



HELLENIC REPUBLIC

**National and Kapodistrian  
University of Athens**

— EST. 1837 —

**SCHOOL OF ECONOMICS AND POLITICAL SCIENCES**

**DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION**

**Master's Programme in "Southeast European Studies: Politics, History, Economics"**

**MASTER'S DEGREE THESIS:**

Title:

The Right of State to Self-Defense: A Case Study of AKP against PKK

Supervisor:

Plakokefalos Ilias

Student:

Pappa Antonia

2024

## Contents

I.	<u>Introduction.....</u>	<u>4</u>
II.	<u>The Legal Framework.....</u>	<u>5</u>
	- Interpretation of the Right of Self-Defence under International Law	
	- Interpretation of Article 51 of the United Nations Charter	
III.	<u>The AKP-PKK Conflict: Historical and Legal Context.....</u>	<u>11</u>
	- Origins and Development of the Conflict	
	- Legal Status of the PKK	
	- International Responses to the AKP-PKK Conflict	
IV.	<u>Turkey's Right to Self-Defense Against the PKK.....</u>	<u>19</u>
	- Legal Justifications for Turkey's Actions	
	- Proportionality and Necessity in Turkey's Response	
V.	<u>Challenges and Controversies Surrounding Turkey's Self-Defense Claims.....</u>	<u>22</u>
	- Allegations of Human Rights Violations by Turkey	
	- Criticisms and Legal Implications of Turkish irregular actions.	
	- The evolution of the right of self-defence through the PKK case.	
VI.	<u>Conclusion.....</u>	<u>26</u>
VII.	<u>Bibliography.....</u>	<u>27</u>
VIII.	<u>Legal Documents.....</u>	<u>31</u>
IX.	<u>Maps and Tables.....</u>	<u>3</u>

## I. Introduction

The issue of the legal foundation of the right of self-defence under international law has been and continues to be of particular concern to the academic community and the international political arena. It is a right whose interpretation has expanded and evolved over time and particularly in the 21<sup>st</sup> century. The general practice of states has created new parameters that have lengthened the equation of the legal foundation of this right. It is the emergence of new forms of the right of self-defence to address the threat. It is this evolution that the legal justification and the new ‘forms’ that the right of self-defence is taking to date that is the focus of this research. By analyzing the example of the Turkish state’s use of the right of self-defence to intervene in northern Iraq and eliminate the threat, namely the PKK, which itself has recognized as a terrorist group, both the fundamental criteria of legal justification for the use of the right of self-defence and the new ‘forms’ of the latter, as well as the factors that have led to this development are investigated.

In the first chapter, the legal justification of the right of self-defence under the UN Charter and from customary law is examined. Subsequently, a brief historical analysis of the events that led to the birth of the Kurdish issue, the establishment of the PKK armed organization and further on to Ankara’s interventions in the northern region of Iraq is carried out. Furthermore, the same chapter answers the question of what the international reactions and responses to this conflict were. In the third chapter, it is analysed whether Turkey’s claim of using the right of self – defence in order to use force and intervene in a third state violates the principles of the right’s foundation under international law. Furthermore, in chapter four, a concise analysis is conducted on the policies adopted and implemented by the Turkish leadership over the years to address the Kurdish issue, which, as investigated, constitute violations of international humanitarian law. In addition, the question of whether these violations affect both the recognition of the PKK as a terrorist organization and Ankara’s legal claims to exercise the right of self-defence is also covered.

Finally, it should be noted at this point that this research aims to address a fundamental question of particular concern to the international community today: “Where does the right of self – defence begin and where does it end, as a claim for violation and infringement of the right to territorial integrity and non-use of force?”.

## II. The Legal Framework

### A. Interpretation of the Right of Self-Defence under International Law

The term of the right of self-defense can have many definitions depending on the legal framework by which it is surrounded as well as the circumstances prevailing at the time of its exercise. This research, however, is solely focused on the analysis of the right of self-defense by the subjects of international law, the states. What significance, thus, does the right of self-defense under international law carry, and hence what is the legal framework enveloping it and the fundamental principles that delimit it? In this sub-chapter the answers to the above questions about the legal terminology of the right of self-defense under international law and the legal framework that surrounds it and delimits it will be provided.

The term of self-defense under international law means the right that a State bears to defend itself and to respond in the event of an unlawful armed/military attack originating from or controlled by a third external factor/subject, State or paramilitary, against its territory, its citizens, its military installations, its air force located/stationed both within its territory and abroad and in international waters or airspace<sup>1</sup>. This right is, in short, the exception to the fundamental rule of the international law, that of the non-use of force, as it is enshrined in the UN Charter and embodied in Article 2, paragraph 4<sup>2</sup>. Therefore, in what matter, this right does not constitute also a breach of the international law? In particular, the State bears this right of self-defence as a coercive response to an unlawful act of use of force by an external state or non-state actor, with the ultimate aim and purpose of preventing the former and other similar illegal acts against it in the near future<sup>3</sup>. Accordingly, it is understood at this point that the right of self-defence in international law is founded on two main sources of it, that of customary law and the UN Charter, with the Article 51, the interpretation of which is carried out in the next chapter. In short, these two sources fill in the gaps of the other, giving the exercise of the right of self-defence a strong bulwark of criteria that must be applied to its exercise and a set of conditions and rules that the defending State must follow.<sup>4</sup> The conditions that must apply to the exercise of the right of self-defence under International Law constitute the three basic principles of necessity, proportionality and immediacy<sup>5</sup>. This order of reference of the above principles is not at all accidental, since if the necessity to respond to an armed attack with the use of force is fulfilled, the second

---

<sup>1</sup> James A. Green, *The International Court of Justice and Self Defence in International Law*, Hart publishing, Oxford and Portland, 2009, xvi, 229pp, [here](#).

<sup>2</sup> R. Zacklin, *The United Nations and the Use of Force in a Unipolar World: Power v. Principle*, 2010, pp. XII-XIII.

<sup>3</sup> C. C. Hyde, *International Law*, Boston, 1922, pp. 106-108.

<sup>4</sup> It is important to note here that the respective legal analysis and the interpretations of the legal foundations of this right vary considerably, ranging between those that advocate its stricter, more limited application and those that 'set' more liberal limits.

<sup>5</sup> O'Meara Chris, *Necessity and Proportionality and the Right of Self Defence in International Law*, Oxford Monographs in International Law, 2021, pp 3-4.

step is the realization of a proportional defensive action in relation to the size and impact of the attack that has taken place<sup>6</sup>.

## Necessity

It is useful at this point to proceed to a separation of these three basic principles, and in particular those of necessity and proportionality, since it is habitual for the subjects of International Law to confuse them with each other and often attribute to them a similar, if not uniform, interpretation. First and foremost, the criterion of necessity determines precisely whether the threatened State may proceed to the exercise of the right of self-defence, hence in response by the use of force against the external hostile actor<sup>7</sup>. More specifically, necessity is indicated, on the one hand, in the case where other means, excluding the use of force, cannot be used to restrain, deter or cease the threat – hostile action, and, on the other hand, the lack of sufficient time to activate and use these other means<sup>8</sup>. These criteria of the general necessity, as it is termed, is, in short, the ‘bulwark’ of the right of self-defence, which, if met offers the defending State the ‘first green light’ to use defensive force. The reason, however, for the confusion between the principles of proportionality and necessity is the second more concrete ‘form’ that the latter principle takes. This particular necessity enters into the ‘territory’ covered by the principle of proportionality as it too determines key factors of the necessary and proportionate use of the right of self-defence, namely both the duration and the objective<sup>9</sup>. The distinction between the two ‘forms’ of the principle is most easily understood through the example of the 1992 judgement of the International Court of Justice in the *Petroleum Platforms case – Islamic Republic of Iran v. United States of America*)<sup>10</sup>. More specifically, the ICJ rejected the US charge of using the right of self-defence against Iran, as the test of specific rather than general necessity was not met<sup>11</sup>. In short, the Court based its decision on an analysis of those presumptions that comprise the specific necessity, ruling that the mining vessels did not pose an armed threat but also that the conduct in question did not give the US the right of self-defence to an armed response against Iran<sup>12</sup>. It can therefore be understood that the principle of necessity is the primary criterion for triggering the right of self-defence, while in this case the key role was played by the specific aspect of the principle.

## The criterion of time

The criterion of time also plays a key role in the activation and use of the right of self-defence. This is a criterion that falls within the principle of necessity and, in particular, the general aspect of the former. This is a criterion that falls within the principal

---

<sup>6</sup> O’ Meara Chris (n 5).

<sup>7</sup> O’ Meara Chris (n 5), pp. 26-96.

<sup>8</sup> O’ Meara Chris (n 5).

<sup>9</sup> O’ Meara Chris (n 5), pp. 54-54.

<sup>10</sup> *Case Concerning Oil Platforms, Islamic Republic v. United States Of America, (Judgment), Reports 2003, ICJ*, p.161

<sup>11</sup> Case concerning Oil Platforms (n10).

<sup>12</sup> See further, Christine Gray, *The International Court of Justice and the Use of Force*, at Christian J Tams and James Sloan, “The Development of International Law by the International Court of Justice”, Oxford, 2013, pp. 240-243.

necessity and, in particular, the general aspect of it. It is therefore the criterion of time, i.e. the moment at which a State is attacked by armed force, which also confers on it the right to militarily respond immediately in order to defend its citizens and its territorial integrity<sup>13</sup>. It is thus understandable that in these circumstances the resolution of the issue by non-military means does not bind the threatened state; in short, it is at its own discretion to choose the method of response. These facts alter, however, when it comes to a threat that has not yet materialized but is raging in the future. In this case, therefore, several questions arise, as the time that is to elapse before the armed attack is carried out plays a decisive role<sup>14</sup>. These types of threats that give the offended State the right to defend itself are defined and must be imminent<sup>15</sup>. The definition of what constitutes an imminent threat, however, is not clear, which has led to several divergent opinions on the international academic table, with each State adopting a different interpretation<sup>16</sup>. However, there is common denominator between the different theories, and that is the response of the threatened State. In particular, there is a common approach to the necessity that the imminent threat should not leave any room for its suspension by peaceful means<sup>17</sup>.

Therefore, the necessity of the legitimate use of force by the State receiving the threat is attached when other means are not feasible for the resolution, or prevention of the conflict, but also when there is an urgent and immediate need for a response, with the military one being the only solution. Effectively, it appears that the use of the right of self-defence is the last resort in any impending conflict, but in this case, this principle does not mean that the 'activation' of the right of self-defence requires the elimination of all peaceful means on offer<sup>18</sup>. It is essentially a right that falls into this category of exception to the fundamental rule of the prohibition of the use of force, such as that of UN military action, following a Security Council resolution.

## Proportionality

The principle of proportionality is the second step in the sequence once the need for a response from the threatened state has been confirmed. In the case of the right of self-defence under International Law, this principle is characterized by the limitation of a countermeasure, with the ultimate aim of ensuring that the latter does not become excessive, in short disproportionate to the armed attack in question<sup>19</sup>. It is therefore understandable that while the principle of necessity gives the threatened State the passport to respond, the principle of proportionality comes in to determine what the size

<sup>13</sup> O'Meara Chris, (n 5), pp. 72-73.

<sup>14</sup> O' Meara Chris (n 5).

<sup>15</sup> Onder Bakircioglu, *The Right To Self-Defence In National And International Law: The Role Of The Imminence Requirement*, McKinney School of Law, 2009, Vol. 19:1, [here](#), visited on 5/08/2024.

<sup>16</sup> Onder (n 15).

<sup>17</sup> O'Meara Chris (n 5).

<sup>18</sup> In short, the consensus in international academia around this principle of necessity is the attempt to use the peaceful means if there is sufficient time and if they are to be effective in deterring, halting or resolving the exogenous armed threat.

<sup>19</sup> Gill, T.D., *Legal Basis of the Right of Self Defense under the UN Charter and under Customary International Law*, in T. D. Gill and D. Fleck (Eds.), "The handbook of the international law of military operations", 2<sup>nd</sup> Edition, Oxford Press, 2015, pp 213-224.

of the military response should be, so as not to lead the conflict to a general escalation. The question that arises here, however, concerns what makes the defensive response proportional and what will determine the size of the latter. Two schools of theory answer this question, with the first giving a quantitative character to the principle of proportionality and the second giving it a teleological character<sup>20</sup>. The first theory therefore concerns the size of the defensive response in relation to the armed threat it has received. The military response against the threat must, in short, be proportional to the attack on the State in question, in terms of casualties, impact and destruction caused<sup>21</sup>. On the other hand, the second theory sets the criterion of the effect that the threatened State aims to have with its defensive action, in relation, of course, to the armed attack it has received<sup>22</sup>. More specifically, this theory brings to the fore the criterion of the end that the defending State seeks to achieve through defensive action against the threat. Therefore, defensive action must have the potential and the force that will achieve the defensive purpose of the threatened State, that which will be sufficient both to prevent an imminent threat and to respond to one that has already been carried out<sup>23</sup>.

## B. Interpretation of Article 51 of the United Nations Charter

At the beginning of this research, the dual legal aspect of the right to self-defence was analysed, i.e. its legal foundation in both customary law and the UN charter. The previous chapter analysed those principles which, as we are going to highlight, are not mentioned in Art. 51, UN Charter, but on the contrary, they are added to the legal background of the delimitation of the right of self-defence, as a result of their general systemic acceptance under customary law. This chapter is therefore going to analyse the second legal foundation of the right of self-defence, namely the Art. 51 of the UN Charter:

*“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<sup>24</sup>.”*

In this first instance, it is understandable that this article once again confirms the foundation of the right of self-defence in customary law, defining it as an inherent right that States have to defend themselves collectively or individually. The article additionally contemplates an armed attack against a member state of the organization, which has already taken place. Thus, leaving the case of the alleged armed threats outside of the UN Charter, the legal basis for them to fall under the rules of customary law and the principles mentioned in the first subchapter of the research. While still, both the article itself and the whole Charter do not provide a definition of what an armed attack is, what size it must be in order to make possible and legitimate the use of the

---

<sup>20</sup> Gill (n 19).

<sup>21</sup> Gill (n 19).

<sup>22</sup> Gill (n 19).

<sup>23</sup> O’Meara Chris, (n 5), pp 134-146.

<sup>24</sup> Art.51, UN Charter.

right of self-defence and even who are the actors in the international environment who can proceed to carry out an armed attack against a State. Do these actors include both parastatal and terrorist organizations and, if so, in the event that the right of self-defence can be legitimately exercised, what should be the main target of threatened State in territorial terms?

In the first place, it is necessary to interpret the term 'armed attack', which is used in the article. Since, as mentioned above, this is not found in the Charter, the interpretation can be derived from other instruments such as the case law of the ICJ, but also from decisions and resolutions of other UN bodies such as the Security Council and the General Assembly. More specifically, the ICJ has given the interpretation of the term armed aggression the nature it carries. In the Nicaragua case, the ICJ ruled that an armed attack, which would give rise to the necessity to use the right of self-defence, must carry a weight, and also excluded the supply of defensive equipment from the 'equation' of armed threat<sup>25</sup>. However, in many of its decisions, the ICJ has avoided a precise or even detailed interpretation of what it cites, perhaps leaving both several questions and room for criticism and difference of opinion<sup>26</sup>.

The RES/3314 of UNGA shed light on the interpretation of the term by stating that an armed attack is an act of aggression originating in a State against another, even if the act in question is of a brief nature<sup>27</sup>. It is therefore understandable that an armed attack and an act of aggression are currently used in international discourse as synonyms, although the ICJ has not gone so far as to make this statement, the frequent use of the term; act of aggression in case where an armed threat is apparent confirms the equal, of not synonymous meaning that the two terms carry<sup>28</sup>. However, so far this research has only been referred to those cases where the use of force derives directly from a State's armed forces. What is omitted from Article 51 is the case of indirect aggression, where a State engages in control or in assist of a paramilitary or terrorist armed organization, which carries out the armed attack. In this case, the threatened State faces a lot of difficulties in identifying the State directly responsible for the armed attack and thus providing the need to use the right of self-defence. While still, a generally accepted rule regarding the culpability and responsibility borne by States in proportion to the degree of support, material and otherwise, provided to such groups is also missing<sup>29</sup>. Nevertheless, there are a number of parameters that prove or even legitimate the use of the threatened State's right of defence such as the scale of the attack and the 'notoriety' that both the threatened State and the other party involved in the case carry<sup>30</sup>.

---

<sup>25</sup> Claus Kress, 'Armed Attack' and Article 51 of the UN Charter. Evolutions in Customary Law and Practice, British Yearbook of International Law, Vol. 83, Issue 1, 2013, pp 160-170, available [here](#), accessed on 6/08/2024.

<sup>26</sup> Claus (n 25).

<sup>27</sup> United Nations General Assembly, 1974, Resolution 33/14: Definition of Aggression, 14 December 1974, available [here](#), accessed on 10/08/2024.

<sup>28</sup> V. Upeniece, Conditions for the lawful exercise of the right of self-defence in international law, Rīga Stradiņš University, Int. Conf. Society, Health, Welfare, 2016, available [here](#), accessed on 14/08/2024.

<sup>29</sup> As noted above, the ICJ in the Nicaragua case ruled that the provision of physical support does not confer responsibility with respect to an armed attack.

<sup>30</sup> Trapp K.N., Back to Basics: Necessity, Proportionality, and the Right of Self-Defence Against Non-State Terrorist Actors, International and Comparative Law Quarterly, 56(1), pp.145-150, available [here](#), accessed on 14/08/2024.

In addition, there is an even more contemporary case, which is also not mentioned in any of the articles of the UN Charter. This is the case of those armed groups, such as terrorist organisations, which proceed to carry out acts of aggression in violation of the jus cogens rule of the non-use of force, acting independently without the subordination of a State. However, the general practice of the last two decades, where such armed attacks have taken place, has shown that these groups operate on the territory of a State, without the awareness of the latter, possibly also with the assistance of a third State<sup>31</sup>. These cases of methods of conducting armed attacks constitute a modern fact of the last decades, thus generating many questions to the international academic body. The answers to these questions were brought by the jurisprudence of the international courts and international tribunals, such as ICJ's decision in Srebrenica's genocide case which constitutes a striking example. In particular, the ICJ ruled that the responsibility for the act in question cannot be attributed to the Federal Republic of Yugoslavia for the reason that it lacked the effective control of the leadership of the Bosnian Serb armed forces that committed the genocide<sup>32</sup>. However, FRY was held responsible for the fact that it did not proceed or seek to stop or obstruct the actions of the Bosnian Serb armed group<sup>33</sup>. It is therefore understood that in such a case the responsibility for the commission of an armed attack is not only attributed to the armed group but also to the State, on whose territories the former was based, which both failed to exercise effective control over its territory and to act in such a way as to stop or obstruct such an action. The foregoing, however, in conjunction with the fact that there are several gaps in the international legal framework, raises the main question of whether the threatened State may exercise that right of self-defence in this case, and if so, what would be the target since the armed group is not supported by the State in whose territory the former was operating. An excellent example of both the Nicaragua case and that of the Wall Advisory Opinion, Israel v. Palestinian Authorities. More specifically, in the first case the ICJ decided that, in order for the right of collective self-defence from the USA in favor of El-Salvador against the rebel groups to be legal, the acts of aggression from the latter had to be assigned to Nicaragua<sup>34</sup>. In the same context, as regards to the Wall Advisory Opinion, the ICJ did not accept Israelis allegations for the construction of the wall as a self-defence measure against the terrorist attacks, as the territories that were claimed from Israel that were constituting the base of the terrorist groups were already occupied by the former, thus were under the control of the Israeli government<sup>35</sup>. As a result, the armed attacks were not coming from abroad, also there was not any direct affiliation with a second State, thus the use of the right of self-defence through the construction of the wall could not be legally exercised. Effectively, it is understood that the violation of the rule of non-use of force is exempted through Art. 51 of the UN Charter, enabling States to make legitimate use of force by violating the territorial integrity of another State. As noted above, the ICJ has argued in its decisions that the use of force must be attributed to a State in order to be lawful.

---

<sup>31</sup> Trapp (n 30).

<sup>32</sup> Antonio Cassese, *The Nicaragua and Tadic Tests Revisited in the Light of the ICJ Judgment on Genocide in Bosnia*, European Journal of International Law, Vol. 18 Issue 4, 2007, pp 650-655, available [here](#), accessed on 15/08/2024.

<sup>33</sup> Antonio (n 32)

<sup>34</sup> *Military and Paramilitary Activities in and against Nicaragua, Nicaragua v. United States Of America, (Judgment), Reports 1984, ICJ*, p.392, available [here](#), accessed on 15/08/2024.

<sup>35</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, (Advisory Opinion), Reports 2004, ICJ*, p. 136, available [here](#), accessed on 16/08/2024.

In the case, however, where the armed group is not supported by a State and therefore the armed action against another State is not attributed to a state authority, important legal questions arise as neither Article 51 of the UN Charter nor the jurisprudence of the ICJ provides for this<sup>36</sup>. Therefore, the customary rules, and hence the principles of necessity and proportionality apply. In any case, of course, the generally accepted rule of the effective control of State territories by the State leadership in question applies, which, if absent, does not prohibit the victim State from violating the territorial integrity of the former with the ultimate aim of destroying the base where the armed group was operating<sup>37</sup>. In a parallel manner, the State in whose territory the armed organization was operating has to allow the defendant one to intervene and not to constitute an impediment to the actions of the latter<sup>38</sup>.

The last part of Article 51 refers to the intervention of the UN Security Council, which subsequently takes reconstruction and rehabilitation measures in such cases. In particular, and in accordance with the UN Charter, the victim State must immediately inform that SC of the responsive and defensive measures taken<sup>39</sup>. Upon being informed of the defensive action taken by the State, the Security Council decides whether the State's action was necessary and functional and therefore whether it should be continued<sup>40</sup>. Furthermore, the Council will take the appropriate steps to restore relations between the two States and resolve the conflict. Should these measures settle the issue, the defending State should cease its reactive actions, as they are no longer operational<sup>41</sup>. If, however, the Security Council determines that the adopted measures are not sufficient and effective, then the defensive action may continue to exist in conjunction with the remedial measures, as determined by the SC<sup>42</sup>.

Consequently, it is understood that although the right of self-defence is inherent and is exercised by the State concerned without any prior authorization, the Security Council has that possibility of terminating its action and of monitoring it as soon as it is carried out, once it has been informed, by the victim State.

### III. The AKP-PKK Conflict: Historical and Legal Context

#### A. Origins and Development of the Conflict

The right of self-defence has also been invoked by Turkey to use force against the Kurdish<sup>43</sup> armed group named as, PKK, in Iraq, following the 2016 incidents in Ankara.

---

<sup>36</sup> Trapp, (n 30), pp.150-152.

<sup>37</sup> Trapp, (n 30).

<sup>38</sup> Trapp, (n 30).

<sup>39</sup> Christopher Greenwood, *Self-Defence*, Max Planck Encyclopedia of Public International Law, Oxford Press, 2011, available [here](#), accessed on 16/08/2024.

<sup>40</sup> Christopher, (n 39).

<sup>41</sup> Christopher, (n 39).

<sup>42</sup> Christopher, (n 39).

<sup>43</sup> An armed group that was established in 70's to combat the oppression of Turkey's governmental leaderships. The region covered by the Kurdish people reaches the northern Iraqi territory, the northern Syrian territory and the southeastern part of Turkey's territory. Look table1.

However, before proceeding to the legal analysis of the case, a brief historical overview of the events and, in particular, of the genesis and evolution of the Kurdish Issue, as it is well known, is deemed necessary. The Kurdish issue is a rather complex one that carries several aspects, the most essential of which is the recognition of the identity of the people in question as Kurdish and not just Turkish by the government leadership. The content of this chapter, however, will not focus on the analysis of the Kurdish issue, but rather on a brief recounting of the important events centered on the AKP leadership period.

The Kurdish Issue, although a long-standing unresolved matter, remains to this day one of the greatest threats to Ankara's national sovereignty, which was erected in Turkey in the middle of the 20<sup>th</sup> century. The issue however, took shape 46 years ago, namely in 1978, when the Kurdish Turkish citizens organized under the PKK, Partiya Karkeren Kurdistan/Kurdish Worker's Party, in order to listen to and fulfill their demands and to organize an armed movement to make known their demand for their identity, their language and their culture to be recognized and of course their opposition to the violation of their fundamental human rights, by the policies of the Turkish leadership<sup>44</sup>. In September 1980, a form of guerilla warfare was launched by the PKK, in coordination with some of the leftist movements of the Turkish political scene, against the Demirel government, which unfolded into a Kurdish takeover attempt through an unsuccessful coup d'etat<sup>45</sup>. By the late 1980's, the issue had taken on even greater dimensions, with the movement's leader, Abdullah Öcalan, having fled to Syria, where he had sought refuge before the attempted coup, forced out of the country and finally being arrested at the Greek embassy in Kenya in 1999<sup>46</sup>. This led to the announcement of a ceasefire by the PKK with a duration of four years<sup>47</sup>, within which the AKP had taken over the reins of governmental leadership. The Kurdish Issue was the number one threat on the country's national agenda, and Erdogan's government saw a huge opportunity, at a time when previous governments failed to bring a resolution to the matter, AKP's policies managed to bring the Kurds under the umbrella of the party, even making them strong voters of it<sup>48</sup>. Erdogan brought to his political course an extremely thorough and targeted programme, which made sure to cover every aspect of the issue, such as the socio-political, the economic and the security one<sup>49</sup>. However, it was not only the policies of the ruling party that changed the situation to a certain extent, but also two other extremely important external factors. At the time when the AKP took over the leadership of the country and the ceasefire was in operation, the United States invaded Iraq resulting not only in the destabilization of the country, but also in the opportunity for the PKK members to move in and resettle their bases in the northern part of Iraq's territory, where the Kurds Regional Government was established and

---

<sup>44</sup> Mesut Yeğen, "The Kurdish question in Turkey", at Casier M., Joost J. (Eds.), *Nationalisms and Politics in Turkey; Political Islam, Kemalism and the Kurdish Issue*, Routledge Studies in Middle Eastern Politics, 2011, pp 70-73.

<sup>45</sup> Mesut Yeğen, (n 44), pp. 75-76.

<sup>46</sup> Mesut Yeğen, (n 44).

<sup>47</sup> Mesut Yeğen, (n 44).

<sup>48</sup> Tozun Bahçeli and Sid Noel, "The Justice and Development Party and the Kurdish question", at Casier M., Joost J. (Eds.), *Nationalisms and Politics in Turkey; Political Islam, Kemalism and the Kurdish Issue*, Routledge Studies in Middle Eastern Politics, 2011, pp 110-111.

<sup>49</sup> Ibidem.

gained its autonomy since the USA invasion<sup>50</sup>. In addition, at the beginning of the new century, Ankara had opened the way to its own European path, a fact that had placed the resolution of the Kurdish question at the doorstep of the country's entry into the sui generis organization. As a result, a series of negotiations between Erdogan's government and PKK began to take place, even though unsuccessful<sup>51</sup>.

From the beginning of the 21<sup>st</sup> century and until 2015, the year when the wagon of hope for the resolution of the Kurdish issue was also completely derailed, representatives of the governmental leadership of the Turkish state had proceeded with the design and initial implementation of a program of democratization and national unification, named as the Kurdish Innovation<sup>52</sup>. This program, although it did not yield the intended results, succeeded to lay several important foundations for the subsequent steps to resolve the matter. In other words, a frequent communication between the two parties, along with the formal diplomatic dialogue was established<sup>53</sup>. However, this innovative action, quickly proved to be ineffective for the final resolution of the Kurdish issue, which led the two sides to take more drastic steps, establishing the so-called Resolution Process, or IMRALI PROCESS<sup>54</sup>. In this process, dialogue was sought between PKK leader Öcalan and a number of different representatives of the state leadership and the political scene of the Turkish state<sup>55</sup>. The outcome of these dialogues was to resolve the issue through a step-by-step route. However, a series of facts had a negative impact on the finalization of the issue. Both the rise of a new movement within the State, the Gullenists, and the effect that began in conjunction with the outbreak of the Gezi manifestations in 2013, which was perceived as a serious threat to the AKP government, and the latter's return to inward-looking and nationalist policies, made any further efforts difficult to be conducted<sup>56</sup>.

This internal political instability also led the Kurdish side towards a misguided critique of the situation, believing that it carried an advantage in the negotiations over the threats and disruptions that the ruling leadership had to face in the 2015-2016 biennium<sup>57</sup>. Indeed, the Erdoğan government felt that the strong bonds of its long-standing and undisturbed leadership were being threatened, a fact that led it to adopt a series of extremely conservative, strict and nationalistic measures. These developments, combined with the evolution of the Syrian civil war, which by then had reached its aftermath, led the Kurdish armed group to return to its violent and terrorist activities.<sup>58</sup> From 2015 to 2016, multiple terrorist attacks took place in Ankara, Istanbul and other

---

<sup>50</sup> *Turkey, the PKK, and U.S. Involvement: A Chronology*, Congressional Research Service, 2019, available [here](#), accessed on 18/08/2024.

<sup>51</sup> Tozun Bahçeli and Sid Noel, (n 48).

<sup>52</sup> Cengiz Çandar, "The perennial Kurdish question and failed peace processes", at Alpaslan Özerdem and Matthew Whiting (Eds), *The Routledge Handbook of Turkish Politics*, 2019, pp. 256-257.

<sup>53</sup> Hüseyin Alptekin and Talha Köse, "The AK Party's Kurdish Policy", at Kılıç B. Kanat, et al., *AK PARTY Years in Türkiye; Domestic and Foreign Policy*, SETA Publications, 2022, pp 79-83.

<sup>54</sup> Hüseyin Alptekin and Talha Köse, (n 53).

<sup>55</sup> Hüseyin Alptekin and Talha Köse, (n 53).

<sup>56</sup> Hüseyin Alptekin and Talha Köse, (n 53).

<sup>57</sup> Mustafa Coşar Ünal, Is it ripe yet? Resolving Turkey's 30 years of conflict with the PKK, *Turkish Studies*, 17(1),2015, pp.91-125, available [here](#), accessed on 22/08/2024.

<sup>58</sup> Cengiz Çandar, (n 52).

cities of the Turkish state.<sup>59</sup>The largest of these took place in Ankara on 15 October 2015, with over 100 victims and 500 injured people<sup>60</sup>. Those accused for that terrorist attack, according to a Turkish court, appear to have been members of both the Islamic State of Iraq, Al-Qaeda and the PKK<sup>61</sup>.

As a result, Turkey claimed its right to self-defence in order to attack the Kurdish bases which were established in northern Iraq. More specifically, Ankara, by sending, in April 2017, a report to both the UN Secretary General and the President of the Security Council, disclosed its armed operations against both Kurdish bases in northern Iraq and Syria. In this letter, Ankara referred to the respect and dedication it bears to the rights of territorial integration and stability of these States, adding that its armed actions contribute to the preservation of these rights<sup>62</sup>. The Iraqi leadership's responses, however, will cite Ankara's violation of its territorial sovereignty and the existence of a threat and destabilization of peace<sup>64</sup>.

### *B. Legal Status of PKK*

From the moment of its foundation, the PKK has had as its goal the national liberation and independence of the Kurdish people that live within the borders of the modern Turkish state. According to the leaders of the PKK, the purpose of the establishment of the armed organization was primarily to defend the Kurdish people residing in the south-eastern part of the Turkish state against the multiple violations of their fundamental rights along with the aim of gaining their self-determination<sup>65</sup>. The establishment of an armed organization for the purpose of the independence of part of a population within a State by the use of force in connection with its establishment and operation on the territory of a third State is a flagrant violation of international law and, of course, of the right to national integrity and independence of States<sup>66</sup>.

The main questions, however, that need to be addressed in this sub-chapter are whether the PKK is treated as an armed group operating within the country or as a terrorist

<sup>59</sup> *Ankara blast echoes past attacks in Turkey*, Reuters, 2023, available [here](#), accessed on 23/08/2024.

<sup>60</sup> *Turkish court sentenced nine people to life for 2015 Ankara bombings*, Reuters, 2018, available [here](#), accessed on 03/08/2024.

<sup>61</sup> Turkish Court, (n 60).

<sup>62</sup> Identical letters dated 25 April 2017 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary – General and the President of the Security Council, UN Security Council, 25 April 2017, S/2017/350, available [here](#), accessed on 20/08/2024.

<sup>63</sup> For the legality of Ankara's invasion see [Chapter IV](#).

<sup>64</sup> Note Verbale dated 27 July 2020 from the Permanent Mission of Iraq to the United Nations to the President of the Security Council, S/2020/795, available [here](#), accessed on 20/08/2024.

<sup>65</sup> Saeed Bagheri, *The Legal Aspects of Turkey's War Against the PKK*, in Marcel Szabo et al., *Hungarian Yearbook of International Law and European Law*, 2017, eleven journals, pp. 161-162, available [here](#), accessed on 28/08/2024.

<sup>66</sup> According to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation, [2625 \(XXV\)](#), secession shall be accepted only under three conditions; communities under a) colonial domination, b) racist regime domination, or c) foreign occupation.

<sup>67</sup> Saeed Bagheri, (n 65).

organization based in another State, or whether it is an armed organization operating under the support and control of Iraq, both by the Turkish State and the international community. The answer to this question is considered to be of the utmost importance as it will shed light on how the Turkish State's claim to use the right of self-defence against PKK is justified and whether it is indeed justified under public international law.

From the moment the PKK was founded with the ultimate aim of defending the rights of Kurdish citizens and their national autonomy through the creation of another state, Ankara had clearly included the PKK in its national list of terrorist organisations. There have been numerous statements by the leaders of the Turkish Republic about the illegal activities of the PKK members, and there have been many times that the current President, Recep Tayyip Erdogan, has acknowledged in public debate that this armed organization is a terrorist organisation<sup>68</sup>. While after the execution of the attack by the PKK in Ankara in 2016, the President of the Turkish State specifically stated that: "The State will not give up its right to self-defense against all kinds of terrorist threats"<sup>69</sup>.

This recognition is not, however, one-sided, as at the beginning of the 21<sup>st</sup> century, and specifically in 2004, the EU will also add the PKK to its list of terrorist organisations, which will so to this day<sup>70</sup>. This case, however, is more complicated than it seems. More specifically, in 2018, PKK will object against the restrictive measures that were adopted by the European Council towards the former, and it will be brought before the European General Court<sup>71</sup>. PKK's objection, which was based on the Brussels Court of Appeal's ruling that the armed group in question was not a terrorist organization and that the Kurdish issue constituted an ethnic and intra-State political issue, concerned the fact that the Council of Europe did not retain sufficient evidence to substantiate its decision to place the PKK on the EU list of foreign terrorist organizations<sup>72</sup>. Nevertheless, after the General Court had referred the request in question to the European institution of wider jurisdiction, the European Court of Justice, the latter, and as the final judgements demonstrated a real lack of evidence against the PKK, ruled that the restrictive measures should be annulled and that the Council of Europe's inclusion of the PKK on the list was not sufficiently substantiated<sup>73</sup>. However, it is noted that since the decisions of the Council of the Europe in adding the PKK to the list of terrorist organisations, it has not ceased to be part of that list and therefore recognized by the sui generis organization as a terrorist group. In addition, mention should be made of the recognition

---

<sup>68</sup> Zia Welse, *In Erdogan's Turkey, Everyone Is a Terrorist*, 2016, Foreign Policy, available [here](#), accessed on 28/08/2024.

<sup>69</sup> Saeed Bagheri, (n 65).

<sup>70</sup> Deniz Arbet Nejbir, *Applying Humanitarian Law: A Review of the Legal Status of the Turkey-Kurdistan Worker's Party (PKK) Conflict*, 2021, Journal of International Humanitarian Legal Studies, available [here](#), accessed on 29/08/2024.

<sup>71</sup> Judgement of the General Court, 15 November 2018, Case T-316/14, Kurdistan Worker's Party v. Council of the European Union, available [here](#), accessed on 28/08/2024.

<sup>72</sup> Judgement of the General Court, (n 71).

<sup>73</sup> Heba Salama Abokelila, *European Court of Justice: Reviewing European Regulations for Terrorist Organization (Listing and Delisting)*, PalArch's Journal, Vol. 17, 2020, available [here](#), accessed on 28/08/2024.

of the PKK by the United States of America, which in October 1997 added the armed group to the Foreign List of Terrorist Organisations<sup>74</sup>.

In the light of the above and according to Turkey's interpretation of its right to self-defense the inclusion of the PKK in the lists of terrorist organisations, both by the Turkish state and the EU and by a number of other states, gives Ankara the opportunity to treat the Kurdish issue as a purely internal one, and therefore to legitimize the use of anti-terrorist actions<sup>75</sup>. This, however, is an extremely generalized analysis, which logically leaves behind a number of questions. Moreover, a mere categorization of an armed organization on the list of the terrorist groups, in the absence of a judicial reference, does not confer the passport to the direct and legitimate use of the right of self-defence. Thus, what is the main reason that states choose to designate such armed organisations as terrorist ones, and at the same time their representatives refuse to mention the existence of any armed conflict? This fundamental reason concerns the disengagement of states from the principles of international humanitarian law. As when the issue is not defined and does not constitute a non-international/ or international armed conflict, but is attributed as terrorist attack, doubts arise as to the validity or otherwise of the law of armed conflict<sup>76</sup>. Therefore, fundamental differences arise in proportion to the recognition of the issue as an individual terrorist attack or as a continuous, protracted and coordinated armed conflict, which also shapes the legal status of the armed organization in question<sup>77</sup>. In the case of the PKK, it may be mentioned that opinions are divided.

This categorization, however, both by the Turkish state and by other states and the EU, has not been objectively justified, which, as mentioned above, has been substantiated by the judgment of the European Court of Justice. In addition, the case of *Benzers and others v. Turkey*, which was also ruled by the European Court of Human Rights on the Turkish State's responsibility for the non-application of the principles of international humanitarian law and for the violation of the Geneva Convention, which the Turkish State has also ratified, offers to the issue a new legal interpretation<sup>78</sup>. Indeed the two cases mentioned above not only add the IHL factor to the equation, recognizing the issue as a non-international armed conflict, but also raise questions as to the recognition of the PKK as terrorist organization.

Effectively, it is understood that there is a dichotomy of different decisions regarding the legal status of the armed organization. However, it should be noted that in both cases of judicial decision, the judiciary never clearly ruled on what the legal status of the PKK is, as the questions posed to it by the parties to the case were not the same. While still, the UN has not proceeded to include this armed group in its list of terrorist organisations<sup>79</sup>. In addition, the fact that the PKK can use prolonged violence, control part of state territory, carry out an organized military strategy and apply a number of disciplinary rules internally<sup>80</sup>, whose members respect the principles and customs of

---

<sup>74</sup> Tom Ruys, *Quo Vadit Jus ad Bellum?: a legal analysis of Turkey's military operations against the PKK in Northern Iraq*, Melbourne Journal of International Law, Vol. 9, p 334-3364, available [here](#), accessed on 18/08/2024.

<sup>75</sup> Deniz Arbet Nejbir, (n 70).

<sup>76</sup> Deniz Arbet Nejbir, (n 70).

<sup>77</sup> Deniz Arbet Nejbir, (n 70). & Saeed Bagheri, (n 65).

<sup>78</sup> Deniz Arbet Nejbir, (n 70).

<sup>79</sup> Saeed Bagheri, (n 65).

<sup>80</sup> In accordance with the Geneva Convention.

war as mentioned in the UN Secretary General's Report in 1970, offers the legal status of an armed organisation<sup>81</sup>.

### *C. International Responses to AKP-PKK Conflict*

This sub-chapter is deliberately titled the conflict between the ruling party to date in Turkey and the PKK, for two specific reasons. While the AKP was the party that, up to the first decade of its rule, came to address the Kurdish issue from the socio-cultural and ethnic point of view, it was also the one that, claiming its right of self-defence, invaded northern Iraq to confront the PKK<sup>82</sup>. The beginning of the AKP's governmental leadership coincided exactly with the beginning of the European course of the Turkish state, which directly influenced that way in which both the Kurdish issue in general and the PKK armed organization were dealt with. Indeed, Ankara's full European integration would be impossible to be achieved without the resolution of the fundamental national issue on the list, namely the Kurdish question<sup>83</sup>. Therefore, Ankara adopted and implemented a series of democratization and liberalization policies, with EU membership as its main and only motivation<sup>84</sup>. This situation, however, will begin to take a different turn at the beginning of the second decade of the 21<sup>st</sup> century, when the motivation for EU membership will start to fade away, as the process will remain stagnant and European leaders will remain negative towards this membership. In particular, from the beginning of 2010 until today, a democratic regression is beginning to be observed inside Ankara, while a series of events such as the failed coup attempt in 2016, the Arab Spring in the same year and the failure of the Oslo negotiations and the Resolution Process for a definitive solution of the Kurdish issue have further complicated this conflict<sup>85</sup>. The result of the events led to Ankara's abandonment of any attempt to join the EU, and with it came the stagnation of any pursuit of a solution to the Kurdish issue. This change of attitude and regression of Ankara towards its democratization has led the latter to withdraw from and means of dialogue with the representatives of the PKK and to adopt and implement anti-terrorist measures that are contrary to and therefore violate the fundamental principles of International Humanitarian Law<sup>86</sup>. This practice of the Turkish state did not find support from the institutions of the European Union, a fact that became even more prominent at the conference organized in Brussels in 2017 on the cooperation of the organization with Ankara in order to counter terrorism<sup>87</sup>. In short, while this bilateral cooperation, founded on the principle of necessity, is an extremely important means of addressing a common issue, the two parties are on the opposite sides of the river in terms of their interpretation of what terrorism and terrorist activity constitutes.<sup>88</sup> In addition, it is worth noting here that some member states of the EU individually have converged and implemented some of Ankara's demands in dealing with the armed

---

<sup>81</sup> Deniz Arbet Nejbir, (n 70).

<sup>82</sup> Mustafa Coşar Ünal, Is it ripe yet? Resolving Turkey's 30 years of conflict with the PKK, *Turkish Studies*, 17(1),2015, pp.91-125, available [here](#), accessed on 22/08/2024.

<sup>83</sup> Mustafa, (n 82).

<sup>84</sup> Mustafa, (n 82).

<sup>85</sup> Mustafa, (n 82).

<sup>86</sup> K. Tastan & T. Kutschka, *Turkey-EU Counterterrorism Dialogue: Different Perceptions, Different Priorities*, German Marshall Fund, 2017, available [here](#), accessed on 22/08/2024.

<sup>87</sup> K. Tastan, (n 86).

<sup>88</sup> K. Tastan, (n 86).

organization<sup>89</sup>. An example here is Germany's decision to ban the public display and the use of PKK symbols, while France has proceeded to recognize the PKK as terrorist organization.

As a result, it is understood that the EU has supported Ankara both through the recognition of the PKK as a terrorist group and through diplomatic efforts to open a dialogue between the leader the armed organization, Öcalan and government of Ankara. However, the continuous blatant violation of the Geneva Convention and the European on Human Rights has created feelings of caution and reaction in the European Union<sup>90</sup>.

In the case of the USA, there is a different context for dealing with the conflict between the ruling party and the PKK. As mentioned above, the recognition of this organization as a terrorist organization was made Washington in 1997, when it included the PKK in its list of Foreign Terrorist Organisations<sup>91</sup>. Three years earlier, the US had granted military loans to the Turkish leadership to deal with the armed conflict the PKK<sup>92</sup>. The first disruption of this balance will occur with the US invasion of Iraq, claiming its right to preemptive self-defence, with the ultimate goal of dismantling the ISIS terrorist organization, which will give the Kurdish Regional Government the space and opportunity to autonomy, and thus, the PKK to reestablish its bases of operation in that region of northern Iraq<sup>93</sup>. A fact that prompted the Turkish state to make statements about full intervention in Iraq<sup>94</sup>. That escalation was halted by the United States of America, following a decision by the then Presidents Bush to offer military intelligence and support to Turkey in order to counter armed actions by the PKK<sup>95</sup>. However, the fallout between the two states will not cease as Kurdish armed organisations in Syria and Iraq will be the US ally against IS/ISIS/ISIL<sup>96</sup>. Despite the existing friction between the two states, the US has publicly supported the Turkish state's right to self-defence against the PKK through the State Department spokesman's statement in July 2015<sup>97</sup>.

#### IV. Turkey's Right to Self – Defence Against the PKK

##### *A. Legal Justifications for Turkish actions*

The legal framework on which the Turkish leadership bases its invasion of Northern Iraq is quite broad, while at the same time it has given a fairly broad interpretation of both Article 51 and the fundamental principles of international customary law.

---

<sup>89</sup> *The PKK Conflict in the Context of EU-Turkey Relations*, Commentary/Europe & Central Asia, International Crisis Group, (2017), available [here](#), accessed on 23/08/2024.

<sup>90</sup> European Parliament reacts on Turkey's actions against the Kurds.

<sup>91</sup> Congressional Research Service, *Turkey, the PKK, and U.S. Involvement: A Chronology*, 2019, available [here](#), accessed on 16/08/2024.

<sup>92</sup> Congressional Research Service, (n 90).

<sup>93</sup> Congressional Research Service, (n 90).

<sup>94</sup> Congressional Research Service, (n 90).

<sup>95</sup> Congressional Research Service, (n 90).

<sup>96</sup> Congressional Research Service, (n 90).

<sup>97</sup> Spencer Kimball, *US caught up in Turkey, Kurd rivalry*, DW news, 2015, available [here](#), accessed on 28/08/2024.

Therefore, this chapter is aiming to analyse the legality of the Turkish justifications for its actions.

In 1984, the two governmental leaderships of Ankara and Bagdad proceeded to sign a Security Protocol, which allowed each to enter the territory of the other at a depth of 5 km<sup>98</sup>. This treaty, however, would be altered a few years later, in 1989, when Turkish governmental leadership would reject the Iraq' government's request to renew the protocol when the latter's use of chemicals on the Iraqi Kurds became known<sup>99</sup>. When a year later, Turkey will seek renewal, it will be the Iraqi government that will not allow it<sup>100</sup>. This protocol actually offered the right to invade without the need to grant state consent. However, the Turkish leadership, in order to legitimize cross-border actions, also often refer to the right of hot pursuit<sup>101</sup>, a right which is established by the United Nations Convention on the Law of the Sea, and offers the possibility of pursuing ships acting illegally or resorting to violations of the principles of the International Law of the Sea even in territorial sea of another State, in case the ship in question has not been pursued in the waters of the pursuing State<sup>102</sup>. The validity of the right on the land, it is understood, in the absence as similar international convention, cannot be legitimised without the prior consent of the neighbouring state, a fact which the Turkish leadership has repeatedly circumvented by resorting precisely to its extremely broad interpretation<sup>103</sup>. In addition, it is worth mentioning that from Ankara's first cross-border actions in the 1990's until the US intervention in 2003, legal justifications for its actions were almost non-existent. The Turkish government referred to the use of the right of self-defence without further legal clarification, while Iraq had not made an open declaration of a violation of its international integrity and security.

The US intervention in Iraq to bring down ISIS/ISIL/IS and Saddam Hussein's regime dramatically altered developments. As mentioned above in the first chapter of the research, this intervention gave the Kurdish community of Northern Iraq, named as the Kurdish Regional Government, a great opportunity to receive full autonomy<sup>104105</sup>. After the end of the US operation and subsequent establishment of an elected parliamentary leadership in Iraq, the Kurdish leadership's control of the northern region did not cease to exist. As a result, the governmental leadership of Bagdad did not have the effective control of that region and therefore it lacked the ability to prevent any operations that were planned by the PKK against Ankara. Therefore, the legal question that arises here is how the right to self-defence is legally founded, when, as it is understood, effective control of the northern region and thus of PKK members was not brought about by Iraq.

---

<sup>98</sup> Funda Keskin, *Turkey's Trans-Border Operations in Northern Iraq: Before and after the Invasion of Iraq*, (2008), Issue 8, Journal of International Studies, pp. 62-64, available [here](#), accessed on 1/09/2024.

<sup>99</sup> Funda, (n 99).

<sup>100</sup> Funda, (n 99).

<sup>101</sup> Behlul Cetinkaya, *Turkey, Iraq keen to boost ties: Expert*, Anadolu Ajansı, 2020, available [here](#), accessed on 3/09/2024.

<sup>102</sup> Nicholas M. Poulantzas, *The right of hot pursuit in International Law*, Martinus Nijhoff Publishers, 2002, pp. 192-195.

<sup>103</sup> Nicholas, (n 103).

<sup>104</sup> *Kurds of Iraq, Turkey and Syria agreed to contribute to the US armed intervention effort to bring down Saddam and the Baath Party.*

<sup>105</sup> Revilla Ruiz Carmen, *The right to self-determination: The Kurdish case in Iraq and Turkey*, Universidad Rey Juan Carlos, 2024, available [here](#), accessed on 3/09/2024.

International developments following the 9/11 terrorist attack and subsequent US intervention in Afghanistan and Iraq to confront terrorist organization and authoritarian regimes paved the way for a more expansive interpretation of the right of self-defence<sup>106</sup>. Indeed, States brought forward a new practice to deal with any armed threat that violated their national sovereignty. In short, government leaders were making decisions to intervene, not only in cases where terrorist armed attacks had taken place, but even in cases of preemption. In this 'modern' right several times the US in the period between 2000-2004, typical is the US National Security Strategy of 2002, which states that the US will not hesitate to use the right of self-defence proactively against terrorist organisations<sup>107</sup>. It can thus be seen that under these circumstances not only is the size of the armed attack no longer taken into account, but States can make use of force in advance, anticipating a possible imminent armed attack. It is extremely important to mention here that Article 51 does not anticipate this right, which transfers its foundation to the principles of general and continuous practice of States, in short, to customary law. Effectively, taking into account the fact that the armed attacks by the PKK took place on Turkish territory and since the Security Council did not take any measures to prevent or even counter such armed actions, while the Iraqi government was not able to act or to prevent PKK's actions against Turkey, as Ankara has not proceeded to violate Article 51 of the United Nations Charter<sup>108</sup>. More specifically, taking the foregoing into account, the intervention of the Turkish governmental leadership in northern Iraq can be legitimized on the basis of the right of self-defence. The legal foundation, however, of the right of self-defence is not only limited to the written law of the UN Charter, but also included the two fundamental principles of necessity and proportionality.

Legitimising the right of self-defence for the purpose of responding to the bases of an armed organisation in a third state is a difficult task, as it raises numerous questions as to the source of its supply, financial support and the ability of the third state to cease its operations. Although the case of the conflict between the Turkish state and the PKK has been an unresolved issue for many decades, the above questions have not been fully answered to date.

In addition, as has been understood, Ankara's interventions in northern Iraq to deal with the Kurdish armed organization are not few in number, each of which carries a different legal justification and entanglement or not with the principles of customary law. The only element that does not vary in each intervention, of course, is Ankara's claim of using the right of self-defence to respond to the terrorist attacks that has repeatedly received from the PKK. Whereas just analysed, this claim is not rendered impossible nor does it constitute a violation of the UN Charter. What applies, however, to the principles of customary law?

---

<sup>106</sup> Jean Marie Vianney Sikubwabo, *A Critical Study of Legitimization of Preemptive Self-Defense As A Counter-Terrorism Measure Under International Law*, World Mediation Organization, 2024, available [here](#), accessed on 31/08/2024.

<sup>107</sup> The National Security Strategy, 2002, available [here](#), accessed on 2/09/2024.

<sup>108</sup> Saeed Bagheri, *Turkey's Extraterritorial Use of Force against Armed Non-State Actors*, Vol.56, Cambridge University Press, 2023, available [here](#), accessed on 4/09/2024.

## B. Necessity and Proportionality in Turkey's self-defense

The principle of the necessity stresses the prerequisite of resorting to and eliminating first and foremost all peaceful means before resorting to the legitimate use of force. At the same time, of course, it is nowadays observed that the congruence of State actions with this principle has been particularly weakened. As since being affected and hit by an armed attack, States can respond directly to the threat without the need for prior approval for the action from an international collective entity. However, in the case of a defensive response to an armed organization based in a third State, the need for the defending State to prior inform the former before the armed response is carried out, with the ultimate aim of achieving cooperation in countering it, seems essential.

When in 2008, Ankara proceeded with the armed intervention in Northern Iraq, the Iraqi authorities were indeed informed in advance both of the existence of the PKK's operating bases on Iraqi territory and of the need to take the necessary measures to counter it<sup>109</sup>. The Iraqi leadership, unable to take the appropriate measures itself, approved the Turkish leadership's decision to intervene unilaterally, with the knowledge of the United States at the same time<sup>110</sup>. Moreover, this particular operation was realized just a few months after the armed attack that happened in Ankara<sup>111</sup>. The upcoming airstrike intervention of 2017, however, will take place without prior notification of the Iraqi governmental leadership, with the latter even proceeding to condemn the above intervention, while informing the UN Secretary General and President of the UNSC of Ankara's transgressive actions against Iraqi national sovereignty<sup>112</sup>. While still, although the action was not directly condemned by the US, it raised great resentment and concern, as the US had not given the green light to Ankara to carry out these air strikes<sup>113</sup>. As far as the criterion of immediacy is concerned, Ankara seems to be applying it, as the intervention has once again occurred a few months after PKK's large-scale terrorist attack in Ankara<sup>114</sup>. Therefore, it is observed that the 2017 air strikes were not in full compliance with the criteria of the necessity principle.

Moreover, the proportionality factor is added to this equation, the purpose of which is to limit the scale of the defensive action to a degree that does not exceed that of an armed attack against a state, while even in the of non-state armed organisations, the objective of the defensive action must be limited precisely to their operation bases in the third state<sup>115</sup>. Moving on to a further comparative analysis between the two interventions by Ankara in 2007 and 2017, there is again the observation of the non-

---

<sup>109</sup> Tom Ruys, *Quo Vadit Jus Ad Bellum?: A legal analysis of Turkey's Military Operations against the PKK in Northern Iraq*, 9 (2), Melbourne Journal of International Law, 334, (2008), available [here](#), accessed on 7/09/2024.

<sup>110</sup> Tom Ruys, (n 110).

<sup>111</sup> Tom Ruys, (n 110).

<sup>112</sup> Salim Çevik, *Turkey's Military Operations in Syria and Iraq*, German Institute for International and Security Affairs, (2022), available [here](#), accessed on 7/09/2024.

<sup>113</sup> Salim, (n113).

<sup>114</sup> Saeed, (n109).

<sup>115</sup> For further information see Chapter II & Uwe Steinhoff, *Self-Defence and the Necessity Condition*, The University of Hong Kong, (2015), available [here](#), accessed on 7/08/2024.

implementation of these rules in the latter armed response. Indeed, in 2007, and while the Turkish government authorities had proceeded to inform the Iraqi authorities and obtained the relevant approval, the defensive action was limited to hitting the PKK bases, without any collateral damage<sup>116</sup>. The 2017 airstrikes, however, are found to have violated this principle, extending the armed action beyond the ‘boundaries’ of the armed organization’s bases, thereby causing significant casualties and material damages<sup>117</sup>. In addition, it should be noted that since the 2017 airstrike to date, the Turkish authorities have made a series of new defensive responses against the PKK, a fact which constitutes another violation of the principle of customary law, that of the duration of the intervention<sup>118</sup>.

## V. Challenges and Controversies Surrounding Turkey's Self-Defense Claims

### A. The Thorn of Human Rights Violations for the Turkish Leadership.

As has been mentioned in this research, the Kurdish issue has been an unresolved problem for Turkish domestic politics from the interwar period to the present day. The people in question have indeed been subjected to numerous severe oppressions and marginalizations over the years, which is impossible to list all of them in this subchapter. It is important, however, to analyse the first fundamental policies of the modern Turkish state, on which ideologies of nationalism and oppression and marginalization of minority groups, and in particular that of the Kurdish people, were based.

Modern Turkish politics were based, regardless of the ideologies of the respective government leadership, until about the first decade of the 21<sup>st</sup> century, on the theory and ideology of Kemalism. According to the theory of Kemalism, the Kurdish minority was a major thorn in the side of achieving the smooth functioning of the modern Turkish state in synergy with Western European standards<sup>119</sup>. The aim of this theory was to prevent any attempt to secede from the Kurdish people through measures such as not recognizing their national, cultural identity and trying to assimilate them into the Turkish nation<sup>120</sup>. Therefore, from the beginning of the 20<sup>th</sup> century to the beginning of the 21<sup>st</sup> century, the Kurdish issue was recognized by the governments of the day as a purely social and economic issue rather than an ethnic one<sup>121</sup>. Over the years, measures were adopted to assimilate and oppress the Kurdish people, such as banning the use of the Kurdish language, displacing families from the eastern side of the Turkish territory

---

<sup>116</sup> Tom Ruys, (n 110).

<sup>117</sup> Türkiye's PKK Conflict; A Visual Explainer, International Crisis Group, available [here](#), accessed on 10/09/2024.

<sup>118</sup> Amina Ismail & Lena Masri, *As Turkey intensifies war on Kurdish militants in Iraq, civilians are suffering*, Reuters, 2023, available [here](#), accessed on 10/09/2024.

<sup>119</sup> Erik J. Zürcher, *Turkey a Modern History*, I. B. TAURIS, Third Editions, 1992, pp.142-144.

<sup>120</sup> Mesut Yegen, “The Kurdish question in Turkey: denial to recognition”, in M. Casier & J. Jongerden, *Nationalisms and Politics in Turkey*, Routledge Press, (2011),pp70-72.

<sup>121</sup> Mesut (n 121).

to western side, imprisoning and even executing those who resisted<sup>122</sup><sup>123</sup>. Another practice to achieve the assimilation of the Kurdish people was the establishment of school units, where children lived permanently, away from their parents and family<sup>124</sup>. Many of these practices have not ceased to be implemented even today, but the change in attitude and approach to the Kurdish issue by the Turkish governments began to occur in the early 1990s<sup>125</sup>.

In the previous chapters, the role played by the vision of European integration in the democratization and liberalization of Ankara, a factor, which had a direct and positive impact on the respect of the political and cultural rights of the Kurdish people, was particularly discussed. In particular, journalists, reporters, and activists are being imprisoned in their efforts to highlight the violation of the human rights of the Kurdish people, under the pretext of supporting terrorist organisations<sup>126</sup>. Moreover, Ankara's leadership, through new laws, is seeking to weaken Institutes and Non-Governmental Organizations that highlight the increasing regression of the Turkish State in respecting and not violating human rights, and thus the two fundamental human rights conventions to which Turkey is a party<sup>127</sup>.

Furthermore, the party leadership in Ankara has gone from listing the PKK on the list of terrorist organisations to the same categorisation of the elected Kurdish party HDP<sup>128</sup>, even resorting to the illegal detention of the leaders of that party<sup>129</sup><sup>130</sup>. Therefore, placing it in the same category as the PKK and under the pretext of using anti-terrorist measures to counter the threat, it proceeded to persecute members of the party and politicians of the local leadership who were not under the control of the AKP<sup>131</sup>.

With these actions, the governmental leadership even proceeded to violate the right to amnesty carried by the MPs, which caused the reaction of the international community<sup>132</sup>.

Indeed, the anti-terrorist measures, as Ankara called them, which it adopted to deal with a democratically elected party, even describing it as an offshoot of the PKK, have both upset the international community and had quite a negative impact on Erdoğan's

---

<sup>122</sup> Kurdish schools were closed, while Kurdish children was not allowed to be given Kurdish names.

<sup>123</sup> Mesut (n 121).

<sup>124</sup> Mesut (n 121).

<sup>125</sup> During this decade, the Kurdish people started establishing political parties which succeeded to pass over the threshold and to be elected in the parliament.

<sup>126</sup> The ECHR and human rights violations against Kurds in Turkey, European Commission, 2018, available [here](#), accessed on 12/09/2024.

<sup>127</sup> *Turkey: Plan to Divide, Undermine Legal Profession*, Human Rights Watch, 2020, available [here](#), accessed on 18/09/2024.

<sup>128</sup> HDP is a Kurdish political party, which was democratic elected in the 2018 election, with the aim to represent the Kurdish people in the Parliament.

<sup>129</sup> The Turkish authorities proceeded to the detention of the founder Demirtaş.

<sup>130</sup> Hamdi First Buyuk, Turkey Violated Pro-Kurdish MPs' rights, European Court Rules, Balkan Insight, 2022, available [here](#), accessed on 13/09/2024.

<sup>131</sup> Hamdi (131).

<sup>132</sup> The EHRC ruled that the applied measures from Ankara constituted violation of the constitution and the political rights of the Kurdish people.

government, with several academics today referring to the existence of an authoritarian state without separation of powers<sup>133</sup>

### C. Criticisms and Legal Implications of Turkish irregular actions.

Numerous cases of Turkish Kurds have so far been brought before the European Court of Human Rights on issues of violation of their fundamental rights. The ECHR has even gone so far as to vindicate the Kurdish applicants, highlighting the violations of their fundamental rights by Ankara to date. In particular, the example of the case of Şükran Aydın v. Turkey, which concerned an appeal for the re-adoption of a law prohibiting the use of the Kurdish language during the development of party elections, is a typical example<sup>134</sup>. The Court went on to rule that there had been a violation of Article 10 (2) of the European Convention on Human Rights, and that the Turkish State should have proceeded to compensate the applicant. This is just one of many cases that have reached the European Court of Human Rights<sup>135</sup>, which demonstrates a truly continuous flagrant violation of the Convention, to which Ankara has been a party for almost 80 years<sup>136</sup>. However, case law is not the only evidence of these violations, a number of reports and reactions from humanitarian groups have consistently confirmed these violations and the oppression that the Kurdish people are repeatedly subjected to. In particular, organisations such as Amnesty, the Human Rights Watch, the Red Cross, and a host of other institutions, have consistently referred to the repression experienced by journalists, by a leadership that has severely restricted the right to free speech, nationalist and racist attitudes experienced by Kurdish citizens<sup>137</sup><sup>138</sup>.

All of the above leads to the conclusion that the PKK's conflict with the Turkish leadership is not an isolated act of hostility of momentary terrorist attack of a political nature, a decades-old issue with intense violence that has severely affected both sides. Moreover, the policies of assimilation and oppression adopted and implemented by the Turkish governments against the Kurdish people lend a social character to the issue, which places it directly in the ethnic matters, while at the same time duly affecting the reputation of the Turkish state in the international political arena as well as constitutes a violation of the fundamental duty and obligation of a state, namely the protection of its citizens. None of the above, however, deprives Ankara the right of self-defence against an armed organization acting within its borders, nor of the possibility of recognizing it as a criminal organization, when other subjects of international law have also acceded to such recognition.

---

<sup>133</sup> *Report on the human rights situation in South-East Turkey*, Office of the United Nations High Commissioner for Human Rights, (2017), available [here](#), accessed on 22/09/2024.

<sup>134</sup> Dara Yildiz, *Judging Conflict: The European Court of Human Rights and The Kurdish Issue in Turkey*, Democratic Progress Institute, (2023), available [here](#), accessed on 19/09/2024.

<sup>135</sup> Dara Yildiz, (n 135).

<sup>136</sup> Türkiye and the Council of Europe; Membership of the Council of Europe, available [here](#), accessed on 15/09/2024.

<sup>137</sup> *Turkey: Onslaught on Kurdish areas putting tens of thousands of lives at risk*, Amnesty International, (2016), available [here](#), accessed on 27/09/2024.

<sup>138</sup> Inga Rogg & Hans Rimscha, *The Kurds as parties to and victims of conflicts in Iraq*, International Review of the Red Cross, Vol 89, N.868, (2007), available [here](#), accessed on 3/09/2024.

#### D. The evolution of the right of self-defence through the PKK case.

The analysis of the case of Ankara's continued interventions in Iraq to fight the criminal organization PKK is a fundamental example of the way in which this right has evolved, escaping the boundaries of traditional state-to state engagement.

It is a reflection of the new threats that have emerged on the contemporary international political scene. Ankara's case against the PKK bears many similarities to that of Israel's intervention in Gaza and in general on Palestinian territory to eliminate the terrorist organization, named as Hamas. This shot last chapter of this research is added here not to proceed to the analysis of the legal foundation of the claim of the State of Israel's use of the right of self-defence, but mainly to point out a fact that is being investigated by the beginning of the research, that of the expanded formulation and interpretation of a right that legitimizes the intervention. Both Ankara and Tel Aviv are confronted with the question of whether its actions were indeed consistent with principles of customary law, necessity and proportionality, the destruction and losses suffered by the third territories<sup>139</sup>.

## VII. Conclusion

This research shows how crucial is the question of the legal foundation of a right, which today has evolved considerably, adding new terms to the equation, which international

---

<sup>139</sup> Gei Ulfstein, Does Israel have the right to self -defence – and what are the restrictions?, EJIL: Talk!, available here, accessed on 1/10/2024.

law, both written and customary, and jurisprudence itself, fails to interpret adequately. Focusing on Ankara's interventions in Northern Iraq to confront an armed organization, which both Turkey and a significant part of the international community have recognized as a terrorist organization, claiming its right to self-defense, a new 'modern' aspect of the foundation of this right has emerged in this research. In particular, an aspect that began to take root at the beginning of the 21<sup>st</sup> century, after the terrorist attack of 11 September in America, was explored, and it concerns precisely the right of self-defense against an armed organization that has established its bases of action on the territory of a third State. In short, over the last two decades a new general practice has begun to take root, that of states against armed, semi-governmental and terrorist organizations, rather than the traditional state versus state analysis. Moreover, this research has highlighted, through the case of Turkey's repeated interventions in Iraq to dismantle the PKK, the fact that subjects of international law are moving towards intervention and the use of force without restraint under the pretext of the right to defense. In the intervention operation carried out by Ankara in 2017, the principles of customary law, necessity and proportionality with the Iraqi government, while the latter denounced the series of interventions that followed to the UN Council. Furthermore, I have attempted in this research to highlight an arguably important part of the schemes, that of humanitarian law. In Turkey's case against the PKK, there is ample evidence of violations of the political and social rights of a community that covers not only a large part of Turkish territory, but also neighboring countries, as Iraq and Syria. Therefore, the violation of the rights of these citizens, but also the association of the political representatives with armed organizations, and thus the creation of a highly centralized and authoritarian regime, not only affects the reputation of the state on the international political scene, but constitutes a violation of the fundamental duty and obligation of a state, namely the protection of its citizens.

## VIII. Bibliography

1. James A. Green, *The International Court of Justice and Self Defence in International Law*, Hart publishing, Oxford and Portland, 2009, xvi, 229pp, [here](#).

2. R. Zacklin, *The United Nations and the Use of Force in a Unipolar World: Power v. Principle*, 2010, pp. XII-XIII.
3. C. C. Hyde, *International Law*, Boston, 1922, pp. 106-108.
4. O'Meara Chris, *Necessity and Proportionality and the Right of Self Defence in International Law*, Oxford Monographs in International Law, 2021, pp 3-4.
5. *Case Concerning Oil Platforms, Islamic Republic v. United States Of America, (Judgment), Reports 2003, ICJ*, p.161
6. Christine Gray, *The International Court of Justice and the Use of Force*, at Christian J Tams and James Sloan, "The Development of International Law by the International Court of Justice", Oxford, 2013, pp. 240-243.
7. Onder Bakircioglu, *The Right To Self-Defence In National And International Law: The Role Of The Imminence Requirement*, McKinney School of Law, 2009, Vol. 19:1, [here](#), visited on 5/08/2024.
8. Gill, T.D., *Legal Basis of the Right of Self Defense under the UN Charter and under Customary International Law*, in T. D. Gill and D. Fleck (Eds.), "The handbook of the international law of military operations", 2<sup>nd</sup> Edition, Oxford Press, 2015, pp 213-224.
9. Claus Kreß, 'Armed Attack' and Article 51 of the UN Charter. Evolutions in Customary Law and Practice, *British Yearbook of International Law*, Vol. 83, Issue 1, 2013, pp 160-170, available [here](#), accessed on 6/08/2024.
10. United Nations General Assembly, 1974, Resolution 33/14: Definition of Aggression, 14 December 1974, available [here](#), accessed on 10/08/2024.
11. V. Upeniece, Conditions for the lawful exercise of the right of self-defence in international law, Rīga Stradiņš University, Int. Conf. Society, Health, Welfare, 2016, available [here](#), accessed on 14/08/2024
12. Trapp K.N., Back to Basics: Necessity, Proportionality, and the Right of Self-Defence Against Non-State Terrorist Actors, *International and Comparative Law Quarterly*, 56(1), pp.145-150, available [here](#), accessed on 14/08/2024.
13. Antonio Cassese, *The Nicaragua and Tadic Tests Revisited in the Light of the ICJ Judgment on Genocide in Bosnia*, *European Journal of International Law*, Vol. 18 Issue 4, 2007, pp 650-655, available [here](#), accessed on 15/08/2024.
14. *Military and Paramilitary Activities in and against Nicaragua, Nicaragua v. United States Of America, (Judgment), Reports 1984, ICJ*, p.392, available [here](#), accessed on 15/08/2024.

15. Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, (Advisory Opinion), Reports 2004, ICJ, p. 136, available [here](#), accessed on 16/08/2024.
16. \_Christopher Greenwood, *Self-Defence*, Max Planck Encyclopedia of Public International Law, Oxford Press, 2011, available [here](#), accessed on 16/08/2024.
17. Mesut Yeğen, “The Kurdish question in Turkey”, at Casier M., Joost J. (Eds.), *Nationalisms and Politics in Turkey; Political Islam, Kemalism and the Kurdish Issue*, Routledge Studies in Middle Eastern Politics, 2011, pp 70-73.
18. Tozun Bahçeli and Sid Noel, “ The Justice and Development Party and the Kurdish question”,at Casier M., Joost J. (Eds.), *Nationalisms and Politics in Turkey; Political Islam, Kemalism and the Kurdish Issue*, Routledge Studies in Middle Eastern Politics, 2011, pp 110-111.
19. *Turkey, the PKK, and U.S. Involvement: A Chronology*, Congressional Research Service, (2019), available [here](#), accessed on 18/08/2024.
20. Cengiz Çandar, “The perennial Kurdish question and failed peace processes”, at Alpaslan Özerdem and Matthew Whiting (Eds) , *The Routledge Handbook of Turkish Politics*, (2019), pp. 256-257.
21. \_Hüseyin Alptekin and Talha Köse, “The AK Party’s Kurdish Policy”, at Kılıç B. Kanat, et al., *AK PARTY Years in Türkiye; Domestic and Foreign Policy*, SETA Publications, (2022), pp 79-83.
22. \_Mustafa Coşar Ünal, Is it ripe yet? Resolving Turkey’s 30 years of conflict with the PKK, *Turkish Studies*, 17(1), (2015), pp.91-125, available [here](#), accessed on 22/08/2024.
23. *Ankara blast echoes past attacks in Turkey*, Reuters, (2023), available [here](#), accessed on 23/08/2024.
24. *Turkish court sentenced nine people to life for 2015 Ankara bombings*, Reuters, (2018), available [here](#), accessed on 03/08/2024.
25. \_Identical letters dated 25 April 2017 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary – General and the President of the Security Council, UN Security Council, 25 April 2017, S/2017/350, available [here](#), accessed on 20/08/2024.
26. Note Verbale dated 27 July 2020 from the Permanent Mission of Iraq to the United Nations to the President of the Security Council, S/2020/795, available [here](#), accessed on 20/08/2024.
27. Saeed Bagheri, The Legal Aspects of Turkey’s War Against the PKK, in Marcel Szabo et al., *Hungarian Yearbook of International Law and European*

- Law, (2017), eleven journals, pp. 161-162, available [here](#), accessed on 28/08/2024.
28. Zla Welse, *In Erdogan's Turkey, Everyone Is a Terrorist*, (2016), Foreign Policy, available [here](#), accessed on 28/08/2024
  29. Deniz Arbet Nejbir, *Applying Humanitarian Law: A Review of the Legal Status of the Turkey-Kurdistan Worker's Party (PKK) Conflict*, (2021), Journal of International Humanitarian Legal Studies, available [here](#), accessed on 29/08/2024.
  30. Judgement of the General Court, 15 November (2018), Case T-316/14, Kurdistan Worker's Party v. Council of the European Union, available [here](#), accessed on 28/08/2024
  31. Heba Salama Abokelila, *European Court of Justice: Reviewing European Regulations for Terrorist Organization (Listing and Delisting)*, PalArch's Journal, Vol. 17, (2020), available [here](#), accessed on 28/08/2024.
  32. Tom Ruys, *Quo Vadit Jus ad Bellum?: a legal analysis of Turkey's military operations against the PKK in Northern Iraq*, Melbourne Journal of International Law, Vol. 9, p 334-3364, available [here](#), accessed on 18/08/2024.
  33. K. Tastan & T. Kutschka, *Turkey-EU Counterterrorism Dialogue: Different Perceptions, Different Priorities*, German Marshall Fund, (2017), available [here](#), accessed on 22/08/2024.
  34. *The PKK Conflict in the Context of EU-Turkey Relations*, Commentary/Europe & Central Asia, International Crisis Group, (2017), available [here](#), accessed on 23/08/2024.
  35. Congressional Research Service, *Turkey, the PKK, and U.S. Involvement: A Chronology*, (2019), available [here](#), accessed on 16/08/2024.
  36. Spencer Kimball, *US caught up in Turkey, Kurd rivalry*, DW news, (2015), available [here](#), accessed on 28/08/2024.
  37. Funda Keskin, *Turkey's Trans-Border Operations in Northern Iraq: Before and after the Invasion of Iraq*, (2008), Issue 8, Journal of International Studies, pp. 62-64.
  38. Behlul Cetinkaya, *Turkey, Iraq keen to boost ties: Expert*, Anadolu Ajansı, (2020), available [here](#), accessed on 3/09/2024.
  39. Nicholas M. Poulantzas, *The right of hot pursuit in International Law*, Martinus Nijhoff Publishers, (2002), pp. 192-195.

40. \_Revilla Ruiz Carmen, *The right to self-determination: The Kurdish case in Iraq and Turkey*, Universidad Rey Juan Carlos, (2024), available [here](#), accessed on 3/09/2024.
41. Jean Marie Vianney Sikubwabo, *A Critical Study of Legitimization of Preemptive Self-Defense As A Counter-Terrorism Measure Under International Law*, World Mediation Organization, (2024), available [here](#), accessed on 31/08/2024
42. \_Saeed Bagheri, *Turkey's Extraterritorial Use of Force against Armed Non-State Actors*, Vol.56, Cambridge University Press, (2023), available [here](#)., accessed on 4/09/2024.
43. Salim Çevik, *Turkey's Military Operations in Syria and Iraq*, German Institute for International and Security Affairs, (2022), available [here](#), accessed on 7/09/2024.
44. Uwe Steinhoff, *Self-Defence and the Necessity Condition*, The University of Hong Kong, (2015), available here, accessed on 7/08/2024.
45. \_Türkiye's PKK Conflict; A Visual Explainer, International Crisis Group, available [here](#), accessed on 10/09/2024.
46. Amina Ismail & Lena Masri, *As Turkey intensifies war on Kurdish militants in Iraq, civilians are suffering*, Reuters, (2023), available [here](#), accessed on 10/09/2024.
47. Erik J. Zürcher, *Turkey a Modern History*, I. B. TAURIS, Third Editions, (1992), pp.142-144.
48. \_Mesut Yegen, "The Kurdish question in Turkey: denial to recognition", in M. Casier & J. Jongerden, *Nationalisms and Politics in Turkey*, Routledge Press, (2011),pp70-72.
49. \_The ECHR and human rights violations against Kurds in Turkey, European Commission,(2018), available [here](#), accessed on 12/09/2024.
50. \_*Turkey: Plan to Divide, Undermine Legal Profession*, Human Rights Watch, (2020), available [here](#), accessed on 18/09/2024.
51. Hamdi First Buyuk, *Turkey Violated Pro-Kurdish MPs' rights*, European Court Rules, Balkan Insight, (2022), available here, accessed on 13/09/2024.
52. *Report on the human rights situation in South-East Turkey*, Office of the United Nations High Commissioner for Human Rights, (2017), available [here](#), accessed on 22/09/2024.

53. \_Dara Yildiz, *Judging Conflict: The European Court of Human Rights and The Kurdish Issue in Turkey*, Democratic Progress Institute, (2023), available [here](#), accessed on 19/09/2024.
54. \_Türkiye and the Council of Europe; Membership of the Council of Europe, available [here](#), accessed on 15/09/2024.
55. \_*Turkey: Onslaught on Kurdish areas putting tens of thousands of lives at risk*, Amnesty International, (2016), available [here](#), accessed on 27/09/2024.
56. Inga Rogg & Hans Rimscha, *The Kurds as parties to and victims of conflicts in Iraq*, International Review of the Red Cross, Vol 89, N.868, (2007), available [here](#), accessed on 3/09/2024.
57. \_Nidaa Iqbal, *Lawfully Exercising the Right to Self-defence under Article 51 of the UN Charter to Recover Occupied Territory*, DLPForum, (2023), available [here](#), accessed on 10/08/2024.
58. Christian Henderson, *The ICJ, Provisional Measures, and the Right of Self-defence: The Unspoken Relevance of jus cogens?*, Opinio Juris, (2024), available [here](#), accessed on 25/08/2024.
59. Oona Hathaway, *Turkey is violating international law. It took lessons from the U.S.*, The Washington Post, (2019), available [here](#), accessed on 27/08/2024.
60. Gei Ulfstein, *Does Israel have the right to self -defence – and what are the restrictions?*, EJIL: Talk!, available [here](#), accessed on 1/10/2024.

## IX. Legal Documents

- 1) UN Charter 1945
- 2) European Convention on Human Rights 1950
- 3) Geneva Conventions 1949
- 4) UN Convention on Law Of the Sea 1982

## X. Maps and Tables

Table 1, Britannica.

