

MERIA

WHAT FUTURE FOR THE KURDS?

By Khaled Salih*

What will the January 2005 Iraqi elections and dramatic events elsewhere in the Middle East mean for the Kurds? This article reviews the current situation and likely future scenarios for the Kurds in Iraq, Turkey, and Iran.

"Our past is sad. Our present is a catastrophe. Fortunately, we don't have a future."

--Hiner Saleem, Kurdish film-maker, quoting his grandfather¹

"It's a great feeling to be free. It's a great feeling to live in peace and not feel any threats from a tyrant like Saddam. If this house is taken away from me, I live in a tent. If the tent is taken away and I am forced to live under a tree, I'll still be free."²

--A Kurdish refugee returning to Kirkuk

The Kurds, as a people divided between four states, pose an intellectual and policy issue of great importance for the future of the region and of these specific countries. Of course, deciding "who is a people" in the contemporary world is a political question rather than a legal process, a subjective self-identification, or historically based assertion. In the international political system only those who have attained, or were granted, state sovereignty are regarded as peoples.

Enabling Kurdish women, men, and children to develop better living standards and the ability to live in freedom from want and fear alike would be a noble and great responsibility for those who desire to engage in facilitating a better future all of West Asia.

Compared with other peoples in the region, the Kurds have not been on equal footing in these terms since the creation of the modern states at the beginning of the 1920s, with the sole exception of the Kurds in Iraq since 1992.

The Kurds are regarded either as a "pariah minority"³ or seen not as victims, but rather as a source of destabilization.⁴ However, being regarded as a "pariah minority" or "destabilizing factor" is not an entirely irrelevant concept to understanding how the Kurds have been dealt with politically.

PAST STRATEGIES

When the empires of West Asia were replaced by modern centralizing territorial states (often misleadingly called nation-states) at the beginning of the 1920s, the Kurds were left without a state of their own. In the new framework, they became minorities within new political inventions and constructions dominated by ideologies of Turkish, Persian and (two versions of) Arab nationalism.

The imposition of this new state system with its new ideological drive for centralization, homogenization, and control created entirely different conditions for the stateless Kurds. This was a dramatic shift from several hundred years of imperial tradition in which Kurdish territory had no distinct, mined, and militarily-guarded

borders. The Kurds, who, like most other groups in the vast Ottoman and Persian empires, were subject to "remote" and discontinuous imperial control, carried out "cross-border" activities and thus could easily manipulate and adjust to the loose imperial networks for their own benefit and intermittently enjoy a relative degree of local autonomy.

The new state system led not only to the imposition of varying administrative and security control systems, but also to the introduction of new political ideologies. The new state ideologies envisaged their societies in radically different ways. Demands of national minorities for representation, power-sharing, or mere survival were regarded as "illegitimate," backwardness, or just behaving like fifth-column proxies for external enemies.

The trajectories of the modern states in Turkey, Iran, Iraq, and Syria are the basic frameworks through which one can analyze and understand these states' policies and strategies vis-à-vis their Kurdish populations. Since the aim of this article is to focus on future policy prospects in relation to the Kurds, only a brief account of the state strategies to deal with the Kurds will be presented.

Although various governments in Turkey, Iran, Iraq and Syria have chosen different approaches in their denial or partial recognition of the existence of the Kurds as a people with legitimate political, social and security demands, a persistent denial of a greater Kurdistan and attempts to prevent an eventual emergence of such an entity has been linked to the national security of these states. Consequently, the Kurds have been deprived of any meaningful opportunity to discuss various conceptions of Kurdistan, including possibly peaceful arrangements.

Often, Kurdish demands were interpreted as a direct challenge to the new state elite's authority, legitimacy, or goal of

"national" cohesion (which in practice meant assimilation). The Kurds were viewed as a major obstacle to the way the new elites thought their societies ought to be, rather than dealing with how they were in fact constituted. In contrast, Kurdish political demands were for shared power and resources between different political groups and the idea that the societies do not need to be homogenous but rather heterogeneous, multi-ethnic and multi-religious. Given this clash, they easily became targets of security, military, and political campaigns in the name of "national" security, territorial integrity, and state sovereignty. Usually these kinds of internationally recognizable justifications have functioned as effective methods to ward off even mild international criticism.

While the existence of a Kurdistan province is officially acknowledged in Iran, it amounts only to one-eighth of the Kurdish-inhabited area in that country.⁵ In Iraq, the 1958 provisional constitution recognized the existence of the Kurdish nationality alongside the Arabs, but the establishment of a Kurdistan Autonomous Region in 1974 did not satisfy the expectations of the Kurds and led to a wave of military confrontation between the Ba'thist government of the time and the Kurds. Until recently, denial of the existence of the Kurds and the Kurdish language in the Turkish Republic was a ritual repeated by politicians, military, security, and civil bureaucracies, as well as media and ordinary citizens.⁶ In Syria, the Kurds are still treated as "guests" without political, legal, and social rights.

Military solutions have been an option to which state elites in Turkey, Iran, Iraq and Syria have devoted themselves and their countries' resources. While Iraq's military offensives against the Kurds are more known to the outside world, the Turkish military, as one author put it, "Found control of Kurdistan to be its prime function and reason d'être. Only one out of 18 Turkish military

engagements during the years 1924-38 occurred outside Kurdistan. After 1945, apart from the Korean war (1950-52), and the invasion of Cyprus (1974), the only Turkish army operations continued to be against the Kurds."⁷

Generally speaking, the state elites in Turkey, Iran, Iraq, and Syria have combined strategies of elimination and management.⁸ The methods exploited by successive governments in dealing with the Kurds included the denial of their existence, or that of the Kurdish language, or their preponderance in certain regions. Active tactics include such widely varying policies as genocidal campaigns, mass deportation and expulsion, political homogenization and assimilation, coercive administrative and security control systems, or even partial recognition and shallow autonomy arrangements. The result was massive internal displacement, destruction of villages and small towns, militarization of states and societies, repression of political parties, and undermining of civil society organizations, to name but a few long-term consequences.

These states share important characteristic traits of what political scientists call state failure, not least because of the enduring character and the direction of the violence against the Kurds.⁹ Failed states generally do not deliver positive political goods to their peoples; they are often tense, deeply conflicted, hard, and fierce in dealing with alternative versions of reality, and bitterly contested constructions. In order to avoid questioning the legitimacy of their monolithic world views, they embark on violent military expeditions to avoid dialogue, revision of flawed political orders, and profound reform programs.

Undoubtedly, violent methods dominated the ways in which the state elites tried to solve political, social and economic differences in their respective parts of Kurdistan. But violence is not the only way

with which modern states have sought conflict resolutions, and the states in West Asia are not destined to pursue the same path. New circumstances, elite reconsiderations of past strategies, as well as international changes and incentives can and should change past commitments. New opportunities will require new decisions, strategies, and commitments. Given several decades of past failures and the emergence of new opportunities, one can expect different and constructive policy options to be pursued.

FUTURE PROSPECTS

The political elites of Turkey, Iran, Iraq, and Syria--though in fundamentally different ways--face momentous decisions about the future of peoples they control and ostensibly represent. If they opt to distance themselves from the tyranny of the past, they can actively influence, if not direct, the forces of change that take social, political, religious and regional diversities as a source of strength to create better living standards, more freedom, and social peace. There are at least two great opportunities (in Turkey and Iraq) and two future possibilities (in Iran and Syria) by which the future of the Kurds will directly be determined.

Turkey: United in Diversity, at Home and as EU Member?

"Turkey has already booked its place in Europe" --Javier Solana.¹⁰

"I have to turn to Europe to get justice. Europe remains our only hope." --Sehriban Yaradimlis¹¹

"There is nothing permanent except change. Give Turkey three years, and it will be a totally different country. Whatever happens we are going to change." --Turkish Prime Minister Erdogan¹²

Compared to Iran, Iraq, and Syria, Turkey has developed a wide range of democratic political institutions and mechanisms as well as a long-standing relationship with the European Union and other Western democratic organizations that together should make the country more amenable to democratic dialogue and exchange of ideas. Turkey's progress toward EU membership provides a unique opportunity to carry out profound systemic reform.

This could include an advance beyond previous monolithic beliefs in, and practice of, homogenization and military solutions for the Kurdish issue, not least because Article Two of the first draft of the EU's constitution demands specific values from member states, saying that the EU is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity, and non-discrimination.

This is strengthened by the first paragraph of Article Three in which the aim of the EU is "to promote peace, its values and the well-being of its peoples."¹³ Over time, the organization's members have dramatically shifted their focus from state security to the security of their populations and peoples. They have gradually developed from what political scientists label as electoral democracies to liberal democracies, with constitutional guarantees for human rights, women's rights and the rights of minorities. Eastern European countries who aspired to join the EU must live up to these standards and values, which they must implement for the benefit of all citizens and peoples.

In the negotiation process to qualify for membership, Turkey needs to change its dominant political thinking, the current constitution and thousands of laws and regulations before it can be described as a

society characterized by pluralism, tolerance, justice, solidarity, and non-discrimination. The past cannot simply be wished away. The future cannot be achieved by imprecise changes. The ultimate test of willingness to direct the state and society in Turkey toward a new future will be determined by the government's capacity and capability to implement essential reforms throughout the country without prejudice and discrimination on the basis of historical suspicion and blaming-the-victim reasoning. Turkey has already embarked on a major reform program and it can hardly retreat from it.

Along the way, the country will need extensive assistance, expertise, financial support, and political encouragement. The EU has already committed itself to this process and the required financial needs. The current Turkish government has promised, and occasionally taken, further steps in the right direction. It has taken courageous steps "in face of strong resistance"¹⁴ from the military and those elite groups whose positions and interests are not served by a deepening and widening process of democratization. For the root of the problem lies in the fact that Turkey, despite the determination of its government, cannot stand for the EU standards under present circumstances. Because, as a recent report from the European Parliament noticed, the country has not yet established a clear framework for guaranteeing political, civil, economic, social, and cultural rights. In order to qualify for EU accession negotiations, and eventual membership, more far-reaching efforts are required from Turkey "to enhance the coherence of legal provisions and practice, which will underline the drastic and fundamental character of the transformation of Turkey towards membership."¹⁵

The point is that "reparation and amendments" will not do the trick--despite significant changes introduced as part of the packages of political reform-- because

Turkey has not managed to circumvent its "Constitution adopted in 1982 during the military regime, reflecting a largely authoritarian philosophy."¹⁶ Like the new members of the EU, Turkey needs to adopt a new constitution, signaling beyond doubt that such a step is a point of departure for the process of reform and modernization of the state and society.¹⁷ This is a necessary step in a series of far-reaching reforms which can only be judged "on the basis of their actual implementation in terms of day-to-day practice at all levels of the judicial and security system, and of both the civilian and military administration... [which] must have the support of society," a long process for which Turkey will need both fundamental decisions and continued European aid.¹⁸ As Javier Solana so eloquently put it, Turkey has already booked its place in Europe; the reservation of that seat in December 1999 was unanimously supported by the 15 EU heads of state and government of the time. But in the process, it is up to Turkey if the country "wishes to assume its place in Europe"¹⁹

It is in this complex process of necessary democratization that Turkey's Kurdish policies and strategies must be re-defined and re-framed within a new political system with appropriate institutional arrangements. The Turkish problem with the Kurds cannot be painted over or brushed away. Provided that Turkey continues its development toward a liberal democratic polity, almost every reform might contribute to create a better ground for different policies and strategies regarding the Kurds in Turkey. In this process, official recognition of diversity, differences and negotiations regarding the ensuing tensions and conflicts should become the basic political philosophy and process.²⁰

Turkey has several options for creating a new policy vis-à-vis the Kurds.

One possibility is a combination of democratization and decentralization in which the unitary nature of the Turkish state will remain its main characteristic. In this context, an administrative decentralization mechanism will devolve powers to administrative units without recognizing group identities. Several arguments might be used to support such an arrangement: the centralist tradition of the Turkish state (and its Ottoman predecessor), the French Jacobin model, and the fear of breaking up Turkey. But evidence of genuinely democratizing countries that are linked to the EU mechanisms of regional cooperation will undermine such reasoning. Spain and Greece provide two good examples against traditional resistance to reforms and democratization by exploiting fear and shallow arguments.

A second arrangement might combine democratization and decentralization with group recognition. Loyalty to the state and its institutions would be based on the notion of democratic citizenship in which shared interests, values and necessity would not only keep the state and its institutions together but strengthen the ties and links for the benefit of all groups in Turkey. References to historical traditions of recognition in the Middle East and the decentralized characteristics of the Ottoman past can serve this purpose, as well as contemporary European models, such as different arrangements in the UK to meet demands from Scottish, Welsh, and Irish national aspirations.

A third possibility for Turkey is to look closely into the Spanish constitutional revolution of 1978. Post-Franco Spain has become increasingly federal in arrangement, except in name. Post-Franco politicians have recognized the need to integrate democracy and decentralization with recognition of historical nationalities. The 1978 Spanish constitution has created a decentralized, democratic political order in Spain which

political scientists characterize as "a plurinational and multilingual state."²¹ The most interesting element of the Spanish development is the recognition of the need to build self-government into the fabric of the post-Franco polity by recognizing the unity of the nation (or more appropriately the state) as well as the right to autonomy of nationalities and regions. The right to self-government of municipalities, provinces, and autonomous communities has in fact strengthened both democracy and stability in Spain through a mechanism and process of differentiation of the country's previously unitary state structure.

More than two decades of negotiations and agreements have reinforced self-government and power sharing with the regions, adopting federal arrangements. Local and regional units' rights to make decisions independent of central government supervision and control have contributed to deepening constitutional democracy in Spain.²² The political redistribution of power (between Madrid and 17 autonomous regions (three historic autonomous regions, one specific statute autonomous community, twelve ordinary autonomous regions and one federal capital region) has given the three historic nationalities in the Basque country, Catalonia, and Galicia their own statute of autonomy tailored to their particular situation. In each case, the "central" government and the autonomous regions have a range of exclusive powers but also function jointly in several spheres.

A fourth model that could serve as a good example of restructuring the political system is the development in Belgium. Although this model might be regarded as too radical a departure from the Turkish unitary state tradition with its strong distaste for multiple identities and loyalties and with no tradition in negotiating the political order, it should nevertheless be considered as a possibility. The Belgium federation (since

1993) is based on three territorially defined regions (the Flemish Region, Brussels-Capital Region, and Walloon [French] Region), and three non-territorial language-based communities (the Flemish Community, French Community, and German-speaking Community). Distribution of exclusive powers is between the federal government and two other kinds of governments: while the three territorially delineated governments are mainly responsible for regional economic matters, the three non-territorial communities are mainly responsible for linguistic and cultural matters.

Turkey's Kurdish policy could adapt elements of the British, Spanish, or Belgian systems into its own restructured and reformed political system. Under liberal democratic conditions this could be achieved without overtly opting for federalization of the country.

On its way to "a society of pluralism, tolerance, justice, solidarity, and non-discrimination," Turkey, like other EU members, is required to implement all reforms that would qualify the country to a membership negotiation. If the reform process accelerates as it did in most Eastern European countries during the early 1990's, a prediction made by French President Jacques Chirac's two days prior to the largest enlargement ceremonies of May 1, 2004, need not come true. In Chirac's opinion Turkey's entry into the EU was not possible in the short term, however, he believed that Turkey could become a member in the long term (which he defined as a period of 10 to 15 years)--need not come true.²³

Only Turkish decision-makers have the capacity and capability to disappoint President Chirac and those who believe that Turkey cannot fulfill its obligations. Erdogan observed that his country still has much to do, but his government would "continue to fulfill our responsibilities" to qualify for membership. "We trust ourselves to pass this

test honorably," he said, while he warned that "it would not only disappoint the Turkish people, it would seriously damage the basic philosophy of the union," because the union is based on "humanitarian values." Erdogan believed that to delay Turkey's membership further would be "wrong and unjust."²⁴ Alas, exactly the same arguments would be used by the critics of Turkey for the delay in what the Oostlander report calls revolutionary, but essential reforms.²⁵ The sooner these reforms are carried out, the better chance Turkey will have to cross the threshold from electoral democracy to liberal democracy.

In that case, for example, the Hakkari FM radio station will not be closed again for 30 days because a Kurdish politician expresses his desire to find a democratic solution to the Kurdish problem in Turkey. Kurdish parents do not need to wait for court decisions before they give their children the name they prefer.²⁶

At that juncture, the European zone of stability and prosperity will also peacefully be extended to Turkey, the way it did to former Communist countries in Eastern Europe. Having managed to shift mentally, institutionally, and constitutionally from a monolithic world view of assimilation, homogenization, and violent military solutions for the Kurdish issue, Turkey's membership in the EU would no doubt transform the fate of the Kurds in Turkey in a dramatically positive way.

Iraq: From mass killings and genocide to federation?

"I don't accept Iraq. I am not 'Iraqi Kurdish.' I am only Kurdish, Kurdistan Kurdish. Throughout its history Iraq has destroyed me, and I'm not crazy or... masochistic enough to call myself 'Iraqi Kurdish.' When Iraq respects me I will respect it. When Iraq loves me I will love it. ...We are

no better than any other people, but no other people is better than [my people]. I like to live in equality, not under an Iraqi-Arab hegemony that doesn't respect our culture, (and) that destroyed us culturally and physically."

--Hiner Saleem, Kurdish filmmaker.²⁷

The genocidal regime of Saddam Hussein created justifiable arguments for the entire reconstruction of the state of Iraq. This complex process started shortly after the Bush administration removed Saddam Hussein's regime from power in April 2003. Whatever one's opinion on the events and its consequences may be, Iraq's different national, ethnic, and religious groups have now initiated a constitutional and institutional process to re-define, negotiate, and re-shape the nature of the state, the division of powers, and the country's collective identity. A new Iraq would federalize on the basis of a legal text called Transitional Administrative Law (TAL), signed by Iraq's Governing Council on March 8, 2004. If this "transitional constitution" is successfully followed by a permanent constitution, it will lead to the creation of the first case of a negotiated state reconstruction in the region. What is crucial in this context from a Kurdish perspective can be summarized along the following lines.

With the removal of the Ba'thist regime in Iraq, a political system based on several decades of political brutality, genocide, mass killings, systematic oppression, and repression has come to an end. A new era of state reconstruction has started with the signing of the TAL. Despite many shortcomings and the non-democratic nature of the processes that led to the signing of the document, the TAL has created a new ground for political negotiation in Iraq. It is the first time since Iraq's creation as a modern state that representatives of various groups,

political parties, and ideologies held meaningful negotiations and managed to agree on a political structure that corresponds to the reality of the country.

The idea of transforming Iraq from a centralized, discriminating, genocide-prone, and Sunni Arab-dominated state to a federalized system has been one of the strongest Kurdish demands since 1992 and throughout the post-Saddam process. The mere acceptance of this idea in a region with no tradition of negotiation, especially in comparison with the Arab states, is in itself path-breaking.

The TAL recognizes the existence of the Kurdistan Region, despite the uncertainties regarding the precise border and the final status of the region in the permanent constitution. TAL also recognizes the institutions and system the Kurds have developed since 1992, such as the Kurdistan National Assembly and Kurdistan Regional Government (KRG). The articles that guarantee individual human rights, including women's rights, are important achievements in a country where mass graves, summary executions, and disappearances were widespread practices to which the Kurds were the prime victims throughout most of Iraq's modern history.

The agreement that police and internal security in Kurdistan will be within the competence of the Kurdistan Regional Government (KRG) is a crucial achievement, both due to past central government policies and the fact that the KRG's control of police and security forces will provide assurance for a civilian population that cannot trust any Iraqi armed forces in the near future. The police and security forces would also function as an early warning system for internal border security vis-à-vis Iran, Turkey, and Syria, because these countries are ideologically tempted to undermine institutional consolidations in Kurdistan. Another positive element in the TAL is the decision to confine

any future army in Iraq only to external security under strong civilian control.

One of the most controversial paragraphs of the TAL--from the view point of Arab centralizers, non-democratic, and anti-Kurdish neighbors, as well as anti-federal forces in Iraq and the region--is the article in the TAL regarding the ratification process of the final constitution. This gives the Kurds, but also any other people or region with a two-thirds majority in three governorates, to reject a draft constitution. The compromise to see Islam only as one source of legal inspiration could save the Kurds from becoming subjects of a new and feared form of domination, this time by the Shi'a majority, using Islam as a new tool in the political game. The minority rights specified in the TAL would strengthen the democratic experience in Kurdistan, because it will give it a higher standard regarding minority rights and protection. This provision also makes it possible to demand protection for Kurds who live outside the Kurdistan region, such as in Baghdad and other areas. The language rights guaranteed by the TAL will for the first time strengthen the Kurds in a federal Iraq, both by making Kurdish a second official language and providing for Kurdish to be used extensively in the Kurdistan Region.

Despite all its shortcomings, the TAL has provided a necessary condition for Iraq to develop a plurinational, religiously tolerant, and democratic federation. This desired and hopeful outcome can hardly be achieved easily without meeting many favorable and necessary conditions.

Though there are reasons to hope that the promises made in the TAL mentioned above would strengthen a voluntary federal Iraq, it will require addressing the following issues:

--Whether the question of Kirkuk and other Arabized areas can be solved in a peaceful way;

--Whether Kurdistan's taxing capacities can finance expected welfare programs;

--Whether the electoral system would be based on proportional representation in which the Kurds will gain their share of posts and positions;

--Whether shared commerce power would be beneficial for Kurdistan region;

--Whether a post on the presidential council or as prime minister would be allocated to a Kurdish representative;

--Whether the transitional government and parliament manage to set up appropriate mechanisms and processes for constitutional negotiations, new elections for the National Assembly, and appointment of a new government during 2005.

In addition, the TAL warrants several reservations. Conflicts regarding natural resources might arise in the future because of unclear language in the TAL. The question of the second chamber (for regional representation), necessary to create a meaningful federal system, is not mentioned at all. The situation has to be solved in ways accepted by the main constituent peoples of the country. This might lead to deadlocks during the negotiations for a permanent constitution. The question of Kurdish representation in the presidential council and the council of ministries, including the position of the prime minister, might lead to tension between the Kurds and other groups in a future government if no clear mechanisms are found in time.

The KRG might also face conflicting interpretations on the question of its authority over border controls. The final status of Kirkuk might turn out to be much more problematic and difficult to solve than anticipated, particularly if outside powers manage to manipulate different groups either to serve outside interests or by undermining ongoing negotiations at sensitive junctures. Claiming to have the right to act as they wish

because they hold a majority might turn out to be a strong card in the hands of various Shi'a politicians, who might be less popular than they imagined. At specific times this "majority game" might be used to undermine liberal rights and guarantees, thereby creating confusion in relation to the role of Islam in politics and inviting outside powers in order to alter delicate internal power balances. Other questions might also arise due to unclear arrangements regarding power-sharing in the federal government.²⁸

The elections on January 30, 2005, gave the transformation process in Iraq a new momentum. The turnout in Kurdistan was far better than the rest of Iraq--almost 85 percent. The Kurdistan Alliance List²⁹ gained 75 seats in Iraq's Transitional Assembly (26 percent of the total seats).³⁰ Equally important is the fact that the Kurdistan National Democratic List³¹ gained 104 out of 111 seats in the Kurdistan National Assembly. (See tables below.)

Table 1: Vote and seat allocations in Iraq Transitional Assembly

Name of party (or coalition)	Votes	Seats
Unified Iraq Coalition	4,075,295	140
Kurdistan Alliance List	2,175,551	75
Iraqi List	1,168,943	40
The Iraqis	150,680	5
Iraqi Turkmen Front	93,480	3
Islamic Action Organization in Iraq/Central Command	43,205	2
Islamic Group of Kurdistan/Iraq	60,592	2
People's Union	69,920	2
al-Rafidayn National List	36,255	1
National Democratic Alliance	36,795	1
Reconciliation and	30,796	1

Liberation Bloc		
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Source: Independent Electoral Commission of Iraq, 2005.02.17, "Seat Allocation," at http://www.ieciraq.org/English/Frameset_english.htm

Table 2: Vote and seat allocations in Kurdistan National Assembly

Name of party (or coalition)	Votes	Seats
Kurdistan National Democratic List	1,570,663	104
Kurdistan Toilers Party	20,585	1
Islamic Group of Kurdistan/Iraq	85,237	6

Source: Independent Electoral Commission of Iraq, 2005.02.17, "Seat Allocation," at http://www.ieciraq.org/English/Frameset_english.htm

Table 3: Vote and seat allocations in Kirkuk Governorate

Name of party (or coalition)	Votes	Seats
Kirkuk Brotherhood List (pro-Kurdish list)	237,303	26
Iraqi Turkmen Front	73,791	8
Iraqi Republican Gathering	43,635	5
Islamic and Turkmen Coalition	12,678	1
Iraqi Democratic Gathering	12,329	1

Source: Independent Electoral Commission of Iraq, February 17, 2005. "Seat Allocation," at http://www.ieciraq.org/English/Frameset_english.htm

There is no doubt that 2005 will be a turning point in the history of Kurds in Iraq, with repercussions on Kurds in other countries as well. As Masoud Barzani has repeatedly asserted, Kurdistan's demands will

be the basis of their support to the transitional federal government in Iraq: The permanent constitution of Iraq must include current TAL (including implementation of paragraph 58 concerning the final status of Kirkuk and other disputed areas), the status of *Peshmerge* (Kurdish military forces), fiscal policy, federalism, and the identity of the Iraqi state (that is to say a democratic, constitutional multinational, or plurinational, political system). Or, as he told a reporter, "The fact remains that we are two different nationalities in Iraq--we are Kurds and Arabs. If the Kurdish people agree to stay in the framework of Iraq in one form or another as a federation, then other people should be grateful to them."³²

To be sure, this is only the first crucial step in a long and complex process of state reconstruction for which international support and aid will be vital. Whatever debates continue about the war, no one should doubt that the peoples of Iraq have been freed from a regime of mass destruction.

*Iran: "systematic discrimination against the Kurds is slowly changing"*³³

In the past few decades, the situation of the Kurds in Iran has been very little known to the outside world due to the dramatic shifts in Iranian politics, the tensions between Iran and the West, and a self-imposed Iranian isolation until 1997 (when Khatami became president).

The major shift in the status of the Kurds in Iran was connected to the imposition of Shi'a Islam as the ideological political system. The domination of the political system by Shi'a Persians transformed the Kurds into a minority in two senses, both national and religious. Since 1997, hopes and expectations have been linked to the reformists around Khatami who might facilitate conditions to achieve some fundamental changes in the Iranian political system. In this process, the Kurds might seize

the opportunity to improve their conditions and thereby share some of the fruits of a reformed political system.

Many Kurds were prepared to engage in the reform process. During the past few years, the Kurds of Iran have been given some administrative responsibility, a limited degree of cultural and language freedom, as well as some favorable conditions regarding publication of newspapers, journals, and transmission of radio and television broadcasts. But these remain within the framework of what the authorities permit and understand to be within the boundaries of Islamic politics drawn by the dominant Shi'a Persian elite. Until the parliament elections in February 2004, a Kurdish bloc of legislators in the Iranian Majlis (Parliament) were able to express some Kurdish concerns, but that has not changed the overall political orientation of Persian policies of domination vis-à-vis the Kurds.³⁴

In the near future, focusing on human rights, national minority rights, strengthening the rule of law, and demilitarizing Kurdish provinces would be the most important elements in bringing pressure on the Iranian government to improve the situation of the Kurds in Iran. The EU's strategy could include political dialogue with moderate Kurdish political parties, as well as regional and provincial aid from which the Kurdish regions can gain directly. The governor of Kurdistan, Abdollah Ramazanzadeh, was positive about Kurdistan's potential because he believed that Iran's systematic discrimination against the Kurds was slowly changing. He believed that "in ten years or so, Kurdistan will be not only a happy province, but also a prosperous one."³⁵ Even though the region he referred to is a limited part of what is traditionally known as Kurdistan in Iran, the process of decentralization and devolution would no doubt benefit the Kurds, in the same way as Iran's attempt to ease its tensions with the

EU, United States, and the UN through different security, trade, and economic mechanisms, processes, and institutional arrangements.

At one level, Iran's social, cultural, and linguistic diversities have not been denied publicly. The idea of having a university called Kurdistan, as the university is called in Sanandaj, is still a political heresy in Turkey and Syria. European organizations, parliaments, political parties, and institutions, could assist Kurdish schools, scientific and cultural projects to improve the daily life of ordinary people, either through direct relations with specific groups who run projects or joint programs covering several regions or areas. For the time being, there are no signs of major improvements of the political system that could lead to any rearrangement in which power-sharing and meaningful representation of peoples of Iran would be the hallmark of the country's political system. However, small steps to improve daily life of Kurds and other minorities in Iran are possible.

Syria: Pressing for Substantial Reforms

The small size of the Kurdish minority, the decades-long domination of the Alawi minority government, the consolidation of the new president's power, and Syria's involvement in the EU-Mediterranean Partnership should together provide a good opportunity to demand more substantial reforms in Syria. The Kurds alone are not, and have never been, in a position to press for radical changes of the entire political system. However, the Alawi minority government cannot hope to control the country's population for much longer without fulfilling reform expectations accelerated by official periodic rhetoric, the removal of Saddam's regime from power in Iraq, and several other factors.

The EU, within the parameters of the EU-Mediterranean Partnership, is well-

equipped to link trade relations and sector-directed aid programs to improvements of the human rights situation of the Kurds. EU institutions and governments can press Syrian government and authorities to abolish the military laws and the state of emergency (in place since March 1963), to stop the Arabization of the Kurds and their region, and change the status of the nearly quarter of a million stateless Kurds who have been deprived of citizenship. Demands can also be made to abolish many regulations prohibiting the Kurds from owning land, legal marriages, education in Kurdish, and benefiting from public healthcare.³⁶

The EU can also demand the establishment of independent and impartial judicial enquiries into clashes and reported human rights violations, such as the ones in mid-March 2004 when Kurds in Syria celebrated the signing of the TAL in Iraq. Equally important is the demand by the EU, UN, and international human rights organizations to be allowed to investigate directly reports of human rights violations.

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¹ J. Quilty, "Laughing into the Void, Making the Machine Speak Kurdish," Daily Star, October 21, 2004.

² G. Lane, "Dawn of a New Day: Kurdish Pleased with the New Iraq," The Christian Broadcasting Network, October 25, 2004.

³ M. Rubin, "Are Kurds a Pariah Minority?" Social Research, Vol. 70, No. 1 (2003), pp. 295-331.

⁴ UGI, "The Kurds: Caught between Nations," 1994. <http://www.global-issues.co.uk/titles.php>.

⁵ Rubin, "Are Kurds a Pariah Minority?" pp. 295-331.

⁶ In a conversation with a Turkish woman in Istanbul, I asked her what her name, Turkan, meant. Proudly she explained that it meant "a Turkish woman." When I explained that a friend of mine was denied entry to Turkey with a European passport because his name was Kurdo, which means a "Kurdish boy," she said that she was shocked by my comparison, because "there were no people with that name."

⁷ D. McDowall, A Modern History of the Kurds (London: I.B. Tauris, 2000); and Editorial

"Mideast Climate Change," New York Times, March 1, 2005.

⁸ For a general discussion on state strategies see B. O'Leary, J. McGarry, et al. (eds.), The Future of Kurdistan in Iraq (Philadelphia: University of Pennsylvania Press, May, 2005).

⁹ For a comprehensive discussion and documentation on state failure, see Goldstone, J. A., T. R. Gurr, et al, State Failure Task Force Report: Phase III Findings, at State Failure Task Force, 2000. <http://www.cidcm.umd.edu/inscr/stfail/>.

¹⁰ J. Solana, "Europe's Path for Turkey," International Herald Tribune, December 7, 2002.

¹¹ S. Fraser, "Despite Progress, Turkey Still Hasn't Stamped Out Torture and Police Brutality," Associated Press, October 27, 2004.

¹² H. Smith, "Knocking at the Door of Europe," The Guardian, October 26, 2004.

¹³ European Convention, Draft Treaty Establishing a Constitution for Europe, Adopted by consensus by the European Convention on June 13 and July 10, 2003.

Submitted to the President of the European Council in Rome, July 18, 2003.

¹⁴ A.M. Oostlander, Report on the 2003 Regular Report of the Commission on Turkey's Progress towards Accession, European Parliament: FINAL A5-0204/2004, March 19, 2004.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid., p. 6.

¹⁸ Ibid., p. 6.

¹⁹ J. Solana, "Europe's Path for Turkey."

²⁰ A. T. Baumeister, Liberalism and the 'Politics of Differences' (Edinburgh: Edinburgh University Press, 2000).

²¹ R. Agranoff and J.A.R. Gallarin, "Toward Federal Democracy in Spain: An Examination of Intergovernmental Relations," Publius, Vol. 27, No. 4 (1997), pp. 1-38.

²² G.O. Encarnacion, "Spain after Franco: Lesson in Democratization," World Policy Journal, Vol. 18, No. 4 (2001/2002), pp. 35-44.

²³ E. Georges-Picot, "Chirac: Turkey Not Fit for Entry into EU," Associated Press, 2004.

²⁴ V. Boland, "EU 'Must Accept Turkey' without Delay," Financial Times, 2004.

²⁵ Oostlander, Report on the 2003 Regular Report of the Commission on Turkey's Progress towards Accession

²⁶ Ibid.

²⁷ J. Quilty, "Laughing into the Void, Making the Machine Speak Kurdish"

²⁸ For a fuller account see O'Leary, The Future of Kurdistan in Iraq.

²⁹ Comprising the most important parties and organizations in Kurdistan: Kurdistan Democratic Party, Patriotic Union of Kurdistan, Kurdistan Islamic Union, Kurdistan Communist Party, Kurdistan Democratic Socialist Party, Democratic Bayt al-Nahrain Party, Assyrian National Party, Chaldean Democratic Union, Kurdistan Toilers Party, Kurdistan National Democratic

Union and other smaller parties, including at least one Turkmen group.

³⁰ In fact, Kurdistan will have 27 percent of the votes in the Transitional Assembly after the decision by the leadership of the Islamic Group of Kurdistan to add their voice (two seats) to the Kurdistan Alliance List in any future negotiation over the status of Kurdistan and the demands of that coalition.

³¹ Kurdistan Democratic Party, Patriotic Union of Kurdistan, Kurdistan Islamic Union, Kurdistan Communist Party, Kurdistan Democratic Socialist Party, Assyrian National Party, Chaldean Democratic Union, and Kurdistan National Democratic Union.

³² See, for example, Peyamner.com, March 3, 2005 and Edward Wong, "Iraqi Kurds Detail Demands for a Degree of Autonomy," New York Times, February 18, 2005.

³³ "Iran's Kurds: The Lucky Ones?" The Economist, Vol. 357, No. 8202 (2000), pp. 56-57.

³⁴ A. Blua, "Iraq: In Turkey, Iran and Syria, Kurdish Minorities Watching with Interest," Radio Free Europe/Radio Liberty, 2003. <http://www.rferl.org/features/2002/10/23102002154346.asp>.

³⁵ "Iran's Kurds: The Lucky Ones?," pp. 56-7.

³⁶ M. Rubin, "Are Kurds a Pariah Minority?" pp. 295-331.