

## DEEPENING SYRIAN CRISIS: WHAT KIND OF STRATEGY SHOULD TURKMEN FOLLOW?

Cemil Doğaç İpek

*Cemil Doğaç İpek presently pursues his studies as a doctoral student at the Department of International Relations of Karadeniz Technical University and as research assistant at the Department of International Relations of Atatürk University. He completed his undergraduate education at the Department of International Relations of Gazi University. He received his master's degree from the Department of International Relations of Gazi University with a dissertation titled 'Francophonie: An Ensemble of French Speaking Countries (Frankofoni: Fransızca Konuşan Ülkeler Topluluğu)'. He prepared a program of 52 episodes named "Turkey and the Middle East (Türkiye ve Ortadoğu)" for French broadcast on TRT. International Organizations, Turkish States and Communities, Turkey-France Relations are among the field of his studies.*

Turkmen, one of the oldest communities of Syria, have struggled with the in human attacks of both Assad regime and terrorist organizations since up-rising started in Syria in 2011. Syrian Turkmen today fight on four different fronts in order to protect the lands where they have lived for centuries and their identities. It was expected that a new period would start in Syria in 2016 within the framework of Geneva-Vienna processes. However, the hopes have been shattered for now and Geneva talks are delayed. Turkmen, one of the oldest communities of Syria, have not been included in the international preparatory works on the new political process. In this study, we will discuss the current situation of the deepening Syrian crisis and the political and legal strategy that Syrian Turkmen should follow in the coming future.

It was expected that a new period would start in Syria in 2016 within the framework of Geneva-Vienna processes. However, the hopes have been shattered and Geneva talks are delayed. Russia already continued its bombardments against civilians (including hospitals and bread bakeries opened by the UN) and moderate opposition in Syria on the pretext of the fight against ISIS even during the talks. Therefore, it was not possible to see positive results in practice. Current solution offers started to lose their meaning. Thus, every actor directly/indirectly involved in the deepening Syrian crisis is reconsidering its position and renewing its strategies. Unfortunately, Turkmen, one of the oldest communities of Syria, have not been included in the international preparatory works on the new political process. On 1 February 2016, Abdurrahman Mustafa, the President of Syrian Turkmen Assembly went to Geneva upon the invitation of Riyadh

group. This was a positive development, but it is not certain now whether he will be invited again to the following talks.

Turkmen have continued to live in the region since the 7<sup>th</sup> century. We should first note that the Turkish inhabitants in Syria do not constitute a settled community—*Sons of the Conquerors*—as in the Balkans under the rule of the Ottoman Empire. On the contrary, Turkish states and chiefdoms were established in what is called Syria today while Anatolian geography was not completely Turkified and Islamized. Turkmen are dispersed in a large area in Syria. Turkmen are present in Aleppo, Latakia-Idlib (Bayirbucak), Homs, Hama, Tartus, Al-Raqqah, Daraa, Damascus and Golan. Syrian Turkmen today fight on four different fronts in order to protect the lands where they have lived for centuries and their identities.

Turkmen's struggle in Syria started with the uprising in 2011 against the state terror

of Assad regime. Since 2011, Assad regime bombed several times the Turkmen settlements on the borders of Lebanon, in Aleppo, Bayirbucak and different regions of Syria. Ten thousands of Turkmen lost their lives due to these attacks. According to Turkmen' statements, thousands of Turkmen are lost or under custody today.

Turkmen struggle now against the attacks of terrorist organizations (ISIS and PKK/YPG) and of Assad regime and its allies. Even though it is not reflected in the world opinion, Turkmen valiantly fight for a long time in order to protect their lands from ISIS terror. Sultan Murad Brigades are in an intense conflict with ISIS militants for a long time in rural areas of Aleppo under the roof of Free Syrian Army. Furthermore, Turkmen Muntasir Billah Brigades are also in a constant fight against ISIS and YPG in and around Aleppo under the command of Firas Pasha. Turkmen also fight on the other fronts as

well as their fight against ISIS and this reduces their power. YPG takes advantage of this situation and forces Turkmen civilians to migrate from the lands it reclaims and kills those who reject. Turkmen simultaneously try to resist to the attacks of Assad regime which is supported by Russia and the militia backed by Hezbollah and Iran. Turkmen civilians face a serious massacre especially with Russian air bombardments. Russia's armed assaults against Turkmen in the region are considered within the context of "crimes against humanity".

Turkmen have been living in Syria for centuries. There are approximately one and a half million Turkmen who speak Turkish in Syria. The population of Turkmen in Syria is some three and a half million together with Turkmen who cannot speak Turkish. Both Ottoman Imperial archives and French Mandate archives justify Turkmen's presence. Turkmen are long exposed to human rights' violations and

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massacres as well as disenfranchisement of cultural rights. World public opinion should now react to this situation.

The 'internationalization' of Syrian Turkmen problem could be an important step in order to attain the goal of attracting world's attention. World public opinion should first be informed that there is a Turkmen community in Syria which part of the Syrian people, but also has a separate identity. Today Turkmen in Syria face human rights' violations and massacres as well as disenfranchisement of cultural rights. This should be

announced to the world public opinion in any way. There should be a contact with the mechanisms of conventions of human rights and international nongovernmental organizations that are actively involved in this field. At this point, Syrian Turkmen should take initiatives in the presence of the concerned institutions of minority within the organizational structure of the European Union. Furthermore, the crimes against humanity that Russia commits towards Turkmen should be absolutely reported and presented to the

world public opinion. Syrian Turkmen (together with the diaspora of other Turkish communities) can make a democratic protest in front of Russian embassies in Western capitals.

At this point, it is better to view this issue from an international law perspective. We should review the Treaties of Ankara (1921), Lausanne (1923) and Anglo-French-Turkish Treaty (1939). The treaty signed in 1921 is focused on the determination of Turkey-Syria borders and different issues of borders and railways. Claimed to have entitled Turkey the right to guarantee Syrian Turkmen, the 7<sup>th</sup> article of Treaty of Ankara is about Turks/Turkmen living in and around the district of İskenderun, Hatay and their cultural rights. There is no specific article that entitles Turkey the right to guarantee Turkmen or Syria within the scope of the treaty. Nothing is foreseen for Syrian Turkmen other than those who live in Hatay Province in the 7<sup>th</sup> ar-

ticle. The 13<sup>th</sup> article of Treaty of Ankara (1921) which sometimes comes to the agenda touches upon the rights to free passage and private property concerning the communities living on both sides of the border. Highlands and grasslands used by the tribes often stay on the border. That is why they have the right to free pass lest to face any problem. This right is not only entitled to Turkmen but also to all nomadic and semi-nomadic elements. Such rights are considered as rights to free passage/private property on both sides of the border.

With the 16<sup>th</sup> article of the Treaty of Lausanne, Republic of Turkey indeed waives all its private and legal rights to the lands remaining from the empire. After the World War I, minority was the notion that was underlined the most. Minority issue was prioritized in both treaties of Lausanne and Versailles, the important peace treaties of that time. In this regard, we should underline that minorities that were

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defined so at that time were given a place under the chapter of minorities of mentioned treaties. Then, the status of communities remaining from the empire was mostly viewed according to the religious differences. Demands were introduced about the communities that then had the status of minorities. Otherwise, there was no debate about the presence of any ethnic group here.

During the annexation of Hatay to Turkey, there is no clear and valid statement in the legal documents about Bayirbucak Turkmen.

Therefore, it is difficult to say that the mentioned legal documents affirm Turkey can lay any claim in terms of Syrian Turkmen. However, French Mandate cut off Kessab from the autonomous region of Hatay in 1932 upon the opposition of Armenians. This violated the mandatory law. French Mandate was formed in Syria after the Treaty of Ankara in 1921. France accepted the demand of Kessab Armenians to separate from the Autonomous Sanjak of Alexandretta and affiliate with Latakia in 1932. French





Mandate separated Kessab from the Sanjak in defiance of the 22<sup>nd</sup> article of Mandate Specifications. (According to the specifications, the mandatory state will pay maximum attention to and protect the integrity of the lands under its control. France did not clearly abide by this article.) This is objectionable. At this point, it could pose a problem if Turkey does not object to this situation in the following agreements on the basis of unilateral transactions in the international law. A rejection and claim about Kessab may be on the agenda since the current situation in Syria is different than the past. Especially after Syrian civil war broke out in 2011, Armenians living in Çınarcık, İki-Oluk, Karaduran, Kabacık, Eskiören and Düz-Ağaç which are the villages of Kessab, started to take refuge in Hatay, Turkey. It is noteworthy that Armenian immigrants came to the village of Vakıflı on the border of Hatay Province while they could have gone to

Lebanon. It is understood that Armenians leaving Kessab see Turkey as a safe harbor again in these difficult times even though it is cyclical. This incident can prove that the region is Turkey's natural extension and needs Turkey's guarantee.

To sum up, there is no foreseen status in the Treaty of Ankara (1921), Treaty of Lausanne (1923) and Turkey-France Treaties (1939) concerning the issue in the international law. This situation depends on the fact that minority groups are considered on the basis of religion and the majority of Syrian Turkmen live across the borders of a country where the population is mostly Muslim. Therefore, Syrian Turkmen do not directly have a separate legal status as an entity in Syria. That is why the first goal of Syrian Turkmen in the following process should be to gain a legal status. For this, they should not sit at the table under the current umbrella but take their place as a separate actor, an element that constitutes Syria. If they

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succeed in gaining a separate legal status, this can also be a model for Iraqi Turkmen. At this point, demanding Turkey to be a guarantor would be politically premature. Thus, it will be a more rational choice for Syrian Turkmen to make modest requests in the current situation.

It could also be more rational for Syrian Turkmen to concentrate their efforts on three countries defined as smart powers so that they would gain visibility and legal status at the international arena. Herein,

Turkmen can more easily take initiatives in the world public opinion over the axis of France – Qatar – Turkey which has close policies on Syria. Syrian Turkmen Assembly can open offices in Paris, Strasbourg and Doha. Visual and printed media are critical in order to ensure that Turkmen can come into prominence in the international media during this process. Think tanks in Europe and the USA should publish reports about Syrian Turkmen through sponsorship. The international media



should prepare documentaries like Syrian Turkmen as Freedom Fighters who fight against Assad regime and ISIS. Prominent Turkmen leaders should be promoted in the international media as important figures so that they would be remembered when Syrian Turkmen are concerned.

Syrian Turkmen should be soon introduced well to the world public opinion as a democratic, secular, modern entity that has no problems with the West and its values and respects all the ethnic-religious elements. As a more Western-secular actor compared to other elements in Syria, Syrian Turkmen will arouse curiosity in Western public opinion. To support this argument, if there is a perfect guide of any Sufi-Islamic school among Turkmen, he should be promoted in this process as well. Therefore, Turkmen may receive a prompter response, in line with the Western fears, by showing that they do not only fight against the elements that declare people as unbelievers

like ISIS on the ground, but in every field.

Furthermore, Ottoman Imperial archives and French Mandate archives are very important for Turkmen to prove that Turkmen have existed in Syria since the very old times in order to gain legal status. A project may be beneficial to examine, publish and share concerning archives with the public opinion.

Whether all steps taken by Syrian Turkmen will enable gains in the long term depends on the durability of the legal status they acquire. About the legal status, 'local community' status that Crimean Tatars gained in Ukraine in 2014 can be an example. Kosovo's status as autonomous region in Serbia, Turks' status in Western Thrace and the status of non-Muslims in Turkey can be examined, too.

Finally, legal status will bring objectivity to Turkmen. The current situation of Syrian Turkmen is unfortunately a state of subjectivity. No one else but Turkey will care about

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and pay attention to Turkmen if the state of subjectivity continues. The primary goal of Turkmen is to gain a status no matter what happens. Legal status is a title for the upcoming years (even if it is deleted).

Today, the friends of Syrian people such as Turkey, Qatar, Saudi Arabia, France and the USA want to solve the problem primarily in political terms. However, the military support of Russia and Iran to Assad regime caused an imbalance of power in the field. It seems that Assad regime and its allies will continue to launch attacks until they

eliminate the political-military opposition in Syria and guarantee the seat of Assad. At this point, it is not a rational choice to *demand the continuation of Assad regime as the lesser evil in the face of ISIS* as often indicated in the international community since Assad regime is the first reason for the emergence of ISIS. Friends of Syria, especially Turkey should take the initiative to combine the forces of the opposition and affiliate them to a central command system.

As is known, Syrian crisis caused a serious amount of victims/mobility of migrants.



This mobility is likely to continue and this situation is now going far from being sustainable in Turkey and Europe. The repercussions of Syrian crisis (refugee influx, ISIS terror etc.) strengthen the extreme-right movement that Russia is known to support in Europe. Regarding the instability resulting from Russia's aggressive attitude towards Ukraine, we can see that the current picture poses a serious threat for the European Union.

Today, Turkey and the West face a serious Syrian-based challenge in the region. There is a need for a counter challenge and organization of a move against this challenge. Western countries should now be seriously involved in order to solve this problem. In the following period, there should be a humanitarian intervention led by the friendly nations of Syrian people in order to end this humanitarian plight which continues in Syria. Accordingly, it will be beneficial to establish safe

zones, safe shelters and no-flight zones. (The need for these measures was frequently indicated by several actors, notably by Turkey and France.)

In 1991, UN Security Council adopted Resolution 688 about Iraq. A specific situation of humanitarian aid/intervention came out with this resolution. We see that this notion of humanitarian aid/intervention is tried to be generalized and legalized under this notion of Responsibility to Protect (R2P/RtoP) since the early 2000s. Furthermore, it is known that the terrorist organizations like ISIS, PKK-YPG that conduct terrorist activities in Turkey have bases in Iraq and Syria and exist especially in these two countries. In this regard, international law will see Turkey's intervention in the region as counter-terrorism and self-defense.

At the point we have arrived at today, Turkmen can play an important role in establishing a democratic and secular order both in the Middle East and in Syria if the

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international community gives support. Turkmen can defeat salafist/jihadist organizations that declare people unbelievers both in an armed and intellectual struggle if they gain power. Therefore, European continent will be also protected from the refugee influx and salafist/jihadist organizations.

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ORSAM

**Ortadoğu Stratejik Araştırmalar Merkezi (ORSAM)**

Süleyman Nazif Sokak No: 12-B Çankaya / Ankara

Tel: 0 (312) 430 26 09 Fax: 0 (312) 430 39 48

[www.orsam.org.tr](http://www.orsam.org.tr)