EDITURA LUMEN în elita editurilor românești

Available online http://lumenpublishing.com/journals/index.php/jls

e-ISSN: 2067-8509; ISSN-L: 1841-6195

Jurnalul de Studii Juridice

Year X, No. 1-2, June 2017, pp. 37-46

THE FATE OF HATAY PROVINCE, BETWEEN TURKEY AND SYRIA

Demir OSMAN

DOI: https://doi.org/10.18662/jls/3

Covered in:
CEEOL, CrossRef, CrossCheck, Index Copernicus, Ideas RePeC, EconPapers, Socionet

©2017 The Authors & LUMEN Publishing House.

How to cite: Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. *Jurnalul de Studii Juridice*, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

https://doi.org/10.18662/jls/3

THE FATE OF HATAY PROVINCE, BETWEEN TURKEY AND SYRIA

Demir OSMAN[1]

Abstract:

The understanding of Hatay province situation in terms of historical matters is the basic scope of this article. When we refer to the issue of minorities living in that region many factors are concerned that influence the approach of this issue - political, ethnic, and economic factors. We start from the consideration that the broadening the autonomy of this province was something inevitable in the context of Turkey's compliance with international standards in terms of respecting the rights of minorities. The type of analysis is qualitative, being based on consulting reports, specialized articles and monographs that help us discern the special path of this province compared to other regions of Turkey. The utility of this approach in terms of historical matters, combined with the type of day-to-day analysis, lies in the ability to build an image as close to reality as possible, in which we can identify the main motivations of the local population to support expanding its autonomy, motivation conditioned by their historical course in the composition of Turkish state.

Keywords:

refugee, autonomy, administration.

1. Introduction

The Syrian-Turkish political confrontation originates especially in the first half of the twentieth century. After the dissolution of the Ottoman Empire nearly a century ago, suspicions between Turkey and Syria were fueled by disagreements about the territory, water rights and rivalries of the Cold War. Two major issues mark even nowadays their bilateral relations: the annexation, in 1939, the province of Hatay (Alexandretta) by Turkey and the water rights.

2. The evolution of bilateral relations and the issue of Hatay

The tensions felt in the Turkish-Syrian relations can be explained by the problems faced by Turkey and Syria in their bilateral cooperation during the twentieth century:

[1] *University of Bucharest, Faculty of History, E-mail demirosman85@yahoo.com*

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

- annexation of Hatay province and its status as a component of Turkey (extremely complicated issue in terms of normalization of Turkish-Syrian relations);
- water problem (the parties' misunderstandings in the issue of water basins of the three major streams for the economic development and functioning of Turkey and Syria – the Tigris, Euphrates and Orontes);
- Kurdish issue (in the context of supporting the Kurdish movement by Syria and military/terrorist incursions of PKK in Turkey).

These three issues have largely influenced the evolution of Turkish-Syrian relations both in the second half of the twentieth century (during the Cold War) and in the 90's (when both countries have taken diplomatic steps to normalize their relations).

We can add to the three problems the fact that Turkey was taking side of the West and Syria of the Soviet Union, in the context of the most important geopolitical and ideological competition in humankind history. While Turkey joined NATO and is elusive and uncertain about its approach to the Arab states, Syria receives military and economic aid from the Soviet Union trying to increase its influence in the Middle East.

Turkish history was marked by nearly six centuries of Ottoman form of organization of the Turkish state. The Ottoman Empire exerted a major impact on the countries they had occupied, given the territorial and sea space located in a geographically important crossroads of the three continents, which included the eastern basin of the Mediterranean Sea, the southern of the western basin up to the border with Morocco, the area of the Black Sea, the Red Sea, south-west part of the Arab-Persian Gulf (Mantran 1989: 160).

Regarding Syria, its complicated relations with Turkey are explained by the fact that the Syrians were conquered by the Ottomans back in 1516 and after the defeat of the Ottoman Empire in the First World War, Syria came under the administration of the League of Nations under French mandate, and later on it regained its independence on April 15, 1946. The oriental issue and Turkey's military failures led Britain and France to sign a secret agreement in 1916, which divided the spheres of influence in the regions of the former Ottoman Empire. This position was not agreed by those who signed the resolution of the General Syrian Congress, held in the city of Damascus on July 2, 1919 by the representatives of the three regions of the territory considered as national land by delegates (south, east and west) who claimed the following:

- full and absolute political independence of the country;

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

- Syria to be governed by a constitutional monarchy based on democratic principles and decentralization, while respecting the rights of minorities;
- annulment of Article 22 of the Covenant of the League of Nations, by which the Syrians were considered as insufficiently developed nations and required guardianship, being supervised by a trustee;
- not recognizing the rights and claims of France over any part of Syria and total rejection of any proposals coming from the French government to support or to exercise control over any part of Syria;
- annulment of any of the Zionist initiatives on establishing a Jewish community in the south of the country known as Palestine;
- annulment of the Jews plans to immigrate in any part of Syria;
- stopping the process of breakdown Syria and separation of Palestine or coastal regions in the west or Lebanon from its motherland;
- recognition of complete independence of Iraq and the removal of all barriers to economic cooperation between the two countries (Rotaru, 2013: 445).

3. A historical approach to the Hatay question

The Hatay question is one of the main subjects in Syrian media (even during the civil war), which representatives choose to highlight the fact that seventy-seven years had now passed since the 1939 Turkish annexation of this historical province, never recognized by Damascus. In Arabic it is known as Liwa Iskanderoun. Situated on the coast north of Latakia, the Hatay region originally belonged to Syria, as it was divided during the French Mandate for Syria and the Lebanon. Shortly after this fact of recognition, the Turks showed interest in the region and its large Turkish-speaking community. In 1936, Turkey began to push for the unification with Hatay. Three years later, France decided to hand the province over to Ankara, according to the treaty which guaranteed Turkish "friendship" during the Second World War. By handing this province under Turkish administration, France and Turkey violated the Treaty of Lausanne that partitioned the former Ottoman Empire and the text of the French mandate, both written in 1923.

Looking back, the relations between the two countries were marked by several completely antagonistic phases. After Syria was no longer controlled by Turkey, amid the disintegration of the Ottoman Empire at the end of the First World War, it has still remained an area of strategic importance for many powers that insisted on the territorial reorganization that back in time belonged to the Turkish. The first major dispute between Turkey and Syria took place in 1939, when Hatay province after it was no

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

longer controlled by France, was quickly occupied by Turkey. This territorial dispute has exerted a strong impact on the Turkish-Syrian cooperation, felt even nowadays, when Syrian society insists on getting back its province.

Hatay is a province in south part of Turkey, located on the Mediterranean coast. The administrative capital of the province is Antakya (Antioch), and the second major city is Iskenderun (Alexandretta). Hatay is bordered by Syria in the south and east, and by the Turkish provinces Adana and Osmaniye in the north. It belongs to the geographical, economic and cultural region of Çukurova (Cilicia) that includes the provinces of Mersin, Adana, Osmaniye and Hatay. There are border crossing points with Syria, in Yayladagi and Reyhanlı districts. Sovereignty over Hatay is still disputed with the neighboring Syria, the latter claiming that the province was annexed by Turkey in violation of French mandate over Syria. The authorities in Damascus have not currently given up Hatay, often discussing the matter during international forums and mobilizing public opinion against "illegal annexation" of Syrian territory by Turkey.

According to a report published by the Central Intelligence Agency in 1947, neither Turkey nor Syria will give up the harsh debate and even the territorial dispute over the Hatay province, which remains a controversial topic in the coming decades. The report also states that diplomatic settlement of the Hatay problem will have a significant contribution in the political stability in the region.

On September 2, 1938, shortly before the start of Second World War, the People's Assembly in the province proclaimed the Republic of Hatay which lasted for one year and then was controlled in terms of military matters by France and Turkey. The name "Hatay" was proposed by Atatürk.

On June 29, 1939 following a referendum, Hatay became a Turkish province. This referendum was considered illegal by the Syrians, construed as a way of the French to pass the region under the control of Turkey in hope that the Turkish authorities will turn against Hitler. Tens of thousands of Turkish were sent in the province to participate in the referendum, also using lists of officials originally from Hatay to support the vote for entry into the composition of the Turkish state of the province (Soner, 119-120).

The Syrian leader Hashim al-Atassi resigned in protest against French involvement in the internal affairs of Syria, arguing that the French should not allow the annexation of the province under the Franco-Syrian Treaty of Independence in 1936. The Hassa Gaziantep District, the Dortyol District in Erzin were later incorporated in Hatay. Following the annexation, there have been several demographic changes. During the first six months of the annexation, residents aged over 18 could choose between emigration in Syria that was under French mandate and Turkish citizenship. Almost half

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

of Sunni Arabs chose to leave the province. Many Armenians also left (1,068 families), moving in Armenian villages in the Beqaa Valley in Lebanon. The total number of residents who left the province and went to Syria is estimated at around 50,000 people, of which 22,000 Armenians, 10,000 Alevi, 10,000 Sunni Arabs and 5,000 Christian Arabs (Jorum, 2014: 92-93)

Syria argues that the separation in Hatay is inconsistent with France's obligations to maintain the unity of the Syrian territories (Article 4 of the French mandate). It also disputes the results of the referendum, citing the results of the report published by the Covenant of the League of Nations, according to which 46% of voters that participated in the referendum were Turks. The Syrians still consider Hatay as a part of its territory, drawing this province on the national maps of Syria as part of the country. Despite the dispute in the context of strengthening their political and economic relations, Turkey and Syria subsequently opened the border between the two countries, on the segment of the claimed province. However, the Syrians further argue that this territory was ceded to Turkey illegally by France, under whose protectorate Syria was in the late 1930's (Khadduri, 1945: 406-425).

After so many steps in integrating Hatay province in Turkey's administrational system, the region is deeply affected by the civil war in Syria since April 2011. This region suffers a lot from the turmoil in Syria, because it was part of that state until 1939, sharing approximately one third of the 900 kilometers mutual border and having various ethnic and religious communities with strong cultural, linguistic, religious links and relatives that still live on both sides of the frontier.

4. The status of Hatay within Turkey (economic, ethnic and political factors)

With the coming to power of the President Bashar al-Assad, tensions generated by the Hatay issue have lost their significance. Indeed, in early 2005 during the visit of Turkey's President, Ahmet Necdet Sezer and the Prime Minister Recep Tayyip Erdogan in Syria, it was announced that the Syrian government has not got any claim over the Hatay region, but no official announcement was made by the Syrian officials on their waiver to their rights of sovereignty over the province.

Due to changes in Turkish legislation in 2003, several properties in Hatay were purchased in Syrian citizens. Most of the Syrians who purchased properties in the province were those who lived there or had relatives in Hatay back in 1930 (although they had obtained Syrian citizenship in the meantime). Nevertheless, the most challenging for the Syrians was the limit

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

established by the Turkish authorities, as Syrians could only purchase 0.5% of the properties in the province. A full ban of any land purchases and any other properties followed for the citizens of Syria.
In December 2007, up to 27,000 people crossed the border to visit their relatives and friends, and following an agreement signed in the autumn of 2009, the visa regime was canceled for citizens of both countries. Despite the signing of 50 agreements between Turkey and Syria in December 2009, given the issue of Hatay, they waived and did not sign an agreement to use the waters in the Tigris and Euphrates. Then Turkey asked Syria to recognize Hatay as a part of Turkey before signing the agreement on waters. We can see that the disputes arising from Hatay problem continued, although the parties have shown their willingness to reinforce cooperation in several sectors of activity.

Nowadays, Hatay is Turkey's southernmost province, located between Syria and the Mediterranean Sea. It has an unique demographic feature, because you can meet the largest and the most prominent community of Arabs in Turkey (representing almost thirty percent of the region's population of 1.5 million). The population stood in comparison with other Turkey's communities, avoiding the powerful Kemalism campaign that swept the country in the 1930s, having the purpose of spreading nationalist principles and rooting the Turkish language among non-Turkish communities. Consequently, the Arab inhabitants still differ from other ethnic groups elsewhere in the country today and try to maintain a strong Arab identity.

In this historic moment, when the civil war continues in Syria, Hatay is a Turkish region on the border with Syria, being flooded with Syrian refugees and having a special status in Turkey. A doctor from Syria who was obliged to move to Hatay under the pressure of Syrian governmental forces, failed to get a residency permit to live in the region. Saying that Hatay is not considered a Turkish provincy yet, he xplained that on a basis of a secret international agreement, the final status of this region will be decided during a referendum in 2039. Clearly, the doctor went on, that in the case of settling of too many Syrians in Hatay, they will choose to join Syria and Turkey will lose a piece of its territory. "Historically, this rumor is completely unfounded. The province of Hatay is legally no different from the provinces of Ankara or Izmir in the eyes of the Turkish government. There will be no referendum in 2039 to determine its fate".

And yet the province is in possession of a unique historical path that confirms its special status in the minds of Turks and Syrians alike, and which generated popular fables such as the one shared by the Syrian doctor.

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

The fate of this province may also be determined in the light of economic factors. Due to Turkish actions in reducing its economic autonomy, Hatay has contained the crisis through local adaptability, in the context of relatively small share of Syria in the province's overall trade. A representative of the private sector of Hatay explained that se was one of the most important Turkish exporters of fresh parsley, delivering this product even in Siberia, but that he personally had never had, nor tried to identify any Middle Eastern market. In the context of a closed border with Syria for Hatay exports, logistic companies and local exporters rerouted to different markets like Europe, Russia, and Central Asia as well as Iraq, which also served as an alternative land route to the Middle East (Collinsworth, 2014: 122).

The Hatay question may also be analyzed in the light of ethnic factors. Hatay is also the only province that mirrors Syria's key ethnic divides. Beside ethnic Turks, the region is also populated by Alawite Arabs (co-religionists that strongly support the Assad regime), Sunni Arabs, Kurds, Circassians, Armenians, and Arab Christians. Moreover, there are strong familial and tribal links between Hatay's Alawite and Sunni Arabs living in Turkey and Syrian Alawites and Sunnis. Given its historical and demographic features, the province may be exposed more directly to the context in Syria than other regions in Turkey. In case of spreading the military confrontation across the border (especially between Sunni and Alawite), the conflict will worsen the security measures within Turkey, in terms of upping the current political tension, sparking violence or joining the civil war on Syrian territory. The Turkish government scope is to alleviate these grievances. One of political measures was to move Syrian refugees from Hatay to interior regions. Today, not even 10 percent of registered refugees remain in the Hatay province.

Without announcing any strategies in naturalizing the Syrian refugees en masse, given the permanent character of the refugees/migration phenomenon in Turkey, the Turkish authotities will eventually need to solve this problem. In fact, Ankara has already started to offer citizenship to thousands of Syrian refugees and migrants inside the country.

Turkish legislation guarantees three pathways to citizenship:

1. Birth.
2. Five years of residency.
3. Marriage.

Birth to a parent or parents with Turkish citizenship, known as the jus sanguinis principle, is enshrined in Article 8 of the Turkish citizenship law: "A child born in Turkey, but acquiring no citizenship of any state by

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

birth through his/her alien mother or father, is a Turkish citizen from the moment of birth".

Five years of residency and marriage represent other two pathways to obtain the citizenship and have strong features of naturalization strategy. It means that before granting citizenship, a refugee or a migrant is to pass through some steps of integration into Turkish society.

Alawites from Hatay province are very suspicious in refugees/migration question, especially when we talk about Syrian Sunnis. Some of them see this moving of Sunnis to Hatay not as refugees at all but rather as fighters who have killed or endangered their relatives in Syria. Others consider them jihadists who threaten Alawites on both sides of the frontier. For example, one business owner recounted an incident in which a Syrian asked a Hatay shopkeeper if he was Alawite. When the shopkeeper answered in the affirmative, the Syrian replied that Turkish Alawites would meet the same fate as their Syrian brethren—in other words, that their time would come. It is clear that governmental forces will have to take measures in order to break up the ensuing fight. Also, there is a strong and numerous ethnic Turkish- and Kurdish-speaking Alevi community in Turkey, representing approximately 15 percent of the country's population (Cagaptay, 2014: 18-19).

In addition to drawing the Hatay province on the national maps of Syria as a Syrian territory, the decision-making factors' policy in Damascus was to avoid as much as possible discussing the issue and to provide evasive answers when the Turkish directly requested to have the specific objectives of Syrian officials related to the province stated. The matter was not discussed in the media either. In February 2011, the dispute over Hatay province was nearly resolved after both parties (Turkish and Syrian) ordered the construction of a friendship dam over the Orontes River and, as part of this project, the two countries agreed upon the national jurisdiction of each side of the border. This happened just a few weeks before the outbreak of the Syrian revolution and the war in the country.

As a consequence of the Syrian war and the tension in the matter of the Turkish-Syrian relation, the construction of this infrastructure project was stopped. As the hostilities grew stronger, the issue of Syrian sovereignty over the Hatay province reappeared on the agenda of authorities in Damascus and in the media. Syrian newspapers presented Hatay as a problem to be solved after Syria "will end the Turkish occupation".

The Hatay problem and how it affects the Turkish-Syrian relations confirm that the territorial disputes fall within the category of the deepest and irreconcilable situations where both parties need a lot of courage and

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

patience for a peaceful settlement of the dispute for the benefit of all people involved.

Conclusions

At least one million Syrian refugees have moved into southern Turkey. Demographically speaking, this phenomenon could result in permanent Arab majorities in border provinces such as Hatay and Kilis. Furthermore, in Hatay, the shift could catapult Sunni Arabs to dominance over Alawites, affect the existing equilibrium in the Arab groups. Such changes could result in the resistance of the country's Alawites, and especially Hatay's Alawites, to Turkey's Syria policy.

Economically speaking, while Turkish business, and the country's trademark export market, has registered remarkable success in dealing with the fallout of the Syrian crisis, increased refugee flows into Hatay will likely push up the cost of living and unemployment in Southern Turkey, creating resentment against the Syrian refugees among the local population.

Acknowledgement

My scientific coordinator from Faculty of History, Mr. Gheorghe Vlad Nistor, PhD, has been a very appreciated thesis supervisor. His attitude, insightful criticisms, and patient encouragement determined me to identify as many sources as possible to confirm the hypothesis expressed in this paper. I would also like to thank my friends from Revista 22 for helping me construct a very solid historical approach. Their support of this paper was greatly needed and deeply appreciated.

References

Cagaptay, S. (2014). The *Impact of Syria's refugees on Southern Turkey. Revised and Updated*, The Washington Institute for Near East Policy.

Collinsworth, D. (2013). Hatay: The Syrian Crisis and a Case oh Turkish Economis Resilience, Turkish Policy.

Jorum, Emma, (2014). *Beyond Syria's Borders: A History of Territorial Disputes in the Middle East*, London, New York: IB Tauris.

Khadduri, M., (1945), The Alexandretta Dispute, *The American Journal of International Law*, Vol. 39, No. 3.

Mantran, R. (1989). *Histoire de l'Empire ottoman*, Lille: Fayard.

Rotaru, L. (2013). *Țările Asiei și Africii în prima jumătate a secolului XX, Documente și materiale cu note și comentarii*, Chișinău: Universitatea de Stat din Moldova, Facultatea de Istorie și Filosofie..

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3

Soner, Ç. Islam, secularism, and nationalism in modern Turkey: who is a Turk?, Volume 4 of *Routledge Studies in Middle Eastern History*.

The Hatay Question, Central Intelligence Group, Ore 15, Copy no. 33, 28 February 1947.

Jorum, E. (2013), *Syria's "Lost Province", The Hatay Question Returns, Carnegie Middle East Center*. Retrived from: http://carnegie-mec.org/diwan/54340, (13.02.2017).Cucu, Alexandru (2013), „Poziția Turciei în conflictul din Siria", Geopolitics.ro, http://geopolitics.ro/pozitia-turciei-in-conflictul-din-siria/

Hatay'da yabancılara gayrimenkul satışı durduruldu, Hurriyet, 2006. Retrived from: http://www.hurriyet.com.tr/hatayda-yabancilara-gayrimenkul-satisi-durduruldu-4558885

Cagaptay, S. (2013). *Syria's War Could Inflame Turkey's Hatay Province, The Washington Institute*. Retrived from: http://www.washingtoninstitute.org/policy-analysis/view/syrias-war-could-inflame-turkeys-hatay-province

Nogam M. (2014), *Ghosts of the Future. Fears of a Phantom Referendum Haunt the Turkish-Syrian Border", Middle East Research and Information Project*. Retrived from: http://www.merip.org/mero/mero102414

Turkish Citizenship Law, Official Gazette Publication Date and No: 12/6/2009. Retrived from: http://eudo-citizenship.eu/NationalDB/docs/TUR%20Turkish%20citizenship%20law%202009%20(English).pdf

Syria's Lost Province: The Hatay Question Returns, Carnegie - Middle East Center, 2014,. Retrived from: http://carnegie-mec.org/diwan/54340?lang=en

Osman, D. (2017). The Fate Of Hatay Province, Between Turkey And Syria. Jurnalul de Studii Juridice, Year X, No. 1-2, June 2017, 37-46. Doi: https://doi.org/10.18662/jls/3