

THE KURDISH QUESTION AND INTERNATIONAL RELATIONS:

Prospects and Perspectives

by

Sarbast Tawfiq, J.D.



Institut kurde de Paris

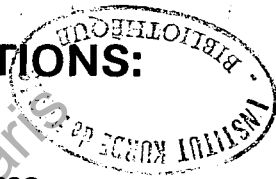
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Bo kak Kan Kandatê berêz

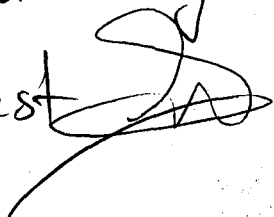
Va mongrafê xwe li ser mafê
çarenûsê netewê Kurd di têk-
lixen dewelî de.

Bawarim, ku itelôgêntsîa kura
wê jî fêdabike û we bibe
serçewakî zanistî, jî bo xabateka
modêrin û pesketî li gor perta
çihanê î nû.

Hêvîdarim, ku ev karê min
sûdbaxşbe bo netewê me.

Sofîa fuberury

Serbest



union of Kurdish emirates because he was well aware of the fact that the disunion of forces and backward industry (especially the military industry) were the main obstacles on the road to liberation.

Chapter 2 (Supplement)

p. 18 - line N 19 - to be read "rights"

p. 20 - line N 1 - to be read "their"

Chapter 4

p. 43 - line N 16 - to be read "of"

p. 57 - line N 19 - to be read "quantitative dimensions"

Chapter 6

p. 84, line N 7 - to be read "These"

p. 96, line N 22 - to be read "Iraqi"

Chapter 7

p. 100, line N 6, to be read "existing"

Bo kak kan Kandalé berêz

Va mongrafê xwe li ser mafê
çarenûsê netewe kurd di têk-
lixen dewelî de.

Bawarim, ku itelêgêntsîa kurd
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çihanê î nû.

Hêvîdarim, ku ev karê min
sûdbaxşbe bo netewa me.

Sofîa fuberory

Serbest

I appeal to our readers for an excuse for the technical mistakes done, which are due to the publishing house. They are enlisted below.

The author

Table of Contents-

Chapter 2, to be read "Kurdish"

Chapter 3, to be read "International"

Chapter 7, to be read "Implementation"

Forward

p. 1 - line 16 - to be read "evidences"

Chapter 1

p. 5 - line N 19 - to be read "Sysanic"

line N 25 - to be read "Saphaoian"

p. 9 - index N 6 - to be read "PKK"

Chapter 2

p. 12 - line N 7 - to be read "Barzakani"

line N 11 - to be read "Chalifate"

p. 14 - line N 9 - to be read "Hamma Dani"

to be read "Salim"

To be added the following extract after line N 25:

First, the Butan uprising of 1921, under the leadership of Baderkhan in Northen Kurdistan, a direct result of the uprising being the establishment of the Butan emirate. The whole area having been conquered and the emirate strengthened, Baderkhan did not confine himself to the localization of his rule. His idea was to liberate the whole of Kurdistan from Ottoman domination. He wanted to establish a confederal

Bo kak kan Kandalé berêz

Va mongrafê xwe li ser mafê
çarenûsê netewê Kurd di têk-
lixen dewelî de.

Bawarim, ku itelêgêntsîa Kurd
wê jî fêdabike û we bibe
serçewakî zanistî, jî bo xabateka
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STADT ...

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Institut kurde de Paris

FORWARD

One of the major questions forwarded by the new political thinking is the national question. It is one of the most topical questions of our time.

The intensified national feeling of the oppressed peoples, the inconsistent measures undertaken to settle the problems, the conflicts in certain regions of the world, are evidence of the significance and complexity of the national question.

These are the reasons why, whomsoever wants to solve the problem should approach it in a very cautious and delicate way because, as Mikhail Gorbachev puts it, „...even the finest mistake in solving the national question shall have fatal and incorrigible consequences.”

The Kurdish people is one of the most slighted peoples of the world. I am stating this not because of subjective patriotic partiality, but as a person who has witnessed the sorry plight and existence of this 25 million strong nation, separated by four states, (has been) reduced to Helplessness, deprived of national life, culture and history.

Many things could be said of this people – about the injustice and terror, about exodus and assimilation, about depersonalization and genocide.

My aim in writing this book is different, however. As a jurist' I would like to draw the attention of the world public and first of all of the Kurdish intellectuals (who bear the responsibility of posing, internationalizing and solving the Kurdish question) to certain points of the juridical and international legal and constitutional settlement of the Kurdish question.

This would mean, on the one hand, drawing the attention of the most authoritative international organizations and seeking their active interference, and on the other – reaching the most just and egalitarian internal legal–constitutional settlement of the problems.

Until the present, realities have not been in favor of the Kurdish people. The Kurdish question has not been tackled in any U.N. resolution. In the respective states' constitutions it is mentioned as a tribe, a minority, and ethnical community.

It is these specific facts that have made me turn my attention to the problem. It is my personal opinion, and moreover, would realities necessitate it as a main, leading principle, the equality of individuals and peoples and their right to self-determination.

An individual cannot be free if his people are under foreign domination. Individual human rights cannot be recognized if the nation's rights aren't. Any other interpretation of the problem would be temporary and short lived and would not solve the problem but will rather postpone it until the moment it will emerge in a more acute and conflicting form.

Keeping in mind the complexity and the „newness“ of the topic, I would like to ask the reader's condescension to certain shortcomings in the expose and would highly appreciate any criticism because, as the Ancient said: „Truth arises in dispute“.

I would like to thank Professor Georgy Stefanov and Prominent expert on International law N.Mikhailov for their useful advice and consultation.

Sarbast Tawfig

Sofia, September 1989

CHAPTER ONE

FORMATION OF THE KURDISH NATION

The emergence and formation of a nation¹ does not always co-exist with nation forming factors, but also with their operation in different times. Thus, the emergence of one, or several of these factors may, and often does turn into a prerequisite which accelerates the emergence of other a prerequisite which accelerates the emergence of other factors, and hence, the formation and further rise of the nation

The emergence of the nation in developing countries is characterized by several specific features. National self-consciousness arises in an early period and its foundation is different from the general scheme of the nation. National liberation movements can be considered to be the revolutionary struggle of already forming national communities. There is no doubt whatsoever of the national form of this movement. National consolidation is one of the most up-to-date manifestations of this revolutionary movement. However there are many cases in which tribal organization is still preserved in one form or another. Community form is neither a tribal union or nationality; it is mainly a nation. National liberation struggles in the 1950s and 1960s gave a new impetus to national consolidation processes. It is interesting to note that at this time, the direction of socio-economic development was not quite clear yet. The process of formation and growth of the nation is very specific and cannot be compared to any prior precedents.²

That is why it is not economic, but rather cultural factors which have guiding roles in the consolidation processes. An im-

portant characteristic of developing countries is, during the colonial period, economic factors had negative roles in the nation-forming process.

My aim is to analyse: (1) the formation of the Kurdish nation, (2) processes concomitant of this phenomenon and (3) the major factor for the existence, formation and elevation of the nation.

Kurds are one of the most ancient peoples of the Middle East. The formation and final development of the Kurdish ethnic community took place during the second and seventh centuries. Many scholars claim that the Kurds have originated from the Midians. In *Kurd and Kurdistan*, Dr. Kasumlyo points out that the Kurds have been generally considered to be the descendants of the Midians. Kasumlyo continues by mentioning that the conquest of the town of Neinoa by the Midian King Yaneiser in 612 B.C. marked the origin of Kurdish history. Dr. Kasumlyo demarcated the original geographic boundary of Kurdistan as follows: a straight line from Mount Ararat from the NW down to the South Zargos liliuh, then a straight line from this point to Mossul in Iraq, a straight line from Mossul in the West to the Turkish part of Iskandarun, from this point a line to the NW, to Erzerum in Turkey and on the East to Mount Ararat. According to different sources, Kurdistan's territory is between 410 and 515 thousand square meters.³

Ksenophan (400 B.C.) mentioned in *Anabso* the words „Kardohs” and „Kardoyan” referring to a tribal people who held up his advance towards the sea⁴.

During the seventh century, after desperate resistance, the Kurds were enslaved by the Arabs and were turned into Mus-

lims. It is interesting to note that following the Arab invasion, additional invasions of Kurdish lands took place by different tribes and peoples, causing a fragmentation of the Kurdish nationality. The end result was negative: the Kurdish ethnic community was immersed into a dark period of history: enslaved by foreign invaders⁵.

Kurdish towns were turned into new centers for the new rulers. This made it very difficult for the Kurdish people to organize any resistance calling for the overthrow of foreign domination. In order to preserve their national characteristics, the Kurds preferred to live in small feudal communities which, in part, led to their fragmentation. The existence of these feudal communities and emirates, however, brought about the partition of the Kurdish land people thus becoming one of the main reasons which prevented them from establishing their own state and nation. All this was a negative factor in the Kurdish cultural and political development.

Until the middle of the seventh century, Kurdish lands were completely dominated by both the Byzantine and Sasanian (Iranian) Empires and became their battle-field. After the conquest of the Sasanian Empire, Arabs became the new rulers of Kurdistan.

The most unfortunate events in the Kurdish history is the partition of Kurdistan after the Chaldaran battle of 23 July, 1514 between the Safavid and the Ottoman Empires. The act of partition was formally carried out with the Erzerum Treaty of 1639, which settled the border disputes between the two Empires and divided Kurdistan into two parts. Kurdistan's partition

shattered all hopes for Kurdish unification and the establishment of a single Kurdish state⁶.

Historical facts and events show that the state is one of the most essential components for the consolidation of the nation. Unfortunately, the Kurdish people were unable to achieve this goal.

This has not, however, prevented the Kurds from forming their nation under active operation of another nation-forming factor, which in my personal opinion, is no less significant than the state. Marx has pointed out the decisive role of the state (political power) as a factor, but he does not consider it absolute.⁷ This element is national self-awareness. National self-awareness emerged as a result of the Kurdish national liberation struggle against the oppressors. It also became an important prerequisite for the existence, and growth, of the Kurdish national community. It united not only objective relations but relations which were based on self-awareness in the general sense. This self-awareness can be manifested in his love and awareness of the nation, its language, territory and culture as well as specific attitudes to other nations.

Two major factors can be cited concerning the rise of functional Kurdish national community growth. These factors were also important elements which helped to preserve the Kurdish national character. One of them being a prerequisite for the development of the other. It should be noted, however, that the exploitation of the Kurdish population by the invaders played a decisive role in the rise of national self-awareness.

Let us discuss these two factors and their influence on the Kurdish national community and its growth into a nation.

Kurds national self-awareness has emerged in the process of continuous exploitation and enslavement. It is the reflection of the strenuous life through the ages which contains the prerequisites for the struggle for independence and national self preservation.

It can even be argued that national self-consciousness is objectively reflected in the nation's consciousness. As a whole, it is also a prerequisite for its formation and existence. This prerequisite is manifested in the Kurdish people's fight which strives for liberation and consolidation. During the period between the First and Second World Wars, the Kurds aspired and fought to establish their national state. The leaders of the Kurdish national liberation movement considered it to be the only salvation of the nation, as well as being a decisive factor for the nation's rise and consolidation. This goal has not been achieved, but, nevertheless, the Kurdish people did not lose hope. On the contrary, it has raised their national self-awareness turning it into a major factor in the formation, growth and existence of the Kurdish nation.

The rise of nation can be considered as a process of national state formation as well. The rise of nation and national state formation, however, are two relatively independent terms. In many cases the nation is separated between different state structures: the Kurdish nation, for example, is divided between four states. This is a major factor as to why the process of Kurdish nation consolidation has not yet taken place. In the long run, the state proves to be the decisive factor culminating with the consolidation and emergence of the nation. It should be pointed out, however, that the loss of political independence is

not fatal for national existence if there is national self-awareness. This is one of the essential features of a nation. National self-awareness of the Kurdish nation, under certain circumstances, is the decisive factor for the preservation of the nation.

Under these conditions of life, national self-awareness solidifies. To a great degree it internally concentrates the main characteristics of the nation. Hence there are no reasons to underrate the role of self-consciousness under the pretext that it is a subjective reflection of the objective conditions of life. It is a subjective reflection which, by virtue of its existence and influence in social processes, can, and does, play the role of a material factor⁸.

Additional proof concerning the role of national self-consciousness is that, the Kurds who were exiles in Lebanon after the Ottoman invasion, have been able to preserve, to the present day, their distinct Kurdish national characteristics and self-consciousness despite their integration into the Lebanon.

Another superb example is found in Asia with the striving of the Korean nation for unity into a single state despite their partition into two politically different states. It is quite clear that, under a specific feature of the nation, as a community of people, the decisive role can be played not only by the state but also by other ethnic characteristics and, in particular, by national self-awareness.

In conclusion, it should be noted that the idea of the national feature of self-awareness, as a major factor for the Kurdish nation, has an essential part in its formation and being.

¹ Throughout this book, the term „nation” refers to a people who have common denominators. For example: Ethnographic background, language, culture, tradition and common history best describe nation. The Kurdish and Korean nations are such examples.

² Filipov, D. On the Nation, 1967, pp 82-3.

³ Gasumlio, Kurd and Kurdistan, 1968, p.6

⁴ Ibid

⁵ Ibid

⁶ PPK (Kurdish Workers Party) Manifesto, 1978, pp 21-2.

⁷ M. – E., vol 19, p. 124

⁸ Filipov D., p.109

CHAPTER TWO

ORIGINS OF THE KURDISH QUESTION

World history is full of examples of how nations and peoples have been conquered, or how these nations fought and survived or how they fought themselves into extermination.

The history of the Kurdish people is unique because, even from the time of its very formation, the Kurdish ethnic community had been conquered, enslaved, exterminated and resettled. Throughout the ages, Kurdish land has been the field of historical clashes; it has been downtrodden by Persians, Turks and Arabs. Each of these groups claimed a historic mission – either Persian or Ottoman.

That is why, before trying to answer the question why the Kurds have been unable to establish their national state and highly developed culture in the course of twelve centuries, one should attempt an answer to another question. How, for twelve centuries of conquest, extermination and resettlement, could the Kurds survive and preserve their language, customs, traditions and land?

Historical development is a process of incessant conflicts between peoples, states and civilizations. What interests us here is how they have solved these conflicts, whether any resistance has been offered, and at what price. Some people have taken up arms against the oppressors, confronting them in ceaseless battles. They have been defeated and turned into a docile minority or into hot ashes which can flare up anew. This is be-

cause, that in most cases, these people had state and power as well as an ancient culture.

The Kurds, however, can be considered differently. Ever since their establishment as an ethnic community during the second and seventh centuries A.D.¹ they have always been under the threat of an armed conflict or aggression. That is why their primary aim has been physical survival and self preservation from extermination. This, however, prevented the Kurdish people from turning their creative energy towards the foundation of a civilization which is possible only under a lasting peaceful existence. The distribution of forces in favour in this particular region of the Middle East has never been in favour of the Kurds. They have always acted as the weak third party between two belligerents and, unfortunately, had to take a side so as not to be faced with two enemies at once. However, the victor's goodwill has always proved to be weaker than the revenge of the vanquished. That is why, in all cases, at least part of the Kurdish tribes has suffered.

This extreme, of almost incessant armed conflicts, has brought about, aside from different forms of active resistance (riots and uprisings), a unique form of passive resistance. The reason for this can be found in the special mountainous relief of the Kurd populated territories. During perilous times, the Kurdish tribes went up into the mountains in order to find a safe haven. This way of life is the main reason why, for almost a thousand years, the Kurdish people left no traces in world history – neither a state, nor a highly developed culture. Feudalism and landowner capitalism are the only result of Kurdish development during the twentieth century.

Of course, this model can not be applied universally to all Kurdish people. A part of it comprised the rural and craftsman's population of the Kurdish vilayets and emirates. Direct contacts with the Arabs and the Turks were avoided thus reducing opportunities for economic and social progress. Kurdish history does have its instances of triumph, too. Throughout 959-1015 A.D. the Baghdad Chalifate recognized Bavzakani as an independent Kurdish Emir².

During 909-1096, Maroani was the ruler of the independent Diarbekir vilayet³. In 1169, the so-called Ayubian state was established under Shalifate Ayubi and survived up into the 13th century. The height the Kurds attained during that period was the establishment of the so-called state of the Zandians (1750-1779) when Kerim Khan Zandi became the Shah of whole Iran⁴. Emir Batlis wrote Sharaf Nama – a triumph of culture not only in Kurdish but Iranian history as well.

These historical facts show that there existed a Kurdish elite that was not a stranger to aspirations of unification of the Kurdish people and to establish certain forms of state. The idea was not to form a united Kurdish state, consisting only of Kurds, but a state uniting all professing the Muslim faith. That is why its core was not the Kurdish national issue, but a Muslim religious one. The best example is the Ayubian state in Egypt.

From a historical point of view, however, it was impossible to implement such an idea. The main reasons were the continuous conflicts between the different nationalities in that region and various religious trends which emerged. They bought about contradictions between these nationalities which in turn tore apart the Muslim religious community. That tendency made the

Kurdish elite change their views. Their aspirations turned toward the establishment of an independent state, legal formations and a withdrawal from close contacts with neighbouring nationalities. Their idea was implemented in an inconsistent and sporadic form at the beginning of the sixteenth century. During this period, a superb example can be found during the 16th to the beginning of 17th century. During this period, the Kurds lived in independent emirates and vilayets, although, legally, the people were divided between the Iranian and Ottoman Empires⁵. In fact, the Kurds had limited relations with these Empires and were not subjected to their supreme political power. This is proved by the fact that, at official openings, which were by tradition on behalf of the sultan, it was not in his name, but that of the Kurdish emir's name that was announced.

One of the most powerful and important emirates was established by Baban in Suleimania (1677-1850). It is considered by many Kurdish and foreign historians to be the primary stage of emergence of Kurdish national self-awareness⁶. This emergence was an example for the whole Kurdish people to follow, thus a concentration of their efforts was made to establish an independent Kurdish national state. This is also the crucial period, economic relations between the towns became very active and were under direct control of the emirates. Although not in its true form, this action was an attempt at setting up an independent national apparatus which is one of the key foundations of national self-awareness and nationality development as a whole.

The flourishing of economic life, gradual consolidation of disunited Kurdish tribes and the relatively peaceful development

became the basis of a broader spread of cultural gains (especially in literature). These cultural gains were directly subjected to the Kurdish national idea. An interesting example can be found with the development of language. Gradually dialects merged into one language – the school of Nali⁷.

This gave impetus to the development of literature, and consequently, to the awakening of national self-consciousness.

At that time, writers and poets like Ahmed Ikhanî, Baba Teherî, Hasma Dani, Salum Naalî and others were born, later having left a creative heritage which greatly contributed to the rise of a national self-consciousness.

This is the basis on which contemporary Kurdish intelligentsia was formed and established. It brought the Kurdish struggle into a new active stage which used all disposable means: propaganda to armed resistance.

An important fact in support of this view can be found with the publication of „Kurdistan“ Magazine (1898) which involved active participation of Kurdish intellectuals.

Cultural and economic development of the Kurdish people along with the rise of national self-awareness were also manifested into more active forms of struggle – armed riots and uprisings. It is almost impossible to enumerate them all, but the most important ones provide more than sufficient examples of proof to the rise of national self-consciousness and aspirations for national liberation.

Many emirs accepted his proposal for unification. In his book *The Kurds*, F.Minorski suggested that the Butan area was the primary cell for the creation of the Kurdish nation (p.28) and the crucial point for the rise of Kurdish national liberation

movements. Kurdish national self-consciousness had already sprung up and soon became an important factor for the survival and further rise of the Kurdish nation.

Baderkhan set up a factory for arms and gun powder in Djazira, as well as a dockyard. He sent Kurds to Europe to study warfare and provided funds for Kurdish students to study at European universities. Another interesting fact is that he provided free treasury and emitted Kurdish currency. In practice, Baderkhan established a state within a state with its characteristic features – territory, power, army, treasury, etc. The significance of this state is provided by Britain's and France's warning to Turkey to eliminate this problem immediately. The sultan sent out a powerful army which put an end to the emirate. Thus another attempt of the Kurds at self-determination was run down.

There followed, after a relatively short period of standstill, a series of uprisings. However without results. Such were the uprisings in Shah Abdula Nihry in 1881 (whose goal was Kurdistan's liberation within the boundaries of the Turkish Empire, thus achieving relative independence) and Yazdan Sher's uprising throughout the years 1853/1856 (which played an important role for the strengthening of Kurdish national self-consciousness)⁸.

CHAPTER TWO (Supplement)

THE KURDISH QUESTION IN THE 20TH CENTURY

Towards the end of the 19th century and beginning of the 20th century, the Kurd's struggle entered a new phase. This was at a time of intensified colonial struggles, aggravated international situation as a result of imperial states' appetites for a redistribution of the colonial worlds. The Middle East became one of the „hot points of the world". The clash of ambitions and aggressive aspirations formed the background of the on-going national liberation struggle of the Kurdish people. The masses became more and more active: uprisings followed one after another. They were reactions to the injustice and exploitation which the Kurdish people suffered at the oppressor's hand. National self-awareness consolidated and turned into a major subjective factor in the struggle.

It was during this period that other subjective factors emerged.

First, changes in Kurdistan's socio-economic life. Feudal relations at that time became contradictory to the development of the international and local capitalism. A Kurdish national bourgeoisie emerged in the towns. This brought about new ideas of a more developed and progressive society. Second, exploitative and chauvinistic movements strengthened and came into conflict with Kurdish and Armenian national liberation movements. Movements which became very active and which organized riots and uprisings.

The liberation of the Greeks and Bulgarians was a historical factor of great impact: it raised the national spirit of other enslaved peoples. The struggles entered a new stage. The most active part of the intellectuals gathered around „Kurdistan”⁹ magazine (published in Cairo); a more efficient and better developed resistance forces came into being. They considered different political forms of struggle. In 1908, the first Kurdish political organization was established, Taali Turaki Kurdistan (The Association for Rise and Development of the Kurds). Among the founders were E.Badarkhan, Sharif Pasha, Said Abdulyadir. The organization's main activity was propagation among the Kurds, as well as dissemination of national-liberation ideas in Europe proper and the instigation of political activity amongst young Kurdish intellectuals. A union was set up in order to distribute Kurdish literature and culture among the people. A school of Kurdish language and literature was also opened¹⁰.

This active work soon bore fruit and, consequently, threatened the Turkish political ruling crust's security. This Kurdish activity went underground and new methods of struggle had to be adopted.

Two years later, in 1910, the HIIVA (Assocoation of Kurdish Students) was established in Istambul, which began active work. It published a magazine which propagated the Kurdish issue (the ROZHI KURD magazine). By the beginning of the First World War, the magazine became less active¹¹. At the same time, a group of Kurdish patriots were publishing ZHIN (Life) newspaper. Suraya Baderkhan, for example, set up an Association for Kurdish Liberation in Egypt¹².

At the same time another organization – „Structure of the Kurdish Society” established itself into a political party – „Party of the Kurdish Nation”¹³. This being the first time in which an organization developed itself into a party.

These organizations and associations co-ordinated and activated their work. They had their representatives in the different towns of Kurdistan. They operated up until the Kemalist army invasion. After that all these organizations were banned and dissolved. However, they were replaced by an entirely new organization – HUI BUN (The Liberation Association) in which members of the former organizations joined. This association soon became the major active all-embracing organization inside of Kurdistan¹⁴.

The founding of legal organizations, propagating the Kurdish issue, was the result if a somewhat belated liberalization of political life in the Turkish Empire. The politics of the then Turkish governments became more moderate. There was a certain democratization which resulted in the recognition of the nationalities in that country and giving them certain political lights.

This gave the Kurds an opportunity to become more active in propagating for the liberation and independence of Kurdistan.

The Sublime Porte was quick to realize that these activities could threaten its security and decided to forestall the events. It was quit clear that sooner or later the issue had to be settled. This issue existing for a long time. All previous attempts to do so had failed. It was a historical necessity that the Kurds wanted freedom. What had to be clarified was what kind of freedom and how to attain that freedom. The choice was be-

tween total freedom – an independent Kurdistan against the Porte's will – or attain rights and freedoms within the Empire granted as a sign of goodwill by the Empire herself. The second option was more acceptable in all cases. For the political fulfillment of this idea, a governmental commission was established in order to study, and settle, the problems. After the situation had been examined, a joint commission, inclusive of Kurdish members of the Turkish Parliament and representatives of the „Rise of Kurdish Association“ Emir Baderkha and others), adopted the following two declarations¹⁵:

1. To grant Kurdistan autonomy within the borders of the Empire.

2. To undertake immediate measures for proclaiming and carrying this into practice.

However, these declarations were not fulfilled because the Turkish government (Farid Pasha) sought certain pretexts in order to postpone implementation of the two declarations.

This action by Farid Pasha led to severing of relations between the Turkish government and the Kurdish patriots. The Kurdish patriots increased their propaganda inside the country and abroad. As a result a delegation, under the leadership of Sharif Pasha, was to submit this issue to the Great Powers. He became the official representative of all Kurdish organizations. The first step was to improve the relations between the Kurds and the Armenians. This was achieved at the meeting with Nobar Pasha – the leader of the Armenians in Paris. Both sides expressed their desire to co-operate¹⁶. In this way, at the beginning of the twentieth century, parallel to the activation of internal political work, the Kurdish' patriotic intellectuals brought

their struggle to a new stage – The Kurdish issue emerged on the international field.

They were well aware that nothing else could be requested from Turkey, for nothing else could be gained. That is why the Kurdish issue had to become part of the international political life in order to find its solution.

During the First World War, the united Kingdom and France concluded a secret agreement to divide certain territories of the Ottoman Empire. In February 1916, this agreement was confirmed in London and came to be known as the Sykes-Pico Treaty¹⁷.

According to this treaty, the Kurd populated Turkish lands were divided between two states which became the main obstacle to the establishment of an independent Kurdistan. The Russian Tsar agreed with the Treaty. The Great October Socialist Revolution, however, changed everything. The agreement was uncovered for all the world to know and the Soviet government fervently opposed the policy of secret diplomacy and denounced the colonizer's aspirations of the Great Powers.

After the conclusion of WWI, circumstances changed in favour of the colonized peoples and their national liberation movement strengthened. Major changes during this period was Wilson's proclamation of principles of self-determination of peoples. Another factor were the principles of the Great October Socialist Revolution for liberation from colonial dependence, for national independence and sovereignty.

These new developments in international life became the prerequisite for the emergence of new tendencies in the Kurdish national liberation movement. They promoted the very as-

pirations which were to take the Kurdish issue onto the international field. To this end, the Kurdish intellectuals sent a delegation, under the leadership of General Sharif Pasha, to participate, together with the Armenian delegation, in the conclusion of the Versailles Peace Treaty. It was the first time that the Kurdish issue had been discussed at such a high international forum. The problem got its explicit solution in the Sevre International Treaty. According to Article 62 of the Treaty, the Kurds in the Ottoman Empire received autonomy and could, in a year's time, establish an independent state, if so desired. The League of Nations endorsed this decision¹⁸.

In actual fact, however, the treaty remained on paper. After 1922, when Kemal Ataturk came to power, the Lozan Treaty was signed which cancelled the decisions of the Sevre Treaty and deprived the Kurds of everything that they had gained. Thus Kurdistan was divided between Turkey, Syria, Iran and Iraq.

- ¹ Radoy Crustev. „Kurds withoutright and terror”, Sofia, 1987, p.6
- ² Hamadani, A.F. Teaching of History and Poetry, 1966, p.7
- ³ Minorski, F. The Kurds, 1987, p.38
- ⁴ Ibid, p.45
- ⁵ In 1614, Kurdistan was divided for the first time between the Persian and Otoman Empires, Gasumlyo, p.30
- ⁶ Magazin „Peace and Socializm”, an article in Kurdish, 1987, No 9, p.96
- ⁷ Ibid
- ⁸ Sherko, Dr.Blyazh, The Kurdish issue – Past and PRESENT 1986, pp.51-55
- ⁹ Sherko Dr.Blyazh, p.62
- ¹⁰ Ibid, p.62
- ¹¹ Ibid, p.63
- ¹² Ibid, p.64
- ¹³ Ibid, p.65
- ¹⁴ Ibid, p.65
- ¹⁵ Ibid, p.80
- ¹⁶ Ibid, p.82
- ¹⁷ Zike, M.A. Short history of Kurdistan, 1961, p.164
- ¹⁸ Sherko, p.83

CHAPTER THREE

THE KURDISH QUESTION IN INTERNATIONAL RELATIONS AND TREATIES

The emergence of the Kurdish question on the international political stage within the standards of contemporary international relations, has its beginnings at the time of the First World War. Up to that time, the Kurdish question had been regarded as a secondary issue within relations between the European Powers and the states of the Middle East. This was due to the fact that the Kurdish question had been considered as an internal problem in each of that region's empires. The solution of this problem was, on the one hand, very difficult, yet on the other – quite needless from the point of view of the Great Powers' interest in that part of the world.

The First World War, however, brought about a radical change in the historical situation. New historical reality necessitated the recognition of the problem. Let us enumerate the reasons:

1. The rise of national ideas among the Turks, Arabs, Persians and Kurds within an ultimate aim towards the establishment of independent states.

2. The echo of the Great October Socialist Revolution throughout the world and, in particular, amongst the colonized and oppressed peoples.

3. The proclamation of President Wilson's principles and especially item 12 – recognition of the right to self-determination of the nationalities of the Otoman Empire¹.

4. The decline and de-colonization of the Empire.

5. The establishment of the League of Nations as an international organization for positive development of international relations.

All of these circumstances became prerequisites for the emergence of new international relations and crucial issues in the area to be solved. This gave the Kurds good reason to believe that their issue would be tackled as well. It turned out, however, that the good intentions expressed were not followed up. During the First World War, Kurdish issues were subjected of unofficial secret agreements. The first of them was between Great Britain, France and Russia giving Britain the right to occupy Eastern (at present Iranian) Kurdistan. In 1916, there were secret negotiations in London between Britain and France for the distribution of territory of the Ottoman Empire: Kurdistan (and Armenia) had to be divided. The results of the secret plan were realized in the Lausanne Treaty. In history, this secret agreement was known as the Sykes-Picot Treaty².

The first diplomatic act which officially posed the Kurdish question on the international stage was the Sevre Treaty which was a part of the Versailles system of regulating relations between states after the First World War. The goal of the treaty was to „punish” Turkey for siding with Germany during the war by dividing it into spheres of influence and depriving Turkey of its rights over almost 4/5 ths of its territory. With this action, however, Western diplomacy made a serious mistake: it did not take into account Turkish internal developments. The consolidation of Kemal Ataturk's influence and power, for example, should have given them a hint of future possibilities of Turkey's gravi-

tating closer to the Soviet Union. This was extremely objectionable on the part of the Western countries who had relied on Turkey as being the future springboard for actions against Soviet Russia. The commander in chief of the occupation army in Instambul referred to the Turkish army as „the only army in the world that could oppose the Bolsheviks now”³. That was the reason why the Sevre Treaty was doomed to failure even at the time it was concluded. As far as the Kurdish question was concerned, the treaty dedicated three articles to it – Articles 62, 63 and 64.⁴

Article 62 provided for the establishment of two commissions. The first one would prepare a draft programme giving autonomy to the Kurd-populated areas. The second one to discuss and propose a solution to the problems of the Mossul vilayet (which arosed great interest following the discovery of oil fields) in relation to the Kurdish, Assyrian and Kldan minorities there.

Article 63 binds Turkey, within three months after the draft programme's composition to do everything in its power to implement it.

Article 64 gave an expression to factual, although ad-hoc, recognition of the existence of a Kurdish nation with its right to self-determination. It also gave the Kurds, in autonomous regions, the right to demand of the League of Nations a grant of independence. In other words, this text envisages that an autonomous Kurdistan can demand independence and self-determination in its relations to Turkey (and even to integrate the Mossul vilayet) Iraqi-Kurdistan.

The treaty's importance to the practical solution of the Kurdish question, in the historical situation at that time was insignificant. Yet the raising of the issue in an international diplomatic aspect and the radical measures for solving it (autonomy and a state in perspective), show that the Kurdish national question does exist. Furthermore, it is a factor which should be taken into account under the regional historical circumstances at the time.

One of the crucial points in Kurdish history is the international dispute over the Mossul vilayet. The attention of the interested parties was drawn to it because of the discovery of oil.

On 12 March 1921, the Cairo Conference was opened in which the representatives of Turkey, Iraq and Britain participated. The aim was to decide the fate of the British presence in Iraq and to solve some conflicting points. Contradictions of the Kurdish question arose even among the British representatives themselves. Churchill's intention was to establish an independent Kurdish state, as a British mandated territory, but Iraq's governor was against it.

The major British proposal was a referendum to be held in the Kurd-populated areas, thus allowing the Kurdish people to express their own will in favour of, or against, its integration with Iraq. The result of the referendum was in favour of the integration. The reason was the unstable situation of the autonomy of Turkish Kurdistan (as provided for by the Sevre Treaty) and the danger of the region's integration with Turkey instead of being independent. Of the two evils, the lesser was chosen: The Mossul vilayet was added to Iraq. As far as Kurdish rights

were concerned, a rather general formulation was given of „...distinguishing between Arabs and Kurds when the solution of administrative matters was concerned”. In practice, item 16 of the mandate document was put into effect (although inconsistently) which gave Britain the right of establishing independent Kurdish administrations⁵.

Britain's good will about solving the Kurdish issue proved to be, however, a series of cunning diplomatic moves aiming on the one hand at drawing the Kurds to her side, and on the other – at exerting pressure on Iraq and Turkey with a view to forcing them to make concession.

The problems of the Mossul vilayet was not eliminated, however, because Turkey did not drop its claims. The fact that the Sevre Treaty remained only on paper necessitated a new solution to the problem. It occurred at the Lausanne Conference in July 1923, when the Kurdish question was practically divided into two: first, the status of those territories for which the Sevre Treaty had provided autonomy, and second, the so-called „question of the borders between Iraq and Turkey” which in real fact was the question of the Kurd-populated Mossul vilayet (what is now Iraqi Kurdistan). As far as the first question was concerned, the Lausanne Treaty was explicit: it canceled clauses found in the Sevre Treaty which provide for Kurdish autonomy. It was assumed that the Kurds had never been separated from Turkey⁶. Furthermore, the Treaty proclaimed (Articles 38 and 39) that all Kurds were Turkish citizens and, as such, enjoyed equal rights. As a minority, within the framework of the state, the Kurds had the right to their own language and religion, i.e. they were recognized as a separate race and nationality. The idea of inde-

pendence was abolished, the national movement was proclaimed illegal and Kurdish national interests were completely ignored.

The treaty provided no solution to the second question - the Mossul vilayet. It was decided that if, in a period of nine months, Britain and Turkey could reach no agreement, the question should be taken to the League of Nations. A special commission was established by the League of Nations which was to tackle the problem, and a provisional border between Turkey and Iraq was set up - the so-called „Brussels Line”.

After thorough analysis of the situation, the Commission prepared a report to the League of Nations containing the following conclusions and proposals:

1. The Kurds are neither Arabs, nor Persians or Turks. With regard of that, a twenty-five year mandate of Mossul was proposed under the auspices of the League of Nations.

2. When clerical staff was appointed, the opinion of the local Kurdish population had to be obligatorily taken into account. Kurds were entitled to their own administration, schools, courts of law; the Kurdish language had to be recognized as official.

The conclusion was that the resolution of the League of Nations on the Mossul question should be compulsory for both countries and should conclusively determine the borderline between Turkey and Iraq. It should be unanimously accepted and the votes of the interested parties should not be taken into account.

The final decision of the Commission was that Mossul should be returned to Iraq with Britain having a twenty five year mandate on it.

That decision was formally embedded in the treaty between Britain, Iraq and Turkey which was signed in August 1926. This is what Article 12 said on the Kurdish question: „The Turkish and Iraqi authorities renounce all relations of official or diplomatic character with chieftains, sheikhs and other members of the Kurdish tribes. They shall not allow, within the border region, any organizations, meetings or propaganda aimed against any of the two states”⁷.

In October 1926, a treaty was concluded between Turkey and Iraq. The two countries assumed the obligation (Articles 5 and 6) of not allowing on their respective territories the activities of any organizations or groups which might threaten the security of the other country⁸.

In 1929, in Ankara, a treaty was signed between Turkey and France (as Syria's mandatory) which aimed to resolve the dispute between Turkey and Syria over the regions of Djesire and Hasuk which were Kurd populated. According to this treaty, the two regions were added to Syria's territory⁹.

In August 1930, the Zurich Congress of the Second International of European Social-Democrats took place. The Kurdish „Hoibun” and the Armenian „Tashnak” organizations sent a memorandum to the Congress. The occasion was the genocide of Armenians and Kurds during 1927-1929. The Congress came out with a declaration recognizing Kurdish and Armenian rights to self-determination but on the condition that it was achieved with peaceful means and without an armed struggle¹⁰.

In practice that was quite impossible. The presence of a Turkish army in the Kurd-populated regions escalated tension thus leading to several uprisings, of which Dersim was the lar-

gest. Ataturk accused the Soviet Union of supporting revolutionary forces and interference in the internal affairs of that country. Facing so many internal and external problems, Turkey decided to resolve first of all the disputes with its neighbouring countries – Iraq, Iran and Afghanistan. A favourable occasion was Iran's idea of negotiations on matters of disagreement. The negotiations lasted for nearly two years and finally, on 8 July 1937, a Protocol was signed in Sadbad. On the face of it, the treaty tackled Turkey's foreign policy problems, but in actual fact, it was aimed at internal issues related with the Kurds. The objective was to limit Soviet interference in the internal struggles of the Kurds and Armenians, to abolish those struggles and the possibility of achieving even the most insignificant forms of independence¹¹.

In 1942, a treaty was concluded between the Soviet Union, Iran and Britain according to which the Soviet Army would go into Iran and defend its sovereignty. In September 1942, the Soviet Army stopped the fascist offensive from the Caucasus which aimed at capturing Baku and Teheran¹².

The Soviet Army's presence in Iran created the necessary democratic conditions for the nationalities (Kurds and Azerbaijanians) included in Iran's territory to freely manifest their will for independence and self-determination, and to open the road to liberation.

Even before the Soviet Army entered Iran, there had existed an organization called the „Association for Kurdish Revival“ which was active in all Kurd-populated territories. It was headquartered in Iran with branches in Iraq and Turkey. Its main task

was liberation, independence and self-determination propaganda¹³.

Under these new conditions, the organization acquired a more democratic orientation and purpose. On 15 August 1945, its name was changed to the „Kurdish Democratic party” with a new program and strategy, similar to the newly formed Azerbaijan Democratic Party (Iranian Azerbaijan).

In the following year, with Soviet support, the two republics were founded on Iranian territory – Azerbaijan Democratic Republic and the Kurdish Democratic Republic (the so-called Mohabad Republic).

The term „republic” means that its specific structural and organizational form is a state. Yet further analysis of the conditions of its organization reveal several certain contradictions. We shall discuss here two aspects: struggle-organizational ,(the presence of the distinguishing features of a state) and international-legal (its position among other states).

From the first point of view, the state organization possessed all necessary elements needed of a state: a territory within certain borders, supreme and local public power, organs of state government, national flag and anthem. During the short period time of their existence (only one year), these institutions could not develop and strengthen enough in order to acquire the necessary foundations for their existence and function as a basic element of a social life. State formation and realization should take at least several years in order to build the necessary state structures. If that had been the case, this form would have acquired the necessary meaning, and Kurdistan would have turned into an independent state in the true sense of the word.

A second point of view involves more concrete problems. For a state, in order to become a full member of the international community and a competent participant in international life, should be recognized by other states. Except for the Soviet Union and Azerbaijan, no other state recognized the Mohabad Republic. Attempts of establishing official relations with the Mohabad Republic also were not made. It follows from this that the Republic had not become a subject of international law.

This is where the two points of view contradict each other. At the basis of the contradiction are the different criteria of evaluation. The first aspect is based on a real, factual criterion – the existence of an independent state structure. The second aspect is based on a formal criterion – international recognition (either *de facto* or *de jure*). A compromise between the two aspects is impossible because they belong to different areas and hence there isn't an intermediate position.

In this case, the conflict is antagonistic, yet a solution is necessary. That is why the only possibility open for us is to choose one of the criteria as the decisive factor and disregard the other one. The question is which one?

The factual criterion is more convincing for it answers the practical requirements. The opposite would be illogical – to assume that a state is not a state because it has not been recognized by other states. Even despite the fact of its existence as a vital independent social organism. Dr. Gazumlyo favours a similar view in his book „Kurdistan and the Kurds”.

Other authors consider it was the case of an autonomous republic within the framework of Iran. However, autonomy in-

volves certain dependence on the state on whose territory the autonomous structure exists which was not the case. What is more, The Mohabad Republic was not recognized by Iran and existed against its will.

The conclusion, therefore, is that for a period of one year there did exist an independent Kurdish state. A Kurdish state which remained isolated from international life. It was met with hostility, surrounded by enemies and devoid of friends. This was the reason of its overthrow after the withdrawal of the Soviet Army from Iran.

In 1946, after the Soviet Army's withdrawal from Iran and the downfall of the Mohabad Republic, the Iranian Army attacked the Kurdish areas and bombed Kurdistan. The Soviet reaction was a diplomatic act presented by the Soviet Foreign Minister Molotov to the Security Council demanding a halt of the Iranian Army offensive and demanded autonomy for Kurdistan. Unfortunately, the demand was to no avail¹⁴.

In mid April 1963, the Turkish and Iraqi governments held negotiations in Ankara and Baghdad for joint action against the Kurdish National Liberation Movement. The question was further discussed at a SENTO session in Krachi at the end of that year. The participants dwelt on the problem of the Kurds in Iraq. In this context, the Turkish Foreign Minister declared that the session had expressed a desire for the problem not to become a threat to regional and world peace¹⁵.

In 1963, Mongolia submitted to the U.N. the question of the Kurdish situation in Iraq. This was occasioned by the people's uprising under G.Moustafa Barzani. Due to the lack of support by other states, however, no solution was found. This was the

first time the Kurdish issue arose after the passing of the Universal Declaration of Human Rights and the declarations of independence of colonial nations. The general feeling was that these were Iraq's internal problems.

In 1961, an active revolutionary movement began in Iraqi Kurdistan. Armed actions spread throughout the region. There followed a fifteen year period during which there were many battles taking on the form of a civil war at the local level. They had a string impact on the internal political life of that state. Practically, it was a continuous governmental crisis, in which four governments lost the power, because they could find no solution to the problem. Iraq was forced to seek support of the neighbouring states. The first question that had to be tackled was Iranian support for the Kurdish revolutionaries, which had to be stopped. To this end, Iraq tried to contact Iran. The initial talks were carried in Ankara at the foreign ministerial level with the Turkish Foreign Minister, acting as mediator. An agreement was nearly reached on the central problems and a treaty was drafted. The negotiations continued out in Algeria between heads of state. On 6 March 1975¹⁶, a treaty was officially signed according to which Iraq agreed to territorial concessions to Iran along the border. In return, Iran agreed to stop its support for the Kurdish National Liberation Movement and to direct its efforts toward the movement's elimination. It also agreed that all guerilla actions would be repulsed by both Iraq and Iran. The Turkish government was present when this „solution” was found, and on its part, it declared it would do its best to suppress the revolt. As a result of this conspiratorial treaty, the guerilla movement in Iraqi Kurdistan was almost totally eliminated.

A year later, however, guerilla activities resumed. Alongside active activity, Kurdish parties and organizations were reactivated with a view to establishing contacts with organizations and state and political parties throughout the world. The most significant outcome was the consideration of the Kurdish question at the 42nd session of the U.N. Human Rights Commission in Geneva, from 3 February to 14 March 1986. Many problems were discussed, inclusive of the right to self-determination and human rights violations. The Kurdish issue was given great attention: many representatives spoke about Kurdish human rights and their violations. They all expressed their support for the Kurdish cause.

A sub-commission of the Third world countries issued a declaration which said that Kurds have the same equal rights of established nations and therefore all U.N. members should respect them. A proposal was made culminating in a single solution to the problem; the non-aligned countries were called in to discuss the issue and to appeal to the U.N. and the Security Council to consider the problem and contribute to its solution¹⁷.

No final official document was signed, however, which would explicitly state the problem.

In May 1989, at the Paris Conference, which was a follow up of the Helsinki and Vienna process, a question was posed concerning the violation of Kurdish rights and of the assimilation policy of the oppressor states affecting the 25 million strong Kurdish nation. The Soviet, Bulgarian and Swedish representatives condemned these violations and demanded (of the Turkish delegation in particular) that the fate of the Kurdish people be considered. Therefore it is necessary for the Kurdish

National Liberation Movement to enhance its activity, so that the problem would be given greater attention in Copenhagen and Moscow where Helsinki process on the human dimension goes on.

It becomes quite clear from the historical review of international relations and treaties in which the Kurdish issue was considered, that Kurds have always been a third party, and on-lookers, of the process which would determine the destiny of their people and territory.

There are two main reasons. The first deals with the faulty strategy of the Kurdish elite and the Kurdish National Liberation Movement about the price of the struggle and ways to achieve their ultimate goal. The Kurdish National Movement's non reliance on other countries support and their reservations about such means of struggle. That is why the main form had been guerilla war and armed activities. What is more, this has been a struggle for the struggle's sake and not for achieving any national liberation or political goal. Such a limited view of goals and means of striggle has estranged the Kurdish National Liberation Movement from international relations and has placed it in a position as an onlooker of events deemed crucial for the Kurdish people. The lack of a clear strategy and common program of action is yet an addition reason for the failure of the Kurdish National Liberation Movement, as a whole.

Another reason can be found in the isolation of the Kurdish issue and the Kurdish National Liberation Movement from international political life. In the Kurds, the developed states have seen an economically, politically and culturally backward people deserving no independence for it does not know how to

use it. That is why the problem remains simply an internal problem of the respective state, while any attempt at interference would then turn into interference in its domestic affairs. On the other hand, however, to put the question on the agenda would imply seeking a political solution. Whatever it may be, it will involve major conflicts for the respective countries in the Middle East, a region which is still a hotbed of tension, bearing in mind that Kurdish population is 25 million on a territory of 500,000 square meters and that some of its regions are of great economic significance (Kirkuk, Kirimansh, Mossul). The unwillingness to create new hotbeds of tension in this part of the world could account for the developed countries' abstention as far as the Kurdish national problem is concerned.

The above mentioned factors need consideration. The Kurdish National Liberation Movement needs to enhance its activities for neutralizing these problems. This could be further achieved by means of international interference and propaganda, international contacts, and mass actions inside the country, among the Kurdish people. These forms and methods will be discussed in a separate chapter.

¹ Wilsson, W. The Fourteen Points, 65th Cong. 2d session, House Doc. No 765, S.No 7443 (Washington, 1918), p.3-7

² Al Hadj Aziz. The Kurdish problem in the 20th century (in Arabic), 1984, p.47

³ History of diplomacy, v.3, Sofia 1949, p.93

⁴ Gasumlyo p.40

⁵ Al Hadj Aziz, p.36

⁶ Dersimi, M.N. Kurdistan tarihinde dersim Halep, 1952, p.167-169

⁷ Facts from – Al Hadj Aziz, p.50-51 and „International politics of the newest time in treaties, notes and declarations” – Sobakin, Kluchnikov, Moskow, v.II and III, 1929, p.310-311

⁸ Ibid, p.315

⁹ Gasumlyo, p.76-77

¹⁰ Ibid, p.49, and The aim was to be attracted the attention of the League of Nations to the Kurdish problem through authoritative this international forum.

¹¹ Gasumlyo, p.55 and Janchulev S., „The Mediterranean problem”, 1945, p.50

¹² Bondarevsky, G.L. „The West against the Moslem World” (in arabic), Moskow, 1985, p.282

¹³ „The Kurdish Democratic Republic or Autonomy” by Kerim Hussami, 1986, p.42

¹⁴ „Nury Shaus' memories” 1985, p.47

¹⁵ „Minority problem in politics of Turkey, Greece and FPRY” Sofia, 1983, p.126

¹⁶ „World Encyclopedia of political systems” v.I, Washington, George – E.D., 1983, p.498

¹⁷ Facts from the magazine „People” – the political organ of KPDP, v.4, 1987, p.67–Stokholm

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CHAPTER FOUR

THE KURDISH QUESTION AND PROSPECTS

A practical resolution of the Kurdish question requires a stringent review of international legal concepts concerning equality and self-determination of nations and peoples.

The principle of self-determination has its beginning during the epoch of the bourgeois revolutions. Proclaiming the principle of nationality in the 19th century, the bourgeoisie, in its endeavors to establish its dominance, fought for the creation of independent national states in Europe. However, within the framework of European international law, this principle was not fully recognized. The existence of multi-national European empires, based on a colonial system, are facts running counter to the principle of nationality.

Professor Yankov pointed out that during the period of the bourgeois democratic revolutions (17th and 18th centuries), the idea of self-determination was confined towards recognition of the so-called „principle of nationality”. The principle proclaimed the right of the nations to form separate countries or states. Characteristics of the content and significance of this principle was its limitation, conventional and declarative character. In practice, it concerned only the European nations, and only those nations deemed civilized¹.

The October revolution became the step from which this principle began to be realistically implemented. The basic document in this respect was the Decree of Peace. This decree was aimed against the colonial system of imperialism. However, this particular principle of self-determination of nations and peoples

proclaimed by the Soviet state ran against colonialism's firm opposition. Thanks solely to the unremitting struggle of the Soviet Union and of the Socialist Countries, this principle, thirty years later, became a norm of international law.

This principle was formulated (for the first time in an official international document of universal significance) in Article 1, page 2 of the U.N. Charter: „To develop Friendly Relations Among Nations on the Basis of Respect for the Principle of Equality and Self-Determination of Nations”.

In this case, however, reference was made toward tendencies in international relations (to develop friendly relations). Whereas the principle of equality and self-determination itself, was only indicated as a means of achieving this end. In fact, if there is no equality among all nations on the principle of self-determination, it would be difficult to establish friendly relations.

The XXVI General Assembly session of the United Nations adopted the well known Resolution No. 2787 of 1971 endorsing the lawful struggles of nations working for liberation from colonial rule as well as their own self-determination. One of the texts pointed to the effectiveness of the application of the principle of self-determination in relation between states and nations. The implementation of this principle guarantees observance of basic human rights and, at the same time, guaranteeing world peace and security.

In practice, the principle of self-determination is materialized through the Declaration granting independence to colonial countries and peoples (Resolution 1514 of 14 December, 1960 [XV UN session]). According to point four: proceeding from

the belief that all nations have the unalienable right to freely determine their individual destiny as well as exercise their sovereign rights and will over their whole territory. A necessity is solemnly proclaimed concerning the elimination, at once, of colonialism. In all its forms and manifestations, it declares:

1. The submission of peoples to foreign rule and domination and their exploitation is a negation of human rights, is at variance with the principles of the UN and hinders the development of cooperation and the establishment of peace in the world;

2. All nations have the right to self-determination; by virtue of this right they freely establish their political status and pursue their economic, social and cultural development;

3. The inadequacy of political, economic and social training shall never be used as a pretext for delaying the attainment of independence;

4. Any military actions or repressive measures of any kind, aimed against dependant nations must be stopped so that they may be given an opportunity to achieve and materialize their right to complete independence, and the integrity of their territory must be honored;

5. In territories under trusteeship, or without self-government, as well as in all other territories that have not yet attained their independence, measures must immediately be taken for handing over all power to the peoples of these territories in accordance with their freely expressed will, without any preconditions or reserves, regardless of race, religion or color of the skin, so that they can enjoy their full freedom and independence.

From page 3 of the Declaration, it becomes obvious that the distinction between people and nation, as drawn by some lawyers, philosophers, political scientists, historians or ethnographers, is irrelevant in international law. When international law states: „all peoples and nations have the right to self-determination“, it does not explain the differences between a „people“ and a „nation“ or whether the independence granted to them should be different in volume or degree. If, logically deduced, this principle should be interpreted as follows:

– Whether (1) there indeed exists a people or a nation, is solely a matter of concrete appraisal; (2) whether independence should be granted in all cases. For this reason the notion of „nation“ will be interpreted in this expose to denote both „nation“ and „people“.

In its essential form, this problem is different when recognizing both the nation and fighting people as the subject or rights. Since the nation is not a state, it cannot be a full subject of international law. For example, it cannot participate in international law-making processes. However, present day law recognizes that the very nation is a subject of international law. Even though these nations, in reality, may not have, as of yet, attained its independence. In that case it is, to the highest extent, a subject of the right to self-determination. In this form of relations, the subjectively necessary element itself is the fighting nation and cannot be replaced by any other subject of international law.

In this context, an additional question may arise – the necessity of a nation to be a fighting one so that it could be recognized as a subject of such rights. Without overlooking

Lenin's idea that national liberation revolutions are indications of the highest degree, of an oppressed nation². There is every indication to believe, and accept, that the nation should be a subject of international law, ipso facto, (by the very fact of its existence). In addition, self-determination, national liberation and its separation, as an individual state, are all subjective rights and the action is under no obligation to continue after their realization.

The problem is a concrete and practical one. The recognition of the nation as a subject of international law, outside the state on whose territory this nation still lives, usually occurs after the nation has begun to fight for the formation of a national state of its own. Recognition is given to a representative organization which heads the struggle. This representative organization can come in the form of committees, provisional governments, representations, fronts, political parties and the like. These organizational forms of the nation are bodies of its own personification.

Thus for instance, the recognition on the part of the Ottoman Empire, during the mid nineteenth century, before the liberation of the Bulgarian people, of an independent Bulgarian national Church produced the juridical effect of recognition of the Bulgarian nation.

During the World War One, the governments of the Entente recognized the Czech and Polish National Committees as being vested with the right of political representation. The emergence of a state, as a subject of international law can be juridically recognized even before that country has acquired (1) defined territory and (2) a built state mechanism³.

During the Second World War, national committees and other organs of resistance were formed on foreign territory by Yugoslavia, Czechia, France, Denmark, Poland and others, which, during the war evolved into governments under whose leadership national armed forces were formed. During the seven year long armed struggle of the Algerian people under the leadership of the National Liberation Front, it found recognition through the establishment of diplomatic relations with more than twenty countries, inclusive of France herself⁴!

At the request of the Arab states, the XXIX session of the U.N. General Assembly recognized the PLO as a representative political force. It also granted it permanent observer status in the UN General Assembly⁵.

On the one hand de-jure, or de-facto, recognition by several states is of a declarative character. It also can be used as a strong argument in a legal international dispute. Recognition granted by the UN in its various forms, contains practicalities. This means that if a fighting nation is given access to the international rostrum it can declare before the whole world, what it wants and how it plans to achieve it.

On 19 December, 1966, the UN General Assembly adopted two pacts on human rights – A Covenant on Economic, Social and Cultural rights, and a Covenant on Civil and Political rights. Article 1, Paragraph 1 of these treaties are identical in content and read as follows: „All peoples have the right to self-determination. By virtue of this right they freely restore their political status and freely determine their economic, social and cultural development”.

Article 2, paragraph 2 entitles the people to dispose freely of their natural wealth and resources. Paragraph 3 enjoins all countries which have signed the pact to encourage realization of the right to self-determination and to respect it. Article 2, paragraph 2 enjoins all countries, party to the treaty, to guarantee the rights proclaimed in them shall be exercised without any discrimination what-so-ever with regard to race, color of skin, sex, language, religion, political, national or social origin, property status and birth right.

The attempt at summing up this principle has been successfully accomplished in the Declaration on the Principles of international law concerning friendly relations and cooperation among nations in accordance with the UN Charter of 24 October, 1970. In this charter, the principle of self-determination is formulated as a principle of equality and self-determination of nations. The formulation of the principle in Paragraph 1 coincides with that of Article 1, paragraph 1 of the Covenant of Human rights.

The second paragraph obliges other countries to cooperate in carrying out this principle in accordance with the UN Charter.

Paragraph four formulates, in general, the mode of exercising the right to self-determination: „The creation of a sovereign and independent state, the free incorporation into an independent state, or forming a union with it, or establishing of every kind of a state, freely chosen by the people – these are methods and means available to this people to exercise its right to self-determination”.

Paragraph five bans any acts of violence and entitles the people which has become the target of such, to seek and receive assistance in line with the goals and principles of the UN Charter.

The Declaration, interestingly, says nothing about the methods in which to achieve national liberation. Naturally, such objectives can hardly, in most cases, be achieved by lawful means and methods. It is because of this that a collision between internal and international law occurs. For, in most cases, national liberation can only be resolved by force – by a revolution or popular uprising.

In light of systematic interpretation of Article 1, point 2 of the UN Charter, the Declaration of 1970, and the Pacts of 1966 on human rights, wars of national liberation can be lawful ones. In the case of a national liberation war, the movement must be (1) recognized by international law, (2) by recognized as a subject of international law. If the two above mentioned points are moot, the struggle will remain an internal political issue and not be recognized as a national liberation movement.

The inference to be drawn from the above reasoning is the right of the oppressed peoples to use all means, inclusive of an armed struggle in order to achieve their liberation. A confirmation of this principle is the „Program of Action for Complete Realization of the Declaration on Giving Independence to the Colonial Countries and Peoples” adopted at the XXV Jubilee session of the UN. They are granted „the unalienable right to struggle by all means at their command”⁶

Generally speaking, this question is brought up and resolved in the same manner in the Final Act of the Conference on Se-

curity and Cooperation in Europe of 1 August, 1975 in Helsinki.

It is obvious, utilizing the aforementioned points, that the right to self-determination is the unalienable right of every people, regardless of its stage of development, and that all other countries must not only abstain from violating this right, but must assist in its realization.

Examining the concept of self-determination from a juridical point of view, keeping in mind that self-determination is the subjective right of all nations. It must be agreed that this concept is a general and universal recognition of the juridical and political possibilities for the UN member countries to assist in the realization of this right.

This form of recognition assumes wide proportions as the principle of national self-determination becomes more firmly established in international law. Professor Tunkin pointed out that the nation, in its struggle for the formation of an independent state becomes the subject of international law. The recognition of these organs is nothing but an ascertainment of belligerent nations as subject of international law⁷.

This notion – recognition of the fighting nation or national resistance – emerged in history during the Second World War, when the allies of Anti-Nazi Germany recognized the representatives of the partisan liberation resistance against the Nazi occupiers in France, Poland, Czechia and Yugoslavia. This practice earned juridical recognition, especially after the war, culminating with the formation of the UN as an international organization. Thus this notion evolved into a principle of international law.

It is interesting to see how this principle is applied in the third world and whether it is possible for the Kurdish nation, as a fighting nation, be recognized as such and enter the course of international relations. Here it is necessary to compare the status of the Kurdish nation Liberation Movement with other third world liberation movements during the post colonial period. With examination, we find that many liberation movements became subjects of international relations and took part in the representative bodies of the UN as well as international conferences (PLO, SWAPO, POLISARIO, etc). The process of UN recognition of these movements can be associated with several accommodations found in Resolution 1514/XVI (1960) giving independence to the colonial countries and peoples.

African liberation movements in colonial Angola, Namibia and others were recognized and invited to participate in the UN. These movements originated from national colonies in other countries. Their representation in international organizations was legally based on Resolution 1514/XVI.

The PLO acquired U.N. recognition without any great difficulty. A turning point was Resolution 2535, adopted on 10 December, 1969 by the General Assembly⁸. Outright recognition of the Palestinian question, in addition to the Palestinian refugee problem. This came as a result of their inalienable basic human rights, made even worse as a result of deportation. Additional aggressive actions, aimed against the refugees and residents of the occupied territories, reaffirmed the unalienable rights of the Palestinian people in the eyes of the international community.

On 6 December, 1971, the U.N. General Assembly made a concrete step towards recognizing the right of self-determina-

tion along with liberation movements being recognized as their representatives. This was underlined in Resolution 2787, adopted by the General Assembly and supported by more than 2/3rds of the members. The U.N. General Assembly decided that it: „Affirms the legal character of the struggle of the peoples for self-government and liberation from colonial or foreign domination and oppression, especially of the peoples of Southern Africa and of the Palestinian people, which are, in every way, in agreement with the U.N. Charter. This affirms the basic right of man to fight for his people, under colonial or foreign rule. It also calls on all countries, dedicated to the idea of freedom and peace, to give their full political, moral and material support to those people fighting for their liberation, self-determination and independence against colonial or foreign rule”⁹.

On 14 October, 1974, the U.N. General Assembly adopted Resolution 3210 (XXIX) inviting the PLO, as a representative of the Palestinian people, to take part in the discussion held in the General Assembly on the problem of Palestine. That same year the PLO's representative in New York addressed the General Assembly on behalf of the Palestinian people. Resolution 9375 (XXX) adopted by the U.N. General Assembly on 16 November, 1975, provided the PLO the right to participate in all conferences and discussions on the Middle East issue, held under the aegis of the U.N.

Polisario, as a representative of the national liberation movement of Western Sahara was recognized by many international organizations in the process of waging an armed struggle for self-determination in the Western Sahara.

The Western Sahara was a colony of Spain. The U.N. General Assembly adopted Resolution 3458 on 6 December, 1975 which recognized the unalienable rights of the people of the Western Sahara to self-determination in accordance with Resolution 1514 (XVI/1960) on giving independence to the colonial countries and peoples¹⁰.

Prior to adopting this resolution, the General Assembly consulted the International Court in the Hague on to juridical problems: (1) whether during the colonial period the Western Sahara had been a no-man's land and (2) whether there had been any official relation between the Western Sahara and Morocco or Mauritania. On 16 October, 1975, the International Court rejected the hypothesis that Western Sahara had been a no-man's land. The records of history show that the King of Spain had declared on 26 December, 1984, that the Sahara would be placed under his protection in line with the agreement he had reached with the local tribesmen. The opinion of the court, concerning the second question, was as follows: the legal materials and information do not show any connection between the supreme authorities on the territory of the Western Sahara and the Kingdom of Morocco and Mauritania. The court found no official relation of a kind affecting the implementation of Resolution 1514 (XVI)¹¹. In February, 1982, it became a member of the OAU and was recognized by twenty six countries¹².

If we should compare the position of the Kurdish National Liberation Movement with the aforesaid national movement, it becomes clear that the Kurdish question has not been equally treated by the U.N. It is for this reason that the Kurdish National Liberation Movement has had no opportunity to utilize

Resolution 1415 (XVII/1960) as juridical means of achieving independence. Furthermore, without U.N. Resolution 1415 (XVII), the Kurdish nation cannot obtain the status of a colonial people. It is a fact that the Kurdish National Liberation Movement will have to overcome many difficulties before it is recognized by international organizations.

The right to self-determination and free existence of million of Kurds needs not be left without international community support. The Kurdish National Liberation Movement must receive the same international recognition as other liberation movements have had in the past. Regrettably, as of this moment, the Kurdish movement has yet to be recognized by the U.N. and other international organizations. No government has expressed any form of recognition of the Kurdish nation fighting for national self-determination.

The international perspective of the „colony” only applies to all countries with the exception of Kurdistan. The African national liberation movements represent people subjected to traditional colonial rule, and SWAPO, for example, was recognized by the OAU and the U.N. (General Assembly Resolution 3111) as the sole legitimate representative of the Namibian people. It became virtue with Resolution 1415 of 1960¹³.

The liberation movement in Angola, Mozambique and other countries used Resolution 1514 (XVI) as juridical means of achieving recognition in their self-determination and independence processes.

In regards to the Palestinian issue, recognition by the U.N. was achieved by two major factors. The first – the Palestinian question is not a new issue for the U.N. In 1947, the British

government requested the U.N. General Assembly to open discussion on the Palestinian issue. A special commission was appointed in April 1947. The majority of the commission suggested that (1) Palestine be divided into two states: Arab and Jewish and (2) the creation of a neutral territory, inclusive of Jerusalem, under international control. This plan, although adopted by the General Assembly on 29 November, 1947, was not carried out¹⁴. In 1948, the creation of Israel was declared by the U.N. A new Palestinian issue was then raised: the problem of Palestinian refugees. Thus the U.N. had to deal with various forms and stages of the Palestinian issue. The latest stage being (1) the recognition of the PLO as a representative of the Palestinian people, (2) the PLO's right to participate in various U.N. organs, (3) the right to self rule and (4) the formation of a Palestinian state.

The second factor is political. Support rendered by the Arab states in all international forms, the enhancement of the role of the PLO in the Middle East and the admittance, as full member, of a Palestinian representative of the conference of non-aligned states are examples of support given to the Palestinian's right to self-rule.

The Kurdish problem and the Kurdish national liberation movement, unlike the PLO, SWAPO, POLISARIO and other liberation movements, has yet to be treated by the U.N. as a problem of a nation fighting for its national rights. Neither has the U.N. passed a single resolution on the Kurdish question. This question is still regarded as the internal problem of the countries that divided Kurdistan.

The development of the juridical aspect of the Kurdish question is an element of greater importance for its future resolution. This juridical aspect is defined by the position of the juridical status of the Kurdish National movement. U.N. Resolution 1514 /XVI/1969/ and other resolutions should be treated as a substantial support, easing the solving of the problems of human rights and self-determination for a number of national liberation movements, and they are important stages of their development and future victory.

Although there are common universal international principles concerning the right to self-determination, they need not be the same legal means employed by other national liberation movements. The Kurdish National Liberation Movement has its own Peculiarities and its own legal status. On the other hand, each national liberation movement has its own objective and subjective conditions under which it becomes a subject of these relations.

I would like to examine these objective and subjective factors from their juridical and political aspects in order to find out if these factors exist; if there is a Kurdish national movement, how could it use them in the interest of the Kurdish people, when the Kurdish problem is placed on the international arena and conditions are created for the resolution.

The aforementioned facts give us ground to seek a solution and a way, out of the situation in which the Kurdish National Liberation Movement now stands. One must bear in mind the fact that it is not yet regarded as a subject of international relations and has not received international recognition by virtue of Resolution 1514 for the movement has not attained the status

of a colonial people. The list of decolonization does not mention the Kurdish territory as a colony.

Bearing in mind the difficult situation in which the Kurdish National Liberation Movement stands, we should strive for international recognition of the Kurdish problem.

1. The Kurdish problem must be recognized as an international problem, and not as an internal problem of the countries occupying Kurdish territory. Steps must be taken toward recognizing this problem not as a minority issue, but as the problem of a nation which is equal with the other nations with which it co-exists.

2. The principle of self-determination of the Kurdish nation must be set as the slogan of this movement, and it must unanimously be pursued. It is not necessary for this aim to be set by all Kurdish parties. It would be enough if one or several parties accept this common goal and form a united front to work for its achievement. This could take place in some part of Kurdistan, but it would be necessary for a united front of all, or at least of the majority of the Kurdish political parties to be formed in the near future.

In view of the present political situation and the new political thought, this goal could be proclaimed and pursued by a student organization, for instance, representing the Kurdish intelligentsia, thus becoming a political factor¹⁵.

The concept shared by some of our political parties and personalities, concerning the principle of self-determination, could not possibly be upheld in the international arena prior to formation of a Kurdish political congress. This would take too much time for reality shows that inter-party differences need

to be addressed first. It provides guarantees for positive results but misses the favourable international conditions at present for resolving regional problems.

The linkage of the principle of self-determination to the Kurdish problem gives rise to the following questions:

1. What does the right of self-determination signify?
2. What is the present state of affairs in the light of the legal significance of self-determination?
3. What is the significance of the right to self-determination for the Kurds?
4. Do the Kurds have the right to self-determination and what are the possibilities for its being exercised?
5. What are the forms in which the right to self-determination can be realized?

HISTORICAL REFERENCE TO THE NOTION OF SELF-DETERMINATION

The rights to self-determination proclaimed by the French Revolution of 1789, along with the great ideas of freedom, equality, fraternity, sovereignty of the people, is of intransigent significance for the emergence and affirmation of the principle of equality and self-determination of nations.

The Manifesto of Sylvan Marshall, also known as the Manifesto of Equality, reads: „The stimuli which awaken the peoples are always the same; there is no human being in the world who would agree to live as a slave and that is why injustice is a prime necessity and concern of man, and a prime convention for any legal organization; that is why we herewith declare that

we shall live and die equal, as we are born, we want genuine equality or death. That is all we need – to form a republic with equality for all”¹⁶.

The French Revolution, proclaiming these principles with the idea that government must be founded on the free will of the people determined the content of self-determination, the unified and indivisible nature of principle of equality and self-determination of the nations, the indissoluble connection between the two composite elements. To recognize and apply the one indirectly signifies recognition and application of the other as well¹⁷.

The recognition of equality between nations requires respect for their sovereignty: recognition of their right to self-determination. At the same time realization of the right of people to self-determination is a pre-condition for equality between them. While one can infer from the principle of equality that the subjugation of one nation by another is unlawful. The right to self-determination actually means that every nation is equal in rights with all other nations, regardless of quantitative variations.

The notion of self-determination was more clearly defined during and after the First World War.

President Wilson contributed to the formulation of this notion. On 22 February, 1918, in a report to Congress, Wilson referred to the term „self-determination” by pointing out that nations striving for self-determination must be respected. He reaffirmed that nations can be governed solely in accordance with their will and consent. Wilson declared that the notion of self-determination must become an imperative principle of ac-

tion and therefore it would be dangerous for states not to take it into consideration¹⁸.

In the context of the French Revolution, self-determination is expressed as a democratic ideal, President Wilson lent it greater depth, but still failed to define its content, inclusive of the right to separation.

It is a fact that the concept of self-determination is not clearly defined by Wilson. However, the idea of self-determination has become a great force in international life, in as much as a President of such a country as the United States supported and upheld it.

Wilson's idea earned popularity in the world and especially in Europe; the social democratic parties proclaimed this idea in their program and concept. Social democratic parties held a congress in Zurich in August 1930. They stated, in one of their documents, their positions concerning the right to self determination and expressed support for their national liberation movement. The text of the document, however, declared the concept of self-determination of nations by specifying that it must be exercised by peaceful means, without resorting to other means, inclusive of a revolutionary armed struggle, for armed struggles would lead to many wars throughout the world¹⁹. Wilson's idea and the social democrats' program later became the doctrine of the League of Nations. They viewed the notion of self-determination in light of these documents, and, in particular, Wilson's statements. It is not only by chance that he assumed the chairmanship of the Commission for setting up the League of Nations, and did a great amount of work in the formulation of its Charter. The world associates the League of Nations with

Woodrow Wilson. At sessions of the Versailles Peace Conference, Wilson insisted that the question of the German colonies and of the occupied Turkish lands be resolved within the framework of the League of Nations²⁰.

Here we should note the fact that he had made no specific proposals with regard to self-determination, since it was not within the competence of the peace conference to make pronouncements on the rights of nations in general, with the exception of those on the territories of the vanguard empires (the territories under trusts). The concept of self-determination was placed in light of the bourgeois doctrine.

Reviewing the concept of self-determination in light of Marxist-Leninist teaching on national sovereignty, Lenin pointed out that, unlike the liberal ideology of the bourgeois, Marxism declared the equality of nations in reality. Lenin explained that the nation is not a class notion but rather incorporates both the bourgeoisie and proletariat. At the same time, equality of nations means the sovereign right of every nation. In the process of liberation from national oppression, the sovereignty of the nation is manifested with implementation of the principle of self-determination, according to Lenin: „All nations have the right to self-determination. Every nation must acquire the right to self-determination and this will be conducive to the self-determination of the working people themselves”²¹. Lenin made a particularly contribution towards the development and enrichment of this notion, especially in practical implementation. For the complete realization of this concept in social life, Lenin laid the main stress on the democratic character of the social and state system as a necessary condition for the realization of the

right to self-determination in a multi-national state. As early as 1913 he wrote: „In order that all nations may live together freely and part in peace, when they find this convenient and form a state of their own, full democracy is needed, defended by the working class, without any privileges for any nation, that is the principle of the worker's democracy”²².

Long before the victory of the Revolution, Lenin called attention to the social democrats that victorious socialism must ensure total democracy. It should not only ensure full equality for the oppressed peoples in their quest for self-determination, but also the right to free political separation. He wrote: „The socialist parties which fail to prove with all their activities, now, during the revolution and after its victory that they will set free the enslaved nations and will build their attitude to them on the basis of free union, and free union is a false phrase without the freedom of a separate such party, would commit an act of treason to socialism”²³. In another work of his, Lenin pointed out: „valuable to us is only the voluntary union, and never the one imposed by force, because the more democratic a state system is, and the closer its position is to the full freedom of separation, the rarer and weaker in practice will be the striving for separation”²⁴.

Lenin's views and concepts are of particular interest when examining the nation's right to self-determination. Later, after the revolution this concept assumed, in practice, particular significance. It was proven and applied in practice in the process of the State and National construction of the USSR and other socialist countries when dealing with the national problem. Later this concept became a program of action of the Marxist, demo-

cratic and progressive forces throughout the world. At the same time, it was an integral part of the ideology of the proletariat in the capitalist countries in their struggle for national and class liberation. In this context, Lenin wrote: „The class solidarity among workers from different countries and nations is impossible without recognizing the right to self-determination”²⁵. V.I.Lenin’s formulation on the right to self-determination and factual equality of nations has become an integral part of scientific communist theory.

The task of enduring factual equality of individual nations, with their right to self-determination, became a considerable part of the Bolshevik’s program after the victory of the Revolution.

They were confirmed and incorporated in a number of party documents, including the drafts of a program of the R.C.P. on national policies which were submitted to the VIII Party Congress. Special resolutions on the national problem were passed at the Xth and XIIth congresses of the R.C.P.²⁶ The most important documents laid the normative and constitutionally significant foundations was the Declaration on the Rights of the Peoples in Russia. It proclaimed equality and sovereignty of the peoples of Russia with the right to free self-determination, inclusive of separation and formation of an independent state. One example of the principle was concretized on 4 December, 1917. The Soviet government recognized, in a manifesto, the right to self-determination and independence of the Ukrainian Republic along with the right to secede from the Federation. A second example is found in the decree of 18 December, 1917: Finland’s right to self-determination and separation. A third

example was the decree of 31 December, 1917: Armenia's right to self-determination²⁷.

The Soviet State turned the principle of equality and self-determination of nations from a program item of the Socialist Revolution into a basic principle of its internal and external national policies. These basic, yet important principles, were duly noted and expressed in the R.S.F.S.R. Constitution of 1918.

Since its very emergence, the Soviet Union has been consistently endeavoring, on the international arena, for the recognition of the juridical binding character of the principle of equality and self-determination of the nations as a universal principle of international law. Thus the struggle had assumed various forms in international relations – ideological as well as diplomatic.

Under the influence of Lenin, the question of national self-determination has taken a prominent political place. This concept was not only adopted in the internal political activities of Marxists but also by the international worker's movement. Professor Yankov pointed out that the basic principles and formulations in Lenin's teaching of equality and self-determination of nations are a great contribution in (1) Marxist-Leninist theory, (2) revolutionary strategy, (3) tactics of the international workers and (4) the communist movement. At the same time, they have, in many respects, served as a starting point in the formation of the internationally accepted principles of equality and self-determination of nations. The composite elements of the aforementioned principle worked out by Lenin, have had decisive influence on the policy of the Soviet State concerning the national question as well as influencing its position in interna-

tional relations. The program's principle and theories, scientifically expounded by Lenin, have also served as the political foundation of the actions of Soviet foreign policy. This was at a time when creation of new principles and norms within international law. The normative content had to be defined alongside the applicability and juridical significance of these problems²⁸.

The victory of the October Revolution, and the emergence of the Soviet State as a full subject of international law, outlined a new stage in the ideological development of equality and self-determination in the international arena. Yankov classified this process, or evolution, in two stages: The first stage: Program application of the socialist revolution, vis-a-vis the equality and self-determination of the nations and peoples, is a guiding constitutional principle in the construction of the new socialist state. The first stage of transformation into a juridical principle of a state: law character, is of a great importance for future evolution and recognition as a normative beginning in the regulation of relations between states and nations which are in the process of a national liberation struggle. The second stage: the next important element in the development of the principle of equality and self-determination, is marked by its evolution into a principle of international law. This can be found with this principle being elevated to a basic principle of Soviet foreign policy. In this way, from both an ideological position and political slogan of the proletariat in its struggle against the bourgeois capitalist system, equality and self-determination began to be recognized as a juridical rule for conduct between states. This process of transformation underwent two phases:

from partial recognition to a normative principle of international law. This was ultimately affirmed as a universally recognized principle of international law²⁹.

Lenin's theory of the national question became a principle in the foreign policy of the Soviet State for the affirmation and juridical establishment of the principle of equality and self-determination of all oppressed peoples on the planet by exposing the trusteeship system of the League of Nations.

Lenin had described this system as the first case in world history of endorsing plunder, slavery, dependence, poverty and destitution³⁰. An analysis of this system, applied to territories under foreign rule or dependent on foreign powers, shows that this could be a system upholding the imperialistic designs for (1) distribution of these lands and (2) the exploitation of the peoples living on them. On this matter, the Soviet Union has on many occasion expressed its negative stance concerning the League of Nations. Lenin regarded it as a system violating the very principles of national equality and self-determination.

It should be stressed that the efforts of the USSR during this period did not lead to the recognition and affirmation of this principle in international relations. The principle started gaining ground only after the Second World War, especially after the institution of the U.N. in the post-war period. At the constituent conference of the U.N., the Soviet Union played an active role in the adoption of this principle as part of the U.N. Charter. The U.N. Charter declared as one of the main aims of the world organization: insurance of equality and self-determination of nations as a universally recognized principle of the most authoritative international organization. Articles 1 and 55

proclaim that all nations are equal and therefore have the right to self-determination. Article 1, point 2 of the Charter provides for the development of the friendly relations among nations on the basis of respect for the principle of equality and self-determination of nations. In Chapter IX: „International, Economic and Social Cooperation (Article 55 of the Charter), the same principle is embedded in the foundations not only of the friendly relations among nations, so that it could be conducive to „universal respect” and honoring the rights of man, and the basic liberties of all, regardless of race, language and religion”. This virtually established a direct link between the principle of equality and self-determination of nations and the principle of respect for human rights and basic human liberties. Apart from that, Article 2 contains a number of direct obligations on the part of the member countries in connection with the fulfillment of the aims and tasks of the organization stemming from Article 1 and 55 had indirectly visualizing the principle of equality and self-determination of nations.

It should be pointed out here the priority given to the principle of self-determination and equality of nations as objects of the U.N. are formulated in Article 1, which shows the great importance attached to it, and its priority above the other principles of the U.N.

The Second International Act, concerning the principle of self-determination, worth mentioning in this respect is the resolution adopted by the U.N. General Assembly in 1960 at the XVth session. The Declaration for giving independence to the colonial countries and peoples occupied a particularly important place as a source of international law. This declaration has

served as a political and juridical foundation for the reaffirming the principle of equality and self-determination.

Highly important towards the affirmation of the principle of equality and self-determination of nations is the fact that it has been incorporated into two other major sources of international law: by the Covenants on human rights, adopted by the U.N. General Assembly in 1966. Article 1 of either Pact proclaims the identical principle: „All nations have the right to self-determination“. By virtue of this right they freely establish their political status, economic, social and cultural development.

The Declaration of the principles of international law endorsed the principle of equality and self-determination of nations, a found in today's main principle in international law. THis declaration marks the highest stage in the process of universal recognition of this principle as one of the juridical rules of conduct valid for all states.

The principle has been confirmed and sanctioned in numerous international documents, inclusive of the Final Act of Helsinki (1975). This being the political will of the European nations in defense of the principles of (1) equality, (2) self-determination and (3) recognition of the juridical binding force of principles. These principles also serve as (1) juridical grounds for rendering aid to newly liberated nations and (2) as a juridical device for drawing attention of the international public and the international organization for taking measures against the offenders of this international principle. Thus this concept has been transformed into a juridical expression and thus providing legal protection of the subjective rights and rights of self-determination of all oppressed peoples.

¹ Yankov, A. „Lenin's struggle and the struggle of the Soviet State for the affirmation of the nation's right to self-determination as a guiding principle of international law", 1970, p.354. Annual of Sofia University, Juridical faculty, v.17, 1970

² Look Lenin, vol.29, p.108

³ Mihal, G. Fundamentals of International Law, 1974, p.117

⁴ Ibid, p.116

⁵ The UN and the National Rights of the Palestinian People, Resolution on the Question of Palestine, 1974.

⁶ Ibid, p.18

⁷ Tunkin, G.I., International Law, 1988, p.77

⁸ The U.N. and the National Rights of the Palestinians, 1975, p.13

⁹ Ibid, p.14

¹⁰ Partizdat, The Hotbeds of conflicts on the Planet, 1988, p.196

¹¹ Ibid, p.194

¹² Ibid, p.183

¹³ Ibid, p.183

¹⁴ Look US Department Bulletin vol17, No 418, 1947, p.3

¹⁵ European Student's Conference: Belgium, „Documents" 1987

¹⁶ Al Ufok, Article Number 184, 1988, p.31

¹⁷ Slavi, P. Revolution of Reason, 1989, p.17

¹⁸ Morris, R.B., The America's Basic Documents in a History, 1918, pp. 3-7

¹⁹ Informational Bulletin on the Middle east, 1988, Number 13, p. 119.

²⁰ History of Diplomacy, Volume 3, pp. 27-8

- 21 Lenin, V.I. Complete Works, Vol.22, pp.147-8
- 22 Ibid, Vol.39, p.722
- 23 Ibid, Vol22, pp.147-8
- 24 Ibid, p.144-5
- 25 Ibid, Vol.39, p.722
- 26 Ibid
- 27 The Formation of the Soviet Socialist Republic: A Collection of Documents, 1972, pp.21-2
- 28 Yankov, p.354
- 29 Ibid, p.306-361
- 30 Lenin, Vol.31, p.199

CHAPTER FIVE

WHAT DOES THE RIGHT TO SELF-DETERMINATION MEAN FOR THE KURDS?

From its earliest conception, the Kurdish ethnic community has been enslaved by invaders of Kurdistan. The history of the Kurds is a lasting conflict and fight against them. The Kurdish resistance turned into a form of self preservation. Through strong nationalism, it is proving a powerful and an early wish for the Kurdish self-determination. During the feudal period, most characteristics of the Kurds were their attempts to form purely Kurdish units. Throughout the 17th and the 19th centuries, the Kurds were constantly fighting for the creation of an independent state and voicing their free will.

The French Revolution engendered hope for national and social justice for all enslaved nations. It was only after 1789, when Freedom, Equality and Brotherhood were accepted as basic principles. It was only with these concepts that nationalism became a revolutionary force combined with the requirements for serving humanism, social justice and democracy, and to find its continuation in the patriotism of the bourgeois-democratic revolution.

The leader of the Great Socialist Revolution, Lenin, in his book on the right of nations to self-determination, dwelled on the influence of the economic and social-political factors as giving rise to the idea of self-determination of the nations and defining its development as a political program of the bourgeois-democratic revolution. According to Lenin the origin of this idea should be sought during the period of feudalism's decay and growth of capitalism when the whole world has been caught

in the flames of national liberation movements¹. Lenin pointed out that „the economic basis of these movements is grounded in the fact that for the complete victory of commodity production it has been necessary for the bourgeoisie to conquer the home market and to unite all people speaking one language and living on the same territory, as well as to remove the obstacles hindering the development of that language and literature”. Thus the formation of national state is an objective social-economic prerequisite for overcoming the feudal disunity and narrow-mindedness and is one of the major conditions for the development of the capitalist social system. That is why in its struggle against feudalism, the bourgeoisie put up the idea for the creation of a national state as a main program item for an anti-feudal, bourgeois-democratic revolution.

The ideas of the French Revolution for the people's sovereignty and their right to self-determination were the reason for the outbreak of the Botan uprising in the Kurdish lands in 1821, under the leadership of Amir Badruhan². In his program and strategy, the idea of the liberation of Kurdistan and the formation of an independent state was expressed in his appreciation for the creation of a confederation of all feudal Kurdish units.

He created a revolutionary program for the organization of a modern state with everything necessary for its functioning. This event could be considered as turning points in the development of the idea of self-determination for the Kurds in the political sense of the concept. Badruhan's attempt in gaining national independence, although unsuccessful, determines the prospective strategy of the Kurdish National Liberation Movement.

At the beginning of the twentieth century, the idea of self-determination for the Kurds began to take a more topical shape and entered a new stage of development. The spreading of this idea among the Kurdish intelligentsia and the Kurdish students residing outside the country, became a leading argument and a prerequisite for political and propaganda activities and organizing of political parties and cultural associations. These organizations had as their basic concept and program item, the right to Kurdish self-determination. This concept gave the direction of the Kurdish struggle³.

The stage, in the development of this concept, could be considered as a crucial moment for the Kurdish National Liberation Movement, therefore, being transformed into a principal program for all Kurdish political organizations and cultural associations. Characteristic of Kurdish political thought at that period was to accomplish their right to self-determination, that is to say, the right to form a state of their own. The Kurds were expecting eventual foreign help but were not relying on self-organising and the forming of Kurdish institutions. The Kurdish people have been a good fighting trim most of the time but they have very often manifested weakness in the field of diplomacy. The Kurds have always used foreign elements to represent them at international forums. Armenian organizations, for instance, have tried to do that without success. This confirms our view.

The idea of self-determination for the Kurds received new contents and significance after the October Revolution. The democratic principle for solving the national problem and particularly for equality for all nations formulated by Lenin, turned

into a principle of the Socialist Revolution and began its actual development. It found expression in the Peace Decree and other documents of the Soviet State. Another important moment in this aspect was the denunciation of the colonizing intentions of the capitalist states of the small peoples and the declaring as invalid the secret treaties concluded against the will of these peoples by Russia. As a result of this important event, conditions were changed in favor of oppressed people and their national liberation movements were stepped up. Doctor Ghassem-lou pointed out in his book, „Kurdistan and Kurds”, that immediately after the end of World War One, energetic activities of Kurdish organizations began to popularize and actualize the Kurdish issue whose main aim and only slogan was the creation of an independent Kurdistan in compliance with the right of every nation to self-determination⁴.

Here I would like to mention two important events reflecting the development of self-determination of the Kurds. The first being of internal character, and the second – of international significance for the Kurdish people.

In 1919, under the leadership of Sheikh Mahmud Berezendji, an independent state was declared in the town of Suleymaniy. Berezendji was appointed as a governor and a Kurdish government was formed under British protection. Berezendji, who called himself „King of Kurdistan” in 1923, had aspirations for complete self-determination of the country without Turkish and British interference. This soon became the reason for a conflict between him and the British occupiers. The struggle for the independent Kurdistan continued until 1929. I would like to lay emphasis on a step taken by Mahmud Berezendji at that time,

namely he sent a letter to the leader of the October Revolution, Lenin, asking for support of the struggle for independence. Regretably, and without clear reasons, he received no positive answer.

The event, of international significance was the participation of a Kurdish delegation, led by Sharif Pasha, at the Paris Peace Conference which was the first international forum including the consideration of the Kurdish question. Thus the Treaty of Sevre, which was part of the Versailles Treaty, became the most important turning point, on an international level, in Kurdish history. Although this Treaty was not an expression of the desire of the Kurds, in its minimal concept, it was an international recognition of the Kurdish question.

The articles of the Treaty dealing with the right of the Kurdish people to self-determination (62-64) announced that if the Kurds, as a nation, could prove within a year that they were capable of being independent, the right to self-determination would be granted to them⁵. This Treaty never came into force and the Turkish government began to wage a war against the Kurdish people, killing thousands.

The striving and ambition of the Kurdish National Liberation Movement, and the struggle from the beginning of the twentieth century to World War Two, were aimed at abolishing foreign domination and gaining national sovereignty, irrespective of the various interpretations.

According to some historians, writing about the political formation of the strategy and tactic of the Kurds, their struggle did not comply with contemporary directions in comparison with other national liberation movements like those of the Arabs,

Turks or Armenians. Here, I think, the problem is up to the class structure of the leadership and the degree of political maturity. Therefore, the shortcomings of the Kurdish National Liberation Movement, according to me, are due to the following factors:

1. The existence of strong feudal relations in the Kurdish society, that is to say a lack of a bourgeois class, in an economic sense of the word, ambitious to organize a national market and state.

2. Lack of unity in the ranks of the Kurdish intelligentsia at that period of the development of the Kurdish National Liberation Movement. This „illness” is still pestering the Kurdish National Liberation Movement. The Kurdish intelligentsia is not fully aware of the necessity to have a definite program and is not yet up to the requirements of the present day.

3. These movements have never had a preliminary program for a social-economic reformation.

Another important moment in the development and endorsement of the concept of self-determination in the program and strategy of the Kurdish National Liberation Movement, comes in the form of an Association, „HOIBON”.

After the defeat of Sheikh Sa'aid Pieran's uprising in 1925 (in Turkey), its participants scattered all over Europe or found refuge in neighbouring countries. A year after the uprising, the Kurdish National Liberation Movement gathered its strength again and a Congress was held in Lebanon consisting in all Kurdish patriots and organizations. Thus, in 1926, this „HOIBON” was initiated – a united political Association – with participation of delegates of all Kurdish organizations and circles. A program of liberation of Kurdistan and the formation of an independent

Kurdish state was adopted. A national army was organized and the national leadership of a new popular uprising was elected. Regretably, this uprising was a failure. In spite of the catastrophic result of this uprising, it's a turning point in the Kurdish National Liberation Movement and its strategy for self-determination. The international significance of this uprising was brought about by the Protest Declaration, sent to the Bureau of the Socialist International sitting in Zurich. This protest of 30 August, 1930 against the Turkish repressions and crimes towards the Kurdish rebels and population, called on the Turkish government to grant to the Kurds the right to self-determination⁶.

Dwelling on the concept of self-determination, at different stages of the development of the Kurdish National Liberation Movement, I arrive at the conclusion that this concept has been the main objective of the Kurdish uprisings and organizations prior to, and after, the Lausanne Treaty of 1923 when Kurdistan became disunited.

The Kurdish national self-consciousness has been getting stronger and their determination for national consolidation even bigger after the artificial division of Kurdistan. In confirmation of my words, I will give some facts. M.Bohrilov, a Soviet author, pointed out, in connection with the Mossul problem, that there is no doubt at all that the idea of liberation and creation of a united Kurdistan was behind the 1925 uprisings. All Kurdish uprisings in the period between the two wars were fought to establish an independent Kurdistan and they had the aim to secure the Kurdish self-determination⁷.

Another fact referred to the Referendum in 1921 for appointment of the Iraqi crown. The town of Sulaimaniya, however, which was the center of the Kurdish National Liberation Movement at that time, refused to participate in the Referendum. The population of the town, and the district, rejected to join Iraq⁸.

Now I would like to analyze the facts and events and to make a conclusion in connection with the gradual actualization of the concept of Kurdish national self-determination. Proving this, are the coordinating activities between the Simko revolt, in Eastern Kurdistan in 1922 (Iran), and the revolt of Mahmud Berezendji from Southern Kurdistan (Iraq).

At the same time the intellectuals from the town of Sulaimaniya established „HIWA” (HOPE) – a political organization.

At that historical moment, a new political figure appears - Mustafa Barzani⁹, who followed the steps of Sheikh Mahmud until the formation of „The Kurdish Revival Committee”. That is another testimony to the century long struggle for self-determination.

Now, I would like to give more details about the Committee's objective and subjective factors which had influenced these events in the Kurdish National Liberation Movement and to confirm once again, the correctness of the idea of self-determination in the interest of the Kurdish people.

The Kurdish National Liberation Movement, in accordance with the international situation and the development of the international relations, has supported the struggle of all oppressed nations for self-determination, as Professor Yankov pointed out¹⁰. This was given expression in two international acts. In

1933, in Montevideo, the so-called Convention on the Rights and Obligations of the States was issued. Article 3 of this Convention reads that, when a state is not internationally recognized, it nevertheless has the right to political independence, expressing the free will of its institution.

Another International Act, is the Atlantic Charter of 14 August, 1941 which contains decrees about the right of a nation to choose forms of government and, particularly, about the deprived nations having the right to have them restored.

Another favourable condition for the appearance of the „Kurdish Revival Committee“ was the entering into Iran Kurdistan of the Soviet Army in 1941¹¹. A year later, the abovementioned organization of the Kurdish patriots was created with the representation from all parts of Kurdistan. National leadership and national committees were chosen, whose program and slogan was the consolidation of the Kurdish nation into an independent state. This act marked the perfect stage of development and endorsement of the Kurdish struggle for self-determination, answering in that way the subjective and objective conditions of the Kurdish National Liberation Movement.

There is no denying the fact that all political and juridical prerequisites for the realization of that Kurdish legitimate right to self-determination were present at that period and it was only correct to continue that policy after the Second World War.

After the War, the tendency to endorse the right to national self-determination became a principle of international law and found its place in the U.N. Charter as one of the basic princi-

ples of the Organization. This fact gave great hope to oppressed nations to materialize their legitimate rights.

Contrary to these tendencies, the above mentioned strategy of the Kurdush National Liberation Movement was replaced with the request for autonomy in Iran. This political state was strongly influenced by the meeting in Baku (ASSR), in 1945, of the leaders of the „Kurdish Revival Commettee” with Stalin's representatives who reccommended this political course.

In my opinion, this decision was a step backward for the Kurdish National Liberation Movement and even today its fatal consequences can be felt. In this way „Stalinism” set its mark on the Kurdish National Liberation Movement not only in Iranian Kurdistan, but in the whole of Kurdistan.

At the beginning of the 1980s, however, the concept of „self-determination” once again became topical in the political vocabulary of Kurdish parties and organizations, particularly in Northern Kurdistan (Turkey), and in other parts of Kurdistan.

¹ Lenin, Volume 20, p.368

² Sherko, B. The Kurdish Problem, Past and Present (in Arabic) 1968, p.47

³ Ibid, pp.64-5

⁴ Ghassemlou, A.B. Kurdistan and the Kurds, 1968, p.39

⁵ Al Hadj, Azis. The Kurdish Problem in the Twentieth Century (in Arabic), 1984, p.47

⁶ Sherko, p.117

⁷ Ghassemlou, p.54

⁸ Al Hadj, p.42

⁹ M.Barzani is a founder of the KDP and leader of the Kurdish National Liberation Movement from 1961-1979.

¹⁰ Yankov, A. New contribution of the UN into the codification of the fundamental principles in international law - Annual of Sofia University, J.F., v.XII, 1971, p.66

¹¹ Bondarevski, G.L. The West Against the Moslem World (in Arabic), 1985, p.290

CHAPTER SIX

THE RIGHT TO SELF-DETERMINATION OF THE KURDS AND OPPORTUNITIES FOR ITS REALIZATION

Today the world faces a new political situation. The influence of the new political thinking inevitably finds reflection in the juridical field. The development of international relations needs to be re-considered from a new point of view. A number of problems have been left without solution over the course of decades.

We have all grounds to think that both juridical and political prerequisites for discussing the Kurdish problem are on their way to be summoned before the court of world public opinion (in a broad sense), and before international bodies, organizations and institutions (in the narrow sense).

The Kurdish question has existed for centuries. The very existence of this question is on the threshold of the third millennium. For a modern society, this question forms a striking anachronism. Over 25 million Kurds inhabit the territories which are divided among four states. These countries do not even provide the Kurds with elementary human rights, nor do they allow politically grounded rights to self-determination and disposition.

Hope inspires the progress achieved in finding a solution of the Palestinian question, irrespective of the understandable resistance of some circles in Israel. Very soon, the Palestinians will receive compensation for their longing for the creating a state of their own. This will be a logical result of the recent realistic stand of the Great Powers, and world community, by

their recognition of the PLO as the sole legitimate representative of the Palestinian people.

A solution of the Palestinian question places on the agenda the more complicated issue of the Kurdish self-determination. The liquidation of the hotbed between Israel and Palestine, inevitably, will orientate world attention to the neighbouring one, languishing for decades in the shadow of the former. In the light of new political thinking, it is impossible to ignore a large scale conflict as the Kurdish one. It is historically inevitable „that aggravating conflicts, provoked by refusing liberty or creating obstacles on the way to freedom of such peoples be a serious threat to world peace”.

The Declaration for Granting Independence to the Colonial Countries and Peoples, adopted on 14 December, 1960 by the U.N. General Assembly, reads in point 1, that „foreign domination of the nations and their exploitation is a denial of the basic human rights and runs counter to the U.N. Charter, hindering the development of the international cooperation and establishing of lasting peace all over the world”. Nowadays, no proper government would dare to contest these formulations¹.

A certain ambiguity exists, however, in connection with identification of Kurdistan as a colonial or dependent state and of the Kurdish nation – as one subjected to traditional colonial rule. A brief historical reference would be enough to prove that there is no place for doubt.

It is a well-known fact that Turkey is a successor of the oldest colonial state in Europe and Asia, the Ottoman Empire. Iran, Iraq and Syria, as colonial territories of the British Empire, were formed by the latter on the principle „Divide and Rule!”.

In keeping with this principle, Kurdistan was torn to pieces. In fact, its colonial existence continued not within the framework of two colonial Empires (Ottoman and Great Britain) but within the framework of four independent states (Turkey, Iran, Iraq and Syria). The tearing apart of the 25 million strong Kurdish nation, therefore, is a deliberate act of those political circles interested in maintaining tension in the Middle East region with its extremely rich oil resource. The aim of these Powers is to manipulate and to engage in additional conflicts. The colonial status has been dropped off only for the dominating nations, while the Kurds staying in Turkey, Iran, Iraq and Syria remain dependent as under the British and Ottoman Empires. The only difference was that instead of being divided into two, Kurdistan was even more disunited when it was divided into four.

Bearing this in mind, we should admit that the Declaration on Granting Independence to the Colonial Countries and Peoples is fully applicable to the Kurdish nation inspite of the abovementioned peculiarities. Divided among several until recently dependent countries, Kurdistan is being ruled not by the Kurds but by four neighboring nations. The juridical situation of the Kurdish nation has reflected in its actual fate: deprived of any rights by the dominating nations. There is no possibility for equality under such circumstances. The efforts of the states, interested in a situation of this sort, frustrate the Kurds in their attempts to present the Kurdish problem for discussion at international forums. Since the foundation of the U.N., not a single resolution of the U.N. General Assembly has treated this question. Nor has any resolution passed allows Kurdistan the international right to self-determination. Meanwhile the Kurd-

ish struggle for national liberation continues unhindered. The publicity vacuum in the Kurdish problem, especially under the world's present political situation, appears absurd. The Kurdish Liberation National Movement puts forward the legitimate request for free existence and will insist, before mankind's juridical consciousness, for concrete actions on the part of the sovereign states.

Juridical consciousness of the mankind and theory of international practice confirm the right of every nation (particularly of a fighting one) to independent political existence. Recognition of the nation as a subject of international law with the right to self-determination, is of enormous practical significance. Eventual success of the national efforts of this nation will be aimed at obtaining its independence. Lack of recognition of these rights could by no means be an obstacle for the actual struggle of this nation for putting this right into effect. It exists, irrespective of any other will outside the one of the fighting for an independent nation. The fighting nation, in the same way as the state, is a subject of international law, ipso-facto, (by the very fact of its existence).

In support of this concept, there are a number of International Acts, adopted on a universal basis during the past decades. Colonialism and neo-colonialism have been admitted as running counter to international law. All forms of national liberation struggles were recognized as legitimate and any use of armed forces and repressions against the national liberation movements were classified as violation of International Law. A great number of the above mentioned elements consisting of the normative contents and the juridical results of the principle

of equality and self-determination of the nations, were normatively confirmed in the human rights covenants: the Convention for eliminating all forms of racial discrimination and others².

The Equality among people and nations and their right to self-determination gradually being ratified in close unity and interaction with the other basic principles of present day international law. These principles are gaining wide recognition as imperative norms of international law and their derogation becomes inadmissible.

As it is well known, the Vienna Convention on the laws of treaties, adopted on 22 May, 1969, contained a special decree according to which a contract is not valid if it runs counter to the imperative norms of international law. Therefore, all treaties concluded in the past or if they are to be concluded in the future, could be declared invalid if they prove to run counter to the principle of equality and self-determination of nation and people.

This stance is being supported by a great number of international law experts by reviewing concrete juridical acts and principles as common imperative norms. They consider as invalid concluded treaties running counter to the principle of equality and the right to self-determination.³

In accordance to the Vienna Convention Decrees (Article 71), examining juridically the treaties, the Kurds have now the juridical opportunity to submit, for revision, the Laussane Treaty of 1923, which had deprived them of their right to self-determination. This treaty, in fact, abrogates the earlier Sevre treaty of 1921 (Article 64) which granted the Kurds the right to self-determination and the formation of an independent state, as

well as the right to freely join the country they wish. The same right was endorsed in the Mandate Bill of Great Britain (Article 16)⁴.

This colonizing act divided the Kurds among various states against their will. This act could be qualified as an act of annexation.

It must be understood that „annexation” & seizure of foreign lands according to democratic juridical definitions could mean any incorporation of a small, or weak, nationality into a big or strong state, without their clearly expressed or voluntary consent; irrespective of when the joining by force had taken place, irrespective of the degree of development of the nationality, added or detained by violence within a certain state⁵.

The given facts, make me reach the conclusion that the Kurds must engage competent U.N. bodies and, through them, the International Court in the Hague in granting recognition of their rights, the right to self-determination included.

Another important International Declaration which could be taken as an instruction for the formulation of the concept of equality and self-determination, is the Helsinki Declaration of the European Security and Cooperation meeting of 1975. It insisted on respecting human rights, equality among nations and their right to self-determination⁶.

This Declaration formulated the political will of the participating states. They have not only the juridical obligation to observe the articles of the Declaration but also a moral duty toward all other states.

For the Kurds, this Declaration is of a particular importance, for it gives them hope to change their human rights situation.

To be more concrete, we shall dwell on the plight of the 12 million strong Kurdish, living within the boundaries of Turkey – a country which had signed the Helsinki Declaration and has taken the obligation to observe its articles. Turkey not only did not fulfill its obligations ensuring from the signing of this Declaration, but since the 1980 coup d'etat it has been systematically applying an assimilation policy towards the Kurdish people.

With the new political thinking as a factor for democratization and regulation of international relations, the Helsinki declaration is gradually being transformed for the countries – signatories, into a juridical norm of international conduct. This process is being further developed by the Madrid Meeting and the Vienna Accords⁷.

The Paris Humanitarian Coordination Process Conference, held in May 1989, being an important step forward in this process, created a mechanism for regulating the decision adopted, particularly in the humanitarian sphere. Recognizing of the right of the Kurdish nation to national self-determination, as well as the violation of these rights in Turkey (participating in the conference) by many delegations, give us ground to speak about internationalizing of the Kurdish problem⁸.

Actually, the articles in this Declaration had two significant items concerning human rights to equality and self-determination.

The first point, concerning human rights, and more particularly national minority rights, reads: „The participating countries, on whose territories national minorities live, are obliged to respect the representatives of these minorities, to grant them equality before the law and entire possibility to actually enjoy the human rights and essential liberties and, in that case, defend their legitimate interests in that field”.

The second point reads: „Bearing in mind the principle of equality and the right of the peoples to be masters of their destinies, all peoples have the right at any moment and unconditionally, to decide their foreign and home political status and without foreign interference, to implement, according to their will, its political, economic, social and cultural developments”⁹.

The participating countries, bear testimony to the universal significance of efficient implementation of (1) equality and the right of the peoples to be masters of their own destiny, (2) development of friendly relations amongst themselves as well as with states from all over the world. This admits the paramount importance of excluding any form of violation of these principles.

The objective conditions supply us with juridical possibilities for the Kurdish question as an international one. In other words, representatives of the Kurdish nations would be able to forward the Kurdish question in the international arena.

In view of the aforesaid, I believe that the Kurds could be active subjects in this juridical relations. For example, through approaching (SAESIR) special committees formed for the implementation of the Vienna Accords and those of the Paris Humanitarian Coordination Process Conference.

The aim of the forum is to create a mechanism of general democratic norms in the field of human rights for all countries that have signed the Vienna Accords, to take the obligation of transforming these norms into their home, political and juridical ones. National legislation should also correspond with international terms of agreements.

The necessity of restructuring the international political systems, ensuring from the new socio-historical realities and the progress of the techno-scientific revolution, as well as the current revolutionary processes in world economy, require adequate change in the political superstructure. This necessity for a new type of policy develops in accordance with international relations democratization, along side with the role of the public sector is being stepped up requiring restructuring of the political regime. The new world political situation demands adoption by all states forms and regimes, parties and institutions. Old political structures are being renovated and new ones are being born¹⁰.

In accordance with this new political situation, changes must take place in our political institutions as well, so that we move with time.

Human history has proved that not a single problem could be successfully solved outside the framework of international relations. In addition, political relations now force stronger tendencies, according to which many national problems obtain efficient solutions only on the basis of international cooperation and human rights. This situation brought the unprecedented increase of the role of foreign policy of the states, directly concerning the interests of peoples and individuals.

Stress is being laid in three directions – important factors in achieving the formula „peaceful cooperation”:

- (1) Consolidation of international relations.
- (2) Solving of regional conflicts.
- (3) Establishing of humanitarian relations and consideration of human rights.

These three elements are mutually committed, of paramount importance, to the attainment of a peaceful world in the name of preserving human civilization.

We can note some important steps in this direction. Regular East–West dialogues for saving mankind from destruction and solving many regional conflicts as well as carrying out of various international forums for practical implementation of the Human Rights Charter. These bear evidence to this developmental process.

The right to national self–determination, as an element of this policy, found its fulfillment in many parts of the world.

Contrary to this tendency, however, the rights of the Kurdish nation are still being systematically violated, and the Kurds became objects of aggression and genocide. The policy of assimilation, and the use of chemical weapons, are systematically applied on this poor, helpless nation while the world watches passively with indignation.

The Kurdish question is not a regional one. It would have been a regional problem only if the Kurdish National Liberation Movement's representatives would have thought about it when the time was ripe. Today, the new political thinking does not treat the Kurdish question regionally.

Keeping in mind the new political situation, one could reopen the Kurdish question as a regional one.

At present, the Kurdish question would be considered more favorable if it was in the framework of internationalized human rights. Certain prerequisites might allow for the possibility of resolving it regionally.

Today's international situation demands both new approaches and programs of action. In this connection we also could quote a Latin dictum: „Clausula rebus sie stantibus” (With change in the scene, a change in the policy follows).

Fredrich Engels confirmed: „...refraining from politics is not possible, the problem being in what way and to what degree to interfere”¹¹.

By utilizing several endorsed International Acts regulating human rights, the Kurdish National Liberation Movement could avail itself of new opportunities.

Juridical grounds, existing prior to Helzinki, may be considered as giving self-determination rights to the Kurdish people.

The drafting, inclusive of the principle of equality and the right to self-determination, of two international juridical documents was of great importance. The first, being the International Covenant on Economic, Social and Cultural Rights (part 1, articles 1 and 3). The second, being the International Covenant on Civil and Political Rights (part 1, articles 1 and 3). These two International Covenants, adopted on 19 December 1966, having specific mechanisms (under articles 26 and 27 of the U.N.Charter), engendered juridical obligations a decade after the necessary period for implementation as an irrefutable source.

Article 1 of both International Covenants, with identical statements reads: „All peoples have the right to self-determination. In accordance to this right, they can freely choose their political status and can freely determine their economic, social and cultural development”.

In this way, equalized self-determination was stressed as a fundamental human right.

From a practical viewpoint, however, a conclusion was imposed: No effective implementation of human rights in economic and social fields is possible without obtaining national independence and sovereignty for every separate nation.

In this connection, Lenin, in a number of his articles (through the years 1903-1913) noted that „full equality of the citizens is one of the necessary conditions (within the state they live in) for resolving the national problem in the spirit of the consistent and sincere democracy”. He has always pointed out that the world goes about an obligatory condition – prerequisite for achieving full equality, not only regarding nationality but excluding discrimination on the basis of sex, language, religion and so forth.

Lenin's idea for a just solution of the national problem took the shape of two unbreakable principles, bringing unity, in this aspect, of social democracy:

(1) The request for political civil rights and liberties as a human right, and

(2) The request for the right of self-determination of any of the nationalities included in the state.

Practical implementation of proclaimed humanitarian rights, whose political realization is in the actual equality, reveals two interconnected aspects.

In the first case, civil rights and liberties of a person cover inter-personal equality relations. The Right of free speech, the right to use and preserve a nation's way of life and language, the right to freely satisfy its cultural and equal religious needs, are all examples of inter-personal relations.

The second aspect of actual equality is found with equality amongst all nationalities within a given territory. They are a compulsory part of it, thus the right lies with the whole nation's determination of its own status during any historical period.

In this context, Lenin stressed that „two are the basic principles which must be guiding for all social democrats in Russia regarding the national problem...”

First – the demand for national autonomy as well as for political and civil freedom and full equality.

Second – the demand for the right to self-determination for every nationality included in the state¹².

The first principle has in view the inter-personal relations, while the second transforms the same form of equality from equality among the separate state members and equality amongst the different nationalities within a given territory.

It could not be possible for a representative of a nation to feel actually equal in rights if his or her nation is deprived of equal self-determination nation right. Any person, meanwhile, belonging to an enslaved or unrecognized nation, is discredited not only by lack of participation in the state bodies but also

through the deprivation of his nation from participation in international life.

We could not assume that there is equality regarding the separate nationalities in the state (minority or majority) if representation and defence of the national interests are not included in the constitution as a basic state-building internal Act.

Contrary to organizational principles of international life, where „all nations, both big and small, are equally represented”¹³ (a billion strong China is equal in rights with a 100,000 Luxemburg). Very often, within the structure of a number of multinational states, there is no constitutional consolidation of home-national equality. Even worse, the minority is being brutally oppressed or banned in the basic Acts reflecting the legal structures of the nation's life, like for instance in South Africa, Turkey, the Sudan, Iraq, Iran, Spain, Sri-Lanka and etc.

Lenin's ideas of equality and self-determination of nations go through a long and heavy struggle and have imposed themselves as principles of international law. This being one of the basic human rights, its realization has turned into a condition for promotion of international cooperation.

Analyzing the juridical nature and the concrete contents of human rights, we can understand its multi-lateral character and the mutual ties of political, economic, social and cultural aspects. This analysis confirms the fundamental significance of the principles of equality and self-determination for friendly mutual relations of cooperation among the nations. These principles are catalysts of present day international relations.

The conclusion from the abovementioned facts gives us ground to ascertain violation of the basic rights and liberties of

the Kurdish people. Those rights which are regulated by international law, but not being guaranteed by the domestic legislation of the states ruling Kurdistan.

As far as individual rights of the Kurdish population are concerned, they're subjected to inequality and discrimination by the states under whose jurisdiction the Kurds fall. On the other hand, the Kurds as a nation, are deprived of every right to self-determination and are placed in an unequal position in comparison to the dominating nations.

Proof of this can be found with the latest anti-human acts of these regimes against the defenseless people. This, alone, being a gross and systematic violation of the human rights.

These acts run counter to all international norms: The U.N.Charter, Geneva Convention of 1923 and others, and to all contemporary tendencies of international cooperation in the humanitarian field.

As a result of using chemical weapons, mass killing of Kurds is currently taking place, which could only be classified as genocide against the Kurdish people. Statistics show that about 11,000 have been killed, 20,000 injured and 120,000 expelled from their native lands. These crimes give rise to the just dissatisfaction and indignation of the world.

Thus the Kurdish problem was brought to the rostrum of human rights discussions at many international forums, the U.N.General Assembly (43 Session), inclusively.

The U.N.General Secretary has been approached (SAESIR) with complaints of violations of Kurdish rights. There were proposals for the calling of the creation of a special U.N.Com-

mission which would investigate these gross violations by the aggressors who are signatories to the ratified U.N. Charter.

Regretably, however, no concrete result has been achieved nor any satisfying actions to render political and juridical support for the Kurds. Only humanitarian aid was received.

Following these events, discussions took place at the U.N. and at other international levels concerning the contradiction between the principle of non-interference in the domestic affairs of the state – member of the U.N. and the possibility of interference.

Therefore, I think, that we must take into consideration the fact that these crimes against the Kurdish population are not only a gross violation of human rights but a genuine genocide against them. I will quote here the Convention of the 9 December, 1948 on averting the crime „genocide“. Article II reads: „Under 'genocide' must be understood actions aiming at complete or partial physical destruction of a national, racial or religious group. The killing of the members of this group or their physical annihilation”.¹⁴

Analyzing this text, a conclusion could be easily drawn. An actual genocide is indeed present and in this case, and, therefore, interference into the domestic affairs of a country is advisable and necessary.

Actions like these, could not be taken as a purely internal problem because of the close link of the right of people to self-determination, on the one hand, and the preservation of world peace and security, on the other. This is alluded to in Article 1 of the abovementioned Convention. (A convention under which) Signatory states must undertake measures preventing and pun-

ishing such crimes and pass respective laws (Article 6) in keeping with the Convention¹⁵. For the reviewing of such crimes, the International Court of Justice, is the organ which decides.

In cases like this, third countries are not bound by obligations of non-interference, for they have the positive obligation to assist in the struggle of people for self-determination.

The principle of equality of rights, and the right to self-determination is stressed as a basis for applying the principle of territorial integrity under the International Covenant for Political and Civil Human Rights within the framework of the equality and non-discrimination principles.

Under doubt, is the applying of the principle of territorial integrity if a state accomplishes acts of violating the right of equality and self-determination as a fundamental right and discriminating the people living on its territory, which is against all norms of international law.

The conclusion being that the Kurdish people could use these juridical means for establishing and realizing these rights and liberties guaranteed by international law, particularly the right of equality and self-determination, and approach the International Court of Justice to stop and sanction those who comit the crime of genocide (iraqi regim).

In conclusion, we will insist that the Kurdish people must avail themselves of all juridical and political means available in achieving their aims and defending their national sovereignty and their violated elementary human rights and liberties! The Kurds must use all international humanitarian forums for the protection and the internationalization of the Kurdish problem. The end result being a just solution of their national problem

in compliance with the right of equality of rights among all peoples and the right to self-determination, which is the fundamental of human rights.

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- ¹ Resolution 1514/XI of the U.N.General Assembly,
14 December 1960, Preamble
- ² Yankov, pp.369-370
- ³ Ibid, p.370
- ⁴ Al Hadj, p.26
- ⁵ Lenin, vol.26, pp.241-6
- ⁶ History of Diplomacy, Book 3, Vol.5, 1981
- ⁷ Magazin „International Relations”, „Vienna Meeting
of the VSSE”, issue 3 (Sofia, 11 April 1989), p.56
- ⁸ „Rabotnichesko delo” issue 152, Sofia 1 January, 1989
- ⁹ „International Law in Documents”, 1985, pp.15-6
- ¹⁰ Partizdat, The New Historical World Contents and
Restructuring of Socialism. 1989, p.148
- ¹¹ Marx, K. and Engels, F. Complete works, Vol.17, p.417
- ¹² Lenin, Vol.7, p.104
- ¹³ U.N.Charter, Articles 2 and 18
- ¹⁴ International Cooperation for Defending Human Rights,
Sofia, 1982, p.215
- ¹⁵ Ibid, p.47

CHAPTER SEVEN

FORMS OF REALIZATION/IMPLEMENTATION OF THE RIGHT TO SELF-DETERMINATION

The new political thinking coming into international relations necessitates overall democratization of social life both in the internal state relations and on the international stage. As Mikhail Gorbachev pointed out, the core of the new political thinking is within the priority of universal values¹.

In analyzing the contemporary world, one can conclude that international relations while maintaining class characteristics, are increasingly realized as relation between nations. This presupposes taking into account a variety of interests. International recognition is an important element of the new political thinking. In fact this is the core of the new political thinking².

One of its basic elements is the care for man, of man's rights and freedom and their practical realization.

In his report to the 43th U.N.Session, Mikhail Gorbachev pointed out the great significance of humanizing these relations and of their international realizations: „It's only when man with his concerns, rights and freedoms becomes the universal center, that international relations shall completely reflect the nation's true interests and shall reliably serve the cause of their common security”³.

Democratization imposing itself on political, social and international life demands that internationally recognized human rights should require a real guarantee through confirmation in individual state legislation so that everyone, regardless of his race, nationality and religion, shall enjoy equal rights with all citizens of a state.

„I believe that jurisdiction of the International Court of Justice at the Hague as far as the interpretation and application of the agreement on human rights should be binding to all states” as M.Gorbachev pointed out at the 43th U.N. Session.⁴

That means that the mere declaration of human rights and freedom, already exhausting state attitude towards them has become incompatible with this new political thinking, political thinking which demands their practical application and guarantee. Among the most important conditions, for their realizations, is the granting of equal rights and freedoms to each and every individual. Without these basic necessities it will not be realistic to speak of a civil society and a constitutional state. The democratic principles about which the constitutional state is based, proclaimed ages ago, have today been reinvigorated. Total equality of nations in a multi-national state is a corner stone of civil democracy⁷.

Even Rousseau, one of the greatest theoreticians of the French Revolution, pointed out that the state is based on social contract. When citizens find malfeasance, they have the right of contracting out due to a betrayal of their mistrust.

These principles have been confirmed in the American Declaration of Independence of 1776 and in the French Declaration of Civil Rights of 1789.

In his report to the Congress of People's Deputies, Mikhail Gorbachev pointed out: „We are entirely justified in stating that the greatest achievement of perestroika is the wide democratization of state and social life”. The logic of the democratic process has been directed not only towards economic reconstruction alone, but also to politics and to all spheres of life. It has

affected state organs, the electoral system; it also requires a new constitutional order. The tendency is towards a priority of the citizens will, towards the leadership conforming with the citizen's interest and not with the ruling elite. Such is the case with totalitarian and authoritarian states. Normal civil society places citizen interests and wills above state will. That is why only a constitutional state can guarantee individual rights and freedom.

In this light, the realization of democratic international legal principles in a multi-national state proves to be a singularly delicate matter. As Mikhail Gorbachev says: „As early as the first days of the Congress the national question and the complexity of multi-national relations have emerged with particular acuteness. Multi-nationality is really a unique quality of the Soviet State”⁵.

What is unique about the Soviet Union is that it is a state of over 200 nationalities: We could hardly find a similar example, not only in the contemporary world, but also throughout the long history of human civilization. Even the Roman Empire did not experience such a unique unification of nations under a single flag. New political thinking, armed with Lenin's treatment of the national question, is called upon to solve this extremely complex knot of problems. „On the one hand, this is the source of her (the Soviet States – A.N.) power, and on the other – under the slightest distortion of national policy, it (multi-nationality – A.N.) can become the reason for the state's weakening, for social instability with unpredictably grave consequences”.

The overthrow of national domination and the abolition of national inequality can become, in the light of the new political thinking, a complex of factors affecting social being and consciousness simultaneously: First of all and overall, economic upsurge to the benefit of all nations, which, on its part, reveals favorable conditions for the development of every national culture. The national policy which had been deformed after the 1930s needs serious political, economic, cultural and legal reconstruction. This is due to the fifty years of distortions of Lenin's approach and the elimination of those very distortions. Mikhail Gorbachev proposed the establishment of a special political and legal mechanism which would rationally solve present and future contradictions and conflicts, always conforming with the specific national interests. This is possible however only if there is total democracy and „glasnost” thus rendering it possible for the whole truth to be seen. Truth through its multi-nationality, as well as the diversity of positions and interests. This is the only way in which contradictions accumulated in international relations could be resolved⁶.

Mikhail Gorbachev's analysis and conclusions logically lead to Lenin's treatment of the national question. They induce a surge for new approaches and ways of conforming with new realities in the world. The attitude towards man, as a central value, as proclaimed by writers, philosophers, scholars, religious trends, is today on the way to becoming a state policy in the Soviet Union too. In this connection, Mikhail Gorbachev pointed out that social well being cannot be grounded in the injustice of even a single individual⁷.

It's paradoxical and even monstrous to think that there exists compact 25 million people deprived of the right to determine their fortune by themselves; a nation of a people unequal to others.

Even to this day, this nation has been discriminated, assimilated and exterminated with chemical weapons. In a word, this is genocide. Today, more than ever before, the enlightened part of the Kurdish people – its intelligentsia, united in various political, educational and other organizations, are faced with the urgent task of finding and using all possible ways to acquaint the international public with the truth about their people. This task should be regarded as one of primary importance by all Kurdish patriots regardless of their religious, class and party affiliations. There is a saying in several languages, to the effect that the mother does not take care of the child before it starts crying. The Palestinian people is approximately ten times smaller but a hundred times more active in comparison with the Kurds. The time has come for the Kurdish issue to take its legitimate place amongst pressing world problems. However, those who hope that this problem will be solved automatically are gravely mistaken.

The new political thinking has found a series of problems which have emerged on the basis of national conflict. That is why, in the last five years, there has been no summit in which these problems have not been tackled with priority. The solution to such problems has not been regarded as one of the most important factors strengthening international relations.

Many international problems have already found their solution. Others are still under the process of being solved – Nami-

bia, Palestina, West Sahara, Cyprus, etc. With the international state of the world, one could hardly ignore the suffering of 25 million people partitioned, against their will, among four states. At the same time, these assimilator states can no longer feel at home in an international community in which human rights and self-determination are prevailing over all other relations. Understandably, the world is only on the very outset of this process, let us call it „humanization", yet we should not miss our historical chance.

In his report to the Congress of People's Deputies, Mikhail Gorbachev emphasized that national problems should find a comprehensive and overall solution in the principle of self-determination, as promoted by Lenin. This principle remains one of the fundamental elements of Soviet national policy. The most convincing argument in favor of this policy is perestrojka which brings about conditions which correct certain errors in deformations of the past. It also works towards harmonizing the relations between nationalities⁸. V.I.Lenin pointed out that, the process of liberation from national domination, the nation's sovereignty is manifested through the application of the principle of equality and self-determination, „So that all nations could live together and have the freedom to separate themselves of their own will, establishing their own state for which complete democracy is necessary"⁹.

Concerning the complete practical realization of equality among nations, V.I.Lenin laid the stress on the democratic character of the social state order as a necessary pre-condition for the realization of the right of self-determination in a multi-national state.

Lenin said: „We appreciate only the voluntary to the enforced relation because the near to full freedom of separation a democratic order is, the more rare and weak will be its aspirations for separation”¹⁰.

The right to self-determination is nothing but the unalienable right of each nation to determine its own fortune by itself, according an approved conception. Each nation also can enjoy the possibility of freely expressing its will for union with other nation (federation or confederation), and towards the realization of its desire for an independent political life.

V.I.Lenin by embedding this idea into the significant legal Acts of the Soviet State put this principle into practice. Through them the possibility of the nation is realized to determine its own future development into two possible forms – a federation on the basis of a voluntary union of equality of big and small nations; and of independent states like Finland and Mongolia on the basis of external self-determination.

In conclusion we could say that Lenin's conception of solving the national problem has been entrenched in the political and legal Acts of domestic and international importance. Such examples could be found in the Decree of Peace and in the Act of the Rights of Nations in Russia, and later, in the Soviet Constitutions (1936, 1977)¹¹.

If we consider the right to self-determination in context of the French Declaration, as a democratic ideal, valid for all mankind, this right could be considered as an aspect of the process of internal change on the road to a democratic society in which internal forms of self-determination are realized.

The principle of equality and self-determination of nations attained a new meaning and significance with the confirmation of Lenin's principles of Soviet foreign policy in its struggle for recognition in the international field. This is especially true after the Second World War when the U.N. Charter was constituted¹².

According to the U.N. Charter the legal importance of self-determination could be internal and external. Member states which have signed the Charter are under moral obligation to comply with its clauses. If peoples of different nationalities live on their territories, the obligation would be maintained with a constitutional granting of rights to those nationalities who wish freely to decide whether they will remain within the state's composition or would separate themselves into an independent state structure. This is an expression of the international character contained in the right to self-determination. If these nationalities express their wish for self-determination from an independent state, known to the world, the right to self-determination reveals its external character. The U.N. Charter does not define or differentiate between internal and external self-determination. What matters, according to the U.N., is the free expression of a nation's will, regardless of whether the people want a union with another state or a formation of an independent state.

At the time of the First World War, self-determination meant the right of the people living a given territory to a political and legal status over that territory. It also implied the right to form a free state. That is a distribution of an empire's territory amongst the many nations that inhabited it (as was the case of Russian and the Ottoman Empires).

The right interpretation with a practical purpose was provided by Lenin in connection with the solving of the national question. A nation's right to self-determination reveals a dialectical unity between two major aspects of the national question:¹³

(1) External self-determination – the right to separate into an independent state.

(2) Internal self-determination – the voluntary union with another nation in a common multi-national state.

According to Lenin, equality is an attribute to the right to self-determination, which, on its part, is a manifestation and guarantee of equality¹⁴. Recognition of equality, in addition to guarantee, is not complete if the possibility of its implementation by the nations through the right to self-determination, is not recognized. If the right to equality grants that an oppression of a nation by another is illegal, then the right to self-determination would mean that each and every nation is equal in its rights with other nations living in a given territory (state).

Constitutional and democratic settlement of national relations, in a multi-national state, is a guarantee for a complete realization of the very principles of national equality and self-determination.

The Kurdish question should find its solution on this basis of the principle of the recognition of equality and self-determination within the very framework of the states in which Kurdish territory is distributed.

Kurdistan's integration within the territories of these states has never conformed with the wish of the Kurdish people, nor of the Arabic, Turkish or Persian on this matter. This is a colo-

nial policy of seizure and distribution of other people's land. Ever since the Kurdish people have been subjected to oppression and lawlessness, they have been in a position of inequality in relation to the ruling nation.

New political thinking calls for realism, for political intolerance to inhuman and unjust relations in international discourse.

This new setting has brought about the need for revising our understanding of internationalistic relations, equality and partnership. It means that the Kurdish nation should struggle for the recognition of true equality and the right to self-determination. On the other hand, the responsibility for settlement on a democratic and just basis, lies with the representatives, especially, with the progressive and democratic forces of the Arab, Turkish and Persian nations. To this end, the Kurdish National Liberation Movement is faced to the responsibility of an important task:

(1) To raise the slogan for complete equality of the Kurdish nation with the ruling nation, and of its right to self-determination.

(2) To use all international forums on human rights, as well as organizations and persons of authority, to bring pressure to bear on these States for the recognition of the fundamental human right – the right to self-determination.

(3) Continuous dialogue and meetings with the democratic and progressive forces in these countries for overcoming faults in their understanding of the Kurdish issue, and for the inclusion into their program the question of the Kurdish national self-determination.

(4) To commit the U.N. to hold a referendum in the Kurdish territories for determining the future of the 25 million strong nation. This can be realized by the joint efforts of all political and progressive organizations, institutions and influential personalities in all parts of Kurdistan. It will require the discarding of the narrow-minded Party attitudes, since the past forms and methods of action no longer satisfy up-to-date conditions and needs.

Only the constitutional recognition of the right to self-determination will guarantee complete equality of the Kurdish nation with the ruling nations. It will also solve the national problem in a democratic form. But even here, there is a delicate point concerning future coexistence with our fraternal nations and the establishment of a common democratic state guaranteeing equality of nations and the rights of the national minorities, on which we would like to expatiate.

Naturally, this does not mean that the right to self-determination and the possession of this right, necessarily means the establishment of a special state and legal formations, it's only the reverse side of the claim for freedom and the establishment of democratic relations among nations.

The difference between „the recognition of the right to self-determination” and the „claim for a necessary self-determination of a nation” is an essential one and should always be taken into account. The possession of the right to self-determination is a condition calling for the equality of the rights of the separate nations in the territory of a given state. However, the exercising of this right is a matter of evaluation, being the result of a democratic settlement of a national question.

An example for a successful democratic solution to this question are the Constitutions of the States which have them. One is Czechoslovakia – a state of two main nationalities.

The Czechoslovakian's constitution settles the problem in the following way: the importance of the nation's sovereignty and free will is reflected in the preamble which recognizes the unalienable right to self-determination, including separation and recognition of the sovereignty of each nation and of its right to freely establish forms of its national and state life.

„As we are confident that the voluntary state unification of a state is an appropriate reflection of the right to self-determination and equality, and along with it, the best guarantee of our internal national development and of the defence of our national character...

On this basis, the Czechoslovakian Federation has been formed.

Article 1.1 – Czechoslovakia is a federal state of two equal fraternal nations - the Czechs and the Slovaks.

Article 1.2 – The basis of the Czechoslovakian Socialist Republic is the voluntary union of national states which enjoy equal rights – the Czech and the Slovak nations, each of them having the right to self-determination.

Article 1.3 – The Czechoslovakian Federation expresses the will of two free and sovereign nations – the Czechs and the Slovaks, who live in a united federal state.

Article 1.4 – The Czechoslovakian Socialist Republic is constituted of the Czech Socialist Republic and the Slovak Socialist Republic, the two Republics having equal rights in Czechoslovakia.

Article 1.5 – The two Republics mutually respect each other's sovereignty and the sovereignty of Czechoslovakia, and Czechoslovakia respects the sovereignty of national state formation"¹⁵.

A similar solution is contained in the Preamble of the Constitution of the Federal People's Republic of Yugoslavia which states that „The peoples of Yugoslavia, on the basis on the right to self-determination, including the right of secession on the basis of their freely expressed will..., and being aware that the further consolidation of their fraternity and unity is in their common interest, have expressed their will to live together in a federal state of free and equal nations and nationalities (Article 5/1)... the territory of the FPR of Yugoslavia is integral and is composed of the territories of the socialist republics.

The boundaries of a People's Republic or an autonomous district cannot be altered without its consent"¹⁶. This is an expression of an agreement and the free will of each nation within the federation.

The Constitution of the USSR provides even more complete solution of the national problem in view of the multi-national character of her population:

According to Article 70, „The Soviet Union is a federal multi-national state, formed on the basis of the principle of socialist federalism as a result of free self-determination of the nation, and a voluntary union of equal Soviet Socialist Republics"¹⁷.

Special place is taken by Article 80: „Each Union Republic has the right to enter in direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them, as well as to participate in the activities of international organizations"¹⁸. This gives each Repub-

lic the opportunity of active participation internationally¹⁹. The tendency for democratization of the national life of each nationality is contained in the Draft Program of the Communist Party of the Soviet Union for a fuller and more effective solution of the national question and the overcoming of the national conflicts.

A turning point of this process will occur at the forthcoming plenum of the CPSU on the regulation of national relations.

It's our view that the Kurdish issue can and must be settled in a similar way. The constitutions of the respective states should necessarily include texts to the effect of:

(1) Existence of the Kurdish nation and its equality with the other ruling nations.

(2) Legal and structural forms of its international and internal existence (similar to Article 1 and 2 of the Constitution of Czechoslovakia and Articles 70, 72 and 80 of the Soviet Constitution).

This is a true socialist model of a democratic settlement of the national questions in multi-national states reflecting the free will of equality amongst nations.

The federative form of state structure in multi-national states is not the only form of democratic, and just settlement, of the national question. The point is, how to solve the problem of the realization of the principle of equality amongst nations and their right to self-determination. It does not really matter which state or what structural form will arise.

That means that the multi-nationality of a state is not a compulsory condition for its federal construction as a democratic form of self-government. For example, Canada is a feder-

ation, not based on the two main national communities which live there:²⁰ The Law of the Unification of Canada, Nova Scotia and New Brunswick has expressed their desire to be federally united into one dominion under the Crown of the United Kingdom of Great Britain and Northern Ireland, with a Constitution similar, in principle, to that of the United Kingdom"²¹.

Despite of this solution to the problem, national conflicts are still occurring with a final aim of fuller equality amongst the two major communities.

The principle of equality and self-determination can be realized in a unitary state only when the different nations are granted equal rights and freedoms.

A legislative means to realize this principle, is the establishment of a two chamber parliament consisting in a People's Chamber and a Chamber of the Nationalities. The first one is elected by the whole country in direct elections, and the second one – by the respective autonomous and national territories and structures (republics and districts). Out of the two chambers a central representation will be formed. This is, so that the principle of equality between the nations can be realized. The central representation will have an equal number of representatives from the different representations (that is, the principle of a ban on majorization will be applied).

This democratic system can completely guarantee the rights of different nations and national minorities typical of such states as Turkey, Iran and etc. This problem will be tackled further in another part of the expose²².

We should think it necessary to consider the settlement of the national question in some Western countries composed of

multi-national populations: Belgium, for example, is a unitary state inhabited by two main communities – Flemish and Walloon, each one with a different national culture and language.

Social life, in a highly developed country as Belgium, is internationalized, while racial and national relations are regulated. But interestingly, Belgian capitalism has been unable to completely overcome the national conflict²³.

In recent years, in contradiction to the internationalization of the economy, of social and cultural life, the aspirations for a differentiation between the two nations has been strengthening, manifesting itself in different forms.

Democratic settlement, in our opinion, of national questions in a country can be achieved through the application of the principles of equality and self-determination between the two nations. What is more, we have the ground to maintain that, to a certain degree, this principle can be realized. It is expressed in each nation's free will to define itself and to establish institutions and organizations on a national basis. Here are some facts in support of this:

In Belgium the main political parties are divided parallelly, the Flemish and Walloon ones. Thus, there are two socialist parties, with their own leadership and independent representations at the Socialist International. This means that there is an equality between the differentiation in the political sphere.

In 1968, for example, Luven University was divided into two sections. A Walloon section was established on Walloon populated territory²⁴, with its course work taught in French.

The development and strengthening of this principle of equality and self-determination entered a new stage. In 1980 a

reform was carried out in state life and government in the spirit of a free differentiation of the two communities. To this end, regional representative and executive governmental bodies were established in the two main districts – Flemish and the Walloon.

The problem of regionalization and differentiation in all spheres have become the predominant idea, this idea intended to find solutions as well as overcoming conflicts between the two nationalities. In particular, conflicts involving the economic underdevelopment of the Walloons and establishment of their greater political role in state affair. In this way interrelations between powers could be changed in favor of a fuller equality in all spheres of life. To this end, in 1989, the Senate ratified a constitutional reform which would eventually turn Belgium into a federal state²⁵. The goal being the complete realization of the principle of equality and the right to self-determination of each nation.

Switzerland is an even more important example and a model of an appropriate and just settlement of the national question. It was formed in 1291 and consisted of three cantons. Its constitution was adopted in 1818 and according to it the union of states (confederation) became a federation. Switzerland is a neutral state. Its neutrality having been confirmed by the Versailles Treaty. The country is not a member of the U.N., yet it participates in most of the U.N.'s special bodies. It is a member of the Council of Europe.

It is interesting to note that democracy in Switzerland has been so refined that even the parliament is not empowered to

decide, by itself, on crucial issues: Parliament must consult the people by plebiscite (which is the most democratic of forms).

At present Switzerland is a parliamentary federated state consisting in 23 cantons. They are established on the basis of two principles – (1) territorial and (2) national. Each canton has its own constitution, parliament and government, separate from the central federal constitution.

In regard to the democratic settlement of the national question, the following text from the constitution are of special importance:

Article 4 – „All Swiss are equal before the law. In Switzerland there are neither racially privileged subjects, either by birth, nor family”.

The formal legal formulation „all Swiss” in its general aspect determines the principle of equality before the law of each an every individual citizen as well as each nationality.

Article 81 forbids the Members of the National Council, and those of the Federal Council, to be deputies to the Council of States. The objective is the better expression of the interests of the different nationalities.

Article 116 provides that the official languages shall be German, French, Italian.

The principle of equality between nationalities is also manifested within the structure of the supreme body of representation – the Federal Assembly. It consists in a National Council (elected on a territorial principle) and a Council of States (composed on a national principle). The National Council has 200 representatives, and the Council of States – 46 (each canton having two representatives).

The government consists of seven councilors irrespective of their nationality. A president is elected from among the seven members of the Council annually.

The Swiss model is considered to be the most perfect and democratic system of realizing national interests, though it is based more on territorial rather than national principles. In the Swiss state, no hegemonic nation dominates, despite obvious differences in the ethnic composition of the population: 65% German, 18% French, 10% Italian, 1% Retoromanche. So far there have never been national conflicts in Switzerland²⁶.

The process of settlement of regional problems and human rights is now entering a crucial stage. However, realities in the international arena necessitate a search for new forms of action. Apart from tackling these problems through the use of international forums, interference of political personalities of authority is still essential, at present, and has proved to have been surprisingly effective. That is why the Kurdish National Liberation Movement should aim its efforts at participation in international forums dealing with the defense of human rights and establishing contacts with various organizations and persons of authority. For example, the Movement's representatives have participated in the Bremen Conference of public and cultural figures and parliamentarians, whose goal was to defend the Kurdish rights and to condemn the anti-Kurdish policy of oppressor states. Contacts with prominent politicians and their eventual support and interference to bring pressure on the respective states, or political circles are also effective. Proof of the rationality of such a forum is the interference of former U.S. President Carter as a go-between in the national conflict in

Ethiopia, and Sudan as well as Mitterand's interference in the Cambodian problem²⁷. Another example is U.N.General Secretary Javier Peres de Cuellar's interference in the settlement of the Cyprus conflict, a conflict which has not been internationalized as of yet because it is still considered to be an internal problem of Cyprus²⁸.

Bearing this in mind, we should ask why U.N.interference in the settlement of the Kurdish question should be impossible.

A possible way of internationalization of the problem by proposing to the U.N. a granting of refugee status who have fled from the chemical weapons attacks in Iraq. The attention of ecological organizations should be drawn to the problem of the use of chemical weapons in Iraqi Kurdistan. Humanitarian organizations should be approached for their support concerning the Kurdish population facing disaster.

The aim of such a form is to broaden international support for a just solution to the Kurdish question.

Let me dwell now on the third item in which it is mentioned the responsibility for a just a democratic solution of the Kurdish question. This responsibility lies as much with the representatives of the Kurdish National Liberation Movement as with the representatives of democratic and progressive movements in the respective states. We could assert that this is the only way of stabilizing national relations for even the most insignificant mistake in this approach (and solution of the problem), shall be vital for future coexistence.

It's a realistic fact that the new political thinking strategy has opened new possibilities, within the public factor, in solving important state and international issues.

What is really necessary are specific forms of broad dialogues on all questions and viewpoints of this crucial problem. This being the major factor for regulating national relations and for overcoming long standing national conflicts. Dialogue and discussion without self-isolation is the only way.

It is the only means of normalizing relations among the nationalities in the respective states. Let us draw two examples:

(1) The Bucharest Meeting of Palestinian Arabs, the Jewish public and cultural figures of Israel which was an attempt at coming closer together in appealing at the Israel government for greater flexibility for resolving the Middle East Issue.

(2) The unsuccessful negotiation between the leaders of the Cypriot Greeks and Cypriot Turks on the Cyprus question. This initiative was taken over by a number of public figures of the two communities.

Earlier this year, representatives of women's organizations, and of several political parties, met in Prague. The meeting culminated with several declarations calling upon the two communities' leaders to find a peaceful and democratic settlement of the conflict. It is clear that what is urgently needed for the solution of the Kurdish question are meetings and dialogues between representatives of the Kurdish National Liberation Movement and the progressive forces of the respective states. The meeting's objective should be a drafting of an overall solution to the problem, recognizing the right of both nations and national minorities in these states.

A possibility of the solution of this problem could be for the Kurdish National Liberation Movement to commit the U.N.

and progressive forces to interfere in the settlement concerning the future of the Kurdish people.

It was Lenin who pointed out in the context of the peace negotiations program the necessity of an official recognition of the right to self-determination of each stateless nation which is integrated in any of the belligerent states. In this connection, he has emphasized that the right to self-determination is realized through a referendum of the entire population of an area which is not self-governed²⁹.

The referendum is one of the most appropriate forms of direct democracy and of a truly free expression of the people's will. In fact it is being implemented in two aspects:

(1) Internal referendum carried out by the state bodies themselves for settlement of essential state questions.

(2) International – in a given state or territory under U.N. aegis. This democratic form has been used in international practices since the First World War for determining the fortune of non self-governing territories under the auspices of the League of Nations.

Here are some of the numerous cases:

In 1921, the Cairo Conference was held to determine Iraq's future. The Conference also considered the fate of the Kurdish population. It envisioned a referendum on whether the Kurdish territory should be integrated into Iraq or should be separated into an independent state³⁰.

On 30 September, 1924, the League of Nations set up a Commission which, after studying the problem in Iraqi occupied Kurdistan (Mossul), proposed the holding of a referendum in this

area and envisioned a 25 year mandate held by the League of Nations³¹.

These facts provide us with grounds to assert that the League of Nations and the British Colonizers treated Kurdish territories as the land of an independent nation. At that time, the question was discussed concerning the granting of the Kurd populated area a status of a non-self governing territory.

At present, the U.N., as an international organization, is based on much more humanitarian and progressive principles. This gives us reason to believe that this international organization could be committed, with ever greater justification, to the settlement of the Kurdish national question through a referendum in the Kurdish territories in the respective states.

Examples of similar activities in various points of the world are abundant in U.N. practices.

Thus, in 1973 at the Agidar Conference of Algeria, Morocco and Mauritania, the interested parties to the U.N. insisted the holding of a referendum under its auspices to settle the future of West Sahara.

In 1974, the Spanish authorities agreed to give West Sahara the opportunity to exercise its right to self-determination through a referendum³².

In 1986, under the pressure of the native population of New Caledonia, France was forced to pass the law of holding a referendum so that the local population could make its choice between complete independence and the status of extended autonomy³³.

In this way we can come to the conclusion that the Kurdish National Liberation Movement can also utilize this form,

since the respective states would not recognize the Kurdish right to self-determination as an independent nation.³⁴

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¹ Gorbachev M.S. On the way of Realization the Decisions of the XXVIIth Congress of the CPSU and the Aims of the Deepening the Perestroyka. A Report for the All-Union Conference of the CPSU, July 28, 1988

² Ibid

³ The Interests Common to All Mankind – A Basis of the World Progress – Partizdat, 1988, p.20

⁴ Ibid, p.20

⁵ A Report of M.S.Gorbachev at the Congress of the People's Deputies, 3.V.1989

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Lenin, Vol.14, p.77

¹⁰ Lenin, Vol.22, p.144

¹¹ The Soviet Public Law, Sofia, 1988, p.198-199

¹² Movchan A. „Human Rights and International Relations”, Moskva, 1988, p.110-111

¹³ Lenin, Vol.2, p.423

¹⁴ Ibid

¹⁵ M.Progress 1987, „The Constitutional Act” No 143 - 27.X.1968, The Czechoslovak Federation.

¹⁶ The Constitution of FPRY – 1974 and the Constitutiond of Socialist Countries, p.238-255

¹⁷ Lithuania „The Road to Independence”, Moskow, 1987, p.81

¹⁸ Ibid, p.83

¹⁹ Article 72 – Each union Republic shall retain the right freely to secede from the USSR – Ibid p.81

²⁰ Canada is a federal state which consists of ten provinces and two territories under federal government. The official languages are English and French (45% E, 30% Fr., 25% Ethnic groups), Reference Book, Partizdat, p.462

²¹ A Political and Economical Reference Book, Partizdat, 1989, p.462, and Constitution of Nations, Vol.4, 1970, p.209, Europe – Martis Nijhoff.

²² Analyzed in details in my Dissertation.

²³ Markov, M. The World – Dynamical and Varied, 1986, p.32

²⁴ Ibid, p.32

²⁵ A Political and Economical Reference Book, Partizdat, 1989, p.12

²⁶ The facts from constitution of Nations, vol.3, p.197 and P. and E. Reference Book, Partizdat, 1989, p.135

²⁷ „Po sveta” – A magazine about the international politics, No 30/1989

²⁸ Rabotnitchesko delo, vol. 116, April, 3, 1989.

²⁹ Lenin, Vol.26, p.346

³⁰ Al Hadj Aziz, p.36

³¹ Ibid, p.50

³² Partizdat „The Hotbeds of Conflicts on the Planet”, 1988, p.193

³³ Ibid, p.257

³⁴ The author means carrying out a referendum on the territories populated by Kurds.

CHAPTER EIGHT

CONCLUSION

Bearing in mind the conclusions reached in this expose, we can infer:

(1) National self-consciousness, as a social and psychological factor has been of primary importance in the formation of the Kurdish nation. It has been so well developed that it overcame the weaker influence of economic, political, territorial factors. Its objective form of being is the national liberation movement with its broad social basis.

(2) Since the emergence of the Kurdish question, up until the Second World War, the main goal of the Kurdish National Liberation Movement was a complete national liberation with the establishment of an independent Kurdish state. A Kurdish state which could determine its future developments in a sovereign and independent way. After the Second World War, however, the Kurdish National Liberation Movement, fell under the influence of Stalin's policy in the Soviet Union and the main aim of total self-determination of the Kurds was displaced by the idea of an autonomy within the boundaries of the Kurd populated territories in their respective states. An opportunity for taking action was missed because the question of national self-determination and right of independent development was topical at the time.

(3) That the Kurdish question held an insignificant place in international political life. The reason being the wrong strategy utilized by the Kurdish National Liberation Movement in regard to the needs and forms of struggle. The internal guerilla

movement as a single force proved insufficient. Moreover, it places the Kurdish National Liberation Movement into international isolation. Another factor can be found in the backward, political, economic and cultural development of the Kurdish people, placing it in an unfavorable light thus accounting for the lack of interest by the larger states. Additionally, any outside interference could have escalated the tension in the Middle East. These are reasons why whenever the Kurdish question surfaced on the international stage, the Kurdish people found themselves as tacit observers of state actions determining Kurdish fate in actual fact or legally.

(4) A determination concerning future prospects of the Kurdish question, and possible settlement must be considered. The Kurdish National Liberation Movement should strengthen its activities by using and perfecting the guerilla movement in addition to all peaceful forms of struggle. First with internal political agitation, propaganda, social, cultural and parliamentary actions. Second with external political action: broadening of contacts with world, international, inter-governmental, inter-parliamentary, public and non-governmental organizations and personalities of authority. All these activities should be united by two fundamental principles – equality of nations and of the dependent nation's right to self-determination. As Lenin has put it: „Equality of rights is an attribute of the right to self-determination, and on its part, it is an expression and guarantee of equality”.

The ultimate goal is a constitutional recognition that no nation can dominate over another nation.

The major practical task, in the sphere of international relations for the Kurdish National Liberation Movement, is ultimate recognition of „colonial people” status for the Kurdish people. Since it has not been treated as such, the implementation of Resolution 1415 (XXVII) 1960 as legal means of attaining independence, has been impossible. The Kurdish National Liberation Movement is still facing a difficult road of recognition by international organizations. However, this does not mean that self-determination and free existence of the millions of Kurds will be realized without the support of the international community. The Kurdish National Liberation Movement should gain, like many other national liberation movements, just recognition.

The present stage of development of the Kurdish question requires the activation of potentials established by the new political thinking of the last four years. Alongside with the intensive armed resistance, a stronger effort is needed. This effort should be aimed at the catalysis of international public opinion through daily information, as well as by winning new supporters for the Kurdish cause. The search for democratic and non-violent means of setting the Kurdish question will have favorable impact on the ultimate goal of all progressive Kurdish organizations – culminating with national liberation of the Kurdish people. This is the only way the Gordian knot of the 20th century – the Kurdish question – can be solved.

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