

CHAPTER 6

THE STATELESS KURDS OF SYRIA

This chapter discusses a case within a case. It takes as its subject the approximately 300,000 Kurds in Syria who have been denied Syrian citizenship – the stateless Kurds.¹ Their statelessness was the result of a census that took place in Hasaka province of north-east Syria on 10 October 1962, the effects of which have had continuing and worsening repercussions for those affected. It has since evolved into one of the Kurds' most enduring grievances against the Syrian state and one of the central pillars of Kurdish political party demands. The issue has become an important nationalist symbol, because the existence of the stateless Kurds is a constant reminder of the discrimination that the Kurds as a national group have suffered at the hands of the Syrian government. Much attention in Kurdish political parties has been directed towards the issue of the stateless Kurds. Indeed, it is the one issue on which the Syrian government has displayed some willingness to engage the parties and to offer some concessions to them. For, in what is understood by Kurds to have been an effort to dissuade them from participation in the Syrian uprising, a presidential decree was passed in April 2011, granting *ajanib* Kurds the right to apply for citizenship.

At the time of writing, estimates of how many *ajanib* Kurds had actually benefited from the decree varied considerably and no official statistics were available. Some sources said that between 6,000 and 60,000 had received citizenship; others that nearly all had obtained it. Counting the *maktumiin*, however, the number who had received citizenship did not come close to the number who were stateless, and the majority of those excluded by the census of October 1962 continue to be denied citizenship. The decree only applied to *ajanib* Kurds, leaving, at the very least, 100,000 *maktumiin* Kurds² completely unregistered in Syria. These stateless Kurds form a particular group in whose interests the Kurdish parties claim to act. But apart from

their political symbolism, they are also a group whose interests and capacity to mobilise politically have been defined and limited by a legal status imposed on them by the state. This has set them apart from the rest of Kurdish society in Syria both socially and economically. The questions of if and how this status affects their politics have not been answered.

This chapter looks at the situation and the politics of this specific group of Kurds and assesses their relation to the political parties until the start of the Syrian uprising. The first half of the chapter outlines how this group of Kurds became stateless in 1962 and how statelessness has affected their daily lives. The second half examines the economic, social and political consequences that this status has had for them and the forms of political organisation that have arisen among them. It seeks to determine whether they developed any particular forms of organisation among themselves and to assess the level of their political consciousness and their relation to the Kurdish political parties. It also incorporates an examination of the Kurdish migrant community of Zor Ava in the suburbs of Damascus, in which approximately 50 per cent of the inhabitants are stateless. Their experience highlights many issues common to all stateless Kurds including the effects of statelessness on the form of politics in which they have participated. The chapter ends by looking at the government's position on this issue.

This group has become an entirely new class formation, both in Syrian society and within the Kurdish communities; they are unrelated to the traditional social class and wealth structures connected to tribe and landholdings that have been described in the preceding chapters. Consequently, the stateless Kurds have developed socio-economic interests distinct from the majority of the Kurdish population of Syria. The consequences of statelessness, as well as nationalist sentiment, have had an important impact on the interests and form of politics that the stateless Kurds have engaged in or even created. But, while statelessness is a potent symbol of Kurdish national oppression in Syria, organised political activity by the stateless for the stateless does not appear to have been developed. While their sense of personal injustice has been lived daily and intensely, economic hardship, social exclusion and fear of repercussions from the state have negatively affected the capacity of this group to mobilise on their own behalf. Rather, the stateless Kurds, when politically active, have been motivated by their Kurdish national identity and have organised within the framework of the Kurdish political parties and national movement, or by economic interests which they share with other poor Kurdish migrants.

The 1962 Hasaka Census

The Hasaka Census took place at a time of heightened Arab nationalism in Syria and the rest of the Arab world. As described in Chapter 1, in the 1950s

and 1960s the rhetoric and symbolism of Arab nationalism were used to define states and their leaders and to compete with rival states and keep them at bay. The Kurdish revolt in northern Iraq raised the Syrian government's fears about Kurdish separatism spreading to Syria's Kurdish population as a whole. Kurds had begun to organise politically within Syria in the late 1950s and were not accommodated within the state's legitimising rhetoric of Arab nationalism and Arab unity.

The Jazira region, which roughly comprises the province of Hasaka, in north-east Syria has always been the object of state attention and desire. The region is one of Syria's most fertile, producing most of Syria's wheat and cotton as well as being the source of its oil reserves. It borders both Iraq and Turkey, with which Syria has had tumultuous and troubled relations. Although the region is inhabited by several different ethnic and religious groups the Kurdish population is believed to form a majority in the area and is more concentrated in the border areas. All these factors combined to make the region a particularly sensitive one. The Kurdish population and its habitation of the northern border areas of Syria raised government concerns about several questions – the demographic character of the region, control over its economy, its security from Kurdish separatism and external intrigue and about the national identity of the region. The Hasaka census was part of a series of policies aimed at arabising the area in order to gain control over the region and its population and begin a process of artificial demographic change in the region in favour of the Arabs.³ Kurdish sources estimated that, prior to the presidential decree of April 2011, approximately 20 per cent of the Kurdish population of Hasaka province were stateless.⁴

In what seems to have been an effort to concentrate landholdings in the hands of Arabs, and in order to justify both its policies in the area and its attempts to control the population, the Syrian authorities claimed that many Kurds had migrated to Syria for political and/or economic reasons after 1945 and had acquired Syrian identity documents illegally. While it is true that migration of Kurds from Turkey and Iraq into Syria did occur, research and evidence suggest that the scale of migration was not nearly as high as Syrian sources imply. The greatest numbers of Kurds crossed into Syria during the mandate period, when a number of revolts in the Kurdish areas of Turkey and were brutally suppressed by Atatürk's forces. Although the exact number of Kurds who came to Syria in this way, and who were accommodated by the French mandate authorities, is unknown, academic research suggests that it is around 25,000.⁵ A number of Kurdish nationalist, tribal and religious leaders were among those who fled to Syria, bringing with them followers and family members and settling among the already existing Kurdish communities in Mandate Syria. As outlined in Chapter 2, several tribal and nationalist leaders who fled from Turkey were given land

in the Jazira by the French mandate authorities for services rendered. This was not only a means of encouraging the nomadic Kurdish tribes to settle and release the agricultural potential of the fertile plains of the Jazira, but also a means of purchasing the good favour of the tribes, securing northern borders and developing new commercial centres such as Qamishli.⁶ On the whole, the Kurdish tribes, if not settled already, began permanent settlement and restricted their seasonal migrations to within Syrian territory and particularly within the Jazira region.

The fertility of the Jazira region and the development of the area that had begun under the French attracted Kurds to the area. And Arab tribes were drawn there from Iraq and forced to establish permanent settlements by the state after international borders between Syria and Turkey and Iraq were established. As most of these were Bedouin tribes, settled agriculture was not a common form of subsistence for them, and the majority remained nomadic longer than the Kurdish tribes. Consequently, most land in the region was in Kurdish hands.⁷ The land reforms and nationalisations during the UAR had been ill received by the Syrian middle classes and provided much of the rationale for the secessionist coup of 28 September 1961 which ended Syria's union with Egypt. In the year that followed attempts were made to reverse the effects of the reforms and re-establish the status quo prior to the union. Guarding against the redistribution of land into the hands of the Kurds, the government began discrediting beneficiaries of agricultural reform laws and Kurds began to be referred to as 'invaders' who were endangering the Arab character and the sovereignty of Syria. As mentioned in Chapter 1, local officials in Hasaka province began to pressure the government to take action, in the form of a census, against the 'illegal invasion of the Kurds into Syria' which 'represented a great danger to the security of Arab Syria'.⁸ The driving force behind the census was Sa'id al-Sayyid, the governor of Hasaka province in 1962 and self proclaimed 'staunch Arab nationalist', whose ambition was the unity of the Arabs.⁹

A popular programme of anti-Kurdish propaganda demonstrated the anxiety that the Arab population and Syrian government felt about losing the region to a foreign state or losing control of it to a Kurdish majority. Under the pretext of securing the area from illegal immigrants and the potential threat that they posed to the security of the area, on the 23 August 1962, under President al-Qudsi, Prime Minister Bashir al-Azmeh published Legislative Decree 93, ordering an exceptional census to be conducted in the region in one day on an undetermined future date. The census aimed to differentiate between those who had a legal right to Syrian citizenship and those who did not, identifying in the process those who had acquired it illegally. The actual census took place on 5 October 1962 under the government of Khalid al-Azm. Accounts of participants and other stateless Kurds indicate

that the inhabitants of Hasaka province were not given any warning that the census would take place or any indication of its potential consequences.¹⁰ Moreover, the Kurdish population of this region were mostly rural and many were illiterate and had little contact with any state officials.¹¹ Consequently, their ability to understand the context of the census, to procure the necessary documentation or to complete census forms was limited.

There is some disagreement among Kurds about how the census actually took place. One stateless Kurdish source told how committees went to the *mukhtar* of each area taking a list of names of those eligible for citizenship from the *mukhtar* and registering only these people. He suggested that the members of the Census Committee did not even seek proof of residency until after the results were published and the Committee was inundated with appeal requests.¹² Another source suggested that on the day of the census, government representatives went from door to door through the towns and villages of Hasaka province demanding that the inhabitants provide documentary proof of their residency in Syria before 1940 and answer questions related to nationality.¹³ A report by KurdWatch¹⁴ suggests that both methods were used. Whether on the day of the census or after the publication of its results, the residents of Hasaka province were required to show copies of their individual or family extract from the civil registers or an identity card and a family register. Others attempted to prove their residency in Syria through providing documents of other kinds – service bills, proof of military service, proof of ownership of property, tax receipts, and land deeds that showed land ownership and residency prior to 1940.¹⁵ Apart from the difficulty of obtaining extracts from the registers within such a short time period, in the 1960s numerous families had not been entered in the civil registers, whether or not they had migrated to Syria after 1940. Other documents that could prove residency had little or no importance for the Kurdish population of Hasaka province before the order for the census. Indeed, the majority of agreements between landlords and tenants were, and continue to be, verbal private agreements,¹⁶ and economic and political activities were generally local tribal affairs. Even the concept of 'citizenship' had little real meaning to their lives. Consequently, many people were unable to provide the required documentation.¹⁷

The right of appeal was granted within three months of the publication of the results of the census¹⁸ and the date before which inhabitants should prove residency in Syria was changed from 1940 to 1945. Many Kurds went to departments of the ministries of electricity or water, amongst others, in order to secure any documentation that would help their case.¹⁹ But few villages were connected to national electricity, water or gas supplies before 1945, or even before 1962.²⁰ As a result, many did not possess or had not retained bills or receipts such as sheep tax payments dating back more than

17 years.²¹ Some who had kept old documents were able to secure Syrian citizenship. Countless cases exist, however, in which proof of residency was supplied but citizenship was removed nonetheless. It is also reported by a Kurdish source that on discovering the extent of requests for these papers from state ministries the Syrian intelligence apparatus ordered the removal of the service records from the government offices in order to prevent people from using them to retain citizenship.²² A Human Rights Watch report also states that archives holding relevant tax documents were sealed after a short time, preventing them being used as evidence against errors in the census.²³

According to interviews conducted with Kurds in and outside Syria, apart from the difficulties of actually providing proof of residency in Syria prior to 1945, some Kurds deliberately avoided participation in the census because they were attempting to avoid conscription into the Syrian army.²⁴ The consequences of non-participation in the census were unknown to those who abstained or were not understood. The Syrian authorities never provided an explanation for the census to those whom it involved. Thus the urgency of registration was lost, especially since it was conducted on only one day.

The results of the census were studied after the Ba'ath Party took power in 1963, by the specially formed Supreme Census Committee. It was given full authority over appeals against errors made in the conduct of the census, the right to correct errors, and the right to consider all of the following categories as Syrian citizens: those registered in the old civil registers prior to 1945 or who were members of the Christian denominations or the Assyrian minorities and who were registered in those registers as late as 1950;²⁵ those who could prove that they resided in Syria prior to 1945; and those who were civilian or military employees of the state and its public institutions at least ten years prior to the date of the census²⁶ (that is, before 1952).

In a letter to Human Rights Watch, the Syrian Embassy in Washington DC admitted that mistakes were made in the census. Syrian Arabs were registered as foreign while others without Syrian nationality were registered as Syrian citizens. These were corrected by the Committee and, consequently, there have not been any reported incidents of an Arab having been registered as foreign despite the migration of Arabs across the border between Iraq and Syria well into the 1960s. The Embassy's response implies that all 'Syrian Arabs' had an automatic right to Syrian citizenship, while Syrian Kurds did not.²⁷

The results of the census

It is estimated that the census stripped between 120,000 and 150,000 Kurds of citizenship. Without citizenship of any other state, all became completely stateless. This number is far higher than that estimated for the number of

Kurds who fled to Syria from southeast Turkey escaping from attacks on the regions during the French mandate period. The official results of the census imply that the numbers of illegal Kurdish immigrants between 1945 and 1962, who came to Syria for primarily economic reasons, is five times higher than those who fled between 1920 and 1945 and that any migration of the Kurds to Syria has been motivated primarily by economic needs rather than by political ones.²⁸

The final results of the census are said to have appeared in 1966, four years after the census and during the rule of the Ba'ath Party.²⁹ Those who retained Syrian citizenship were registered in the normal civil registers, while those who were found to be illegal immigrants, or literally 'alien infiltrators', were registered in a special register of 'foreigners'. Henceforth, all within it were known as *ajanib al-Hasakah* – foreigners of Hasaka region (singular: *ajnabi*, plural: *ajanib*, feminine: *ajnabiyah*).³⁰ Lists of names were posted in the local registry offices for individuals to search for their names on the civil registers. Kurds whose names did not appear on the list of citizens or on the list of foreigners were left completely unregistered and are today those collectively known as the *maktumiin* (singular: *maktum*, feminine: *maktumah*) meaning 'unregistered' or literally 'concealed' or 'hidden'. Consequently, a large number of people did not find out that they had lost their Syrian citizenship because they were unable to attend the offices, or were unaware that their citizenship was at stake. All discovered at some point, however, that they no longer held citizenship, because Syrian identity cards have a limited validity and their form was changed, necessitating their renewal. Those affected found that they were unable to renew their documents, and with that, rights of citizenship were denied to them.³¹

The Kurds are believed to be the only ones affected by the census.³² Thousands of Kurds who provided the required information, others who could not and some who deliberately avoided doing so, became foreigners in Syria whether or not they had migrated from Turkey or Iraq after 1945. Several Kurds born in Syria prior to 1945, including members of prestigious Syrian families and Syrian Kurdish officials, had their citizenship removed as a consequence of the census. Examples include: General Tawfiq Nizam al-Din (who became Chief of Staff of the Syrian army in 1956) and his brother 'Abd al-Baqi Nizam al-Din (who was a minister in the Syrian parliament), members of the family of Ibrahim Pasha Malli's, (who was one of the founding members of the Syrian parliament in 1928), Khalil Beg Ibrahim Pasha Malli and his sons, (Khalil Beg received a Syrian medal of honour in 1934 and was a member of the Syrian parliament in 1928, 1932, 1936 and 1943), the family of Ismail Ibrahim Pasha Malli (who was the leader of the campaign that freed Hasaka province from Ottoman control and was a member of the Syrian parliament from 1953 to 1954), and the family of Ma'mo Ibrahim Pasha

Malli (who was among the leaders of the campaign that liberated al-Raqqa and Dayr al-Zur from Turkish occupation).³³ These are just a few well-known examples. Furthermore, in many instances, members of the same family, even siblings, have been registered differently. For example, a man born in Syria in 1881 was classified as a Syrian citizen, while his son, also born in Syria in 1935, was registered as *ajnabi*, despite also having served in the Syrian military.³⁴ Mamo Alo's³⁵ parents, who had documents proving their family's residence in Syria dating back to 1860, were registered as foreign in the census of 1962. The sister of his father remained a Syrian citizen. Mamo and his three brothers were also registered as foreign. One of his brothers has four children. Three were registered as *ajanib*, one as *maktum*.³⁶ It has been common to find immediate family members composed of citizens, *ajanib* and *maktumiin* and cases such as these demonstrate the arbitrary nature of the denaturalisation of Syrian Kurds.

According to one source, almost all Kurds living along the borders with Turkey and Iraq had their citizenship removed so that they would not benefit from the land reforms in this area implemented in the 1970s.³⁷ Another source also confirmed that the majority of Kurds whose citizenship was taken were from the northern areas of Hasaka province. This also corresponds to the concentration of Kurds in the north of the region. This same source, who had personal contact with a government official in Amudê who was involved in the census, also suggested that the government's original plan was to remove the citizenship of 80 per cent of the Kurds and Christians of the region.³⁸

All classes were affected by the census. It is thought, however, that the majority of Kurds who lost citizenship were from the countryside, especially from the areas around Dêrik³⁹ and Serê Kaniyê. This was due, in part, to the fact that the cities were more developed and provided with more services than rural areas. Consequently, the circumstances in which documentation was required were greater and a culture of retaining documents and bills was more developed in the cities than in rural areas. It is also suggested that following the census a number of the Kurdish *aghawat* and other influential and wealthy Kurds were able to regain their citizenship either through appeal to the Syrian authorities, or by paying bribes.⁴⁰ As a consequence of this and because of the socio-economic structures of Kurdish society, it is thought that the majority of Kurds who were made stateless were peasants.⁴¹

Status

As mentioned above, there are two categories of stateless Kurd in Syria, which, despite the withdrawal of regime forces from Kurdish areas during the Syrian uprising, continue to define the official identity thousands of Kurds. The first

is the *ajanib*; the second is the *maktumiin*. The *ajanib* are those registered as foreigners. They were not deported but denied normal civil rights associated with citizenship. Instead of standard citizenship identity documents, they carry a laminated paper on which their status is written. Originally white in colour, since the 1980s these papers are normally red or orange.⁴² They cannot be issued passports. Although the presidential decree passed in April 2011 allowed *ajanib* Kurds to apply for citizenship, at the time of writing many had not been able to benefit from this decree and remained registered as foreign in Syria. The *ajanib* Kurds are denied the right to own property, land or businesses nor can they receive state subsidies; they may not own cars or any other vehicles; and they are excluded from many areas of employment in the public sector and from working in the legal sector. They may only work as doctors in the private sphere and face further restrictions working in other professions. They have no legal rights or representation. They are disenfranchised and are barred from running for public office and cannot leave the country. Marriages of male *ajanib* or *maktumiin* Kurds to Syrian citizens were illegal until 2005 when the Ministry of the Interior began to allow the registration of these marriages if special permission was obtained from the relevant state departments.⁴³ Children born of unregistered marriages were considered illegitimate, normally denied *ajnabi* status and, consequently, became *maktumiin*. The *maktumiin* are not registered at all and therefore do not officially exist. They are also subject to further discriminations. Kurds of Hasaka province who did not take part in the census of 1962 became *maktumiin*, even if they already held Syrian citizenship. Later, Kurdish children born of one of the following parentages were also given this status: both parents of *maktum* status; one parent of *maktum* status, no matter what the status of the other parent; and mother with Syrian citizenship and an *ajnabi* father.⁴⁴

These Kurds, being completely unregistered, have even lower status than that of the *ajanib* and have no rights or opportunities in Syria. The *maktumiin* were not extended the same right to apply for nationality as the *ajanib* Kurds were in Decree 49 of April 2011. They are deprived of all the same rights as the *ajanib*, but, in addition, they face more difficulties accessing state education and they are barred from entering higher education.⁴⁵ Some carry a white piece of paper with their photo and family details recorded on it, issued by the local *mukhtar* (traditional village head or mayor) after checks on the family by the Political Security branch of Syria's intelligence services. Only with these documents can the *maktumiin* apply for a second paper granting them permission to enter state education. Not all, however, have been able to acquire these papers. They must be obtained in Hasaka province and the process of registering in school can be long and arduous; in many cases the process exposes family members to harassment, pressure from the security services and delays in starting school.⁴⁶ Provincial decrees

made it even more difficult to obtain these documents. On 15 October 1999 the mayor of Hasaka province passed an internal memorandum, No. 7889-J, forbidding the *mukhtar* and the local administrations from issuing any documents to the *maktumiin*.⁴⁷ Although this decision was not fully implemented, it made the situation and daily life for the Kurds of this status considerably more difficult. One man interviewed in a suburb of Damascus had not been able to get his own paper. He carried only the paper of his *maktum* father, who was aged 70 and had been born in Syria.⁴⁸ On this paper issued by the *mukhtar* it stated that 'I the *mukhtar* know this man, and his family members are...' Here the man in question was named as his father's son. This piece of paper was his only form of identity document, his single form of official recognition and proof of his existence.

If they are able to acquire papers, and then obtain additional identification papers specifically for the purpose, Kurds with *maktum* status may be permitted to attend primary school up to year nine or in some cases up to age of 18.⁴⁹ Entry to secondary school, however, also requires security clearance and permission from the state security services. Those completing this level of education will not be awarded the normal qualifications.⁵⁰ Instead they receive a paper saying that they have completed the required exams but that their certificates are held by the Bureau of Examinations until the individual has been registered with the Bureau of Civil Affairs.⁵¹ As a result, the *maktumiin* are barred from entering higher education.

After the Ministry of the Interior began giving permission to register marriages of stateless Kurds to Syrian citizens, it also became possible for a *maktum* individual whose parents were able to register their marriage to upgrade their status to *ajnabi*. But the process was reported to take one to three years of administering bribes, of lengthy and frustrating bureaucratic procedures and security checks in Hasaka province.⁵² The problems and expenses involved in this procedure mean that many marriages of *ajanib* Kurds with women with citizenship remain unregistered and few *maktumiin* were able to follow this route for the sake of a red piece of paper and access to higher education. Indeed one stateless Kurd interviewed, who had followed this path, declared that it had made no real difference to his life.⁵³ It seems that this opportunity has only been available to those *maktumiin* born of the union between an *ajnabi* man and a woman with Syrian citizenship. There is no similar process available for the *maktumiin* of other marriages or for the *maktumiin* to acquire Syrian citizenship, even though many families have attempted to bribe officials to grant them citizenship.⁵⁴ More commonly, the *maktumiin* and *ajanib* use the names of people with citizenship, living or deceased, to enter higher education or employment.⁵⁵

It is also reported that many children have gone unregistered and become *maktum* due to the political profile of the family, even if both parents are

citizens. One Kurdish political activist spent four years in prison in Syria for activities on behalf of Kurdish rights. In what is believed to be a further punitive measure against him, his children were not registered in the civil registers, or the register of 'foreign' people, making them *maktumiin*.⁵⁶

In 1996 Syrian official sources put the number of stateless Kurds at 67,465. They added that 84,000 people originally had their citizenship removed and claimed that following appeals the number was halved, decreasing to 40,587 in 1986, but then increased to 67,465 on 31 October 1995 as a result of marriages and births. These sources also add that a further 75,000 unregistered foreigners (*maktumiin*), who entered Syria illegally after the census, also resided in the area, but that no census of these people had been conducted.⁵⁷ Other official Syrian sources cited 120,000 as the number of stateless Kurds in Syria,⁵⁸ while one stateless informant suggested that the correct number is closer to 500,000 because of high fertility rates among the Kurds.⁵⁹ In 2010, KurdWatch acquired data from an official but unpublished census of the *ajanib* conducted in Hasaka province in 2008. This revealed the number of *ajanib* Kurds alone to be at least 154,000, double that given in 1995.⁶⁰

Although Syrian law forbids it, it is reported that on several occasions, Kurds registered as *ajnabi* or *maktum* have received conscription orders for the Syrian military service and have been obliged to complete national service in the Syrian army. In Syrian nationality law, articles 43 and 44 stipulate that Syrian national service of two years is compulsory for anyone with Syrian nationality over the age of 19.⁶¹ Therefore, the conscription of Kurds registered as 'foreign' violates even basic Syrian domestic law. It is not permitted for a person without Syrian citizenship to be employed within the armed forces, and, as a rule, Kurds (including those with Syrian citizenship) have been refused admittance to military and police academies. Despite their service to the state, these Kurds were denied even basic rights and standard Syrian military identity documents. One Kurd who attempted to re-acquire his Syrian citizenship on the basis of his national service met with rejection and the confiscation of his service documents which he had provided as proof of military service.⁶² It is also reported that *ajanib* university students were required to participate in month-long, normally voluntary, military service sessions in the summer months, despite the fact that they were considered foreign and therefore ineligible to perform military service.⁶³

The Syrian government's claim that the Kurds whose citizenship was removed were 'foreign infiltrators' is undermined further by the fact that it made no apparent attempt to repatriate any of these Kurds. Instead, they have been categorised as of 'unknown nationality' and constitute an economically, politically and socially marginalised section of the Syrian population, subject to daily discrimination and imposed hardship. The official purpose of the census was also undermined by the removal of citizenship from those who could and can prove their right to it and the return of citizenship to some

Kurds able to pay for it.⁶⁴ Similarly, it is reported that some of the *ajanib* in the late 1970s were given the option of signing a statement declaring that she or he was a 'Syrian Arab' in order to regain those rights associated with Syrian citizenship.⁶⁵

Implications of Statelessness for Kurdish Politics in Syria

All the restrictions on the stateless Kurds described above contribute to defining them as a particular status group that does not have any equivalent in Syria. Their legal status, however, is not the only cause of their discrimination. This 'underclass' is defined by the economic, social and political consequences of statelessness and the younger generation especially suffers from additional forms of exclusion. In what follows it is shown that this group can be defined as an identifiable underclass located outside the formal wage-labour system and as a group they are silenced, marginalised and excluded. Nevertheless, they also depend on the formal system for day-to-day existence. It shows that while the economic and social consequences of statelessness produce interests specific to this group, their political organisation is defined primarily by their Kurdish identity.

Their class status derives not from class relations but from political discrimination against them as members of a Kurdish ethnic and national group and, consequently, the stateless Kurds include people of different levels of wealth and education. There is, for example, a division between the *ajanib* and *maktumiin*, the former having been more capable of escaping poverty and destitution due to their registration as foreigners and their better access to education and qualifications. Also, the group of Kurds who were originally stripped of Syrian citizenship came from differing parts of the class spectrum. Many were already married or educated and no stigma about statelessness had developed within the Kurdish community. It is true that the majority were peasants, but evidence suggests that this was not because peasants were deliberately singled out for this kind of oppression but rather was an accidental by-product of the census caused by the differences in services and culture between rural and urban areas and the fact that a number of *agha* and wealthy Kurds were able to bribe Syrian officials and retain their citizenship. In addition, with help from citizens, many *ajanib* Kurds were able to advance financially, indicating that there is some form of upward mobility among them. This is only rarely true for the *maktumiin*.

Economic consequences of statelessness (property, finances and migration)

Economically, the stateless are set apart from the rest of Syrian society by a number of factors. Among those consequences of their statelessness which

have an important causal influence on their economic marginalisation are property rights, access to employment and financial services and trends of urban migration, which are now examined in turn.

Neither the *ajanib* nor *maktumiin* Kurds have had any right to own or buy property, including land, vehicles and businesses. Although their properties were not taken from them as a direct result of the census, many stateless Kurds lost all their land to the state in the arabisation programme and land reforms of the 1970s, when they became ineligible for redistribution of land and when land was given to what are known among the Kurds as the '*magh-mourin*'.⁶⁶ For example, one family living in the area of Serê Kaniyê had all their land, amounting to 30 hectares, taken by the state.⁶⁷ Similarly a large number of Kurds worked as share croppers on the land of large landowners before the results of the census became known. During the land reform programmes, almost half the land in the Jazira region was transferred to state hands for redistribution.⁶⁸ With this, those without Syrian citizenship lost their rights to farm this land and lost their investments and what was, in most cases, their only source of subsistence. Without Syrian nationality, these Kurds did not benefit from the land reforms in the area, despite otherwise qualifying for land distribution.

Personal ownership of any houses and land remains unofficial and many Kurds were forced to sell their properties at greatly reduced prices.⁶⁹ The state still maintains the right to expropriate all land, houses, businesses, vehicles and any other property requiring a state licence and owned by the *ajanib* or *maktumiin*. It is reported that rumours often circulate that the government intends to remove these properties from the possession of the stateless Kurds.⁷⁰ Certainly, threats of eviction and expropriation of property are often used as a means of coercion and they live under the constant fear of being removed from their property. In some instances rent is extracted for properties by state officials in return for temporary and unofficial permission to remain in those properties.⁷¹

It is not possible for any stateless Kurds to rent property legally, even a hotel room. Consequently, with low incomes and high fertility rates among the Kurds and particularly within the poorer sectors of that society, living conditions commonly decline with the growth of the family. It is not uncommon to hear of a family of ten or more living in one room.⁷² These conditions have led to a large number of houses being built on unused land, but without the obligatory state licences.

In attempts to gain more security in their lives, many stateless Kurds have chosen to register or buy properties in the names of family members or neighbours who hold Syrian citizenship. The security of their homes, however, is never guaranteed and it means that provincial and other services must also be registered in others' names.⁷³ Additionally, family disputes, inheritance and the

law can have detrimental effects on the stateless Kurds. This system depends on trust and the good will of others and, although research has not yielded any cases of stateless Kurds having their properties taken by the legal owners, the fact remains that they are at the mercy of the owners. As 'foreigners' they cannot inherit property and, for any sense of personal security to be maintained, that relationship of trust and beneficence must continue for generations to come.⁷⁴

Restrictions on employment opportunities have affected stateless Kurds considerably, in recent years even more so than in the past. The exclusion of stateless Kurds from public sector work was not an immediate effect of the census of 1962. Rather, it seems that decisions to exclude stateless Kurds have been issued at various times in different state sectors. For example, within the last 20 years the government stopped employing those without citizenship in the state Housing Association.⁷⁵ One *ajanib* Kurd in state employment at the time of the decision was able to continue working in the state sector on daily contracts albeit with added job insecurity and less pay.⁷⁶ Citizenship came to be required for all public sector work and, even in the private sector, employers often required citizenship documents from employees. The *ajanib* and *maktumiin* were often rejected regardless of qualifications or suitability. Consequently, a large proportion of the *ajanib* and *maktumiin* were found in menial jobs and in the black or grey market trades. Before the start of the Syrian uprising it was common to find street traders, labourers in the building trade, cleaners, say, in Syria's major cities were *maktum* or *ajanib* from the Jazira province. In rural areas too, many worked as agricultural and seasonal labourers. Stateless Kurds commonly sought day labour, congregating in a particular place and competing with others for a day's work. Naturally, this type of work was insecure and income earned was low and irregular.⁷⁷ Other work that the stateless Kurds could often find was in the service industry, especially in restaurants and cafés. It was common to find that the dish-washing, cleaning and waiting staff in private restaurants are Kurdish and a portion of them stateless. The wages for this form of work were low, at approximately 200 Syrian Lira per day, the equivalent of £1.79 in 2012.

The opportunities for self-employment have also been extremely limited since registration and licences are required. Added to this, the ability of any stateless Kurd to raise capital is severely restricted and they are not permitted to rent any properties, including shops or other business premises. Depending on relations with relatives and neighbours, it may be possible to rent or buy a business property in someone else's name. The family of one informant owned three jewellery shops. Their capital for purchasing gold, however, was loaned by trusted acquaintances. Although Syrian citizenship is not required for the purchase and sale of gold, the possession of quantities of gold by a stateless Kurd would arouse the suspicion of the police.⁷⁸ They have no legal recourse if any attempt is made to confiscate their goods. The informant mentioned

above recalled how problems with the police in coach stations were avoided by entering the station secretly or boarding the bus outside the station. Adding to their problems, the shops of the *ajanib* have been known to face regular closure, especially if the owners also have a political profile. Payments of bribes to security officials are usually required to reopen them.⁷⁹

A large number of the stateless have been found making a living by selling goods on mobile street stalls (commonly drinks, cooked sweet corn, bric-a-brac, tapes and pirate CDs).⁸⁰ Even street trade, however, requires official licences and being without them has entailed regular payments of bribes to the local police, in order to continue their trade without fines or criminal prosecution.⁸¹ In addition, many children work on these stalls, either for the family or often for others who exploit their labour. In Syria in 2002 the children of one stateless family, all of whom were *maktumiin*, would work selling pieces of watermelon from a small cart owned by someone else. It required the strength of three small children to push the cart around the worn out streets of Dêrik. For their work they would receive just five Syrian liras⁸² per day between them. Much of this work is seasonal and as a consequence insecure and irregular.

Although stateless Kurds have been discriminated against in employment, they have had little recourse to any other form of financial support. Commonly living on lower wages than marginalised Syrian citizens, the stateless Kurds have still had to pay government taxes and service bills in addition to bribes to the local *mukhabarat* and other Syrian officials. It goes without saying that there is no form of labour representation for stateless Kurds and that they cannot benefit from any that exist within their area or place of work. The stateless Kurds do not qualify for any financial services from any bank in Syria, including opening a bank account or basic borrowing. They are not entitled to normal state subsidies on prices of basic staples such as rice, flour and sugar, which are available to all Syrian citizens. Although already impoverished, they must pay many times the subsidised rates because they are considered to be foreigners.⁸³ For example, one kilo of sugar, normally costing 75 Qursh⁸⁴ in the 1960s, cost almost six times as much for the *ajanib* and *maktumiin*.⁸⁵ This situation continues. Before the uprising began, sugar, at the subsidised rate, was only one Syrian lira.⁸⁶ The *ajanib* and *maktumiin* had to pay the free market price of approximately 30 Syrian liras.

The Hasaka Census and the resulting creation of the stateless underclass altered the demography of the province in a number of ways. On one count, the ratio of Kurds to Arabs was officially lessened by removing from the Kurds an historic claim to land and their majority status in the region. Secondly, the poverty that came hand in hand with statelessness, and the lack of available employment in Hasaka province, caused mass urban migration of stateless Kurds to Syria's large cities, both in the region and in the Syrian interior. And thirdly, many stateless Kurds found ways to leave Syria

illegally and have sought refuge in other countries. Organised people-trafficking enterprises developed in Hasaka province, helping hundreds of Kurds leave the country.

After the effects of the census results began to take their toll on the people, especially the loss of land rights of Kurds in rural areas, a wave of migration to the cities within or bordering the Kurdish-inhabited regions took place. Landless peasants were left with little or no means of subsistence; rural labour requirements, generally tending to be seasonal and often dominated by family members, were further reduced by the state's land redistribution programmes. In addition, the lack of private investment in the region meant that most other work opportunities were within the state sector, out of bounds to the stateless Kurds. The scarcity and insecurity of the regional labour market led people to search for work opportunities in Syria's cities.⁸⁷

The first wave of urban migration occurred within Hasaka province, many individuals (commonly young males) and whole families moving to the cities in search of work. But without property or basic rights, the cost of living in the cities was higher than in the rural areas and, with no access to social security, subsidies, pensions, health services or banking services, living conditions for the majority of the stateless Kurds were harsh. Later on, underdevelopment in the province led many more to move further afield to larger cities in the Syrian interior, especially to Aleppo and Damascus, where they congregated in urban slums. Wages earned by migrants were often shared with the family remaining in the Jazira. It also became common, however, to find the rest of the family following the relative to the city so that incomes and expenses were combined, resulting in new generations of Kurds being born and growing up in the city.⁸⁸

As a result of good harvests, some lessening of the flow of Kurds from Hasaka province to the cities occurred in the decade between 1980 and 1990. The cotton, wheat and vegetable harvests and state encouragement of vertical drilling for wells stimulated demand for manual labour in rural areas. While many families had already left their villages owing to loss of land, some seasonal migration back to the villages occurred during this period.⁸⁹ After 1990, natural droughts, worsened by the Turkish dam projects which restricted the flow of water through the Syrian Jazira, affected harvests and, consequently, reduced the demand for labour. During this time corruption in the government administration also forced many producers to share their profits with security officials in exchange for services.⁹⁰ It is also reported that regular changes in government regulations on agricultural irrigation has left many farmers burdened with debt.⁹¹ Corruption and debt negatively affected profits and the capacity of farmers to hire extra labour. In turn, the flow of urban migration increased again. Decree 49 of 2008, which made official permission a requirement for the development of any inner-city land

in the region, appeared to have significant economic effects. The negative impact on the construction industry, which in Qamishli alone was reported to have resulted in a two-thirds reduction in building activity,⁹² caused further migration of stateless Kurds and other unskilled labourers from the region.

Although thousands of Kurds have since returned to the relative safety of Syria's Kurdish regions since the militarisation of the uprising, the urban migration of thousands of *ajanib* and *maktumiin* Kurds from Hasaka province to Damascus led to the development of entirely new areas of the city. Prohibited from purchasing or renting any properties, the stateless Kurds were forced to make alternative living arrangements. Thousands built or bought illegal homes both in the outskirts of Damascus and on available land inside Damascus without licences from the Syrian authorities. The population of one particular area in the suburbs of Damascus, Zor Ava, was almost 50 per cent stateless Kurds from the Jazira region. Literally meaning 'forced to build', the name itself stems from the reality of the situation for these migrant Kurds.

At the time of writing, the fate of the inhabitants and properties of this area was unknown. Return migration had occurred, but many others had remained in the area. Others had been arrested and detained or killed by regime forces and buildings had been destroyed. What follows is a description of pre-uprising Zor Ava. Whether the course of the Syrian uprising and its future resolution will alter the demography and the economic, social and political conditions in this area irreversibly can not be foreseen. For now, however, the area continues to be characterised as Kurdish and its history illustrative of the conditions of statelessness.

Zor Ava

At the beginning of the Syrian uprising, the Zor Ava district in the suburbs of Damascus accommodated approximately 5,000 Kurdish families,⁹³ about 2,000 of which were stateless,⁹⁴ and a minority of poor Arab families.⁹⁵ The area has been inhabited since the early 1980s when Kurdish migrants came to work in the construction of a large housing project, known as *Mashrou'a al-Dumer*,⁹⁶ (now officially called *al-Sham al-Jadid*).⁹⁷ The construction workers built simple homes in the narrow valley that lies in the shadows of the housing project on one side, and the Presidential Palace on the other. The police frequented the area and the houses were destroyed several times but were always rebuilt. Gradually the settlement spread and became permanent, although no building in the areas was licensed.⁹⁸

Most inhabitants still worked in construction. But, unemployment and crime in the area were increasing because of poor education, isolation and

depression among the Kurdish youth.⁹⁹ The illegality of the buildings in this neighbourhood and its occupation by migrant Kurds from the Jazira meant that the government was unwilling to invest in the area, leaving the people suffering from the consequences of poor sanitation and lack of electricity, clean water and surfaced roads.¹⁰⁰ Residents recalled at least four deaths of inhabitants resulting from electrocution as locals tapped into state power lines; they also claimed that one girl had been shot by police in 1987 as residents demonstrated in an attempt to get state water supplies.¹⁰¹ The houses were connected to the state electricity supply in 1990 and only in 2003 were water supplies extended to the area. Most of the streets in the neighbourhood were surfaced in 2003 or 2004. The extension of these services to the neighbourhood was also accompanied by the registration of all houses. But the homes of the stateless are registered in the name of the government not the residents. They have no documents proving ownership and, while they are not required to pay rent to the government, they must pay taxes.¹⁰²

The stateless residents of one home expressed their concern about government plans to widen the main road in Zor Ava, on which they lived. The widening of the road would require the demolition of their property and their *ajnabi* status meant that they were unlikely to receive any compensation.¹⁰³ The insecurity of this form of housing is demonstrated by the destruction of a large residential area in the Duwayla'ah area of Damascus, to the east of the old city. Hundreds of houses were built without state permission in a stretch of unused land approximately 50m deep either side of a main road. In January 2006, all these buildings were demolished in order to widen the road. The inhabitants of this area were left homeless and during the destruction of the buildings; one Kurdish woman was beaten to death by police as she attempted to prevent the demolition of her home.¹⁰⁴

The building of these areas led to the creation of new communities primarily consisting of poor migrant and stateless Kurds, with common interests and common problems. In such communities new forms of cooperation and collaboration developed in order to serve these interests. In Zor Ava, a local committee was established to lobby the government for electricity and water supplies. The committee included stateless Kurds, Kurdish party members and leaders, and other residents.¹⁰⁵ It took six years of campaigning and demonstrations to get electricity and ten years to get water. Even then, all drains in the area were built by committee members and local inhabitants, not contracted by the government.¹⁰⁶ The representation of all sectors of the Zor Ava community on the Committee demonstrates that this form of political action was conducted on a local level, based on social and economic interests common to both citizens and the stateless.

The suburb of Zor Ava also became a place of Kurdish political party activity. Kurdish parties held regular meetings in the area in attempts to

recruit members, to politicise the Kurds there and to gain support for their activities. Compared to the Damascene Kurds who have lived in the capital for generations, Zor Ava Kurds' connections to the Kurdish regions remained strong and active. Their physical distance and social, political and economic alienation from mainstream society meant that the possibilities of integration into a Syrian Damascene society were severely limited. As a result, for Kurdish politics in Damascus, the migrant Kurds of this region became a potential source of numerical support for parties and their local activities. Indeed, more than one Kurdish source suggested that more poor stateless Kurds were members of Kurdish political parties than wealthy Kurds.¹⁰⁷ This claim is implicitly supported by the Syrian security services' attitude towards the area. The neighbourhood of Zor Ava was raided by the police at three in the morning during the Qamishli uprising of 2004 and a number of Kurdish residents were arrested. It is also well known among Kurds in Damascus that the neighbourhood has been kept under heavy surveillance by the *mukhabarat*.¹⁰⁸ This suggests that the security services themselves have considered the area and its inhabitants to be a potential political threat and to contain subversive and destabilising elements of society.

Social consequences of statelessness

The economic implications of *ajanib* and *maktumiin* status described above have also had a number of social consequences. Within Kurdish society everyone is aware that the condition of statelessness is a consequence of the Hasaka Census, that this status is unjust and that it does not have the same foundations as class differences or differences related to tribe–non-tribe and the *agba*–peasant divisions that formerly divided Kurdish society. Among the wider Syrian society the situation is very different. Their statelessness automatically identifies them as Kurdish and labels them as alien and potentially disloyal and subversive elements in society. The stateless Kurds are regularly treated with contempt by state security personnel and when dealing with state bureaucracy. Also, as we have seen, there is real discrimination against the stateless in employment.

The social consequences of statelessness for the *maktumiin* Kurds have been more acute than for the *ajanib*. Although the *ajanib* have faced discrimination in education and are limited in the type of work they can obtain, they have been able to enter higher education and obtain work in the private sector in some specialist areas and some have even retained jobs in the public sphere. For the *maktumiin* limitations on education have meant that they commonly have only a very basic education, are unable to secure regular employment and are impoverished. Few *maktumiin* have attempted to pursue education – because of the difficulties and costs involved, because the basic needs of the

family often require even young children to find work and because, even with an education, the form of employment available to these Kurds is very limited and qualifications do not open up opportunities for them. Yet, all stateless Kurds have reported discrimination in school and university, inability to join university clubs and associations and difficulties and delays in obtaining the necessary security clearance and permission.¹⁰⁹ Likewise, even with an education, the opportunities of employment are very poor. Consequently, the majority of stateless Kurds, and particularly the *maktumiin*, have fallen into the underclass category. Uneducated, impoverished and drawn to urban slums, the stateless Kurds became a population of declassed and underprivileged elements of urban industrial centres. Their unique status distinguished them from and relegated them beneath the working class in Syria.

The Kurdish population, generally, is sympathetic to the cause of the stateless Kurds and, within Kurdish society, the issue is understood as an injustice by the regime against the Kurdish nation. It is a central political issue for the Kurds and integral to the Syrian Kurdish national agenda. This means that, at least in theory, the idea of a Kurd with citizenship marrying one without is not considered strange or in any way negative. In fact it may be seen as a positive patriotic action in the sense that it would potentially help the stateless individual to escape some of the restrictions arbitrarily imposed upon him or her. Despite this, the real consequences of being stateless in Syria has meant that, with time, educational and economic fissures have developed between Kurds with citizenship and those denied it, and prejudice related to statelessness has arisen, especially concerning marriage.

While many of the elder generation of stateless Kurds were married and already had work when the results of the census were published, with time it became more difficult for the stateless to find employment, even within Kurdish society, and a stigma around statelessness developed.¹¹⁰ Many Kurds reported that in recent years the issue of citizenship had become a serious concern of the families or individuals with citizenship looking to marry. Kurds with Syrian citizenship would ask if an individual has citizenship before agreeing to a marriage. Generally, these families would refuse marriages to the *ajanib* or *maktumiin* Kurds.¹¹¹ The stateless Kurd came to be seen as undesirable, not because of the statelessness itself, but because of the economic and social conditions that accompany it; the illegality of marriage and the subsequent status that any children born of the marriage will inherit. One *ajanibi* informant recalled how his engagement was broken off because the family of his fiancé, who held Syrian citizenship, would not allow the marriage to take place. The primary reason was that any children would become *maktumiin*.¹¹²

Also, when it comes to politics, it has been suggested that many Kurds have considered the stateless Kurds to be untrustworthy. Their poverty

and destitution has left them open to threats, coercion or cooption by the *mukhabarat*. As a consequence some individuals believed them to be easy targets for the state authorities and more likely to inform on others within their national group in order to maintain their standard of living or improve it.¹¹³ This adds another more political dimension to the social stratification that has more recently affected the stateless Kurds. One might expect that as a consequence of this the *ajanib* and *maktumiin* would be more inclined to live, socialise and work together. With common problems and circumstances there is commonly greater affinity between stateless Kurds than between a stateless Kurd and one with citizenship.¹¹⁴ Interviews with stateless Kurds in Syria, however, suggest that this was not the case. While they may have relied on others from this group for moral support, they connected their living arrangements and social life to family connections and their politics to their Kurdish identity.¹¹⁵

Political consequences of statelessness

The issue of the stateless Kurds and the return of citizenship to them has been at the top of the agenda of all Kurdish political parties in Syria and, for the stateless Kurds, the Kurdish parties are their only form of social, economic or political representation in Syria. The parties have organised demonstrations marking the anniversary of the census, calling for the return of citizenship and all rights associated with it to all those affected by the census. The issue has been brought forward by the parties whenever representatives have met with government officials and attempts have been made to bring the issue to the attention of international governmental and non-governmental organisations by Kurds in exile. It was suggested by a number of *ajnabi* informants, however, that their membership of Kurdish political parties was not based on the desire for citizenship.¹¹⁶ The issue of the stateless Kurds is just one issue in a long line of demands that the Kurdish parties have made on the regime, and the return of citizenship to the *ajanib* and *maktumiin* alone does not solve the Kurdish problem in Syria and make the parties redundant.¹¹⁷ One interviewee described his interest in politics as being based on the injustices he faces as a stateless Kurd in Syria, as a member of the Yezidi community, as a party member and first and foremost, as a Kurd. It was not a personal interest related to status but a communal interest connected to national identity. When asked if he thought that a solution to the problems of the stateless Kurds could be achieved through the Kurdish parties, his answer was:

There will be no solution – Kurds in Syria will never be granted citizenship – Kurdish parties cannot achieve that aim – that aim is not in their hands. They want to achieve it but that needs a decree by the

president himself and those who are supporting him, and that will not be achieved, in my opinion. Why? Because they think that granting citizenship will not solve the Kurdish problem in Syria; because they know that Kurds do not want citizenship – they want a country... they want schools; they want federalism; they want to determine themselves, to rule themselves by themselves.¹¹⁸

Although some Kurds have obtained citizenship since April 2011, this move came as the regime faced the biggest ever challenge to its rule and as part of an attempt to prevent Kurdish involvement in the Syrian uprising. Kurdish parties as well as popular protests of stateless Kurds at the time made it clear that move would not satisfy Kurdish political demands in Syria. This suggests that for stateless Kurds, party membership was not motivated by the desire for personal justice. The same source quoted above suggested that stateless Kurds, fuelled by their sense of injustice, would become members of Kurdish parties if only they also had money. He thought that, due to their circumstances, stateless Kurds were, on the whole, inclined to be supporters of Kurdish parties and that the conditions of poverty and their immediate concerns prevented many from becoming full members.

The number of stateless Kurds in the party ranks is not clear. The secrecy of party membership and limitations on how much the party leadership is willing to admit mean that it is not possible to give any estimates of the proportions of stateless Kurds in the party membership in comparison to those with Syrian citizenship. What is clear is that to date there are no stateless Kurds in any of the party leaderships in Syria. This may be explained in part by the fact that few stateless Kurds are educated to a high level and it is only relatively recently that stateless Kurds have been graduating from university in Syria. Consequently, these Kurds are still considered to be too young and inexperienced for positions in party leadership.¹¹⁹ But it is also plausible that the circumstances of the stateless Kurds have been a disincentive to climb the ranks of the parties. The exposure of the members of the party leaderships to the *mukhabarat* and police causes a significant increase to their exposure to risk and harm. Consequently, the impact on a stateless Kurd and his or her family could be greater than on someone with citizenship.

The discrimination against stateless Kurds has actually worked to strengthen Kurdish communal bonds and to fuel Kurdish nationalist sentiments. Kurdish nationalism among the stateless Kurds is high and it is suggested that most stateless Kurds support the Kurdish political parties, even if they are not members.¹²⁰ While bearing the weight of the state's discrimination against the Kurds and embodying a major part of the Kurdish struggle in Syria, many stateless Kurds have struggled with the weight of their status itself and not with the state. Consciousness has easily

been dominated by economic issues such as employment, daily income and food rather than the struggle for citizenship or national rights. Indeed, the culture of social or political organisation among the stateless Kurds in Syria has been weak, in Hasaka province or among the migrant communities in Syria's cities.¹²¹ The development of this culture has of course been impeded by rule by emergency law in Syria, the illegality of such organisations and the negative consequences of involvement in them.

Possible networks of social and financial support for stateless Kurds suffering poverty and hardship could have been provided by the tribe and by the Kurdish political party. Stateless interviewees denied, however, that they or their families received any form of support from the tribes, in the past or in more recent years. As has been shown in Chapters 2 and 5, before the 1960s the Kurdish tribes played an important social and political role in Kurdish society but that the role of the tribes in Kurdish politics and Kurdish society generally has diminished dramatically. Tribal organisation, although retaining social meaning in the community, has had little consequence for political or economic problems within Kurdish society.¹²² As such the ability of tribal leaders to address the issue of statelessness, socially or through dialogue with the government, has also been very limited. Indeed, amongst the Kurds statelessness has been defined as a political issue, and accordingly, tribal leaders have ceded authority for dealing with it to the political parties. As was suggested in Chapter 5, the Kurdish political party elite filled the vacuum left by the tribes, serving as social and political mediators in Kurdish society and providing some economic support to those in need, as well as attempting to represent Kurdish political interests. In comparison to the tribes, the parties acquired some ability to address statelessness and party leaders have claimed to help stateless Kurds in dire need of financial assistance; they provided individuals with financial support, or money to fund university students or to receive medical treatment. When asked if they received any support from the parties, however, stateless Kurds raised the point that the parties do not have the facilities to give this.¹²³ Most Kurdish parties are not supported financially by any outside organisations. The funds they raise are mostly donated by their members in and outside Syria, and from sales of party papers. It appears that the support that they are able to provide to the 300,000 plus stateless Kurds has been limited.

Despite the moral and symbolic support of Kurdish parties and their attempts to pressure the regime to return Syrian citizenship to those Kurds from whom it was taken in 1962, the parties have been unable to release these Kurds from the bonds of their circumstances. They have been unable to mitigate the effects of statelessness or protect them from persecution by the state. It is arguable, however, that, Kurdish identity and Kurdish politics has been one way in which stateless Kurds have remained integrated into

Kurdish society. Without Kurdish nationalism and the sense of national solidarity the circumstances of these Kurds could have been much worse. The solidarity and sense of community within Kurdish society has facilitated mechanisms of support for this group that are otherwise absent in Syrian society. As a consequence of nationalist politics and aspirations, this group maintained great potential to mobilise politically – not simply in order to effect a change in their circumstances, but as part of the wider Kurdish community and identity. This mobilisation was practically demonstrated after the beginning of the Syrian uprising when stateless Kurds played an important part in protests.

The State and the Stateless

Until after Bashar al-Assad came to power in the year 2000, the Syrian state had continuously denied and ignored the plight of the stateless Kurds. The concluding observations of the United Nations Human Rights Committee on Syria's second periodic report to the International Covenant on Civil and Political Rights, included a clause stating that '[t]he State party should take urgent steps to find a solution to the statelessness of numerous Kurds in Syria and to allow Kurdish children born in Syria to acquire Syrian nationality'. In response, the Syrian Arab Republic stated that:

With regard to paragraph 27, the Kurds who enter Syria from neighbouring countries are shown special concern by the Syrian authorities, who endeavour to solve their humanitarian, administrative and practical problems. Special concern is also shown for Kurdish children born in Syria, who are treated in the same way as Syrian citizens, without any discrimination or preference. The Syrian authorities are making a very careful study of the situation of these Kurds, taking into account all the circumstances that induce them to enter and live in Syria.¹²⁴

As this chapter has shown, Kurds without citizenship, including children, have been unjustly discriminated against by the Syrian authorities and the state system. Yet, the year 2002 was the first time since the census took place, that the issue of the stateless Kurds was addressed publicly by a Syrian government official. The president, Bashar al-Assad, while conducting the first presidential visit to Hasaka province since 1949, talked of finding a solution to the plight of the stateless Kurds in Syria. Then, in 2004, after the Qamishli uprising shook the Kurdish regions of Syria, further promises were made by state officials to deal with the situation. In April, Mustafa Tlas agreed to return citizenship to a mere 30,000 Kurds.¹²⁵ On 1 May, in an al-Jazeera TV interview, Bashar al-Assad spoke of returning citizenship

to those who had a right to it. Then in the summer of 2005 Information Minister, Mehdi Daklallah cited 120,000 as the number of Kurds without citizenship in Syria, still less than half the number estimated by Kurdish sources. Again, on 10 November 2005, in an address to Damascus University, Assad, reiterated his intention to resolve the issue.¹²⁶

Addressing the delay in dealing with the stateless Kurds in his inaugural speech of 17 July 2007, President Assad blamed political circumstances such as the US invasion of Iraq in 2003 and the riots in Qamishli in 2004.¹²⁷ But by 2010 still no solution to the problem had been found and not a single Kurd had had her or his citizenship returned. Indeed, underlying this inaction on the subject was a distinction between the *ajanib* and the *maktumiin* made by the President in his speech. It seems that his intention was not to address the issue of the *maktumiin* at all and that his understanding of the *ajanib* issue was as a technical problem rather than a political matter. Indeed, in an interview Assad reduced the whole Kurdish question in Syria to one of technical errors that occurred in the conduct of the census in 1962.¹²⁸ State officials continued to claim that the majority of stateless Kurds did not have a right to citizenship; Mustafa Tlas stated that 'tens of thousands of Kurds have come to Syria from Iraq and Turkey. We have told them [Kurdish leaders] frankly that those who are Syrian will have that nationality recognised, but not the others'.¹²⁹ And in its third periodic report to the United Nations International Covenant on Civil and Political Rights in 2004, the Syrian government stated that:

Directives have been issued recently to resolve the situation of those who do not carry Syrian nationality; however, this situation cannot be resolved under a single decree but requires specific decrees for each case, which needs time. Once again we affirm that there is no discrimination or discriminatory measures against them.¹³⁰

There is evidence that state officials made attempts to begin this process of examination of each case, conducting some form of census of stateless people in Hasaka province. In 2005 Kurds of the region stated that officials had interviewed them, asking about the status of family members and their numbers.¹³¹ Others, however suggested that this 'census' was far from comprehensive. Then, in 2008 a more thorough census of *ajanib* Kurds was conducted. There was no attempt or pretence of addressing the issue of the *maktumiin* and the president made it clear that the regime would not be doing so.¹³²

Although Bashar al-Assad conveyed his intent to naturalise the *ajanib* there was opposition to this move, and the President's denial that the issue was even remotely political denied the Kurdish parties any political capital

that could be gained from its solution. Kurdish sources generally believed government statements to be false promises; they considered the new 'census' to be a cynical attempt both to weaken the momentum that the Kurdish political movement had achieved after the events of 2004 and to appease the concerns of western governments and human rights groups.¹³³ With the arabisation programme in mind and the knowledge that regime legitimacy was founded on the ideology and rhetoric of Arab nationalism, it seemed clear that for the Syrian state the return of citizenship to the stateless Kurds would cause a number of problems for the government. The return of citizenship to more than a quarter of a million Kurds would require that the state distribute a large portion of the land in state possession to these Kurds, both as compensation and in accordance with the principles of the socialist-style land reforms of the 1960s and 1970s.¹³⁴ It is likely that this would have the effect of increasing the Kurdish presence in the region, both officially in the Syrian civil registers, and through the reversal of the trend to migrate out of the region. It appeared that the bishops of Christian churches in Hasaka province also opposed the naturalisation of stateless Kurds in the belief that those denied citizenship were indeed illegal immigrants and on the grounds that return of citizenship would upset the balance between Kurdish and Arab citizens in the region, to the advantage of the former. Finally, they alleged that the Kurdish population was not loyal to the state.¹³⁵

Within a month of the start of the Syrian uprising, Bashar al-Assad published Decree 49 on 7 April 2011 granting the right for *ajanib* Kurds to apply for citizenship. As foretold in Bashar al-Assad's references to the stateless issue in previous years, the attempt to deal with the stateless issue was not comprehensive. It did not include the *maktumiin* Kurds, nor did it broach the issue of compensation. Generations of *maktumiin* Kurds, estimated by some sources to number between 140,000 and 160,000, continue to be dismissed as illegal immigrants and denied any form of recognition. The promulgation of the decree was regarded with suspicion amongst Kurds and as an attempt to persuade them to stay out of the protests. As an artificially created underclass, bearing the oppressive policies of the state towards the Kurds as well as the burdens of economic and social marginalisation in Syria, stateless Kurds were driven to stand in protest against the regime, not only by inequality and hardship, but also by Kurdish nationalism.

The process of obtaining Syrian citizenship following Decree 49 of April 2011 was not straightforward and Kurds reported a number of obstacles to actually receiving Syrian citizenship. Initially *ajanib* Kurds were wary of applying for citizenship fearing that the process would be used against them and that citizenship would obligate them to perform military service. Even when applications had been processed and accepted, the identity documents issued to the Kurds had to be 'activated'. This involved an interview with the

state security. Whether or not the names of these people would be entered onto the lists of citizens, allowing them to apply for a passport, was unclear. This was controlled by a different department from the one which processed the applications.¹³⁶

Although the Syrian authorities denied that the *ajanib* and *maktumiin* Kurds in Syria have been subject to undue discrimination and that they have faced persecution, the reality of the situation on the ground in Syria testified to the opposite. Stateless Kurds in Syria and in exile reported daily abuses of their human rights, degradation by Syrian officials and police and the *mukhabarat*, denial of basic state services, hardship and humiliation. In many cases, the state's contention that these Kurds were alien infiltrators is disproved by documents possessed by many Kurdish families in the Jazira region, and the general attitude of the Syrian authorities towards the Kurds in Syria suggests that this has been a population that they would rather were demobilised and destitute. Oral and written testimonies about how the census took place – the mistakes that occurred, the discrimination of the Syrian officials, the consequences of their registration as foreigners and of non-registration – leave little doubt that the census was part of a wider programme of arabisation in the region. Begun during the height of Arab nationalism in the Middle East and continued under the Ba'ath Party, Arab nationalism and fear of Kurdish nationalism have led to the social exclusion of approximately one-quarter of a million Kurds under the pretext of state security.

It has been argued that the stateless Kurds in Syria formed an underclass and that this status was a result of economic, social and political consequences of statelessness. These specific consequences gave rise to forms of politics available to this group which they utilised in accordance with their respective interests. Economically these interests have been best served through cooperation with others affected by similar issues, such as access to state services, the occupation of unlicensed housing and engaging in forms of quiet encroachment¹³⁷ upon the state common to the underclasses and marginalised groups. This has been a method of coping with the economic consequences of their status.

Their legal status has been regarded as part of the wider discrimination against the Kurds of Syria, not simply as a technical error as Bashar al-Assad implied. Their interests in justice and the return of citizenship is an issue on which they are unable to face the state alone. Instead, the framework of the Kurdish political parties and the wider Kurdish issue in Syria is used to campaign for these rights. A solution to it has been sought, not through organisation as stateless people, but as Kurds within Kurdish political parties or in spontaneous reactions to government actions perceived to be directed against the Kurds, such as in the Qamishli uprising of March 2004 or the

additional state restrictions imposed on land ownership and its use in 2008. Socially, also, their primary identification as Kurds rather than as stateless has helped to limit the social exclusion that they face in Syrian society and, more recently, within the Kurdish community also. Consequently, for these Kurds, Kurdish nationalist politics has served the dual purpose of limiting the social damage caused to them by their legal status and provided their only available channel for political representation and potential change.

Yet, under the rule of the Ba'ath Party regime, the two identities, that of being an underclass and that of being Kurdish, have had a negative effect on one another. Preoccupation with daily survival has meant that political activism has been quite removed from the reality of their daily lives. Also, the nature of the regime and the consequences of political action construed as opposing the government added to the quietude of this group of Kurds. Consequently, whereas this group might otherwise have rallied to the Kurdish parties prior to the outbreak of the Syrian uprising, if their political activities had been directed more towards political and social action, their economic status restricted their ability to do so. Since March 2011, it has been the circumstances in Syria, rather than Decree 49 itself, which have removed this economic obstacle to participation. The majority of Syrians have had their lives transformed by the uprising and the normal economic infrastructure of the state, working conditions and services have been disrupted or destroyed. In the Kurdish areas under the control of the Supreme Kurdish Council, the legal status of the *ajanib* and *maktumiin* has no bearing on the distribution of services, aid or food. As a consequence, statelessness, while remaining a legal status under the ruling regime, has lost some of its negative consequences due to the retreat of the state from Kurdish areas in Syria.