THE WESTPHALIAN SYSTEM OF THE MODERN
INTERNATIONAL RELATIONS: VIOLATION OF
SOVEREIGNTY, IGNORATION OF INDIGENOUS
RIGHTS, AND EXTENSION OF MEDIEVAL
PRACTICES IN THE CASE OF MOSUL OCCUPATION

MODERN ULUSLARARASI İLİŞKİLER DİSİPLİNİN
VESTFALYA SİSTEMİ: MUSUL İŞGALİ ÖRNEĞİNDE
EGEMENLİK HAKKININ İHLALİ, YERLİ HALKLARIN
HAKLARININ YOK SAYILMASI VE ORTA ÇAĞ
UYGULAMALARININ SÜRDÜRÜLMESİ

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ABSTRACT

The Westphalian system refers to the shifting of the supreme political authority from medieval practices to modern sovereign states and related concepts such as sovereignty, non-intervention, and international law. While the system has shaped the Western political environment since 1648, it has in fact not been validated for the rest of the world. In this paper, the idea that the Westphalian system has not opened a new avenue in the discipline of International Relations is exemplified by the case of the British occupation of the Mosul Vilayet. Contrary to the terms of the Mudros Armistice and Woodrow Wilson's Fourteen Points, the British illegally occupied Mosul. The occupation was a clear violation of the Westphalian principles and thus the British mandate regime encountered resistance from both the Ottoman Empire and further the Republic of Türkiye. Despite all resistance, Mosul

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was ceded to the Iraqi government under the British mandate after the war.

ÖZ

Vestfalya sistemi, en yüksek siyasî otoritenin Orta Çağ uygulamalarından modern egemen devletlere ve egemenlik, iç işlerine karışmama, uluslararası hukuk gibi ilgili kavramlara geçişi ifade eder. Bu hâliyle, Vestfalya sistemi, 1648'den beri Batılı devletlerin siyasî ilişkilerini şekillendirmiş fakat dünyanın geri kalanı için geçerlilik kazanamamıştır. Bu çalışmada, Vestfalya sisteminin Uluslararası İlişkiler disiplinine yeni bir düzen getiremediği fikri, Birinci Dünya Savaşı sonrasında İngilizlerin Musul Vilayeti'ni işgali örneğiyle ele alınmaktadır. Mondros Mütarekesi'nden sonra İngilizler, Mütareke hükümlerine ve Woodrow Wilson'ın On Dört Umdesine aykırı olarak Musul'u yasadışı bir şekilde işgal etmiştir. İşgal, Vestfalya ilkelerinin açık bir ihlâlidir ve bu nedenle İngiliz manda rejimi hem Osmanlı İmparatorluğu'nun hem de Türkiye Cumhuriyeti'nin direnişiyle karşılaşmıştır. Fakat Musul, tüm direnişlere rağmen, savaştan sonra İngiliz mandası altındaki Irak hükümetine devredilmiştir.

Anahtar Kelimeler: Vestfalya Sistemi, Egemenlik, İç İşlerine Karışmama, Musul'un İşgali, Birinci Dünya Savaşı.

INTRODUCTION

The Peace of Westphalia is viewed as the cornerstone for understanding modern world politics. The conventional view particularly claims that the Peace was a decisive break with the ancient state system (Gross, 1948; Morgenthau, 1993; Holsti, 1991; Ruggie, 1982) and formed the basis for the modern understanding of International Relations (IR). A widely held view in the field of IR is that the constitutive principles of global politics and their modern tenets such as sovereignty, non-intervention, decentralised state system, equal nation-states, private territory, the establishment of diplomacy, and international law were systematised by the Westphalian system in response to the medieval institutions of political authority (Teschke, 2002). Hendrik Spruyt (1994: 27), for instance,

explains the peace as "…formally acknowledged a system of sovereign states". Hauke Brunkhorst (2000) similarly argues that the basis of the Westphalian system is that all states are sovereign under international law and that they have equal rights in regard to dealings with other states. In line with this, Hans Morgenthau (1993) points out that the rules of international law were formed by the Westphalian Peace and thus ended the era of religious wars and established sovereign territorial states which form the basis of the modern state system. Leo Gross (1948) also claims that the Peace is the most important underpinning for the development of modern international law as it exists today.

However, this conventional view seems rather debatable when we look more deeply into the concept of sovereignty. As Stephen Krasner (1993) points out, the Peace of Westphalia was not the beginning of a new period of sovereign states or a clear end to the medieval era. The concept of sovereignty had existed before the Westphalian Peace with the works of Jean Bodin, and medieval principles such as the Holy Roman Empire (*Sacrum Romanum Imperium*) continued for hundreds of years after the Peace. The principles of sovereign equality and non-intervention in internal affairs have never been clearly demonstrated. The Westphalian principles are in fact related to a certain period (the medieval era) and geographical lands (Western Europe) but have not been applied to the rest of the world. The so-called Westphalian system, therefore, has been particularly violated by Western countries ever since the treaties were signed. As the principles are repeatedly violable and not literally consistent, they cannot be real indications of a system, *ergo,* the Westphalian system cannot be said to have ever existed. Hence, the task of this paper is to challenge the traditional view of the Peace as the beginning of a new era of sovereignty and to demonstrate that the Westphalian Peace was in fact not a distinct break with the medieval practices, and further, that it did not open the way for the modern understanding of IR.

The most crystallized examples of the violation of the Westphalian principles are settler colonialism during and after the nineteenth century, the assumption of protecting minorities' rights, so-called humanitarian interventions, and occupations. One of these examples which shifted modern world politics entirely is the British occupation of the Mosul Vilayet. Mosul was part of the Ottoman Empire until the occupation of Britain during the First World War (Coşar and Demirci, 2004). The occupation was a clear violation of the sovereignty and territorial integrity of a certain sovereign state. Despite the Westphalian principles, the sovereign rights of the Ottoman Empire were ignored, the demands of the people of Mosul were disregarded, and the modern principles of IR were violated. This clear violation of Westphalian principles did not produce meaningful results for Western-type international world order, and Mosul was under British occupation between 1918 and 1926.

The main argument of the paper is comprised of four sub-sections: In the first section, the medieval practices (the relationship between the Pope and the emperor) and core assumptions of the Westphalian system, which are the concepts of sovereignty, non-intervention, equal nation-states, and decentralisation of power are examined from the conventional perspective. Then, the conventional view of the Westphalian system is challenged by examining the works of Benno Teschke, Stephen Krasner, and Andreas Osiander, and it is argued that the Westphalian system did not open the way for the modern understanding of IR. Lastly, the idea that the Westphalian system has been violated many times so far is exemplified by citing the case of the Mosul Question in the lands of the Ottoman Empire.

1. THE CONVENTIONAL VIEW OF THE WESTPHALIAN SYSTEM

Before the Peace of Westphalia, two main political actors were in force in Western Europe- Roman emperors and the Pope. Medieval peoples recognized the world as being limited by Christendom and shaped by the authority of the Pope as the ultimate spiritual authority and the emperor as the final arbitrator in earthly matters (Miller, 1994). All European scholars accepted the role of Christendom, a consolidated society that was administrated by religious law (Krasner, 1993). As Cicely Wedgwood (1964) points out that the Church had never been stronger than at the beginning of the 17th century. The Roman Catholic Church could control society by its authority, and the Pope considered himself as being superior and not subject to worldly rule of law. The Papal Bill issued in 1302 by Boniface III, for instance, declared that "the Pope was of a higher authority than any temporal ruler" (Farr, 2005: 156). The Pope, therefore, was the supreme ruler of Western Europe and the final authority in both spiritual and worldly affairs. The Westphalian system appeared in the shadow of these dual authority rules of the Western European world.

The Peace of Westphalia was established as a result of the Thirty Years' War which broke out in 1618 and ended in 1648. Osiander (2001: 252) explains the Thirty Years' War as a conflict between the *Universalists*, namely the Spanish king and the emperor, who were both members of the Habsburg dynasty, and the *Particularists* which consisted of Denmark, France, Sweden, the Dutch Republic, and German princes. The war was between several European nations for dynastic, religious, and territorial reasons. However, the most significant reasons for the war were originally a religious conflict or, at least, religious intolerance (Gross, 1948). The war was concluded with the Treaties of Osnabruck and Munster that shaped the new religious freedoms and the Westphalian System. The Treaty of Munster was signed by the emperor and the Catholic king of France; the Treaty of Osnabruck was signed by the Holy Roman emperor of the Habsburg dynasty and the protestant king of Sweden (Krasner, 1993). The Treaty of Osnabruck provided

that "subjects who in 1627 had been debarred from the free exercise of their religion, other than that of their ruler, were by the Peace granted the right of conducting private worship, and of education their children, at home or abroad, in conformity with their own faith; they were not to suffer in any civil capacity nor to be denied religious burial but were to be at liberty to emigrate, selling their estates or leaving them to be managed by others" (Gross, 1948: 22).

With the Peace of Westphalia, religion was accepted as an internal matter of each to be regulated by each individual sovereign state. The authority of the Pope declined, and Calvinism was afforded much more recognition (Polisensky, 1954). Rights that were granted to Catholics and Lutherans were also granted to Calvinists. Religious freedom was enshrined as a key right under the Peace; the Habsburg Empire and the papacy lost their political powers due to the Peace of Westphalia. The Peace substantially strengthened the right of individuals to practice the religion of their choice. The aim of the Peace was to establish acceptable principles related to the practice of religion that could administrate relations between the states and their subjects (Krasner, 1993). In addition to this, the Peace of Westphalia ended the religious wars and led to the emergence of new peaceful relationships between medieval European states. The Peace decreased the political authority of Christendom and a universal monarchy of the emperor (Eyffinger, 1998), and the sovereign-state system replaced the pre-modern power relation structures. The Thirty Years' War, therefore, was seen as the last religious war in Europe.

The Core Assumptions of the Westphalian System

According to the conventional view, three core concepts form the basis of the Westphalian system -sovereignty, non-intervention and equal nation-states, and decentralisation of power. The concept of sovereignty can be traced from divine authority to its modern definition. Sovereignty was first cited in the works of Jean Bodin before the Peace of Westphalia. Bodin claims that sovereignty is derived from God. Thus, the monarch's absolute authority or sovereignty cannot be limited except for divine and natural laws (Miller, 1994: 25). Even though a king was at liberty to act like a tyrant, putting up a fight against him could never be justified as he possessed the divine right of kings (Krasner, 1993). The definition of sovereignty, however, changed in the writings of Martin Luther. Luther supported the secular concept of authority and thus denied the legitimacy of papal authority. Luther argued that "…because God is omniscient, secular rulers must be divinely ordained" (Krasner, 1993: 262). As Evans and Newnham (1992) point out that with the Peace of Westphalia, the modern definition of sovereignty has emerged as asserting a supreme authority within a distinct territory and asserting membership in an international system. Westphalian sovereignty has meant here that the state can control over the affairs within its territorial boundaries without

interference from others. The newly established stated-centred sovereignty has therefore referred to legitimate of the modern political authority in response to its specific historical contexts (Bauder and Mueller, 2021). Thus, the conventionalists claim that the concept of sovereignty has been transformed and modernised by the Westphalian system.

Secondly, it is claimed that the concepts of non-intervention and equal nation-states which are the core principles of modern international world order were established by the Peace of Westphalia. Brown (in Osiander, 2001: 261) sets out the Westphalian principles by which the normative core of international law was systemised in 1648: (i) all governments are equally sovereign in their territories and (ii) states do not have the right to interfere in the domestic affairs of other sovereign states. The main principles of the Peace appeared as to recognise the independence of states and the legitimacy of all forms of government. In the medieval world, emperors and the papacy dominated political and social life on unequal pre-modern power relations. Even before the Peace of Westphalia, Bodin denied the imperial authority and hierarchical world order and tried to legitimise the sovereign equal-state system (Miller, 1994). In this context, sovereign states emerged in Western Europe when the supreme authorities –the dynasty and the papacy- lost their powers. Following the principle of the Westphalia, the Habsburg dynasty disintegrated after the Peace, and 300 principalities, which were the members of the Empire, recognised their territorial sovereignty (Eyffinger, 1998). As a result of this, it is argued that the concept of equal states' sovereignty was recognised by the Peace of Westphalia.

The third, and perhaps the greatest idea under the Westphalian system was establishing a new system under which the capabilities of local powers were preferred rather than a centralised power base (Miller, 1994). The traditional view claims that Westphalia denies the supreme authority of God and attempts to establish a system of sovereign nation-states. The concept of sovereign states signals the decentralisation of the traditional power structures found in the pre-Peace era. The Westphalian system relies on the modern meaning of the concept of anarchy as, theoretically, the system does not need either a central power or governmental institutions to sustain an acceptable social system among the constituent parties (Miller, 1994). Therefore, among the most fundamental outcomes of the Westphalian System is the principle of non-intervention which means that states must not intervene in the other's domestic affairs. This tends to maintain the decentralisation of authority in the modern world through shifting the power relations between medieval actors.

In sum, the conventional view asserts that the Westphalian system is based on the idea of sovereign and equal nation-states. The main idea of the Peace was that all equal states must be sovereign and respect others' territorial rights. From

the conventional perspective, it can be claimed that the Peace shifted the medieval principles and established the modern international world order. Nevertheless, many IR scholars (Krasner, 1999; Osiander, 2001; Teschke, 2003) claim that the Peace of Westphalia was not indeed a decisive break with the past and it re-established pre-Westphalian practices. In the next section, therefore, the traditional view of the Peace as the beginning of a new era of the modern state system is critically examined and it is argued that the Westphalian system did not open the new way for the modern understanding of IR.

2. THE UNRESOLVED SYSTEMISATION PROBLEM OF THE WESTPHALIAN SYSTEM

It is still a controversial question as to whether the Peace of Westphalia was in fact a decisive break with medieval practices or not. There are two main perspectives on the Westphalian system as to whether it has created a new world order. For conventionalists, Westphalia deeply changed the structure of the international system and shaped modern IR based on the concept of sovereignty, non-intervention, and equal nation-states (Krasner, 1999). According to Kalevi Holsti (1991), the Peace of 1648 formed Western European countries through the concept of particularism. It created a new formulation and shifted the balance of power from the medieval authorities, the papacy, and the Holy Roman Empire. Similarly, John Ruggie (1982) points out that the Peace of 1648 was a decisive break from the past, and it deeply changed the structure of the international system as it exists today. Gross (1948) also claims that the Peace ended the epoch of religious wars and marked the beginning of a new period in the international world order. From the conventional perspective, therefore, the Westphalian system heralds a turning point in history.

Despite the conventional view, the Westphalian system has been seen as an unresolved problem within the study of IR (Teschke, 2003; Osiander, 2001). According to Teschke (2003), the peace did not in fact change the dynastic principles; however, only based on the strict laws of succession; primogeniture, to secure the steady transmission of returned proprietary titles. Teschke (2003: 239) therefore argues that "…the necessary failure of this project was demonstrated by the fact that few wars in seventeenth- and eighteenth-century Europe were not wars of succession. As we have seen, in a system which states could marry states, it should not surprise us that honeymoon turned quickly into nightmares".

Krasner (1993) also adds that the Peace of 1648 did not in fact signify a beginning or an end of an era in international power relations. According to Krasner (1993), after the establishment of the Peace, the church's authority weakened, and the position of sovereign states was strengthened. The concept of sovereignty was used to legitimise the collection of taxes by the government.

Krasner (1993: 236) therefore views the Westphalian system as a weakening of the papacy, not a decisive break with the past:

> "The Peace did not mark the end of the Holy Roman Empire, one or two great universal institutions of the medieval world. The empire was not formally abolished until 1806. The papacy, the other great universal institution, is still with us, although in very much diminished form. Even before the Peace, England was a well-defined territorial entity with hierarchical structure of control, and the city-states of northern Italy had effectively freed themselves from the external control of the papacy and the Holy Roman and Byzantine empires by the 13th century".

Similarly, Osiander (2001) argues that the decisive break with the past was not the Peace of Westphalia, but the French Revolution, and the onset of industrialisation. Osiander therefore concurs with the view of the Peace as a myth of IR. Neither the treaties of Osnabruck and Munster nor the negotiations laying the groundwork for them regarded the concept of sovereignty. The fact that the Westphalian system was a turning point in building a state system around the concept of sovereignty is a commonly held but mistaken view in the field of IR (Osiander, 1994). Indeed, the Westphalian system has been seen as establishing the sovereign state system in Western Europe. However, Osiander (2001: 266) claims that "…the standard account of the peace ultimately reflects not its actual content but wartime anti-Habsburg propaganda", and many IR scholars were influenced by the anti-Habsburg propaganda of the Thirty Years War. Osiander (2001: 266) sees the Peace as a piece of anti-Habsburg propaganda rather than forming the basis for establishing independent sovereign states:

> "A confirmation of the autonomy or sovereignty of the various European actors, just saved from attempted oppression. But since, rather than propaganda, the treaties deal with practicalities, the settlement contains nothing of the sort. It is silent on the issue of sovereignty, or, less technically, independence, of European actors. It does not refer to any corollary of sovereign either, such as non-intervention. It does not deal with the prerogatives of the emperor, nor does it mention Pope. There is nothing in it about the balance of power".

Teschke (2002) also concurs with the idea that a significant break with history was not established by the Westphalian Peace. According to Teschke (2003), conventional views, including the Realists, members of the English school, and the Constructivists, on the Peace have become a constitutive foundation myth within IR. In contrast to the idea held by the conventional school of thought, Teschke (2003: 3) argues that "…1648, far from signaling a breakthrough to modern inter-state relations, was the culmination of the epoch of absolutist state formation." The Westphalian system was in fact formed by the medieval relations

between the Hapsburg dynasty and pre-modern political figures whose roots were in pre-capitalist social property relations. These kinds of property relations obstructed the development of modern sovereignty (Teschke, 2003).

Moreover, Teschke (2003: 217) argues that these relations were not specified by the Westphalian system: "While these relations were competitive, they were determined neither by structural anarchy, nor by a new set of constitutive rules agreed upon at Westphalia, nor by exclusive territoriality." The Peace was not agreed upon between states but instead, it was signed between private persons and corporate bodies. Thus, neither side had governed modern states, nor the states which signed the treaties did not come into existence as a result of the Peace of Westphalia. The definition of territory did not administratively refer to geographical land, but it referred to the rights of hegemony over altered hegemonies (Teschke, 2003).

In light of these critics, it can be seen that the Peace of Westphalia did not offer international norms by accepting the concept of the sovereignty of the sides who signed the treaties. Sovereignty, which is the central principle of so-called the Westphalian system, has been violated many times since 1648 because it has never achieved a normative character. Although the core assumption is that the idea of sovereignty is that all states are equal and one state cannot intervene in one another's domestic affairs, asymmetric power structures of the international system have restricted the internal sovereignty of many non-European states at times. Narrowing the meaning of sovereignty reveals the Eurocentric nature of the Westphalian system. As Antony Anghie (2004: 3) points out that "...colonialism was central to the constitution of international law in that many of the basic doctrines of international law -including, most importantly, sovereignty doctrine- was forged out of the attempt to create a legal system that could account for relations between the European and non-European worlds in the colonial confrontation".

Westphalia is therefore a systematization problem in the first place as the system is often violable for non-European societies. The difference between the Europeans and the rest of the world has produced asymmetrical power relations and therefore having the notion of a sovereign state could not prevent externally imposed interventions in the art, historiography, legal system, and domestic politics of the indigenous peoples (Seth, 2011). The Westphalian system shaped by the Eurocentric world order adjusts relations between European sovereign states and excludes non-Europeans from the system. Interventions from outside in the economic, political, and social processes of sovereign nation-states by ignoring fundamental international legal norms such as sovereignty, non-intervention, and self-determination correspond to the modern tenets of colonialism. The

Westphalian sovereignty, therefore, has been deeply involved in the colonisation of Indigenous peoples.

The period in which Westphalian sovereignty emerged in Western Europe was also a time when the European states became involved in colonising the rest of the world (Bauder and Mueller, 2021). The so-called existence of the Westphalian system, therefore, has been undermined by colonial activities -the European settlement and political control over the rest of the world. Since the emergence of the Westphalian system in late medieval Europe, colonial states have violated this state-centred concept of sovereignty. The colonial encounters took place between the sovereign European states and the non-European societies that were seen as lacking in sovereignty. Colonizers excluded the non-European world as backward and uncivilized and used international law to justify colonial practices as a means of achieving the civilizing mission (Anghie, 2004). During the nineteenth century, mostly northern Atlantic countries conquered the non-European world and they established "unchallenged superiority" thanks to their powerful economic and social systems (Hobsbawm, 1994: 200). Even if the Peace had undermined the power of medieval institutions such as the papacy and the emperor, the West's *unchallenged superiority* in the territory of its respective colonies clearly demonstrates that the sovereignty of states is still not universal.

The idea of protecting minorities' rights also contravenes the principles of the Westphalian system. The main tenet of the Peace is that countries should not intervene in the internal affairs of other states. However, Western European countries and the US have repeatedly violated this principle of non-intervention by intervening in the domestic affairs of Eastern and central European countries to protect the rights of minorities during the 19th century and the end of World War I (Krasner, 1993). Recognising the principles and practice of religious freedom in non-Western countries was seen as a violation and reduction of the principle of sovereignty rather than its consolidation (Mahmood, 2012). The Ottoman Empire is an appropriate example for understanding the violation of the principles of the Westphalian system. After the Crimean War, Western countries dictated to extend religious rights to those in the Ottoman Empire. In 1856, Ali and Fuad Pashas and the ambassadors of Britain, France, and Austrian signed the Reform Edict of 1856 before the Treaty of Paris (1856). Indeed, the aim of the edict was to prevent the addition of an article about non-Muslim subjects to the peace treaty by states participating in the Paris Congress. Nevertheless, the treaties of Paris (1856) and Berlin (1878) were signed when the Ottoman Empire lost its power. Similarly, France, Britain, and Russia signed a protocol to guarantee Greek independence. At the end of the Balkan Wars of the mid-1870s, the great powers recognised religious freedom for non-Muslim subjects (Krasner 1993). Despite failing to protect non-Muslim subjects' rights in the Balkans, the attempt was still inconsistent with the Westphalian system.

In the modern era, the Westphalian system continues to legitimise the violation of state sovereignty. International debates over the ethics of humanitarian intervention in the late 1990s such as Somalia, the former Yugoslav Republics, and Rwanda have been seen as a rhetorical cover for neo-colonial practices (Havercroft, 2012: 135). The so-called humanitarian intervention has also lasted throughout the 2000s -the US invaded Iraq in 2003 even though no permission for this was given by the Security Council and similarly Russia annexed Crimea in 2014. These interferences were against the concept of sovereignty and non-intervention which characterises the Westphalian system. The so-called humanitarian intervention in the sense of military action by a state and/or states without the permission of the Security Council is not acceptable under the rules of international law. Humanitarian intervention has been utilized to reinterpret the Westphalian principles of sovereignty and non-intervention in the twenty-first century. So, the assumption of equal nation-states of the Westphalian system has not existed because the domination of states over other states has continued after the Peace of Westphalia.

3. THE MOSUL OCCUPATION: DELUSION OF THE WESTPHALIAN SYSTEM

The Westphalian system which is detailed above refers to a particular political arrangement that gives sovereignty to modern territorial states. However, the concept of sovereignty in fact only applies to the Western European states and has failed to provide validity for the rest of the world. Since the Peace of 1648 was signed, the concept has repeatedly been violated by unequal power relations of the international world order. One of the obvious examples of the violation is the British occupation of Mosul which was part of the Ottoman Empire until the end of the First World War. In spite of the fact that Mosul was determined as an Ottoman land in the Misak-ı Milli (National Pact) by Ottoman Meclis-i Mebusan (Chamber of Deputies), the British occupied Mosul on 15 November 1918 (Kemal, 2007: 644). The occupation that was part of the centuries-old Eastern Question on Ottoman lands was clearly against the Westphalian principles. The Eastern Question directly targeted the Ottoman Empire's territorial integrity after the European-led world politics of the eighteenth century, and it became established as a priority on the agenda of the Great Powers of Europe in the process leading up to the First World War (Coşar and Demirci, 2004). Thus, the fundamental principle that recognises the territorial sovereignty of states seems rather debatable when we look more deeply into the historical context of the First World War's political atmosphere.

In the First World War, the Ottoman Empire fought on the fronts of the Caucasus, Iraq, Çanakkale (Dardanelles), Iran, Palestine, Hejaz, Galicia, Macedonia, and Romania. The battles on the Iraq Front took place between the

Ottoman Empire and Britain. The Iraqi Front was important for the British due to the protection of the eastern railway lines, the route to India, and Mosul's oil reserves. The Ottoman Empire was defeated on the Iraq Front despite its all struggle in Ku'tul Amara (Kısıklı, 1999; Kemal, 2007). Britain thus extended its strategic position on the ways which reached its colonies, and further provided retention of the rich oil fields of Mosul. Peter Beck (2006: 257) points out that the occupation "…explained the consequent stress upon the area's value both for imperial communications and for Britain's whole position in the Middle East, meant that the Mosul dispute involved not just the Foreign and Colonial Offices but also the India Office, the War Office and the Admiralty." During and after the War, the Turkish government(s) continued to claim that Mosul Vilayet was part of Turkish territory. However, the British-led Iraqi government was in *de facto* control of Mosul, and the Ottoman Empire was not successful in its demands against this imperialist intervention.

The British mandate officially settled in Iraq at the Paris Peace Conference in 1919. Britain, therefore, remained the occupying force in Mosul and extended its mandatory administration by stationing Political Officers to 'advise' the native administration (Shields, 2009). The British carried out propaganda by announcing that they did not come to Iraq with a hostile mentality, that a free and fair administration would be established instead of the Ottoman administration, and that they would respect religion and traditions (Selvi, 2010; Kemal 2007). During the period between 1918 and1926, the British government severed Mosul's relations with Türkiye and redirected Mosul's economic and social relations to Britain's official mandate that included Baghdad and Basra (Shields, 2009). Thus, the Ottoman legacy of Mosul was destroyed by British imperial rule despite all the terms of the Armistice of Mudros and Wilson's 14 Points.

Despite all the gains for Britain in the historical context of the First World War, the occupation was still contrary to the terms of the Armistice of Mudros which ended the war between the Ottoman Empire and the Allies on 30 October 1918. In fact, the Armistice terms had not been considered at all before the end of the war since the terms were planned to be made in accordance with the military situation prevailing at the end of the war (Dyer, 2006). However, when the war on the Iraqi front-ended, the situation on the ground was not what the British had expected. Once the Armistice entered into force on October 31, the Ottoman troops were on the Raqqa, Mayadin, Tal Afar, Dibeke, Çemçema, and Sulaymaniyah lines. British forces, on the other hand, were on the Al-Hazar, Gayyare, Altınköprü, Kirkuk, and Hanikin lines. Before 30 October, therefore, most of the Mosul Vilayet, excluding the centre of Kirkuk, was under the control of the Ottoman Empire (Kısıklı, 1999: 491). The war ended with a ceasefire; however, the British forces continued their efforts to dominate Mosul with a rapid occupation movement. The early violations of the armistice and encroachments

on Turkish territory were the result of the specific territorial aims in Mosul (Dyer, 2006). According to Article 7 of the Armistice, the Allies would have the right to occupy any strategic point of the Ottoman Empire if any situation that could threaten their security arose. Based on this ambiguous expression of Article 7, the Ottoman border was invaded by the Allies and the first invasion began starting from Mosul (Selvi, 2010). Britain was able to demand territorial rights over the region by illegally occupying the Mosul Province after the armistice was signed. British troops thus entered Mosul on 3 November 1918, in violation of the terms of the Armistice of Mudros and the line they were on at the time the armistice was signed.

The occupation was also contrary to the principles of Woodrow Wilson's Fourteen Points on 5 January 1918. The main idea of the Fourteen Points was initially based on the Westphalian principles of sovereignty, non-intervention, and self-determination. In the Turkish Case, the Fourteen Points clearly stated that "the Turkish portions of the present Ottoman Empire should assure a secure sovereignty, but the other nationalities which are now under Turkish rule should assure an undoubted security of life and an absolutely unmolested opportunity of autonomous development…" (National Archives, 2023). The Mosul vilayet had been governed by the Ottomans for centuries, and most of the population consisted of Turks, Kurds, and Arabs. Within the Wilsonian principle of self-determination, the right to determine the future of Mosul was the right of Mosul's people. However, Britain officials in Mosul prevented the self-determination rights of the Mosul people. The British existence in Mosul, therefore, was seen as a colonial intervention. The British faced some serious problems in controlling the tribes in the region. The people of Kirkuk and Sulaymaniyah did not take kindly to the British occupation and resisted paying taxes to the occupying British administration (Kısıklı, 1999). Similarly, the Kurdish tribes, who planned to establish a regional administration, also revolted against the British. Kurdish villages presumed guilty of the uprising were punished by aerial bombardment. This punishment of the British was very bloody; about eight thousand households from the tribes in the region had to migrate to the borders of the Ottoman Empire (Selvi, 2010). Thus, the right of self-determination in the region was blocked by the British themselves.

The Mosul Question bequeathed from the Ottoman Empire to the newly established Turkish Republic could not also be resolved at the Lausanne Conference of 1922-1923. During the negotiations with the Allies over the Treaty of Lausanne, the Turkish government consistently maintained that Mosul had been illegally occupied by Britain and advocated that Mosul was in Turkish territory on several social, economic, political, ethnographic, geographical, and strategic factors (Coşar and Demirci, 2004). At the Lausanne Conference, İsmet

Pasha, the head of the Turkish delegation, emphasized that the occupation of Mosul was against both international law and Wilson's Principles since it was legally occupied after the ceasefire was declared. So, the Turkish delegation asked for a plebiscite to be held in the region, but the British delegation refused to do so on the grounds that the people of the region were not ready (Kısıklı, 1999). The ambivalent attitude of the British was clearly against Wilsonian principles. At the end of the Conference, the Mosul Question was left to bilateral negotiations between Türkiye and Britain within nine months of the signature of the peace treaty. Since the bilateral talks did not yield any results, the Mosul Question was left to the League of Nations. The League of Nations appointed an inquiry commission, and it was decided that Mosul would remain in Iraq. Despite all Westphalian principles, the terms of the Armistice of Mudros, Wilson's 14 Points, and the territorial rights of a sovereign state have been violated and thus the historical ties between Türkiye and the people of Mosul were severed.

4. CONCLUSION

The Peace of Westphalia established after the Thirty Years' War led to the bolstering of the rights of Calvinists and to the decline in the authority of the church and the dynasty of Habsburg. Yet, it was not in fact responsible for establishing a new world order based on the principles of sovereignty and non-intervention. The core principle of the Westphalian system, sovereignty, had existed even before the Peace. Although the Westphalian system challenged the supreme authorities, they continued to exist in other guises well after the Peace was signed. Thus, it can be claimed that the Peace was not a decisive break with the past. Furthermore, even if we accept that the Westphalian Peace really exists, the principles of Westphalia have repeatedly been violated. Colonialism, protecting minorities' rights, and the so-called humanitarian interventions violate the principle of sovereignty and non-intervention.

The conventional view claims that the Peace was a decisive break with the past and the practices and institutions of the medieval world. It claims that the Westphalian system was established by 1648. However, the concepts of sovereignty and non-intervention are still controversial issues whether they do in fact exist or not. Many IR scholars believe that the Westphalian system is a myth. This paper demonstrates that the Westphalian system, based on state sovereignty and non-intervention, has never existed, as the principles of the Westphalian system; sovereignty, non-intervention, and equal nation-states have been violated many times since 1648. In particular, the case of Mosul was a milestone for international relations and law as a test to demonstrate whether the Westphalian system exists or not. Undoubtedly, protecting British interests in the region is not a reason enough to intervene in sovereign states' affairs. Consequently, the British

occupation of Iraq in 1918 was an illegal act under the principles of the Westphalian system.

However, although all states have equal rights and none has the right to intervene in others' internal affairs under the Westphalian system, these illegal interventions have occurred since well before and after the Peace of 1648. In the modern era, the Westphalian system is still controversial and there is no one institution charged with protecting Westphalian principles and preventing these violations. The US invaded Iraq without the permission of the Security Council and Russia annexed Crimea; even the International Court of Justice was powerless to stop these kinds of interventions. These so-called humanitarian interventions were against the Westphalian system. The humanitarian interventions have been utilized to reinterpret the Westphalian principles of sovereignty and non-intervention with the neo-colonial practices of twenty and twenty-first century. So even if we accept the concepts of the Westphalian system, it has been shown to have never established a new world order for the rest of the world.

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