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**Umm AL-Qura University**

College of Judicial Studies and Law

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**Turkey's military operation in Syria**

(Attack on sovereignty or legitimate defense)

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Prepared by: **Dr. Abdullah Alshallali**

Assistant Professor in the Law Department, Umm Al-Qura University

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## Introduction:

On 9 October 2019, Turkey had launched the military operation "Peace Spring" against Kurdish armed groups controlling the northern regions of Syria, which are close to southern Turkey. This operation has caused a lot of controversy at the regional and international level, supporters assert the legitimacy of the process, while the opponents insist on the illegality. In this paper we discuss the motives for this military operation, is it legitimate? and the justifications on which opponents rely on this operation.<sup>1055</sup>

## Background:

The Kurdistan region constitutes a quarter of Turkey's area and the Kurds constitute one fifth of its population, their area constitutes the largest Kurdish space compared to their spaces in other countries (Iraq, Iran and Syria), Also, they are Turkey's largest ethnic minority.

The military status of Kurdistan Turkey has witnessed many developments and fluctuations from the emergence of the Republic in the twenties of the last century through the era of coups in the seventies and the end of the current pluralistic era.

Since the 1930s, Kurds have resisted government efforts to assimilate them forcibly, including an official ban on speaking or writing Kurdish. Since 1984 Kurdish resistance to Turkification encompassed both a peaceful political struggle to obtain basic civil rights for Kurds within Turkey and a violent armed struggle to obtain a separate Kurdish state. The leaders of the nonviolent struggle have worked within the political system for the recognition of Kurdish cultural rights, including the right to speak Kurdish in public and to read, write, and publish in Kurdish.

Prior to the 1980 military coup, government authorities considered Kurdish one of the unnamed languages banned by law. The use of Kurdish was strictly prohibited in all government institutions, including the courts and schools. Nevertheless, during the 1960s and again in the mid-1970s, Kurdish intellectuals attempted to start Kurdish-language journals and newspapers. None of these publications survived for more than a few issues because state prosecutors inevitably found legal pretexts for closing them down. Between 1980 and 1983, the military government passed several laws expressly banning the use of Kurdish and the possession of written or audio materials in Kurdish.

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<sup>1055</sup> Turkey's "Spring of Peace" is a right that stems from international law, <https://www.aa.com.tr>.

The beginning of the PKK:

The PKK (Kurdistan Workers' Party) was announced on November 27, 1978, and Abdullah Ocalan was chosen as its chairman. The party is known for its Marxist-Leninist orientation; one of its core objectives is the creation of an independent, Greater Kurdistan. The party has rapidly transformed from a small group of Marxist students ineffective in the Kurdish political arena to the most important political organization leading an armed action that has the sympathy of many of Turkey's Kurds, especially workers, intellectuals and peasants.

Since 1984, the PKK began its military activity inside Kurdistan, and the terrain in the rugged region has helped PKK rebels in their war against the Turkish army. They have taken from Iraqi Kurdistan an area that protects their rear bases and forged an alliance with Barzani's Iraqi Kurdistan Democratic Party (KDP).

The Turkish government announced the implementation of the Emergency Law in the Kurdish regions in 1979 and decided to direct military intervention in the region since September 1980.

In the 1990s, the number of PKK members exceeded 10,000. Despite the leftist orientation of the party, it did not receive funding from the socialist system, but relied on the financing of its operations and the preparation of its fighters on its own sources, and accuses the Turkish circles that its funding is suspected and illegal.

The 1980s and 1990s were the bloodiest periods of conflict between the Kurds and the Turkish army. The Turkish army pursued the militants, accused of destroying thousands of Kurdish villages and displacing many families into Turkey. Some statistics also put the total number of people killed by Kurdish militants at 40,000.

The PKK's military operations were not limited to the Turkish military but included Turkish and Kurdish civilians, especially those

cooperating with the Turkish government, as well as some foreign tourists. They have struck some Turkish interests in Western countries.

Expectations of the peace deal never came close to being satisfied. Turkey wanted the PKK to disarm and to leave Turkish soil. It had not done nither. The PKK, seeking an independent homeland including parts of Iraq, Syria, and Turkey itself wishes to be recognized as a legitimate body with a right to defend itself.

With the Kurdish solution process underway since 2013, in 2014 the government and Kurdish opposition groups greatly reduced roadway checkpoints. PKK members and supporters at times blocked roads and set up checkpoints to protest the construction of new security outposts, military facilities, dams, and other infrastructure projects, temporarily restricting movement in the East and Southeast.

On 24 July 2015, Turkey officially launched its two-front campaign against PKK in northern Iraq and the Islamic State jihadist group in Syria, marking Turkey's first military involvement in the US-led campaign against ISIL. The week had seen a surge in violence in Turkey, which shares southern borders with war-torn Syria and Iraq, stretching 510 miles and 220 miles respectively.

The Turkish military launched a round of airstrikes on Islamic State group (IS) militants and rebel Kurdish bases in northern Iraq on 28 July. Also included positions belonging to the banned Kurdistan Workers' Party (PKK) in southeast Turkey, hours after NATO voiced unequivocal support for Ankara's response to what it called "terrorism" within its own borders.

The president of Iraq's Kurdistan region called on the Kurdistan Worker's Party (PKK) 01 August 2015 to "withdraw" from Iraq's Kurdish territory to prevent civilian casualties during Turkey's airstrikes. The PKK "should withdraw its fighters from the Kurdish region so to ensure the civilians of Kurdistan do not become a victim of that fighting and conflict," the office of the region's president, Massoud Barzani, said in a statement. The statement also condemned Turkey's airstrikes against civilians, following reports of casualties and property damage during bombing campaigns in the northwestern region of the country

Military and political operations by the Turkish government continued to stop and dismantle Kurdish armed groups, On the other hand, the Kurdish armed militias continued to carry out bombings,

kidnappings and assassinations of political and civilian symbols and carried out a number of bombings in Turkish military and civilian sites.

Kurdish armed groups began to concentrate in northern Syria, which is under US administration and adjacent to the Turkish border, and began to expand influence and control of resources and outlets.<sup>1056</sup>

Peace spring:

Turkey has stated more than once that it does not accept the handover of Syrian border areas to Kurdish terrorist militias, which are considered a direct threat to Turkish national security and it has already carried out several terrorist acts inside Turkish territory.

These Syrian areas adjacent to the Turkish border were under the protection of US forces and there was a kind of coordination between Turkey and America on this issue.

Recently, the US president announced the withdrawal of his troops from Syria, a decision that Turkey considered as a handover of the borderlands to Kurdish militias internationally classified as terrorist organizations, and a direct threat to its security and territory.

This has led Turkey to launch a large-scale operation in cooperation with the Syrian opposition army under the name (peace spring) to create a safe area with a depth of 30 km inside Syrian territory along the Turkish-Syrian border.<sup>1059</sup>

Objectives of the operation :

Securing the border is one of the biggest concerns that haunt Turkey, due to the increasing terrorist operations carried out by ISIS and Kurdish armed groups based in Syria's border with Turkey. Through the Turkish military operation, the flow of supplies to terrorist groups inside

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<sup>1056</sup> Said Abdel-Razek, 03 September 2016, Kurds .. The problem of Turkey's intractable, Asharq Al-Awsat Newspaper, Issue No.[١٣٧٩٤] .

<sup>1057</sup> Kurdistan - Turkey, <https://www.globalsecurity.org>

<sup>1058</sup> Bloody conflict .. Kurdish issue that exhausted the Turkish people, November 28 2017, <https://ahvalnews.com/>

<sup>1059</sup> Ahmed Zidan, 13/10/2019, Turkish army operations in the spring of peace .. hopes and fears, Al Jazeera blogs, <https://blogs.aljazeera.net/>

and outside Turkey can be reduced because the border ports will be managed by the Syrian opposition army.

The intervention achieves other very important objectives for Turkish national security, which is to thwart the attempt to establish a de facto state for the Kurdish armed groups by supporting and expanding their areas of influence to be a dagger and a permanent danger in the side of the Turkish state. Through the military operation, the concentration of Kurdish groups and the restoration of Syrian territory could be dispersed under the management of the Syrian opposition army .

One of the important goals that benefit both the Turks and Syrians, the establishment of safe areas in Syrian cities and villages within the 30-kilometer area targeted by the military operation to coordinate the return of Syrian refugees in Turkey who exceeding three million and their presence has caused a number of problems at the level of unemployment, housing and crime. Through the Turkish military operation, towns and villages will be prepared to receive refugees returning from Turkey to their homeland.<sup>1060</sup>

Is it legitimate?

By looking at the text of the article, it applies to the case of Turkey in the military operation, it is a member state of the United Nations, and its security has been attacked by terrorist militias.

As for the measures taken by the members in the exercise of the right of self-defense, Turkish Foreign Minister Mevlüt Çavuşoğlu stated that the 'spring of peace' operation is a right derived from international law

He pointed out that the process is based on legal articles, including:

-Article 51 of the Charter of the United Nations, which provides:

" Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under

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<sup>1060</sup> Mohammed Yassin Najjar, Operation "Spring of Peace" in Turkey .. Concerns and challenges, [www.aljazeera.net](http://www.aljazeera.net) .

the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."1061

By looking at the text of the article, it applies to the case of Turkey in the military operation.

As for the measures taken by the members in the exercise of the right of self-defense, Turkish Foreign Minister Mevlüt Çavuşoğlu stated:

“We have made the necessary reports regarding the Spring of Peace and have informed the Secretary-General of the United Nations, Antonio Guterres, of the operation through a letter ”," We have given the Secretary-General a message, explaining how things have come to this day, the threats posed by terrorist organizations here (northern Syria), and affirming our rights under international law" , " South Africa, which holds the rotating presidency of the UN Security Council, was also informed" " NATO Secretary General Jens Stoltenberg was also informed by letter. He noted that his deputy Sadat Onal summoned the ambassadors of the permanent members of the UN Security Council (the United States, Russia, China, Britain and France), along with the Iranian ambassador, to the Foreign Ministry and briefed them all on the "spring of peace" "He also briefed the two UN envoy to Syria on the operation as well."

The Turkish Foreign Minister also referred to Security Council Resolution 2254 on Syria, and how the operation does not contradict this resolution. 1062

The Foreign Minister also referred to the Adana Agreement1063, which is the most clear legal document for the "Spring of Peace" operation, as the terms of the agreement contained explicit articles that allow Turkey the right to self-defense and the pursuit of terrorists inside Syrian territory and the right of Turkey to establish safe areas inside Syrian territory and other Secret items leaked from the secret agreement between the two countries.

The position of the international community:

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<sup>1061</sup> Article 51, United Nations Charter.

<sup>1062</sup> Turkey's "Spring of Peace" is a right that stems from international law, <https://www.aa.com.t>

<sup>1063</sup> "Adana Agreement" was a secret security agreement; Turkey and Syria signed it in 1998 and constituted a major "turning point" in the course of their relations. After the outbreak of the Syrian revolution, the Syrian opposition took it as a basis to demand Ankara to establish a safe area in northern Syria.

The position of the international community was not sufficiently supportive, especially considering the confrontation between Turkey and a number of European and American countries, but the statements differed as a result of the complex state of relations between states and the complex state of the Syrian issue in the perspective of the international community.

The American position was confused between support and rejection, because when they withdraw from these territories, knowing that Turkey intends to carry out the operation, was a green light for Turkey to carry out the operation. But Trump's remarks and the rude speech he sent and then leaked to the media give another unclear position.<sup>1064</sup>

The European Union has expressed concern and disapproval of the operation and condemned the displacement of thousands and fears of demographic changes that will occur in the safe areas, and some EU countries have suspended arms sales with Turkey.<sup>1065</sup>

The Arab League also issued a strongly worded statement condemning and denouncing the military operation and crying over the sovereignty of Syrian territory.<sup>1066</sup>

The situation in Syria is very complicated, and the views of the international community continue to be complicated by the intersection of interests and concerns.

In general, international support has not been as good as hoped, despite the clear objectives and motives of the Turkish side.

#### Opponents:

Most opponents of the Turkish military operation rely more on fears and perceptions than laws, regulations and agreements. When considering the EU statement, its objection to the military operation is based on pre-fears and accusations such as ethnic cleansing, demographic change, population displacement, and refugee recruitment.

The Arab League statement condemns the military operation in defense of Syrian sovereignty which are violated by Iran, Russia, China and America.

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<sup>1064</sup> Trump touts shaky Turkey-Syria truce, 10 Oct 2019, gulf news, gulfnews.com

<sup>1065</sup> European Parliament resolution on the Turkish military operation in northeast Syria and its consequences(٢٠١٩/٢٨٨٦)

<sup>1066</sup> Arab League calls for halting Turkish aggression on northern Syria, 12 Oct 2019, www.alarabiya.net

On October 17, an agreement was reached between Turkey and the United States on the east of the Euphrates, under which Operation Spring was suspended for 120 hours until the terms of the agreement that the United States would supervise the clearance of the safe area. Therefore, Turkey announced the suspension of the military operation, the start of preparing villages and cities to receive refugees and conducting joint surveillance patrols with Russia to maintain security and ensure compliance with the terms of the agreement.<sup>1067</sup>

#### Conclusion:

Turkey carried out the spring operation because of serious threats to its national security, The process was based on a number of legal principles, such as Resolution 51 of the UN Charter, Resolution 2254 on Syria, and the Adana Agreement between Turkey and Syria, Many countries in the world did not welcome the process, such as the European Union, the Arab League and the United States. Most of the objections were based on fears and damages that might result as a result of the operation, such as ethnic cleansing, bombing of civilians, displacement, and the return of ISIS. But Turkey has given assurances to the international community that it will not cause harm to civilians or change the humanitarian structure. It has complied with its obligations and achieved all its objectives despite the riot of some countries and international entities and stop the military operation in agreement with the United States. According to the researcher, this operation is considered one of the most successful military operations at the present time.

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<sup>1067</sup> Turkish Defense: No need for new military operation in Syria, 23 Oct 2019, [www.aa.com.tr](http://www.aa.com.tr)