Kurdish Human Rights: Statelessness, Resistance and Survival Conference 9/4-9/5/04
Panelist: Michael Gunter

THE POSSIBILITIES FOR AN INDEPENDENT KURDISH STATE

Introduction

The concept of independent nation-states is relatively new to a Middle East ruled by the multinational, Islamic Ottoman Empire until the end of World War I. Nevertheless, semi-independent Kurdish emirates existed as early as the 1300s and possessed many of the characteristics of a state. At various times their rulers bore such titles as *mir*, *melik*, or *beg*. Some emirates such as Ardalan, Baban, Botan, and Hakkari, among others, lasted into the middle of the 19th century and gave the lie to claims that there never were in effect any independent Kurdish states.[1]

Indeed, the *Sharafnama*, a very erudite history of the ruling families of the Kurdish emirates written by Sharaf Khan Bitlisi and completed in 1596, identified five historical Kurdish dynasties which had actually enjoyed royalty or what was in their day the equivalent of independent statehood today.[2] These five dynasties were the Marwanids of Diyarbakir and Jazire, the Hasanwayhids of Dianwar and Shahrizur, the Fadluyids of the Great Lur, the princes of the Little Lur, and the Ayyubids whose greatest progenitor was the famous Saladin. In addition, the *Sharafnama* identified a second group of Kurdish dynasties that had had coins struck and the *khutba*[3] recited in their names.

During World War I, the 12th of Woodrow Wilson's famous Fourteen Points declared that the non-Turkish minorities of the Ottoman Empire should be granted the right of "autonomous development." The stillborn Treaty of Sevres signed in August 1920 provided for "local autonomy for the predominantly Kurdish areas" (Article 62) and in Article 64 even looked forward to the possibility that "the Kurdish people" might be granted "independence from Turkey." Turkey's quick revival under Mustafa Kemal (Ataturk)—ironically enough with considerable Kurdish help as the Turks played well on the theme of Islamic unity—altered the entire situation. The subsequent and definitive Treaty of Lausanne in July 1923 recognized the modern Republic of Turkey without any special provisions for the Kurds living in Turkey.

Following World War II, the Mahabad Republic of Kurdistan in northwestern Iran was a rump Kurdish state that was proclaimed on 22 January 1946, but collapsed by the end of that year. Its much-revered leader Qazi Muhammad was hanged on 31 March 1947. During its brief tenure, however, schools in the Mahabad Republic began to teach in Kurdish, while scholars also began to translate texts into that language. A printing press provided by the Soviet Union produced a daily newspaper and a monthly journal.[4]

Since the miniscule entity extended no further than the small cities of Mahabad, Bukan, Naqada, and Ushniviya in Iran, not even all of Iranian Kurdistan supported the experiment, let alone the Kurds in other states. There is even debate over whether Qazi Muhammad actually sought complete independence or simply autonomy. Nevertheless, there also can be no doubt that the Mahabad Republic of Kurdistan became a symbol of forlorn Kurdish statehood in the 20th century.

During much of the 1960s, Mulla Mustafa Barzani—the famous leader of the Iraqi Kurds—was able to achieve considerable success and maintain a de facto independence for many years. The March Manifesto of 1970 Barzani negotiated with the Baathist Iraqi government in effect headed by Saddam Hussein held out the promise of real autonomy for the Iraqi Kurds and thus an overall settlement of the Kurdish problem in Iraq. In the end, however,

neither side trusted each other enough to implement the provisions and fighting was renewed in 1974 which led to Barzani's final defeat.[5] Over the years, the March Manifesto has been continually referred to as a background for a settlement by both sides. For example, it was declared the basis of the negotiations that took place following the Iraqi Kurdish uprising in March 1991.[6]

After the Gulf War of 1991 and the failure of the ensuing Kurdish uprising, the mass flight of Kurdish refugees to the mountains and borders of Iran and Turkey forced the United States to launch Operation Provide Comfort (OPC). OPC created a safe haven and maintained a no-fly zone to encourage the refugees to return to their homes by protecting them from further attacks by the Iraqi government. In addition, the unprecedented United Nations Security Council Resolution 688 of 5 April 1991, gave the Iraqi Kurds support by condemning "the repression of the Iraqi civilian population . . . in Kurdish populated areas" and demanding "that Iraq . . . immediately end this repression." It was the first time the Kurds had ever been so prominently mentioned by a U.N. resolution.

Behind this protection, a de facto Kurdish state known as the Kurdistan Regional Government (KRG) arose. Elections held in May 1992 resulted in an Iraqi Kurdistan parliament that in October 1992 declared the KRG a federal state in a future post-Saddam Iraq. Despite the hostility of its neighbors who feared the demonstration effect of a Kurdish state in northern Iraq on their own Kurds as well as a debilitating civil war between its two leading power contenders—Massoud Barzani's Kurdistan Democratic Party (KDP) and Jalal Talabani's Patriotic Union of Kurdistan (PUK)—the KRG eventually prospered.[7]

From 1997-2001, the United Nations oil-for-food program pumped some $4.6 billion into the KRG. New roads were built; refugees resettled; food supplies became adequate; water and electricity were available; and shops were full of refrigerators from Turkey, soaps from Syria, and even potato chips from Europe. Literacy and building projects proliferated. A civil society began to emerge with dozens of newspapers, magazines, and television and radio stations representing a broad spectrum of opinion. People began to enjoy freedoms impossible to imagine in the rest of Iraq. The Iraqi Kurds had become considerably better off than their other Iraqi counterparts. The future of the KRG, of course, remains uncertain and will be dealt with below. Nevertheless, the KRG represents the closest example of a successful and independent Kurdish state in modern times.[8]

Current Situation

With the exception of Iraqi Kurdistan, any type of Kurdish statehood is unlikely in the foreseeable future for several reasons. In the first place, Kurdistan (the land of the Kurds) is completely contained within already existing states—namely Turkey, Iran, Iraq, and Syria. To create an independent Kurdistan would threaten the territorial integrity of these pre-existing states. No state on earth would support a doctrine that sanctions its own potential breakup.

Thus, the international community has generally been hostile to any redrawing of the map that was not part of the decolonization process. Between Iceland's secession from Denmark in 1944 and the collapse of communism in 1991, the only successful secessionist movements were in Singapore (1965), Bangladesh (1971), and Eritrea (1991). The collapse of colonialism after World War II and communism in the early 1990s, led to a wave of new state creation. However, there are no more empires to collapse and accordingly very few possibilities for further state creation today.

A pan-Kurdish state would probably only emerge if there were a major collapse of the existing state system of Turkey, Iran, Iraq, and Syria in the Middle East today. With the possible

exception of Iraq, this is highly unlikely to happen. Thus, the main purpose of this article is to analyze why a Kurdish state in northern Iraq might soon become possible.

Because of the incredible blunders of Saddam Hussein in calling upon himself the United-States-led alliance in the Gulf Wars in 1991 and again in 2003, as noted above, a de facto Kurdish state has risen in northern Iraq since 1991. This de facto state of Kurdistan in northern Iraq was protected by the United States no-fly zone from Iraqi invasion and was economically supported by the Kurds receiving 13 percent of the Iraqi money garnered from oil sales allowed by the United Nations until the overthrow of Saddam Hussein in 2003.

Although the two main Iraqi Kurdish parties—Massoud Barzani's Kurdistan Democratic Party (KDP) and Jalal Talabani's Patriotic Union of Kurdistan (PUK)— fought a debilitating civil war between themselves from 1994-98, their still divided rump state is currently prospering and indeed is even a model of democracy and economic success for other more benighted Middle Eastern states. Since the United States finally brokered an end to their hostilities in September 1998, Barzani and Talabani have moved closer to achieving unity. In October 2002, the united Iraqi Kurdistan parliament met for the first time since 1994. With the removal of Saddam Hussein's regime, both Kurdish leaders have recognized their historical responsibility to present a united Iraqi Kurdish face to the world or else lose the opportunity of a lifetime.

The situation, however, remains precarious because nobody recognizes this de facto state. Turkey has even declared that it would be a *casus belli* if the Iraqi Kurds declared their independence. Iran and Syria also oppose Iraqi Kurdish independence because of the magnet effect it might have on their own Kurdish populations. In addition, the United States is on record as opposing independence because of the supposed instability it would create in the Middle East. Therefore, Barzani and Talabani have each realistically denied any claims for independence, [9] opting instead for federalism in a post-Saddam, democratic Iraq.

Despite their disclaimers, however, it must be admitted that facts on the ground are being created. An entire generation has been raised under a Kurdish-run administration and will not be easily or willingly returned to dictatorial rule by Baghdad. Even after the demise of Saddam Hussein, for example, the Iraqi Kurds remain largely isolated from the rest of Iraq, as they were throughout the 1990s. Increasingly, they have come to think of themselves as being apart from the rest of Iraq and query why they should remain part of a chaotic, failed state.[10]

The draft "Constitution of the Iraqi Kurdistan Region" issued in October 2002 declares near its end that if it is "changed without the consent of the Kurdistan Regional Assembly . . . this shall afford the people of the Kurdistan Region the right of self-determination."[11] This, of course, means the right to become an independent state. If the Iraqi Kurds continue to maintain their de facto independence into the foreseeable future, some type of Kurdish entity there will become increasingly possible. A Kurdish state in northern Iraq then is just possible.

Iraq after all is an artificial state cobbled together by the British after World War I from the three former Ottoman *vilayets* of Mosul, Baghdad, and Basra. Lacking detailed understanding of the various peoples they were trying to meld into this new state and handicapped by strong cultural stereotypes, the British managed to create little more than what may prove to be a failed state that could only be held together by the likes of a Saddam Hussein.[12] Indeed, one might well argue that it is the failed state of Iraq that creates instability, not the Kurds, as many have claimed.[13]

Thus, the increasing difficulties the United States is experiencing as Iraq moves toward regaining its sovereignty on June 30, 2004 may prove to be the mere tip of the iceberg when it comes to attempting to create a democratic federal Iraq. The majority Shia Arabs seek to

implement a unitary state based on their majority rule. The minority Sunni Arabs seek to abort the establishment of a true majority-rule democracy because it would take from them their historic role of masters in Iraq and place them in a unwanted subordinate position to the Shia they brutally crushed in rebellions during the 1920s and again in 1991. In their hearts, the Kurds, of course, fear oppressive majority rule that would again subject them to Arab dominance. This is no basis for establishing a successful democratic, federal state in Iraq.

What is more, in August 2003, the first serious public opinion survey of Iraqis since the fall of Saddam Hussein showed that, although the Iraqis are "intrigued by democracy," they "worry that it may not be compatible with their culture." Only 39 percent replied that "democracy can work in Iraq," while 51 percent declared that "democracy is a Western way of doing things and will not work here." A mere 21 percent preferred a "secular democracy with elected representatives."[14]

For democracy to work, all groups have to recognize the legitimacy of the state. Democracy also requires trust in one's fellow citizens and faith in majority rule. In addition, federalism requires a sophisticated sharing of powers constitutionally allocated and guaranteed between the central government and its constituent federal parts. The history of Iraq since its invention by the British gives little hope here for either democracy or federalism to work. Since Iraq has no democratic heritage upon which to build a post-Saddam, federal democracy—the only type of state the Iraqi Kurds are on record as agreeing to remain part of—short of force, it is difficult to see the Iraqi Kurds remaining part of Iraq in the long run.[15] Thus, if Iraq proves to be a failed state, independent statehood for each of the three former Ottoman *vilayets* of Mosul for the Kurds, Baghdad for the Sunnis,[16] and Basra for the Shias may prove to be the most viable option.

Indeed, the experiences of former Yugoslavia during the 1990s, illustrate that in a multi-ethnic and multi-religious, artificially created state, partition may be a better option to achieve stability and eventual democracy than enforced unity. Similar lessons can be drawn from the former Soviet Union as well as the present Russian Federation seeking to enforce continuing unity upon a recalcitrant Chechnya. Even the peaceful Czechs and Slovaks decided that a velvet divorce was preferable to an undesired marriage. Most commentators agree that the resulting partitions have resulted in greater stability and chances for democracy. What then stands in the way of Iraqi Kurdish independence?

Role of Turkey

Turkey's almost paranoid opposition to Kurdish nationalism and Turkey's strong strategic alliance with the United States since the days of the Truman Doctrine first promulgated in 1947, have arguably been two of the main reasons for the inability of the Kurds to create any type of an independent state in the modern Middle East that began to develop after World War I. Although the United States paid lip service to the idea of Kurdish rights, when the chips were down, again and again the United States backed its strategic NATO ally Turkey when it came to the Kurdish issue. Only when the United States perceived the Iraqi Kurds to be a useful foil against Saddam Hussein did the United States begin to take a partially pro-Kurdish position, at least towards the Iraqi Kurds. Although this US support for the Iraqi Kurds did not prohibit Turkey from unilaterally intervening into northern Iraq in pursuit of the Kurdistan Workers Party (PKK) during the 1990s, US support for the de facto Iraqi Kurdish state, and disagreements over sanctions and the future of Iraq itself helped begin to fray the longstanding US-Turkish alliance.

The US war to remove Saddam Hussein from power in 2003 furthered this process and even partially reversed alliance partners. For the first time since the creation of Iraq, the Iraqi

Kurds now—at least for the present—have a powerful ally in the United States. This ironic situation was brought about by Turkey refusing to allow the United States to use its territory as a base for a northern front to attack Saddam Hussein's Iraq in March 2003. Courtesy of Turkey, the Iraqi Kurds suddenly were thrust into the role of US ally, a novel position they eagerly and successfully assumed. Quickly, the Iraqi Kurds occupied the oil-rich Kirkuk and Mosul areas which would have been unthinkable encroachments upon Turkish "red lines" had Turkey anchored the northern front. What is more, Turkey had no choice but to acquiesce in the Iraqi Kurdish moves.

The new situation was further illustrated in July 2003 when the United States apprehended 11 Turkish commandos in the Iraqi Kurdish city of Sulaymaniya who were apparently seeking to carry out acts which would destabilize the de facto Kurdish government and state in northern Iraq. Previously, as the strategic ally of the United States, Turkey had carte blanche to do practically anything it wanted to in northern Iraq. No longer is this true. The "Sulaymaniya incident" caused what one high-ranking Turkish general called the "worst crisis of confidence"[17] in US-Turkish relations since the creation of the NATO alliance. It also illustrated how the United States was willing to protect the Iraqi Kurds from unwanted Turkish interference.

Powerful Iraqi Kurdish opposition to the deployment of 10,000 Turkish troops to even areas in Iraq south of the Kurdish area—a decision the Turkish parliament took in October 2003 in an effort to revive its failing fortunes with the United States and control over evolving events in Iraq—helped force Turkey to rescind its offer shortly after it was issued. Osman Faruk Logoglu, the Turkish ambassador to the United States, complained that the United States was giving "excessive favors" to the Iraqi Kurds and thus encouraging future civil war and Kurdish secession.[18]

Now, of course, Turkey's important geographical location and tremendous military superiority over the Iraqi Kurds remain. Given time, therefore, it is likely that Turkey will partially reassert its strategic relationship with the United States even if the Iraqi Kurds offer the United States ready bases for former ones in Turkey no longer so available. For the time being, however, there is an historic opportunity for the Iraqi Kurds to step forward, with US support, to achieve what Turkey has always opposed, with US support—the possibility of some kind of an independent Kurdish state.

The Iraqi Kurds, of course, would be well advised to proceed with the consent of Turkey because in the end, the United States will leave Iraq and the Kurds will have to live with the Turks who always will live next door. Thus, the Iraqi Kurds should be rather modest, and from their newfound position of relative strength, work with Turkey, not against it.[19] Turkey, for its part, must become convinced that greater stability will stem from a democratic independent Iraqi Kurdistan, rather than a reconstituted authoritarian Iraq that leaves the Iraqi Kurds disgruntled.

The first step to achieve this seemingly impossible task of Turkish approval is for the Iraqi Kurds to be seen giving their all in trying to make a democratic federal Iraq work. Only if such an Iraq proves impossible to achieve—as has been argued above—will the Iraqi Kurds be seen as then having the right, in the name of a stability that also will benefit Turkey, to move towards independence.

At that point, the Iraqi Kurds must convince Turkey that, in return for Turkish support for Iraqi Kurdish independence, an Iraqi Kurdish state would not foment rebellion among the Kurds in Turkey either directly or indirectly. Turkey's guarantee of an Iraqi Kurdish state would be a powerful incentive for the Iraqi Kurds to satisfy Turkey on this point. Indeed, the Iraqi Kurds

should encourage Turkey's begrudging democratic reforms that will help lead to eventual Turkish membership in the European Union (EU) and thus help solve the Kurdish problem in Turkey without secession.

The stability achieved by an independent Iraqi Kurdish state supported by Turkey would also encourage strong economic relations between the two. These relations have been suffering for years because of the instability caused by Iraq's wars against Iran and the United States, as well as the US-led sanctions against Iraq. Improved economic relations between Turkey and the Iraqi Kurds in turn would also help benefit the Kurds in Turkey who so badly need a better economic situation.

Finally, Turkey must come around to trusting more in its inherent strength, rather than revisiting its outdated fears. As Ilnur Cevik, a leading Turkish journalist observed: "Instead of seeking confrontation and friction with the Iraqi Kurdish leaders, some people in Turkey could change their attitude dramatically and start seeking ways to forge closer ties with them and actually treat them as regional partners." Cevik also argued that "the Iraqi Kurds are out natural allies. They were part of the Ottoman Empire and we lived with them for centuries." Therefore, "it is only natural that the Iraqi Kurds should be treated as our relatives just like the Iraqi Turkmens. Some people who do not seem to appreciate this will have to change their attitude if they want to live in a realistic world."[20]

Massoud Barzani also spoke to this issue when he told Cevik and Cengiz Candar, another leading Turkish journalist, that "when the situation is good in Iraq and in the north of the country this would be beneficial for Turkey. . . . We should walk together (Turkey and the Kurds) and take joint steps to help each other to solve problems."[21] In other words, Turkey should come to realize that as the more powerful partner by far, it would become the natural leader and protector of an independent Iraqi Kurdish state, a state that would also serve as a buffer between Turkey and any lingering instability to the south. Historic Turkish fears of a Kurdish *kukla devlet* (puppet state) that would be the first step of a wider plot to divide Turkey are anachronistic and will only help create a self-fulfilling prophecy.

Iran too, of course, must be considered in this overall scenario. Although this regionally powerful state has its own important and legitimate interests, much of the argument made about why Turkey might be brought around to favor an independent Iraqi Kurdistan can also be made for Iran. Indeed, Turkey and Iran, who share a long history of pragmatic compromise in the modern Middle East, might find their joint agreement on and sponsorship of an independent Iraqi Kurdistan yet another reason to continue their relatively peaceful and pragmatic relationship.

ENDNOTES

[1] On this point, see Martin van Bruinessen, *Agha, Shaikh and State: The Social and Political Structures of Kurdistan* (London: Zed, 1992), pp. 145-82; David McDowall, *A Modern History of the Kurds* (London: I.B. Tauris, 1996), pp. 29-36, and 42-47; and Hakan Ozoglu, *Kurdish Notables and the Ottoman State: Evolving Identities, Competing Loyalties, and Shifting Boundaries* (Albany, NY: State University of New York Press, 2004), pp. 1-68.

[2] For a text of the *Sharafnama*, see Mehrdad R. Izady, *The Sharafnama: The History of the Kurdish Nation* (Costa Mesa, CA: Mazda, 2003).

[3] The *khutba* was an Islamic address delivered at the end of the Friday prayer meeting. It contained prayers for the Prophet, the first four rightly guided caliphs, and the current caliph. If it also contained the name of the local ruler, he was in effect considered sovereign. The minting of coins also represented sovereignty.

[4] On the Mahabad Republic of Kurdistan, see William Eagleton, Jr., *The Kurdish Republic of 1946* (London: Oxford University, 1963); Archie Roosevelt, Jr., "The Kurdish Republic of Mahabad," *Middle East Journal* 1 (July 1947), pp. 247-69; and the special issue of the *International Journal of Kurdish Studies* 11, nos. 1-2 (1997), entitled "The Republic of Kurdistan: Fifty Year Later."

[5] For these earlier events, see Edmund Ghareeb, *The Kurdish Question in Iraq* (Syracuse: Syracuse University, 1981).

[6] Michael M. Gunter, *The Kurds of Iraq: Tragedy and Hope* (New York: St. Martin's, 1992), pp. 59, 60, 62, and 70.

[7] Michael M. Gunter, *The Kurdish Predicament in Iraq: A Political Analysis* (New York: St. Martin's, 1999), pp. 67-109.

[8] Gareth R.V. Stansfield, *Political Development and Emergent Democracy* (London: RoutledgeCurzon, 2003).

[9] See, for example, their emphatic disclaimers in Institut Kurde de Paris, "Paris: An International Conference on 'The Future of the Kurds in Iraq' at the French National Assembly," *Information and Liaison Bulletin*, no. 212, Nov. 2002, pp. 4-5. In their hearts, of course, both would prefer independence. See also Michael M. Gunter, "Kurdish Future in a Post-Saddam Iraq," *Journal of Muslim Minority Affairs* 23 (April 2003), pp. 9-23.

[10] Maggy Zanger (Institute for War and Peace Reporting), "Kurds Keep Iraq at Arm's Length," Nov. 14, 2003, accessed over the Internet.

[11] The present author obtained a copy of the draft constitution drawn up in the fall of 2002 from the authorities of the Kurdistan Regional Government.

[12] Toby Dodge, *Inventing Iraq: The Failure of Nation Building and a History Denied* (New York: Columbia University, 2003).

[13] Stephen C. Pelletiere, *The Kurds: An Unstable Element in the Gulf* (Boulder and London: Westview, 1984), is an example of how many blame the Kurds for creating instability.

[14] John Zogby, "Still Waiting," *Los Angeles Times*, Oct. 27, 2003, accessed over the Internet.

[15] For two recent newspaper articles that argue this point, see Leslie H. Gelb, "The Three-State Solution," *New York Times*, Nov. 25, 2003, accessed over the Internet; and Ralph Peters, "Break Up Iraq Now!" *New York Post*, July 10, 2003, accessed over the Internet.

[16] Many Shias, of course, live in Baghdad, a fact that complicates any neat partition. What the final arrangements will be for them remain to be seen. It is possible that the Shia and Sunni Arabs will choose to remain in a truncated Iraq, while the Kurds become independent.

[17] "Ozkok: Biggest Crisis of Trust with US," *Turkish Daily News*, July 7, 2003, accessed over the Internet; and Nicholas Kralev, "U.S. Warns Turkey against Operations in Northern Iraq," *Washington Times*, July 8, 2003, accessed over the Internet.

[18] Jonathan Wright, "Turkey Accuses U.S. of 'Favoritism' in Iraq," Reuters, Nov. 4, 2003, accessed over the Internet.

[19] Ofra Bengio, "Iraqi Kurds: Hour of Power?" *Middle East Quarterly* 10 (Summer 2003), accessed over the Internet.

[20] Ilnur Cevik, "Iraqi Kurds in Baghdad Administration," *Turkish Daily News*, July 15, 2003, accessed over the Internet.

[21] Cited in Ilnur Cevik, "Barzani: Iraq Is Not an Exclusively Arab State," *Turkish Daily News*, July 24, 2003, accessed over the Internet.