

DRAFT

IRAQ: What's Next for the Kurds?

EXECUTIVE SUMMARY

[TK Depending on when this is released, this needs to be updated to reflect the evolving situation at the Turkish-Iraqi border and the degree of Turkey's facilitation of US troop movements.]

~~A war in Iraq is bound to shake up politics throughout the country, if not the region. One of the key focal points of future strife will be [delete throat clearing..] In Northern Iraq, where~~ the native Kurdish population has succeeded in carving out a degree of de facto political independence since Iraqi forces withdrew unilaterally from the area more than a decade ago. Freed from government domination and largely sheltered from external interference, the Kurds have lived in a bubble, developing the early trappings of democracy and enjoying the economic benefits of the U.N. "Oil-for-Food" program, even as intermittent fighting between the two principal Kurdish parties effectively cut the region into two halves. A U.S. war in Iraq is likely to upset this arrangement, and prompts the question: What's next for the Iraqi Kurds?

Deep in their hearts, the Iraqi Kurds desire nothing less than full independence, if not in all of "Kurdistan" (a longed-for nation-state without precise boundaries), then at least in Northern Iraq. Aware of the odds, they keep their secessionist dreams mostly to themselves and say they will settle for no more than an expanded autonomy arrangement, possibly as part of a federal Iraq. The present configuration of forces, however, might well augur something entirely different for Iraq's Kurds, a scenario with which they are already familiar: a limited autonomy or, worse, if not even their minimal demands are met, a forced return to the mountains and renewed insurrection against central control.

In any one of these scenarios, the future status of the city of Kirkuk will play a pivotal part. ~~The acquisition or loss of Kirkuk by the Kurds doubtless will shape the extent to which they will succeed in parlaying their political aspirations into concrete gains. But t~~ The Kurds are not the only ones with their eyes on what to them is the ultimate prize. Claimed not only by them but other minority groups such as the Turkomans and Assyrians, not to mention the Arab population that has swelled its ranks in recent years, the city of Kirkuk is both the object of desire and a source of future strife. Moreover, any central government in Baghdad is likely to assert its claim to Kirkuk and environs as indivisible parts of Iraq. This is as true today, under Saddam Hussein, as it is bound to be the case under a successor regime in the aftermath of a U.S.-led war, and has to do as much with the emergence of Iraq as a unitary Arab state from the wreckage of the Ottoman empire in the early 20th century as with the ~~not-so-trifling~~ fact that the Kirkuk-Mosul region sits atop oil-bearing formations containing 10 billion barrels of proven reserves.

In contemplating their future inside or outside Iraq, the Kurdish parties know they will have to contend with a number of powerful actors who may either assist or thwart their ambitions. Among these are, most prominently, the United States, Turkey, and the non-Kurdish Iraqi opposition groups with which the Kurdish parties are currently aligned. Iran, which has its own interests to protect in Northern Iraq, is also carefully eyeing developments from the sidelines.

The United States has publicly expressed its commitment to the territorial integrity of Iraq. Whatever else this posture may signify for Iraq and the Arab world, it is another way of saying that independence for the Kurds is not for the United States an acceptable outcome to the Iraq crisis. Turkey, too, has stressed the importance of a unitary Iraq, and ~~likewise for Turkey this means~~, for reasons largely having to do with its relationship to its own Kurdish population, ~~that it~~ will not tolerate any degree of sovereignty for Iraqi Kurds.

In the ~~half-light-of~~ the gathering storm this has left the Kurds of Iraq with essentially two options, both of which are fraught with serious risk: to cooperate with the United States in its war against the regime in Baghdad and thereby hope to extract the most favorable concessions, short of independence, from those who will rule a post-Saddam Iraq; or to gamble on their own military capabilities in the chaos of war and make a headlong dash for Kirkuk, thereby creating facts on the ground that any successor regime in Baghdad, American commanders in Iraq or the government of neighboring Turkey would find difficult to reverse.

Either approach may fail. After a decade of lukewarm support for the Kurds, primarily to keep the Baghdad regime on the defensive, the United States will predictably throw its full weight behind a successor government of its own creation or liking. In the messy bargaining process that is sure to follow a transition in Iraq, the Kurds may be rewarded for their support of the American war effort, but not by as much as they might wish. Having served their role, they may become dispensable, a continuing irritant and potential spoiler for sure, but bereft of the leverage they can bring to bear in pre-war Iraq today. A less than satisfactory settlement of the Kurdish question, including one that would not give the Kurds certain rights to Kirkuk, might trigger a return to armed conflict and prolonged instability in the North.

Likewise, a Kurdish rush on Kirkuk might backfire, even if it does not elicit Turkish military intervention (the worst-case scenario). Assuming that the Kurds can both capture and hold ~~onto~~ Kirkuk, a feat they signally failed to pull off during the post-Gulf War uprising in March 1991 when they were counter-attacked by superior Iraqi forces, it would set them up for a direct confrontation with U.S. military troops. Moreover, in the Kirkuk region itself there may be considerable mayhem if Kurdish civilians, forced out by the Baathist regime over the past decades and now backed by armed Kurdish factions, seek to return, only to find their homes occupied by settlers brought in to Arabise the area. Under Kurdish tutelage, the Baath regime's ethnic "cleansing" of Kirkuk may be replaced with a new wave of expulsions and attendant violence, this time targeting the region's Arab population.

There is a third scenario, one in which the Kurdish parties would initially exercise restraint and stay in their area. ~~In this variant, While~~ Kurdish civilians in Kirkuk, joined by ~~those returning from their displacement camps~~ in Kurdish-controlled territory, would ~~take administrative control~~ of the city, ~~[GE: Not clear to me how this really differs from second scenario above]~~ an act that in turn might trigger both Turkish intervention and a military move by the Kurdish parties to support their kin. Given past rivalry over control of resources and domination of the Kurdish national movement, the fragile pact between Masoud Barzani's Kurdistan Democratic Party (KDP) and Jalal Talabani's Patriotic Union of Kurdistan (PUK) may collapse in their rush to seize command of "their" Kurds in Kirkuk.

How is one to prevent matters from spinning out of control while protecting the basic rights of the Kurds, who have suffered so grievously at the hands of the Baghdad regime during its long reign? One way would be for the United States to make an explicit, public guarantee to the Kurds that it will protect them from attack (from either Turkey or a post-Saddam regime in Baghdad) and support their fair expectation of expanded autonomy during negotiations over the future governance of Iraq, including an active Kurdish role in the central government. The United States would have to back up this guarantee with an agreement with

the government of Turkey, in which Turkey would have to commit itself to placing its forces under U.S. command in Northern Iraq and refraining from any unilateral military moves.

In exchange, the Kurdish parties would have to make a solemn and public pledge not to take matters into their own hands, but work with the United States and other members of the international community to bring about a post-war situation in Iraq in which Kurds can live in peace and security and in full enjoyment of their human rights. In particular, the Kurdish parties would likewise have to agree to refrain from unilateral military adventures, and consent to a temporary international presence in Kirkuk. Only a strong military force (preferably a neutral one, such as U.N. Peacekeepers, but not including Turkish troops) could maintain the peace and set the stage for a fair adjudication by a competent and impartial body of competing claims to property and resources.

This report does not address the question whether a U.S.-led war against Iraq will or should take place: the recommendations which follow are premised on the assumption that, for better or worse, it will.¹

RECOMMENDATIONS

~~These recommendations are premised on the assumption that a U.S.-led war against Iraq will take place. ICG takes no position as to the justification for such a war.²~~

To the United States:

1. ~~Conclude a public and binding agreement~~ [GE – query whether this and other ‘agreement’ recommendations are remotely realistic given time now likely to be able: see accompanying email comment on alternative way of structuring these recs, focusing on statements/commitments/ appropriate war action, with agreement stated as desirable if time permits]-with the government of Turkey that Turkish forces will not enter Iraq except with a limited mandate, on a temporary basis, and under U.S. command. Such forces should remain in the immediate area of the Iraqi-Turkish border with the objective of securing it during a power vacuum in Iraq, and withdraw to the Turkish side of the border as soon as central authority in Iraq has been re-established.
2. Simultaneously, conclude a public and binding agreement with the Kurdistan Regional Government that the KRG’s forces (mostly the forces of the political parties constituting the KRG) will not undertake any unilateral military or political initiatives that would prejudice a consensual settling of the Kurdish question.
3. In implementing these agreements, and if U.S. forces occupy Kirkuk during a war, protect the present population from reprisals and property from destruction, and administer the city until replaced by a neutral force, such as U.N. Peacekeepers.
4. In the absence of ~~Absent~~ binding agreements with the relevant pertinent parties prior to the onset of hostilities, prevent both Turkish and Kurdish forces from entering Kirkuk and Mosul and establish security arrangements that would allay the concerns of both Turkey and the Kurdish parties.

¹ For an analysis of the merits of the various options, see ICG Middle East Report, *Iraq Policy Briefing: Is There an Alternative to War?*

² For an analysis of various options regarding Iraq, see ICG Middle East Report, *Iraq Policy Briefing: Is There an Alternative to War?*

To the Government of Turkey:

5. Conclude and implement above-mentioned agreement with the United States, and publicly commit to making no unilateral military moves in Iraq.
6. Limit any military operations inside Iraq to the immediate border area in a defensive posture aimed at maintaining security.
7. Open the Turkish border to Iraqi refugees and provide them with the necessary relief.

To the Kurdish Parties and the Kurdistan Regional Government:

8. Conclude and implement above-mentioned agreement with the United States, and publicly commit to making no unilateral military moves inside Iraq.
9. Prevent displaced Kurdish civilians returning to Kirkuk from Kurdish-controlled territory from carrying weapons, and issue public warnings they should refrain from mob justice and “reverse ethnic cleansing” at pain of prosecution.
10. Publicly commit to a multi-ethnic Kirkuk, with claims to property to be settled by an impartial body.
11. Publicly commit to protect the fundamental rights of minorities living among the Kurds, in particular the Turkomans and Assyrians/Chaldeans.
12. Refrain from military action against other Kurdish parties, including those of an Islamist bent, that are not engaged in armed opposition to the Kurdistan Regional Government.
13. Prohibit the use of Kurdish-controlled territory by the Kurdish Workers Party (PKK) of Turkey to support, prepare or launch military operations inside Turkey.
14. Reunify the Kurdistan Regional Government under the joint leadership of the KDP and PUK and reconvene the Kurdish National Assembly at the earliest opportunity.

To the International Community**[GE: who on earth are we talking about here]:**

15. In the event of a Turkish military intervention in Iraq and absent binding agreements between Turkey and the United States, **act urgently** **[who? How?]** to limit the scope and duration of any such Turkish military operation.
16. Provide technical support to those negotiating the transition in Iraq, especially in constitutional design, and establish an impartial body mandated to adjudicate competing property claims in Iraqi Kurdistan, and in Kirkuk in particular.
17. Warn all parties involved in military action that they are bound to uphold International Humanitarian Law, and that violators may be subject to prosecution for war crimes and crimes against humanity.

I. INTRODUCTION: THE KURDS IN THE SHADOW OF THE BAATH

The conflict between Baghdad and the Iraqi Kurds did not emerge with the rise to power of the Iraqi Baath in 1968. It found its origin in the modern Middle Eastern state system that arose from the disintegration of the Ottoman Empire in World War I, and has been reinforced by the growth of regional nationalisms. The Arab Baathist brand of Arab nationalism in particular, though, has been on a collision course with that of the Iraqi Kurds, and the latter's experiences with the rule of Saddam Hussein are shaping their perceptions of how a post-Saddam regime in Baghdad ought to approach the unresolved issue of their status in Iraq. The twin events of 1988 – utter defeat and devastation in the “Anfal” counter-insurgency campaign – and 1991 – mass uprising, yet another crushing defeat, then an astonishing renaissance – were so monumental as to constitute a watershed in Kurdish history.³ The Kurdish leadership can be expected to do everything in its power to prevent a recurrence of such national traumas as it girds for the expected transition in Baghdad.

A. FROM THE BARZANI REVOLUTION TO THE 1991 UPRISING

Shortly after the Baathists came to power in 1968 fighting broke out between the central government and the Kurds, despite an initial pronounced desire by the Baath regime to resolve the Kurdish problem peacefully. The Kurdish leader at the time was Mullah Mustafa Barzani, who as the head of the Kurdistan Democratic Party (KDP) commanded the Kurdish national movement, a position his successors have sought to emulate but none has matched. The on-going rivalry between them after the defeat of the KDP's rebellion in 1975 and the demise of its leader in exile four years later has defined Kurdish politics for more than two decades, as well as the Iraqi Kurds' relations with the sovereign nation state in which their stateless nation found itself in the aftermath of World War I.

Fighting in Northern Iraq was brought to an end with the March Manifesto of 1970, which was signed by the Kurdish movement led by Barzani and the government in Baghdad. This agreement provided for Kurdish autonomy within the framework of unity for Iraq, to be achieved over a period of four years.⁴ The agreement offered more concessions and freedom than any previous governments had ever considered granting the Kurds. Its implementation, however, proved to be difficult, with the greatest stumbling block being the oil-rich city of Kirkuk, which the Kurds wanted to serve as the capital of an autonomous Kurdish region—an aspiration they continue to entertain today. Pressing for advantage during a period of peace, the Baath regime launched a large-scale campaign to shift the demographic balance in traditionally Kurdish or mixed regions in and around Kirkuk and other oil-rich areas (Sinjar, Khanaqin, Mandali). This policy of “Arabisation” entailed the deportation and resettlement of large numbers of Kurds. Limited in scope during the early years, Arabisation was to become the defining trend in these regions throughout the 1980s and 1990s up until today, constituting the regime's most significant and sustainable non-military measure aimed at frustrating Kurdish aspirations.⁵

³ The best modern histories of the Kurds are, Jonathan C. Randal, *After Such Knowledge, What Forgiveness: My Encounters with Kurdistan* (New York: Farrar, Straus and Giroux, 1997); David McDowall, *A Modern History of the Kurds* (London: I.B. Tauris, 2000); and Chris Kutschera, *Le défi kurde, ou le rêve fou de l'indépendance* (Paris: Bayard Editions, 1997). See also, <http://www.chris-kutschera.com>. For a detailed analysis of the Anfal campaign, see Human Rights Watch, *Iraq's Crime of Genocide: The Anfal Campaign Against the Kurds* (New Haven and London: Yale University Press, 1995).

⁴ David McDowall, *A Modern History of the Kurds* (London: I.B. Tauris, 2000), pp. 327-35.

⁵ The Global IDP Project concluded in July 2002 that the vast majority of the 1.5 million internally displaced people in the Middle East are to be found in Iraq. (See “Internal displacement in the Middle

The peace-time dialogue between Baghdad and the Kurds broke down largely because of irreconcilable differences over Kirkuk and the distribution of power between the central government and the government of the autonomous region. In 1974 Baghdad announced its own design for Kurdish autonomy, enshrined in the Autonomy Law, which notably excluded Kirkuk and other strategic areas in Kurdistan.⁶ Since the plan fell short of Kurdish claims to Kirkuk, Barzani rejected the new law and returned to the mountains. Soon fighting resumed; the KDP received military and logistical support from Iran, which was backed by the United States and Israel.

The Kurdish insurgency put the Baath regime on the defensive. It recognized that unless Iran could be persuaded to cease its military support of the Kurds, the Iraqi army had little chance of suppressing their rebellion. Instead hostilities threatened to escalate into a full-scale war with Iran. Negotiating from a position of weakness, Saddam Hussein was forced to settle the conflict largely on terms favourable to Iran. In Algiers in March 1975 he and the Shah resolved to share control over the disputed Shatt al-Arab waterway, Iraq's lifeline to the Gulf, in exchange for a cessation of Iran's support for the Barzani insurgency.⁷

The result of the Algiers Accords was that the Kurdish national movement collapsed and Barzani was forced from the scene. In the years that followed, his son Masoud emerged as the new leader of the KDP, which began to splinter as smaller groups broke away to form separate political parties. Jalal Talabani, a long-term personal and political antagonist of Mullah Mustafa's, together with his associates on the KDP-Politburo, set up a new party, the Patriotic Union of Kurdistan (PUK), which today is the KDP's main rival.⁸

There is little that distinguishes the PUK from the KDP. Both parties are led by strong leaders whose personalities frequently clash and who have brought family members into their circle of senior aides. Moreover, the two parties are dominant in different geographical areas: The PUK rules supreme in the southern and eastern Surani-speaking parts of Iraqi Kurdistan, called Suran, whereas the KDP is the primary power in the Kurmanji-speaking area of Badinan near the border with Turkey.⁹

In September 1980 Iraq invaded the newly established Islamic Republic of Iran. During the horrific eight-year war that followed the Iraqi Kurds sought the aid of Tehran to press their own claims against the regime. In their growing insurgency, they posed both a threat in their own right to Iraq's control over the Kurdish areas, and a much more serious threat to the regime itself when they engaged in tactical alliances with Iran, which was bearing down on

East", at <http://www.idppproject.org>.) Moreover, a recent report on the internally displaced people of Iraq estimates that in the north of the country alone some 600,000 to 800,000 people have been displaced. Of these, at least 60,000, and perhaps as many as 100,000 originate from Kirkuk, victims of the regime's Arabisation policy. John Fawcett and Victor Tanner, "The Internally Displaced People of Iraq", An Occasional Paper (Washington, D.C.: The Brookings Institution—SAIS Project on Internal Displacement, October 2002), p. 16. Available at <http://www.brookings.edu>. See also, Human Rights Watch, "Iraq: Forcible Expulsion of Ethnic Minorities", Briefing Paper (New York: March 2003), available at: <http://www.hrw.org>. [TK check cite.]

⁶ David McDowall, *A Modern History of the Kurds* (London: I.B. Tauris, 1996), pp. 335-37.

⁷ Edmund Ghareeb, *The Kurdish Question in Iraq* (New York: Syracuse University Press, 1981), p. 171. Saddam Hussein was nominally vice-president in 1975 but in reality already the regime's strongman.

⁸ David McDowall, op. cit., p. 343.

⁹ Asked about the ideological difference between the PUK and KDP, KDP leader Masoud Barzani laughed and said in a recent interview: "There isn't any difference. Whatever has been stated in the manifestos is the same. The difference is some historical background and some other minor issues." Interviewed by Tanya Goudsouzian, "Kurds will not take part in U.S.-led war – Barzani", *Gulf News*, 30 January 2003. See also ICG Middle East Report, *Iraqi Backgrounder* pp. 25-28.

Iraqi forces along a wide front. This turned the Kurdish parties into a virtual “fifth column” in Baghdad’s eyes, and the regime responded with intensified repression, even if its forces were tied down on the southern front. As the fighting wore on, KDP and PUK rebels succeeded in taking control over large swathes of territory, restricting central government control to the main towns and primary roads, albeit only during daylight hours. Once the end of the war came in sight in 1987, Iraq freed up some of its divisions and went after the Kurds with a vengeance, first via a massive village destruction and population relocation campaign accompanied by chemical weapons attacks on rebel strongholds, and ultimately via the eight successive Anfal operations in the spring and summer of 1988. The Anfal was a highly organised, comprehensive program aimed at destroying the rural population that had harboured the insurgents. In its most intensive phase in April and May 1988, tens of thousands of men, women and children were taken by the military from the Germian area adjoining Kirkuk and “disappeared”. An estimated 100,000 never returned from what eyewitnesses say were vast killing grounds.¹⁰ What lingers in the public memory from this period is the Iraqi chemical strike on the Kurdish town of Halabja, in which some 6,800 civilians died.¹¹

In razing the countryside and killing its population, the Anfal campaign succeeded at once in eradicating a Kurdish way of life and massively weakening the Kurdish national movement in a blow more devastating than the defeat of 1975. Its leadership fled into exile in Iran, where they remained until the Iraqi invasion of Kuwait dramatically altered their fortunes.

B. A TURNING POINT IN KURDISH HISTORY

Despite the severe setbacks the Kurdish national movement suffered in the second half of the twentieth century, its very survival demonstrated that it was not only a force to be reckoned with but that attempts to suppress it by military force contained the seed of regional destabilisation. No event brought this home more clearly than the Iraqi response to the Kurdish uprising that followed in the wake of the successful allied campaign to dislodge Iraqi forces from Kuwait. At substantial human cost, the previously rather anonymous Kurds suddenly entered the limelight as desperate refugees vainly seeking protection in Turkey (they were blocked at gunpoint by Turkish troops), and found themselves overnight at the receiving end of international protection and support.¹²

The popular uprising broke out when Iraqi citizens, both in the predominantly Shiite south and Kurdish north, sensed that the allied victory in Kuwait had substantially, possibly fatally, weakened the central government and its repressive apparatus. For the Kurds, it started in the small town of Rania in early March, then spread to the cosmopolitan city of Suleimaniyeh, and soon covered the entire Kurdish region. The exiled parties returned hastily to take control of events, and soon the newly-empowered insurgents made a dash for Kirkuk and its oil installations.¹³ Confronted, however, with the refusal of the Gulf War allies to provide any form of military assistance for their uprising and instead permit Iraq to use the might of its helicopters, the Kurds were unable to hold on to their liberated areas for more than three weeks in the face of a determined Iraqi counter-offensive. In re-capturing the main Kurdish

¹⁰ Human Rights Watch, *Iraq’s Crime of Genocide: The Anfal Campaign Against the Kurds* (New Haven and London: Yale University Press, 1995).

¹¹ Casualty figure provided by Halabja-based organisations that provide relief to the relatives of the victims. ICG interview, Halabja, May 2002.

¹² As one observer put it, “The Kurds owed their salvation first and foremost to television, that blunt instrument which quickly won over public opinion.” Jonathan Randal, *Kurdistan: After Such Knowledge, What Forgiveness?* (London: Bloomsbury, 1998), p. 59.

¹³ Sheri Laizer, *Martyrs, Traitors and Patriots: Kurdistan after the Gulf War* (London: Zed Books, 1996), pp. 4-5.

towns, the regime sent notice to the upstart Kurds that what had befallen them in Halabja might come to pass once again.¹⁴ So great was the fear of renewed chemical attacks and mass executions that the Kurds gathered up whatever possessions they could carry at the first signs of an Iraqi troop advance and fled in mass panic across the mountains into Iran and Turkey.

The huge refugee crisis that resulted from this mass exodus found no parallels elsewhere.¹⁵ Pressed by the destabilising situation on and inside their borders, Ankara and Tehran appealed for immediate international assistance and urged the United Nations to find a solution to the humanitarian crisis. The sight of refugees huddling in the rain on Kurdish mountaintops in Turkey did much to rally international public opinion to support the refugees', if not the Kurdish, cause.

On April 5 [GE: presume 1991 – say so], the U.N. Security Council passed Resolution 688 to deal with the humanitarian crisis on Iraq's northern borders. The resolution condemned the repression of Iraqi civilians and demanded that Baghdad grant international humanitarian organisations "immediate access" to people in need. A week later, allied forces launched Operation Provide Comfort, dropping emergency relief supplies on both sides of the Turkish border. The next day they went a step further when U.S. President Bush announced that allied forces would establish temporary enclaves, or safety zones, in Northern Iraq, which would allow the refugees to return to Iraq, if not their homes.¹⁶ This was originally an initiative of Turkish president Turgut Özal that arose from Turkey's concerns about the presence of large numbers of Iraqi Kurds in its own Kurdish regions.¹⁷ Finally, the Gulf War allies established a zone north of the 36th parallel that they declared off-limits to Iraqi fixed-wing aircraft. (They set up a similar zone beneath the 32th parallel, later extended to the 33rd parallel.) In order for the international community to enforce the northern no-fly zone and provide humanitarian relief, U.S., French, British and Turkish aircraft began operating from the İnçirlik military base, near Adana in southern Turkey, with a co-ordination centre located in Zahko, an Iraqi Kurdish town in the safe haven close to the border with Turkey. Their mandate was subject to a six-monthly review in the Turkish parliament.¹⁸

Although the no-fly zone excluded large chunks of **Kurdistan** [GE- shldn't we try to avoid this terminology, except where it features in name of party or organisation?], such as Suleimaniyeh, Kalar and other towns (while including non-Kurdish towns such as Mosul), and the safe haven only covered a small area along part of the Turkish border, many refugees and internally displaced Kurds chose to return to their homes from Iran and Turkey over the following few months, as the Kurdish parties agreed to a security arrangement with the Iraqi government. This included joint patrols in the major towns. Meanwhile, a weakened Iraqi regime engaged in negotiations with the Kurds over the same old issue: the extent of Kurdish autonomy and the status of Kirkuk. Barzani and Talabani both travelled to Baghdad more than once, but eventually the talks collapsed over, once again, the intractable Kirkuk issue, and when by October the security arrangement had also come apart, government forces

¹⁴ In late autumn 1990, during the Western build-up in the Gulf, Saddam reportedly sent a senior aide to the Kurdish leadership with the message, "If you have forgotten Halabja, I would like to remind you that we are ready to repeat the operation." Cited in John Bulloch and Harvey Morris, *No Friends but the Mountains: The Tragic History of the Kurds* (London: Viking, 1992), p. 9.

¹⁵ As the UNHCR noted, never before had the world experienced such large numbers of people leaving their homeland in such a short time. It was reported that the number of Iraqi Kurds in Iran between April 7 and 8 increased from 563,000 to 771,000 in less than 24 hours. *Svenska Dagbladet* (Stockholm), 1 April 1991. In total, more than 1 million Kurds fled to Iran, and some 450,000 tried to enter Turkey. Lawyers Committee for Human Rights, *Asylum Under Attack* (New York: 1992), p. 3.

¹⁶ Bill Frelick, "Operation Provide Comfort: False Promises to the Kurds", in Gérard Chaliand, ed., *A People Without a Country: The Kurds and Kurdistan* (London: Zed Books, 1993), p. 235; and Lawyers Committee for Human Rights, *Asylum Under Attack* (New York: 1992).

¹⁷ Nader Entessar, *Kurdish Ethnonationalism* (London: Lynne Rienner Publishers. 1992), p. 153.

¹⁸ Chris Kutschera, *The Middle East* (London), November 1995.

unilaterally withdrew from the Kurdish areas to a line, north of Kirkuk, that was roughly equivalent to the border of the 1974 Kurdish Autonomous Zone. The security agencies abandoned their offices, and these were taken over at once by the Kurdish parties, nominally united in the framework of the Kurdistan Front, a coalition of parties set up in 1986. The Front began to administer the area, but constant political infighting and veto power of each of the eight parties constituting the Front drove home the need for a central governing authority.¹⁹ In May 1992, the Kurds turned out in droves for their first-ever elections, which were deemed free and fair by independent observers, choosing representatives to a 105-member National Assembly.

At the beginning of October 1992, the Iraqi Kurds went a step further to announce the formation of a Kurdish federal state, with the aim of becoming incorporated as a member of a future Iraqi federation. This proclamation was fully accepted by the Iraqi opposition umbrella group, the Iraqi National Congress (INC), a few weeks later.²⁰

In late December 1993, armed conflict broke out between the PUK and the Islamic Movement of Kurdistan, the IMK, as the latter sought to increase its influence in traditional PUK-controlled territory.²¹ This was only a precursor to a vastly more destructive conflict between the PUK and KDP that erupted in May 1994, effectively dividing the region into two zones.²² The PUK accused the KDP of keeping the bulk of customs duties levied on traffic crossing the northern border to Turkey to fatten its own party organisation rather than the common Kurdish Administration; the KDP accused the PUK of embezzling large sums from the joint Kurdish Ministry of Finance and of collaborating with the Iraqi government.²³

Things completely fell apart after the KDP, incensed over a resurgent alliance between the PUK and Iran, invited Iraqi troops back into the Kurdish region in August 1996.²⁴ These forces, some 30,000 men, captured Arbil in a lightning dash, while a resurgent KDP advanced on Suleimaniyeh, driving out the PUK. When international pressure forced Iraq to withdraw its forces a couple of days later and the PUK managed to fight its way back into Suleimaniyeh, the KDP assumed full control over Arbil, where it established its seat of government; the PUK did likewise in Suleimaniyeh, and from then until late 2002 there were parallel Kurdish administrations in Iraqi Kurdistan with their own cabinets headed by prime ministers; the Kurdish parliament stayed in Arbil, becoming a strictly KDP affair.²⁵

In September 1998, and with strong U.S. mediation, both parties agreed to a settlement of their armed conflict, and the resulting Washington Agreement provided a lasting cease-fire. It did not, however, succeed in easing the strained relations between them. Under renewed pressure in the summer of 2002, the leaders of the two parties finally signed a new accord that was followed by the reconvening of the Kurdish parliament in Arbil in October.²⁶ In an important step, the assembly accepted for review a set of draft constitutions for Iraq and a

¹⁹ David McDowall, op. cit., p. 380.

²⁰ Rend Rahim Francke, "The Opposition", in Fran Hazelton, ed., op. cit., p. 174.

²¹ David McDowall, op. cit., p. 387.

²² David Hirst, *The Guardian*, May 14, 1994.

²³ [TK first name?] Waller, *Time*, March 27, 1995. The United States tried to bring the two parties back together but made little headway, stumbling over key issues such as finding a common approach to the Kurdish Workers Party in Turkey (the PKK)—with whom the KDP had clashed militarily, and which the PUK had supported—the allocation of customs duties on goods crossing the Turkish border, and the demilitarisation of their de facto capital Arbil. See [TK first name?] Jarrah, *Middle East International*, no. 506 (August 4), 1995.

²⁴ See, for instance, Hugh Pope, *Middle East International*, no. 533 (September 6), 1996.

²⁵ Marion Farouk-Sluglett and Peter Sluglett, *Iraq since 1958. From Revolution to Dictatorship*, (London: I.B. Tauris, 2001), p. 299.

²⁶ "Iraqi Kurds endorse peace deal, win US plaudits, at landmark meet", Agence France-Presse, 4 October 2002.

federal Kurdistan region, prepared by experts contracted by the KDP. On 2 March 2003, the two parties issued a statement announcing the formation of a “Joint Higher Leadership” in Iraqi Kurdistan, to be co-chaired by Barzani and Talabani.²⁷

Despite the internecine fighting and the existence of two parallel administrations, the Kurds were able to carve out an oasis (or two oases, really) of relative prosperity in the 1990s. This is all the more remarkable given that the Kurds inherited a devastated land. Much work was done to improve the infrastructure, great strides were made in education and public health, and the area now enjoys a vibrant free press. The countryside has largely been rehabilitated. Structural problems remain, though. The U.N. Oil-for-Food program’s emphasis on food imports discourages local farming and its emphasis on rebuilding infrastructure has done little to spawn sustainable development. Imports of spare parts and other goods needed for manufacturing are regulated under the U.N. program and are channeled through Baghdad, leading to bureaucratic bottlenecks and political interference.²⁸ In order to make a decisive shift from a society living on international handouts to a thriving economy in its own right, Iraqi Kurdistan [as above?] will have to be reintegrated into the wider world, even as it seeks greater autonomy within the Iraqi state system and breaks out from the suffocating embrace from its two powerful neighbours, Turkey and Iran.

²⁷ Available at: <http://www.krg.org>.

²⁸ ICG interview with PUK Prime Minister Barham Salih, Suleimaniyah, 28 May 2003.

II. THE TURKEY – TURKOMAN FACTOR

Turkey shares a 400-kilometre-long mountainous border with Iraq—all of it Iraqi Kurdistan—and so it has had a major interest in developments in Northern Iraq, in particular in preventing a spill-over effect of Kurdish nationalism, but also in defeating Turkey's own Kurdish Workers Party (PKK), which has used the area as a sanctuary for its guerrilla forces. A Turkish defense analyst laid out Turkey's four primary interests in Iraq: the continued flow of oil, the prevention of a Kurdish state, denial of safe haven for the PKK, and the dismantlement of Iraq's weapons of mass destruction.²⁹

Some vocal sectors of Turkish politics see more than defensive and economic interests in Iraq: To the ultra-nationalists the original Ottoman vilayet of Mosul (comprising the regions of Mosul, Kirkuk and Suleimaniyeh, i.e., an area roughly equivalent to Iraqi Kurdistan) still forms an integral part of Turkey, one that was lost when the Ottoman Empire was carved up after World War I and Mosul was attached to Iraq.³⁰ As recently as January 2003, Turkey's Foreign Minister, Yasar Yakis, asserted his country's "legitimate and strategic interests" in Mosul and Kirkuk,³¹ though his statement may have derived from a desire to overcome strong anti-war sentiment in Turkey and pave the way for Turkish agreement to a military alliance with the United States in the context of that war.

The military defeat of the PKK in the late 1990s, capped by the arrest of its leader, Abdullah Öcalan in February 1999, can be attributed to Turkey's ability to move about in Northern Iraq at will, dealing blow after blow to the PKK's retreating forces.³² Despite the PKK's decline, Turkey has maintained that the PKK remains present in Northern Iraq with its basic structure intact, justifying a continued Turkish military presence there.³³ It has also raised another justification for its presence, one consonant with the ultra-nationalists' expansionist dreams: to be the protector of the "equal rights" of the Turkoman community, ethnic Turks who live predominantly in Iraq's main cities, including Kirkuk, Mosul and Arbil.³⁴ There are no reliable figures for the size of this minority group, but most sources seem to point at 350,000 to 500,000; they are, in other words, vastly outnumbered by the 3 or 3.5 million Kurds. The willingness of at least part of the Turkoman community to accept Turkish tutelage has facilitated Turkey's projection into the Kurdish region, setting up Turkomans against Kurds, and even Turkomans against Turkomans.

²⁹ ICG interview with Seyfi Teshan, Bilkent University, 5 February 2003.

³⁰ Kendal Nezan, "Kurdistan in Turkey", Gérard Chaliand, ed., *A People Without a Country* (London: Zed Books, 1993), pp. 50-51.

³¹ He did so in an interview in the Turkish daily *Hürriyet*, 6 January 2003.

³² "Turkey seizes Öcalan in heavy blow to rebels", Reuters, 16 February 1999.

³³ ICG telephone interview with journalist Cengiz Candar, Istanbul, 10 September 2002.

³⁴ "Turkish Foreign Minister Comments on Iraq, Turkomans, and Oil," RFE/RL Iraq Report, vol. 6, no. 1, January 13, 2003. As with all minorities in Iraq, the size of the community is fraught with controversy. Representatives of the pro-Turkish Iraqi Turkmen Front (ITF) have offered a figure of 3 million Turkomans in Iraq (13 per cent of the Iraqi population). The rival Turkmen Cultural Association (TCA) hews to a much smaller number: one million Turkomans, of whom some 25,000 are said to reside in the territory controlled by the Kurdistan Regional Government (mostly in the town of Arbil). ICG interview with Jawdat Najar, TCA leader, Arbil, 27 August 2002. The head of the Islamic Union of Iraqi Turkomans based in Damascus, Abbas Bayati, has said there are between 1.5 and 2 million Turkomans in Iraq, evenly divided between Sunnis and Shiites, and that some 300,000 of these live in the KRG-controlled area. Chris Kutschera, "Les visées turques en Irak et la carte turkmène", Radio France Internationale (8 March 2003), at <http://www.rfi.fr>. None of these figures can be verified. The main culprit is the regime's policy of "nationality correction" by which Turkomans have been encouraged to assume Arabic names and register as Arabs in the national census. Many Arabised Turkomans are likely to reclaim their true ethnicity the moment the opportunity arises.

The Turkomans' relations with the Kurds have been testy, but there is no history of fighting between the two communities.³⁵ The Turkomans boycotted the 1992 elections, ostensibly because the National Turkmen Party (NTP) at the time was denied a seat on the election committee,³⁶ but just as likely so as not to anger either Turkey or the Iraqi regime by seemingly endorsing the Kurds' strides toward self-government.³⁷ In the same spirit the Iraqi Turkmen Front (ITF) turned down an invitation to take part in the revived Kurdish parliament in October 2002.³⁸

Established in 1995, the ITF is an umbrella organisation that originally consisted of 26 Turkmen organisations and political groups but lost some support in the late 1990s over its close alliance with Turkey. Its key members, each with a different agenda, are the Iraqi NTP, which promotes Turkoman autonomy within a unitary Iraq; the Turkmeneli Party, which advocates an Iraqi federation comprising four federal regions for Turkomans, Kurds, Sunni Arabs and Shiite Arabs; and the Turkmeneli Independence Movement, which strives for an independent Turkoman state. Though close to Turkey, the ITF claims it receives no direct financial support from the government in Ankara and dismisses suggestions it needs its neighbour as a protector against the Kurds.³⁹ Its relations with the KDP are strained, those with the PUK somewhat better.⁴⁰ The ITF is a member of the Iraqi National Congress, a coalition of opposition groups, but has complained that Turkomans are underrepresented.⁴¹

The ITF's claim that it represents all Iraqi Turkomans⁴² is gainsaid by other Turkoman parties. For example, the head of the Iraqi Turkmen Brotherhood Association, Nafi Qassab, has said that "no party has the right to speak as the real representative of the Turkmen people, and the Turkmen cause is not the cause of the ITF."⁴³ Another group, the Turkmen Cultural Association (TCA), has accused Turkey of harassment of its political work and the ITF of acting as an agent for Turkey.⁴⁴ At the same time, the KDP has accused Turkey of using the ITF to stir trouble between Turkomans and Kurds.⁴⁵ There is some truth to this charge: The Turkoman presence in Northern Iraq allows Turkey to mask its core objectives (listed above) and declare that its forces were invited into the area to protect an embattled minority of kinsfolk.

As war rhetoric built in the fall of 2002, Turkey began to formulate a policy position that was based on a mix of fear and a sense of opportunity: Fear of refugees spilling across the border, of an independent Kurdish state emerging in Northern Iraq, and of the effect a war might have on Turkey's ailing economy. And yet a sense that this might be a splendid opportunity to act – unilaterally or if possible in cooperation with U.S. forces – to squash Kurdish aspirations to

³⁵ Fighting between Kurds and Turkomans in Kirkuk in July 1959 seems to have had a political rather than an ethnic character. See Hanna Batatu, "Kirkuk, July 1959", reproduced from his monumental study, *The Old Social Classes and the Revolutionary Movements of Iraq* (Princeton University Press, 1979), available at: <http://www.kirkukcity.cjb.net>.

³⁶ ICG interview with Mostafa Ziya, ITF representative in Turkey, Ankara, 12 September 2002.

³⁷ The majority of Turkomans remained under Baghdad's control. See David McDowall, *A modern History of the Kurds* (London: I.B. Tauris, 1996), p. 381.

³⁸ "PUK to host 2nd session of Kurdish parliament", *TDN*, 8 October 2002.

³⁹ ICG interview with Mostafa Ziya, ITF representative in Turkey, Ankara, 12 September 2002.

⁴⁰ At the same time, PUK leader Jalal Talabani convened a press conference with ITF leader Sanan Ahmet Aga at the end of 2002 to welcome improved relations with Turkey and agreeing that relations with the ITF should be improved as well. "PUK Fears Foreign Occupation," RFE/RL Newline, vol. 6, no. 240, 27 December 2002.

⁴¹ ICG interview with Mostafa Ziya, ITF representative in Turkey, Ankara, 12 September 2002.

⁴² Claim made by ITF representative Mustafa Kemal Yaycili in "Federation debate among the Iraqi opposition groups", *Turkish Daily News*, 4 November 2002.

⁴³ [TK get cite from Sophia; same as when we quote him on federalism later?]

⁴⁴ ICG interview with Jawdat Najar, leader of the Turkmen Cultural Association, 27 August 2002.

⁴⁵ Jawhar Salim, KDP Political Bureau Secretary. ICG interview 27 August Arbil.

statehood once and for all, in part by playing the Turkoman card. Given a surge of popular opposition to the war at home, the Islamist government that came to power in November 2002 has had to tread a careful line. It has urged a peaceful solution to the conflict through the United Nations, while domestically pushing for permitting U.S. forces access to Northern Iraq via Turkey. It has also brought its own forces into a state of preparedness, both to keep Iraqi refugees out and to send troops into Iraq to pre-empt a Kurdish rush for Kirkuk. It has pre-positioned relief materials on the Iraqi side of the border⁴⁶ and transferred forces and heavy military equipment to the Bamarni airstrip, the only usable airfield in the area bordering Turkey, over the KDP's vociferous objections.⁴⁷

By early January 2003 the Turkish media reported the presence of "more than 30" tanks and "some 2,000" Turkish troops in Northern Iraq.⁴⁸ These moves may have been precipitated by fears of unilateral American military use of the airstrip, fears that became more real with the Turkish Parliament's "no" vote on providing additional basing rights to U.S. forces in early March.⁴⁹ Under current planning the Turkish military is prepared to send tens of thousands of troops into Northern Iraq.⁵⁰

Turkey knows it could go it alone, but this would not be its preference. Financially, it would stand to lose U.S.\$15 billion or more in loans and grants if it did not cede basing and over-flight rights to the United States, not to speak of the economic benefits that would accrue from being on the "good" side in a post-Saddam Iraq.⁵¹ Moreover, American forces might lend a very welcome gloss of legitimacy to Turkish forces operating in the North. Turkish sources maintain that the role Turkey will play in a potential war will very much depend on what Washington says the endgame will be and how firm are its commitments.⁵² But whatever the grumbling and bargaining of its officials and the anti-war murmuring of its population, if Kurdish independence is Turkey's main fear, a tactical military alliance with the United States might be its best insurance policy. Any U.S. thrust into Iraq from the north would aim at Iraqi Republican Guard forces in Mosul and Kirkuk, with a view to securing the Kirkuk oil fields and cutting the regime off from its support in the Sunni-dominated areas of northwestern Iraq.⁵³ It equally would deprive the Kurds of unimpeded access to Kirkuk.

⁴⁶ Reports suggest Turkey had started preparations for the establishment of 13 camps for displaced persons inside northern Iraq, as well as 5 refugee camps inside Turkey. "Turkish Daily Reports on Establishment of Refugee Camps," RFL/RL *Iraq Report*, vol. 6, no. 1, 13 January 2003.

⁴⁷ ICG interview with Necdet Gundem, foreign affairs spokesman for the Kurdish-Turkish political party HAK-PAR, Ankara, 11 September 2002; and "Kurdish leader wants Turkish troops out of Iraq", Reuters, October 18, 2002.

⁴⁸ "Turkey ramps up military presence in northern Iraq," *Daily Star*, 6 January 2003. Other sources reported a higher number, even up to 12,000 Turkish troops in northern Iraq in early 2003. "Turkey has doubled presence to 12,000 troops in Southern Kurdistan," Associated Press, 7 January 2003.

⁴⁹ These fears were generated by the visit of some 40 U.S. officers and military experts to the area in the early spring of 2002 to inspect potential military bases as part of U.S. planning for an attack Iraq. See "Iraqi Oppositionists (Kurdish parties) in Damascus to Gain Support", *Al-Hayat*, 12 March 2002. Several follow-up visits by U.S. military personnel have been reported. For example, "Iraqi Kurds say US in Northern Iraq", *Los Angeles Times*, 12 November 2002.

⁵⁰ "Turks, Fearing Flow of Refugees, Plan Move Into Iraq", *New York Times*, 22 November 2002; and "Turkey Said Ready to Send Troops to Iraq," Associated Press, 17 December 2002. In February 2003 the talk was of some 80,000 Turkish soldiers striking 150 miles into Iraq. See Kevin McKiernan, "Urgent Request: Kurdish Rebels Fear Turkish Aggression May Accompany U.S. Troops", ABC News.com, 25 February 2003, at: <http://abcnews.go.com/sections/world/2020/kurdistan030225.html>.

⁵¹ An additional enticement may be the U.S. promise that if the war is short—shortened by the use of Turkey as a staging area for U.S. ground troops—the flow of refugees toward Turkey may be minimal. Senior U.S. officials quoted in Esther Schrader, "Northern Front is Part of U.S. War Strategy," *Los Angeles Time*, 22 December 2002.

⁵² ICG telephone interview with, among others, journalist Cengiz Candar, Istanbul, 10 September 2002.

⁵³ There may be a separate thrust eastward toward PKK bases near the town of Qala Dizeh.

Meanwhile, Iraqi Kurdish parties have rushed to reassure Ankara that their intentions are good and their goals limited. Masoud Barzani, visiting Turkey in mid-January, criticised the Turkish troop presence in Northern Iraq as unnecessary, as the Kurds, he said, could be counted upon to protect vital Turkish interests: “We give importance to Turkey’s security and interests,” he asserted. “We would not allow any threats against Turkey’s security or interests.”⁵⁴ As for the “day after”, Turkey is concerned that the Kurds’ weight in a post-Saddam Iraq might be disproportionate to their numbers, allowing them to extract major concessions from the central government (in which they would play an important part). Here, too, the Kurds would approach a red line. As one Turkish defense analyst told ICG, “We can only accept Kurdish autonomy on the basis of the 1974 Constitution, not more. And if things don’t go the way we want them to, we will intervene.”⁵⁵ If this happens, the ~~The~~ Kurds are unlikely to stand for it.

⁵⁴ “Barzani makes rare overture to Ankara,” *Daily Star*, 11 January 2003.

⁵⁵ ICG interview with Faruk Demir, Vice-President of the Center for Advanced Strategy, Ankara, 4 February 2003.

III. EYES ON THE PRIZE

The Kurds cannot be blamed for their desire to put a full stop behind the legacy of the 20th century – an era that was filled by national disasters and recurrent betrayals – and pursue a decisive settlement to the troubled question of their status as a people. Denied statehood after the dismemberment of the Ottoman Empire, the Kurds became an instrument in the hands of more powerful players and were led along a trail of broken promises and agreements. The latest guarantor of Kurdish rights and security, the United States, has come in for the same criticism – of hardly having Kurdish interests at heart but ruthlessly pursuing its own at the expense of the Kurds on the back of pledges honored strictly in the breach. A senior Kurdish official, the KDP's Sami Abd-al-Rahman, gave voice to the deep sense of anguish over the Kurds' fate when he accused the United States at an Iraqi opposition meeting in early March 2003 of yet another double-cross if it went ahead with plans to permit a Turkish incursion into Northern Iraq: "In my lifetime", he said, "twice the United States government has betrayed us [in 1975 and 1991]. Now, if this goes ahead, it will be a third betrayal in one generation."⁵⁶

Perceived betrayals are the insult added to the wounds of repeated defeats and tragedies, which are recited as a litany of woes by the Kurds but are little known in the outside world. Iraq's 1988 Anfal campaign, in which an estimated 100,000 Kurdish men, women and children were systematically murdered, is known only to regional experts (and even then often distorted in the slowly growing literature on the subject). The chemical strike on Halabja in March 1988 is somewhat better known, but here, too, the historical record has been the subject of controversy⁵⁷, and the extent of the suffering not fully acknowledged. The international community's inability to comprehend the transformative significance of Anfal/Halabja to the Kurds is roughly equivalent to failing to grasp how the events of 11 September 2001 affected the American psyche.

It is out of such deep emotions and national traumas that identities are forged or reinforced and, sometimes, nations are born. These are certainly the factors that have given rise to the strong sense of entitlement the Kurds have today. If in the chaos of war the Kurds make a sprint for Kirkuk, it will be less out of an opportunistic calculation of probable gain as driven by a profound urge for national survival. It will be the Kurds' way of asserting nationhood as a prerequisite for statehood, for in Kirkuk the Kurdish identity is entwined and without Kirkuk the Kurds are unlikely to obtain the viability of a state. And without a state, they maintain, the tragic history of the 20th century will merely keep repeating itself.

Statehood, though, is not the only possible scenario emerging from a U.S.-led war on Iraq, and indeed it is not the most realistic one. The Kurds, regardless of their perceived rights, may have to settle for less, possibly far less, given the odds and depending on the choices they make in the run-up to war and the heat of conflict. The four main scenarios are outlined here.

A. STATEHOOD

Most Kurdish officials have been careful not to raise the Kurdish claim to self-determination and statehood in public discourse, a claim that constitutes a hope to many Kurds but a spectre to others, neighboring Turkey in particular. The only public voices supporting independence can be found in the Kurdish diaspora and, in the case of Iraqi Kurds, a small organisation in Suleimaniyeh, called the Mosul Velayat Council, that advocates peaceful separation of

⁵⁶ "Iraq Opposition Groups Show Fissures at a Unity Meeting", Agence France-Presse, 1 March 2003.

⁵⁷ See Stephen C. Pelletiere, "A War Crime or an Act of War?", *New York Times*, 31 January 2003, for a telling example of revisionist history. Pelletiere claims, in the face of overwhelming evidence to the contrary, that it was Iran's use of poison gas that killed the majority of Kurds in Halabja.

“Mosul Velayat” from Iraq.⁵⁸ Apart from this, the entire spectrum of Kurdish political parties in Northern Iraq dismisses talk of the Kurds “going it alone.” Both the PUK and the KDP have repeatedly denied accusations they are secretly planning to proclaim an independent Kurdish state and have asserted they wish to play a central role in the future administration of Iraq. For example, the PUK’s Prime Minister, Barham Salih, told ICG that, “A new Iraqi government should be broad-based, representative and democratic, and take into account Kurdish aspirations and concerns.”⁵⁹ Likewise, the KDP’s Prime Minister, Nechirvan Barzani, declared in Ankara: “Our aim is not to set up an independent government or entity. We would like to resolve the problem within a united and democratic Iraq.”⁶⁰

These same leaders, though, have done little to inspire trust, despite those assurances, for at the same time they have held out the possibility of a Kurdish state sometime down the line, if not fashioned by their hands, then perhaps by those of a future generation. One respected Kurdish leader, for example, remarked wistfully that, “there are 22 Arab countries, so perhaps many Kurdish states can emerge in the future as well.”⁶¹ And KDP leader Masoud Barzani has stated that, “Kurds, like any other nation, have the natural right for an independent state. But it is *not the right time* for that. *Right now*, this question is not on the table.”⁶² Likewise, the draft constitution for a Kurdish federal region contains an opt-out clause: If a federal Iraqi state undertakes to change its own make-up without the Kurds’ consent, they retain the right to leave declare independence.⁶³ Such statements may have been intended to reassure Turkey in particular of the Kurds’ limited objectives, but it should be no surprise that the inclusion of what could easily be interpreted as a caveat – inadvertently or deliberately (playing to a domestic audience) – has generated apprehensions that whatever arrangements Kurds may say they will accept, to them these would be a stepping-stone to full independence.

Turkey in particular has vociferously opposed any Kurdish move toward independence.⁶⁴ It is worried not only about the emergence of a Kurdish state in Northern Iraq (possibly first as an

⁵⁸ Its leader told ICG that, with the help of Western powers, peace “will only come to the region if the state of Mosul is established”, and that his scheme “does not affect either Iran or Turkey, and as for Iraq, it will just be another neighbour. ICG interview with Najm al-Surchi, Secretary-General of the Mosul Velayat Council, Suleimaniyeh, 24 August 2002.

⁵⁹ ICG interview, Suleimaniyeh, 28 May 2002.

⁶⁰ “Iraqi Kurds seek to mend fences with Turkey, but retain claim over Kirkuk”, Agence France-Presse, 24 October 2002. Similarly, Muhammad Haji Mahmoud, leader of the Kurdistan Socialist Democratic Party, told ICG that because regional and international actors alike have continuously referred to the Kurds as an Iraqi internal issue, Kurds have accepted the need to solve Iraq’s Kurdish question within the framework of the Iraqi state. ICG interview, Suleimaniyeh, 24 August 2002.

⁶¹ ICG interview with Muhammad Haji Mahmoud, Suleimaniyeh, 24 August 2002. Likewise, suggestions that the Kurds will settle for a lesser option only because they are unable to obtain independence at this juncture, or that an independent Kurdistan would somehow be too small to be worth pursuing, do little to assuage others’ concerns. One PUK official, for example, told ICG: “An independent Kurdistan would be too small a player to have any influence in the region, and so the Kurds want to be part of a bigger player.” ICG interview with Sa’di Ahmad Pira, head of the PUK’s Relations Bureau, Suleimaniyeh, 23 August 2002.

⁶² Interviewed by Tanya Goudsouzian, “Kurds will not take part in U.S.-led war – Barzani”, *Gulf News*, 30 January 2003 (emphasis added).

⁶³ Article 75 reads: “The structure of the entity and the political system of the Federal Republic of Iraq cannot be changed without the consent of the Kurdistan Regional Assembly. Action contrary to this shall afford the people of the Kurdistan Region the right of self-determination.” Kurdistan Regional Government, “Constitution of the Iraqi Kurdistan Region”, at: http://www.krg.org/docs/K_Const.asp. This draft constitution is yet to be approved by the Kurdistan National Assembly, and is likely to undergo significant modification during the review process.

⁶⁴ Before he became Turkey’s Prime Minister in March 2003, Recep Tayyip Erdogan, as leader of the Justice and Development Party, had stated unambiguously that Turkey would never condone the establishment of a Kurdish state in Northern Iraq. Quoted in, “Turkish Party Leader Says Turkey Will Not Condone State in Northern Iraq”, RFE/RL *Iraq Report*, vol. 6, no. 1 (13 January 2003).

autonomous entity or a federal region) but that such a state would have the ambition to expand, targeting South-eastern Turkey with its predominantly Kurdish population and significant water resources.⁶⁵ The Kurds have long made claims to an area extending far beyond the regions with the heaviest Kurdish population concentrations, covering large swaths of the territory of Turkey, Iraq, Iran and Syria. As ICG was able to observe, maps of this “Greater Kurdistan” are the standard form of decoration gracing many a Kurdish government office in Northern Iraq, the KDP and PUK’s demurrals about statehood notwithstanding. The United States has stressed it supports the territorial integrity of Iraq, a code word for its opposition to Kurdish secession. Iran, too, has warned against Kurdish moves toward declaring independence.

There is much to argue in favor of the idea of an independent Kurdistan in Northern Iraq. Aside from the obvious fulfillment of Kurds’ long-standing nationalist aspirations and their presumed ability to provide better protection for the Kurdish people from regional predators via defined borders, a standing army and inter-state alliances, the fact is that the entity that has emerged in Northern Iraq since 1991 is an independent state in all but name. As Peter Galbraith, a long-time advocate of Kurdish national rights, has argued, “The Kurds have established a real state within a state, with an administration that performs all governmental responsibilities, from education to law enforcement [and] militias [that] number 70,000 to 130,000.”⁶⁶ [GE: Should mention here population size – with and without Kirkuk and Mosul – and where this would place entity in UN member country population table: presumably nowhere near the bottom] This statelet has functioned without control from Baghdad (even if certain essential services continue to be provided). Through proper water management, it would have access to potable and irrigation water, as well as electrical power. It has tremendous agricultural resources, constituting a veritable bread basket for the region. And if Kirkuk were included in such a state, it would potentially possess great wealth from exploitation of the oil fields.

De facto independence is not turned automatically or easily into formal statehood, though. Even if Turkey did not intervene militarily to prevent it from being declared, a Kurdish state in Northern Iraq would be landlocked, needing access to resources and funds [GE: not if oil available – as you’ve just said] for infrastructure and economic development to make it viable. It would also need international recognition and guarantees, as well as expertise in marking frontiers, training its security forces and raising a professional class. Most of all, it would need good relations with its neighbors to allow for trade and the transshipment of goods. Formal sovereignty short of these elements – in other words, the trappings of a state without the substance – would make a Kurdish state dangerously dependent on its strongest neighbor, a possible vassal to Turkey or Iraq, much as the nominally independent states of Eastern Europe once were fully subjugated to the Soviet Union. Lastly, a Kurdish state in Northern Iraq would have to accommodate its own minorities, especially the Turkomans and Assyrians/Chaldeans, who themselves have historic claims to the area and relations with whom have been prickly at times.

⁶⁵ ICG interview with Mustafa Kibaroglu, Assistant Professor of International Relations at Bilkent University, Ankara, 10 September 2002. Although Kurds in both Turkey and Iraq harbour secessionist sentiments and there are tribal and familial links connecting the two populations, the political representatives of both groups (the outlawed PKK in Turkey, and the KDP and PUK in Iraq) have historically been far apart, engaging at most in temporary alliances of a strictly tactical nature. To emphasise this point, Naci Kutlay, the deputy leader of the (legal) pro-Kurdish HADEP in Turkey, told ICG that his party maintained no contacts with the PUK and KDP representatives in Ankara since, as he put it, in that case there would be “problems for them and problems for us”. Similar sentiments were voiced by Necdet Gundem, representative of HAK-PAR, another (legal) pro-Kurdish party. ICG interviews, Ankara, 9 and 10 September 2002. A PUK official likewise indicated his group’s formal distance from its Kurdish counterparts in Turkey. ICG interview with Sa’di Ahmad Pira, head of the PUK’s Relations Bureau, Suleimaniyeh, 23 August 2002.

⁶⁶ Peter W. Galbraith, “Flashback for the Kurds”, *New York Times*, 19 February 2003.

The creation of an independent Kurdish state in Northern Iraq doubtless would have profound consequences for what would become a truncated Iraq. The loss of territory and its strategic resources would have a serious economic impact, and political instability might ensue from the change in the religious balance as the powerful Sunni minority in Iraq would be cut loose from their Sunni Kurdish component and thus be greatly outnumbered by the Shiites. There is no indication that Iraqi Arabs would accept the Kurds' secession. Although it is not possible to conduct a reliable opinion poll in Baathist Iraq, anecdotal information from inside the country, as well as strong signals from Iraqi opposition groups in exile make clear that this issue is on no one's agenda but the Kurds'.⁶⁷

On balance, the oblique references to independent statehood and the ubiquitous maps of an enlarged Kurdistan are belied by the essentially pragmatic temperament of the Kurdish leadership. All things being equal, their desire to reach a fair settlement with a new government in Baghdad supersedes any emotive need to grab what deep down they may consider theirs. However, should Turkey choose to act preemptively and seize Mosul and Kirkuk in the first days of the war, the leaders of the KDP and PUK may no longer be able to contain either themselves or their fighters, nor for that matter the tens of thousands of Kurds displaced from their Kirkuk homes in decades past. If that happens, all bets are off: Kurds may fight Turks, or Arab residents of Kirkuk, or – in their unceasing rivalry – each other, or all of these at once, and the glimmer of statehood is then certain to lose the last little bit of its lustre. [GE – to whom? If you mean they can never gain statehood by force, say so, and why. If force so obviously a non-starter why do we keep raising it as a likely scenario]

B. FEDERALISM

If statehood is not attainable, as the Kurds generally acknowledge it may not be, they realize that their future will be closely intertwined with that of Iraq as a whole. The only way in which this would make sense for them, given past experience, is if they had a significant stake in central government in Baghdad. As the PUK's Barham Salih put it: "As an Iraqi citizen and a Kurdish citizen of Iraq, I will have the right to participate in such a government along with other Iraqi citizens to guarantee an equitable distribution of resources."⁶⁸ At the same time, the Kurds would want to draw significant political and economic powers away from the center to a Kurdish federal region.⁶⁹

Shortly after their emergence as a self-administered entity in Northern Iraq, the Kurds formally declared their desire to become part, in a post-Saddam Iraq, of a federal state in which they would enjoy powers far exceeding those granted in the 1970 Autonomy Agreement (which was never implemented).⁷⁰ This aspiration became a standard plank of the

⁶⁷ On perspectives of ordinary Iraqis, see the ICG's Iraq Briefing, "Voices From the Iraqi Street" (Brussels, 4 December 2002). For Iraqi opposition views, see below. A respected (unaffiliated) opposition leader living in exile, Adnan Pachachi, declared that a post-Saddam government "would have to agree with the representatives of the Kurdish people about the system under which the Kurds would live in a united Iraq." Adnan Pachachi, "Iraq's route to a democratic future", *Financial Times*, 2 March 2003.

⁶⁸ ICG interview, Suleimaniyeh, 28 May 2002.

⁶⁹ As Barham Salih put it, "Devolving political and economic power, sharing Iraq's vast potential fairly among its people, will preclude the possibility of another centralized tyranny gripping the Iraqi state and its oil revenues." Barham Salih, "A Kurdish Model for Iraq", *Washington Post*, 9 December 2002.

⁷⁰ In the preamble to the Kurds' draft constitution for their future entity, it is noted that, "By a unanimous vote of the Iraqi Kurdistan National Assembly, the 'Parliament,' the people of the Kurdistan Region were able to practice their right in choosing the form of future constitutional relationship with the Iraqi government and hence decided on federalism as the constitutional basis for the Government of Iraq whereby the Iraqi Kurdistan Region would comprise one of the future regions

Kurdish parties' political program as they engaged with the non-Kurdish Iraqi opposition groups, especially the Iraqi National Congress of Ahmad Chalabi, which accepted federalism as the solution to the Kurdish question. The official position of the KDP-controlled Kurdistan Regional Government is that "federalism is the most appropriate system of government for Iraq as it is consistent with the pluralist nature of the Iraqi community and it is a suitable basis for solving the Kurdish problem in Iraq. It affords the Kurdish people the enjoyment of their legitimate national rights and internal independence within the region of Kurdistan and within the framework of a single Iraqi state and without disrupting the unity of that state."⁷¹

Such a state, the Kurds argue, can only be democratic: "Federalism and democracy", the Kurdistan Regional Government's draft constitution for Iraq intones, "are inseparable concepts because federalism cannot grow and prosper in the shadow of any dictatorial, authoritarian system."⁷² Barham Salih, the PUK Prime Minister, has gone further, stressing the importance of the Kurdish post-1991 experience as a model for the future Iraqi state. "The rest of Iraq", he told ICG, "is living in a bubble. It is remarkable what is happening here [in Kurdistan]: We have democracy and the rule of law. We hope we can emulate this in the rest of Iraq."⁷³

To the Kurds (according to their draft constitution, which they started circulating in August 2002), a federal Kurdish region would have to comprise several districts belonging to governorates that are at present not included in the Kurdish Autonomous Region, and its capital would have to be the city of Kirkuk.⁷⁴ The remainder of Iraq, comprising the majority Arab population, would constitute the country's other federal region. Control over vital resources and the levers of power in their own area would grant the Kurds, for the first time in their history, the protection and, with some judicious management, the economic prosperity they have lacked under successive Iraqi regimes. Likewise, their substantive role in the branches of central government would ensure a more equitable distribution of goods and services than in the past, with the Iraqi state responsible for the defense of national frontiers, economic planning and the conduct of foreign policy. Revenue from the Kirkuk oil fields would, the Kurds say, accrue to the Iraqi state, to be distributed equitably, based on "the relation of the region's population to the total population of Iraq."⁷⁵

of the Federal Republic of Iraq." Kurdistan Regional Government, "Constitution of the Iraqi Kurdistan Region", available at: http://www.krg.org/docs/K_Const.asp.

⁷¹ Kurdistan Regional Government, "Constitution of the Federal Republic of Iraq [sic]", available at: http://www.krg.org/docs/Federal_Const.asp. See also, Nouri Talabany, *The Kurdish View on the Constitutional Future of Iraq* (London: no publisher listed, 1999). In the early 1990s Professor Talabany was among a group of legal experts who sat down to draft this constitution.

⁷² The text goes on to spell out what it considers to be the basic requirements of democracy: "Democracy requires democratic freedoms including that of expression, belief, organization, assembly, and others. It assumes that power can be transferred peacefully through the holding of free elections at the ballot box"...., etc.

⁷³ ICG interview, Suleimaniyeh, 28 May 2002. See also, Barham Salih, "A Kurdish Model for Iraq", *Washington Post*, 9 December 2002.

⁷⁴ Part I, Article 5 of the draft constitution states: "The city of Kirkuk shall be the capitol [sic] of the Kurdistan region." The districts to be added to the Kurdish federal region have significant Kurdish populations and, in some cases, proven oil deposits. The region desired by the Kurds would include, according to Part I, Article 2 of the draft constitution: "the Provinces of Kirkuk, Sulaimaniyah and Erbil in their administrative boundaries prior to 1970 and the Province of Duhok along with the districts of Aqra, Sheikhan, Sinjar and the sub-district of Zimar in the Province of Ninevah [Mosul], the district of Khaniqin and Mandali in the Province of Diyala, and the district of Badra in the Province of Al-Wasit."

⁷⁵ Part V, Article 70 of the Constitution of the Iraqi Kurdistan Region declares that revenues of the Kurdistan Region are made up of: (ii) "The Kurdistan Region's share of natural resources, in particular, oil, and revenue from the sale of its products in and outside the country, as well as grants, aid, foreign loans made to the Federal Republic of Iraq in a proportion based on the relation of the region's population to the total population of Iraq."

Although the Kurds do not see federalism as the optimal solution to their predicament, even this option may not pass popular scrutiny in a post-Saddam Iraq. Indications are that not all Iraqi Arabs are enamoured of the idea of turning Iraq into a federated state. At least one opposition group based in exile, the Supreme Council for the Islamic Revolution in Iraq (SCIRI), whose actual support inside Iraq is difficult to gauge, at one point referred to the federal idea as a “non-starter”.⁷⁶ However, opposition parties meeting in London in December 2002 (including SCIRI) declared that federalism “represents a suitable formula for governing Iraq...as a basis for solving the Kurdish question” within a unitary Iraq.⁷⁷

Even those Iraqis who might be sympathetic toward the Kurdish call for a federal scheme are unlikely to endorse the incorporation of Kirkuk, its environs, and other mixed-population areas into the future Kurdish federal region. Iraqi Arab opposition leaders interviewed by the *New York Review of Books* said they told the Kurds that “they don’t believe that this is the time to specify where the border between Kurdistan and the other parts of the country should be drawn.”⁷⁸

Inside the putative Kurdish federal region, whose population would be the direct beneficiaries of the new arrangement, representatives of the Turkoman minority have given conflicting signals about their own preferences. The pro-Turkish Iraqi Turkmen Front (ITF), denouncing the idea of federalism [TK Sophia: correct?], declared that “foreign powers are needed to guarantee our rights in the future. We need an international guarantee for at least 10 years [after the fall of the Baathist regime], perhaps supervised by the U.N.”⁷⁹ Iraqi Turkoman parties operating independently of Turkey, however, have said they fully embrace the idea of federalism. According to Nafi Qassab of the Iraqi Turkmen Brotherhood Association in Arbil, “If a poll is to be held, 99% of the Turkomans would say yes to federalism. This is why we respect the federal status of Iraqi Kurdistan.”⁸⁰ There are no precise figures for the size of the Iraqi Turkoman community, but most sources seem to point at 350,000 to 500,000. [Isn’t this stated above already?]

The views of the ITF closely reflect those of the government of Turkey, which strenuously opposes Kurdish plans for a federal solution, seeing it as way-station to independence and a bad constitutional example for their own Kurdish minority. One influential Turkish observer stated unambiguously: “We don’t want a federal Iraq based on ethnic lines.”⁸¹ If the Kurds can set up a federal state, they argue, then so can the Turkomans, who lay claim to the cities of Kirkuk and Mosul.⁸² Another former official said: “We will never accept a federal Iraq.”⁸³

⁷⁶ Quoted in, Daniel Williams, “Iraqi Exile Groups’ Efforts Stalled by Intense Rivalries”, *Washington Post*, 12 November 2002.

⁷⁷ “Political Statement of the Iraqi Opposition Conference”, London, December 14-17, 2002, available at <http://www.krg.org>. KDP leader Masoud Barzani has emphasised: “Federalism is not only our slogan. It is the slogan of all Iraqi opposition groups because they have all agreed that the future of Iraq should be a democratic parliamentary government.” Interviewed by Tanya Goudsouzian, “Kurds will not take part in U.S.-led war – Barzani”, *Gulf News*, 30 January 2003.

⁷⁸ Tim Judah, “In Iraqi Kurdistan”, *New York Review of Books*, 26 September 2002.

⁷⁹ ICG interview with Mostafa Ziya, Iraqi Turkmen Front representative, Ankara. 12 September 2002.

⁸⁰ Quoted in, *Kurdistan Dispatch*, 23 December 2001, quoting the daily *Brayati* (Erbil), 15 December 2002. The draft constitution of the Kurdistan federal region offers the Turkoman and Assyrian/Chaldean minorities the right to use their own language, alongside Arabic and Kurdish, as the language of education and culture.

⁸¹ ICG interview with Seyfi Tashan, a former ambassador, and Director of the Turkish Foreign Policy Institute at Bilkent University, Ankara, 5 February 2003.

⁸² See, Carole A. O’Leary, “The Kurds of Iraq: Recent History, Future Prospects”, *Middle East Review of International Affairs*, vol. 6, no. 4 (December 2002), p. 22. One senior Western diplomat in Ankara told ICG that Turkey is using the Turkoman card in Northern Iraq as a way of pointing out that federalism as a system of government is unworkable: “The Turkoman question is being used by the Turkish government to put pressure on the Iraqi Kurds. As soon as the Kurds demand cultural and

The official view at the Foreign Ministry is that the Iraqis should decide themselves about their future, but only as equals. In particular, an official expressed concern that the Kurds, due to their strength relative to the other Iraqi opposition groups, may end up dominating a future government in Baghdad and impose a federal solution, which Turkey cannot accept.⁸⁴

What will soon become clear in Iraq is that the meaning of federalism is in the eye of the beholder. Where Kurds see it as a way of protecting their Kurdish minority rights against Arab domination through an ethnically-based arrangement, those Iraqi Arabs who endorse federalism see it as way of preserving individual rights against the central government, and insist on a division by (yet undefined) geographical/territorial boundaries.⁸⁵ [GE: sorry but I don't understand how this is fundamentally different from the concept in first half of sentence. Any federation has to be based on geographically defined areas; and I cant see how a federal division of territory/powers would in itself either prejudice or protect individual rights - that depends on other guarantees, which can apply at national level, regional-entity level, both or neither] The federalism question cloaks the more important debate over the control and distribution of power and resources in any kind of future arrangement. Ethnically-based federalism is a recipe for separation and raises the spectre of repression of smaller minorities, such as the Turkomans and Assyrians/Chaldeans.⁸⁶ [GE: may raise this question – but no reason why a federal arrangement, even one based on primarily ethnic boundary divisions, cannot protect minorities within each federal unit. This is a problem that arises almost universally in constitution making, and there umpteen other examples of primarily ethnic federal divisions with accompanying protections for minorities. You seem to be dismissing the federal option too briskly.] It may therefore be politically impracticable, a red flag to many and a possible early stumbling block in future negotiations, especially if it assumes, without discussion, the incorporation of Kirkuk.⁸⁷ For that reason the Kurds might do better to shift the debate away from naming and defining their coveted entity to the core questions of what elements the Iraqi state should contain to prevent a relapse to the unacceptable arrangements of the past: questions of (de)centralisation, representation, fair access to resources, and guarantees for the protection of fundamental rights. It is true that the content of their draft constitution for a Federal Republic of Iraq seeks to do just that, but this

political rights for themselves, the Turks demand the same for the Turkomans. This is one way of saying that a federal Iraq based on ethnicity simply won't work because there are too many minorities to deal with, such as Turkomans, Assyrians, Yezidis, etc." Interview, Ankara, 5 February 2003.

⁸³ ICG interview with Bülent Akarcali, a former cabinet minister, and Chairman of the Turkish Democracy Foundation, Ankara, 3 February 2003.

⁸⁴ ICG interview with a senior official at the Ministry of Foreign Affairs, Ankara, 4 February 2003.

⁸⁵ The Iraqi National Congress's "Democratic Principles Working Group's" report of 14 December 2002 states that: "The future all-Iraqi federation should not be one of competing nationalities but one of different geographically defined territories within which different national groups may form a majority. The point is not to diminish or dilute the Kurdishness of the Kurds or the Arabness of the Arabs; it is to put a premium on the equality of citizenship for all." Available at: <http://www.inc.org.uk>.

⁸⁶ Donald Horowitz sees the potential of repression as one of the drawbacks inherent in federal models: "There are always minorities in every region dominated by some ethnic group and ethnic federalism, that is one that is configured specifically to empower only a particular minority (either on a cultural basis or alternatively where the territory is so configured as to match perfectly the aspiration of a particular group), always tramples on the rights of...minorities within that region." Gudmundur Alfredsson asserts that ethnically-based solutions are "a response to the discriminatory practices of the past", but that once the democratisation process gets underway, minorities begin to "feel they are participants, and that they are not being discriminated against." At that point, "you will see them slowly beginning to join parties along lines of political opinion, economic interest, just like you see in other countries." Quoted in, Yash Ghai, Mark Lattimer and Yahia Said, *Building Democracy in Iraq* (London: Minority Rights Group International, 2003), pp. 13-14.

⁸⁷ Turkey reacted with particular vehemence to the article in the draft constitution of the Kurdistan region that stipulates Kirkuk to be its capital. See, Chris Kutschera, "The Kurds' Secret Scenarios", *Middle East Report*, no. 225 (Winter 2002), p. [TK page #].

effort has been drowned out by the a priori positing of Kirkuk-centered ethnically-based federalism as the Kurdish cure-all.

Wider international support for a federal or other system in a post-Saddam Iraq is yet to be articulated. President George Bush seems to have endorsed the general idea of federalism, but so far U.S. officials have not fleshed it out, preferring to put the issue off until the regime is removed.⁸⁸ As one observer put it, “A key question for American and European policy makers – as well as for Iraqis and Turkey – is whether federalism is the only viable solution to Iraq’s still unresolved Kurdish question that will ensure the territorial integrity of the state. A second question is how the federalism will be structured. And a third is whether federalism, as an organizing structure for governance in pluralistic societies, can best ensure stability in Iraq after regime change – a necessary condition for the development of democracy, human rights and an active civil society.”⁸⁹ Even assuming that a Turkish intervention will not scuttle the Kurds’ federalist scheme, once Iraqi opinion can be polled freely or a nation-wide referendum organised, the Kurds’ high hopes for their vision of federalism to put an end to their trials are almost certain to be dashed.⁹⁰

C. AUTONOMY

If federalism is not adopted as a solution, the Kurds may be stuck with what they barely had before: a limited degree of autonomy. [GE: I’m a bit troubled by terminology here in the sharp contrast being made between federalism and autonomy – truth of the matter is that federalism internationally involves a whole continuum of models involving varying degrees of autonomy for the regions as compared with the center . Although not all autonomy arrangements involve federations (eg Aceh), all federations involve the regional units having some degree of autonomy. (On the appropriate terminology for talking about federations, see the discussion in our book-length After Milosevic report, p112, footnote 91).The difference between your ‘federalism’ and ‘autonomy’ models seems ultimately to boil down to whether Kirkuk is included or not – but that geographical-reach issue is conceptually different from the center-region power distribution issue, which is usually what we mean when we talk about either federalism or autonomy models. This is just going to have to be clarified: may be just the constitutional lawyer/pedant in me, but frankly it reads now as tho we are using terminology more or less at random without understanding basic concepts. May be that the parties themselves do this, and we are merely reflecting usage – in which case clarify the conceptual issues in a footnote]This would be an extremely bitter pill to swallow, and it is unlikely they would accept it without a major fight; more likely, after a decade of relative freedom and raised expectations, it would prompt them to revert to active opposition against the central government. (It is necessary to use the term “would”, as the Kurds are not willing to contemplate, and only barely agree to discuss, this lesser option, which they find flatly unacceptable.⁹¹)

⁸⁸ In a press conference on 7 March 2003, President Bush declared: “Iraq will provide a place where people can see that the Shia and the Sunni and the Kurds can get along in a federation.” Transcript available on the PUK’s website at: <http://www.puk.org/web/html/news/knwsline/nws/07mar03.html>.

⁸⁹ Carole A. O’Leary, “The Kurds of Iraq: Recent History, Future Prospects”, *Middle East Review of International Affairs*, vol. 6, no. 4 (December 2002), p. 23.

⁹⁰ Kurdish leaders have indicated they realise that were the federalism idea come to a vote in an Iraqi assembly or nation-wide referendum, it would not pass, and their preferred means of its adoption is therefore either unilaterally (by an exclusively Kurdish vote) or by approval of the Iraqi opposition in exile prior to the start of the transition in Iraq. Quoted in Chris Kutschera, “The Kurds’ Secret Scenarios”, *Middle East Report*, no. 225 (Winter 2002), p. [TK page #].

⁹¹ A KDP official told ICG that autonomy would be insufficient, because the worst crimes committed against the Kurds occurred when they officially enjoyed autonomy. Interview with Safeen Dizayee, KDP representative in Turkey, Ankara, 4 February 2003.

The Kurds would find autonomy utterly unacceptable because it has never worked. As one Kurdish official put it, "When we had autonomy, the worst crimes were committed against us."⁹² The 1970 Autonomy Agreement was seen as a great victory for the Kurds at the time, extracted as it was from a relatively young Baathist regime that could not afford to be fighting a counter-insurgency while it was still seeking to consolidate its hold on power. One of the arrangement's fundamental flaws was that autonomy froze in place and ratified an unequal relationship between the minority Kurdish and majority Arab components of Iraqi society. Another was that it was signed by the Baathists, who had no interest in democratic rule, and certainly not in the active participation of Kurds in decision-making affecting their own region. This problem is not limited to the Baathists, though: Iraq has a long history of centralisation and authoritarian rule, including under the monarchy, in which the Kurds played no major part. One of the Kurds' principal complaints about that era today is that the "high degree of centralization and the indifference of decision makers to the presence of the special characteristics of the Kurdish people are among the basic reasons for the Kurds being deprived of their legitimate rights under the successive Iraqi governments."⁹³

Though objectionable to the Kurds, autonomy is the one scenario that would almost certainly meet with automatic agreement from any government coming to power in Baghdad, and no neighboring state could conceivably see it as a significant threat to its interests.⁹⁴ The Kurds may not have fond memories of their experience with autonomy, but on paper at least Iraq's Kurds received a better deal than their brethren in Turkey, Iran or Syria. (None faced a regime as brutal as Baghdad's, however, as the latter's unleashing of the Anfal campaign and chemical weapons showed.) The 1970 Constitution recognised Arabs and Kurds as the two peoples of a bi-national Iraq, and Iraqi Kurds enjoyed significant cultural rights throughout the reign of the Baathist regime. Before 1991, the Kurds themselves repeatedly called for the revival and full implementation of the 1970 Autonomy Agreement – including carrying out a population census and defining the borders of the autonomous zone – whenever they sought to settle their military conflicts with the central government through negotiation. Its key articles included the recognition of Kurdish as the official language in areas with a Kurdish majority, alongside Arabic, as well as full participation of Kurds in the central government, including accession to key posts in the cabinet and the national army.⁹⁵ Developments in the 1970s that culminated in the collapse of the "Barzani Revolution" combined with the Iran-Iraq war in the 1980s to undo many of the gains the Kurds arguably had within their reach. Arguably, the good of the original Autonomy Agreement could be combined with the necessary elements that were left out and whose exclusion is the source of its failure – the status of Kirkuk and control over its resources – to produce a viable autonomy that addresses all the Kurds' core concerns.⁹⁶

The cardinal reason why the 1970 Autonomy Agreement was not implemented and subsequent attempts to revive it failed is the long-standing and fundamental disagreement between Baghdad and the Kurds over Kirkuk – the Kurds wishing the city to be the capital of the government of the Kurdish Autonomous Region, and the regime steadfastly refusing to

⁹² ICG interview, February 2003.

⁹³ Kurdistan Regional Government, Preamble, "Constitution of the Federal Republic of Iraq."

⁹⁴ ICG interview with David McDowall, a writer on Kurdish affairs, London, 5 September 2002.

⁹⁵ For detail on the 1970 Autonomy Agreement, see Edmund Ghareeb, *The Kurdish Question in Iraq* (New York: Syracuse University Press, 1981), and Martin Short and Anthony McDermott, *The Kurds* (London: Minority Rights Group, 1975).

⁹⁶ According to Yash Ghai, the "skeletal framework" of the 1970 Autonomy Agreement "contains the critical issues on which agreement would be necessary for any future arrangement: the nature of the autonomy, the rights of minorities within the autonomous area, the powers and finances of the region, institutions of the region and their relationship with the centre, and dispute settlement." In Yash Ghai, Mark Lattimer and Yahia Said, *Building Democracy in Iraq* (London: Minority Rights Group International, 2003), p. 36.

consider this.⁹⁷ The more the Kurds staked their claim to Kirkuk, the more the regime sought to replace Kurdish residents of the Kirkuk region with Arabs and remove chunks of territory adjacent to Kirkuk from the Autonomous Region, going so far even as to rename the governorate of Kirkuk as “Ta’ mim” – “nationalisation” – in other words, inalienably Iraqi.⁹⁸ Denied their chosen capital and beset by fuzzy, unsettled borders dividing the autonomous zone from the rest of Iraq, the Kurds balked – time and again. In 2003 a return to that situation is unfathomable to them. The offer of autonomy without Kirkuk as its capital and with the boundaries undefined would, from the Kurds’ perspective, be doomed to instant failure. [TK cite HRW report on Kirkuk and population displacement.]

D. A RETURN TO THE MOUNTAINS

Last and certainly least, the nightmare scenario: To the Kurds this would be the fatal combination of a new, heavily centralised and repressive regime in Baghdad backed actively by a United States eager to maintain Iraq’s territorial integrity, and vastly diminished Kurdish leverage in the aftermath of a successful drive to depose Baathist rule. The Kurds realise that U.S. support over the past decade was aimed more at keeping Saddam Hussein off-balance than at advancing Kurdish interests, and so they also fear that a U.S.-led war to unseat the regime would reduce their value. Facing a government in Baghdad impervious to their demands would force the Kurds into active opposition and, possibly, a return to armed rebellion. As PUK Prime Minister Barham Salih stated categorically in response to U.S.-Turkish manoeuvring in early 2003: “There is no way the Kurdish people of Iraq would accept reintegration back into a centralized dictatorship.”⁹⁹ Such a scenario might not arise overnight but come to pass after months or years, as negotiations with the central government over the modalities of Kurdish self-rule run aground and relations deteriorate.

While instability in Northern Iraq would not be a benefit to either the Kurds or the Iraqi government, Turkey and Iran might be able to turn this to their advantage, as they have in the past. It would spoil any hopes the Kurds might have of extending their nationalist dreams beyond the confines of Iraq, and it would give Iraq’s neighbours the means to needle the government in Baghdad should the situation so require.

⁹⁷ After delays in carrying out the census stipulated under the 1970 Autonomy Agreement and facing growing Kurdish resistance, the Iraqi government unilaterally established the Kurdish Autonomous Region in 1974. It comprised only about half of the area demanded by the Kurds, and notably excluded the Kirkuk region.

⁹⁸ The switch from Kirkuk to Ta’ mim occurred in 1972 as part of the nationalisation of the oil companies. This political move was implemented nation-wide, but only in Kirkuk did it entail a name change. The regime thereby sought to project the region as a patriotic asset.

⁹⁹ “The humpty dumpty of Iraqi centralized dictatorship cannot be put back together again”, said Salih. “This humpty dumpty had a fall, and no matter what, it cannot be resurrected unless we have another tyrant that will grip Iraq and its oil revenues and become a danger again to world peace.” Quoted in John Hemming, “Kurdish leader warns Washington against return to centralized system”, Reuters, in *Daily Star* (Beirut), 10 February 2003.

III. THE SCRAMBLE FOR KIRKUK

To Turkey, Iraqi Kurds and any future Iraqi government, Kirkuk is the pivot on which stability hinges and from which, alternatively, conflict may spin. Kirkuk is the cynosure in Kurdish eyes, the prize they covet most, a treasured possession they feel they lost and must now seek to regain.¹⁰⁰ Among the Turks, too, there are some who consider Kirkuk, and Vilayet Mosul more broadly, to be theirs and yearn to reincorporate it into Turkey. To the Turkish government, though, Kirkuk has a different meaning: Its capture by the Kurds would represent an undiluted bid for independence and thus a clear transgression of a Turkish red line. Finally, to any central government of Iraq, the Kirkuk region will continue to be a vital source of income, the loss of which by force would constitute an act of war.

The Kurds may see Kirkuk as their lost heirloom, but theirs is not the only assertion of title. Assyrians and Turkomans lay their own historically-based claims to the city, and owing to a decades-old policy of Arabisation by the regime, there is now a significant Arab population in Kirkuk and environs that has no other home and cannot simply be wished or shooed away. Because of the intensity of the contending claims, much of the literature on Kirkuk, its origins and its population should be approached with a healthy dose of skepticism. To avoid straying into contending mythologies, suffice it to say that Kirkuk is an ancient Mesopotamian city that has been inhabited by various peoples over time, and that persistent miscegenation renders any exclusive claim to ethnic affiliation suspect. Yet in patrilineal communities, ethnic identity is derived from the father's putative ethnic link, not the true mix of blood. **A** **P**persons **is**are known to belong to this community or that – never both – even if he or she is the offspring of a mixed marriage. And so distinct ethnic communities have emerged in Northern Iraq that, even when continuing to inter-marry, vie for control over scarce resources and the legacy of an imagined past.

Having emerged as a trading centre during the period of Assyrian dominance, when it was called Arrapkha, the city's population today is of mixed Turkmen, Arab, Assyrian and Kurdish stock.¹⁰¹ In the decennial national census of 1987, this population stood at 418,624.¹⁰² Because the census takers recognised only two ethnic nationalities – Arab and Kurdish – a further breakdown of the city's inhabitants is not possible without access to relevant Iraqi documents.¹⁰³ There is no question, though, that social engineering on the part of the Baathist regime, and even its predecessors, has significantly shifted the city's make-up over the past decades, with Kurds and other minority groups facing the hardly delectable choice of assimilation versus expulsion, and Arabs brought in from other parts of the country.¹⁰⁴

¹⁰⁰ The late Mullah Mustafa Barzani reportedly declared: "I will never give up Kirkuk, because if I did, people would spit on my grave." Quoted in Chris Kutschera, "The Kurds' Secret Scenarios", *Middle East Report*, no. 225 (Winter 2002), p. [TK page #].

¹⁰¹ The main cities of the Assyrian empire were Ashur (its capital), Nineveh (near today's Mosul) and Urbilum (modern Erbil). Arrapkha (or Arrapchitis) lay near the ancient Nuzi in a region adjacent to Assyria. Dietz O. Edzard, "Mesopotamia, History of", *Encyclopædia Britannica* 2003 (Encyclopædia Britannica Premium Service, <http://www.britannica.com/eb/article?eu=115355>, accessed 6 March 2003). To today's Assyrians, Kirkuk, known as "Karkha d'Baith Slukh", constituted an integral part of the Assyrian empire. See, <http://www.assyriansofkirkuk.com/kirkukname.html>.

¹⁰² "Kirkuk", *Encyclopædia Britannica* (Encyclopædia Britannica Premium Service, <http://www.britannica.com/eb/article?eu=46695>, accessed 6 March 2003).

¹⁰³ For an analysis of the census, see Human Rights Watch, *Iraq's Crime of Genocide: The Anfal Campaign Against the Kurds* (New Haven and London: Yale University Press, 1995), pp. 56-60. Left without a better choice, Turkmen and Assyrians can be expected to have entered "Arab" in the census.

¹⁰⁴ Alliance Internationale pour la Justice and International Federation for Human Rights, "Iraq: continuous and silent ethnic cleansing – Displaced persons in Iraqi Kurdistan and Iraqi refugees in Iran" (Paris: January 2003), p. 18.

The success of the Arabisation campaign can be judged from available census figures. Using mother tongue as an indicator of ethnicity, the official Iraqi 1957 census yielded a Kurdish population of Kirkuk governorate of 49.1 per cent, against 28.7 per cent Arabs, 21.8 per cent Turkomans and 0.4 per cent Assyrians/Chaldeans. Twenty years later, Arabs had soared to 44.4 per cent, while the Kurdish population had declined to 37.5 per cent and Turkomans to 16.3 per cent.¹⁰⁵ Though the censuses cannot entirely be trusted, they seem to give a broad indicator of the population shift that took place in that period.¹⁰⁶

After 1977, the last year for which figures on Kirkuk's ethnic composition are available, Arabisation has continued apace through a variety of mechanisms that are usefully laid out by Nouri Talabany. They include: the transfer of low-level civil servants to other governorates; a change in the names of Kurdish neighbourhoods; a prohibition on the sale of Kurdish-owned properties to non-Arabs; the complete prohibition on the purchase of properties by non-Arabs; re-districting; intimidation; deportation; and the massive settlement of Arabs. Policies that originally targeted Kurds later included Turkomans and Assyrians/Chaldeans as well.¹⁰⁷ During the final two years of the Iran-Iraq war, Iraqi forces specifically sought to empty out and destroy Kurdish villages in the Kirkuk region, and most of the Anfal-related killings of men, women and children in the spring of 1988 occurred in that same region.¹⁰⁸ Arabisation continued after 1991. Precise numbers are not available, but the area of the Kurdistan Regional Government has witnessed an influx of an estimated 100,000 Kurds, Turkomans and Assyrians/Chaldeans from Kirkuk.¹⁰⁹

The successive Iraqi governments' Arabisation drive is directly related to the presence of major oil deposits in the targeted region, of which Kirkuk is centre but that stretches from Sinjar in the north-western part of Kurdistan to Khanaqin in the southeast. Oil was first discovered in Iraq early in the 20th century. It led to the creation of British Petroleum (BP) and helps explain the enduring British interest in Iraq following the fall of the Ottoman Empire. Iraq's proven reserves are second only to Saudi Arabia's. The Kirkuk field, discovered in 1927, was brought online in 1934. In 1999, it had an output of about 900,000 barrels per day (bpd). Today, the Kirkuk region has 10 billion barrels in remaining proven oil reserves.¹¹⁰

¹⁰⁵ The census figures are from Nouri Talabany, "Iraq's Policy of Ethnic Cleansing: Onslaught to change national/demographic characteristics of the Kirkuk Region" (London: 1999), available at: <http://www.geocities.com/mykirkuk/talabany.htm>. There are some small discrepancies in Talabany's paper between the 1957 census figures and his percentages, which we tried to adjust above.

¹⁰⁶ All population figures in Iraq are inherently suspect, informed by highly-charged political considerations. This is true for official census figures, and even more so for estimates of the internally displaced, especially if broken down by ethnicity.

¹⁰⁷ Talabany, op. cit. The Assyrians and Chaldeans are two branches of the Nestorian Christian Church (the Chaldeans being Catholic), who say they are descendants of the ancient Babylonians. They speak Syriac Aramean, but their language is disappearing as the community undergoes further assimilation or emigrates.

¹⁰⁸ See, Human Rights Watch, *Iraq's Crime of Genocide: The Anfal Campaign Against the Kurds* (New Haven and London: Yale University Press, 1995), chapters 5 and 6.

¹⁰⁹ U.S. Committee for Refugees, "Overview of Numbers and Conditions of Iraqi Refugees in the Middle East and Internally Displaced Persons in Iraq", Media Backgrounder, 27 January 2003. Other figures are lower. See, for example, the figure of just under 60,000, provided by U.N. Habitat, cited in John Fawcett and Victor Tanner, "The Internally Displaced People of Iraq", An Occasional Paper (Washington, D.C.: The Brookings Institution—SAIS Project on Internal Displacement, October 2002), p. 16. An official of the Assyrian Democratic Movement, one of the political parties in the territory of the Kurdistan Regional Government, claimed that 30,000 lived in Kirkuk before 1991, but that their current numbers are not known. "Iraq Forcing Assyrians Out of Kirkuk", RFE/RL *Iraq Report*, vol. 5, no. 6 (15 February 2002).

¹¹⁰ "Iraq managing to increase production", Associated Press, cited by *Alexander's Gas & Oil Connections*, vol. 5, issue 3 (21 February 2000): <http://www.gasandoil.com/goc/news/ntm00841.htm>.

Whatever the merit of Kurdish, Turkoman and Assyrian/Chaldean claims to Kirkuk and environs on the basis of prior inhabitation, oil is a key component of the equation, if only in each competing group's solemn conviction that its rivals are driven largely by greed, not historical legitimacy, while they themselves, of course, are not so motivated.¹¹¹ To the Kurds, the Kirkuk question stands front and center. Though perhaps willing to consider renouncing their right to self-determination, [GE: don't use self-determination as a synonym for 'independence' – the latter is simply one possible outcome of a self-determination exercise: they are different concepts.] the Kurds remain steadfast in their quest for Kirkuk, which may well be another way of re-asserting their right to self-determination down the line. The PUK's Barham Salih, while stating that, "We do not believe the political situation of Kirkuk can be resolved by unilateral military action by the Kurds or for that matter any others", has made crystal clear he believed that "every geographic, demographic and historical fact points to Kirkuk being an integral part of the Iraqi Kurdistan region and that has always been the case." And he warned against any attempt by the United States to deprive the Kurds of Kirkuk, which he said would be akin to freezing in place and thereby sanctioning the gains made by the Baathist regime through decades of Arabisation.¹¹²

Salih does not claim that Kirkuk is or should be Kurdish. Instead, he has said that, "all the peoples of Kirkuk should be allowed to return – Kurds, Turkmen, Assyrians."¹¹³ But there is no question in his mind as to who should govern Kirkuk: the Kurdistan regional government in a federated Iraq, whose current assembly is made up of Kurdish deputies in addition to six Assyrians.¹¹⁴ Supported by Turkey, officials of the Iraqi Turkoman Front have held the contrary view that there are still some 600,000 Turkomans living in Kirkuk (a city of 1 million [GE: say above 418 000 in 1987 census – consistent?]); that it has been "a Turkoman city for over 1,000 years"¹¹⁵; and that "it will stay that way."¹¹⁶

The PUK and KDP have sought to obtain Kirkuk through negotiation and, failing peaceful means, by force during the past 30 years, and have been thwarted on each occasion. After the 1970 Autonomy Agreement, the Baathist regime stepped up Arab settlement of the Kirkuk region in advance of the promised census, thereby weakening Kurdish claims to Kirkuk and effectively scuttling the accord. During negotiations with the government in 1984, the PUK also held out for control of the city; the regime's refusal to cede any measure of control to the

¹¹¹ The ITF has accused the Kurds of seeking control over Kirkuk and adjoining areas for "the wrong reasons": Whereas the Turkomans, the ITF declares, have a historical claim to the area, the Kurds are in it only for the oil. ICG interview with Mostafa Ziya, ITF representative in Turkey, Ankara, 12 September 2002. The Kurds, in particular the KDP, throw this accusation straight back at the ITF. In the words of Massoud Barzani, "For others, Kirkuk is important because it lies on a sea of oil. For us, Kirkuk is important because it lies on a sea of our blood." Quoted in, "Heir of legendary leader sees little hope for his troops if the US invades", *The Times* (London), 24 November 2002.

¹¹² Salih declared: "We want peace, we want stability, we want democracy and freedom. But without reversing ethnic cleansing, without restitution, there can be no peace, there can be no freedom and there will be chaos. I cannot...believe American [troops] will become the guardians of ethnic cleansing." Quoted in John Hemming, "Kurdish leader warns Washington against return to centralized system", Reuters, in *Daily Star* (Beirut), 10 February 2003.

¹¹³ Quoted in "Barham Salih on Kirkuk", RFE/RL *Iraq Report*, vol. 5, no. 41 (15 December 2002).

Earlier he had said about Kirkuk: "We cannot say it is a Kurdish city. Arabs, Turkomans, and Assyrians have lived there for centuries too." Quoted in "Kurdish Leaders Reported to Acquiesce to U.S. Action", RFE/RL *Iraq Report*, vol. 5, no. 16 (3 June 2002).

¹¹⁴ KDP leader Masoud Barzani appears to have gone a step further. In his view, "Kirkuk is a Kurdistan city. This is a geographical and historical fact....It is impossible for us to compromise regarding the Kurdistan identity of Kirkuk." Quoted in "Barzani Reaffirms Kurdish Identity of Kirkuk", RFE/RL *Iraq Report*, vol. 5, no. 41 (15 December 2002). Arguably, "Kurdistan" is a geographic, not an ethnic denominator.

¹¹⁵ ITF official Mustafa Ziya, quoted in *Turkish Daily News*, 13 June 2002.

¹¹⁶ ITF official Orhan Ketene, quoted in "Turkoman Representatives Speak Out", *Diplomatic Observer* (1 July 2002), available at: http://www.diplomaticobserver.com/mideast/20020701_04.html.

Kurds sent the PUK into the arms of Iran. In October 1986, the PUK and a small band of Iranian Republican Guards attacked the Kirkuk oil fields in a daring and symbolically important raid deep into enemy territory, inflicting minor damage before beating a hasty retreat. In March 1991, the Kurds made a lightning pass at Kirkuk, occupying the city and the oil fields for about a week before being driven out by far superior Iraqi forces (that were unrestrained by the Gulf War allies). The following year, negotiations between the Kurdish parties and a weakened government in Baghdad broke down, again over the status of Kirkuk.

The only thing that will stop the Kurds from leaping at the opportunity of a U.S.-led war on Iraq and rushing into the city as the Americans are occupied elsewhere is ironclad public guarantees by all the principal parties concerned – the Kurdish parties, Turkey and the ITF, as well as the United States – that none shall create facts on the ground. It will not be easy to bring this about. There has been enough talk of promises made by one party to another – for example, by the United States to Turkey – to generate suspicions, and insufficient open guarantees to allay them. One informed Turkish observer, for example, told ICG that the United States and Turkey have an agreement that American and not Turkish troops will take Kirkuk out of a shared interest that the Kurds won't get there first. [GE: clarify] But, he said, Turkey “will be standing close by.” It plans to have as many troops deployed as the Americans, and if the latter object, he said in comments prior to the Parliamentary vote on 1 March that denied the use of bases to transiting U.S. forces, they will “have no choice, because if they don't agree, we won't permit them to go through Turkey.”¹¹⁷ While this seems a fair reflection of the Turkish position on the deployment and role of its own troops in Northern Iraq, it has not been publicly confirmed. This of course leaves Kurds to wonder what “really” has been discussed and agreed to. They especially mistrust Turkish motives because senior government officials have publicly voiced claims to Mosul and Kirkuk, part of the original Vilayet Mosul of the Ottoman Empire, and have suggested that Turkish troops entering Northern Iraq might seek to disarm the Kurdish militias.¹¹⁸

As for the United States, envoy Zalmay Khalilzad told the Iraqi opposition gathered in Northern Iraq at the end of February that, “We would definitely like Turkey to be part of the coalition, but we don't accept any unilateral movement by any country.”¹¹⁹ Turkish troops would, according to U.S. officials, be confined to the border area on a temporary assignment to stop refugee flows.¹²⁰ These statements were made before the “no” vote in the Turkish parliament.

¹¹⁷ ICG interview with Seyfi Tashan, a former ambassador, and Director of the Foreign Policy Institute at Bilkent University, Ankara, 5 February 2003. The parliamentary motion, if accepted, would have given the United States the green light to the basing of up to 62,000 troops, 255 warplanes and 65 helicopters. Louis Meixler, “Turkey Rejects U.S. Troop Deployment Plan”, Associated Press, 1 March 2003.

¹¹⁸ Turkey's Foreign Minister Yasar Yakis, for example, asserted Turkey's “legitimate and strategic interests” in Mosul and Kirkuk” and called for equal rights for Turkomans in Iraq. “Turkish Foreign Minister Comments on Iraq, Turkomans, and Oil”, RFE/RL *Iraq Report*, vol. 6, no. 1 (13 January 2003). Yakis was also quoted as saying Turkish troops might seek to disarm the Kurds. C.J. Chivers, “Kurds Ask U.S. Not to Allow Turkish Military Inside Iraq”, *New York Times*, 26 February 2003. In August 2002, Turkey's Defense Minister, Sabahattin Cakmakoglu, referred to Kirkuk and Mosul as “historic Turkish lands” under Turkey's “direct safekeeping.” Armen Georgian, “USA and Turkey move in on Iraq's oil”, *Red Pepper*, October 2002, at <http://www.redpepper.org.uk/intarch/x-kirkuk-oil.html>.

¹¹⁹ Judith Miller and C.J. Chivers, “U.S. Envoy Reassures Kurds on Concerns About Turkey”, *New York Times*, 27 February 2003. Khalilzad, the U.S. Special Envoy and Ambassador-at-Large for Free Iraqis, also made reference to a draft memorandum of understanding to be signed by Turkey and the U.S. which, he said, reflected the principles of full coordination of coalition operations and full withdrawal once the job is done. Statement, 26 February 2003, <http://www.krg.org/docs/articles/khalilzad.asp>.

¹²⁰ Judith Miller, “Ending Conference, Iraqi Dissidents Insist on Self-Government”, *New York Times*, 3 March 2003.

The lack of both transparency and ironclad commitments has fueled apprehensions among those who feel left out – the Kurds – and given added ammunition to those among them who calculate that Kurdish interests will be served best by acting unilaterally. This sets the stage for a very dangerous situation in Northern Iraq once war breaks out. KDP leader Masoud Barzani has categorically opposed any external intervention in Iraq other than by the United States.¹²¹ He has also expressed impatience at the continued presence of a Turkish-led Peace Monitoring Force established to enforce a cease-fire between the KDP and PUK since 1997. The force, commanded by Turkish officers, is mostly made up of Turkoman and Assyrian fighters, and is based at Koysinjak in the heart of Iraqi Kurdistan, from where it could act as a brake on Kurdish ambitions.¹²² At the same time, Barzani has been coy about the role of KDP forces in the event of war: “We are not thinking of participating in the war”, he said, “because we are focusing on the day after the regime change.... We don’t intend to move our troops outside of Kurdish-ruled areas.”¹²³ PUK leader Jalal Talabani declared that “the Americans have not asked us to cooperate militarily against Saddam Hussein; we have our own plans.”¹²⁴ Can the Turks be faulted for suspecting the Kurds are priming their forces for a move on Kirkuk?¹²⁵

A Kurdish military drive on Kirkuk is not the only scenario that would scare Turkey and the Turkomans – or Iraqi Arabs. Suppose U.S. forces succeed in securing Kirkuk: Who will stop the tens of thousands of Kurdish deportees from Kirkuk from returning to their erstwhile homes? It is not at all far-fetched to expect that the U.S. will be either **incapable** [GE: **surely not incapable? The US military? Of throwing a cordon round the city?**] or unwilling to prevent Kurds, but also Turkomans and Assyrians, from retaking what they consider rightfully theirs, thereby displacing the Arab population – both native and recently settled – in what will inevitably be seen as “reverse ethnic cleansing.”¹²⁶ During the March 1991 Kurdish uprising, the majority of the city’s Arab population reportedly fled, returning only after the Kurds’ defeat.¹²⁷ In advance of a U.S.-led war on Iraq in 2003, Arab residents of Kirkuk have already been seen leaving the city for Baghdad and other parts of the country.¹²⁸ Were the Kurds to establish demographic and political dominance in Kirkuk in a post-Saddam Iraq,

¹²¹ “We are opposed to the entry of the Turkish armed forces onto Iraq’s soil as well as any kind of military interference of our neighboring countries, and in return we extend our hands of friendship and brotherhood toward them”, Barzani said. “Barzani Warns Turks About Entering Iraqi Kurdistan”, RFE/RL *Iraq Report*, vol. 6, no. 9 (7 March 2003). Barzani has equally rejected the entry of Turkish forces under U.S. command. Judith Miller, “Ending Conference, Iraqi Dissidents Insist on Self-Government”, *New York Times*, 3 March 2003.

¹²² C.J. Chivers, “Iraqi Kurds Are Wary of a Turkish-Led Force”, *New York Times*, 23 February 2003.

¹²³ Interviewed by Tanya Goudsouzian, “Kurds will not take part in U.S.-led war – Barzani”, *Gulf News*, 30 January 2003.

¹²⁴ Quoted in Laurent Lozano, “Iraqi Kurdish militias gearing up to fight Saddam”, Agence France-Presse, in *Daily Star*, 17 January 2003.

¹²⁵ The Turkoman community is divided on Turkish invasion plans. The pro-Turkish ITF has said Turkish troops will be required to prevent the Kurds from taking Mosul and Kirkuk. The Turkoman National Association, by contrast, declared that, “We don’t think circumstances are conducive to intervention, as the Turkoman people have no fears living here, and have enjoyed democracy since 1991.” Quoted in, “Will the U.S. Have to Choose Between Turkey or the Kurds?” RFE/RL *Iraq Report*, vol. 6, no. 8 (27 February 2003).

¹²⁶ For a useful overview of the possible return of displaced persons to their former homes, see John Fawcett and Victor Tanner, “The Internally Displaced People of Iraq”, An Occasional Paper (Washington, D.C.: The Brookings Institution—SAIS Project on Internal Displacement, October 2002), pp. 7 and 24-26.

¹²⁷ Nouri Talabany, “Iraq’s Policy of Ethnic Cleansing: Onslaught to change national/demographic characteristics of the Kirkuk Region” (London: 1999), chapter 4.

¹²⁸ ICG interview with a Baghdad-based Western diplomat, Amman, 9 March 2003.

they might take advantage of their numerical advantage to vote to join a Kurdistan federal region, thereby accomplishing what Kurdish military adventures might not.¹²⁹

¹²⁹ See Carole A. O'Leary, "The Kurds of Iraq: Recent History, Future Prospects", *Middle East Review of International Affairs*, vol. 6, no. 4 (December 2002), p. 23.

CONCLUSION

The Kurds are entering this uncertain period in their history with a unique mix of emotions: anxiety, but also a strong sense of historical entitlement and a sharp awareness of both existential need and golden opportunity. They approach the coming conflict with some trepidation, not only because of the fear that the regime may unleash, one last time, its chemical arsenal on them, but also, given the gains of the past decade, because they stand so much to lose. As for entitlement, while the Kurds have no exclusive claim to suffering in Baathist Iraq, it is undeniable that they have endured egregious abuse, and it is therefore reasonable to expect that they will do everything in their power in a post-Saddam Iraq to prevent a return to the status quo ante. Their century-long quest for a greater margin of political freedom as a distinct ethnic group is informed by their realisation that only through an enhanced degree of self-governance can they protect themselves as a minority in the Middle East. And concerning opportunity: As one Kurdish observer put it, the Kirkuk question has been revived by U.S. war plans; for the Kurds this is “a historical chance to gain control” of the city, a lucky break that may not present itself again soon.¹³⁰

It is the cruelty of history in this region that the objectives of the looming showdown are little different from those that defined the chaotic treaty-making and deal-breaking of the early 20th century. The failure to resolve the core issues of nationalities and borders once the Ottoman Empire crumbled served merely to defer them, but the equation that prevailed then has been altered in the intervening decades by the fact that grievances have accumulated, weapons have become more deadly and oil has been found.

At the threshold of a new era, the Kurds have essentially two ways to protect their interests and secure a better future: They can join forces with the United States, or they can try to go it alone. If they ally themselves with Washington, they might prevail on the Americans to keep a tight control over any Turkish forces as might be required to enter Iraq to patrol the immediate border zone. Likewise, as the most organized of Iraqi opposition groups, the Kurdish parties could be expected to have a significant stake in a post-Saddam Baghdad, possibly to capture senior positions in government. “Mature” behavior on the ground in the North during the conflict – i.e., not a precipitous lunge at Kirkuk – might earn them points with the new rulers in Baghdad, a possible critical step toward federal status in which Kirkuk might play a significant part (if Turkish concerns are allayed).

There are risks as well: Having served the American war effort, the Kurds may lose their utility in a post-Saddam Iraq, and even be considered possible spoilers, unruly and secessionist elements that can only upset stability. The United States, which has provided a measure of protection to the Kurds during the 1990s, will have a far greater interest in the nature and success of a future government in Baghdad than in accommodating the Kurds.¹³¹ Moreover, in the absence of firm commitments, Turkey may seek to sabotage any advantage they might fear the Kurds will gain from an alliance with Washington by preemptively moving its forces into the Mosul and Kirkuk regions, creating *faits accomplis* that would be difficult for the Kurds to reverse without major concessions concerning their future status in Iraq.

¹³⁰ Hussein Tahiri, “Kirkuk: History should end controversy”, KurdishMedia.com, 5 July 2002, at <http://www.kurdmedia.com/reports.asp?id=957>.

¹³¹ The Kurds see it differently. Jalal Talabani has warned that there could be “sweeping chaos, disasters, and possible sectarian clashes” in Iraq if the opposition would be excluded from participation in a U.S.-led attack to bring down the regime and its aftermath. “PUK Leader Predicts ‘Chaos’ if Opposition Is Excluded from Military Operation in Iraq,” RFE/RL *Newsline*, vol. 6, no. 221, 25 November 2002.

Alternatively, lacking confidence in the oral reassurances of the United States, the Kurdish parties may decide to go solo, taking advantage of their familiarity with the terrain and the support of the local population to thrust into Kirkuk, as they have done before, and hope to be able to hold it.¹³² They, too, might thus create hard-to-undo facts, an advantageous basis for negotiations with a successor regime over their status.¹³³ The risks associated with such a move, though, would be even greater than with the first scenario. Even if they don't stretch their supply lines to the breaking point, the Kurds would almost certainly provoke Turkish intervention – and they could not possibly hope to defeat Turkish forces in battle on open ground – and forfeit any good will as they might currently possess with the Americans.¹³⁴

The Kurds have vowed to attack any Turkish troops as might enter Northern Iraq without their consent, turning their homeland into a graveyard for Turkish soldiers.¹³⁵ Turkish military moves in the border area in March triggered a mobilization on the Kurdish side, with Kurdish fighters taking up positions, armed with mortars, rocket launchers and machine guns.¹³⁶

[TK: We should use the great amount of Kurdish quotes to the effect they will fight the Turks under this scenario – and the fact that sentiment there appears today far more anti Turkish than anti Saddam]

All parties would be better served by the fashioning of an **arrangement** [GE: why 'arrangement' rather than 'agreement' as in Recs. But key point is impracticality, given likely time constraints – see my note in ExSummary] prior to the onset of hostilities that is both transparent and ironclad, backed up by the necessary guarantees. This arrangement should be in the form of two Memoranda of Understanding, one between the United States and the government of Turkey, and the other between the United States and Kurdistan Regional Government. The text of these memoranda would need to be based on the following principles:

- ❑ An expanded autonomy arrangement, or a federated Iraq, will be the maximum Kurdish demand for their political status in a post-Baathist Iraq.
- ❑ As part of such an arrangement, which presumes a formal reneging of the Kurdish aspiration to political independence, Kurdish representatives will play a full and formal role in central government in Baghdad, in addition to whatever positions they may fill in the government of either an autonomous or federal region.
- ❑ No forces of neighboring states will enter Iraq, unless under U.S. or international command and with a clear and limited mandate, to be agreed to by the Kurdistan Regional Government. Under no circumstances will they enter Kirkuk or Mosul.
- ❑ Likewise, the Kurdish parties will not make any unilateral military moves, and will stay outside Kirkuk and Mosul.
- ❑ Kirkuk will be a multi-ethnic city, with claims to property to be settled by an impartial body. It may become the capital of a Kurdish region only as the result of negotiations between the principal stakeholders.

¹³² Even if both the KDP and PUK have no intention to march on Kirkuk, if one perceives the other to be making a move in that direction, the logic of inter-party rivalry dictates pre-emption, and in that case both sides may be seen running to Kirkuk, each trying to get there first.

¹³³ As one Kurdish official said, "If we take Kirkuk, the Americans will listen to us. If not, we will be forgotten." Quoted in Chris Kutschera, "The Kurds' Secret Scenarios", *Middle East Report*, no. 225 (Winter 2002), p. 16.

¹³⁴ Human Rights Watch has warned against widespread human rights abuse in case Turkish forces enter Northern Iraq, based on prior experience. "Turkey and War in Iraq: Avoiding Past Patterns of Violation", Briefing Paper (March 2003), at: <http://www.hrw.org/press/2003/03/turkey030503.htm>.

¹³⁵ An editorial in *Brayati*, the mouthpiece of the KDP, cited in Chris Kutschera, "The Kurds' Secret Scenarios", *Middle East Report*, no. 225 (Winter 2002), p. [TK page #].

¹³⁶ David Rohde, "Kurds in Positions Along Turkish Border", *New York Times*, 12 March 2003.

The Kurds have indicated their desire for a memorandum of understanding, but seek assurances that no Turkish forces would enter Iraq and a U.S. commitment to a federal and democratic Iraq.¹³⁷ Regardless of the merits of these and others' demands, it is critically important that they be discussed now. The historical record shows that the status of Kirkuk, in particular, is a deal-breaker. For the sake of peace and stability in a future Iraq, a negotiated settlement of the Kirkuk question, and the Kurdish question that envelops it, should be an absolute priority of the U.S. government as it goes to war.¹³⁸

¹³⁷ The leaders of the KDP and PUK sent a letter to President Bush on 13 February 2003 calling for a formal Memorandum of Understanding. See Kevin McKiernan, "Urgent Request: Kurdish Rebels Fear Turkish Aggression May Accompany U.S. Troops", ABC News.com, 25 February 2003, available at: <http://abcnews.go.com/sections/world/2020/kurdistan030225.html>.

¹³⁸ In one of the wisest statements on the subject of Iraq's future and the place of the Kurds, Yash Ghai has said that, "the approach to the ethnic question does not lie simply in dealing with specific claims of individual communities. What Iraq has lacked, and now needs urgently, is a vision of the country and its people. To build on ethnic distinctions that now dominate public consciousness, or which are the product of past manipulations by successive regimes, is to perpetuate divisions that would deny Iraq a proper destiny." In Yash Ghai, Mark Lattimer and Yahia Said, *Building Democracy in Iraq* (London: Minority Rights Group International, 2003), p. 37.