. Unfortunately, Kurds in Iraq not only could not relate with any of these cases, but also since the central government is democratic, representative, and non-discriminatory, they would have no legal international right to request the independence of Iraqi Kurdistan. Nevertheless, being the situation in Turkey, completely different Turkish Kurds could exercise that secession. The Turkish government and system is openly discriminatory with the Kurds and have institutionalised numerous racist policies that are forcing the displacement of the people causing one of the biggest diasporas ever seen. So that, in this case, Kurds can enter into the category of "situations of domination by racist regimes".

The main objective of this work was to examine the right of self-determination of the Kurdish people in the specific contexts of Iraq and Turkey, and to assess how different state policies and international dynamics have influenced their aspirations for autonomy. This comparative analysis has shown that, although both states have significant Kurdish populations, their approaches to the Kurdish question are totally different.

The hypothesis of this research affirmed that the uneven degree of autonomy and self-determination achieved by the Kurds was due exclusively to international pressure and foreign interventions. On the the hand, Turkey's historical background has shown that the specific events that have shaped Turkish position towards centralization and secularisation were a response to foreign international action. First in the 19th Century with the pressure to compete with the European powers, and after due to the Sevres Treaty which divided the Ottoman territories between the surrounding and European nations. Sevres was especially harmful for Turkish national pride. In Iraq, if it wasn't for the US invasion of the territory Kurds would not have achieved any kind of autonomy. Before the Gulf War, they were second class citizens and targets of genocide.

Although the international pressure and foreign intervention had played a pivotal role on the Kurdish way to self-determination or the absence of it, they are not the only factor to take into account when studying the issue. As it has been proved, the sociopolitical evolution of each nation and State together with the legal and constitutional framework constitute a crucial influence in the fight for autonomy. Therefore, the hypothesis is bad-founded since external international interventions are not the exclusive elements that have conditioned the Kurdish right to self determination.

For future research, it is essential to continue exploring the regional and global dynamics affecting Kurdish self-determination, as well as possible avenues for peaceful and just resolution of the Kurdish question. One area of interest could be the role of international geopolitics, actors and non-governmental organisations in shaping the Kurdish problems. In addition, it is important to analyse the implications of recent geopolitical developments in the Middle East, including the war in Syria and the influence of foreign powers, on the situation of the Kurds in the region.

Finally, this study has contributed to the understanding of the right to self-determination and ethnic conflicts in multi-national contexts, providing a detailed and comparative view of the complexities inherent in Kurdish aspirations for self-government and national and international recognition. The Kurdish experience in Iraq and Turkey underlines the importance of inclusive legal frameworks and sensitive state policies for managing demands for autonomy and recognition of cultural diversity within national States.

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