

**The Kurdish Safe
Haven in Iraq**



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The Kurdish Safe Haven in Iraq

The Problem of Non-State Status

**By
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٢٠٠٥

سازمان

**This study submitted in partial fulfillment of the
requirements of the University of Westminster for the
degree of Doctor of Philosophy**

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ABSTRACT

This study examines the circumstances and events that led to the unprecedented creation of an international Safe Haven in Northern Iraq; the events that culminated in the refugee crisis of March 1991, when 2 millions Kurds fled from their homes and communities to the mountains of Northern Iraq, Turkey and Iran. It explores the history, culture and ethnic identity of these people and how their story and political status today relates to the history of the Iraqi state. The study analyses the geopolitical and historical content of the debates surrounding the ongoing search for Kurdish identity, presents suggestions for the creation of a Kurdish state and critically analyses the international community's responsibility to the peoples of northern Iraq, following the end of the 3rd Gulf War in 1991.

The study takes a look from the wider perspective of world politics to understand what is happening in Kurdistan, and explores how international political agreements have shaped the fate of the Kurds throughout history up to the present day, noting the influence of governments, global corporations and organizations far removed from Kurdistan. The study reflects on the various Kurdish movements and leaderships that have come into being and who hold claims to the governing of the region.

Further, it examines the extent to which the 3rd Gulf War in particular acted as a catalyst for the creation of a Safe Haven in Kurdistan and reviews the recent growth in international interest in human rights and increased media calls for humanitarian aid for the Kurds; calls that have since been repeated elsewhere in the world, Bosnia and Kosovo for example.

It also shows, with original fieldwork, examples of what the Kurdish people have actually claimed to want for themselves and it

proposes a possible future model for international interventions, answering the questions: what jurisdiction exists for intervention and what form of intervention should take place in cases like Iraqi Kurdistan?

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List of Abbreviations

<i>FCO</i>	Foreign and commonwealth office/ Foreign Office
<i>KDP</i>	Kurdish Democratic Party
<i>KDPI</i>	Kurdish Democratic Party of Iran
<i>PKK</i>	Kurdish Worker's Party
<i>PUK</i>	Patriotic Union of Kurdistan
<i>UNHCR</i>	United Nations High Commission for Refugees
<i>UNICEF</i>	United Nations Children's Education Fund
<i>WFP</i>	World Food Programme
<i>WHO</i>	World Health Organization
<i>FAO</i>	Food and Agriculture Organization
<i>UNESCO</i>	United Nations Education, Science and Culture Organization
<i>UNDP</i>	United Nations Development Programme
<i>UNDES</i>	UN Department for Economic and Social Development
<i>HABITAT</i>	United Nations Centre for Human Settlements

<i>MAG</i>	Mine Advisory Group
<i>OFP</i>	Oil for Food Programme
<i>Peshmerga</i>	Kurdish fighters
<i>KRG</i>	Kurdistan regional government – northern Iraq
<i>KNA</i>	Kurdistan national assembly
<i>FAO</i>	Food and Agriculture Organization
<i>Habitat</i>	United Nations Centre for Human Settlements (UNCHS)
<i>ID</i>	Iraqi Dinar
<i>IDP</i>	Internally Displaced Person
<i>NRC</i>	Nutrition Rehabilitation Centres
<i>OID</i>	Old Iraqi Dinar (used in the three northern governments)
<i>UNOHCI</i>	United Nations Office of the Humanitarian Coordinator in Iraq

Outline Chronology of Events

- 1958 Iraqi monarchy overthrown in military coup led by General Abd al-Karim Qasim.
- 1959 Saddam Hussein, ٢٢, flees Iraq after involvement in attempted assassinations of Qasim.
- 1961 Qasim claims newly independent Kuwait as part of Iraq. Kurds begin armed revolt against Baghdad.
- 1963 Ba'ath Party overthrows Qasim, and then is edged out of power by allies in coup. Iraq renounces claim to Kuwait.
- 1967 Iraq breaks diplomatic relations with the U.S. after Arab – Israeli war.
- 1968 Internal coup makes Saddam Hussein vice president and deputy head of the Revolutionary Command Council.
- 1970 Baghdad and Kurdish Democratic Party sign peace agreement.
- 1972 Iraq Petroleum Company.

- 1972 Iraq Petroleum Company a consortium of Western companies is nationalized.
- 1974 Collapse of 1970 accord with KDP. Failed Kurdish rebellion produces refugee crisis.
- 1975 Iraq and Iran sign treaty ending border disputes.
- 1979 Saddam Hussein becomes President and Chairman of the Revolutionary Command Council. About 400 party members are executed.
- 1980 Iran shells Iraqi border towns. On September 17, Iraq abrogates 1975 treaty, and invades Iran.
- 1981 Israel attacks Osirak nuclear reactor.
- 1982 Iranian counteroffensive reclaims much ground occupied by Iraq. Syria close pipeline to Iraq.
- 1984 Iraq restores diplomatic relations with US.
- 1986 UN Secretary General reports Iraq's use of mustard gas and nerve agents against Iranian soldiers.
- 1987-1988 Tanker war between Iran and Iraq in Persian Gulf.
- 1988 Anfal operation resulted in 50,000 - 100,000 deaths in northern Iraq. On March 16, Iraq attacks Kurdish town of Halabja with mix of poison gas and nerve agents, killing 5,000. Ceasefire with Iran on August 20. Iraq reasserts claim to Kuwait.
- 1990 Iraq invasions Kuwait on August 2. UN demands withdrawal by January 15, 1991 and imposes economic embargo. On November 29, 1991 UN authorities use "all necessary means" to liberate Kuwait.
- 1991 Bombardment of Iraq starts Operation Desert Storm on January 17, Ground war begins on February 24, and liberation of Kuwait occurs February 27. ON March

٣, Iraq accepts ceasefire. Iraqi forces suppress rebellions in the south and north during March and April, creating refugee crisis on borders with Turkey and Iran. Northern no fly zone established in April. UNESCO established.

- ١٩٩٢ No fly zone established in southern Iraq.
- ١٩٩٣ US cruise missile attack on Iraqi intelligence headquarters in Baghdad, in response to alleged attempt on George Bush's life in Kuwait in April.
- ١٩٩٤ Saddam Hussein becomes prime Minister and president. Iraqi National Assembly recognizes Kuwait's borders and independence.
- ١٩٩٤-٩٧ Fighting between KDP and rival Patriotic Union of Kurdistan. Iraqi forces move into northern no fly zone and help KDP defeat PUK in August ١٩٩٦, Failed Iraqi National Congress coup attempt in ١٩٩٦.
- ١٩٩٥ UNSC ٩٨٦ allows the partial resumption of Iraq's oil exports to buy food and medicine in April. Resolution not accepted by Iraq until December.
- ١٩٩٨ Inspectors withdraw from Iraq. US and Britain bomb Iraq from December ١٦-١٩ in Operation Desert Fox.
- ٢٠٠١ In February U.S. and Britain carry out major bombing raid. Rail link with Turkey reopened in May for the first time since ١٩٨١.
- ٢٠٠٢ In March Arab summit rejects military action against Iraq. UNSC ١٤٠٩ streamlines sanctions in May. Iraq rejects weapons inspections in talks with UN Secretary General in July. UN rejects Iraqi proposal for readmitting inspectors in August.

Chapter ۱.

Introduction

Kurdish people live in the republics of Armenia and Azerbaijan, in Syria and also in Khurasan in eastern Iran, and in cities like Istanbul, Ankara, Tabriz, Tehran, Baghdad and Damascus; the majority still live in the mountains and plateau regions where the states of Turkey, Iraq and Iran meet. The heart of these mountains is formed by the Zagros range running in ridges northwest to southeast either side of Iran's border with its western neighbours. Kurdistan remains an important region for agriculture and stockbreeding. The Saljuqs first used the term Kurdistan in the ۱۲th century as a geographical term. The geographical extent of this definition almost certainly grew during succeeding centuries as Kurds moved outwards: to the north beyond the Arxes river, to the west as far as Sivas, Erzerum and Marash and on to the Mesopotamian plain around Kirkuk; and to the east beyond the city of Kirmanshah. The majority of such Kurds were tribal^۱ moving among and beyond what non-Kurdish peasant settlements already existed. (Thomas ۲۰۰۰: ۱-۲)^۲

^۱ Here it is important to stress the extremely factionalized nature of Kurdish tribal politics. British officers in Iraqi Kurdistan consistently complained of endemic rivalries between powerful chiefs, none of whom would accept the overlordship of any single leader.

^۲ Andrew Thomas, "Kurds and Kurdistan" article on the Kurdish people, published by Kurdish media information centre, <http://ccwf.cc.utexas.edu> (۱۰ January ۲۰۰۰)

Kurdistan has recently become more significant because of its oil and water resources, largely since the 1st World War. With the increased demand for energy and more extensive irrigation, water is rapidly becoming more important than oil. Iraq has already exploited the waters that flow off the western slopes of the Zagros down the Lesser Zab and Diala rivers, with the Dukan and Derbandikhan dams respectively; and before the Kurdish uprising of 1991 it had begun work on a dam at Bakhma, high up the Greater Zab in the heart of Bahdinan. The Kurds, as a nation artificially divided between several states in the Middle East. However for more than 26 million people with 3,000 years of history living in an area of more than 800,000 square kilometres the term minority may seem inappropriate.¹ The Kurds who established one of the oldest civilised communities in the world 112 B.C., long before the appearance of the Turks or the Arabs as a nation in the region, are still being denied the right to use their own language and to have an identity of their own. (White 2000: 2-3)² The Kurds are the fourth most numerous people in the Middle East and make up probably the largest nation in the World without national sovereignty. Whatever the criteria or measures used to define it the Kurdish people is entitled to its national identity. They are still struggling to protect their national inheritance, which they have preserved for centuries. In fact struggle is second nature for the people of Kurdistan. It began with the harshness of nature and continued with the ruthlessness of invaders, the Assyrians, the

¹ At the end of WW1 and the dissolution of the Ottoman Empire, the 1920 Treaty of Sevres anticipated an independent Kurdish state. But France and Britain divided Ottoman Kurdistan between Turkey, Syria, and Iraq. This division was formalized by the 1923 Treaty of Lausanne. See history of Iraqi Kurdistan, published by Kurdistan regional government representation in the United Kingdom, <http://www.kurdistan.ws>

² Paul White "Who are the Kurds" article on the Kurds in world politics, published by the Kurdish education centre, Washington D. C, United States, (10 January 2000)
<http://www.cogsci.ed.ac.uk/~siamakr/Kurdish/KURDICA/2000/AUG/zed.html>

Methodology

This methodology is broken down into the following elements:

- I. Obstacles to researching the Kurdish question.**
- II. Details of the design and selection of tools and criteria for research.**
- III. Details of sources, preferred sources and the reasons behind their selection.**
- IV. Contemporary historical sources and interview material.**
- V. Discussion of Bias with reference to sources and my personal political role in Kurdistan.**

I. Obstacles to researching the Kurdish Question

The study of a region such as Kurdistan poses many difficulties. The key obstacle is linguistic. It is divided between countries using Turkish, Arabic, Persian¹ and Russian as their official languages.

¹ It should be noted that co-operation between these states always took forms of joint military action against the Kurds in modern history; it was manifested in the sealing of borders against rebel Kurds to enable the army of the state concerned to crush the rebellion. Sometimes the borders were opened for units of the army of one state to pass through in order to attack the Kurds from the rear. These states also cooperated by handing over Kurdish leaders seeking refuge in one of the countries. See Qedrikan Bahoz "Kurdistan and the National Liberation Struggle of the Kurds." Anên Apecê publications, first edition: Stockholm 1992, p 18.

<http://www.efrin.net/penus/penus/1/osmansebri.htm>

Kurdish language itself presents many difficulties. It exists in at least two main language forms, and although there is some degree of mutual intelligibility in the region where their use overlaps, it is not possible to communicate freely. However part of the work was to visit the region of Iraqi Kurdistan. The purpose was to document the experience of the largely local Kurdish politicians, Assyrians and Turkmen in relation to the conflict and analyse the impact that those experiences have had on the perception of the majority of the powerful political elite in the running of the safe haven, since the creation of the first Kurdistan regional administration in May 1992. It has to be admitted that conducting research during a time while there is conflict, instability and political uncertainty entails particular pressures, strains and considerations, not least the risk to one's life, that do not ordinarily pertain to the research situation.

II. Details of the design and selection of tools and criteria for research

This thesis draws on several distinct bodies of work as well as interviews with both individuals and groups:

1. The literature of the Kurdish people, Arabs and Turks and their common history.
2. The literature of sovereignty, nationalism and human rights, as well as existing accounts of (and commentaries on) the Kurdish crisis and the governance system.
3. Many conversations held with Kurdish authority representatives in the Iraqi Kurdistan and senior officials who took part in the managing of the area and others whose assignments were in ministries or headquarters in the region.
4. Interviews with the senior officials at the Regional Government Council of Ministers, local Kurdish, Arab and Turkish people, civilians, their families and their children, humanitarian agencies and NGOs operating in Kurdistan, administering humanitarian operations in the region of Iraqi Kurdistan.

- . Kurdish nationalism and ethnicity seminars and conferences held in the region covering the following subjects: the Kurdish national movement, the role of the international community for the peace and stability in the region, the role of the European Community in the conflict, human rights mechanisms for the protection of the Kurds, UN Resolution ٦٨٨ its background and dimensions, autonomy and federalism options as alternative peaceful solutions to the Kurdish problem, the influences of the superpowers and regional states in the establishment of the safe haven in northern Iraq, self determination and the new world order.
٦. Magazines, journals and newspaper articles, television and media interviews that refer to the Kurdish crisis.

In terms of selecting questions for interviews much was dictated by the subject of what I had chosen to write about for my PhD. The topic of international responsibility guided the type of questions I would ask interviewees for example. The questions were similar for different groups also for this reason. For example I would ask both a minister and an NGO representative for their opinions on international intervention in cases like Northern Iraq precisely because I wanted to provide enough material to cross reference opinions in order to find a median for my work in analysing the interviews. I chose questions then that would provide room for comparative interpretation.

In addition other criteria for choosing questions were the areas of expertise of the persons interviewed. When I interviewed Kurdish historians at the region's Universities for example I would aim to gain information elsewhere as well as their general opinions in order to triangulate and verify. In many cases I was given rare opportunities and insights by those intimate with the conflict into thinking and research about, for example, the history and significance of the Iran and Iraq war and the Kurdish Liberation Movement.

Since the interviews were essentially semi-structured and therefore open-ended, I was able to respond to new sources of

questioning as they arose within the interview. Situations also arose where subjects were cautious or limited by what they wished to give opinion on and in such cases it was necessary to change the script.

Questions were also formulated on the advice and instruction of my professors and teachers whose aid has been invaluable in helping to refine and focus my thinking about the subject area.

In short then questions can be seen as been having chosen on the following criteria:

١. Comparative questions – useful for the purpose of cross checking and cross examination information from the diverse sources.
٢. Expert questions – question related to specific area of expertise and knowledge fields of interviewees.
٣. Ad lib questions – based on the tone and atmosphere of interviews and new information.
٤. Questions formulated based on advice given and dictated by the needs of the study as assessed by my colleagues and professors.

III. Details of sources, preferred sources and the reasons behind their selection

The reasons for selecting sources to act as research material for my work are as follows:

١. The amount and quantity of available research on the crisis has been until recently very limited and so in some sense any source is a “good” source in that it provides information either directly or indirectly, directly in terms of facts and statistics or indirectly in respect of determining opinions and attitudes towards the situation in Kurdistan. The literatures of the Arabic and Kurdish communities as well as the literature of western academia were two types of source useful for the same reason in providing regional and international

perspectives respectively on the Kurdish crisis and international intervention policy and responsibility.

- ϣ. In terms of providing me with raw data from which to interpret my interviews have proved invaluable. The reasons for selecting a wide range of subjects, from both political and non-government organisations as well as private individuals unaffiliated with any party or organisation, has been to give a broad and balanced set of views on an emotive and difficult area of regional and international policy. These sources have provided me with more direct insight into the problems faced by the region than any other single source because in combination when viewed together they form a picture quite different from my own experience of the situation in Iraqi Kurdistan.
- ϣ. The seminars I visited were thought provoking and helped me to further expand my understanding of the situation in Kurdistan. They proved useful in terms not just of the speakers but the people who came to them and who I subsequently interviewed. Some individuals with interests in the outcome and some acting as observers to the situation as it unfolded and as it continue to unfold. The seminars were a catalyst in terms of my thinking about the subject of my PhD; live debates that stimulated and provided new thinking in an atmosphere of general and genuine concern over the best way to proceed with the future of Kurdistan.
- ξ. Finally media articles have proved useful in terms of understanding the ever changing and developing nature of events in Kurdistan and their respective collective and individual understandings of what things mean. By this I mean that these articles and media sources are not so much use in isolation, as they tend to be reactionary in nature rather than analytical, as they are when seen together and used as a means to gather a balanced view of events and interpretations

of events that are immediate and current, rather than historical.

IV. Contemporary historical sources and interview material

The original research material based on interviews was necessary but not sufficient; but it made no sense on its own. The thesis had presupposed knowledge of the past and history of the region when I had first set out. These questions led me down new avenues of research into the historical and chronological facts that had led to military action in the region following the refugee crisis that came after what we now call the first Gulf War. It became necessary to retrace the history of the people and politics of the region and note the forces and factors that played a part in the emergence of Iraq and the rise to power of Saddam Hussein as well as the motivation and reasoning behind atrocities committed against the people of Iraq, including the Kurdish people. The historical materials came from many sources, including contemporary documents such as the treaty of Sevres¹ and Iraqi government papers promising rights to the Kurds obtained from the United Nations 'Palace of Nations' building library in Geneva.

It was generally believed that in the first few years following the immediate creation of the safe-haven, the regime of Saddam Hussein would be removed and a new government established. As I write this situation has still not materialised, and after ١٣ years of instability in the region attitudes and opinions are yet more mixed

¹ See the treaty of Sevres, ١٩٢٠. "The treaty of peace between the allied and associated powers and Turkey signed at Sevres august ١٠, ١٩٢٠." The convention respecting the regime of the straits and other instruments signed at Sevres. Powers presented were British Empire, France, Italy and Spain. Preamble, compiled by Lt. Col. Lawrence Martin geographer of the institute of politics: The treaties of peace ١٩١٩-١٩٢٣, Vol. II, Carnegie endowment for international peace, New York, ١٩٢٤.

as to what should now be done regarding the Iraqi Kurds and their political destiny.

As regards interviews with non-government members it may be expected that due to my position in government a degree of either favour or mistrust may have played a part in the interviews depending on the individual's attitude towards my own government. Such differences, when evidenced, did not appear to have greatly influenced attitudes and response to the questions asked. Questions were developed and based upon current events in Iraq as well as on historical facts. The questions were derived and inspired largely from media, journals, internet reports and from the perceptions of Kurdish political representatives in Europe, the US and Arab world as well as relevant English and Kurdish literature and communities. During the process of my research, new political developments and my wider reading affected my ideas and perceptions in relation to the thesis. Evidence arising from both fieldwork and literature reviews encouraged a slight change in the direction of the thesis. In other words, emphasis has changed from an international perspective to a more domestic perspective in the way research has been conducted.

Interviews have formed a central component of my research fieldwork and they were conducted throughout Iraqi Kurdistan, London, Geneva and elsewhere. Most interviews were held in the offices of the Kurdistan Regional Government, political party headquarters, Universities, military bases in the area, Kurdistan National Union headquarter, and legal firms. In the case of non-governmental organisations and international organisations the interviews were held wherever was convenient for them and wherever they were conducting their work.

To avoid missing details and inaccurate representation as much as possible, efforts were made to conduct interviews in a relaxed environment; re-scheduling was my preference as opposed to conducting interviews in haste. All interviews are recorded then transcribed and translated in the case of Kurdish and Arabic speakers. It should be noted that some of the interviewees were reluctant to respond to some politically sensitive questions,

especially those regarding commenting on regional influences and the relations of Kurdish authorities with the governments of Iran, Iraq, Turkey and Syria.

Interviewing Kurdish political groups was the area where the material I obtained should be most subject to scrutiny due to the internal conflict and disputes between them. Nevertheless the fact that the nature of the topic under research was of immediate and absolute interest to all Kurdish political parties particularly in view of domestic policy making and international politics, ensured that most were at least willing to be interviewed.

My work for the regional authority was in some respects both beneficial and unfortunate. Because I required information about the Kurdish people from their own representatives and since the study was particularly concerned with their experiences and their perceptions, it was easy to gain credibility but not so easy to remain impartial.

Whilst certain respondents readily agreed to be interviewed the willingness of others was circumscribed by years of political upheaval in the region. For the most part, access needed to be obtained through friends and relatives, through a network of people who knew one another. As an Iraqi Kurd I was not viewed as an outsider and was seen as a researcher of Kurdish communities rather than as a representative of the international community. This meant that people were less closed in developing opinions but also possibly more subjective and vociferous in expressing their views. In general the interviewees had a great desire to explain their positions and recount their experiences of the dispute. Yet another advantage from direct field work in Iraqi Kurdistan for many months was that I was afforded many similar experiences to those of the people I interviewed. In this respect my status as participant observer provided me both corroboration of the accounts and perceptions documented in the study and a greater understanding of those perceptions. It also encouraged closer relationships with authorities and the community at large. In addition it gave me credibility, which was particularly important considering the crucial nature of the dispute to all of those I interviewed. Being on

location, as it were, also meant that interviews with international agencies, especially UN bodies, in the area, involved in supporting the area economically and discussion with other researchers and journalists in the field, could contribute to ensuring a yet wider perspective on the issues in hand.

A detailed list of interviewees is included in the primary unpublished sources, interviews section. A list of questionnaires is also included in Appendix No ٢. Briefly interviews were conducted with the following categories of participants:

١. Kurdistan Democratic Party Leadership
٢. Patriotic Union of Kurdistan Leadership
٣. Kurdistan Regional Government Ministers
٤. Kurdistan Human Rights Organisations
٥. Kurdistan Universities
٦. United Nations Agencies
٧. Kurdistan National Assembly MPs
٨. Kurdistan Law Society (Lawyers)
٩. Local Community in the area
١٠. Journalists
١١. Chief of Local tribes
١٢. Local Governorates of Iraqi Kurdistan
١٣. Chiefs of Kurdish Military in area under the control of Kurdish Government
١٤. United Nations officials in Geneva (UN Programme for Iraq - Oil for Food Programme)

The answers to questions and other research into similar world situations, legal precedents, theories, historical facts and opinions have formed the basis of this work.

V. Discussion of bias with reference to sources and my personal political role in Kurdistan

According to most of the interviewees there exist several personal accounts of the events as well as diaries and travellers accounts, which have not been exploited to any great extent previously. Kurdish people and other ethnic groups indigenous to this area have been unable to record much of their history in literature; there is a heavy reliance on oral history. Given that many sources relating to the region within which Kurdistan lies manage not to mention Kurdistan at all, there is really very little chance of locating non-partisan accounts. Those sources dealing with aspects of Kurdistan are in themselves partisan by the very fact that they refer to Kurdistan as if it existed. Thus oral histories will probably be no more or no less biased than any other sources and reference being made to interviews with informants throughout the thesis.

In assessing the results and data gathered from these interviews it is important to address the issue of bias. Bias arises when examining who I am in relation to my subjects. As a Kurdish researcher from Iraq my personal and academic endeavours were closely linked with challenges of a peaceful future society for the Kurdish people in Iraq. My concern was to bring about political and social change for the Kurdish people living in the area run by the Kurds themselves as well as others who still live under the authority of the Iraqi regime itself. Today the Kurdish problem in Iraq is certainly at the bottom of the hierarchy of credibility in terms of media representations and international policy makers. Hence my work was an attempt to elevate its credibility through academic research. However since I work for the current Kurdish government it is to be expected that I would be received well during those interviews I conducted with its members, any personal differences aside. Likewise when interpreting and choosing what information to display from the interviews, I could of course be guilty of preferentially selecting interview material to support my arguments. All excerpts have been retained from interviews in their original format, subject to corrections in syntax, not least

because this material is original and therefore unavailable elsewhere.

It was my responsibility, as a researcher who could be seen to sympathise with my topic, to justify and qualify my work by demonstrating that, as far as possible, interviews were conducted with ultimate regard to the process of eliminating the possibility of bias and distortion. This is particularly necessary because my topic of research focuses on a political dispute, the case of the future of Iraqi Kurds in which I play a political role.

My role in politics outside of Iraq, both in Geneva and London, has been to seek representation for Kurds as a part of the UN. Consequently I cannot claim to have been completely neutral or detached from the subject matter of my research; it is of definite interest to me and my people to bring about political and social change for the Kurdish people living in Iraq, whether this is administered by the Kurds, or by the international community.

I am however acutely aware of the need to establish international credibility and positive media representation so my work has been conducted in order to be as academic and objective as is possible. The drive to objectively record and analyse events in Iraqi Kurdistan is essential if a credible political future is to be envisaged. This is perhaps the primary control against researcher bias in this thesis. Again it had to be admitted that my political sympathies with the Kurds also facilitated research. They were able to report their experiences and opinions freely in an atmosphere of trust.

Chapter ٢.

Introducing the Kurds

An Identity Crisis

On ٥ April ١٩٩١ the UN Security Council passed resolution ٦٨٨ condemning the repression of the Iraqi civilian population throughout Iraq. It was the first instance when the UN insisted upon the right of interference into the internal affairs of a member state.^١ The justification given for intervention by the international community was on the grounds of humanitarian need. Iraq was ordered to immediately end violent repression of the Kurdish population^٢ and permit access for international humanitarian organisations to those in need of assistance in all parts of Iraq. Who were these people being made to suffer? Why were they suffering? Why were these people the responsibility of the international community? The following chapter aims to answer these questions?

Who are the English, French or Americans? When we ask these questions we have a fairly reasonable idea of the kinds of answers we can expect; the English are the people born in England etc. This response is a totally simplistic one and there are innumerable others available. In themselves, these questions could constitute whole

^١ Operation Provide Comfort: Since ١٩٩١ the United States and the United Kingdom prevented Iraqi aircraft from flying in north and the south of Iraq from their basis of Turkey's Incirlik air forces base.

^٢ Kurdish People: Ethnic group living in parts of Iraq, Iran, Syria and Turkey.

theses on national identity. The purpose of this thesis is not to answer these questions but they can be useful in serving to illustrate just how much more potentially complicated the subject of identity becomes when we consider the question: who are the Kurds? Before even beginning to answer this question we must first establish where these people live. (Muhammad Amien ١٩٣٩: ٣١٢-٣١٣)^١ This is because the thesis needs to freely use the term 'Kurdistan' in addressing who are the Kurds and since this term is not necessarily widely accepted this thesis needs to make a case for it first.

Homelessness

There is no designated state where Kurdish people live. There are no internationally recognised borders and no government as such. (Miran ٢٠٠٠: ١٧١-١٧٣)^٢ There are an estimated ٣٠ million people living in several separate countries who consider themselves to be Kurds; these are people proud of a rich and diverse culture, with shared languages, history and communities.^٣ There is no doubt that these people exist and that they believe they are linked together by the close associations of their communities. Does this mean that they are entitled to their own state? Are people born and living in England with Indian heritage entitled to their own state because they have shared culture, language and community? Whatever you

^١ Zaki Muhammad Amin "Resume of the History of the Kurds and Kurdistan" Arabic edition (Cairo: ١٩٣٩), at pp: ٣١٢-٣١٣

^٢ Rashad Miran "Kurdish Nationalism" Mukryani institute publications – Iraq: ٢٠٠٠ at pp: ١٧١ – ١٧٣

^٣ Kurdistan is seen today as only parts of the territories of many states in the Middle East where international frontiers cut across the land and the people, geographically and ethnically these parts of Kurdistan continue to form one homogeneous and contiguous unit where the Kurds form the great majority of the population. See authoritative work on the Kurdish question at the United Nations published by the information department of the Kurdistan democratic party, the Kurds series no. ٢ / Iraqi Kurdistan: June ١٩٧٤ at pp: ٢٣-٢٤

see to be the answer to this question, the two situations are not the same. Both England and India exist as self-governing states and any individual with the right documents can go and live in either state quite happily and feel as if they belong, give or take the individual's ability to adapt and fit in. Such is not the case for the Kurds who, whilst they have lived in the region of Kurdistan for more than 4000 years, are not recognised by the international community as belonging to a specific state. (KRG UK representation 2001: 1)

So where do these people live if they do not have any sovereign territory? Well of course many Kurdish people do have places to live and in many cases enjoy relative freedom in the countries that have become their homes but they do not have a legally defined, internationally recognised region that the world community identifies as belonging to, and controlled, by the Kurds. This study does concern itself with the Kurdish people and in particular focuses on the unique situation of the Kurds in Northern Iraq. The people of Kurdistan are homeless in more than one sense, they are homeless in the sense that they are not recognised in their own land and they are homeless because they have been physically forced out from their land. There is evidence that the Kurds have suffered, and continue to suffer, torture, execution and oppression at the hands of those who would profit from the abundant natural resources that exist in Kurdistan.

What is more, in her excellent 1990 paper 'The Safe Haven in Northern Iraq' the respected international lawyer Helena Cook commented that:

¹ History of Iraqi Kurdistan, published by Kurdistan regional government representation (KRG) in the United Kingdom 2001
<http://www.kurdistan.ws>

“Most (*Kurds*) inhabit the area known as ‘Kurdistan’, although this is a geographical term and has never designated a Kurdish state.” (Cook 1990: 23)¹

Mauries agrees with this statement but in his view it is incomplete. It would be better to say that the term has ‘never designated a Kurdish state *as far as the international community is concerned*’. As far as the people living in the area ‘where today the states of Turkey, Iraq and Iran meet on the map’ (Mauries 1986: 18-22)² the perception of ‘Kurdistan’ may indeed constitute quite as firm a concept of a state as people living in Taiwan and Tibet view their own nations, despite the contrary opinions of the Chinese government. The question then is not does ‘Kurdistan’ exist as a state, but whether or not the Kurds themselves have the right to consider themselves a free and independent people with the right to self-determination; whatever that may mean? This question will be dealt with in a later chapter.

So where does the term ‘Kurdistan’ come from, and what does it mean? According to one historical source the Saljuqs first used “Kurdistan” as a geographical term in the twelfth century.³ There is however controversial evidence to show that the term had a much earlier linguistic origin than most historians have supposed. In a lecture given on 26th October 1997, the Egyptologist David Rohl (1997) identified the origin of the Kurds and subsequently the Land of the Kurds:

“The people of these mountains are called the Kurds. When we get to the linguistic part of this exercise you’ll recognise in the word Kurd or Kurdu the word Cauldu. Now these Caulu appear to be the Chaldeans of the Bible. You can

¹ Helena Cook “The Safe Haven in Northern Iraq.” Published by the Essex University human rights centre and the Kurdistan human rights projects (London: KHRP 1990) at p: 23

² Kurdish People: Ethnic group living in parts of Iraq, Iran, Syria and Turkey.

³ Rene Mauries “Kurdistan – Barzani” commentator, Georges Fat-Hullah, editions *Kurdologia* No. 2 (London: 1986) at pp: 18-22

get interchange ability between ‘L’ and ‘R’ and the Sumerian ‘U’ and the Semitic ‘A’, so that you get this interchange of Cauldu with Kurd.” (Rohl 1997: 4)¹

Rohl has also noted a number of sites mentioned in the Bible as actual geographical locations using empirical evidence. One such site was the Land of Cauldu or the Land of the Kurds. He also demonstrated correlations between major figures of both Judo-Christian and Islamic religious texts. The conclusions that can be drawn from his research are twofold; firstly that the Kurds have a claim to the region that dates back thousands of years and which is supported by the texts of all the major religions, secondly ethnic and religious groups in the region have a greater common heritage than the current state divisions, which reflect the artificial intervention of past colonial power struggles. The thesis discusses this idea further later on but the demographic make up of Kurdistan has been described in the following way. (Rohl 1997: 6)² Thomas describes the heart of Kurdistan as formed by the rugged Zagros mountain range running in ridges northwest to southeast on both sides of Iran’s border with its western neighbours. (Thomas 2000: 1-2)³

Originally nomadic, the Kurdish population settled and established important regions for agriculture and stockbreeding in the area that is now a part of Northern Iraq, Turkey and Iran. These areas account for approximately 10 percent of the total cereal production in Turkey and 30 percent and 30 percent in Iran and Iraq, respectively.⁴ Until the end of the nineteenth century

¹ David Rohl “Lecture on the Dawn of Monotheism Revisited” published on the internet 26 October 1997 <http://www.solami.com/A1.htm>

² Ibid, at p: 6

³ Andrew Thomas “Kurds and Kurdistan” article on the Kurdish people, published by the Kurdish media information center, January 10th 2000 <http://ccwf.cc.utexas.edu>

⁴ The pattern of life within the Kurdish society has slowly but steadily changed from one of nomadic to one of settled communities that pursue a basically

stockbreeding was the single most important economic activity. Large flocks of sheep and goats would be driven up into the higher summer pastures each spring and herded down into the lower regions for the winter. Since the turn of the 20th century the region has become a major producer of cotton and tobacco. (Bruinessen 1998: 21-22)¹ The region is also a naturally abundant source of fresh water and oil, the latter being a commodity that has vastly complicated Kurdish claims to this disputed region. The issue of the Kurds is not automatically confined to the region of Northern Iraq, now under the protection of the international community, but in this study their situation will form the major part of the thesis argument because intervention has meant that the people of Kurdistan in Northern Iraq do now need to be treated differently to the rest of the Kurdish population; this is because international intervention in the region has made their situation different and not because of any fundamental differences between the Kurds themselves. (Kakel 1996: 2-3)²

Indeed, military action may again take place and as this is the region where the political situation of the Kurds has been drastically improved as a result of the intervention, it is also a place where much could now be lost. The thesis argues that since military intervention has taken place it would not now make sense from a humanitarian perspective to abandon the growth and improvement

agricultural way of life supplemented by the rising of livestock, limited amount of trade, and small locally established handicrafts and industries.

¹ The economy of the area is directly affected following Kurdish uprising in 1991 by the application of sanctions on Iraq and an embargo on goods to be imported to the country that affects everyone in Iraq. In addition to the international sanctions, the central government in Iraq also imposed an embargo on goods flowing to Iraqi Kurdistan that continues today whenever the government chooses. Most recently, gas and diesel fuels for vehicles or cement for construction have been in very short supply due to restrictions from the central government. For more details see M.M. VN Bruinessen "Agha, Shaikh and State" on the social political organization of Kurdistan (Rijswijk: Enroprint, 1998) at pp: 21-22

² Kameran Kakel "Who are the Kurds." Article on the Kurds in history (10 January 1996) <http://www.cool.mb.ca>

of this region. This does not mean that the Kurds in Northern Iraq should be viewed as separate from their brothers and sisters whose fortunes lie within the borders of other states; certainly there is no historical evidence for the appropriateness of this view. Indeed, this thesis will intimate that the fate of the Kurdish people elsewhere should not now be decided by further military action in other Middle East nations. In view of the plans to attack Iraq the fate of the rest of the Iraqi people looks set to be decided by military action, whether or not this is the most suitable solution. Later the thesis articulates the view that the fate of Iraq should not be decided with military force unless decisions are made by a proportionally representative Middle East body. In order to ensure local expertise and cultural appropriateness for any regional solution, a proportionally representative international body should in turn monitor this body; something the UN is most definitely not, in the view of this study. (Kakel 1996: 3, 5)¹

A Bit of History

Having established where Kurdistan is, the people who live there are, according to historical authorities, placed there ‘from at least 4000 BC (Ghassemolou 1960: 34-35)²’ which corresponds with the previously mentioned biblical references of Egyptologist David Rohl. However, there is evidence much older than this to establish Kurdish claims to this contentious region. As one historian notes:

“The first evidence of the Kurdish people and their roots can be found in the land of Kurdistan where they settled 10,000 years ago. There are numerous regions of Kurdistan that contain important historical ruins. They have a rich cultural history, which saw its greatest flowering in the Middle Ages with the foundations of powerful Kurdish

¹ Ibid, at pp: 3, 5

² Abdul Rahman Ghassemolou “Kurdistan and the Kurds” Prague: Publishing house of the Czechoslovak academy of sciences, 1960 at pp: 34-35

dynasties, including that of Salahadin who defeated Richard the Lionheart's crusaders and re-conquered Palestine for the Muslims." (Nikitin ١٩٩٨: ٣٣-٣٨)^١

The Kurdish history in the region predates the emergence of states and nations as defined and recognised by international organisations like the UN.^٢ It is important for the purposes of this study to acknowledge the idea that if a people have lived, worked, built on and to all practical intents and purposes owned land, their claim to it is at the very least as significant a claim as the that made by the relatively recent phenomena of states and their designated border. The historical background of the Kurds gives them a claim to the region that predates the claims of any of the states in the region and so any treaties, agreements and promises to permit their land or even to return it must seem highly ironic to people that have never left the land under dispute (unless it has been to flee as refugees). This aspect of the Kurdish situation is often forgotten by governments and nations who see their actions in favour of people in similar predicaments to the Kurds, as concessions, when in fact from a humanitarian perspective it makes far more sense for people to simply be allowed to live where they want to live without

^١ Basili Nikitin, translated by Dr. Nuri Talabani, first edition, Iraqi Kurdistan "Kurds and their History" (Iraq: ١٩٩٨) at pp: ٣٣, ٣٨

^٢ Before modern nation-states were formed, Kurds inhabited the mountainous area where today's countries of Turkey, Iraq, and Syria meet on the map. Following World War I and the break up of the Ottoman Empire, the Kurds were offered their own state. But the establishment of Kurdistan, the land of the Kurds, did not occur. Iraqi Kurdistan is where Kurds have predominated for centuries, a region about ٨٣,٠٠٠ square kilometres. This is roughly the same size as Jordan or Austria. There are about five million Kurds living in this area, more people than in Ireland, New Zealand, Lebanon, or Norway. Other people inhabiting Iraqi Kurdistan are Arab, Turkmen, Assyrian-Chaldean, and Armenian. For more details see authoritative work on the Kurdish question at the United Nations published by the information department of the Kurdistan democratic party, the Kurds series no. ٢ / Iraqi Kurdistan: June ١٩٧٤ at pp: ٢٣-٢٤

interference from or fear of the crimes of genocide and ethnic cleansing. (Masinion ١٩٩٨: ٢٩٩-٣٠٠)^١

It might seem odd that such an old, well-established culture has until recently been relatively unrecognised by the west, and only really understood by the Kurds themselves. The truth of the matter is that the Kurds have been designated by self-interested states as a minority. As far as individual Middle East states like Iran, Iraq and Turkey are concerned, this thesis contends that the Kurds are highly problematic because they draw attention to the arbitrariness of territorial boundaries and undermine economic ownership of the vast and hugely valuable natural resources of the region.^٢ From the wider worldview Britain wishes to distance itself from its own past interferences in the region, and the US and Russia want the oil their own societies consume in vastly disproportionate quantities to the rest of the world. The thesis further discuss in this study how it might serve the interests of a relatively young state like Iraq to deny the rights of the Kurds to assert themselves as a separate cultural and political entity; why states like Iraq, Turkey and Iran would choose to ignore and devalue the established histories and identities of large minorities living within their borders.

The thesis is not then greatly concerned to further seek to establish whether a Kurdish historical claim to the region known as Kurdistan exists, this job has been competently handled in academic histories of the region; the answer has been shown as clearly in the affirmative. This thesis examines historical events that relate to and have affected the Kurds but it is more concerned with examining the political motivations for dismissing the Kurdish people along with their history. The thesis questions the dubious use of language that surrounds international reports on Kurdistan,

^١ Louice Masinion “Iraqi Kurds – Historical Study” translated by Dr. Nori Talabani, Arabic edition (Aras publications - Iraq: ١٩٩٨) at pp: ٢٩٩-٣٠٠

^٢ Since the World War II, the history of Iraqi Kurdistan has been one of displacement, disappearance, destruction, and disrupted lives. Iraqi Kurdistan has become divided into two parts. One part continuous to be directly governed by a ruthless and repressive regime based in Baghdad.

language that brands the people of Kurdistan a minority in a region like northern Iraq where they constitute majority of the total population. (Sim ١٩٨٠: ٣)^١ One crucial question the thesis preferred to emphasize (in a later chapter) is how we perceive the history of the Kurds, their language and culture *and from whose perspective?* It is the answer to this question that helps us to understand why Kurdish claims to the region have been devalued by the many governments and organisations that seek to administer the region. (Hafied ١٩٩٣: ٤-٥)^٢

First though, it is worth noting a few points relating to the denied history of the Kurds. Why the Kurds find themselves in their present predicament has been speculated before by the historian Georgia Fat-Hulla:

“Generally in the early middle Ages the Kurds rivalled the Arabs, Persians, and Turks in their cultural and military prowess in the Muslim world. Their development might have been different had it not been for the Mongol invasion. Kurdistan resisted the Mongol hordes and as result was heavily devastated. During the later Middle Ages the Kurds set up a number of feudal principalities that were generally weakened or overrun by their neighbours, the Ottomans to the West and Persians to the East. These two states eventually divided Kurdistan between them. Nevertheless, the Kurds for long periods did enjoy a semi-autonomous status.” (Fat-Hulla ٢٠٠٢: ٢٥٣-٢٥٦)^٣

^١ Richard Sim “Kurdistan: The Search for Recognition.” In conflict studies, no. ١٢٤ (November ١٩٨٠) at p: ٣

^٢ Sheikh Salar Hafied “Ali Askarie - the Judgment for the History” Kurdistan regional government publications issue no: ٣٤ (Sulaimanieh - Iraq: ١٩٩٣) at pp: ٤-٥

^٣ Georges Fat-Hulla “The Kurds Awakening – A Political History ١٩٠٠ – ١٩٢٥.” Covering in part the Turkish – British dispute over southern Kurdistan, as presented to the League of Nations with documents and memories related (Aras Press And Publishers Iraq: ٢٠٠٢) at pp: ٢٥٣ – ٢٥٦

It is worth noting that the Kurds have enjoyed political autonomy in the past and managed it effectively. To dismiss a people merely because they were not fortunate to develop as quickly as other societies as regards the domination of the international arena is blatantly short-sighted. However it is this short-sighted policy that prevails in world politics today and which impacts the lives of the Kurdish people in today's modern world. Rather than celebrate the people of Kurdistan and encourage them to develop independently without interference, states and nations have invaded, subjugated and violated these people. The international community have accused the Kurdish people of lacking political unity when it suited them to not recognise these people's rights to live and work their own land. This criticism has been invalidated by the success of the current Kurdish administration and by the Kurds previous ability to reach agreements, when the political situation has been expedient for them to develop free of oppression.¹

When considering this view of how the Kurds have been manipulated, again it seems appropriate to refer to their historical heritage; to note that the dissatisfaction of the Kurds was felt previously when they suffered situations forced upon them and permitted (as if this is something that they should have to ask permission for) no say in how they were governed. This dissatisfaction has been evident since Kurdistan was divided in the year ١٦٣٩ between the Turkish Ottoman Empire and the Persian

¹ In October ١٩٩١, the government of Iraq deliberately and voluntarily withdraw its civil administration. The people were left to care for and to govern themselves. This area faced a militarized separation from the rest of Iraq as if it was a separate and indeed adversarial state. Faced with a chaotic situation, the leadership within the Iraqi Kurdistan front stepped into the vacuum and began to restore order in the region. Within a year, election was held in May ١٩٩٢ and the Kurdistan National Assembly (KNA) and the Kurdistan Regional Government (KRG) were formed. Four governorates (provinces) were established each headed by a governor. A regional government headed by a prime Minister with a cabinet of ministers was instituted in the regional capitol of Erbil.

Safavid Empire; although these empires actually proved more successful and even-handed than the current 'modern' state of Iraq:

“The political significance of this event was that Kurds were divided from this point right up to the present day between Turkish and non-Turkish overlords. The border between the Ottoman Empire and the Persians now ran down the middle of Kurdistan. Perhaps three-quarters of Kurdistan was assigned to the Ottomans. This was the time of the brief so-called Kurdish golden age when several semi-autonomous areas existed in territories nominally controlled by the Ottomans or the Persians. These entities were compelled to pay taxes imposed by the Sultan or the Persian Shah, respectively. They were able to expand little beyond the borders of their principalities.” (Haji ١٩٩١: ٣٠٣)^١

In his critical study on the role international community played in the case of Iraqi Kurds, Mohammad Aisa argues at this point it is foolish to talk of real autonomy or self-determination. Such concepts belong to the modern world's definitions of states and are not applicable to this era of Kurdish history. However, the interesting historical reflection that can be drawn from the era of the Kurdish 'golden age' is that government of the area functioned better when it was more local as opposed to centralised like the current Iraqi state. From the point of view of repressive regimes however there is a correlation between centralisation and increasingly severe repression, as leadership becomes increasingly distanced from the realities of the lives of people living under their control. As Snowden has recognised in her essay 'The Iraqi Kurds – Victims of Political Realism' these past methods of division and government along ethnic lines are in many ways still appropriate to the modern situation of the Kurds, far more so perhaps than notions of powerful central governments and states with territorial borders. What the UN must recognise in its dealings with and attempts to resolve the difficulties experienced by ethnic minorities is that western prioritisation of state claims over and above any other

^١ Dr. Abdi Haji "Kurdish Question ١٩٢٣-١٩١٧" Dar Alrazi publisher, first edition (Beirut – Lebanon: ١٩٩١) at p: ٣٠٣

considerations does not reflect the diverse governing structures of the world. Mohammad Aisa added:

“As long as the state remains the central organising unit in international relations, ethnic minorities such as the Kurds, will remain at the mercy of state actors, and the Kurdish liberation movement will be dispersed by an organising principle which emphasises the sanctity of territorial borders.” (Mohammad Aisa, ۲۰۰۰)^۱

The history of the Kurds then has a powerful relevance to the kinds of solutions that should be proposed and sought for the region. Any model or suggestion of a governing system must come from the Kurds themselves with the consultation of other Middle East nations. Western ideals may, on the surface, present the face of progress but from whose perspective? How can western models achieve solutions for a distinctly Middle East crisis? The answer to this question is simple; they cannot, so what must be done? The answer to this question will be examined later in more detail.

Acknowledging History

Nationalist movements seem to have come about as a result of industrialisation and modernisation throughout Europe in the nineteenth century. For many reasons the Kurds were unable to take advantage of the dynamic changes to social structure which tore Europe apart and brought about many wars during this period. Kemal Ahmed believes part of the problem of the Kurds was that

^۱ In light of this, it is felt that the international community should ensure that agreed upon conditions are worked out in advance of a post sanctions situation. People are looking for assurances that there will be no betrayal of trust. Kurds believe these assurances should be in the form of written guarantees with mechanisms that ensure implementation. Kurds have suffered enough and are deserving of firm commitments towards their lasting future inside a democratic Iraq. For more details see report by Hashim Mohammad Aisa “The Iraqi Kurds – Victims of Politics.” Kurdistan Democratic Party information centre / article on the Kurdish plight Gulan publications: Iraq ۲۰۰۰

these Nationalist concepts were of western European origin and so did not fit with the systems and ideologies of the Middle East. Indeed, it can be strongly argued that these concepts still remain inappropriate for the resolution of the Kurdish situation since the historical structure of Middle East governments is quite different to European ones. (Kamal Ahmed Muzhir ١٩٨٤: ٢١٧-٢١٨)^١

Angleton suggests authority in the Ottoman Empire was based on religious divisions. Since most of the Kurds in Turkey were Sunni Muslims or Christians like the Armenians, the Kurds at this time saw their identity as being simply Muslims. So the question of a united Kurdish state separate from the Ottoman Empire never arose until the modern era. This is hardly surprising since political scientists tell us that nationalism is a very recent development that arose with the rise of capitalism. Wherever it arose capitalism needed a captive market, and even more importantly, a captive sedentary workforce, hence the need for modern nations controlled by a new dynamic manufacturing class, the bourgeoisie. (Angleton ١٩٩٩: ١١٩-١٢٢)^٢

According to Unrepresentative Nations Peoples Organisation (UNPO) the problems faced by the people of Kurdistan and the international community today do not so much surround how to resolve nationalist desires for independence with the will and economic concerns of Iraq, but how to develop a future system that meets their cultural needs; one which fits with the historical and political heritage of the region. If the Kurds had secured their own freedom in the nineteenth century they might not now would face such unprecedented challenges, but perhaps they would also not face such challenges if they were not still living with an alien cultural and philosophical model which belongs in the west; a model more importantly that has not yet proved its own durability

^١ Muzhir Kamal Ahmed Muzhir “The Kurds during First World War” (Baghdad: Dar Al Afag ١٩٨٤) at pp: ٢١٧-٢١٨

^٢ William Angleton translated and commented on by Georges Fat Hulla. “The Kurdish Republic of ١٩٤٦ – Muhabad Republic” Aras Publications – Iraq: ١٩٩٩) at pp: ١١٩-١٢٢

or sustainability compared with, let us say, Chinese civilisation. However there is one other factor to note, a distinctly western one that gives nations like the UK and the US responsibility for adding to the obstacles faced by the Kurds; the military capacity Iraq wields means that any Kurdish moves towards self-determination, unsanctioned and unsupported by the international community, stand far more of a chance of failure, resulting in massive casualties and loss of life, than they would perhaps have done in the nineteenth century, when they were not faced with the proliferation of chemical, germ and possibly nuclear weapons.¹

UNPO also believes nationalism and the notion of states confuses the Kurdish situation; why should the Kurds need to follow the path of European history and nationalise in the same way that nations like Italy and Germany have done? The idea that the Kurds must undergo some nationalistic struggle, or are doing so, is false. Why should the Kurds not be recognised and given the same rights that other nations have to their own territory? Why can the Kurds not develop their own model of self-government that can be integrated into an international and regional framework? The Kurds have lived in Kurdistan prior to the existence of the concept of nationalism. Perhaps the world should first admit them to the UN with the same rights as a traditional state and allow them to define what that state is in due course, when the ravages of other people's war have been counteracted. The international community has a responsibility to acknowledge the history of the Kurds, indeed to acknowledge them as a people. This view is one shared by the Unrepresented Nations and People's Organisation (UNPO):

¹ The ۳۰ years of Saddam Hussein constitute the blackest and most devastating period of Kurdish history. The Kurdish people have paid ultimate sacrifice of more than half million people. Unprecedented genocide, mass murdering, chemical weapons, ethnic cleansing, mass deportation and Arabization plans and politics were used against the Kurds. The hundreds of mass graves found after the collapse of the regime in ۲۰۰۳ witnesses these atrocities.

“UNPO is an international organisation created by nations and peoples around the world who are not represented as such in the world’s principal international organisations, such as the United Nations. Founded in 1991, UNPO today consists of nearly 80 members and observer nations and peoples who represent over 100 million persons. UNPO offers an international forum for occupied nations, indigenous peoples, minorities, and even oppressed majority who currently struggle to regain their lost countries, preserve their cultural identities, protect their basic human rights, and safeguard the natural environment.” (UNPO: 22 Sep 2002)¹

The role of this organisation is interesting in regards to the Kurdish situation because it highlights the current disparity between the claims of the UN to be an internationally representative body, and the reality of its being an organisation that represents nations and states that do not themselves necessarily (in fact they frequently do not) speak on behalf of their people. The structure of the UN is such that the Kurds are unable to voice their views on how they would like to govern themselves, or to give their opinion on issues that will directly impact them.²

¹ Unrepresentative Nations Peoples Organisation (UNPO) set up first time in 1991 supported by Taiwan to help those nations not represented with UN bodies, based in Hague, 22,09,2002 Netherlands.
<http://www.unpo.org/maindocs/0201what.htm>

² See the annexation of the Wilayet (Province) Mosoul (Southern Kurdistan) to newly created Iraq according to the League of Nations decision of 16 December 1920 without the wish of its population and without and consideration as to its ethnic composition. This annexation was made to reflect the national interest of mandating power over Iraq, of that time, rather than respecting international law. This annexation has violated the public international law principles of the right of self determination; president Woodrow Wilson’s declaration of 14 points of 8 January 1918 points 1 and 2; article 20 of UN General assembly resolution of 14 December 1960 on right of independent of colonized people; article 1 of international convention on political, social and economic rights of 1966; principles of international laws on peaceful and cooperative relations between nations of 1970; and other international conventions.

Acknowledging Diversity

One criticism aimed at the Kurdish claim to self-determination is that they lack one shared language to identify them as distinct. It is indeed true that the Kurds speak a variety of dialects but to invalidate a people's claim to be seen as a unified whole on this bias is shallow given the fact that this is also the case in many other nations throughout the world. Newens, an active member of Britain's most experienced anti-imperialist and anti-racist organization has noted:

“The modern Kurdish dialects are in some cases mutually incomprehensible with wide variation in both vocabulary and grammar. The two main dialect groups are Kurmanji spoken in Turkey and north-western Iraq and as far as Lake Orumiyeh in Iran, and Sorani spoken in southern Iraqi Kurdistan and south-western Iranian Kurdistan.” (Newens MP 1999: 5-7)¹

Kurdish people speak Arabic and Persian as well as the other languages and dialects. However when addressing the criticism that the Kurds do not have their own precise linguistic identity, the answer would seem to lie with a question; how is this a criticism? How is it relevant? It seems again an issue of perspective, and we need to look at those who seek to discredit the right of Kurdish people to self-determination because of their linguistic diversity, not at whether or not they have one language. Many nations such as India and China see the use of various different languages by significant proportions of their populations without calling into question the right of people to identify themselves as Indian or

¹ Stan Newens, MEP “The Kurds – A People's Struggle for Peace and Justice.” A liberation pamphlet published by liberation, one of Britain's most experienced anti-imperialist and anti-racist organizations; 49 Kingsland Rd, London. layout and design by Praxis Design, BCM Praxis, London WC1N 3XX, printed by Litho print, Shackle Well Lane, E8, 1999 at pp: 5-7

Chinese respectively. In later chapters the thesis argues that the promotion of diversity and minority cultures and languages, as part of an international human rights agenda, shall be seen in a positive light and actively encouraged to guarantee a world that is not bland and featureless. More to the point, the evidence of human rights abuses towards the people of Kurdistan and the causes of those abuses, must be recognised by what they have always represented in the region;¹ the manoeuvrings from the political point of view of the various states. McDowell added:

“Instead of establishing a united and independent nation state, the Kurdish nation found itself being partitioned between neighbouring states.” (McDowell 1996: 12)²

This situation led to the establishment of many Kurdish principalities, which availed themselves of and depended on these states for their continued existence. They were either left alone due to the weakness or disintegration of the neighbouring powers or were caught up in the rivalry between these powers. On the other hand the question of the liberation of the Kurdish people has during modern times become linked with the popular movements' active within those states involved in the partitioning of Kurdistan. The Kurdish national movement has become one of the 'props or

¹ More over, Iraq has continued to repress inhumanely the people of Kurdistan and suppress its demands to a degree it used international forbidden chemical weapons in ears 1978-1988 especially in Halabja to commit genocide against the Kurds. In addition, 8000 civilian members of Barzani tribe were disappeared in 1983 and 182000 Kurdish civilians were physically mass murdered in 1988, their mass graves were founded after the collapse of the regime. For more details see advance edited version of the United Nations commission on human rights sixtieth session agenda item 9 “Question of the Violation of human Rights and Fundamental Freedoms in Any Part of the World.” Situation of human rights in Iraq / report submitted by the Special Rapporteur, Andreas Mavrommatis (Distr. GENERAL E/CN.4/2004/36, 19 March 2004) Original: ENGLISH at pp: 9-11

² David McDowell “The Kurds” (I.B. Tauris, London: 1996) at p: 12

playing cards' of the democratic, national revolutions in those countries. (McDowell ۱۹۹۶: ۱۴)^۱

Fowles argued the Kurds, never really entirely satisfied with the situation they have found themselves in, were not in a position until the twentieth century to view their dissatisfaction as the responsibility or concern of the international community, as far as such a community existed. However the level of persecution and violence they suffered before had never reached the scale evident today, when the current capacity for genocide, mass torture and killing far exceed all previous means at the disposal of oppressive regimes. It does then seem that the identity, culture and history of the Kurds warrant the protection of the international community. The legal roles and promises of the UN and Iraq in regards to the Kurds form part of a later chapter. The celebration of diversity is not a new notion suddenly sprung upon international organisations, it is one, which appeared in post World War II literature after the creation of the UN, and its message is now highly relevant. In remembering the plight of the Kurds it is perhaps worth noting the words of the respected novelist John Fowles:

“We know a world is an organism, not a machine. We also know that a genuinely created world must be independent of its creator; a planned world (a world that fully reveals its planning) is a dead world... There is only one good definition of God: the freedom that allows other freedoms to

^۱ By the Kurdish national movement we mean the movement which was born to defend the rights of the Kurds in their country Kurdistan, and by the strategy of the Kurdish movement we mean the various methods which have been used and the aim or aims which were declared by the Kurdish national movement. The Kurdish national = movement began to take shape in the beginning of the ۲۰th century after World War I. On an international level the most important turning point in the history of the Kurdish movement was the Treaty of Sevres which was part of the Versailles Treaty. Although this Treaty was not an expression of the desire of the Kurds, it was at least an international recognition to the Kurdish question. For more details see also David McDowell “The Kurds” (I.B. Tauris, London: ۱۹۹۶) at p: ۱۴

exist. And I must conform to that definition.” (Fowles 1969: 98)¹

Given the lack of certainty felt by the Kurds and Iraqi people in general at the future of their region it is important that any future government is allowed to develop free of all but the most minimum of interference from the UN. This argument will form a large body of this work.

¹ John Fowles “The French Lieutenant’s Woman” published by Jonathan Cape Ltd, 30 Bedford Square, London WC1, 1969, at p: 98
<http://www.pinkmonkey.com/booknotes/monkeynotes/pmFrenchWoman%201.asp>

Chapter ۳.

Where Did the Problem Start?

A Disputed Region

The disputed area of Kurdistan covers plains and mountains with rich resources of wheat, barley, lentils, and livestock from the plains of Iraqi and Syrian Kurdistan. Any discussion over self-determination for the people of Kurdistan raises issues surrounding important reserves of chrome, copper, iron and coal. However, the primary obstacle that exists in relation to establishing an independent Kurdistan, relates to the oil reserves of Iraq, Turkey, and Syria. Horamani explains it is unlikely that Iraq, a country heavily dependent on oil revenues to support its economy would ever agree to see those resources appropriated or returned to the people of the region: The Iraqi government has always feared the possibility of separatism. And since approximately two thirds of oil production and oil reserves, as well as much of the fertile land, were located in the Kurdistan, the government felt that secession would strike at the economic heart, and thus the viability, of the state the problem of national minorities can prove crucial for new states...the dominant nationality having achieved its primary anti-colonialist objectives tends to concentrate on the more pressing task of national reconstruction while ignoring or dismissing the

claims of minority populations for autonomy, self-government, or religious and linguistic freedom. (Horamani ۱۹۹۳: ۲۳-۲۴)^۱

Britain's diminished imperial power continued to decline as the twentieth century progressed and the rights of the people of the region and the promises made to them seem to become less and less important from its perspective.^۲ The focus of policy and military and political intervention moved all except the Kurdish people themselves to forget the issue of Kurdistan. One final factor decided the fate of Kurdistan during the period up to the final settlement of the Mosul dispute in ۱۹۲۶ Britain was anxious to avoid provoking Turkey.^۳ It knew Turkey feared that autonomy in southern Kurdistan would arouse Turkey's own suppressed minorities. Thus, it appears, Britain betrayed its promises of autonomy, let alone independence, in order to keep Baghdad and Ankara happy. The Anglo-Iraqi Treaty of ۱۹۳۰, whereby Iraq became independent, did not even include the safeguards Britain had promised the League of Nations it would uphold^۴. Such was

^۱ Report by Omar Abdul Aziz Horamani "Kurdish Question and International Scenarios" published by Olama Kurdistan institute publication (Iraq: ۱۹۹۳) at pp: ۲۳-۲۴

^۲ British policy in ۱۹۲۳ was to agree to the inclusion of some of the Kurdish districts in the Iraqi election, although Sulaimanieh was always kept out. DOC No M/۱/۲ Sulaimaniya ۳rd May ۱۹۲۳ Royal archives, Baghdad.

^۳ British Mandate: In ۱۹۲۲, the League of Nations (The precursor to the United Nations) awarded the territories of the former Ottoman Empire to European powers to administer. Britain held the mandate over Iraq, trans-Jordan (modern Jordan) and Palestine, and subsequently divided the boundaries between and within these countries.

^۴ It seems that British administration had finally concluded that an independent or Autonomous Kurdistan would be an unviable prospect because of its neighbors. Henceforth, they began to encourage the Iraq government to grant the Kurds a special position within the Iraq state.

Britain's guardianship of its subject people. (Campaign Against Sanctions on Iraq ١٣-١٤ November ١٩٩٩: ٢٤)^١

Despite this prior knowledge of the difficulties posed by oil shortages to economies dependent on accessibility to it, there has been insufficient funding in last ٣٠ years to develop alternate energy sources and to reduce the use of oil. The question to ask the international community is why we have not done more to prevent problems relating to the supply of oil? If western democracies reduced their dependence on Middle East oil supplies, then perhaps surrendering oil rich territory to the indigenous people would not serve as such a threat to Iraq. (Atrushi ١٩٩٤: ١-٢)^٢

Kirkuk in particular with its vast oil resources became a sensitive and emotive issue on both sides. Mr. Khasro Pirot, a member of Kurdistan national assembly in Iraqi Kurdistan, has explained to me in an interview I conducted with him, what he believed to be the policy of greed relating to Kirkuk, and how it has ultimately deprived the people of Kurdistan the territory that they are entitled to by heritage. Perhaps the answer to the question is for the international community to invest in technology and education to replace and reduce dependency on oil within their own borders. (Pirot ٢٠٠١: ٣٣-٣٤)^٣

^١ Report by the campaign against sanctions on Iraq "Background Consequences Strategies" Cambridge ٢٠٠٠, printed in the UK distributed by Barque press, proceedings of the conference hosted by campaign against sanctions on Iraq ١٣-١٤ November ١٩٩٩, England at p: ٢٤

^٢ Alex Atroushi, Kurdistan Democratic Party – Iraq (KDP) site editor, "Mustafa Barzani – the Kurdish hero ١٤ March ١٩٠٣ – ١ March ١٩٧٩" revised on ١٦ April ١٩٩٤, <http://www.kdp.pp.se/barzani.html>

* General Mustafa Barzani was president of Kurdistan Democratic Party (KDP) when he died on ١ March ١٩٧٩ at Georgetown hospital, Washington DC.

^٣ Mr. Khasro Pirbal "Kurdistan, A Regional Profile." An economic study about Iraqi Kurdistan (Kurdistan, Iraq: ٢٠٠١). Ministry of cultural registering no: ٥٢٣ dated ٢, ١٢, ٢٠٠١, Kurdistan regional government press: Pak printing: Kurdistan at pp: ٣٣-٣٤

On the other hand Kurdistan Democratic Party (KDP) in collaboration with the Iraqi Communist Party,¹ attacked Iraqi military targets since the eighties, the aim being to increase the amount of territory under their individual control. The KDP and the PUK were the two dominant resistance groups in Iraq. Other smaller ones existed but their contribution was negligible and many of them sank into obscurity. The activities of these groups were questionable from a western perspective in that they perpetrated a number of kidnappings of western hostages to try to negotiate intervention from abroad. The British government and the international community argued that they would not make concessions towards terrorists. The activities of the resistance parties during the Iran and Iraq war proved fairly useless as regards gaining international support for their demands of autonomy. (Al-Anfal ١٩٩٢: ٢٥, ٢٦, ٢٨)^٢

A report of a medical mission to Turkish Kurdistan by Physicians and human rights defendants on February ١٩٨٨ has revealed the promises made by Saddam Hussein in return for the support of the people of Kurdistan have been vanquished in recent years following the Iran and Iraq war. It seems clear that a situation whereby the people enjoy normal freedoms and are free from torture and persecution cannot be secured simply with promises from the Iraqi government. It is doubtful whether the infrastructure exists for the government to administer such freedoms even if they were not deliberately persecuting as at present, or would do where it not for the current international protections the region currently enjoys. The Iran - Iraq war further demonstrated that the Iraqi

¹ Communist Party of Iraq: One of the key groups behind the July ١٩٥٨ revolution in Iraq, and it became highly influential in Qasim's government. The party was heavily persecuted by the Ba'athists after the coup of ١٩٦٣, and has never allowed functioning openly since then, leading to persistent animosity between the Soviet Union and Iraq until the end of the cold war.

^٢ "Al-Anfal" Kurdish liberated zone (Safe Zone), first edition, Khabat publisher, ١٩٩٢, revised by Dohuk media center (Iraqi Kurdistan: ١٩٩٢) at pp ٢٥, ٢٦, ٢٨

government is not capable of restraint as regards the weaponry available for it to use against its enemies and against its own people. In March ١٩٨٦ the UN condemned Iraq for using chemical weapons after there had been two more complaints from Iran of their use by Iraq. (Rezgar ١٩٩٣: ٢٢)^١

Mohammed argued there is clear cause for concern for any action taken in Iraq to remove Saddam Hussein, because there were no guarantees and provisions for any new government in place. This is further discussed below, in the section “The Gulf War and Resulting Refugee Crisis”. (Ismail Mohammed ١٩٩٨: ١٥١, ١٥٦)^٢

Horamani believes it is the responsibility of the international community to take steps to appropriate the oil reserves and land of nations dependent on them in order to redistribute them. The issue is not this straightforward, however, and any intervention in the management of the resources of independent states must be viewed with great suspicion. Many powerful members of the international community have vested interests in Middle East oil and so any action taken must clearly disassociate itself from colonialist and imperialist policies that operated in the region in the past and which continue to operate today. What is clear is that certain wealthy nations today owe some of their success to exploitation of the Middle East region in the past. Therefore, it would seem to make sense for the International Community to commit some of its wealth to promoting peace and stability in Middle East regions. How the International Community might go about stabilising and

^١ Dr. D. Rezgar “Winds of Death, Iraq’s Use of Poison Gas against its Kurdish Population.” Report of a medical mission to Turkish Kurdistan by physicians human rights - February ١٩٨٨, edition number ١٢١, Alshareh college printer (Iraq: ١٩٩٣) at p: ٢٢

^٢ Report by Dr. Khalil Ismail Mohammed, professor of demography, at the University of Salahaddien “The Kurdistan Region of Iraq - Studies in the National Demography” (Iraqi Kurdistan: ١٩٩٨) at pp: ١٥١, ١٥٦

creating peace and how they might utilise international funding will be the subject of a later chapter. First though the thesis will, broadly confirm why the International Community does have a responsibility for the situation that exists in Kurdistan today. (Horamani ١٩٩٣: ٢٤)^١

How Iraq came to be

It is well documented but not widely understood in western democracies that Iraq owes its existence due to British foreign policy in the Middle East in the early part of the twentieth century. These imperialist policies were overstretched and unable to deliver stability in the region as the century progressed. When addressing the issue of international community responsibility it is convenient for certain parties involved in the decision making process to forget recent history. To take a cross section view of what is occurring now and formulate policies for peace based on current situations may seem expedient but is in truth highly ineffective in solving the Kurdish problem and highly dishonest as regards the question of how this mess was created. The thesis focuses now on the creation of Iraq, in order to explain why there remains in the region a volatile government and a poor infrastructure. Modern Iraq was created from the British occupation of Mesopotamia, ١٩١٥-١٨.^٢

^١ Report by Omar Abdul Aziz Horamani “Kurdish Question and International Scenarios” published by Olama Kurdistan institute publications (Iraq: ١٩٩٣) at pp: ٢٤

^٢ Britain signed an agreement with ٦٠ Kurdish chiefs, including Sheikh Mahmoud Barzanji the leading notable of Sulaymaniya, on ١ December ١٩١٨. This agreement included three contradictory statements of intent: I. That the British intention was the liberation of eastern peoples and the grant of assistance to them in the establishment of their independence II. That the ٦٠ chiefs, as representatives of the people of Kurdistan, have asked his British majesty’s government to accept them also under British protection and to attach them to the Iraq. III. That if his British majesty’s government

Kurdish areas of what became Iraq were for the most part only captured in the final months of the war. Mosul was occupied, despite Ottoman protests, a few days after the Armistice of Mudrose on 30 October 1918. Kurds falling within the British sphere of influence almost universally welcomed the new authority for the simple reason that the region was ravaged by acute famine and British forces mounted an extensive relief operation.

Entessar noted the British chose to administer through traditional leadership (Hashemite) where possible because as a natural consequence of having colonised and imposed authority on many other places in the world they had concluded that the people themselves did not like it.¹ The problem for the Kurds in the long-term was that this policy of dangling carrots to local leaders gradually undermined the authority of those leaders and the respect of the Kurdish people. The international community exacerbated the factional aspect of Kurdish society in the past; it is not, because the Kurds are intrinsically warlike and therefore incapable of establishing an independent government. It was the imposition of foreign rule that made the infrastructure poor and the government heavily dependent on British influence. Influence that could be withdrawn as the political situation became expedient and as the commitment for the far removed central government became too great to manage. Entessar added:

“In the Suleimaniyah area they invited the sitting Kurdish governor Sheikh Mahmoud Al-Hafid, who had been appointed during the Turkish administration, to continue in

extends its assistance and protection to them they undertook to accept his British majesty's orders and advice.

¹ Hashemite: Relating to the descendants of the historical guardians of the Islamic holy sites of Mecca and Medina, who claim descent from the prophet Muhammad. In particular, the descendants of Sharif Hussein Ibn Ali of Mecca, who raised the great Arab revolt in 1916-1917 against the Ottoman Empire, take this name. Although the Hashemite were expelled from the Arabian Peninsula in 1916, members of the family became the monarchies of Syria (in 1920), Iraq (from 1921 to 1958) and Jordan (from 1921 to the present day).

office. The British gave him an enlarged area to administer but this immediately brought him into conflict with other Kurdish Agahas and sheikhs. When Sheikh Mahmoud questioned British authority he was removed to India in exile. British administration of the Kurdish region of Iraq was violently interrupted in 1922 by national revolutions led by Sheikh Mahmoud Al-Hafid. The fundamental reason for this re-partitioning of Kurdistan was the British government's knowledge of the existence of oil in Kirkuk." (Entessar 1996: 49, 63)¹

In his authoritative work 'States and Minority in Turkey, Iraq and Iran' Ciment examined the British demand for oil and the promises they made to the Kurds, and this will be discussed in later sections, but it is suffice to say it becomes more and more evident when examining the history of Kurdistan that there are grounds for renewing the status of the Kurds as a self-determining people because of previous misappropriation and distribution of Kurdistan lands between Iran, Turkey, Iraq and Syria by colonial power. The international community could of course level the criticism that Britain is responsible for addressing this issue solely, but this is of course a lose argument in the modern context of international relations. Britain is no longer in a position to take steps to reorganise or redistribute land and assets in the Middle East.² In addition any extreme pressure from the international community, for Britain to bear the major burden of the costs of regulating and

¹ Nader Entessar "Kurdish Ethnoalism" Lynne Renner publishers: United States, second edition 1996 at pp: 49, 63

² British, less than American, appeared to recognise the possibility of promoting the Kurds. All of a sudden Kurdish representatives found doors closing to them which had previously been opened. British administration refused to have any contact with Iraqi Kurds for a decade prior to the first Gulf war. Moreover Britain wanted to maintain the Kurdish region as zone of latent pressure on Baghdad. Kurds also in previous years learned from British contacts that there was no plan to off Saddam Hussein, and what they understand from this that the coalition gathering its forces in Saudi Arabia during 1991 had no commitment to political change in Iraq.

developing peace in the region would merely lead to instability elsewhere, moving the problem rather than solving it. The question that this raises with regards to the current situation in Kurdistan is this; how, if at all, has the balance of power altered to place decision-making in the hands of all peoples? In the case of the UK and to a lesser extent the US and the UN the thesis argues that there is much to be done to ensure that democratic rights play a part in international decision-making. Any action taken by one nation in relation to the organisation and governing of regions outside their own borders should justifiably meet with the extreme disapproval of the international community, unless a community has democratically agreed to offer some of its powers to a wider organisation, with sufficient mechanisms to protect it becoming too powerful, to decide at a distance the fate of local people. (Ciment ۱۹۹۶: ۲)^۱

Ciment further identified that continuation of imperialism and colonialism are unwelcome steps backwards in the search for lasting peace in Kurdistan, the Middle East and the rest of the world. However, this is precisely what is happening in the modern world, with the balance of power more than ever shifting to particular demographic regions, where states as opposed to peoples command greater military, economic and cultural power than their counterparts elsewhere in the world. The story of how Kurdistan has been overrun and manipulated to obtain political goals is something that must be learned but not repeated in the search for lasting peace. It is this history, in which the interests of particular states were, and in fact are, a part of the reason for today's conflict in the region. (Ciment ۱۹۹۶: ۳)^۲

Moreover Jawad acknowledged the needs of the large Kurdish minority were ignored by British policy in the region and a

^۱ James Ciment "States and Minority in Turkey, Iraq and Iran" (The Kurds) (New York: Facts on file – inc, ۱۹۹۶) background, at p: ۲

^۲ James Ciment "States and Minority in Turkey, Iraq and Iran." (The Kurds) (New York: Facts on file – inc, ۱۹۹۶) background, at p: ۳

resolution for regional conflict was only half-heartedly sought. Successive Iraqi leaderships have not recognised the Kurds adequately or allowed them to represent themselves in this manufactured state. The British government were content to carve up the territory strategically but then were forced to handle other concerns rather than police the new state. He added:

“Once the immediate exigencies of famine were past, Kurdish leaders and Britain began to review their separate prospects and contradictions became apparent. Britain had invested Sheikh Mahmud Barzanji as governor of Sulaymaniya and its hinterland stretching from the Greater Zab to the Diyala River. At the outset, it had vaguely envisioned a Kurdish entity separate from Arab Mesopotamia but within a couple of months was thinking in terms of a mosaic of arrangements with local chiefs.” (Jawad ۱۹۸۱: ۸-۹)^۱

Jawad further explained that British intervention was soon perceived, by the people of Kurdistan, as self-interested meddling; many took up arms but were crushed. A revolt in May ۱۹۱۹ was swiftly followed by the exile of Barzanji and with him the hopes of the Kurds for autonomy. British policy failed to take account of local desires and did not seek to establish local leaders, with appropriate cultural and historical heritage, in positions where they themselves had authority to make decisions about how the region was governed.^۲ This attitude was typically colonial and self-serving

^۱ Sa'ad Jawad “Iraq and the Kurdish Question ۱۹۰۸-۱۹۷۰.” (London: Ithaca press, ۱۹۸۱) at pp: ۸- ۹

^۲ The Kurds also denied the right to a fair trial, freedom to express their opinions, and to do so in their own language and culture in some places. The British has never effectively called those countries to account for their treatment of their Kurdish population. These states however have ratified many of the international agreements relating to human rights. Hundreds of Kurds have been killed and thousands of people left or were persuaded to leave their own homes and places of residence. The depending economic crisis combined with security problems have destroyed family, community and tribal ties

but ultimately self-defeating due to the bitterness and resentment it engendered. As soon as the power of British colonialism waned, resources required to contain local populations under British control fell short.

Britain also had to contain Turkish nationalist attempts to subvert British authority in southern Kurdistan. During the period ۱۹۲۱-۲۳ it lost control of large swathes of Kurdish territory. For Britain, however, the compelling imperative to control southern Kurdistan was strategic largely because of its rich oil resources. Britain was only willing to concede the secession of southern Kurdistan if it joined a Kurdish entity further north. That was the basis of its offer in the ill-fated Treaty of Sevres of ۱۹۲۰. It was based on the idea that a Kurdish entity was bound to be friendly and dependent on Britain rather than on Turkey for guidance. There was never any question of Britain ceding southern Kurdistan if there was risk of it becoming a springboard for hostile forces. This strategic question was one reason for incorporating southern Kurdistan into Iraq, but the main reason lay in the problems within Arab Iraq, triggered by a major revolt of the Euphrates tribes in the summer of ۱۹۲۰. Following the revolt the British recognised that they must allow for the creation of an indigenous government in Iraq if they were to avoid further unrest. (Treaty of Sevres, Carnegie endowment for international peace ۱۹۲۰)^۱

As Britain's diminished imperial power continued to decline as the century progressed the rights of the Kurdish people and the promises made to them became less and less important from its

which existed in Kurdish society and which had previously provided a safety net for the community.

^۱ See the treaty of Sevres, ۱۹۲۰, the treaty of peace between the allied and associated powers and Turkey signed at Sevres august ۱۰, ۱۹۲۰. The convention respecting the regime of the straits and other instruments signed at Sevres. Powers presented were British Empire, France, Italy and Spain. Preamble, compiled by Lt. Col. Lawrence Martin geographer of the institute of politics: The treaties of peace ۱۹۱۹-۱۹۲۳, Vol. II, Carnegie endowment for international peace, New York, ۱۹۲۴.

perspective. The focus of policy and military and political intervention moved elsewhere and all except the Kurds themselves forgot the issue of Kurdistan.

Again having initiated the mess that exists today in Iraq the British would seem to hold a great deal of responsibility in regards to the plight of the Kurds today. However, any further interference in their favour must really be motivated by international humanitarian concerns. This motivation cannot be associated with any one nation and action must be based on a UN consensus, but perhaps more importantly, with a greater part of actual decision-making made by local Kurdish and Arabic representatives. The historical facts surrounding the creation of the Iraqi state and its problematic leadership would seem to suggest that any attempt at establishing an autonomous or self-determining Kurdistan must be focused on using local knowledge and tradition as the basis for how the prospective new state is organised. It would be reasonable to require prospective governments to adhere to some internationally recognised standards of human rights law, provided that the law was not absolute and wildly out of sorts with Islamic laws, and provided also that all members of the international community took a responsible attitude towards reducing and eradicating the arms trade. (Campaign against Sanctions 2000: 20)¹

How Oil has affected the Issue of Kurdish Autonomy

As has already been briefly suggested one of the main causes, if not the main cause, of difficulties experienced by the people of Kurdistan is related to the rich oil resources in Iraqi Kurdistan. The lifestyle and industries of western economies are heavily dependent

¹ Report by the campaign against sanctions on Iraq "Background Consequences Strategies" Cambridge 2000, printed in the UK distributed by Barque Press, proceedings of the conference hosted by campaign against sanctions on Iraq 12-14 November 1999, England at p: 20
<http://www.casi.org.uk/conf99/proceedings.pdf>

on oil, as was shown by the fluctuation in the value of oil on the stock market during the Gulf War. The world's leaders have for more than ۳۰ years had access to information and predictions about the outcome of future shortages of the commodity. Fuel resources are very unevenly distributed, and any shortage of supplies, no matter how slight, would immediately divide the world into "haves" and "have-nots" along entirely novel lines. Schumacher argues the specially favoured areas, such as the Middle East and North Africa, would attract envious attention on a scale scarcely imaginable today, while some high consumption areas, such as Western Europe and Japan, would move into the unenviable position of residual legatees. *Here is a source of conflict if ever there was one.* (Schumacher ۱۹۷۵: ۲۹)^۱

Despite this prior knowledge of the difficulties posed by oil shortages to economies dependent on accessibility to it, there has been insufficient funding in last ۳۰ years to develop alternate energy sources and to reduce the use of oil. The question to ask the international community is why we have not done more to prevent problems relating to the supply of oil? If western democracies reduced their dependence on Middle East oil supplies, then perhaps surrendering oil rich territory to the Kurds would not serve as such a threat to Iraq. Kirkuk in particular with its vast oil resources became a sensitive and emotive issue on both sides:

"Mullah Mustafa^۲ spoke of confidence building, but in private he spoke of fighting for Kirkuk if necessary. He also

^۱ E. F. Schumacher "Small is Beautiful – Economics as if People Mattered" first published by Blond and Briggs, London ۱۹۷۳, first perennial library edition published ۱۹۷۵. Reissued ۱۹۸۹, Harper & Row, publishers inc, ۱۰ East ۵۳rd Street, New York, N.Y. ۱۰۰۲۲, at p: ۲۹

^۲ Kurdistan Democratic Party publications "Barzani and the Kurdish Revolution in Barzan." A pamphlet published by the Kurdistan Democratic Party (KDP) at p: ۳ in fact Mulla Mustafa Barzani's period of exile in Sulimaniya marked an important turning point in his development as a national leader. See also Edmonds "Kurds and Revolution in Iraq." Middle East journal vol ۱۳, no ۱, ۱۹۵۹ at pp: ۶-۷.

appealed to the USA for assistance. It was hardly surprising that there was an attempt on his life that same month. A month after the Iraqi-Soviet Treaty of Friendship was signed in April 1972 the USA decided to help Iran counter Soviet influence in the region. Then in June 1972 Iraq nationalised its oil facilities and the USA had an even more important reason for undermining the regime, to regain its stake in the oilfields. (Atroushi 1994: 2)¹

The conflict over oil in the region is not a new phenomena but one that emerged right at the start of the twentieth century. Already disputes between nations far removed from the region had begun to shape the history of the Kurds in 1916. The direct desires of the Kurds have always been superseded by the greed of governments and large corporations elsewhere in the world:

“Mosul was an initial problem because under the secret Sykes Picot treaty of 1916² between Britain and France,

* Mustafa Barzani was president of Kurdistan democratic party (KDP) he died on 1 March 1979 at Georgetown hospital, Washington DC. MUSTAFA BARZANI 14. 03. 1903 - 01. 03. 1979 the most prominent Kurdish national leader, Mustafa Barzani, was President of the Kurdistan Democratic Party (KDP) when died on the 1st March 1979. His death occurred at George Town Hospital, Washington DC, and the body was flown to Iran and buried at Shno (Ashnobia) in Kurdistan, Western Iran. Hundreds of thousands of Kurds and others mourned him. His memory will remain alive in the hearts of millions of Kurds who support the aims he struggled for all his Life. Barzani will remain a towering figure in the history of Kurdish people. By Alex Atroushi / <http://www.xs4all.nl/~tank/kurdish/htdocs/lib/barzani.html>

¹ Alex Atroushi, Kurdistan Democratic Party – Iraq (KDP) site editor, “Mustafa Barzani – the Kurdish hero 14 March 1903 – 1 March 1979” revised on 16 April 1994. <http://www.kdp.pp.se/barzani.html>

² Sykes-Picot agreement: An unofficial understanding reached in May 1916 between representatives of the French and British governments on how to divide up the eastern sector of the Ottoman Empire after its occupation. It was substantiated in the San Remo conference and mandate system, which followed the end of the First World War. Although initially secret, the details came into the hands of the Russian revolutionaries in November 1917, and were published widely in the Arab world.

France was to take half of the of Mosul district to add to its Syrian demands. Oil production and potential was already a strategic factor. Britain wanted both parts of Mosul, which contained Kirkuk. The Sykes-Picot treaty was pushed aside and Britain got its way. Oil was struck in Kirkuk in 1927 making that area together with Mosul the richest known oil-producing region in the world.” (Interview with Yosef, 6 April 2000)¹

The internal conflict over the possession of oil rich territories has always overshadowed the issue of Kurdish autonomy. However, it should be noted that the Kurdish claims to the territory predate the emergence of world economic preoccupation and dependence on oil. It is quite likely that the people of the region in the early twentieth century anticipated the future value of oil and cynics would argue that their claims today are solely concerned with the land and commodities they can potentially procure for themselves but the question still remains; why should the people need to procure land and resources which they have lived on for 2000 years.

The international community has suggested far less reasonable and disinterested solutions for what is to become of the oil reserves of Kurdistan. Oil was and remains the principle motivation for British military activity in the region, Mr. Yonadem said in his notes during a personal interview following World War II, US interest was added to the shaping of policies that impact the region. Mr. Yonadem added that the reason for this interest is clear and apparent since the Kirkuk oilfields are among the easiest and cheapest to exploit. (Interview with Yosef, 6 April 2000)²

¹ Personal communication from Mr. Yonadem Yosef Hanna, Iraqi Kurdistan regional government Minister (place and date of interview: Iraqi Kurdistan 6 April 2000)

² Personal communication from Mr. Yonadem Yosef Hanna, Iraqi Kurdistan regional government Minister (place and date of interview: Iraqi Kurdistan: 6 April 2000). The total numbers of Kirkuk wells are 22 and as for the average of the production of each single well is about 30,000 barrels a day. However

On the other hand highlighting the policy of greed relating to Kirkuk oil rich territory has ultimately deprived the Kurdish people of territory that they are entitled to by heritage. In the United States they even have their own reserves, which they refuse to use in case there is a shortage and so that they will be left with their own supplies in the event of wars affecting supply. In addition, Arab oil revenues, to say nothing of marketing, research, and industry management, are based in the United States. This has effectively made the oil-rich Arabs into huge customers of American exports; this is as true of states in the Persian Gulf as it is of Libya, Iraq and Algeria, radical states all. The point is that the relationship is a one sided one, with the United States a selective customer of a very few products (oil and cheap manpower, mainly), the Arabs highly diversified consumers of a vast range of United States products, material and ideological. (Piro ٢٠٠١: ٣٣-٣٤)^١

In the late twentieth century a new dimension was added to the problematic question of the oil supplies that now makes it difficult for nations, even the US, to impact policies that relate to the regulation of territory rich in oil. The huge oil companies are now the largest and wealthiest institutions in the world; their wealth now

the production capacity of some of these wells in this field amount to ١٠٠,٠٠٠ barrels per day. In ١٩٥٨ the amount of oil produced from Kirkuk fields namely reached a total of ٢٠٠ million tons, the fact, which oil historians consider an exception for one single field in this respect. There are also the fields of Ain Zala and Batman North West of Mosul and Nafit Khana near Khanaqin. The oil fields of Kurdistan produce More than half of Iraq's production and reached to ١٨٠ million tons in ١٩٧٩. Its oil revenues amounted to ٢٦ billion dollars in the year ١٩٨٠. These famous oil fields have an international record in their production ranging from ٥ to ١٠ tons a day. They also have a recorded in the minimum production costs. The cost of a barrel is ٣٨ folds less than that in the USA and it is only ٤٠% of that in Kuwait and Saudi Arabia. Since ١٩٣٢ it has been started to build much oil pumping stations for exportation via pipelines have been started to establish in the same year^٢.

^١ Khasro Piro "Kurdistan, A Regional Profile." An economic study about Iraqi Kurdistan (Kurdistan, Iraq: ٢٠٠١). Ministry of cultural registering no: ٥٢٢ dated ٢, ١٢, ٢٠٠١, Kurdistan regional government press: Pak printing: Kurdistan at pp: ٣٣-٣٤

exceeds the wealth of individual nations. These corporations can influence and dictate the political future of Kurdistan because of their power to manipulate governments to allow them to trade with complete freedom and authority. They must be educated to appreciate the human cost of their desire for profit, they must be broken up into smaller functioning units and their wealth must be decentralized.

A comprehensive alternative energy programme could be combined with assistance for Middle East states like Iraq to develop alternative industries that ensure their economy does not collapse as the need for oil declines. This long-term strategy might perhaps pave the way for future stability in the region. The question in the twenty-first century is how to regulate massive global corporations whose cross border structures allow them to circumvent local laws that protect regional interests. An international organization like the UN could be granted regulatory powers but perhaps a more realistic solution is that the wisdom of the workers, scientists and technicians within the organizations themselves come to promote self-regulation. The need to move towards alternative energy strategies is well understood by scientists and researchers who realize that oil must eventually run out. Henry Semat notes:

“Essentially, we use dead plants (coal and oil) to energize our machines. On this planetary scale, we are like children, taking our first hesitant and clumsy steps into space”. (Semat 1999: 19)¹

When oil does run out, nations and organizations, which have acted to find alternative solutions to energy shortages, will actually benefit from more forward thinking policies. In reality it may be more in the interests of the international community to return Kurdistan to its rightful inhabitants and for global multi-nationals

¹ Henry Semat, professor of theoretical physics at the city college of New York, from ‘Visions’, published by the Oxford University press, Great Clarendon Street, Oxford OX2 1DP 1999 at p: 19

to look for long-term profits elsewhere instead of short-term profits at the expense of all.

Iran and Iraq war

The circumstances of the Iran and Iraq war¹ demonstrate that in order to secure peace in the region the international community autonomously must address desire to rule. It became evident during the war that Saddam Hussein's Ba'ath regime² was unable to maintain control over the Kurds and that his government clearly had no claim to be representative of the people, since it repressed the civilian population only to find them revolt during war time. (Ersoy 2000: 29)³ In Iraq, Kurdish people took advantage of Saddam Hussein's preoccupation with Iran to free much of their

¹ The Iran – Iraq war commenced with Iraq's full-scale invasion of Iran on 22 September 1980. Initial Iraqi advances were reversed by strong Iranian counterattacks from 1982, reaching their culmination when Iran occupied Iraq up to the Tigris river in 1986. Both sides attacked each other's oil facilities, and from 1986, each other's capital cities. Iraq extensively used chemical weapons against Iranian troops and civilians, as well as against the Kurdish population of Iraq, many of whom fought in support of Iran. Iraq pressed for cease-fire from July 1986, but Iran only accepted it in July 1988 after the US joined the War against Iran. Up to two million people were killed in this war.

² A Pan –Arab political party created in September 1946 in Syria by Michel Aflaq and Salah al Din Bitar, to strive for Arab unity and independence and socialism. Ba'ath means renaissance or rejuvenation. It has had branches throughout the Arab world, but has achieved greatest success in Syria and Iraq, where rival and competing wings of the Ba'ath party form the ruling parties in each country. In Iraq, Ba'athists formed a key element in the republican revolution led by the Qasim of July 1968, but after further persecution, led the coup of February 1972. Internal coups within the Ba'ath party continued until July 1978 when the current ruling faction came to power.

³ Article by Soit Ersoy "Internal Conflict Investigations" in *celeme degisi* magazine, printed and designed by the Yayin publishers, Tic. Ltd. Sti (Iraqi Kurdistan: May 2000) at p: 29

territory from his rule. Kurdish parties joined with other opponents of the Ba'ath regime and formed the democratic patriotic front. The Kurdistan Democratic Party of Iraq, the Patriotic Union of Kurdistan led by Jalal Talabani, the Iraqi Communist Party, and the Kurdistan People's Democratic Party, which split from the KDP under Muhammad Mahmud Abdul al Rahman in ١٩٨٢, the Kurdistan Socialist Party, and several other smaller groupings eventually supported this.

The activities of these groups were questionable from a western perspective in that they perpetrated a number of kidnappings of western hostages the issue of terrorism and what constitutes terrorism is now a highly complicated subject, especially in view of the current American led war on terrorism. It is worth noting that the Oxford English Dictionary describes a terrorist as 'a person who uses violence and intimidation in the pursuit of political aims'. There is no case to be made for justifying terrorism but it is important to examine from whose perspective activities are considered acts of terror. However, history has shown that these political leaders acted for improved social conditions despite the methods employed by some of their supporters. During the Iran and Iraq war and throughout the history of the Kurds their cause has been systematically ignored by the international community. Mustafa said:

^١ Talabani, however remained active in the Kurdish national movement, and when Barzani's rebellion collapsed in ١٩٧٥, Talabani set up headquarters in Damascus where the regime of Hafiz Al-Assad inimical to the Iraqi Baathists, provided him base from which to continue the Kurdish resistance. Talabani's group, the Patriotic Union of Kurdistan (PUK), conducted Fedayeen type raids into Iraq, when the war between Iran and Iraq broke out in September ١٩٨٠, Talabani's PUK established bases in Iraq, in the Sulaymaniyah region of southern Kurdistan. Masoud Barzani President of the KDP did not surrender. Early in September ١٩٨٨, he called upon the Peshmerga to leave the camps and return to the fight. Iran allowed many Peshmerga to cross back into Iraq, re-equipping them as they came through from Turkey. Jalal Talabani, leader of the Patriotic Union of Kurdistan, was also returning to action and had joined with Barzani and four other Kurdish parties to form the United Kurdish Front.

“Notably, during this period Iraqi President Saddam Hussein had complete military support from Western powers and the USSR.” (Mustafa ١٩٩٢: ٢٥, ٢٦, ٢٨)^١

In his authoritative work ‘Costs and Consequences of American Empire’ Johnson highlighted the fact that western governments were prepared to support the Iraqi regime despite its terrorist legacy highlights the inconsistency of the international community in dealing with the Kurdish question. It is unrealistic to be confused by current rhetoric about worldwide terrorism and deny Kurdish claims to determine their own future, given such inconsistent policy making and the fact that Johnson emphasizes:

“One man’s terrorist is, of course, another man’s freedom fighter, and what U.S. officials denounce as unprovoked attacks on its innocent citizens is often meant as retaliation for previous American imperial actions. Terrorists attack innocent and undefended American targets precisely because American soldiers and sailors firing cruise missiles from ships at sea or sitting in B-٥٢ bombers at extremely high altitudes or supporting brutal and repressive regimes from Washington seem invulnerable.” (Johnson ٢٠٠٠: ٩)^٢

McDowell laid out during the Iran and Iraq war, due to the rate of desertion of Kurdish forces in support of Saddam Hussein, it was necessary for him (Saddam) to offer an amnesty if they would return, promising they would not be sent to the main battlefronts. Saddam claimed that ٢٦٠٠٠٠ returned to fight for him but it is probable that his claim was grossly exaggerated. The events of the Iran and Iraq war only contributed to the distrust felt by the Kurds, a distrust that continues today. During ١٩٨٣ PUK leader Jalal Talabani began secret contacts with the Saddam Hussein regime.

^١ Ibrahim Mustafa “Al-Anfal” Kurdish liberated zone (Safe Zone), first edition, Khabat publisher, ١٩٩٢, revised by Karwan Akray - Dohuk media centre, Kurdistan region, Iraq: ١٩٩٢ at pp: ٢٥, ٢٦, ٢٨

^٢ Chalmers Johnson, Blowback “The Costs and Consequences of American Empire.” Published by Little, Brown and Company in ٢٠٠٠, (UK), Brettenham House, Lancaster Place, London WC٢E ٧EN at p: ٩

Later in that year it resulted in a cease-fire agreement that suited both Talabani and Saddam Hussein under which Talabani would speak for all Iraqi Kurds. Talabani's agreement with the Iraqi regime gave him both breathing space and a new lease on life, as he was given arms and money to defend Iraqi Kurdistan from Iranian threats. McDowell added:

“In his turn Talabani made a number of autonomy demands, a few of which were accepted by Saddam, but not all. In return Saddam wanted much greater Kurdish cooperation in the war effort against Iran. An argument arose over Kirkuk. Talabani wanting a share of its oil income to improve local Kurdish housing and education, while Saddam wanted to devote all of it to his war with Iran. The two men both understood and used each other. It was said that PUK collaboration enabled the Baghdad government to free a number of divisions based in Kurdistan to fight Iran.”
(McDowall ۱۹۹۶: ۲۶)^۱

A report by physicians and human rights defendants in Turkey on February ۱۹۹۸ revealed the promises made by Saddam Hussein in return for the support of the Kurdish people have been vanquished in recent years and following the Iran and Iraq war. It seems clear that a situation whereby Kurds enjoy normal freedoms and are free from torture and persecution cannot be secured simply with promises from the Iraqi government. It is doubtful whether the infrastructure exists for the government to administer such freedoms even if they were not deliberately persecuting the Kurds as at present, or would do where it not for the current international

^۱ David McDowall “The Kurds” minority rights groups international, an MRG international report, first report published June ۱۹۷۵, this revised and updated seven edition published December ۱۹۹۶, typist by texture. Printed in the UK on bleach-free paper by MFP design and print at p: ۲۶

protections the Kurds currently enjoy. (Physicians Human Rights 1998: 22)¹

The use of these weapons during the war appears to have set a precedent for their use in Iraq to suppress the Kurdish minority despite international agreements, ratified by Iraq, which prohibit their use. The Iran and Iraq war should have served as a warning to halt the spread and use of such weapons. Unfortunately this warning does not seem to have been adequately heeded by the international community and their use has continued to spread.

The Gulf War and resulting refugee crisis

The exodus of Kurdish refugees has been described as the ‘crisis which finally forced the international community to confront the situation of the Iraqi Kurds head-on and which provoked the extraordinary measures for their international protection that came only after the 1991² Gulf War in response to a human tragedy of unimagined proportions.’³ It would be wonderful if this indeed was the motivation of the intervention of the international community. Certainly the question of whether or not the ‘human tragedy’ element of the crisis brought about the action taken is an interesting one. For the moment the thesis discusses how the Gulf War acted as a catalyst for the international community addressing the issue of the Kurds. In a later chapter the thesis discusses the inconsistency of the international community relative to its intervention tactics in the case of the Kurds and its decisions not to intervene in places elsewhere in the world other than Kurdistan

¹ Report of a medical mission to Turkish Kurdistan by physicians human rights on February 1998 “Winds of Death” Iraq’s use of poison gas against its Kurdish population, edition number 121 (Alshareh college printer: Iraq) at p: 22 <http://www.ex.ac.uk/awdu/ktlirq2.htm>

² 1991 Uprising: The uprising against the administration of Saddam Hussein, and nearly toppled the government after the Gulf War in 1991.

³ Invasion of Kuwait: Undertaken by Iraqi forces on 2 August 1990, this led to the Gulf War.

where atrocities were evident on a similar scale and in fact much greater scale.

When Iraqi armed forces occupied Kuwait on 2 August 1990 it is not clear how much in the forefront of the minds of the international community the Kurds were. However a chain of events was set in place culminating in the refugee crisis and leading to military intervention in their favour.¹ Saudi Arabia asked for US military assistance and US troops landed there. A military build-up evolved into an American-led coalition of some 35 national contingents, with Iraq becoming an allied enemy. Saddam Hussein remained defiant, refusing to withdraw his troops and the confrontation intensified as allied forces accumulated strength and sophisticated weaponry. (Kurdish Observer report 1988: 16)²

The reasons behind the motivation for the US to mount the Gulf War military campaign were in fact quite different than for humanitarian reasons according to one source, Bernard Trainor the co-author of a book called 'The General's War'. He comments that the US administration was in fact well disposed to Saddam Hussein until just prior to the invasion of Kuwait:

¹ The Allies plan "Operation Provide Comfort" which provided humanitarian assistance for the Kurdish refugees, was carried out with tact and efficiency. The performance of the US led coalition forces was impressive and admirable. The Coalition's aid saved the lives of hundreds of thousands of men, women, and children from starvation, disease, and severe cold weather on the snowy mountainside. Consequently the Kurdish refugees believed and trusted the Coalition forces and considered them to be their saviours and protectors. Now they are beginning to say that the Kurds have friends from the great Western democratic nations. For more details see a report on the Kurdish situation following allied withdrawal from Kurdistan on July 10, 1991 by Mustafa Al Karadaghi, director, Kurdish Human Rights Watch November 17, 1991 a non profit humanitarian organisation. The United States Branch P.O. Box 1304 Fairfax, VA 22030 restricted.

² A report by the Kurdish observer – special edition "An Independent Political and Cultural Periodical" Kurdish cultural centre publications, Typesetting by lode vandermealen, number 4 (London: June 1988) at p: 16

“They knew Saddam Hussein was a brutal dictator, but the devil you know is...is better than the devil you don't. So we (The US) were extending bridges, primarily through farm credits and so forth, with the Iraqis, hoping to use them as a counter-balance against Iran. That was the policy and when Saddam Hussein started to threaten Kuwait, the administration had a great deal of difficulty accepting the fact that their bridge-building policy was a failure.” (Trainor 2000)

Another fact obscured by the history of the US government's humanitarian propaganda is that one time presidential candidate Bob Dole visited Saddam Hussein as a representative of the US farming community who gained from valuable export contracts to the dictator, so it was US domestic policy that shaped the events that led Saddam Hussein to invade Kuwait because when the US ambassador at the time, April 1991, Glaspie, visited Baghdad 'she indicated, pretty much under instruction from the State Department that the United States wanted to be friends with everybody in the region, and that inter-Arab disputes were the problems of the Arabs, not the United States. Saddam Hussein therefore imagined that he was free to invade Kuwait and the US intelligence agencies no doubt had plenty of foreknowledge that troops were amassing on the border with Kuwait. Some believe that the US did not really believe that Iraq would invade but perhaps the US intelligence agencies had a long-term strategy in mind, perhaps following the end of the cold war they were looking for an enemy in the region. Perhaps by allowing the invasion to take place and outrage the Middle East community the US knew it could gain support to engage in military action and so place troops in the region. (Trainor 2000)

In a perceptive article Lyon laid out his opinion of the motivation for the Gulf War; once the US had decided to intervene, Turkey followed suit and Ankara allowed Turkish NATO air bases

¹ The Gulf War “Oral History” Bernard Trainor, 2000 <http://www.pbs.org>

² The Gulf War “Oral History” Bernard Trainor, 2000 <http://www.pbs.org>

at Incirlik and other places to be used by the Allies for aggressive military purposes. It is interesting to note in view of the fact that at the time of writing the US is currently proposing military strikes in Iraq, with or without sanction or authorisation from the UN, that the Arab world is now firmly opposed to such action as was made clear by the speech made by the Egyptian president: Lyon further reviews:

“Striking Iraq is something that could have repercussions and post-strike developments. We fear chaos happening in the region,” Egypt's Mubarak told a group of students, adding there was ‘no need’ to attack the sanctions-hit Arab country.”
(Lyon ٢٠٠٢)^١

Whether or not the US achieves its aim of negotiating support for attacks and fresh military strikes on Iraq it seems clear that the Arab world, although it might agree given enough pressure to support the attack on Iraq, to all intents and purposes does not support such action. In relation to the Kurdish situation and given experience elsewhere in the world it seems clear that such attacks are more likely than not to increase the suffering of ordinary civilians rather than alleviate or improve their status. The situation that existed prior to the Gulf War was quite different in that there was greater support from the Arab nations towards intervention due to the invasion of Kuwait. If Arab nations are forced to co-operate under duress then it seems unlikely that the international community can achieve a lasting solution for the Kurds and certainly the current situation, assisted by the Gulf War, leaves the Kurds in a very perilous situation reliant on the international community. When we consider that the Kurds were actually encouraged to defy Saddam Hussein during the conflict it would seem highly unfair to suddenly withdraw support for these people:

“When the military campaign was initiated in ١٩٩١ to drive Iraqi troops out, however, the allies led by the United

^١ Iraq defiant and Arabs alarmed after war talk, article by Alistair Lyon, Middle East diplomatic correspondent, Tuesday August ٢٧, ٢٠٠٢, ٠٥:٢٨ PM, Reuters, Yahoo News

States called upon all Iraqis and Kurds to rise up and help overthrow Saddam Hussein. There was hesitation based on concern for the Kurds if they failed, but initially they achieved considerable success and the bulk of Kurdistan was soon under the control of the Kurdish militia forces". (History Guy 1991: 3-5)¹

Cook further noted the kind of treatment Kurdish forces can expect if protection is withdrawn or reduced for the Kurdish population of Iraq is not something that requires much speculation. Once the allies had halted their advances on Iraq's borders, Saddam Hussein forces, which were much better armed than the Kurds, were free to turn their fury against them. In breach of the cease-fire agreement, Iraqi aircraft and helicopter gunship attacked Kurdish positions and fear spread that chemical weapons would be used. Iraqi forces soon re-occupied areas liberated by the Kurds who fled across the Turkish and Iranian borders in complete disarray.² The speed of the government's victory was largely due to lack of organization among the Kurdish opposition. The underlying reason for the collapse of the Kurdish uprising was the realisation that the West had no intention of intervening on its behalf and so the heart suddenly went out of the resistance. Government successes were broadly confirmed by Massoud Barzani Kurdistan Democratic Party president who alleged that in the process thousands of Kurds

¹ Roger Lee "The history guy" military history. The Persian Gulf War: 1990-1991 at pp: 3-5 <http://www.historyguy.com>

² The Allies plan "Operation Provide Comfort" which provided humanitarian assistance for the Kurdish refugees, was carried out with tact and efficiency. The performance of the US led coalition forces was impressive and admirable. The coalition's aid saved the lives of hundreds of thousands of men, women, and children from starvation, disease, and severe cold weather on the snowy mountainside. Consequently the Kurdish refugees believed and trusted the Coalition forces and considered them to be their saviours and protectors. For more details see a report on the Kurdish situation following allied withdrawal from Kurdistan on July 10, 1991 by Mustafa Al Karadaghi, director, Kurdish Human Rights Watch November 14, 1991 a non profit humanitarian organisation. The United States Branch P.O. Box 1304 Fairfax, VA 22030 restricted.

had been killed and around two million had fled into the mountains as part of a tactical withdrawal to escape the government's programme of genocide and torture. (Cook 1990: 34-35)¹

According to Birch, it was clear that if further military action were taken the resulting backlash from the current regime would be terrible. Experience has shown that Washington's apparent intention to remove Saddam Hussein from power could leave a power vacuum that may only be filled by an even more violent or volatile regime. A regime that can perhaps expect greater support, if it supports western targeted terrorism, from other Arab nations in the future, given the UN and western democracies continued determination to look for solutions without acknowledging the advice of nations like Egypt and Saudi Arabia; nations whose cultural, religious and linguistic traditions give them in a far greater understanding of the current, or any newly formed, Iraqi leadership and countries who are impacted heavily by any new regime. These considerations are important but more so are what the Kurds think about any renewal of Gulf War style military intervention. Birch concludes:

“If war broke out, however, it would interrupt food and oil supplies, which travel to Kurdistan by way of storage places in Mosul and Kirkuk, both under Hussein's control. In addition, Kurds worry that a new, US supported regime installed in Baghdad would end the oil revenue-sharing arrangement. Kurds fear a new Iraqi ruler would be cast in the mould of Saddam, perhaps one of his Sunni ex-generals, Nizar Kharaji or Fawze Shamari, both of whom have defected to the West. ‘A terrible idea,’ says Abdulrahman. ‘The only difference between these men and Saddam is that he has his hands tied behind his back.’” (Birch May 0, 2002)²

¹ Helena Cook - international human rights lawyer. “The Safe Haven in Northern Iraq.” Published by the human rights centre, university of Essex and the Kurdistan human rights projects (London: KHRP 1990), at pp: 34-35

² Iraq's Kurds aren't looking for a fight, Nicholas Birch, the Washington Post, Sunday, May 0, 2002

Mohammed Khalil believes there is clear cause for concern for any action taken in Iraq to remove Saddam Hussein. Where are the guarantees and provisions for any new government? Where are the assurances and plans to take the place of the current regime? These are questions, which must be raised and addressed before action is taken; the aftermath of the Gulf War demonstrates the appalling consequences if no international contingencies are made prior to military intervention. After the defeat of Saddam Hussein's forces during the Gulf War an uprising took place leading to displacement of Iraqi government control of the Kurdish region. Crucial to the success of the uprising were the government's Kurdish auxiliary forces disparagingly known as Jash (little donkeys) who defected to join the insurgents (Kurdish rebels) The town of Raniya fell to the insurgents on 4 March 1991 and one town after another followed during the next few days until even the major oil city of Kirkuk fell on 19 March. Rebel forces had the capability to capture but not to keep many areas. Consequently, this success was short lived for Saddam despatched artillery, armoured forces and helicopters northwards to retake rebel-held areas. On 28 March a massive counter-offensive drove the rebels out of Erbil, Duhok, Kirkuk and Zakhu. Up to 100,000 Kurds and Turkomans were captured and many executed. (Mohammed Khalil 1998: 101-106)¹

According to Save the Children Fund an organization active in northern Iraq over the last 10 years, military action taken by the US and NATO in the region promoted an uprising that was actively encouraged, weapons were supplied but then the US withdrew from its stated intention of toppling Saddam Hussein. In response

¹ Since the beginning of August, 1991 Saddam Hussein has been moving units of the Republican Guard to Kurdistan (Northern Iraq) and has been concentrating them around Kirkuk, Erbil, and Sulaimania. On August 15th 1991 five armoured brigades of the Republican Guard arrived in Kirkuk and other areas of Kurdistan and took position around the Kurdish cities in a military formation which encircled and blockaded the region. See report by Dr. Ismail Mohammed Khalil, professor of demography, at the University of Salahaddien. "The Kurdistan Region of Iraq, Studies in the National Demography" (Iraqi Kurdistan: 1998) at pp: 101, 106

Saddam Hussein rapidly suppressed the Kurds as soon as the support was withdrawn. Further evidence that one-off military intervention causes as many of the problems that it arguably solves was that the refugee crisis began in earnest. Save the Children Fund report further notes:

“Remembering the nightmare of the Anfal [*A campaign of human rights mass murdering*] mass panic gripped Kurdistan. Over 1,0 million Kurds abandoned their homes and stampeded into wintry mountains to reach the safety of Iran or Turkey. Iran allowed over one million to cross the border. Turkey refused to open its borders, their troops beating refugees back with their rifle butts. This led to a further crisis to that already faced. Many died of exposure.” (Save the Children Fund 2000: 2, 6)¹

Mr. Banna, Kurdistan regional government representative to United Kingdom, has further emphasized that West had involved itself in the region, whether it had planned for it or no, and the subsequent media attention in Kurdistan was seen to force the UN and the US to continue assisting the region due to public outcry. This factor seemingly resulted in the creation of the Safe Haven in northern Iraq. The stiff resistance of a handful of KDP fighters near the hill resort of Salahaddin and the threat of renewed coalition attack on Iraqi troops persuaded Baghdad to halt its advance. In mid-April the US-led coalition composed of forces from some eleven countries established a safe haven that prohibited Iraqi helicopters from flying north of the 36th parallel. On 28 April 1991 the coalition forces began facilitating the movement of refugees from Iraqi Kurdistan off the mountains and back to their homes. (Banna 1999: 4)²

¹ Potential humanitarian crisis in Northern Iraq by save the children fund United Kingdom (Manchester: 2 April 2000:)

<http://www.geocities.com/iraqinfo/index.html?page=/iraqinfo/home.html>

² Siamand Banna, Kurdistan regional government representative “The Safe Haven, Past and Future under the Sanction’s Regime.” Iraq Report, 1999

<http://www.geocities.com/kurdistanobserver/10-3-01-banaa-opinion-safe-havens.html>

A report by Public Relations and Information Office in northern Iraq also indicated that the Gulf War brought to light the interesting paradox that is humanitarian aid policy. The presence of international media made public the fact that in many conflicts where humanitarian aid is given, the aid is ineffectively distributed and misappropriated. This fact has often been ignored in past conflicts but the Gulf War refugee crisis was different and media coverage made it apparent that Saddam Hussein was trying to divert aid:

“At the same time of the refugee crisis Saddam Hussein discouraged foreign intervention insisting that all foreign aid should be channelled through the Iraqi Red Crescent. But finally under Allied pressure and the passage of UN Security Council resolution ٦٨٨^١ the Iraqi government allowed UN agencies, international NGOs, and components of the International Red Cross and Red Crescent Movement to enter the country and assist people who were displaced, both refugees and internally displaced people during the early months following the conclusion of the ١٩٩١ Gulf War resolution ٦٨٨ the cooperation of the Iraqi government was satisfactory.” (Public Relations and Information Office Iraq ١٩٩٩: ٢٠٢)^٢

In an interview with Mr. Fares Koramarki, former military commander of Kurdish resistance in Northern Iraq during seventies, he explained to me how the intervention of the UN to ensure that aid was being properly administered was a step forward for the way humanitarian aid policies are carried out by the organisation, but it is naïve to suppose that informed public opinion had a great impact on these decisions. Questions do need to be raised though about the thoroughness and implementation of UN

^١ SCR ٦٨٨ (٤ April ١٩٩١): A resolution condemning the repression of the Iraqi civilian population in the post-war civil war and demanding that Iraq immediately ends this repression (See Appendix No: ٦)

^٢ Reports on facts of the cause and practices, prepared by the public relations and information office in Dohuk governorate, Iraq ١٩٩٩, first edition at p: ٢٠٢

policies, but not via the conventional media, which is notoriously selective about which issues are important. The focus on humanitarian aid by the media at the time and temporary support for improving UN humanitarian impact in the region has since allowed a permanent foreign military presence to remain poised to strike at Iraq from the air. The number of ground troops actually protecting the people in the region was first reduced and then completely withdrawn after an initial force was deployed to return refugees to their homes. Clearly organisations like the UN, who make resolutions, must be granted adequate funding to implement policies to protect Kurds and maintain them when the media spotlight is gone. If there is a new war in the region then it is unlikely that the current stability in Kurdistan will remain, as Saddam will have nothing to lose with a renewed attack on the northern region. Constant independent monitoring and auditing must see that the UN does its job consistently and over the duration of time sufficient to guarantee peace.¹

I believe that the international media and UN are currently open to abuse and selective favouritism since only some states has votes and even fewer vetoes. The only way to change this is if the international public take an interest and awareness in international policy-making, enabling and legitimising decisions made by the UN so that they are made reprehensive of all the peoples of the

¹ Iraq's Foreign Minister, Hoshiyar Zebari accused the United Nations Security Council today of having failed to help rescue his country from Saddam Hussein, and he chided members states for bickering over his beleaguered country's future. The United Nations as an organization failed to help rescue the Iraqi people from a murderous tyranny that lasted over ۳۰ years, and today we are unearthing thousands of victims in horrifying testament to that failure. Mr. Zebari declared the UN must not fail the Iraqi people again. Mr. Zebari took issue with these steps, saying that Iraq could guarantee the United Nations whatever security it needed to return sooner and nothing the importance of having the organization back in Baghdad. He continued: I would like to remind you that the governing council is the most representative and democratic governing body in the region. For more details see New York Times "Iraqi Minister Scolds UN for Inaction Regarding Hussein." By Warren Hoge December ۱۶, ۲۰۰۳

world. According to Mr. Koramarki the refugee crisis provided support for the case of intervention in favour of a locally elected self-determining government, as the actions of the Iraqi regime showed that a repressive regime can create problems for countries outside their own borders and so warrant international intervention. The trial of a self-determining government for the people of the region has proved far more satisfactory, since the Gulf War, for the people who live in Kurdistan but also for the nations of the Middle East. Increased stability of the Kurdish region would mean that the pressure of refugees need not be repeated and pressure on external governments, like those of Turkey and Iran, can be alleviated. Mr. Koramarki described what happened when the Kurds fled by the thousands to Turkey and Iran. He claims it was the greatest mass migration of Kurds in modern times. It had an immediate impact on Turkey and Iran, but it also affected the peoples and governments of dozens of other states, as well as the United Nations and the whole international community.” (Interview with Koramarki May 1, 2000)¹

Furthermore a Kurdish Human Rights activist refused to be named explained that it was perhaps this that eventually lifted the ‘laissez-faire’ attitude of the international community as regards the plight of the people of Iraq. He said that the events of the Gulf War clearly point out the fact that the UN must take greater and more comprehensive steps to promote respect for human rights. If the UN, with the support of its wealthiest members, does not take steps to solve the problem in Kurdistan then the cost will be a massive increase of illegal and uncontrolled immigration. A problem that has already revealed itself in the ten years following the Gulf War and which was capitulated by the policy of the Turkish government that has long occupied itself with oppressing its Kurdish minority. He added:

¹ Personal communication from Mr. Fares Koramarki, former military commander of Kurdish resistance in northern Iraq during seventies (place and date of interview: Iraqi Kurdistan 1 May 2000)

“It was, however, the Turkish policy or objective to stop the Kurds at the border. Turkey did not want to allow a situation to develop that might lead to a permanent core of refugees in the country, nor would it allow the Kurds to attempt to join in the life of the Kurdish people in Turkey. And finally, the refugees were to be stopped on the Iraqi side of the border, which meant keeping them on the mountaintops, not in the populated and accessible valleys on the Turkish side of the frontier, where they could have been organized much more easily. This situation caused Kurds who were active in Europe and where they had an efficient organisation, to raise powerful voices on the behalf of the refugees in many countries.” (Interview with a human rights activist May ๑, ๒๐๐๓)¹

¹ Personal communication from a Kurdish human rights activist (Iraqi Kurdistan: ๑ May ๒๐๐๓)

Chapter 4.

Who would lead a self-determining Kurdish state?

Why listen to the Kurds?

One of the main criticisms and arguments against Kurdish self-determination regards the leadership of such a state if it were to be created. The thesis intends to give a good overview of the arguments that pose such questions as; if they cannot even stop fighting amongst themselves why should we help them? Why don't we just leave them to get on and destroy one another? Such questions betray the ignorance and complete lack of responsibility of the politicians and nations that suggest them. If instability and infighting exist in Kurdistan it is partly due, as previously stated, to the foreign policy of current members of the international community. Moreover, as will be shown later, the weapons available to various guerilla groups, as well as the Iraqi state, have been supplied by western democracies, eager to grow their own economies. These countries, heavily dependent on the arms trade, obtain growth at the expense of assisting the prevention of conflict elsewhere in the world. According to Zerbext it is unreasonable to expect potential Kurdish leaders to establish a democratic state (whatever that means) without massive policing and funding to create an infrastructure that can deliver the kind of freedoms for its people imposed by standards set for the treatment of the citizens of

some well developed members of the international community. (Zerbext ۱۹۹۹: ۱۳-۱۴)^۱

Barzani and the establishing of a new state

As far as the people of Kurdistan are concerned there has been one outstanding political figure from their perspective behind whom they could have stood united, had they been given the support of the international community to establish their own state. Mullah Mustafa Barzani was the leader of the Kurdish Democratic Party (KDP) Hawrami notes:

“Throughout the upheavals of the twentieth century Mullah Mustafa Barzani provided consistent leadership in ‘۱ March agreement’ and also through out the history of Kurdish struggle. He remained the shining flame in the darkness even when he discovered the magnitude of the challenge that the Kurdish freedom movement was facing. Within the organisation Mustafa Barzani was the leader who remained committed to achieving freedom by using economic

^۱ Murteza Zerbext “Barzani and the Establishing of a New State.” Translated by Shewket Sek Yezdin (Aras publications - first edition: Iraq ۱۹۹۹) at pp: ۱۳ – ۱۴

^۲ ۱۹۹۱ Uprising: The uprising against the administration of Saddam Hussein which engulfed the country and nearly toppled the government after the Gulf War in ۱۹۹۱. Allied inaction allowed the government of Iraq to suppress it. The ۱۹۹۱ Kurdish uprising and its disastrous consequences prompted the United States of America and Great Britain to create a safe-haven zone to entice the fleeing Kurds to return to their homes from the snow-capped Kurdistan Mountains. This was done partly to relieve Turkey, a close American ally, from the political repercussions and economic burden of the flow of large numbers of Kurdish refugees from Southern Kurdistan-Iraq to the Kurdish region of Turkey. Since the ۱۹۹۱ Gulf War, the US and Britain have protected the Kurds from Saddam Hussein, partly for humanitarian reason and partly to use the region to contain Saddam Hussein. Also see again, the Kurds are at a Crossroad by Dr. Mohammed M. A. Ahmed ۰۳/۳۰/۲۰۰۲ <http://kurdistan.org/Current-Updates/mohammed.html>

growth to move towards independence. This shifted the movement from a terrorist framework to being the political and economic future of new Kurdish generations. After centuries of social oppression and national hardship the Kurds' goal became progress, freedom, and the application of social democracy within a wide decision-making group that included the Kurdish workers.” (Hawrami ۲۰۰۲: ۲۴-۲۷)^۱

Birch has noted that Barzani's willingness to proceed on democratic lines may not have been as far reaching and as precisely worded as UN resolutions on human rights phrased by western educated bureaucrats, but they would certainly have stood more chance of practical implementation. Decisions made at a local level along broadly democratic but culturally flexible, or if you like pluralistic, lines would have survived with less support than would be needed to conform to unrealistic UN resolutions, resolutions certainly ignored by the Iraqi leadership and the US, or any of the veto wielding countries that reserve the *right* to veto anything that interferes with their foreign policies. It is clear that some leaders are better choices than others and unfortunately by blanket branding of leaders like Barzani as Guerrillas the west vanquished opportunities for promoting peace in the past.

I believe that in the social conditions that currently prevail in Kurdistan any proposed leadership should enjoy reasonable benefit of the doubt and continued support from the international community even if occasional breaches of UN resolutions take place. The thesis analyses universal human rights doctrines as actually contributing to greater suffering.

What is an unalienable right? In my opinion, an unalienable right, as used by the UN, is a concept, a high-minded well intended idea that can be misused and used as an excuse to avoid humane, appropriate policy-making. Until an infrastructure can be established, infrequent breaches of UN resolutions should be investigated properly but not followed by the withdrawal of support

^۱ Dr. Affrasiar Hawrami “Mustafa Barzani ۱۹۴۵-۱۹۰۸” (Aras press publications: Iraq ۲۰۰۲) at pp: ۲۴, ۲۷

for a newly established leadership, providing such breaches do not become commonplace some growing pains in the creation of new states should be tolerated. On the other hand more established members of the international should aim to achieve impeccable adherence to UN resolutions and act as examples to prove to emerging democracies that they practice what they preach. A more pragmatic and local approach to world conflict and human rights abuses would mean that cultural and alternate views could begin to develop stable governing systems. (Birch May 0 2002)¹

In her authoritative work ‘Algiers Agreement Secrets 1975’ Pajman illustrates how the fact that Barzani died in 1979 demonstrates just how much the UN has failed since the end of World War II to promote its ideals and lend assistance to nations and organisations committed to establishing basic human rights for all. Other examples include Chile where in 1973 the US displaced the democratically elected government of Salvador Allende, promoting and supporting the succession of the military dictator Pinochet. If members of the UN continue to bolster such regimes can Iraq really be called upon to accept a self-determining Kurdish state? The UN needs therefore to lend its military support to a Kurdish leadership, whether or not some of that leadership’s self-determined policies are temporarily controversial. (Pajman 1997: 7-8)²

¹ Article by Nicolas Birch “Iraq’s Kurds Aren’t Looking for a Fight” Washington Post, Sunday May 0th 2002

² Aisa Pajman translated by Nazer Ibrahim “Algiers Agreement Secrets 1975” (Aras publications: Iraqi Kurdistan 1997) at pp: 7 – 8, Saddam Hussein makes surprise peace deal with the Shah of Iran at a meeting in Algiers. Within days, all U.S. support for the Kurds is stopped and Saddam begins to counterattack their forces.
<http://www.pbs.org/wgbh/pages/frontline/shows/saddam/kurds/cron.html>

Introducing the different parties

According to the final statement of the Kurdistan Democratic Party (KDP) 12th Congress, held in Kurdistan on 19 October 1999, there are two representative bodies currently involved in the decision-making processes as regards the future of Kurdistan? One of these parties is the Kurdistan Democratic Party (KDP). The policies of the Kurdistan Democratic Party always conceived of peacefully resolving Kurdish problem in Iraqi state through dialogue and democratic solutions. The aim of the party has been to build the institutions necessary to bring about a civic society, a society whose principles are to promote the greater political, economic and social involvement of the people of Iraq equally among them Kurds. The KDP has so far demonstrated willingness to be tolerant and respect religious groups and the right to worship freely. It has also acknowledged the cultural rights of Turkmen's, Assyrians and Chaldeans. The party strives to promote the greater influence of the Kurdistan Regional Government in areas of supervision, the implementation of resolutions and to procure a fair share the profits from Kurdistan's industries. During the period when UN Resolution 688 was implemented the KDP supported its aims. (KDP Press Release: 1999)¹ The Resolution alleviated immediate suffering but it will only prove successful if the cause of the Kurds is now pursued with international support for self-determined policies. The KDP has shown itself willing to negotiate reasonably and has reaffirmed since 1992 its commitment to the resolution adopted by the Kurdistan National Assembly (Parliament) in favour of federalism as the nature of the relationship with the central government within a democratic, parliamentary and pluralistic Iraq. Furthermore the party called for the right of the Kurdish people for federalism within a unified and sovereign Iraq. Finally the Kurdistan Democratic Party confirmed its deep respect for the understanding and friendships with

¹ Report by Kurdistan Democratic Party (KDP) press release "Final Statement of KDP 12th Congress held in Erbil" (Iraq: 19 October 1999) at pp: 3, 6
<http://www.kdp.pp.se/press/final.html>

neighbouring countries according to mutual respect and non-interference in the internal affairs of the other.¹

The views of the KDP probably would form an important part of any negotiations that are deemed to take part on their behalf. Without the inclusion of KDP and other Kurdish political parties in all decisions relating to the development of a stable and lasting peace in Kurdistan, nothing will be achieved for the future. The Kurdish leadership becomes more complicated after the emergence of the Patriotic Union of Kurdistan, the other contender for the leadership of the Kurds.² According to the Patriotic Union of Kurdistan the focus is rather for the international community to truly demonstrate its genuine interest in establishing peaceful solutions in areas of unrest. The emergence of the party was detrimental for the Kurdish cause because it lent support to the 'let them fight it out amongst themselves' attitude of many western governments. According to Patriotic Union of Kurdistan congress publication, in order to repudiate this attitude it is important to examine why the party came into being and most significantly when the Patriotic Union of Kurdistan (PUK) was founded in June 1976 after the collapse of the Kurdish struggle. The Party aimed to revitalize resistance and rebuild and direct Kurdish society along modern and democratic lines. Jalal Talabani has been the Secretary General of the PUK since its founding in 1976; he formally

¹ Security Council Resolution (SCR): A statement by the UN Security Council. Motions require a majority of votes to pass, but fail if any of the permanent 5 members vote against it. Security Council resolutions are not binding on the Security Council: It may alter its previous decisions by passage of subsequent resolutions.

² PUK struggles to attain the right of self-determination for the people of Kurdistan it claims its main political objectives are: to assure a democratic system and freedom of expression, freedom of ideology, freedom to establish political organizations, freedom of press and cultural rights of minorities in Kurdistan such as Turkmen, Assyrians and Arabs. The PUK also recognizes that Kurds are not only persecuted people in the Republic of Iraq and strives to defend the rights of all ethnic and religious minority communities in Iraq. In this regard the PUK claims it works with representatives of Iraq's Turkmen and Assyrian communities, as well as women's organizations.

announced the establishment of the PUK in June ١٩٧٦ from his refuge in Damascus. In its early years the PUK represented three different movements: the "Wide Line" consisting primarily of Talabani's personal followers, the Marxist-Leninist Komala, and "Bezoutneweh" the socialist movement of Kurdistan. The leadership of the PUK has always been under the authority of Talabani. (PUK Congress Publication ١٩٩٢: ٦)^١

PUK was formed because of the dissatisfaction that the ١٩٧٤ Autonomy Law caused. The Kurdish Democratic Party was seen to have failed in the promotion of Kurdish interests, even though the KDP did not agree to the law. Saddam Hussein had betrayed and manipulated the Kurds and his policies had the desired effect of demoralising and fragmenting the resistance movement. This, however, was not merely the responsibility of the Kurds or Saddam Hussein. Saddam Hussein, whilst fighting the Kurds, was in the process of developing his military power. Rather than risk military losses he made promises to Kurdish leaders while gathering imported weaponry to ensure that when he did attack he would be able to take complete control. The international community, members of which were institutional in supplying weapons to a fearsome and barbaric regime, should not view the factionalisation of the Kurds critically. Work needs to be done and responsibility taken to unite leaders and help them to work together to improve conditions within Kurdistan. There have been setbacks in the relationships between the parties but the evidence suggests that the two groups have common aims. The problems arise when protracted periods of instability and doubt about the future of Kurdistan create the pressures expedient to cause internal conflict. (Eagleton ١٩٦٣: ١٠-١١)^٢

^١ Patriotic Union of Kurdistan "Patriotic Union of Kurdistan PUK Congress Publication" (Sulimanye, Iraq: ١٩٩٢) <http://www.puk.org/web/htm/about.ht/> see also [Arabic, weekly] Itihad Newspaper of the Patriotic Union of Kurdistan PUK <http://www.pukmedia.net/link/itihad.htm>

^٢ William Eagleton Jt. "The Kurdish Republic of ١٩٤٦." (London: Oxford University press, ١٩٦٣) at pp: ١٠-١١

“In the aftermath of the Iraq-Iran War the PUK cooperated closely with the Kurdistan Democratic Party KDP and other Kurdish parties to create a united front. To bolster the administration of their territory, the PUK and KDP formed a regional government in Iraqi Kurdistan (safe haven) regrettably in May ١٩٩٤ the consensus that prevailed between the PUK and KDP collapsed resulting in internecine fighting. Eventually a partition of Kurdistan region took place with one zone dominated by the PUK and other dominated by the KDP. Despite this setback, the PUK could have a major role in building the democratic institutions, maintain stability in the region and promote the political cause of Kurdish rights.” (Ihsan ٢٠٠١: ٧٤)^١

This in itself perhaps demonstrates that the international community must allow and support long-term solutions proposed by the two parties on a representative or democratic basis. Without this sort of policy-making then it is easy to predict that internal strife will amount to a growing dependency and reliance on international intervention, something that the UN claims it does not want to see. (Ihsan ٢٠٠١: ٨٣)^٢

The Kurdish Resistance

The Iraqi revolution on ١٤th July ١٩٥٨^٣ can be seen as opening broad vistas for the Iraqi people to rid themselves of dependence on colonialism, to implement deep rooted social reforms, especially land reform in the interests of the popular masses, supported by the broad masses, able to fulfil the legitimate national aspirations of both the Arab and Kurdish people as well as other national

^١ Mohammed Ihsan “Kurdistan and the War Dilemma.” (Dar Alhakema, ٢٠٠١ London) at p: ٧٤

^٢ Ibid, at p: ٨٣

^٣ Nationalist Revolution ١٩٥٨: Overthrow of monarchy by a wide variety of Iraqi nationalist and communist groups in early ١٩٥٨, led by Abd al-Karim Qasim, and the creation of republic in Iraq.

minorities in the country. (Shawaki ١٩٧٨: ٢٤)^١ According to Chant the ١٤th July ١٩٥٨ Kurdish uprising advanced with firm and fast steps in the implementation of its objectives and the aspirations of the masses during the first year of its march, but the momentum slowed in the second year. At this time the revolutionary process released the Iraqi national forces. Soon three main tendencies appeared within Iraqi society: An Arab nationalist tendency led by the Ba'ath party, the tendency toward democratisation by the Communist party and the Kurdish tendency led by the Kurdistan Democratic Party. (Chant ١٩٨٨: ١٨٧)^٢

As far as Kurdish national movement itself concerns Mr. Jalal Talabani General Secretary of Kurdistan Patriotic Union Party (PUK) recognized that the record of the KDP and the PUK are not entirely clean as regards the use of force to further their causes. They have, sometimes operating together and sometime separately, acted to oppose Iraqi military forces and attack the regime. This factor in its course leads to difficulties in regards to their relationship with the international community and also any peace process. The Kurdish military leaders sought to justify their action in the following way: Mr. Talabani PUK General Secretary further argues:

“The Kurdish resistance was a natural reaction to the oppressive and discriminating policies, which the Iraqi government was carrying out against the Kurdish people. In the face of constant harassment and in order to defend their national existence and right, the Kurdish people were forced to pick up arms. It is during the last several years of struggle that the Kurdish revolution has evolved into a definite political movement the objectives of which have crystallized

^١ Abu Shawaki “Glimpses from the History of the Kurdish Uprisings and Revolutions in Arabic.” Dar Alknoz publications - Beirut: ١٩٧٨ at p: ٢٤

^٢ Christopher Chant “War – Armed Conflicts of the ٢٠th Century.” This edition produced exclusively for W H Smith, published by the Hamlyn publishing group limited (London: ١٩٨٨) printed by mandarin offset in Hong Kong, WHSmith – exclusive – books at p: ١٨٧

into the demand for Kurdish autonomy within Iraq.”(Talabani ١٩٨٠: ١٧٤, ١٧٨)^١

Moreover in his authoritative work ‘Mustafa Barzani: Leader of the Modern Kurdish National Movement’,^٢ Barifkani argues whether or not the use of force was ‘a natural reaction’ is a point open to debate. What is clear though is that the reaction of the Kurds to continuing cruelty and repression could easily have been an ‘anticipated reaction’ by the international community and steps taken before to find a better solution to their problem than violence. What is more, since the Kurds constitute one of the two major nationalist ties within Iraq, they have a legitimate demand of having their separate and distinct national identity both recognised and respected. The fact that the KDP and the PUK may at times have used force in the past is not sufficient reason for the UN to ignore their leadership claims, if they continue to have the support

^١ Jalal Talabani - General Secretary of Kurdistan Patriotic Union (PUK) “Kurdish National Movement.” Kurdish revolution objectives (Beirut, Dar All-alieh: ١٩٨٠) at pp: ١٧٤, ١٧٨

^٢ Here is an out line of what are generally regarded as the main Kurdish nationalist uprisings:

١. ١٨٧٩-٨١: Sheikh Ubaydallah rebellions (Ottoman Turkey)
٢. ١٩١٩-٢٠: First Kurdish rebellion led by Sheikh Mahmoud Berzandji for a free and united Kurdistan (Iraq)
٣. ١٩٢٣: Second Sheikh Mahmoud rebellion (Iraq)
٤. ١٩٢٠-٢٥: Simko rebellion (Iran)
٥. ١٩٢٥: Sheikh Said rebellion (Turkey)
٦. ١٩٣١: Jafar Sultan rebellion (Iran)
٧. ١٩٣٦-٣٨: Dersim rebellions (Turkey)
٨. ١٩٤٦: Republic of Mahabad (Iran)
٩. ١٩٦١-٧٥: Barzani resistance (Iraq)
١٠. ١٩٧٠: autonomy Accord (Iraq)
١١. ١٩٧٠-٧٥: Barzani resistance resumes (Iraq)
١٢. ١٩٧٥ Algiers Agreement
١٣. ١٩٧٨-٨١: Iranian Kurdish resistance (Iran)
١٤. Mid ١٩٧٠s to the present day: PKK resistance (Turkey)
١٥. March-April ١٩٩٠: Kurdish uprisings (Turkey)
١٦. January-April ١٩٩١: Uprisings and massacres (Iraq)

of the people they represent. Surely, until all members of the international community have a clean record of democratic process without the use of force to achieve political goals then this can hardly be a just criticism of any potential Kurdish leadership contender, especially when the leaders have so far proved themselves as consistently moderate.

Barifkani further more examined the sense of fairness and responsibility that characterizes the leadership of the Kurdish resistance, and the general feeling that cooperation and friendship with the Christian community is not only necessary but desirable. He believes these aspects have all caused the Kurdish resistance to pay particular attention to solving the problems and insuring the well being of this community in Kurdistan. As a practical application of these principles the Kurdish revolution and the Kurdistan political parties have established joint committees with the representatives of the Christian community to work with and help the religious leaders particularly in repairing, and preserving their places of worship; to keep contact with the Assyrian parties and to focus on their problems by publishing them in the Kurdish political parties publications; to ask the Christian community to present its own list of names of people who could be appointed as officials in their own areas; and in general to try send explain to them the rights and privileges which they will enjoy within the framework of an autonomous Kurdistan. (Barifkani ٢٠٠٠: ٦, ٨, ١١)^١

Massoud Barzani President of Kurdistan Democratic Party considers the Kurdish revolution as a social movement and as such it both depends on the support of the Kurdish people and strives to translate its own achievements into tangible services for the people of Kurdistan. (Majed Abdul Razak ١٩٨٩: ٤٠-٤٥)^٢ Having suffered

^١ Abdul Kadir Barifkani “Mustafa Barzani: Leader of the Modern Kurdish National Movement” (Kegan Paul international, London: ٢٠٠٠) at pp: ٦,٨, ١١

^٢ By the early part of the twentieth century when the whole Kurdish society came under assault by the Turks, later by the Arabs and to a certain degree by the

many years of official neglect and lack of development, the Kurdish community has remained plagued with many social and economic ills, which require immediate and full attention. It is finally confirmed the fact that the peaceful solution of the Kurdish question in Iraq, based on the federalism for Kurds and democracy in Iraq. This objective is the most correct and practical way of consolidating peace and national unity. (Barzani ١٩٩٠: ٢٣-٢٥)^١

If this is rhetoric then it is no more or less believable than anything the US and the UN has to say about the purposes of military intervention in the region. There is in fact less in the actions of the Kurds to contradict their rhetoric than there is in the case of the US claims about humanitarian aid as a motive for intervention. Prior to the Gulf War the US and the UN had never been prepared to see the Kurdish question as an international concern. Fuad Hussein draws attention to the fact that:

“The Kurdish cause has never been mentioned by the United Nations as a problem of the people. It is always considered an internal problem and the responsibility rests with the governments in Iraq, Iran, Turkey and Syria. The Kurds should not be as optimistic as to consider themselves

Iranians, the society was already in disarray. To withstand the assaults upon it, the Kurds needed a mobilizing idea, and this was what Kurdish nationalism was meant to be. Until recently Kurdish nationalism was the passion of only a few city bred intellectuals and it had no roots in the economic, political life of the countryside. This situation proved a confounding problem because Kurdish society is largely agricultural. It is tribal sector that has provided the fighters in every uprising of the Kurds against central authority. These rural tribal elements are led by their aghas, which are always ready for a confrontation with authority. For more details also see Abdul Razak Majed “Kurdish National Question in Iraq.” ١٩٧٥-١٩٨٥ (London: ١٩٨٩) at pp. ٤٠-٤٥

^١ Masoud Barzani “Barzani and the Kurdish Historical Movement.” President of the Kurdistan Democratic Party – Iraq (KDP net publications: Iraq) ١٩٩٠ at pp: ٢٣-٢٥ / see also Mustafa Barzani and the Kurdish Liberation Movement by Masoud Barzani (Palgrave Macmillan Ltd publishers: New York ١٠ September ٢٠٠٣)

<http://www.palgrave-usa.com/catalog/product.aspx?isbn=٠٣١٢٢٩٣١٦X>

as a liberation movement, which should be legally recognised just like other liberation movements. Anyway, every liberation movement has its own legal situation so it is not easy to use the same legal facilities for every liberation movement. Further more international political support outside the United Nations organisation is essential to obtain legal recognition. Without the Arab states and the support of many states in the Arab world and socialist states, it would not have been possible for the Palestinian Liberation Organisation to be recognized by the United Nations.” (Fuad Hussein ١٩٨٥: ٤٩)^١

The people of Kurdistan are not recognised as having territorial claim to the land they have occupied for ٤٠٠٠ years. The international community does not consider this a reason to consider the territory as rightfully belonging to the Kurds and so they do not have recognition. Given the intervention in the region it should be reasonable to presuppose that if the motive was truly a humanitarian one then the emergence of a functioning government would have been welcomed by the United Nations and consequently been admitted to the UN as a member. (Interview with Mr. Farset Ahmed: ٢٥ April ٢٠٠٠)^٢ Since this has not been the case in the ١١ years since the close of the Gulf War, and since ١٩٩٢ when the Kurdish administration was elected, in order to protect their own interests the Kurds must view with suspicion the creation of the Safe Haven and wait for the international community to prove that its aim is not the extension of US power

^١ Fuad Mohammad Hussein “Report on the Legal Concept of Self-Determination and the Kurdish Question” (Amsterdam, Luna: ١٩٨٥) at p: ٤٩

^٢ After the withdrawal of the administrative means by the central government the people in Kurdistan began to perform a unique election. Thus the parliament and Kurdistan regional government came under establishment. In ٤/٠٧/١٩٩٢ the first cabinet of, Kurdistan regional government, headed by Dr. Fuad Massum, as a Prime - Minister and Dr. Roz Shawais, as a deputy Prime Minister was established and began to perform. Thus much as historical fact, both parties had to share an equal power. Personal communication I conducted with Mr. Farset Ahmed, Iraqi Kurdistan National Assembly secretary (Iraqi Kurdistan: ٢٥ April ٢٠٠٠)

through the permanent stationing of military in the region. The UN can demonstrate this only by an evidential lessening of the dependency of Kurdistan for economic and military support and the emergence of a truly self-determining state that forms a part of a united federal Iraq. (Fuad Hussein: ١٩٨٥: ٥١)^١

Claims to power

Having mentioned Salvador Allende earlier, it is worth commenting briefly on foreign policies that involve removing leaders, democratically elected or otherwise. Gareth Smyth emphasised that the history of external powers intervening to remove the leaders of various nations is not a very illustrious one. In general it leads to great political instability in a region, and although, in the past, the effects were sometimes restricted to the regions involved, long-term ramifications have always impacted on the various nations that pursued what have been termed in the language of twentieth century thought as imperialist or colonialist policies. Weapons technology and technology in general in the twenty-first century have changed this dramatically. To remove Saddam Hussein would result in unpredictable consequences and perhaps would see the rise of an even more aggressive leadership. The impact of sanctions on the ordinary civilians of Iraq has bred hatred against the UN that could easily surmount any desires for revenge that Saddam Hussein may foster. Certainly his own regime has not suffered, but arguably been strengthened by the harsh economic measures that have been imposed for far too long. Starving people of Iraq cannot be expected to organize themselves to overthrow governments. Returning to the question of who would and should lead Kurdistan, the attitude of the west seems continually misguided; failing to reflect the mistakes made in the past due to outside powers deciding who should be placed in control of nations and states. Gareth Smyth added:

^١ Dr. Fuad Mohammad Hussein “Report on the Legal Concept of Self-Determination and the Kurdish Question.” (Amsterdam, Luna: ١٩٨٥) at p: ٥١

“There are many rival groups in Iraq today and the West is not sure about any of them. For the US and its Gulf war allies the most desirable outcome of the renewed military pressure on the Baghdad regime would be the overthrow of President Saddam Hussein. But that too would pose another acute dilemma for Washington as it tries to assess the Iraqi opponents of the regime and their chances of coming to power. The complex divisions and rivalries within the ranks of the Iraqi opposition reflect the frustrations of exile, the influence of regional powers and Iraq’s multi cultural nature. A quarter of Iraqis are Kurds, who are Sunnis but not Arabs. Some ๑๑ per cent are Arab Shites, who share their religious traditions with Iran. The principal holy cities of Shi’ism Najaf and Karbala are in southern Iraq, where Ayatollah leader of the Iranian revolution spent many years in exile.” (Smyth, January ๑๑, ๑๙๙๓)¹

Smyth believes the London based Iraqi National Congress INC founded in June ๑๙๙๒ is more palatable to the west and was able to claim a degree of de facto recognition when a deputation met Mr. James Baker, then US Secretary of State, in July ๑๙๙๒. The Iraqi National Congress (INC) is a coalition of Kurds, liberal Shias and some moderate Arab nationalists including former Ba’athist leader Mr. Hani Fakaiki. Its program promises a single, democratic, multiparty Iraq but with Kurdish aspirations recognised. Saddam Hussein consistently suggested resuming negotiations with the Kurds, which broke down in ๑๙๙๑. He has offered to accept Kurdish autonomy with jointly supervised elections, within six months, and promised a share of revenues from the Kirkuk oil fields. “It must be admitted that western policy on the other hand too is not comprehensive, it reacts to events”, said Kurdish spokesman Mr. Hoshyar Zebari in Early January ๑๙๙๓. Initial pleasure among the exiled opposition groups at renewed western military action was already giving way to frustration that the

¹ Gareth Smyth “Opposition to Saddam Hussein forms Perplexing Mosaic.” Financial Times Tuesday January ๑๑, ๑๙๙๓.

Baghdad regime had barely been scratched. (Smyth, January 19, 1993)¹

Western governments considered and I believe consider still, that they had ultimate decision over which parties and leaders should control the region. This was absolutely contrary to any principle of democracy that the UN claims to uphold. The UN is not supposed to be an organization given over to patriarchal decision-making about the future of indigenous peoples². The people of Kurdistan should have been given the ability to decide for themselves who they wanted to lead. Discussion should have been initiated about a democratically elected government between the major parties but ultimately the electoral process need not have been democratic in the sense with which we identify it in the west. It would have been far better to allow the leaders of the parties to establish their own basic electoral system and then lent support for the implementation and adherence to the system. For example, to expect a predominantly Muslim nation to immediately guarantee the rights of women betrays an ignorance and intolerance of the culture that exists and has existed in the region for many thousands of years. Certain practical necessities must come first before such complicated issues as the rights of women can be brought to the table. Starving people do not care about feminism they care about food. The job of the UN to support the decisions made by existing leaders could reasonably be extended to preventing the worst atrocities like genocide and mass rape from occurring, but failing to further Kurdish independence cannot be clouded by human rights rhetoric that secretly veils cultural and religious intolerance. (KRG Information Ministry 2001: 8, 10)³

¹ Gareth Smyth "Opposition to Saddam Hussein forms Perplexing Mosaic." Financial Times Tuesday January 19, 1993.

² David Cushman Coyle "The United Nations and how it Works." (Signet Key books, published by the American library, New York, 1950) at pp: 92-93

³ Report by Kurdistan regional government (KRG Information Ministry) "Kurdistan Reconstruction – Kurdistan Regional Government Activities in 2000 and Plans for the Future." Published by Aras publications - Iraq: 2001 at pp: 8, 10

Edgar O'Balance in his authoritative work 'Kurdish struggle' has noted following the Gulf War:

“The Kurdish leaders Massoud Barzani and Jalal Talabani began autonomy negotiations with Baghdad, but the Kurdish demand for the inclusion of Khaniqin, Kirkuk, and Mandali, and the introduction of multi-party democracy in all-Iraq proved unacceptable to Baghdad. Representatives of the people of the region were unwilling to accept Baghdad's demand that the Kurds sever all foreign contacts. The premature withdrawal of coalition forces from the region caused negotiations to lose momentum. In July 1991 a major conflict occurred between Kurdish and Baghdad forces. Another conflict in Suleimaniyah in early October was followed by the Iraqi government withdrawing its administration from the region later the same month and placing the region under an internal embargo enforced by a militarised line of control.” (O'Balance 1996: 190-97)¹

Notholt contributed a useful, if brief, analysis of the debate in discussion of Kurdish autonomy, regarding the fact that the UN has failed to support positive steps taken by local leaders to determine their own fate. As the thesis illustrated in previous chapters the UN has a duty and responsibility to assist unstable regions like Kurdistan to develop successfully. This does not mean that the UN has any right to enter into the decision-making process that governs the state in anything but the most rudimentary fashion. The thesis further reviews that the excessive use of military force against the populace would be grounds for intervention to prevent this taking place. There is no evidence though to support the notion that actual interference is justified as regards the consensus policy-making of local leaders.

Notholt however broadly confirms there is substantial work to be done elsewhere in the Middle East to pacify nations with their own Kurdish minorities. Iraqi Kurds are not the only groups that

¹ Edgar O'Balance "The Kurdish Struggle" (New York: St. Martin's Press, 1996) at pp: 190-197

suffer extreme treatment but yet again these problems experienced by ethnic minorities have been compounded by the sale of weapons that can be used to control and eliminate massive numbers of people without the weapons- heavy side needing to suffer great personal losses. The elections that took place in Kurdistan following the conflict ‘caused apprehensiveness among Iraqi Kurdistan’s neighbours and its protectors.’ Iran and Turkey disapproved of any self-government for the Kurds because this might influence the ambitions of their own Kurdish minorities. Meanwhile, the coalition also feared that an elected assembly might prove the first step towards a declaration of independence. They therefore refused to recognize the new parliament and Kurdish Regional Government, insisting on dealing with the Kurdish de-facto leaders instead. Barzani and Talabani, therefore, declined joint premiership in the new entity. But in this they robbed the Kurdish government of its effectiveness since power remained with the parties and not with the representative government. The effect was that many government officers discharged their duties according to the party line, bringing the rivalry outside the government into the government itself. Further, Barzani and Talabani conducted their foreign policy initiatives independently, each seeking to outdo the other. (Notholt ۱۹۹۶: ۴)^۱

Ciment has recognized that military intervention in the region had not unsurprisingly led to instability and although it opened up

^۱ There fore in view of its general mandate it is incumbent on the UN to take all measures necessary to support the strengthening of regional and local government structures to serve the public interest not only for the present time when ۱۹۹۶ is being implemented, but also for the future. This is the capacity building Kurds seek. Not addressing sustainability for the future would be irresponsible on the part of both the UN and the KRG. For more details see the website of Kurdistan regional government offers an interesting selection of extracts from these reports (<http://www.krg.org>) / <http://www.kdp.se> / <http://www.puk.org>

^۲ Staurt A. Notholt, Kurdistan regional government report “Origin of the Regional Government.” (۷ September ۱۹۹۶)
<http://www.allstates-flag.com/fotw/flags/krd-krg.html>

avenues of dialogue for the Kurds in Iraq there was inevitably an increase in violations against Kurds elsewhere. Furthermore, due to a lack of strong leadership, the sudden shift of power in Kurdistan failed to create an environment capable of sustaining a peaceful settlement. Ciment added:

“The growing competition between the two parties finally exploded into open fighting in May ۱۹۹۴. Since both leaders had done so much to foster a spirit of rivalry it was hardly surprising that both of them found it extraordinarily difficult to restrain their own forces. Several hundreds were reportedly killed. The damage done was enormous and it led to an informal partition of Kurdistan. The worst round of fighting took place in December ۱۹۹۴ and dragged on intermittently until August ۱۹۹۵ when some ۳۰۰ were killed in fighting near Qala Diza not from where the first conflict took place.” (Ciment ۱۹۹۶: ۱۹۲-۱۹۳)^۱

Parwadayi’s statement provides further evidence that the actions taken by the UN failed in that they were not sufficiently far-reaching to prevent further suffering to the Kurds. Of course it is easy to criticize UN actions in retrospect when nothing can be done to change the past. However, lessons must be learned by reference to the past and the UN has not made reference to the past when making policy decisions since its creation. Its policies in the region remain ignorant of cultural and historical facts. These facts need to be explained and justified to the world by the Kurds from their own perspective. The governing of Kurdistan needs to be tolerated and accepted with full international recognition now that the military intervention of the UN has made it contingent to create such a government, otherwise it may well be that intervention of this kind proves ultimately harmful. Intervention to stop the increase in arms and weapons of mass destruction in all regions of the world would perhaps have been the most effective policy to relieve the long-term suffering of the Kurds. The UN should now take steps towards

^۱ James Ciment “States and Minority in Turkey, Iraq and Iran.” (The Kurds) (New York: Facts on file – inc, ۱۹۹۶) background at pp: ۱۹۲-۱۹۳

accepting responsibility for the creation of a new Middle East dynamic that impacts Iran, Iraq and Turkey because of their Kurdish populations. The good relations and trade between the Kurds and Iran is an example of the kind of activity that needs to be encouraged by non-interference with world trade policies that restrict growth and polarise capital. (Parwadayi ٢٠٠١: ٦, ١٢)^١

On the other hand Atroushi established the consensus view that the evidence so far as regards the Kurdish leaderships' fitness to rule fairly so far is positive in favour of continued international support. He added:

“The Kurdistan Regional Government is the authority that rules over much of the liberated area of Iraqi Kurdistan. Its domain includes the provinces of Sulaymaneh, Erbil and Dohuk with the city of Erbil as its capital. In its present form the Kurdistan regional government is comprised of the third cabinet, formed in September ١٩٩٦ and fourth cabinet a year later, and the Kurdish parliament that was elected in May ١٩٩٢. The fourth cabinet in addition to the Prime Minister and his deputy consists of ١٠ ministers and five ministers without portfolio. It is a broadly based coalition government that in addition to the ruling party, Kurdistan Democratic Party, has members from the Iraqi communist party, the Assyrian movement, and the independent worker party of Kurdistan, the Islamic union as well as independents. The cabinet through its ministers and departments implements programs that provide social services and rebuild the region's infrastructure. The KRG works for the rehabilitation of a land long ravaged by neglect and destruction. Through the execution of the fourth cabinet's own program of development of UNSCR ٩٨٦ United Nations oil for food

^١ Assoy Parwadayi, issue no ٥ – Kurdish edition - Kurdistan regional government ministry of education (Iraq: December ١٤th ٢٠٠١) at pp: ٦, ١٢
<http://www.krg.org/news/١٩٩٧/highered.asp>

resolution.¹ Thus Kurdistan regional government hopes to provide the region and its inhabitants a more secure existence. Paramount among KRG's tasks is maintaining the rule of law and providing for its citizens a sense of security they have not felt in many decades. And central to all these efforts, is KRG's commitment to fostering internal and regional peace." (Atroushi ◦ August 2003)¹

A report published by the directorate of cultural relations press from that capital of autonomous region of Iraqi Kurdistan, Erbil, on higher education and scientific research concludes the promise is good that the new leadership will succeed, provided that the international community in a manner actively commensurate to the Middle East assists it.² If nations affected by Kurdistan's emergence as a new state are not appeased then the region will not prosper and develop and international peacekeeping will have failed. Then the motivations of the UN in intervening in the activities of member states will come under more scrutiny than ever before and further military action by the UN will be perceived by many of the world's nations as the auspices of a threatening and pernicious world order. (IKR Publications 1997)³

¹ Oil for Food Programme (OFP): The programme initiated by SCR 986 (April 1995). It allowed Iraq to sell limited quantities of oil in order to settle compensation claims resulting from the invasion of Kuwait, pay for the running of UN programmes in Iraq, and import supplies to meet some of its humanitarian needs. The programme has expanded with time so that, as of 31 January 2003, Iraq had sold US \$21 billion of oil, allowing delivery of US \$6 billion in humanitarian supplies. The oil for food programme operates in 180-day phases, at the end of which the Security Council typically extends it for another 180 days.

² Alex Atroushi "What is the Kurdistan Regional Government." Iraq: ◦ August 2003. <http://kurdland.tripod.com/pressrelease.html>

³ See Jamal Nebez, *Hawla Al-Mas'ala Al-Kurdia (Kurdish Question Challenges)* published by national union of Kurdish students in Europe (NUKSE), Germany 1999 at pp: 9-10.

⁴ Report published by directorate of Zanko press – Hawler "Cultural Relations – Salahaddien University." Kurdistan Regional Government higher education and scientific research council - IKR publications (Iraqi Kurdistan: 1997)

Chapter ٥.

International Treaties and Obligations

Self interested policies

UN policies in regards to the people of Kurdistan are indecisive; policy-making is not informed and considered before it is implemented. The creation of rash and ineffective policies performed at the last minute with no understanding or thought for consequences has been the history and experience of the Kurds in regards to UN intervention, allegedly in their favour. In today's age of phenomenally quick and accurate communications, it seems to me that there is simply no need to make uninformed and ill-timed decisions. The problem is, I believe, that the self-interested concerns of members of the UN means that the information that is freely available is not processed correctly or is willfully ignored. In this respect the thesis explores that the interests of the Kurds are not considered significant in the decision-making process that affects them, because they are not empowered to influence UN Resolutions. Until the UN itself restructures and becomes more democratic and proportionally representative of all its nation state members as well as the people of the world, regardless of whether or not they claim conventional sovereignty, it will not function to bring peace in Kurdistan.

Ahmed in his authoritative work 'The Gulf War and Resulting Refugee Crisis – in the Heart of Desert Storm' (١٩٩٢) believes that the special privileges enjoyed by the US and other superpowers to veto decisions made by the UN must be revoked before the

organization can expect all members of the international community to defer to its decisions without complaint. This point will be discussed further in the following chapter. This chapter will concern itself with the international laws, treaties and obligations that should have protected the Kurds and minorities in general, from persecution. The chapter will show how these laws; treaties and obligations have been systematically broken and consistently ignored. The failure to implement these promised restrictions on methods of war and human rights abuses has been the cause of the prolonged suffering of the Kurds in Iraq. (Ahmed ١٩٩٢: ٣٤-٣٦)^١

The League of Nations and the UN Charter

Entessar's (١٩٩٢) valuable contribution is the concept of 'ethno-nationalism' as applied to the Kurds. His assessment of the status of Kurdish 'nationalism' bridges the conceptual gap between 'ethnic' and 'political' consciousness. In another words Entessar believes that the suffering and needless slaughter of millions during World War I led the members of European nations to reconsider the militarism of their own leaders. The people of these nations questioned the authority of their leaders and in some instances displaced them with new leaders. Furthermore:

“After World War I and the formation of the League of Nations, individual and minority rights were catapulted to the forefront of international law. The Council of the League of Nations was granted authority to examine alleged violations of minority rights while the Permanent Court of International Justice had compulsory jurisdiction over disputes between members of the Council and states concerning the protection of minorities.” (Entessar ١٩٩٦: ١٦٤, ١٦٧)^٢

^١ Brian Ahmed “The Gulf War and Resulting Refugee Crisis – In the Heart of Desert Storm.” (Beirut, Lebanon: Dar Aljadid – Aiman institute, first edition in Arabic, ١٩٩٢) at pp: ٣٤ – ٣٦

^٢ Entessar, Nader “Kurdish Ethno-Nationalism” Lynne Renner publishers: United States: ١٩٩٢ at pp: ١٦٤, ١٦٧

According to the memorandum from the Iraqi Government, Baghdad, July 12th, 1932 the League of Nations agreed to fulfil certain promises to the people of Kurdistan and it deemed the British Government responsible for ensuring that a mandate guaranteeing the well being and development of people in the region was carried out. The 1920 Treaty of Sevres¹ envisioned an independent Kurdistan and a further treaty signed by Britain and Iraq in 1922 recognised Kurdish rights to form their own government. In 1932 the League of Nations ended the British mandate and effectively the Iraqi government took full control, with provisions in the Declaration that accompanied this event that should have ensured the continuous freedoms of the Kurds. The following are articles from the agreement ratified by the Iraqi government, which were a condition of their obtaining sovereignty in the region:

Article 1

The stipulations in the present chapter are recognized as fundamental laws of Iraq and no law, regulation or official

¹ The terms of the treaty of Sevres, signed on 20 August 1920, brought the Kurds and the Armenians closer to statehood than ever before or since. The relevant parts of the treaty stated that a commission composed of allied appointees would: Draft within six months from the coming into force of the present treaty a scheme of local autonomy for the predominantly Kurdish areas lying east of the Euphrates, south of the southern boundary of Armenia as it may be hereafter determined, and north of the frontier of Turkey with Syria and Mesopotamia (Article 62). If within year from the coming into force of the present treaty the Kurdish people within the areas defined in article 62 shall address themselves to the council of the League of Nations in such a manner as to show that a majority of the population in these areas desires independent from Turkey, and if the council then considers that these people are capable of such independence and recommends that it be granted to them, Turkey hereby agrees to execute such a recommendation, and to renounce all rights and titles over these areas. If and when such renunciation takes place, no objection will be raised by the principal allied powers to the voluntary adhesion to such an independent Kurdish state of the Kurds inhabiting the part of Kurdistan which has hitherto occupied Mesopotamia, article 63 it was Britain that largely drafted these two articles.

action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action in the future prevail over them.

Article ٢

١. Full and complete protection of life and liberty will be assured to all inhabitants of Iraq without distinction of birth, nationality, language, race or religion.

Article ٤

١. All Iraqi nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

٢. The electoral system shall guarantee equitable representation to racial, religious and linguistic minorities in Iraq. (League of Nations: A.١٧,١٩٣٢.VII.٩ – ١٩٣٢: ٣)^١

The League of Nations was later dissolved and its promises neglected, so the Kurds had in effect been betrayed by short-term policy-making. Nevertheless the legal protection of the Kurds still stands, according to international law, because in ١٩٤٥ Iraq joined the United Nations while it was still a member of the League of Nations, i.e., without altering the obligations of international concern which Iraq incurred as a condition of its independence. (League of Nations documents question Iraq's claims and ownership of petroleum resources April ١٩٩٢)^٢ Wallace (١٩٦٦) lecturer in law at the University of Strathclyde stated that the truth is that such legal promises have come to mean little in the modern

^١ League of Nations: Distr. Assembly, Council, members A.١٧,١٩٣٢.VII (VII.political.١٩٣٢.VII.٩) ١٦ August ١٩٣٢ request of the Kingdom of Iraq for admission to the League of Nations memorandum from the Iraqi government, Baghdad, July ١٢th, ١٩٣٢ at p: ٣

<http://www.solami.com/a٢a.htm#OWNERSHIP>

^٢ United Nations department of humanitarian affairs [internal memorandum] April ١٩٩٢ “League of Nations documents question Iraq's claims and ownership of petroleum resources in Kurdish area”

<http://www.solami.com/a٢a.htm#OWNERSHIP>

world and in fact since the Kurdish claim to the region predates international law it seems ironic to have to refer to such documents to create a case for the international communities responsibility and obligation towards alleviating the Kurdish suffering. Despite this there needs to be some consistency in policy-making in the Middle East that moves away from international agreements that become meaningless almost as soon as they are ratified. International law is an important step towards developing stability and peace but a more general and persisting acceptance by all peoples that the international community has a responsibility towards the victims of oppression is a more long-standing means of building a successful future for Kurdistan.

Following World War II in 1945 the UN was established and shortly after that 'in December 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, which has been accepted as the main pillar of the International Bill of Rights. Notwithstanding the efforts to codify internationally desirable human rights principles and to develop universal human rights standards, neither the UN Charter nor the Declaration of Human Rights addresses the issue of ethnic and minority rights in specific terms. (Wallace 1986: 186)¹ Who has 'accepted' the Declaration as the 'main pillar' of human rights? What universal approval and commitment has been sought for these documents to form the basis for an international system of justice?

Additional study of the published work on the UN Charter² and the declaration of human rights by Kameran Al-Salehi (1999)

¹ Rebecca M. M. Wallace Ph.D., Lecturer in Law at the University of Strathclyde "International Law" London SWEET & MAXWELL 1986, printed in Great Britain by the Garden City press limited, Letchworth, Hertfordshire at p: 186

² Charter of the United Nations and Statute of the International Court of Justice (New York) beginning with "We the Peoples of the United Nations." This handy pocket-book contains all articles of the charter of the United Nations as well as an introductory note that outlines past amendments. It also includes the Statute of the International Court of Justice that forms an integral part of the UN charter. <http://www.un.org/Pubs/textbook/epi%201.htm>

further developed the thesis' understanding of details of the subject. Al-Salehi argues fundamentally the League of Nations and the United Nations differ in theory from one another in that the UN seeks to administer a kind of universal justice for all and not tailor policy to fit specific circumstances. On the surface the principle of universal justice for all would appear to be an honourable cause. In actuality it is a principle shaped by sinister and idealistic views of the world that stem from western Orientalism (the idea that the way the west perceives other nations is somehow more valid than the way they perceive themselves, disregarding local knowledge and indigenous culture as somehow inferior to the western scientific empiricist approach) If the UN is to have the power to make decisions that override the decisions of individual governments, then its membership and processes must reflect the views of all individual governments over which it has jurisdiction. The idea that regional policies should be governed by universal policies is completely short-sighted. The further removed from the locality of the problem the decision-making process becomes the more opportunity there is for the interests of other people, except those suffering most, to take precedence. Al-Salehi further noted:

“Many ethnic minorities such as Kurds have invoked the principles of non-discrimination contained in the UN Charter and the Declaration on Human Rights to advance their political causes. The United Nations Human Rights Commission's Sub commission on the Prevention of Discrimination and the Protection of Minorities, which was established in 1957 by the Economic and Social Council, provides the machinery for minorities to pursue their rights within the UN framework. (Al-Salehi 1999: 149-154)¹ As well as International Covenant on Civil and Political Rights

¹ Kameran Salehi “Human Rights and the Civil Society.” Published in Great Britain 1999, copyright Al-Rafid, distribution and publishing, London, ISBN 1,900,777-01-0 at pp: 149, 154

(1966)¹ the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.” (UN General Assembly; Resolution 41/130 of 18 December 1992)²

The Kurds have no recourse in the UN system to protect their rights because they have no power to influence its decisions, or even to represent their case fairly before a balanced panel. Minorities impacted by world affairs and decisions made in far removed locales do not stand a chance to develop their own self-regulating systems of justice, because individual states are not even fairly represented. The argument that there is only one form of justice is a narrow one and it currently promotes violence on a massive and disastrous scale worldwide. When decisions are made to protect the Kurds by the powers that be they more often than not fail to achieve their intended aims due to this conformity to absolute universal concepts of justice. It is worth actually taking a look at the wording of this universal document that aims to secure justice for all. Under Article 2, 1 of the UN Charter we note that:

“The Organization is based on the principle of the sovereign equality of all its Members but then in Article 27, 2 we observe that ‘decisions of the Security Council on all matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members.’”

¹ International Covenant on Civil and Political Rights (1966); Article 27: In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

² Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities (UN General Assembly; Resolution 41/130 of 18 December 1992) Article 1: States shall protect the existence and the national or ethnic, cultural, religious, and linguistic identity of minorities within their respective territories, and shall encourage conditions for promotion of that identity.

(Charter of the United Nations and Statute of the International Court of Justice Articles 2,1 & 27,3)¹

How can an organization claim to be universally representative of justice for all people when certain posts on the most powerful UN body, the Security Council, are fixed? It is this failure in the structure of the UN, which ensures that its democratic legitimacy is suspect. If the UN was more democratic then policies that impact the Kurds might be expected to be more informed and successful purely because the creation of them would need to be part of a universally collective policy-making process.²

The Geneva Conventions and Resolution 242

The four Geneva Conventions of 1949 offer legal support to the case of the Kurds in that under Article 3 of the 1949 Geneva Convention states parties must:

“Respect minimum humanitarian standards in cases of armed conflict occurring in that state’s territory and which is not of an international character. According to above article states are prohibited to take part in violence to life and person, taking of hostages, outrages upon personal dignity and the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial

¹ Charter of the United Nations and Statute of the International Court of Justice
“Articles 2,1 & 27,3 (New York)
<http://www.un.org/Pubs/textbook/epi%11.htm>

² Charter of the United Nations and Statute of the International Court of Justice
“Articles 2,1 & 27,3 (New York).
<http://www.un.org/Pubs/textbook/epi%11.htm>

guarantees which are recognised as indispensable by civilised peoples.” (Green ٢٠٠٠: ٤١)^١

A state responsible for the acts prohibited by common Article ٣ commits very serious breaches of international humanitarian law. Such acts are a flagrant violation of common Article ١ by which states:

“Parties undertake to respect and to ensure respect for the Geneva Conventions in all circumstances”.

It should be noted however that violations of common Article ٣ are not classified under the terms of the Geneva Conventions as grave breaches and do not therefore fall within the special enforcement rules governing grave breaches. There is no doubt however that much of the conflict waged between the Iraqi government and the Kurds is certainly of a level to which common Article ٣ would apply. Excessive and illegal use of force in quelling lesser disturbance would, in any event be caught by the provisions of international human rights law which continue to apply in a state of emergency or other conflict. General Assembly resolution ٢٤٤٤ (٩٦٨) reaffirms principles that must be observed by all parties in armed conflict, including the prohibition of attacks on the civilian population and requirement to distinguish at all times between civilians and persons taking part in hostilities. (Green ٢٠٠٠: ٤١)^٢

Baxistani, former representative of international committee for European Peace and Co-operation, believes the terms of the Geneva Convention supply the argument in favour of action to assist the Kurds and the following sections of this chapter provide supporting evidence for the notion that the Iraqi government is in breach of its commitments under international law. However, he draws attention to the phrase ‘do not therefore fall within the special enforcement rules governing grave breaches’. The

^١ L. C. Green “The Contemporary Law of Armed Conflict” (Britain: Manchester University press, St Martin’s press, ٢٠٠٠) at p: ٤١

^٢ Ibid, at p: ٤٢

terminology of the Geneva Conventions is long-winded and confusing but the basic meaning of this phrase is that other member states did not have the international legal authority to intervene militarily in the region.

In order to do that which UN Resolution ٦٨٨^٦ required and to lend military intervention in support of the Kurds, the rhetoric of humanitarian righteousness was essential to receive support for the action taken by the Allied forces. Resolution ٦٨٨, on reflection was quickly put together, without much debate about its stated aims. A number of states on the Security Council raised concerns that the issue it addressed did not fall within the Council's competence and that the action amounted to interference in Iraq's domestic affairs. Article ٧(٧) of the UN Charter prohibits intervention in matters, which are essentially within a state's domestic jurisdiction. However, the UN's human rights bodies have long accepted that a state's human rights record is a matter of international concern and that international action in response to violations is legitimate. Although this position was not strongly defended in the Council debate, the finding of the threat to international peace and security established beyond doubt that this repression was within the Council's competence and could not be dismissed as falling within the internal affairs of Iraq nor immune from UN action.^٧ Resolution ٦٨٨ identified the threat to international peace and security to be

^٦ See Appendix No: ٦. "The United Nations Security Council Resolution ٦٨٨" adopted by the United Nations Security Council at its ٢٩٨٢nd meeting on ٥ April ١٩٩١. Mindful of its duties and its responsibilities under the Charter of the United Nations for the maintenance of international peace and security, recalling of Article ٧, paragraph ٧, of the Charter of the United Nations, gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions, which threaten international peace and security in the region.

^٧ Report by Mr. Dawud Baxistani "International Committee for European Peace and Co-operation (ICESC)." Affairs & Statements, part ٣, MAF Magazine – third edition (Iraqi Kurdistan: Sharieh college publications, issue no: ٣٠٩ – ١٩٩٩) at pp: ٨٤, ٨٨

the internal acts of repression by the Iraqi government, which had the consequence of generating a massive outflow of refugees towards and across international borders.¹

Ihsan's accounts however contain significant details of argument. He argued that despite the fact that the Resolution was not overwhelmingly popular, 7 nations voted no, 7 abstained and Iraq lodged a formal protest against its implementation, the Resolution in place with 10 votes now permitted the UN Secretary-General to use, in rather vaguely worded terms, 'all the resources at his disposal' to prevent Iraqi repression of its civilian population. Furthermore, it was concluded that: Ihsan added:

“As long as internal repression in Iraq is still going on, with a significant risk of a renewed exodus, a threat to international peace and security must remain and that threat ought to be addressed by the Security Council.” (Ihsan 2000: 50)²

The resolution also called for action by the UN. It requested the United Nations Secretary General to pursue his humanitarian efforts in Iraq and to report on the plight of the Iraqis, in particular the Kurdish population. It further requested the Secretary General to take action, using all the resources at his disposal to address urgently the critical needs of the refugees and displaced persons.

¹ Resolution (660) (see Appendix no. 6) strongly worded. Its first three operative paragraphs stated that the Security Council: Condemns the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, the consequences of which threaten international peace and security in the region. It demands that Iraq, as a contribution to removing the threat to = international peace and security in the region, immediately end this repression and expressed the hope in the same context that an open dialogue will take place to ensure that the human and political rights of all Iraqi citizens are respected, finally insisted that Iraq allow immediate access by the international humanitarian organisations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations.

² Mohammed Ihsan “Kurdistan and the War Dilemma.” (London: DARAI – HIKMA, ISBN 1 – 898209, 2000) at p: 50

Finally it stated that the Security Council would remain sized of the matter, thus retaining on its agenda the question of internal repression in Iraq and the provision of humanitarian assistance there. The question as to whether or not intervention should have taken place is only relevant in retrospect and in application to similar decisions facing the UN in regards to other areas in the world; it is no longer relevant to the Kurdish situation because in the event, the application of Resolution ٦٨٨ has secured the Kurds at least temporary respite from the Iraqi regime; thus the outcome of intervention was unintentionally positive and cannot now ethically be withdrawn. (Ihsan ٢٠٠٠: ٥١)^١

The Resolution has meant that now that Kurdish security is dependent on a vague international commitment, rather than on the application of a long-term considered decision, the international community must uphold its ethical responsibility to the Kurds. It remains to be seen as to whether the international community will act responsibly in regards to Kurdistan in the future. The fact that the international community should perhaps have thought more before military intervention, whilst pursuing other means of assisting the Kurds does not mean that now they have intervened they should retrench and cause the Kurds yet more suffering.

The ١١th of March ١٩٧٠ Agreement

The hopes of the Kurds have not only been dashed by promises made to them by international legislations. The Kurdish leadership has also tried to negotiate agreements for themselves with the ruling parties within Iraq. The ١١ March ١٩٧٠ accord^٢ laid down

^١ Ibid, at p: ٥١

^٢ See the ١١th March peace agreement accord, between the Kurdistan Democratic Party KDP and the Ba'athist regime in ١٩٧٠, was also a unique achievement for the Kurds, it was the first time Iraqi government officially recognised some measures of national rights for the Kurdish people. These will be the legal bases by which others would have to concede to the Kurds their

the essential principles for autonomy within the new state constitution and identified two nationalities, Arab and Kurdish. According to Jawad Mulla (۲۰۰۰) the accord proposed the following:

- Kurds are to have legislative power in a manner proportionate to its population in Iraq
- A Kurd is to be one of two state vice-presidents
- Unification of areas with a Kurdish majority as a self-governing unit
- The use of Kurdish, alongside Arabic, as the official language and also the medium of school instruction in Kurdish majority areas
- All officials in Kurdish majority areas to be Kurds
- Implementation of agrarian reform
- Provision of a Kurdistan development budget. (Mella ۲۰۰۰: ۹۰-۹۱)^۱

Having taken steps to improve their own situation the Kurds found that the measures proposed were never in fact implemented, but it is important to identify that during this era talks were possible. The reason talks could actually take place was very simple and illuminating, in view of the current dependency of Kurdistan on the UN and western military support. The Arab Ba'ath regime^۲ was unable to ignore the Kurds in the ۱۹۷۰'s because they did not have the fearsome weapons, which were subsequently sold to them, allowing crushing any resistance to their

legitimate rights. See also declaration of the ۱۷ July revolution ۱۹۶۸. See also the Times, ۱۸ July ۱۹۶۸.

^۱ Jawad Mella "Kurdistan and the Kurds – Divided Homeland and a Nation without a State." Kurdish National Congress KNA ۲۰۰۰ - second edition, Dar Al – Hikma publishing and distribution, London, printed in France: AAM at pp: ۹۰-۹۱

^۲ In ۱۹۶۳-۴ The Ba'ath Split into two factions, one to the left and one to the right. The Iraqi Communist Party ICP went on to split again in ۱۹۶۷, the first group continuing as the ICP, while the second came to be known as the committee of armed struggle, under the leadership of Aziz Al – Haji and Khalid Ahmed Zaki.

authority. In ١٩٦٨ the Arab Ba'ath Socialist Party seized power. It recognized the foolishness of fighting the Kurds unless the means were available for ensuring their defeat.

Additional source material came from accounts of the crisis published after the events. The most reliable account published to date has been by Chaliand and McDowell. They both noted that it was wiser for Iraqi Ba'ath leadership to make peace with the Kurds while it consolidated its position politically. It offered to implement the offer of Prime Minister Abdul Rahman Bazzaz. In principle, the new regime preferred to deal with Jalal Talabani rather than Mullah Mustafa since his ideology and that of the Ba'ath were much closer, but it was happy to allow both leaders to pay court to Baghdad. Mullah Mustafa was incontestably stronger and it was with him, therefore, that Saddam Hussein the new vice-president and dominant force of the regime had to deal (Chaliand and McDowell ١٩٩٣: ٥٢-٥٤) ^١ In March ١٩٧٠ after desultory discussions Saddam struck a deal with Mullah Mustafa.^٢

Funding from Baghdad was invested in Kurdistan and Kurds were appointed to cabinet positions. These positive steps were temporary though, and a policy of purposefully housing Arabs in Kurdish areas was being operated in order to deviate the pattern of support for the government by diluting popular support. The following ٣٠ years saw the development of the Iraqi military and massive arms imports funded by oil supplies, a situation that could have been prevented by responsible restrictions by the western democracies that had invested heavily in the industry following World War II. Barifkani added:

^١ Gerard Chaliand and David McDowall "A People Without a Country" (London: Zed Books Ltd, ١٩٩٣) at pp: ١٥٢-١٥٤

^٢ From his position of strength Mulla Mustafa Barzani reserved for himself the right to decide which faction was anti – Kurd and which was not. The term 'Anti Kurd' in fact was to indicate anti-Mulla Mustafa since he never recommended people who did not defer to him to public office.

“During this time oil politics entered the picture in a way previously undreamt. It put at the disposal of the Ba’ath regime enormous funds, enabling them to buy large amounts of the most modern weapons, run an unprecedented war machine and allocate unlimited funds for propaganda, conspiracies, and bribing collaborators within Iraq, as well as for financing their foreign activities.” (Barifkani ٢٠٠٠: ٧٨)^١

Petroleum was one of the main factors that encouraged the Ba’ath regime to prepare for war and to become more intransigent in its stand. Bearing in mind that most of Iraqi oil resources were situated in the Kurdish region of Iraq meant that any recognition of the Kurds could endanger Iraq’s economic strength and lead to more independence for the Kurds. Without oil the Ba’athists might have postponed the resumption of war. In ١٩٧٤ the Ba’ath regime attempted to suppress a revolution in the Kurdish area, even with newly bought weapons for a whole year the regime failed to make territorial advances into all Kurdish areas. In the end the Iraqi regime settled the issue by creating an autonomy law for the Kurds, to which they were no party. The Kurdish leaders were given ١٤ days to accept it and, although they refused, the Ba’ath party proceeded to implement its measure and establish the structures to enforce it. To this day it has never been agreed, for it seriously undermines any Kurdish moves for autonomy or self-determination. (Barifkani ٢٠٠٠: ١١٦, ١٢٩)^٢

Human Rights violations

Kurdish people were not safe during the reign of Saddam Hussein because of the situation of ethnic hatred he manipulated in their homeland; they were not safe at home in Iraq, they were not

^١ Abdul Kadier Barifkani “Mustafa Barzani: Leader of the Modern Kurdish National Movement.” (Kegan: Paul international, London: ٢٠٠٠) at p: ٧٨

^٢ Ibid, at pp: ١١٦, ١٢٩

safe in other nations hosting large numbers of Kurds like Turkey and Iran, and they were not safe as far off as Britain and Austria. Morton revealed that Iraqi Embassies have long been exposed as centres for plotting assassinations, kidnappings and other terrorist activities. When Kurds in Britain have spoken out about the brutal repression in their homeland the Iraqi Embassy in London has intensified its attempts to dissuade and discredit them. The Iraqi diplomatic mission in London has been vast expanded during the eighties. Since October 1979 there have been reports in the British media of the existence of a death-list compiled at the Iraqi Embassy in London. (Morton 1981: 10)¹

Moreover on 30 July 1980 two Iraqi diplomats were expelled from Austria after a bomb intended for the Iranian Embassy exploded prematurely, injuring eight people. Two days later police in West Berlin arrested the first Secretary of the Iraqi Embassy in East Berlin and a member of his staff, after they were caught with a suitcase of explosives intended to blow up a youth centre, where a conference of Kurdish students was taking place.²

There are no concerted policies as to how to deal with the attacks on Kurds outside Iraq. Neither is there sufficient questioning about why these attacks take place. If the UN has known since 1980 that such degrees of extremism and hatred exist towards the Kurds abroad why have there not been further efforts to understand and deal with the Kurdish situation in Iraq before

¹ Commission on human rights, report presented by the special Rapporteur on the human rights situation in Iraq, Mr. Andreas Mavromatis, 16 January 2001. E/CN.4/2001/42. For more details see international federation for human rights (FIDH) report on Iraq "Sanctions Against Iraq and Human Rights: A Devastating, Misguided, Intolerable Method." A Legal Analysis no. 221/2 March 2002. FIDH represents 110 leagues or human rights organisations.

² George Morton "Iraq Terror and Execution" chairman of the committee against repression and for democratic rights in Iraq. Human rights in Iraq, published by: CARDRI Po Box 210 London N16 9PL (printed by Morning Litho printers Ltd: March 1981) at p: 10

³. Ibid, at p: 12

now? Why has this barbarism been allowed to escalate to the levels it has reached today in modern day Iraq?

Violence and crimes are consistently being committed against the people of Kurdistan. The report suggested by Talabani clearly states when this sort of racially motivated and political crime occurs local justice systems are only adequate for prosecuting the actual individuals directly involved in attacks. If governments and the UN are truly interested in protecting the rights of the Kurdish minorities then they must gather and cross-reference the information about such attacks and take steps to understand why they are occurring. They must make international politics focus on information gathering, and interpretation of events in order to anticipate trends of violence and crimes like genocide. (Talabani ^ January ٢٠٠٣)^١ If measures can be taken in advance of such crimes being committed, in order for nations and governments to understand that they will be held accountable if they violate human rights, then these measures should be taken. Increased activity and racial violence towards the Kurds may have signified to the international community that the same situations were present at home in Iraq and so analysis of this data could have led the UN to identify areas for concern before situations escalated to the levels experienced by the Kurds, levels that were deemed to require military measures to conclude them.

Kurdish Observer Report (١٩٨٧) established the Kurdish consensus view that the humanitarian principles on which the UN is supposedly founded are mere paper without the will of those

^١ Dr. Nouri Talabani - director of the Kirkuk trust for research and studies. "The Displacement of the Kurds and others in the Kirkuk Region." (London: January ٨th ٢٠٠٣)
<http://www.hrw.org/reports/٢٠٠٣/iraq٠٣٠٣/Kirkuk٠٣٠٣.pdf>

governments in whose hands world power is currently, disproportionately gathered. The fact that the media exposed the cruelty of Iraq towards the Kurds following the Gulf War, due to the high presence of film crews and journalists in the region, is the only reason why such injustices are receiving some attention today. The only positive factor is that the public outcry caused by scenes of suffering required governments to do something. The danger is, and has been, that once international media attention travels elsewhere in the world governments' return to the major concern. This is what has happened and what is continuing to happen in the region today. The Kurdish crisis is no recent occurrence; the history of cruelty is long and torturous.

Several other reports have assessed and discussed the concept that different sorts of justice could exist and co-exist if the UN was a truly democratic body. However, whilst the danger of imposing standard models of justice on cultures and civilisations that succeed perfectly well with their own models is a perilous route for UN resolutions to take, there is clear evidence of examples where the past imposition of Iraqi justice, as far as the Kurds are concerned, has meant no justice at all. In such instances the international community does have a responsibility to try to bring about and influence change and improvement. The special courts in Iraq have long held the power to administer the death penalty without any sort of functioning trial. The report (1997) further identified:

“One notorious example of the special courts is that of Kirkuk, set up in 1994 to trial Kurds that were arrested in the Kurdish region and charged with political offences related to the fighting between the Kurdistan Democratic Party and the Iraqi armed forces. The court stopped sitting after March 1995 when the fighting ceased but was reconvened in 1996 when Kurdish guerrilla forces in the autonomous region of Kurdistan started a campaign of hit-and-run raids against government personnel and property. The Kirkuk court is situated in a military base in which there is also a detention

centre where the special investigation committee holds detainees during investigation. This committee is composed of members of the armed forces.” (Kurdish Observer ١٩٨٧: ٦-٧)^١

The international community had a responsibility at the time to listen to such voices and take account of their demands. Since the international community failed in its responsibility to the refugees now it is time, with the discussion and supports of all nations whose economies and territories are affected, to create a self-determining government in Kurdistan. Military courts are one of the means by which the Iraqi government crushes political opposition to its policies and leadership. Iraq has continued to proceed with such trials despite UN resolutions outlawing this sort of treatment of a member state’s populace. In any society such trials constitute universal breaches of human rights and warrant UN intervention because they prevent political discourse and debate and so rule out any sort of development and progress. These trials are the sorts of crimes that the UN should concern it with. The fact that prisoners are routinely tortured and killed demands some form of action to be taken by the UN to prevent such crimes taking place. The UN has to date failed to implement measure to prevent such trials and they still occur regularly. One of the major problems of the UN is that it makes resolutions about too many things rather than concentrating on limited but achievable goals that might actually lead to an improved human rights record for Iraq.

One interesting and contentious result of UN policy-making is the responses provoked from the Iraqi leadership. In its efforts to be considered politically correct the UN has made resolutions about the rights of women. In theory these resolutions sound far-reaching and enlightened but in actuality they are nothing of the sort. The lot

^١ The Kurdish observer report “Iraqi Ba’ath Regime Executes ٧٠ Citizens in Erbil.” Printed by: Clearaprint, published by Kurdish cultural centre (London: ١٢ December ١٩٨٧) volume ١, no. ١
<http://home.cogeco.ca/~kurdistanobserver/news.html>

of women has been worsened by such blanket resolutions, not improved. The UN policy as designed to reflect internal US and European policy towards their own minorities. Creating resolutions about the rights of women in countries that traditionally see women as the property of their husband, seems to me ridiculously short sighted. Such resolutions are ignorant of the fact that some things like the right to live must take priority over issues like minority rights. In some cases the outrage caused by policies on women's rights does not originate with Saddam Hussein; Saddam Hussein is not responsible for the way women are viewed by themselves and by men in Iraqi society or other predominantly Muslim societies. The way the society is structured is a matter of tradition and culture and if it is to change, if it needs to change at all, the people must decide the changes. No UN resolution will succeed in bringing about this sort of change and nor should it try. Saddam Hussein was provoked by UN resolutions on women to do the following:

“The government claims that it has made a major breakthrough in allowing women to serve in the army and intelligence service. The truth is that the regime has begun to employ a growing number of women in the intelligence and surveillance services functions hailed as new opportunities of work, where there has been an extension of vocational training the women's share of this remains very small. Women account for only ۱,۲% of the country's skilled work force. Only a very small percentage of those in vocational training centres are women.” (Hylan ۲۰۰۲: ۱۵-۱۶)^۱

She stated one feature of Ba'athist policy in Iraqi Kurdistan was the evacuation of a ۲۰ kilometre-deep stretch of country bordering the frontiers with Turkey and Iran. This was accomplished with the wholesale destruction of villages. Up to ۵۰۰ villages were destroyed in the past. Quite apart from cost, the toll of this policy

^۱ For more details see a report published by Heval hylan May ۲۰۰۲, New Zealand on the deportation of the Failyee Kurds from Iraq. See also the website of Kurdistan regional government offers an interesting selection of extracts from these reports <http://www.krg.org/documents/failyeekurds>

has been heavy in social and economic terms. Agricultural production, the people's main livelihood, is in dramatic decline and the shortage of foodstuffs has been felt beyond the Kurdistan. Unemployment, notably among displaced Kurds has risen. There has been a meagre compensation benefit from the government for those who have abandoned their homes and lands. There is already an acute shortage of housing, which has been exacerbated by the evictions. The regime does have its own development plans for Iraqi Kurdistan but these are concerned mainly with the construction of roads, military fortifications and the modern villages are in reality communal detention camps. (International Federation for Human Rights FIDH ۲۰۰۱)^۱

Mr. Syed states that since the beginning of August, ۱۹۹۱ Saddam Hussein has been moving units of the Republican Guard to Kurdistan and has been concentrating them around Kirkuk, Erbil, and Sulaimaniya. Arrests and executions of people are carried out

^۱ A report by joint human rights alliance France and international federation for human rights (FIDH) "Iraq: An intolerable, forgotten and unpunished repression." The FIDH was created in ۱۹۹۲ in Paris with the purpose to spread and promote the ideal of human rights, of struggle against their violation, and of requiring their respect. It gathers together one hundred and fifteen affiliated organizations in the entire world. The investigative mission of the international federation for human rights (FIDH) and human rights alliance France (HRA France), a member of the coalition for justice in Iraq (CJI), travelled to Syria and Jordan between ۱۶ and ۲۲ July ۲۰۰۱. The mandate of the mission was: To investigate serious violations of the human rights = of the population of Iraq, particularly women that can be attributed to the Iraqi government. Human rights alliance France, established in ۲۰۰۰, is a non governmental organization dedicated to the promotion of the universal declaration of human rights and to the protection of individual and collective freedoms. Priorities of human rights alliance for a few years now, an international campaign of information relative to the violations of the human rights perpetrated since decades by the Saddam Hussein's regime has begun. The campaign called coalition for justice in Iraq (CJI) brings together more than ۲۷۰ non governmental organizations of ۱۲۰ countries and acts against impunity. HRA France takes an active part in it.
<http://www.iraqcp.org/humman/۰۰۲۱۴report/۲۰Iraq/۲۰-۲۰english/۲۰version.ht>

with the utmost secrecy so as not to arouse suspicion in the Western countries. Those Kurds who remained in Kirkuk are being discretely removed from their homes and Arabs are being brought in to settle in their houses. Thousands of Arabs were brought to Kirkuk by military convoys and were settled in the homes of Kurds who fled their homes in March 1991 following the collapse of the Kurdish uprising. (Interview with Syed 3 July 2002)¹ There are thousands of refugees from Kirkuk province who are forbidden to go back to their homes. The presence of such a large force of the Republican Guards around Kirkuk, Erbil and Sulaimaniyah creates an immediate danger to the lives of more than three millions inhabitants. No one can predict when Saddam Hussein will order these troops to attack these cities and massacre the defenceless population. (Interview with Omar 17 June 2000)²

The use of military force against civilians has long been the policy of the Iraqi leadership. Indeed, the government has long shown no respect whatsoever for any treaties or agreements it has ratified in regards to human rights. From the perspective of the Iraqi leadership there is no concept of universal human rights and the Kurds are considered dispensable. The displacement of the Kurds reveals an underlying racism and hatred that the international community has long been aware of but done nothing to prevent. Proof of the international community's neglect of its responsibilities is apparent if we examine the history of the Al - Anfal campaign of ethnic cleansing and genocide. (Human Rights Watch World Report 2003 K17/11/1423)³ It should be noted that

¹ Personal communication from Mr. Safir Syed - associate human rights officer, office of the high commissioner (place and date of interview: Geneva July 3rd 2002)

² Personal communication from Ms. Adalat Omar Representative of Anfal centre in Iraqi Kurdistan (Place and date of interview: Erbil - Iraq: June 17th 2000)

³ Human Rights Watch World Report 2003 "Iraq and Iraqi Kurdistan – Human Rights Developments" Middle East & Northern Africa Iraq and Iraqi Kurdistan, world report Human Rights Watch Organisation, 350 Fifth Avenue, 3rd floor New York, NY 10118-2299 USA 17/11/1423 <http://www.hrw.org/wr/k17/mideast4.html>

when Saddam Hussein became president in 1979 he formulated a genocide plan against the Kurdish people in Iraq. The plan was made up of three stages to be executed step-by-step according to the convenience of the time and circumstances to depopulate Kurdish towns and cities of their population. (Hall 2001: 58)¹

Saddam Hussein² has always viewed the people of Kurdistan as a convenient excuse to justify his own leadership in Iraq. Encouraging racial hatred and blaming the Kurds for the poor living conditions of many Iraqi civilians, he appropriates the rich economic resources of the region. In addition, using terrible chemical weapons he inspires fear both in Iraqi civilians, to submit to his dictatorship, and fear elsewhere in nations like Iran concerned about future conflict. For the Kurds the political motivations of Saddam Hussein hold no comfort in the face of chemical weapons attacks, appropriation of their properties and execution; they just want it to stop. Yasin furthermore notes:

“The first stage of the genocide was to depopulate rural Kurdistan by destroying its villages and small towns, forcing the Kurdish farmers to flee from their homes and to take refuge in the cities. The destruction of rural Kurdistan was designed to prevent the production of food, causing a shortage and the depopulation of Kurdistan. The first step of the genocide was accomplished by chemical bomb attacks on rural Kurdistan and the Iraqi army’s campaign of destruction.” (Yasin 1999: 394, 411)³

The attack on agriculture enabled Saddam to permanently weaken the resistance of the people by targeting food supplies.

¹ Report by Mr. Allan Hall “Saddam Hussein and the Genocide of the Kurds.” AlSharih publications, 2001, Erbil second edition, Kurdistan, Iraq at p: 58

² Saddam Hussein’s strong position inside the Ba’ath Party was a result of his own and President Al – Baker’s success in reorganizing the party after the 1963-64 split.

³ Report by Baker Yasin “Story of Bloody Violence in Turkey” first edition, published by Dar Alkenoz Aladabid, (Beirut, London: 1999) at pp: 394, 411

Such tactics cause lasting damage to the environment and are completely outlawed in international human rights law. Without sufficient monitoring of the region we can only speculate about the extent to which long-term sickness and poisoning continue to affect the indigenous peoples as well as the Iraqi civilians for whom the land has been appropriated. In the short-term though the people were too worried about more violent and sudden methods of death:

“More than ٤٠٠٠ villages and small towns have been destroyed. The once highly productive rural Kurdistan was ruined and deserted. The second phase of the genocide targeted the Kurdish towns for destruction. These Kurdish towns were located in economically strategic locations in the valleys and plains and served as centres of exchange for raw materials and finished goods. Destroying these towns resulted in the economic paralysis of the regions where the towns are located.” (Interview with Badradien ٢٣ May ٢٠٠٠)^١

Following the cease-fire with Iran on August ٢٠, ١٩٨٨ the Iraqi army began to destroy Kurdish towns one-by-one and forcibly transferred their inhabitants by military convoys into concentration camps. Many prosperous Kurdish towns were razed by Iraqi troops. Towns included in those raids were Halabja, Chwarta, Qala Dizia, Rania, and Rawanduz.

The United Nations was established following World War II precisely to avoid the sort of tragedy experienced by the Jews occurring again, yet during its existence and as the twentieth century drew to a close more of such crises occurred than at any other time in history. The last and third phase of the genocide was targeting the Kurdish cities for destruction and their populations for total annihilation. Saddam Hussein called the destruction of the

^١ Personal communication from Mr. Rahim Badradien a lawyer based in Erbil capital of Kurdish autonomous region in Iraq (date of interview: ٢٣ May ٢٠٠٠)

Kurdish cities the last solution for the Kurdish problem in Iraq. (Barzani ٢٠٠٣ PSK Bulletin)^١

This was not the first time that the Iraqi government used chemical weapons against the people of Kurdistan. During the war between Iran and Iraq, from September ١٩٨٠ till August ١٩٨٨, there have been several such events. The best known and heaviest attack using chemical weapons occurred in the middle of March ١٩٨٨ on the town of Halabja, when more than ٥٠٠٠٠ people were killed. When the military offensive started again in the northern part of Iraqi Kurdistan, from the ٢٠th of August to the ١٠th of September ١٩٨٨ in the provinces of Duhok and Ninewa, ٤٤٨ villages were destroyed by chemical weapons and poison gas including the majority of the villages in the district of Shekhan, Duhok, Amadia, Zakho and Akra according to a memorandum from the Iraqi Kurdistan front to UN on the ١٠th of August ١٩٨٨. Several thousands of people were killed or wounded. The remainder part of the population of these villages escaped to Turkey and Iran or fell into the hands of the government, no doubt then being subjected to very harsh treatment; Al-Khalil provides other corroborative evidence. (Al-Khalil ١٩٩٧: ٢٤٨ – ٢٥٠)^٢

The Al-Anfal campaign lasted between February and September ١٩٨٨ and it still represents in the minds of the Kurds the bloodiest and most severe campaign of violence and brutality yet experienced. Due to lack of precise information, destruction of records and evidence it is impossible now to determine how many

^١ Masoud Barzani “Kurdistan Democratic Party president’s Memorandum regarding the Missing Victims of Anfal Oppression Campaigns.” Kurdistan Regional Government Nordic representation, ERBIL, Iraq ١٨/٤ ٢٠٠٣ PSK Bulten. Mr. Masoud Barzani, President of Kurdistan Democratic Party KDP called for assistance in determining the fate of tens of thousands of missing Kurdish people and to publicity announces this tragedy, indict the perpetrators and compensate victims, their families and relatives. http://www.kurdistan.nu/english/masoud_barzani.htm

^٢ Samir Al-Khalil “Republic of Fear - the Politics of Modern Iraq.” An imprint of century (London: Publishers Hutchinson, ١٩٩٧) at pp: ٢٤٨ – ٢٥٠.

Kurds perished in these attacks, but it is reckoned between 50,000 and 100,000 people died. (Cook 1990: 109)¹

Amnesty International, in March 2003, is calling on the United Nations (UN) Security Council to authorize the deployment of UN human rights monitors throughout Iraq, and on the Iraqi government and the Kurdish authorities controlling parts of northern Iraq to provide the monitors with all the necessary access and cooperation. Amnesty International believes that this initiative, which is based on UN recommendations, is both timely and appropriate. Whatever the outcome of the debate on the disarmament of Iraq, the protection of the human rights of the people of Iraq will remain a central concern. Concrete measures to address the human rights situation in Iraq must be considered as a matter of urgency regardless of whether there will be a major military action in Iraq. In its resolution 688 (1991) which is recalled in resolution 1481 (2002), the Security Council demanded that Iraq “immediately end” the repression of the Iraqi civilian population and allow access by humanitarian organisations to all those in need of assistance. Since 1993, the UN General Assembly and Commission on Human Rights have repeatedly requested the deployment of human rights monitors throughout Iraq, within a broad set of measures aimed at strengthening the protection of human rights in the country. (Amnesty International March 2003)²

The Commission on Human Rights, guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other Human Rights instruments, reaffirming that all Member States have an obligation

¹ Helena Cook - international human rights lawyer. “The Safe Haven in Northern Iraq.” Published by the human rights centre, University of Essex and the Kurdistan human rights projects KHRP (London: 1990) at p: 109

² Amnesty International Report “Iraq – the Need to Deploy Human Rights Monitors” March 2003. Summary AI-Index: MDE 14/012/2003 an extensive range of materials on this and other subjects is available at international secretariat, 1 Easton street, London WC1X 0DW, United Kingdom
<http://www.reliefweb.int/library/documents/2003/ai-irq-03mar.pdf>

to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field. Mindful that Iraq is a party to the International Covenants on Human Rights and to other International Human Rights instruments and mindful also that all the parties to the current conflict in Iraq are parties to the Geneva Conventions of 12 August 1949 for the protection of victims of war, recalling previous resolutions of the General Assembly and the Commission on the subject, most recently United Nations General Assembly resolution 57/232 of 18 December 2002 and Commission resolution 2002/10 of 19 April 2002, as well as Security Council resolution 686 (1991) of 2 March 1991, in which the Council demanded that Iraq release all detainees and third State nationals detained by Iraq, reiterates its strong condemnation of the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the government of Iraq over many years, which have resulted in an all pervasive repression and oppression sustained by broad based discrimination and widespread terror. (Commission on Human Rights 23 April 2003: Rev. 1)¹

The use of biological and chemical weapons

The Al Anfal campaign was used by Saddam Hussein to refine and experiment with more deadly chemical weapons than ever before. Until this period in the history of the Iraqi regime mustard gas had been used, but Saddam Hussein used the Kurds for his expanding chemical weapons capacity. Ala'Aldeen is one of the

¹ United Nations Economic and Social Council, Human Rights Commission, fifty ninth session agenda item 9 "Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World – Situation of Human Rights in Iraq" Distr. 2003 LIMITED E/CN.4/2003.L.6/Rev. 1 (23 April 2003) also in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the economic and social council. GE.03-13922 (E) 23.04.03 <http://www.ohchr.org/news/L.7>

only scholars recently to have published a study on how chemical weapons were used by Iraqi Ba'ath regime. He formulated:

“Mustard gas first remained the predominant chemical weapons used and it was not until the government launched the Anfal Operations that the more toxic nerve gases were used on a wide scale in Kurdistan. Anfal is an ancient Islamic term, which originally denoted the plunder and slaves seized in the cause of a Jihad or holy war. Termed Anfal by the Ba'athists these operations in 1988 consisted of carefully planned and highly organised massive multi stage offensive on Peshmarga (guerrillas) strongholds directly supervised by Saddam Hussein who was at the time based in Sulmaniya.”
(Ala'Aldeen 1991: 13)¹

According to a member of 'Parasten', a security organisation in Kurdistan, refused to be named the use of this type of weaponry is clearly outlawed by numerous international protocols and Iraq has long been a party to the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating Poisonous or Other Gases, and of Bacteriological Methods of Warfare. More resolutions have followed with the international community in 1988 stating amongst other things that deliberately targeting civilians, the adoption of unlimited techniques of warfare and superfluous injury to civilians and combatants in war, were in violation of international human rights principles. The international community has known about the use of biological and chemical weapons and proved ineffective in preventing greater development and trade in these weapons, because of this fact the current situation in Kurdistan means the people have to contend with not just isolated attacks but the systematic and synchronised use of weapons.

¹ Report by Dr. Dlawar Ala'Aldeen "Death Clouds - Saddam Hussein's Chemical War Against the Kurds." January 1991, author contact BCM BOX 0902 London WC1N 3XX report at p: 13 Chemical Weapons: Weapons involving use of gas and other chemicals classified as a weapon of mass destruction. <http://www.ksma.org/en/articles/article-007/article-007.html>

Waves of poison gas attacks killed people instantly without leaving any apparent injuries. Escaping death became more difficult. The conventional methods of protection were no longer useful as the gases seeped through the wet breathing turbans damaging the respiratory system of the victim. People were seen gasping and struggling for breath and helplessly lying on the ground jerking with convulsions. According to the above victim and a witness, he recalled his experience when his village was attacked by the fast killing nerve gas. He said:

“We all knew it was a gas attack and tried to follow the usual steps of protection. But this time it was different. First I saw people behaving strangely and to so were the animals acting as if they were struggling. Some were lying on the ground. I saw birds falling off the trees. Every thing was mad. I knew that the situation was very dangerous and I was frightened and did not know what to do but to run away towards the hill. I felt like I was weak and unable to run or fully control my movements. My mouth was full, I could not see properly, but worst of all I could not breath normally. I did not know what I was doing and realised that I must be dying. I cannot remember any more and I must have lost conciseness. Doctors told me that it is a true miracle that I am alive and I believed so too. This is my second life and I am trying to enjoy the most of it.” (Interview with Ali, ۱۳ May ۲۰۰۰)^۱

Abdul Malakian explained attacks on Kurds are habitual, they ‘know’ it will be a gas attack, escaping ‘becomes’ more difficult, ‘conventional’ means of protection are no use. Implicit in some victims’ testimonies is the shocking notion that the Kurds are accustomed to these attacks and that this means these methods have a long history in Iraq. The Iraqi’s claimed that the worst of these attacks, Halabja, was due to the fact that the town was occupied by

^۱ Personal communication from a member of ‘Parasten’ security organisation in Kurdistan refused to be named (place and date of interview: Iraqi Kurdistan ۱۳ May ۲۰۰۰)

Iranian forces, as if this made any difference to the terms of the 1925 Protocols. Mohammad Reza furthermore notes:

“The numbers of deaths increased considerably. In Halabja 5,000 died and over 9,000 were injured. It is important to clarify events before the holocaust of Halabja and to stress a very important historical fact, as I have noticed that the world media, press and public have been misled so far. Halabja was not occupied by Iranian troops before the Iraqi planes bombarded the town with chemical weapons. Eventually Halabja was liberated from Iraqi regime control by the Kurdish Peshmergas.” (Abdul Malakian 1998: 5-7)¹

The fact that the Iraqi government tried to place the blame on Iran is strange in principle since the use of the weapons is completely outlawed. When we look at this action to blame the Iranians in the light of the current relativity and hypocrisy of international law it is easy to see why the government sought the blame. Meanwhile Iraqis continued to use them without fear of blowback from the international community.

Kurds as Indigenous people

There are important UN instruments and documents relating to communal human rights relevant to the Kurdish people in Kurdistan, particularly in Iraq: Charter of the United Nations; obligations of non-discrimination: a) Preamble; b) Article 1 (3); c) Article 2 (c); d) Article 26; Article 22 of the Universal Declaration of Human Rights UDHR states that:

“Everybody, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic,

¹ Article prepared by Mohammad Reza and Abdul Malakian “Chemical Massacre of the People of Halabja by the Iraqi Regime March 1998.” (every murder destroys a measure of human dignity – every genocide murders a piece of the whole world), at pp: 5-7 <http://www.kdp.pp.se/chemical.html>

social and cultural rights indispensable for his dignity and the free development of his personality.” Article 13 of the UDHR sets forth the basic right to freedom of movement. Article 13 states that: [e]veryone has the right to freedom of movement and residence within the borders of each State.” (General Assembly Resolution 217 A (III) 10 December 1948)¹

The International Covenant on Economic, Social and Cultural Rights (ICESCR) outlines substantive measures required fulfilling the commitment contained in the Universal Declaration. ICESCR Article 6 grants everyone the right to work. Article 9 guarantees the right to social security for everyone. Article 11 ensures the right of everyone to an adequate standard of living including adequate food, clothing and housing, and to the continuous improvement of living conditions. Article 12 grants the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” Article 13 requires States Parties to recognise the right of everyone to education, and article 15 grants everyone the right to take part in cultural life. The ICESCR also can be construed to forbid discrimination on the basis of nationality. Article 2, paragraph 2, states:

“The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (ICESCR General Assembly resolution 2200 A (XXI) 16 December 1966)²

¹ The UDHR was adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948. The universal declaration of human rights: A magna carta for all humanity published by the United Nations department of public information PI/1937/A-December 1997
<http://www.unhchr.ch/udhr/miscinfo/carta.htm>

² (ICESCR) International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) Of 16 December 1966, New York. Entered into force on 3 January 1976, in accordance with article 27

The International Covenant on Economic, Social and Cultural Rights ICESCR, and ICCPR Article 27 states:

”In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” (Draft Declaration of Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities, which was ratified in the UN General Assembly December 18, 1992, the Resolution 1994/40).¹

The Draft Declaration of Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities, which was ratified in the UN General Assembly December 18, 1992, the Resolution 1994/40 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. As above mentioned, Kurds are the indigenous people of Iraq and not a national or ethnic, religious and linguistic minority. The Declaration on Rights of Indigenous Peoples is extremely broad and inclusive of all significant rights afforded national, or ethnic, religious or linguistic minorities. This declaration most precisely fits the case of human rights of Kurdish people in Iraq. The indigenous movement arose in 1970's, and the Working Group on Indigenous Populations was established in 1982. The UN has declared 1990 to 2004 as the Decade of the World's Indigenous People. August 9 and 10 has been recognised as the international Day of Indigenous People.

<http://www.lawphil.net/international/treaties/icescr.html>

¹ The draft declaration of rights of persons belonging to national or ethnic, religious, and linguistic minorities, which was ratified in the UN General Assembly December 18, 1992, the resolution 1994/40 of the sub-commission on prevention of discrimination and protection of minorities. Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, G.A. res. 47/135, 47 U.N. GAOR Supp. (No. 49) at 210, U.N. Doc. A/47/49 (1992)

<http://www.arts.uwaterloo.ca/MINELRES/un/unmrd.htm>

Iraq as a state party and deportation of Kurds

From the adoption of the Declaration of Human Rights on December 10, 1948, the world community has moved to set up other categories of individual and communal rights that respond to discrimination against such individuals and communities above and beyond the general human rights defined by the Universal Declaration of Human Rights. This has included such additional individual human rights as those pertaining to women and children, and additional communal human rights as those pertaining to persons belonging to National or Ethnic, Religious and Linguistic Minorities, and persons belonging to Indigenous Peoples. It is recognised that these rights are cumulative, and have been recognised as such in the language of the various declarations.

Iraq as a state has emphasised the principle of non-discrimination as an imperative rule of international law, the violation of which constitutes an international offence. Accordingly, Iraq has acceded to the international instruments and conventions concerning the elimination of racial discrimination, including the International Convention on the Suppression and Punishment of the Crime of Apartheid the provisions of which have become part of Iraq's domestic legislation and, as such, can be invoked before the national tribunals. International Conventions (with Relevant Reservations): Iraq signed the ICCPR and the ICESCR in 1969 and ratified both Conventions in 1971. The general declarations submitted by Iraq related to its entry not signifying recognition of the state of Israel, and to its entry not constituting entry to the Optional Protocol to the ICCPR.

Iraq acceded to the CEDAW, (12 August 1986), with a reservation relating to Iraq not considering itself bound by Article 5(f) and (g), Article 9(1) and (2), and Article 16. The reservation to Article 16 concerns the provisions of the Islamic Shari'a according women rights equivalent to the rights of their husbands thereby ensuring a just balance between spouses. Iraq acceded to the CRC (Acceded: 10 June 1994) in 1994 with a reservation to Article

١٤(١) relating to the child's freedom of religion, stating that "allowing a child to change his or her religion runs counter to the provisions of the Islamic Shari'a, and signed Racial Discrimination: ١٨ February ١٩٦٩; ratified: ١٤ January ١٩٧٠." Believing in the need to recognise the legitimate rights of ethnic groups and minorities, Iraq acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on ١٤ January ١٩٧٠ and subsequently promulgated Act No. ٣٦ of ١٩٧٤, under which the Kurdish minority was granted autonomy. This pioneering legislation, which basically expressed Iraq's determination to recognise the legitimate rights of Kurdish people, was also in keeping with Iraq's obligations towards them in accordance with the requirements of article ٤ of the Convention and article ٤; paragraph B, of document CERD/C/٧٠/Rev. ٣. (International Convention on the Elimination of All Forms of Racial Discrimination on ١٤ January ١٩٧٠ and subsequently promulgated Act No. ٣٦ of ١٩٧٤)^٧

^٧ See Amin, Middle East legal systems, Glasgow, ١٩٨٥; El Alami & Hinchcliffe, Islamic marriage and divorce laws of the Arab world, London, ١٩٩٦; Anderson, law reform in the Muslim world, London, ١٩٧٦; Iraq, official Gazette (English edition), no. ١١ (١٦,٣,١٩٨٣), pp. ٤-٥; Mahmood, 'Iraq' in statutes of personal law in Islamic countries, ٢nd ed., New Delhi, ١٩٩٥; Mallat, "Shi'ism and Sunnism in Iraq: Revisiting the Codes," in Islamic family law, Mallat & Connors, eds. London, ١٩٩٠; al-Mukhtar, "Iraq," yearbook of Islamic and Middle Eastern law, vol. ١ (١٩٩٥): ١٥٧-١٧٧; Nasir, the Islamic law of personal status, ٢nd ed., London, ١٩٩٠; Pearl, a textbook on Muslim personal law, ٢nd ed., London, ١٩٨٧; Redden, 'Iraq' in modern legal systems Cyclopedia, vol. ٥, Buffalo, NY, ١٩٩٠.

^٧ International convention on the elimination of all forms of racial discrimination on ١٤ January ١٩٧٠ and subsequently promulgated Act No. ٣٦. Iraq has announced joining the covenant in January ٢٥, ١٩٧١. It became effective in January ٢٣, ١٩٧٩. Iraq has presented regular reports according to the ICESCR. The committee of the economic, social and cultural rights discussed those reports. The third and last report was discussed about implementing articles ١-١٥ of the covenant, the final observations of the committee was issued in document ١٢/١/Add ١٧ of December ١٧, ١٩٩٧

<http://the-amazing.us/uruklink/women/ew٥.htm>

The Kurds and their race (Iraq)

The International Convention on the Elimination of All forms of Racial Discrimination (CERD) prohibits discrimination based on race of national or ethnic origin. Article 2¹ specifically prohibits a State from denying ethnic, religious or linguistic minorities the right to enjoy their own culture, religion and language. Arabization, itself a package, includes the violation of other international instruments such as: ICCPR Article 2 (1) which states:

“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; also Article 24 (1) Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.” (International Covenant on Civil and Political Rights Nov 11, 1966)¹

ICESCR Article 2 (2) states:

“The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other

¹ Iraqi government has declared joining this covenant in Jan. 20, 1966, which became effective in March 23, 1966. Iraq did not agree on the function of the committee of human rights according to article 41 of the international covenant. It also did not join the Optional Protocol attached to the covenant. Iraq submitted its four regular reports on the implementation of the ICCPR. The fourth report was discussed in Oct. 27, 1997 by the committee and its observations were issued in document CCPR/C/39 Add. 44 in Nov 11, 1997

opinion, national or social origin, property, birth or other status.” (International Covenant on Economic, Social and Cultural Rights 17 December 1966)¹

Article 2 (e) (I) of CERD prohibits discrimination in employment. Article 6 (1) of ICESCR States:

“The States Parties to the present Covenant recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.” (International Convention on Elimination of All Forms of Racial Discrimination 19 August 1966)²

Economic development policies in Kurdistan, however, are causing a huge influx of Arab entrepreneurs and workers into Kurdish area. This has increased inflation and caused unemployment for the Kurdish people, who find that they cannot compete with ethnic Arabs for job controlled by Arabs.

This action also violate to ICESCR Article 6 (1), which states:

“The States Parties to the present Covenant recognise the right to work, which includes the right of everyone to the

¹ Iraqi government has declared joining the Covenant in January 20, 1971. It became effective in January 23, 1971. Iraq has presented regular reports according to the ICESCR. The committee of the economic, social and cultural rights discussed those reports. The third and last report was discussed about implementing articles 1-10 of the covenant, the final observations of the committee was issued in document 12/1/Add 17 of December 17, 1997

² Iraq expressed its willingness joining the convention on Jan 14, 1970 which became effective in Feb. 14, 1971 but Iraq did not agree on the function of the committee on Elimination of Racial Discrimination according to article 14 of the convention. Iraq submitted its regular reports, the last of which was report 14, discussed by the committee on August 9-10, 1999. The final observations were issued in document CERD/C/00 Add 10 on August 19, 1999

opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.” (International Covenant on Economic, Social and Cultural Rights 17 December 1966)¹

Iraqi government refusal

The acts of forcible expulsions of thousands of families on the basis of their ethnic origin violates Iraq’s obligation under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), to which it acceded in 1970. Article 2(1a) of CERD states that:

“Each State Party undertakes to engage in no act or practice of racial discrimination against person, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this legislation.” (International Convention on Elimination of All Forms of Racial Discrimination 14 January 1966)²

In addition, the truth can be in what the Ambassador James Gunningham said:

¹ Iraq stated joining the Covenant in January 20, 1966. It became effective in January 23, 1966. Iraq has presented regular reports according to the ICESCR. The committee of the economic, social and cultural rights discussed those reports. The third and last report was discussed about implementing articles 1-10 of the covenant, the final observations of the committee was issued in document 12/1/Add 17 of December 17, 1966

² Iraq conveyed joining the convention on Jan 14, 1966 which became effective in Feb. 14, 1966 but Iraq did not agree on the function of the committee on Elimination of Racial Discrimination according to article 14 of the convention. Iraq submitted its regular reports, the last of which was report 14, discussed by the committee on August 9-10, 1966. The final observations were issued in document CERD/C/00 Add 10 on August 19, 1966.

“Iraq remains the country with the highest number of displaced reported to the Working Group on Enforced or Involuntary Disappearances. Moreover, persons displaced by the regime are deprived of needed humanitarian relief on the grounds that they are “temporary residents” of the places to which they have been banished.”¹

Violation to Declaration of Principle of Indigenous Rights (Principal 4), that states: The tradition and customs of indigenous people must be respected by the states and recognised as fundamental sources of law. Iraq has also violated the Convention on Indigenous and Tribal Peoples in Independent Countries Articles 3 and 4(a) Arabization of the inhabitants of Kurdistan is a flagrant violation of SCR 661 - according to which the Security Council is obliged to intervene.²

International reaction

The International Community has remained conspicuously silent on Iraq’s campaign of intimidation in Kirkuk and other Kurdish districts. The Universal Declaration on Human Rights, to which the Government of Iraq is a signatory, specifically prohibits forced

¹ Ambassador Cunningham’s Security Council Remarks on Iraq Department of State. Web site: usinfo.state.gov 22 March 2003 (Iraq is responsible for the long run of U.N. sanctions, U.S. says) (6/6/03). Distributed by the Office of International Information Programs, U.S.

<http://www.fas.org/news/iraq/2003/03/030324-iraq-usia1.htm>

² The UN Security Council to adopt SCR 661 on April 6, 1991, condemning the Iraqi regime’s brutal suppression of its people in general and of the Kurds in particular, and compelling Iraq to hold negotiations with the Kurds in order to ensure their political and human rights. Consequently, the “Safe Haven” was established for the Kurds, an area that covers approximately 0.4% of the region and contains 2.6 of the total 6 million of the population of Iraqi Kurdistan.

deportations and population transfers. The UN Security Council has adopted several resolutions; most notably UNSCR 688, mandating an end to repression by the Government of Iraq against Iraqi citizens and in particular the Kurdish people, but Iraqi government routinely ignores these resolutions. Furthermore, the UN oil-for-food program authorized by UNSC resolution 986 and 1103 stipulates equity in the distribution of humanitarian supplies and mandates that the Government of Iraq not to impede in the distribution of humanitarian aid.

The deportation campaign in Kirkuk has disrupted the distribution and worsened the conditions in which the population must survive. This situation is unacceptable and must be corrected. The UN Committee on Economic, Social and Cultural Rights, elaborated in General Comment No. 8 (E/C.12/1997/8), adopted on 8 December 1997, that “inhabitants of a given country do not forfeit basic economic, social and cultural rights by virtue of any determination that their leaders have violated norms relating to international peace and security.” This action needs support from other human rights organisations. On 26 August 1999 during its 81st session, the UN Sub-Commission on the Promotion and Protection of Human Rights decided to “appeal again to the international community and to the Security Council in particular, for the embargo provisions affecting the humanitarian situation of the population of Iraq to be lifted.” The Sub-Commission also decided to “urge the international community and all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs.”¹

The above policies and practices have been documented and revealed through much hard evidence. E.g. President Clinton has

¹ The United Nations Committee on Economic, Social and Cultural Rights (E/CN.4/Sub.2/Dec/1999/110) <http://www.casi.org.uk/info/un.html>

referred to some of this evidence in his letters to the Congress.¹ Deportation has created a new category of displaced persons. It is not the spontaneous reaction to a life-threatening situation by a government leading to population displacement. It is the requirement by the authorities to move to a given area and to stay there until otherwise authorized. (Some Kurdish families chose to move to the southern Iraq)² It is unclear whether this is an independent initiative, which has since been replicated elsewhere, or a pilot project planned only by the Iraqi government. The connection between counter-insurgency and Arabization linked to human rights violations.

¹ Monday, August 17, 1998 Vol. 34, No. 33 Letter to Congressional leaders reporting on the national emergency with respect to Iraq by William J Clinton August 13, 1998. Identical letters were sent to Newt Gingrich, Speaker of the House of Representatives, and Albert Gore, Jr., President of the Senate. This letter was released by the Office of the Press Secretary on August 14.
http://www.ipmall.info/hosted_resources/ippresdocs/ippd_17.htm

² In this case, population displacement is dictated and controlled by the government administration and armed forces. See also Statement on Iraq's policy of Arabization - KRG November 19, 1998 commenting on the government of Iraq's deportation and Arabization operations in Kurdistan. An official spokesman of the Kurdistan Regional Government has stated: "The Iraqi government has not ceased its policy totally contradictory to the fraternal spirit and brotherhood among Arabs and Kurds and other minorities, embodied in the Iraqi temporary constitution." (Article 9, paragraph B, 1970).
<http://www.krg.org/news/1998/arabization.asp>

Chapter ٦.

Behind the Scenes of International Politics

Western war mythology

Why should Iraq seek to justify the use of chemical weapons by claiming its actions were related to the war in Iran? The only answer to this question must be that the international community perceives a difference between the use of chemical weapons in war and their use against civilians. Judging by the U.S. support for Iraq during the Iran and Iraq war, members of the international community likewise inadvertently demonstrate complicity in their use. Akrawi broadly confirms:

“Saddam Hussein...tried publicly to link the battle for Halabja to the Iraq-Iran war, despite the fact that no battlefield with Iran had been opened in that area and no Iranian official had entered the town. Iraqi planes then bombarded the town with poison gas.” (Akrawi ٢٠٠٢: ١٨-١٩)^١

There is a mythology surrounding war that is present in everyday rhetoric in relation to military activity taken by and on

^١ Rhoff Akrawi & Falakaddien Kakeyi “Attack on Badhinan Region – Refugee Crisis” (Iraqi Kurdistan: Aras press and publishers: ٢٠٠٢) at pp: ١٨-١٩

behalf of the United Nations.¹ This rhetoric and the history behind it goes some way towards explaining why Saddam Hussein justified his use of chemical weapons during the Al Anfal campaign by claiming it was an action of the Iran and Iraq war. The names of U.S. and UN military campaigns have the most emotive names like ‘Shining Hope’, ‘Provide Comfort’, ‘Provide Promise’ and ‘Shining Presence’. (Vidal 2002: 317-318)². These names betray the western myth that certain sorts of war are glorious, war on the behalf of good is justified whatever the means employed. From carpet-bombing in Vietnam, Hiroshima and Nagasaki to chemical weapons use by the Iraqi government, the concept of righteous war owes its origins to the Crusades of early Christendom. The United Nations criticises and misinterprets the notions of Jihad (Islamic Holy War) that Saddam uses to disguise his genocide tendencies, but I believe that he is in fact assisted by the refusal of the west to acknowledge the intrinsically unpleasant consequences of its own religiously zealous, military solutions. This point of the argument does not automatically assume that military intervention should cease. The fact is that these weapons exist and their misuse against the Kurds must for the moment be prevented. However, the situation is surely inflamed by, in particular, the US’s and the west’s refusal to acknowledge any culpability for the war crimes they have committed and continue to commit. Any further UN activity should seek first to accept that the activities of war result in civilian casualties, no matter how accurate weapons are claimed to be. Once the UN owns publicly that its military activities are not without responsibility and civilian casualty there can begin to be more serious discussion about the

¹ Halabja: Kurdish town in northern Iraq. From 16th to 18th March 1988, while under the control of a pro-Iranian Kurdish militia, it was attacked by Iraqi aircrafts using a variety of chemical weapons, including mustard gas, Sarin, Tabun and VX, killing some 5000 people and exposing many more to severe long term health difficulties.

² Gore Vidal “The Last Empire” published by Abacus, an imprint of Time Warner books UK, Brettenham House, Lancaster place, London WC2E 9EN, 2002 at pp: 317 – 318

kinds of weapons used. Unless the international community takes such steps it will be unable to preach or implement measures of control that display blatant hypocrisy and fuel resentment.

Whilst the Al Anfal campaign raged through Iraq the UN debated what it should do about it. The UN was unable to find motivation for intervention though. A more promising step has taken by Mr. Barzani:

“Masoud Barzani, the President of Kurdistan Democratic Party, appealed to the UN Secretary General about the campaign of genocide conducted by the Iraqi regime against the Kurdish population. Mr. Barzani, said in order to terrorise Kurdish villagers and force them to leave, the Iraqi government have been using chemical weapons. On ١٥ - ١٦ April ١٩٨٨ for instance ٢٠ villages in the Erbil governorates were hit with these weapons. A few days later these weapons were used in bombarding a number of villages in the Provinces of Paradigm, Mewed and nearby areas killing dozens of children, women and elderly people, as well as seriously wounding hundreds of people.” (Kurdistan Democratic Party Politburo Publication ١٩٨٨: ٢)^١

Likewise in another urgent appeal to the UN and humanitarian organisations on the ٢٠th February ١٩٨٨, Jalal Talabani the General Secretary of the Patriotic Union of Kurdistan stated:

“Since April ١٩٨٧ the Iraqi government has on at least six occasions, bombarded the liberated areas of Kurdistan (both civilians and combatants) with poison gas (mustard gas), which has resulted in hundreds of fatalities. In addition to the destruction of the towns of Penjween, Tawele, Khormal, Mawat, Qaradq, Agieler, Gelale, Kanimassi and Attrosh, the Iraqi authorities have completely destroyed the town of Chwarta and the district towns of Sorekalat, Kalacholan, Kareze, Kinaroi and Berzingi. The Iraqis are planning to

^١ Kurdistan Democratic Party politburo publication “Genocide in Iraqi Kurdistan - ١٩٨٧” at p: ٢ <http://www.kdp.pp.se/chemical.html>

destroy the sizable towns of Halabja, Koysanjik, Taktak, Rawandooz and Kakadize. This would undoubtedly result in the displacement of hundreds of thousands of people.” (Ala’Aldeen ١٩٨٨: ٢)^١

Not only were Kurdish pleas ignored, but also to add insult to injury ‘the U.S., U.K., Switzerland, Austria and Germany accepted only a total of ٢٩ victims to be treated at their own expense. The message painted by the international community following the Al Anfal campaigns was a clear and bleak one. The UN was not interested in assisting the victims of chemical attacks^٢ promises to protect the Kurds and rhetoric about minority rights mean nothing to people who encounter such refusals for assistance.

This thesis suggests that the neglect of the UN made it expedient for Saddam Hussein to be able to compound the problems of the Kurds. Reports by the committee against repression and for democratic rights in Iraq ١٩٩٨ further stated that hundreds of Kurdish civilians wounded in the chemical attacks desperately sought medical treatment in the main hospitals of the Kurdish cities in Hewler, Sulimanyah and Kirkuk. The report continued to state that the Iraqi authorities issued strict orders to all hospitals not to treat any of these victims unless they sign a statement and appear on Iraqi television claiming that Iran was responsible for the chemical attacks. The victims were denied medical treatment and were later rounded up and sent to a secret prison in the city of Erbil. They were later executed and buried by the government in an attempt to cover up all traces of this horrendous crime. In the event Mr. Talabani had accurately forecast the destruction of Halabja, by the Iraqis, nearly a month before the event. The fears of Kurdish

^١ Report by Dr. Dlawer Ala’Aldeen to victims of chemical weapons in Kurdistan “Death Clouds - Saddam Hussein’s War Against the Kurds” January ١٩٩١, BCM Box ٥٩٥٢ London WC١N ٣XX, The Times ٢٢ March ١٩٨٨
<http://www.ksma.org/en/articles/article-٠٠٢/article-٠٠٢.htm>

^٢ Chemical Weapons Convention: International agreement, which aims to eliminate all significant chemical, weapons stockpiles, which came into force in ١٩٩٧.

leaders and political parties about the sustained campaign of genocide by Saddam Hussein's regime and their well documented memos to democratic governments and international organisations met with muted reactions and speculation by an indifferent world. Except for sporadic reports in the media few voiced their concern, encouraging Saddam Hussein to commit the massacre of Halabja. (Committee Against Repression and for Democratic Rights: ١٩٨٨: ٨, ١٦)^١

In the UK, MP Jeremy Corbyn gave a speech on Friday ٢٠ March ١٩٨٨ in the House of Commons saying:

“The most shocking and appalling thing has been the use of chemical weapons and chemical warfare against the Kurdish people. It is clear that the Iraqi government is using poison gas against the Kurdish people in Iraq. Since mid-April ١٩٨٧, just less than one year ago there has been continued shelling with mustard and diphosgene gases, which have been used to kill people in Kurdistan.” (Corbyn, ٢٠ March ١٩٨٨)^٢

Any one who doubts the existence and use of such chemical weapons, (and indeed the Iraqi ambassador in this country denies the use of chemical weapons) is referred to a secret document that has been smuggled out of Iraq from the general commander of the Erbil district which clearly confirms the existence of those weapons...the full horrors of the Iran-Iraq war have cost the lives of

^١ Report by committee against repression and for democratic rights in Iraq “Human Rights in Iraq.” Cardiff PO Box ٢١٠ London N١٦ ٠PL (١٧ June ١٩٨٨) at pp: ٨, ١٦ <http://www.brainboxmag.com/essays/٢٠٠٢/forgetting.htm>

^٢ Assessment on Jeremy Corbyn speech given on Friday ٢٠ March ١٩٨٨ in the House of Commons, British Parliament report (debates - questions addressed to the government) Kurdistan Democratic Party information centre - Europe IKR press. See also KSMA News Bulletin: January ١٩٨٩. The Kurdish British Scientific and Medical Support Group established in March ١٩٨٨ <http://www.ksma.org/en/newsletter/Bulletin-٠١-١٩٨٠.html>

hundreds of thousands of people, but within that conflict the most appalling savagery is being perpetrated against the Kurdish people. It is time for the government to act, firstly by requesting that the United Nations immediately sends observers to ascertain the full extent of the attacks that have taken place; secondly demanding that the Iraqi government allow the International Red Cross into the country to take medical and humanitarian aid to those people; thirdly, and above all, demanding a complete stop to all arms and chemical sales to either Iran or Iraq. They should also stop propping up the Iraqi government by the use of trade, aid and credits the British government have been doing just this with the credits that they have passed on to Iraq .

The reasons for ignoring the plight of the Kurds at this time were the same reasons why Tony Blair is currently making speeches that exaggerate the threat Iraq now *suddenly* poses to the nations of the world with its weapons. The world has known about the weapons capacity of Iraq for at least ۳۰ years. To actually acknowledge the Kurdish situation during the Al Anfal campaigns would have drawn attention to where Iraq gained such weapons technologies. Likewise to create the illusion that Iraq's weapons capability is a *new and unprecedented threat* helps to ignore the historical facts that cause the public to question why nothing has been done before to remove such a threat. In his speech Jeremy Corbyn continued noting that:

“The Iraqi Ambassador in London has categorically denied the use of chemical weapons by his government against Kurdish civilians in Halabja where ۵,۰۰۰ innocent Kurds were suffocated by cyanide gas. The Kurdistan Democratic Party (KDP) is putting forward two highly confidential documents captured by KDP guerrillas in the Iraqi base at Deralok in January ۱۹۸۸. The contents of the documents prove that the Iraqi regime is committed to the use of poison and nerve gasses”. (Corbyn ۲۵ March ۱۹۸۸)^۱

^۱ MP Jeremy Corbyn, speech given on Friday ۲۵ March ۱۹۸۸ in the House of Commons, British Parliament - London

Burhan Jaff Kurdistan Regional Government representative to EU in Brussels believes with such evidence there should have been a case for intervention in favour of the Kurds but it would seem that the political conditions were not such that this was an option. The necessary ingredient of media attention was not present to encourage the public that humanitarian interest should motivate their governments to place sufficient pressure on the UN to act. The very suggestion that it is the responsibility of governments that cause the UN to act is in itself a paradox. Surely it is the UN that should be identifying possible areas for concern and shaping policies to prevent human rights violations? The UN then should be able to draw on the support of the governments it chooses to implement the necessary measures, governments that are themselves representative of their people. (Jaff ١٩٩٨: ٢-٥)^١

In the aftermath of the Al Anfal campaign further evidence of crimes came to light when the UN Special Reporter found that there are an unusually high percentage of women in the Kurdish areas, purportedly caused by the disappearances of tens of thousands of Kurdish men during the Anfal campaign.^٢ And so the list of human rights violations against Iraqi Kurds continues with the government finding ever more reasons to persecute. Saddam Hussein, in an aim to destroy the will of the Kurds and remove any infrastructure to support their communities, targets religious leaders:

“The killing of religious groups was part of an organised attack by Iraqi officials against the independent leadership of the Shi'a religious community in Iraq. On ٢١ April ١٩٩٨ Ayatollah Sheikh Murtada al-Burujerdi was assassinated after

^١ Article by Mr. Burhan Jaff “Kurdistan Observer Press” Kurdistan Democratic Party press release (London: ٢٤th March ١٩٨٨) Kurdistan Democratic Party European publications IKR London at pp: ٢-٥
<http://mywebpage.netscape.com/kurdistanobserver/e/٤-٦-٠١-krg-rep-visit-eu.html>

^٢ Amnesty International Report (١٩٩٩: Iraq) Amnesty International USA home page, copy right ١٩٩٩ at pp: ٢, ٤
<http://www.amnesty.org/ailib/aireport/ar99/mde1٤.htm>

leading congregational prayers. It was also alleged that several other spiritual Shi'a community leaders have suffered various forms of harassment by Iraqi officials in the two years prior to his arrest. Following these killings the Iraqi authorities developed a security plan to provide protection for religious scholars. This involved the Iraqi military intelligence service directly supervising the security of all religious centres in southern Iraq and will also be assigned to provide protection to the religious scholars. The government reportedly continued to target Shi'a Muslim clergy and their supporters for arbitrary arrest and other abuses in the last years. It also repeatedly continued forcibly to move Shi'a populations from the south to the north, and other minority groups such as Assyrians and Turkmen from the north to government-controlled territory. It was reported in January ۱۹۹۹ that the Iraqi government had executed hundreds of Shi'as and detained many more in the south." (Amnesty International Report ۱۹۹۹: ۲)^۱

Rezgar admitted if the UN were to reverse the steps it has taken to protect Kurdistan then this would bring about disaster for the Kurds. Even if Saddam Hussein had been removed before action of this kind had taken place the Kurds might not have survived. With such damage to infrastructure, religious systems and practices, landmines to contend with, false and politically motivated courts, the positive steps taken by the Kurds to form their own functioning democratic leadership would be reversed if protection was rescinded. Saddam would have achieved his aim of Genocide conceived in ۱۹۷۹. It is time that the Kurdish administration was allowed to govern for itself with the support and recognition of the international community. They cannot be left to the mercies of Saddam or his replacement. (Rezgar ۱۹۸۹: ۸-۹)^۲

^۱ Amnesty International Report (۱۹۹۹: Iraq) Amnesty International USA home page, copy right ۱۹۹۹
<http://www.amnesty.org/ailib/aireport/ar۹۹/mde۱۴.htm>

^۲ Dr. D. Rezgar - report of a medical mission of Kurdistan by physicians human rights February ۱۹۸۹. "Winds of Death - Iraq's Use of Poison Gas Against its

“Iraqi people do not have the right to change their government. Although the government has taken no steps to increase the perception of democracy, the political process is still controlled firmly by the state. The 1999 referendum on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It included neither voter privacy nor opposing candidates, and many credible reports indicated that voter's feared possible reprisal for a negative vote. On the other hand opposition political organisations are illegal and severely suppressed. Membership in certain political parties and organisations is punishable by death.” (Amnesty International Report 1999: 4)¹

Der Stoel, UN Special Reporter on Iraq, stated that one of the characteristics of the current Iraqi regime is that it demonstrates no affinity with religious or ethnic groups. Yet when Saddam Hussein declares Jihad (Holy war against non Muslims) the west perceives this as a fault of the Muslim faith. All dictators and indeed most modern leaders wield religion as a political card at one point in their career. To disregard minority and religious guidance in the creation of a Kurdistan would be to marginalize the history of the whole region. Der Stoel added:

“New parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The government does not recognise the various political groupings and parties that have been formed by the Shi'a Muslims, as well as Kurdish, Assyrian, Turkmen, and other Iraqi communities. These political groups continued to attract support despite their illegal status. In contrast, in Kurdish

Kurdish population.” issue no: 121, Shareieht printer (Dohuk, Iraqi Kurdistan: 1989) at pp: 8-9

¹ Amnesty International Report (1999: Iraq) Amnesty International USA home page, copy right 1999
<http://www.amnesty.org/ailib/aireport/ar99/mde14.htm>

controlled northern Iraq (Kurdistan), numerous political parties and social-cultural organisations exist.” (Der Stoel 1999: 20.)¹

Der Stoel has also pointed out it that just because many wars are fought in the name of religion but that does not mean they are religious or just. The fact that the Kurds have succeeded in creating and promoting diversity now that they have control of Kurdistan should point the international community towards building on what has been achieved rather than trying to go back to a clean slate or simply withdrawing support. The UN must register the fact that the Kurds are establishing a tolerant and more permissible society. Any decisions following a new invasion of Iraq, if in fact it takes place, should be made with the knowledge that currently Kurdistan ‘works’. In Iraq any new regime would need time to develop, Kurdistan has had 10 years to establish itself. There would be no sense in UN policies that now take away the freedoms the Kurds have suffered and strived for, in Iraq. Citizens don’t enjoy the right to peacefully assemble or organise for any political purpose other than to express support for the regime. The government controls the establishment of political parties, regulates their internal affairs, and monitors their activities. Several parties are specifically outlawed, and membership in them is a capital offence. The Special Reporter further emphasised:

“That freedom of speech, the press, assembly, and association, do not exist, except in some parts of northern areas (Kurdistan), beyond control of the government. The government and the Ba’ath party own all print and broadcast

¹ A report published by Mr. Max Van Der Stoel, United Nations human rights special reporter on Iraq, at p: 20: The United Nations human rights reporter on Iraq from 1991 to 1999, when he resigned. Following his initial critical report on the practices of the government of Iraq he has been denied access to Iraq. He has continued to issue reports strongly critical of the Iraqi government’s human rights record, largely on the basis of reports from members of Iraqi opposition groups.

<http://www.fas.org/news/iraq/1999/03/1999-03-11hrcn-892.htm>

media and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed either domestically or abroad. On the other hand journalists are too under regular pressure to join the Ba'ath party. The ministry of culture and information periodically holds meetings at which orientation and general guidelines for the press are provided. In northern Iraq (Kurdistan) several newspapers have appeared over the past years, as have opposition radio and television broadcasts. The absence of the central authority permits some freedom of expression, although most journalists are influenced or controlled by various political organisations.” (Der Stoel ۱۹۹۹: ۲۱)^۱

Kurdistan is now a young territory, even with its long history, and it needs chance to develop and grow independently. Any interference now would damage what little trust that the Kurds still feel for the international community. This idea of trust is one not reflected in international politics and currently non-achievable. The undemocratic structure of the UN and the gross misdistribution of power within the organisation, which this thesis has already suggested, are not the only factors that lead the Kurds to distrust its resolutions. The UN over all acted as a reactive organisation that responds to events and trends in politics. Maintaining Kurdistan's present political status and extending protection is one of the ways that the UN can achieve credibility with the international community. The UN has sufficient access to information to follow the best guidance on sustainable development for new and emerging powers; now it needs to take that information and act to show itself as an organisation committed to changing the state of the Kurds for the better in the long-term. (Middle East Watch Report: ۱۹۹۳)^۲

^۱ Ibid, at p: ۲۱

^۲ Middle East Watch “Genocide in Iraq: The Anfal Campaign Against the Kurds.” (New York, ۱۹۹۳). Over ۱,۵ Kurds were forcibly deported. Over half of the Kurdish dominated territory was cleared of Kurds.

<http://www.hrw.org/reports/۱۹۹۳/iraqanfal/>

The use of landmines is perhaps another clear example of a human rights violation suffered by the Kurds that illustrates of the international double standards that permit nations like Iraq to see clear to abuse and ignore UN declarations and resolutions that outlaw them. An International Red Cross report indicated:

“Chemical weapons have been widely used particularly during the Anfal campaign. It is also estimated that as many as ۲۹ million mines were laid in Iraqi Kurdistan during the ۱۹۸۰s, both in response to the Peshmerga uprising as well as the Iran Iraq war. It has been reported that the mines were laid carelessly without mapping often in agriculture areas and other non-war zones to render them uninhabitable. There were many different types of mines used. A large number of them light-weight plastic mines detection. They constitute the largest single cause of unnatural death and injury in the area. In early ۱۹۹۲ figures indicated an average of ۶۰۰ mine casualties a month. The Iraqi government has made no attempts at de-mining the area. In May ۱۹۹۳ the UN Coordinator of the humanitarian, requested a visa for a UN de-mining expert and prepared a plan to address the problem, but the government refused this.” (International Red Cross Report ۱۹۸۸: ۱۴, ۱۸)^۱

Der Stoel however draws the conclusion that the non-cooperation of the Iraqi government is unreasonable, and I would not argue the contrary. I would argue though that given the US’s refusal to support land mine treaties it is not surprising that the Iraqi dictator sees fit to ignore the ۱۹۸۰ UN resolution on the subject. It seems to me that Saddam Hussein is able to manipulate

^۱ International Red Cross review on prisons of war (POW) in South Kurdistan. The visit was carried out by a delegation and a medical delegate of the ICRC, no: ۳, report on a visit to prisoners taken following the events in north and Middle East-Iraq, document on ۱۷ January ۱۹۸۸ (London: April, ۱۹۸۸) at pp: ۱۴, ۱۸ <http://www.kurdistanobserver.com>

the international community because of the inconsistency and hypocrisy of western governments. If the US would set an example by refusing to use such weapons then perhaps other governments would look to follow the example. Both in times of conflict and of relative peace the Kurds have consistently been subjected to a range of human rights violations including political killings, disappearances, arbitrary arrest and torture. Saddam has posted Iraqi military officers or civil servants with no legal training to head prosecution tribunals, and hear cases in secret. Authorities often hold defendants incommunicado and do not permit contact with lawyers. The courts admit confessions extracted by torture, which often serve as the basis for conviction. There are reports that individuals who have co-operated with UN weapons inspections have been subjected to secret trials. There are also many cases that appear to end in summary execution, although defendants may appeal to the President for clemency.

Saddam Hussein may grant clemency in any case that apparently suits his political goals. There is no Islamic law or courts as such. Regular courts are empowered to administer Islamic law in cases involving personal status such as divorce. The Special Reporter on human rights situation in Iraq stated that arbitrary arrests are still common throughout the country and many times lead to detention for often-long periods of time without access to a lawyer or being brought before a court. The military and security services carry out most cases of arbitrary arrest and detention. It has also been reported that there is a widespread practice of holding family members and close associates responsible for the alleged actions of others. The Special Reporter notes that guilt by association is facilitated by administrative requirements on relatives of deserted or other perceived opponents of the regime. (Der Stoel 1999: 3, 7, 8)¹

¹ Report by Mr. Max Van Der Stoel, the Special Reporter, in accordance with commission resolution 1998/60, Distr. General, E/CN.4/1999/37, economic and social council, United Nations, commission on human rights, fifthly-fifth session, item 9 of the provisional agenda "Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World."

Such a system will always single out and aggravate hatred and crimes towards the Kurds. It would be a mistake to now consider a solution of the Kurdish problem by returning powers of governance to Iraq. It is easy to see why current air strikes on Iraq are viewed with serious concern by the Kurds. What is the motivation for intervention? If Saddam Hussein is removed and a new regime put in place, then can the Kurds expect to be brought back within the jurisdiction of Iraq? Is the long-term motivation of military intervention to remove Saddam Hussein a financial one to prevent the west from having to assist Kurdistan to sustain itself? The fact is that Saddam Hussein is not the only problem and any new regime is likely to impose restrictions of the freedoms of the Kurds. Perhaps not with chemical weapons attacks but with sustained and concerted efforts to prosecute and victimise the Kurdish minority. Experience in Turkey and Iran suggest that Kurds can expect poor treatment unless they are able to decide for themselves.

Problems in the UN

The UN's actions, in respect of human rights violations in Iraq, are effectively impotent without military intervention, either directly or indirectly. This often leads to the US response that 'America is expected to police the world'. I believe that the US's insistence on pursuing its own motives leads to great problems from the prospect of the UN actually achieving anything in regards to human rights improvements. Given that the UN does make decisions, right or wrong, the evidence to show its implementation of its policies is contrary. An Amnesty International Report further added:

“The government of Iraq has been subject to some forms of UN scrutiny for many years. It is required for instance to submit periodic reports on its implementation of a number of

Situation of human rights in Iraq (26 February 1999) at pp: 2, 7-8
<http://www.amnesty.org/ailib/aireport/ar99/mde14.htm>

the human rights treaties, which are examined by expert monitoring committees. However, Iraq has precluded the full application of the treaty supervisory system by its refusal to accept provisions allowing for the consideration of individual or inter-state complaints and its reservations precluding the jurisdiction of the international court of justice. The increasingly critical stance of the treaty monitoring bodies towards Iraq appears to have had no appreciable impact at all. A number of the thematic mechanisms of the commission on human rights have also raised cases and concerns with Iraq for a number of years and continue to do so with a bland response denying the allegations. These mechanisms and the treaty bodies do contribute to keeping violations by Iraq on the international agenda and calling it to account.” (Amnesty International Report ١٩٩٢: ٣١/para.١٥٦)^١

This thesis proposes that the UN needs to come clean and simply admit that without the support of the US its policies and decisions are pointless and empty. Deeply disturbing reports of grave human rights violations in Iraq raised by human rights organisations and reinforced by the findings of the UN mechanisms were otherwise ignored by the UN for many years. It was only Iraq’s invasion of Kuwait in August ١٩٩٠ and the ensuing events that finally prompted the UN to reverse its shameful record of inaction. At least Iraq’s human rights record is now firmly established on the UN agenda in the Security Council the Commission on Human Rights, the Economic and Social Council and the General Assembly. (Baxistani ١٩٩٩: ٨٧-٨٨)^٢ On the other hand the Security Council Resolution ٦٨٨ (١٩٩١) has determined that the result of Iraq's repression of its citizens constitutes a threat

^١ Amnesty International Report: “The Need for Further UN Action to Protect Human Rights in Iraq.” UN Doc. E/CN. ٤/١٩٩٢/٣١/ para.١٥٦
<http://web.amnesty.org/aidoc/ai.nsf/recoms.pdf>

^٢ Dawud Baxistani “International Committee for European Peace and Co-operation (ICESC)” (Affairs & Statements) part ٣, MAF Magazine – third edition (Erbil, Iraq: Sharieh college publications, issue no. ٣٠٩ – ١٩٩٩) at pp: ٨٧- ٨٨

to international peace and security and the council has demanded that Iraq end that repression and cooperate fully with the UN. The Security Council however took the highly unusual step in August 1992 of inviting the Commission's Special Reporter on Iraq to appear before it to brief members on the deteriorating situation in the country, particularly in the south. This is an indication that the human rights situation in Iraq is still very much on the Council's agenda. (UNSCR 688: 1991 ◦ April 1991)¹

“While the international community discusses its issues, people all round the world continue to suffer. The only real activity that the member states of the UN might be able to take is to acknowledge the overwhelming power of the US in world politics and plead for it to abide by international law and continue to assist in its implementation. How much hope there is of this is doubtful as racism towards the US, associated but not due to the facts of its foreign policy, is strong in the UN. The resentment against the US at typical UN meetings is so intense that it can be felt in the air. It was this resentment that led the UN's Economic and Social Council (ECOSOC)² to oust the US from the 53-member Human Rights Commission (OHCHR) in May 2001. It was the first time this had happened since the Commission was created in 1946. The ECOSOC voted in a secret ballot, and one would expect such a move to be led by Third World nations with long lists of grievances. In fact, it was the vote

¹ United Nations Security Council resolution 688 (1991) on the situation between Iraq and Kuwait S/RES/688 (1991) ◦ April 1991 <http://www.achilles.net>

² International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966 entry into force: 3 January 1976 in accordance with article 24, human rights, the Committee on Economic, Social and Cultural Rights, fact sheet no. 16 (Rev. 1) world campaign for human rights printed at United Nations, Geneva GE. 96 – 16003 May 1996 – 14, 890 at pp: 30-36

of a number of European and friendly nations' that eventually ousted America." (Sardar and Davies ۲۰۰۲: ۶۹-۷۰)^۱

Cook suggests that perhaps certain European nations should work on associating the resentment they feel with their guilt over their own botched imperial pasts; then they perhaps could build better relationships with their US counterparts and so reduce the alienation of the US and increase its willingness to accept other views on world politics. The European attitude towards the US as juvenile and adolescent is both patronising and false, adds Cook. If nations like Britain and France admitted responsibility in the creation of the current world order then perhaps the US might be prepared to follow suit. If such a thing could be achieved then the UN and the international community would truly be moving to establish a new world order of 'greater accountability'. The most powerful nations would have a transparency and openness that the world could truly respect and Saddam Hussein would not be able to justify his own behaviour in the mirrored hypocrisy of biased international organisations. Cook added:

"The persistent failure of Iraq to co-operate fully with the special Reporter has also been repeatedly criticised. All these resolutions make specific reference to violations against the Kurdish population, which indicates that the international community has no illusions that the special measures of protection in Iraqi Kurdistan place the Kurds entirely beyond the reach of continuing violations by the Iraqi government and recognises that they continue to be particularly at risk of repression and reprisals." (Cook ۱۹۹۵: ۱۱۳-۱۱۷)^۲

^۱ Report by Sardar Ziaiehaddien and Merryl Wyn Davies, "Why Do People Hate America." Published in the UK in ۲۰۰۲ by Icon books Ltd., Grange Road, Oxford, Cambridge, CB۲ ۴QF at pp: ۶۹-۷۰

^۲ Helena Cook - international human rights lawyer "The Safe Haven in Northern Iraq." Published by the human rights centre in the university of Essex jointly with the Kurdish human rights projects centre KHRP (London: ۱۹۹۵) at pp: ۱۱۳, ۱۱۷

The United Nations Commission on Human Rights and the General Assembly both eventually endorsed the proposal to send monitors to Iraq and have repeatedly called on the government to permit the immediate and unconditioned stationing of monitors through the country. But UN has taken no further steps to implement the proposal.

Sanctions

The oil for food program represents an unprecedented step in the level of intervention made by the United Nations for humanitarian reasons. The program, to all intents and purposes, manages the Iraqi economy, deciding what the nation purchases and what it does with the profits from those purchases. This is a huge step as regards the responsibility of the international community towards its people, and one which needs to be looked at in detail. What is the scale of the program? How is it run and administered and by whom? How long should it last and what do the people of Kurdistan think of the program?

The Oil for Food program in Iraq is massive and complicated. It is perhaps the largest and most extensive humanitarian project ever undertaken by the international community. Following the Gulf War in 1991 the introduction of sanctions meant that there were widespread suffering and food shortages throughout Iraq. The Security Council had made an offer to Iraq in August 1991 to sell oil in order to meet with humanitarian needs. This offer had not been accepted. Perhaps for many reasons, perhaps including that Saddam Hussein wanted to provoke hatred for the west amongst his population, or perhaps because he did not think it fair that the UN should manage his economy. In any event, his people starved. As this state of affairs continued for many years, up until 1996, the Oil for Food program came as a blessing to those people who were suffering. The program not only supplied food but essential medical supplies and services. In an interview with Sabah Haider, an information Officer for the UN program in Erbil, Iraqi Kurdistan, I asked him about the early years of the program.

“In 1996 Iraq and the United Nations secretariat reached agreement on the details of implementing Security Council resolution 986 (1995) which authorised Iraq to sell two billion dollars worth of oil in 180 days, from which two thirds of that amount was to be used to meet humanitarian needs.” (United Nations S/RES/986 (1995) 14 April 1995 resolution 986)¹

The first oil was sold in December 1996 and in March 1997. The first shipments of food and other supplies began arriving in Iraq the same year. Even so, it was immediately evident that spending just \$1.3 billion each six months was not enough to reverse malnutrition amongst children or to ensure adequate medicines in health centres and hospitals. It was certainly not enough to begin reviving the power grid, restoring safe water supplies and repairing and equipping schools, all-important elements in ensuring a semblance of dignity and quality of life for Iraq’s people (Interview with Haider 24 March 2000)²

¹ See appendix no. 5 United Nations, Security Council: Distr. General S/RES/986 (1995) 14 April 1995. Resolution 986 (1995) adopted by the Security Council at its 3519th meeting, on 14 April 1995

² Personal communication from Mr. Sabah Haider Information officer from the United Nations office for humanitarian affairs in northern Iraq for three governorates Erbil, Dohuk and Sulaimanih. (UNOHCI) (place and date of interview: Erbil - Iraq: 24 March 2000). Mr. Sabah Haider provided me with a full list of projects and responsibilities of organisations funded by the oil for food program in Kurdistan as following:

World Food Programme (WFP)

- Storage in Mosul and Kirkuk warehouses of food items and onward transport to three northern Governorates
- Distribution Food baskets (21,000 met per month) for 3.2 million people
- Implementation of nutrition projects targeting vulnerable persons.
- Observation of own program and assessment of needs

World Health Organisation (WHO)

-
- Transportation of health supplies purchased by the government and equitable distribution to hospitals and primary health centres.
 - Procurement of health equipment, and rehabilitation of health infrastructure
 - Assessment of needs, assessment of medical needs and preparation of reports

Food and Agriculture Organisation (FAO)

- Procurement of supplies and implementation of the agricultural programme benefiting 373,690 farmers
- Observation of own program by two experts
- Rehabilitation of food processing establishments
- Assessment of needs and preparation of reports

United Nations Children's Fund (UNICEF)

- Implementation of projects in water sanitation, primary education, child, mother health and nutrition
- Assessment of needs and preparation of reports

United Nations Education, Science and Culture Organisation (UNESCO)

- Implementation of education programme beyond primary level - Procurement / manufacture of educational supplies and ensuring their equitable distribution
- Assessment of needs and preparation of reports

United Nations Development Programme (UNDP) & UN Department for Economic and Social Development (UNDESA)

- Procurement of supplies and rehabilitation of power generation and distribution networks maintain dam and conduct observation in the electricity sector.

United Nations Centre for Human Settlements (HABITAT)

- Implementation of settlement programme for displaced families.
- Assessment of needs and preparation of reports

Mine Advisory Group MAG & UNOPS

- Implementation of demining and mines-awareness programmes including training of local personnel.
- Projects for the treatment of mine victims

In early 1998 the UN Secretary General persuaded the Security Council to approve a massive expansion of the oil-for-food programme to be funded by increased oil sales. The Security Council agreed and authorised the sale of \$2 billion dollars of oil over 180 days, two thirds of which would be available to the oil-for-food programme, including \$300 million for essential spare parts for the oil industry. Except in three Northern provinces (Kurdistan), with their mainly Kurdish populations, the programme is implemented by the government of Iraq. The government advises the United Nations what it needs to buy. The Secretary General approves those plans and Iraq contracts with suppliers for the import of items including food, spare parts, medicines, agricultural supplies and much more. These contracts are approved by the Security Council's sanctions committee, also known as the 661 Committee¹ and are paid for with funds from the New York based escrow account established to receive monies from the sale of Iraqi oil. The Iraqi government undertakes to ensure equitable distribution of the humanitarian supplies and UN officials monitor distribution. (Interview with Mani 20 March 2003)²

Kastlander, Associate Humanitarian Officer from UNOHCI office in Geneva, argued that since it was established in December 1996 the Oil for Food program has spent around \$6.8 billion dollars and brought in more than 11.9 million tonnes (up to July 1999) of food worth \$3.6 billion, as well as an array of health supplies worth some \$700 million. Due to this fact on its own, the program is somewhat popular amongst the people of Iraq and in particular the people of Kurdistan who know that they would probably not receive very much if Saddam Hussein's regime was responsible for distribution in the three northern Governorates. The

¹ SCR 660 (2 August 1990): The Security Council resolution condemning the Iraqi invasion of Kuwait and demanding its immediate and unconditional withdrawal. SCR 661 (6 August 1990): The resolution imposing comprehensive economic sanctions on Iraq.

² Personal communication from Mr. Neel Mani director department of Iraq programme, Dr. Samir Ben Yahmed, World Health Organisation (WHO office, Geneva: 20 March 2003)

UN and its agencies¹ implement the humanitarian programme on behalf of the government of Iraq in Kurdistan and are successfully rebuilding schools and demining areas, among other tasks.² Agricultural assistance in the north (Kurdistan) has helped return people to work in those areas, as they are traditionally small farmers. (Interview with Kastlander³ October 2001)⁴

On the other hand Mr. Malempre director liaison officer of the United Nations educational scientific and cultural organisations further noted that the programme now includes substantial allocations for the rehabilitation of the water and sanitation systems to rebuild schools in some areas and restore sections of the electricity network. It was evident that without clean water and reliable power supplies it wasn't possible to make a durable impact on people's health. If not for the Oil for Food program 22 million Iraqis would not now receive a food ration of around 2000 kilocalories a day. The program has tried to maintain a low profile and avoid the controversy surrounding its level of interference in the affairs of a UN member state. Its positive results cannot be discounted in any analysis of the effects of this type of humanitarian intervention. The people of the region certainly wish to see it continue as the program means for the first time in the history of Iraq they are receiving a fair share of the profits from Iraqi oil reserves located in their traditional homeland. Such a goal

¹ Head of the United Nations programs in Iraq stationed in Baghdad (UNOHCI). To date both heads of the humanitarian co-ordinators of this body, Denis Holliday and Hans Von Sponeck, have resigned due to their frustration at the failures of the oil for food programme and the humanitarian disaster caused by sanctions.

² Seven years UN agencies sponsoring and managing the distribution of "Oil for Food Programme" in Kurdistan without central government control constituted an argument for UN accepting the Kurdish ruling of the region.

³ Personal communication from Erik Kastlander, associate humanitarian officer from (UNOHCI) office in Geneva, Switzerland (place and date of interview: Palace of Nations – Geneva 2 October 2001)

has always been the intention of the people and their leaders. (Interview with Malempre 9 October 2001)¹

Kastlander further explained the way in which the plan is administered and distributed. This is a collective arrangement between the Iraqi government and the UN and a crucial element in the implementation of Resolution 986. The Iraqi government makes a plan of what it wants to buy and organises a list of suppliers, this includes a list of food, medicine and other goods to be purchased over six months with the proceeds of the sale of oil. The plan is then authorised by the Security Council. In respect of Kurdistan the United Nations prepares the plan and the secretary-general then approves all plans. The administration and co-ordination of the plans is then carried out by the Iraqi government and, except in the North where the UN has full responsibility, the UN monitors the implementation. Many of these projects are of course long-term, but how long projects should and can continue is an issue open to debate. The presence of these organisations incurs costs for the program, which if managed internally would otherwise be directed towards local revenues. Moreover international organisations require guarantees for their personnel and due to infighting it has always been difficult for the Kurdish authorities to convince them to remain. The overriding issue relates though to the fact that ultimately it must be better for the people of Kurdistan to be self-sufficient. The same fact, that the people should be self-sufficient, is arguably true for the international community as well. (Interview with Kastlander 9 October 2001)²

¹ Personal communication from Mr. Georges Malempre, director liaison office of the United Nations educational scientific and cultural organizations, representatives to the United Nations organization in Geneva and the specialized agencies gave me further inputs in this regard (9 October 2001: Geneva).

² Personal communication from Mr. Erik Kastlander, associate humanitarian affairs officer from UN headquarter in Geneva (place and date of interview: Response coordination branch, office for the coordination of humanitarian affairs, Palais Des Nations CH-1211 Geneva 10 – UNOCHI 9 October 2001)

The Oil for Food program¹ was very welcome to the people of Kurdistan but now they would like to see more of a direct input in the way it is managed. As part of a Summary of Humanitarian Aid Paper, submitted to the UN panel by the Kurdistan Regional Government one of the points the administration were in strong agreement with was the following statement, point 7 of the paper:

“In order to overcome shortage of local expertise, among other things, the Kurdistan Regional Government KRG paper is calling for greater contacts between Iraqi professionals and those from the developed world. This demand will be of particular use to Kurdistan and should be utilised to its maximum. Due to years of neglect and repression, the region of Kurdistan is in dire need of specialist expertise and needs to catch up with the rest of the world. Universities, hospitals, KRG ministries all, could submit lists of demands for training and co-operation between the region and the developed world.” (KRG Humanitarian Papers 19 September 1999)²

Hassan, deputy Minister for Agriculture of the Kurdistan regional government, had some misgivings about the 987 Programme. Mr. Falah Hassan has noted; the UN is paying \$000 per ton for wheat, yet locally produced wheat is much cheaper. Locally produced 1st grade is \$200 per ton, 2nd grade \$180 per

¹ Oil for Food Programme (OFP): The programme initiated by SCR 986 (April 1995). It allowed Iraq to sell limited quantities of oil in order to settle compensation claims resulting from the invasion of Kuwait, pay for the running of UN programmes in Iraq, and import supplies to meet some of its humanitarian needs. The programme has expanded with time so that, as of 31 January 2000, Iraq has sold US \$ 21 billion of oil, allowing delivery of US \$6 billion in humanitarian supplies. The oil for food programme operates in 180 days phases, at the end of which the Security Council typically extends it for another 180 days. See also the Office of the Iraq Programme <http://www.un.org/Depts/oip/>

² A summary of “Kurdistan Regional Government Humanitarian Paper” submitted to the UN panel by the Kurdistan regional government secretary to the United Kingdom Mr. Ihsan Qadir. Available at Kurdistan regional government publication and information centre KDP net.com (Council of Ministers archive: Erbil, Iraqi Kurdistan) 19 September 1999

ton, 3rd grade \$100 per ton, 4th grade \$120 per ton. The Kurdish government also lacks machinery, and cannot import. The UN began work in isolation, (for the first phase,) without the Kurdish administration then realised it couldn't ignore them. What was purchased under the first phase were bad- Russian motorcycles and Pashmak tractors from Turkey. This was all unsuitable for use in Kurdistan. Many items are purchased externally but local produce, especially from the private sector is better. The 13% revenue (from the 986 programme) to reconstruct Kurdistan is a large sum. UN bureaucracy causes problems. Now the Kurdistan Regional Govt. (KRG) is implementing phase 2, yet actually it is in phase 1. Lack of medicines is due to the links to Iraq. Iraq left the Kurdish region out of the equation the KRG got medicines from Turkey and Iran. The infant mortality rate is better than in the rest of Iraq. (Interview with Hassan 13 March 2001)

The Kurdistan regional government Prime Minister states that in the past, three million people had fled to the borders of Iran- and that this exodus has been forgotten. Mr. Nechirvan Barzani mentioned the sanctions controversy and said that Iraq has medicines that have been produced in the United Kingdom, which are better than the medicines of Turkey, Jordan and Egypt. This medicine is sold on to Lebanon and Syria, and then expired medicines are brought in deliberately. The supposed "coffins" on display are 90% of the time empty, and Saddam uses the sanctions to obscure the fact that he has squandered \$1.4 billion on refurbishing his extensive palace collection. Mr. Barzani also said that Iraq was offered the choice of acknowledging the sovereignty and independence of Kuwait (if it truly wanted sanctions lifted) but the regime refused, which demonstrates the regimes desire to

¹ Personal communication from Mr. Falah Mustafa, deputy agriculture Minister of Kurdistan regional government (place and date of interview: Iraqi Kurdistan 13 March 2001)

prolong sanctions. (Interview with Mr. Nechirvan Barzani ٢٢ May ٢٠٠١)^١

Moreover I raised many matters with the Kurdistan regional government deputy Prime Minister Mr. Sami Abdul Rahman (٢٢ April ٢٠٠١), including the complex question of relations with the Iraqi regime. In his lengthy reply, Mr. Rahman said he felt that when Iraq was weak, following the ١٩٩١ uprising, Iraq made some positive commercial and political moves. But, as the sanctions debate has grown, Iraq has become more assertive. Recently, the regime has used the issuance of visas as a weapon - two hundred and twenty such visas are pending with Iraqi authorities. Replying to another point Mr. Rahman said that negotiations making agreements with the regime are extremely difficult, and that the international community should maintain the no-fly zone, till some accommodation is possible with the Baghdad regime.

If the no-fly zone policy was abandoned, he suggested that the tragic events of ١٩٩١ would re-occur. I agreed with Mr. Rahman's views about Iraqi intransigence and deception. Mr. Rahman also made it clear that the ١٣% oil for food revenue was essential, as it was used to benefit the people of Kurdistan, and asked how it could be that Iraq (which receives millions from a share of the oil revenue) is unable to feed and treat its population. Rahman stated that at least ninety per cent of the infrastructure of Kurdistan three northern governorates^٢ was due to the ١٣% from oil for food. Iraq

^١ Personal communication from Mr. Nechirvan Barzani - Kurdistan Regional Government Prime Minister (place and date of interview: Iraqi Kurdistan ٢٢ May ٢٠٠١)

^٢ See Kurdish autonomous region appendix no: ٨ maps of Iraqi Kurdistan region. Three governorates in the north Dohuk, Erbil, and as Sulaymaniyah constitute Iraqi Kurdistan, a region that historically has had a majority population of Kurds. Ever since Iraq became independent in ١٩٣٢, the Kurds have demanded some form of self-rule in the Kurdish areas. There were clashes between Kurdish antigovernment guerrillas and army units throughout most of the ١٩٦٠s. When the Ba'ath Party came to power in July ١٩٦٨, the principal Kurdish leaders distrusted its intentions and soon launched a major revolt (see the Emergence of Saddam Husayn, ١٩٦٨-٧٩, ch.

was also built by oil wealth in Kurdistan, based in Kirkuk, which was always a Kurdish dominated city, but now is being ethnically cleansed of its Kurdish and Turkmen populations, he added.

During the conversation with Dr. Qazzaz, Minister of humanitarian aid and co-operation, I enquired about the ٩٨٦ programme. Dr. Qazzaz referred to the interference of the Iraqi regime. In the United States, the Office of the Iraq programme (OIP) had a list of one hundred names of people needed by the UN in Kurdistan. These personnel were not being issued visas by the Iraqis, and were needed for such tasks as conducting the reconnection to the Iraqi national grid. Duhok had remained connected, but only for one out of twenty four hours. Dr. Qazzaz discussed the projects for using hydroelectric power via dams. Dr. Qazzaz said that Iraq viewed the ٩٨٦ programme as an imposition upon its territory, which was the reason for its hindering the programme at all opportunities. The UN was dependent on Iraq to enter and leave Kurdistan, so it was vulnerable to Iraqi interference. This interference was due to the fact that Iraq wanted the programme to fail, as disaster would lead to removal of sanctions. The minister believes that Saddam now regrets leaving the North in ١٩٩١. The minister was also concerned that economic interests could lead to sanctions being removed as Irish, French and Russian companies want trade with Iraq. Dr. Qazzaz also complained that the UN had employed those sympathetic to Iraq in agencies such as

١). In March ١٩٧٠, the government and the Kurds reached an agreement, to be implemented within four years, for the creation of an Autonomous Region consisting of the three Kurdish governorates and other adjacent districts that have been determined by census to have a Kurdish majority. Although the RCC issued decrees in ١٩٧٤ and in ١٩٧٥ that provided for the administration of the autonomous region, these were not acceptable to all Kurdish leaders and a major war ensued. The Kurds were eventually crushed, but guerrilla activities continued in parts of Kurdistan. In early ١٩٨٨, antigovernment Kurds controlled several hundred square kilometres of Erbil and as Sulaymaniyah governorates adjacent to the Iranian frontier <http://media.٤٦.fastclick.net/w/safepop.cgi?mid=٢٥٥٠٧&sid=١٤٧٠٨&id=١٠٦٣٠٧&len=٣٧١&c=١١&nfc=١>

WHO, FAO, WFP and UNESCO. (Interview with Dr. Qazzaz ١٥ March ٢٠٠٢)^١

Now that people of Kurdistan have organised themselves they would like to see more responsibility and control of the program handed over to them directly. The international community is at present not prepared to consent to this but it must if it is truly committed to demonstrating a desire to see the people of the region govern themselves. From their perspective they are grateful to the international community for the creation of Oil for Food programme ١٣ % Kurdish administration share, but now they are ready for the next step, which will be to manage a portion of the Iraqi economy independently. The suggestion from the Kurdish administration is that this process should be gradual and subject to ongoing UN monitoring. This would seem to be a wise and moderate request on their part and one which the international community should take very seriously. (Graham-Brown and Toensing ٢٠٠٢: ١٤)^٢

However, UN sanctions on Iraq created an air, land and sea blockade prohibited the export or sale of oil, froze access to Iraq's assets in banks and other investments abroad, and prevented the importation of any goods or materials not specifically warranted by humanitarian needs. In the period following the Gulf War UN resolutions ٦٨٦^٣, ٦٨٧ and ٦٨٨ were added. UN Security Council resolution ٦٨٧ deals with boundary issues, UN observers, Iraq's

^١ Personal communication from Dr. Shafiq Qazaz Kurdistan regional government Minister of humanitarian aid and co-operation (place and date of interview: Iraqi Kurdistan ١٥ March ٢٠٠٢)

^٢ A report by Sarah Graham-Brown and Chris Toensing "Why another War" A background on the Iraq crisis (Middle East research & information project: October ٢٠٠٢) at p: ١٤. Sarah Graham – Brown is author of sanctioning Saddam Hussein (I.B. Tauris, ١٩٩٩) Chris Toensing is editor of Middle East report, publication of the Middle East research and information project, Washington DC. Available from the Middle East research and information project (MERIP), Washington DC, USA

^٣ SCR ٦٨٦ (٢ March ١٩٩١): The resolution passed immediately after the Gulf War; it sets out the terms for a cease-fire between Iraq and the coalition.

weapons programs and finally compensation issues. UNSCOM was set up under the auspices of this sanction to inspect Iraq's military programs, other than nuclear arms. UNSCR 687 (3 April 1991)¹

As far as the position of the Kurds is concerned the sanctions prevented Iraqi government attacks on noted Kurdish participants. The Security Council defined US, UK and Turkey's no-fly zones over the Safe Haven for the Kurds in the north. The US and the UK claim that the regime of Saddam Hussein has used concealment and evasion to maintain and rebuild weapons of mass destruction. Iraq has, it is claimed, moved technology rapidly to alternative locations. This is quite a believable scenario and indeed, hardly surprising; one can imagine the efforts of the British and US militaries to protect their own massive weapons arsenals if their territories were invaded by foreign troops. If Iraq is one of the 'centres' of international terrorism then this policy of weapons sanctions and inspections must have exacerbated the problem by encouraging the ever more ingenious efforts of the Iraqi government to make such technologies rapidly mobile and quick to assemble. The continued threat of force and the presence of foreign troops antagonised Saddam Hussein and in 1997 and 1998 and this led to further violence under the name of Operation Desert Fox. In my opinion this operation seems to have achieved nothing apart from bringing a further war with Iraq closer. The UN Security

¹ SCR 687 (3 April 1991): A long resolution that began the cease-fire, established UNSCOM, extended sanctions and, in paragraph 21 and 22, provided ambiguous conditions for lifting or easing them. The Security Council passed Resolution 687 as part of the cease-fire arrangements ending operation Desert Storm. The resolution, among other things, required Iraq to rid itself permanently and unconditionally of all nuclear, biological, and chemical weapons capabilities and allow inspectors full access to verify and monitor compliance. The resolution established a monitoring and inspection mechanism UNSCOM (United Nations Special Commission) to ensure Iraqi compliance. Resolution 687 also linked a decision to lift sanctions with Iraq's fulfilment of the disarmament provisions. The resolution was passed under Chapter V of the UN Charter, meaning that military force could be used to enforce compliance. <http://www.mideastweb.org/687.htm>

Council has advised lifting sanctions but the US and the UK persist with their enforcement despite recommendations to the contrary and the evident suffering of the Iraqi people; suffering which may be inflicted in misguided retribution, should military protection of Kurdistan be abandoned. Cambridge conference in 1999 added:

“Following a year of deadlock and hiatus, UNSCR 1284 (17 December 1999)¹ was passed, creating a new monitoring organization, UNMOVIC. In the case of sanctions against Iraq, a potentially wealthy country has been ruined, and its people have been subjected to economic, social and political conditions that are unacceptable, even intolerable, by the standards of development today. It isn't clear how soon those conditions will be alleviated. Sanctions are losing their grip and their political significance, but there remain unsatisfied concerns about Iraq's weapons of mass destruction strategies in future. Probably no significant improvements will occur until sanctions are suspended or lifted.” (Proceedings of the Conference hosted by Campaign against Sanctions on Iraq 13-14 November 1999: 22, 24)²

¹ UNSCR 1284 (17 December 1999): The terms of the resolution look towards the suspension of sanctions, the completion of work left from the previous period, and the reconstruction of Iraq through increasing oil sales. Having stood out for so long, and given that humanitarian conditions inside Iraq are about as bad as they will get, it is difficult to see on what basis Saddam Hussein would agree to US conditions for a reconciliation. The most likely outcome is therefore a continuing stand off. Meanwhile sanctions will be increasingly flouted. But that will not do anything to help the ordinary Iraqi citizen. <http://www.iraqwatch.org/un/unmovic/s-2000-017.htm>

² Sanctions on Iraq “Background Consequences Strategies” proceedings of the conference hosted by campaign against sanctions on Iraq 13-14 November 1999, Cambridge, England, published in the United Kingdom 2000, printed in the United Kingdom, distributed by Barque press – Cambridge, at pp: 22, 24. On 13-14 November 1999, the campaign against sanctions on Iraq, a volunteer advocacy group registered at the University of Cambridge, hosted a conference on sanctions on Iraq: Background, consequences and strategies.

What have Sanctions to do with long-term dependency?

In the jingoism of war the perpetrators of military action often describe their strategies as ‘decisive’, although the unpredictable and volatile events that often proceed from the implementation of these *strategies* could not generally be supposed to conform to the dictionary definition of a word that means ‘to settle an issue quickly and effectively’.¹ Perhaps the innate contradiction of ‘decisive’ strategies leads to governments’ attempts at ‘diplomatic means’. One of the connotations of diplomacy is ‘skill and tact in dealing with people’²; sanctions on Iraq lend a completely new meaning to the word:

“The destruction of infrastructure and banning of imports to repair it has caused disease, malnutrition, and early death on a huge scale, including more than ๑๐๐,๐๐๐ children, according to UNICEF investigations – an average of ๑๐,๐๐๐ children dying each month. (Interview with Onno ๒๒ May ๒๐๐๒)³”

In a bitter condemnation of the sanctions on January ๒๐, ๑๙๙๘, ๑๕ Catholic bishops quoted the archbishop of the southern region

Leading policy makers, civil servants, aid workers, public health experts, security analysts, historians, activities and Iraqi expatriates delivered expert, often impassioned, papers on Iraq’s history and outlook under the sanctions regime imposed by the United Nations Security Council. This document is a transcription of that event. A unique document on one of the worst humanitarian crisis of the modern age, it offers vital information for activist, policy makers, humanitarians, and any reader concerned about the fate of Iraqis and the actions of western powers in the Middle East. CASI

<http://www.fidh.org/magmoyen/rapport/๒๐๐๒/iq๒๒๑a.pdf>

¹ Concise Oxford dictionary, Oxford University press, Great Clarendon Street, Oxford OX๒ ๒DP, pp: ๓๗๒

² Ibid, at pp: ๕๐๐

³ Personal communication from Mr. Onno Serro – relations internationales, centre de Catalunya, UNESCO, Barcelona (place and date of interview: Geneva ๒๒ May ๒๐๐๒)

of Iraq, who reports that “epidemics rage, taking away infants and the sick by the thousands,” The US and Britain have taken the lead in blocking aid programs for example, delaying approval for ambulances on the grounds that they could be used to transport troops, and barring insecticides for preventing the spread of disease and spare parts for sanitation systems. (Chomsky ۲۰۰۰: ۲۷)^۱

On the work of the sanctions on Iraq, the mechanisms applied are not helping to remove Saddam Hussein or indeed achieving any of the aims they claim to work towards. Furthermore the sanctions cannot aid Kurdistan, as destabilisation in the Middle East will only promote long-term dependency on military support and the presence of the US in the area. The following source, a conference on sanctions, naively comments that:

“The sanctions policy intended to destroy Iraq’s military power and, in reality, Saddam Hussein’s regime proved woefully misguided. The US had a very limited experience of what sanctions might really mean. Its policy initially was designed to be in the short term and cheap; it did not require further commitment of troops in a region that would have found them extremely difficult to tolerate. Its serious of confused objectives simply to force Iraqi compliance with United Nations resolutions about arms, or actually to remove a regime from power rendered this policy in reality, ineffective.” (Proceedings of the Conference hosted by Campaign against Sanctions on Iraq ۱۳-۱۴ November ۱۹۹۹: ۲۳)^۲

At the moment there is no possibility of co-operation with the Iraqi authorities, as the population of Iraq, not Saddam Hussein’s regime itself – really suffers from sanctions. Now the US is left

^۱ Noam Chomsky, *Rogue States – “The Rule of Force in World Affairs”* ۲۰۰۰ published by Pluto press, ۳۴۵ Archway Road, London N۶ ۵AA at p: ۲۷

^۲ Sanctions on Iraq “Report on Background Consequences Strategies.” Proceedings of the conference hosted by campaign against sanctions on Iraq ۱۳-۱۴ November ۱۹۹۹, Cambridge, England, published in the United Kingdom ۲۰۰۰, printed in the United Kingdom, distributed by Barque press – Cambridge at p: ۲۳

with the challenge of constructing a new policy war against Iraq – regime change. US must rebuild its relationship with the whole population, which has suffered not only the physical but the psychological and social damage of sanctions as well. We are talking about a country where, for the last decade not a single academic journal has been imported, where there is no means of effective intellectual or social communication with the outside world. In this atmosphere of resentment, isolation and aggravation, extremely violent and antagonistic views towards the West have fomented. (Proceedings of the Conference hosted by Campaign against Sanctions on Iraq ١٣-١٤ November ١٩٩٩: ٢٨)^١

The Oil for Food programme has a cash component for Northern Iraq (Kurdistan). However this cannot be used to pay salaries, which are supposed to be paid by local authorities. This has created a mismatch between the physical infrastructure, created through the resources of the Oil for Food Programme, and the staff required, which has to be financed by resources starved local authorities. However the food rations have a negative impact on the local economy, especially agriculture. Most of the items in the ration basket are imported, and their free supply to every household has led to a rapid reduction in local food prices. This has damaged local agricultural production of those items available in the food basket. Local authorities have supported producers by buying grain and exploring new markets in surrounding countries. In general regulations of the oil for food programme demanded offshore instead of local procurement. This has been detrimental to the local economy. In general local procurement for items provided is limited, with the exception of construction materials. (UNICEF ٢٠٠٢: ٣٢-٣٣)^٢

^١ Ibid, at p: ٢٨

^٢ An assessment based on the United Nations convention on the rights of the child. “The Situation of Children in Northern Iraq.” September ٢٠٠٢ UNICEF United Nations Children Fund at pp: ٣٢ – ٣٣ <http://www.krg.org/٩٨٦/unicef-children-sep-٢٠٠٢.pdf>

In fact ‘extremely violent and antagonistic views’ towards the US may actually serve current US war mongering policy. It would not be for the first time that attacks on US citizens were deliberately allowed to take place in order to provide impetus for war:

“In 1993 and 1995 (under the Freedom of Information Act), all sorts of transcripts came to light, as well as Communication Intelligence Summaries such as this one for December 6, 1941, where an American code-breaker reported: The Commander in Chief Combined (Japanese) Fleet originated several messages to Carriers, Fourth Fleet and the Major Commanders. Each headed toward Hawaii and interacting.” (Vidal 2002: 267)¹

It is also well documented that at the time of the Japanese invasion of Pearl Harbour during World War II, President Roosevelt wanted the US to join the war despite public dissent. Following the attack on Pearl Harbour it was very easy to go to war and likewise following the attacks of 9/11, popularity and support for George Bush Junior soared despite the dubious circumstances that led to his administration gaining office. This thesis would argue that US led sanctions on Iraq are part of a long-term strategy for placing large numbers of weapons and troops in an area important for oil. Furthermore I would label the new ‘war on terrorism’ as the perfect propaganda vehicle for the US to maintain and justify its presence in the Gulf to its own people. The administration is doing this in order to administer increasingly draconian controls on the US public. The United States of America Supreme Court prefers not to conform to the Bill of Rights. With the US introducing new restrictions on its own citizens, it is hard to imagine that the liberty and freedoms of the Kurds are on the political agenda of Washington at all. Vidal added:

¹ Gore Vidal “The Last Empire” published by Abacus, an imprint of Time Warner books UK, Brettenham House, Lancaster Place, London WC2E 9EN, 2002, at p: 267

“The US also resorts regularly to sanctions, allegedly to punish human rights violations and for ‘national security’ reasons. Of 116 cases of sanctions used since World War II, 80 percent were initiated by the US alone, measures that have often received international condemnation.” (Chomsky 2000: 143)¹

Anthony in his edited work ‘Iraq Under Siege’ proposed that if the U.S. was to reverse the worrying trends of destabilisation caused by sanctions and alleviate the suffering of the Iraqi civilian population then the Kurdish people would feel more secure that the interests of their own situation really were the priority of the humanitarian measures taken to protect them. As the actions of US foreign policy have ever more devastating effects on the rest of the world, so the measures used to justify them and to prevent awareness of their impact within the United States will increase to excess. Unless Americans begin to ask the questions about what their government is doing in their name then perhaps one day they can expect comparable treatment from their own administration as the Iraqi’s have met with from theirs. After all it was only once the invasion of Kuwait that threatened US interests, that Saddam Hussein was demonised. Prior to that he had the full support of the international community, which effectively turned a blind eye to his record of human rights violations. Violations that are now described by the UN Special Reporters in the following way:

“As socio-economic conditions deteriorated, the regime punished person's accused of economic crimes, military dissertation and a variety of other charges with torture and

¹ Noam Chomsky “Rogue States – the Rule of Force in World Affairs” published by Pluto press, 340 Archway Road, London N6 0AA (2000) at p: 143

cruel and inhuman penalties, including the extensive use of amputation.” (Anthony ٢٠٠٠: ١١ - ١٢)^١

There are enough information refers to the recent laws for the punishments of thieves and military deserts as promoting the application of cruel and unusual punishments. The Iraqi authorities periodically eliminated large number of political detainee's en masse. During last couple of years the Ministry of human rights (KRG) continued to receive reports referring to an execution campaign-taking place in several Iraqi prisons. And finally opposition groups alleged those all-political prisoners with sentences of more than ١٥ to ٢٠ years were subject to summary execution. (Interview with Ihsan ٢٢ March ٢٠٠٢)^٢

Are we really discussing Human Rights?

According to the Vienna Declaration and programme of action (Part I, Para ٥):

“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footings, and with the same emphasis. While the significant of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of states, regardless of their political, economic and cultural systems, to promote and protect all

^١ Arnove Anthony “Iraq Under Siege” the deadly impact of sanctions and war (South End press Cambridge, Massachusetts: Printed in Canada first edition ٢٠٠٠) at pp: ١١-١٢ www.Ibbs.org/sep/sep.htm

^٢ Personal communication from Dr. Mohammed Ihsan Kurdistan regional government Minister for human rights (place and date of interview: Erbil - Iraq: ٢٢ March ٢٠٠٢)

human rights and fundamental freedoms.” (Vienna Declaration and Programme of Action ١٤-٢٥ June ١٩٩٣)^١

The notion that other nations in the region are sympathetic to the Kurds is an empty hope according to Amnesty International in ١٩٩٨:

“The Turkish government forces entered parts of northern Iraq in pursuit of members and fighters of the opposition Kurdistan Workers Party (PKK). Military clashes broke out in support of Turkish forces. As a result serious human rights abuses were reported in the city of Erbil and by the end of the year thousands of Turkish troops remained deployed in northern Iraq.” (Amnesty International - AI report ١٩٩٨)^٢

More to the point the attitude of the international community to the issue of human rights for the Kurds is called into question when we look at the following piece of evidence:

“Turkey is the third-highest recipient of American military assistance. Between ١٩٩١ and ١٩٩٥, the United States supplied four-fifths of Turkey’s military imports, which were among the largest in the world. The U.S. government, in turn, depends on the NATO base at Incirlik, Turkey, to carry out Operation Provide Comfort, set up after the Gulf War to supply and protect Iraqi Kurds from repression by Saddam Hussein at the same time that the United States acquiesces in

^١ Adopted by the world conference on human rights, Vienna, ٢٥ June ١٩٩٣ (A/CONF. ١٥٧/٢٤ (Part I), Chap. III) General Assembly Distr. General - A/CONF.١٥٧/٢٤, ١٢ July ١٩٩٣ original: ENGLISH, world conference on human rights, Vienna, ١٤-٢٥ June ١٩٩٣, Vienna declaration & programme of action <http://www.hri.ca/vienna+o/vdpa.shtml>

^٢ AI Report ١٩٩٨: Iraq, Amnesty International ١٩٩٨ “Annual Report on Iraq” (London: ١٩٩٨) [http://www.amnesty.org/ailib/aireport/ar ١٤/mde ١٤.htm](http://www.amnesty.org/ailib/aireport/ar%20/mde%2014.htm)

Turkish mistreatment of its far larger Kurdish population.”
(Johnson 2000: 10)¹

If Middle East nations are unnerved and opposed to UN and U.S. military intervention in the area, it is easy to feel sympathetic. With such blatant inconsistencies in the policies of the UN and the power of the US, can anyone be blamed for thinking that the protection of the Kurds is really a motivation for long-term military stationing to protect vital oil supplies? Using the justification of Kurdish human rights for such a motive would itself constitute a tragic and cruel abuse of their rights. Undoubtedly there are people working within the UN committed and occupied to protect human rights, but until the UN voting structure is proportionally representational and democratic, I feel that the organisation becomes a tool for hyper-imperialism; a term coined by Ziauddin Sardar and Merryl Wyn Davies in their book ‘Why Do People Hate America?’ One aspect of hyper-imperialism is the manipulation of global organisations for the benefit of ones own nation:

“The UN is now the sole property of a single power – the US – which, through intimidation, threats and the use of its veto, manipulates the world body for the benefit of its own interest (Boutros-Ghali 1999)² When it suits the US, it uses the UN to seek legitimacy for its actions, to build coalitions and impose sanctions on ‘rogue states’. When world opinion

¹ Chalmers Johnson, “Blowback – the Costs and Consequences of American Empire”, published by little brown and company in London 2000, at p: 10

² Former UN Secretary-General Boutros Boutros-Ghali’s “Unvanquished - a US – UN Saga”, published by Random House, New York (The Nation) June 14, 1999 edition Boutros-Ghali Bites Back by Ian Williams a review of unvanquished: A US-UN Saga by Boutros Boutros-Ghali, published by Random House <http://www.globalpolicy.org/secgen/pastsg/bg99-1.htm>

goes against the US, it treats the UN with utter contempt.”
(Ziauddin and Merryl Wyn ٢٠٠٢)^١

So, is the question to do with the issue of Human Rights or is it to do with the foreign policy of the US? If the answer is that the UN is truly concerned with promoting the welfare of the Kurds then it must continue to protect them and guarantee them future freedom to self-determination.

The Contradictions of US Human Rights policies

Iraqi citizens are the victims for whom the enforcement of international humanitarian law means little in the aftermath of horrific crimes that are not only a historical phenomenon, but the contemporary reality of our own time. The issue that has seized the headlines and the attention of many governments, international and regional organisations, alliances, non-governmental organisations, and private citizens is how to enforce international humanitarian law. That is the body of law that includes genocide, crimes against humanity, grave breaches of the Geneva Conventions and Covenants (World Campaign for Human Rights Fact Sheet No. ١٥, May ١٩٩١)^٢ and violations of laws and customs of war. It has to be

^١ Report by the Sardar Ziauddin and Merryl Wyn Davies - “Why Do People Hate America.” Published in the UK in ٢٠٠٢ by Icon books Ltd., Grange Road, Duxford, Cambridge, CB٢ ٤QF

^٢ Human Rights “Civil and Political Rights Committee” fact sheet no. ١٥ world campaign for human rights, centre of human rights United Nations office at Geneva, printed at United Nations, Geneva GE.٩١ – ١٥٦٨٨ May ١٩٩١. At the core of United Nations action to protect and promote human rights and fundamental freedoms is the international bill of human rights. The bill consists of three instruments: The universal declaration of human rights, proclaimed by the United Nations General Assembly in ١٩٤٨, the covenant on civil and political rights and the covenant on economic, social and cultural rights. Both covenants were adopted by the General Assembly in ١٩٦٦. These three documents define human rights and fundamental freedoms. They set basic standards that have inspired more than ٥٠ United Nations human rights conventions, declarations, sets of rules and principles. The covenants

said that the international community too has steadily defined such conduct (crimes against humanity and genocide) as illegal and recognised that there is now a stronger duty to respond than ever before.¹

These are fine words; indeed, sentiments that reflect the original concepts behind the establishment of the United Nations and Geneva Conventions. George Bush Junior accepted, US politicians are very articulate in general on the subjects of democracy for all, and acceptable standards of international human rights, but the simple fact is that if the US wants to do something then it can. No other nation is in a position to dispute the decisions of the US administration, more so since the dissolution of the USSR. US power to decide for itself is at present and for the conceivable future absolute. Chomsky added:

“Contempt for the rule of law is deeply rooted in US practice and intellectual culture. Recall, for example, the reaction to the judgement of the World Court (International Court of Justice) in 1986 condemning the US for “unlawful use of force” against Nicaragua, demanding that it desist and pay extensive reparation, and declaring all US aid to the Contras, whatever its character, to be “military aid,” not “humanitarian aid.” The Court was denounced on all sides for having discredited itself. The terms of the judgement were

are international legal instruments. This means that member states of the United Nations, when they ratify or accede to a covenant, are accepting the obligation to give the force of law to the rights it proclaims. A novel feature of the covenant on civil and political rights was the establishment of a body of experts to supervise its implementation: The human rights committee.

¹ No-Fly Zones: Zones in the north and the south of Iraq set up by the United States, United Kingdom and French Governments in 1991 and 1992, respectively; the southern zone was unilaterally extended towards Baghdad by the US government in September 1996. The US and the UK prevent Iraqi aircraft from flying in these zones (France no longer supports them); they do permit Turkish aircraft to attack Turkish guerrillas in Iraqi Kurdistan. This is permitted as the planes patrolling the northern zone fly out of Turkey’s Incirlik air force base.

not considered fit to print, and were ignored.” (Chomsky 2000: 17)¹

This thesis demonstrates that the notion expressed by Scheffer that we are entering into a new age of international responsibility is a false one. International responsibility will only come about through the greater acknowledgement of nations for their crimes. The modern trend is for the media to report increasingly polarised views on what are considered war crimes. When it suits US foreign policy the media can be manipulated to create demons and vilify those that oppose US interests. Therefore the following part of Scheffer’s speech takes on an alarmingly sinister aspect:

“The media also has become far more attuned to criminal conduct and journalists capabilities to report it instantaneously. However we know well that if we delay any step to the way, we open ourselves up to criticism from those who demand instant action the moment a wire story is filed or an NGO reports from the field that a crime has occurred or is occurring.” (Scheffer 1999: 1-2)²

The notion that the media is more attuned to ‘criminal conduct’, and that the ‘capabilities of journalists’ allow them instantaneous accurate reporting, is a nonsense myth created by access to improved communications technologies. Improved technology is a double edged sword that means that journalists and the recipients of news have less time to consider and process information in order to draw rational and factual conclusions. In fact the media of the world is moving to reflect the narrowing views of the increasingly fewer individuals that control it. However both Sardar and Davies have noticed:

¹ Noam Chomsky “Rogue States – the Rule of Force in World Affairs.” Published by Pluto press, 340 Archway Road, London N6 0AA at p: 17 (2000)

² Report by David J. Scheffer, Ambassador at large for war crimes issues, US department of state “Perspectives on the Enforcement of International Humanitarian Law.” (3 February 1999) <http://www.UN.org/Int/usa/99sch>

“In 1983, when Ben Bagdikian published *The Media Monopoly*, media ownership was concentrated in the hands of 20 trans-national conglomerates. In 2002, only nine trans-national firms dominate US and global media: AOL Time Warner, Disney, Bertelsmann, Viacom, News Corporation, TCI, General Electric (owner of NBC), Sony (owner of Columbia and Tri-Star Pictures and major recording interests), and Seagram (owner of Universal film and music interests). So one global super-industry now provides virtually everything that Americans see and hears on the screen, over the airwaves, in print and on the Web.” (Sardar & Davies 2002: 17-18)¹

So if this in fact what is happening to the world’s media, then it is clear that this speech from the US’s representative for the very issue of war crimes contradicts what we know to be true. In famous words of Jonathan Swift, the 18th century satirist, US politicians are quite literally adept in the art of stating ‘the thing which is not’. This leads on to next worrying section of this audacious speech that relates to the creation of an International Criminal Tribunal. On the other hand the UN Security Council has determined that in two regions of the World the Balkans and Central Africa enforceability entails an ad hoc international criminal tribunal established under Chapter VII of the UN Charter. The international criminal tribunals for the former Yugoslavia and for Rwanda have broken the back of impunity in their respective jurisdictions. There are bodies of law and practice emerging from the jurisprudence of each tribunal that is the historic underpinnings of a new age of accountability. (Farzandh 2000: 1-9)²

¹ Report by Sardar Ziaiehaddien and Merryl Wyn Davies “Why Do People Hate America.” Published in the UK in 2002 by Icon books Ltd., Grange Road, Duxford, Cambridge, CB2 3QF at pp: 17-18

² Report by Dindar Farzandh “Kurds and Kosovars, Same Story – Different Ending” *Matin* monthly report, political and cultural magazine, 101 edition in Kurdish (Dohuk - Iraq: May 2000) at PP: 1-9

Indeed the tribunals have ‘broken the back of impunity’ but this is no cause for celebration. The tribunals simply mean that no one is safe from prosecution by a court whose impartiality and structure are undemocratic. (Hewa Jaff ١٩٩٩: ٢-٣)^١

Even if the findings of the tribunal could be considered impartial its decisions would still be subject to the will of the international community. A will determined and manipulated entirely for the benefit of the most powerful nations. Returning to Scheffer’s speech:

“Moreover American and British patrols of the no fly zones are intended to enforce international humanitarian law. The origins of the no fly zones rest in the criminal conduct the Iraqi regime unleashed upon the Kurds in the north and the Shi’a in the south. By preventing the Iraqi air force from flying in the two zones, coalition states are essentially protecting peoples who are unquestionably under threat by the Iraqi regime. As an important step in enforcing international humanitarian law there have been a number of efforts to document the nature of Saddam’s crimes. A research institute study on Kuwait has amassed an impressive battery of evidence of Iraqi war crimes from captured Iraqi documents.” (Scheffer ١٩٩٩: ٢-٤)^٢

The fortunes of the Kurds may have taken a turn for the better in recent years due to the current vituperation of Saddam Hussein in the media and a temporary cessation of military activity but there is no ground protection for the Kurds in the event that there is a war

^١ Hewa Tarik Jaff “Kurdistan – An Economic, Geographic and Historical Brief.” Kurdistan Democratic Party politburo (Central Bureau for Studies and Research) publications of the central bureau for studies and research, first edition ١٩٩٩ – study no: ٣٣ Erbil – Iraqi Kurdistan

^٢ Report by David J. Scheffer, Ambassador at large for war crimes issues, US department of state “Perspectives on the Enforcement of International Humanitarian Law.” (٣ February ١٩٩٩) at pp: ٢-٤
<http://www.UN.org/Int/usa/٩٩sch>

and the Iraqi people are bombed. Indeed, the tone of this speech implies that humanitarian concerns had always shaped policy in the region only more so now due to the *new* 'impressive battery of evidence'. There is nothing *new* about this evidence as the thesis stated before. Chomsky notes:

“There were no passionate calls for a military strike after Saddam’s gassing of Kurds at Halabja in March 1988; on the contrary, the US and UK extended their strong support for the mass murderer, then also “our kind of guy.” When ABC TV correspondent Charles Glass revealed the site of one of Saddam’s biological warfare programs 10 months after Halabja, the State Department denied the facts, and the story died; the department “now issues briefings on the same site,” Glass observes.” (Chomsky 2000: 20)

¹ Noam Chomsky “Rogue States – the Rule of Force in World Affairs.” Published by Pluto press, 340 Archway Road, London N6 0AA at p: 20 (2000)

Chapter ۷.

Safe Haven

What does Safe Haven mean?

A haven is a ‘place of safety or refuge’^۱ it is a protective term that connotes the concept of a location where people are cared for or looked after; a little like an old people’s home perhaps. The idea of creating a Safe Haven projects a kind of benevolent aura onto what is a military protection zone in northern Iraq. Its usage or misuse in this context is patronising towards the Kurds and detrimental to a truthful representation of the situation in the region. Steele noted:

“The destiny of the Iraqi Kurds was showed to the world by harrowing TV images of Kurdish women and children starving to death in the mountains of northern Iraq (Kurdistan) causing Western viewers to ask their embarrassed leaders what they were doing about this urgent problem.”
(Steele ۱۹۹۱: ۹۸)^۲

^۱ Concise Oxford dictionary, Oxford University press, great Clarendon street, Oxford OX۲ ۲DP at p: ۶۵۳

^۲ Charmain Steele “The Saddamic Verses – A Personal Sketch in Verse and Prose of the Iraqi conflict from August ۱۹۹۰.” With an introduction by Sir Anthony Parsons – illustrated exclusively by the work of photographers for the independent (۱۹۹۱: The independent newspaper publishing PLC) book design and layout: Chamian Steele, printed in England by Litho impressions, at p: ۹۸

Gunter whose published study usefully pursues the questions of what happened following the Gulf War takes a similar approach. It would indeed be nice to think that what the public think could affect how political leaders in the US and Britain act, since these nations were the primary instigators of the events that resulted in the creation of a Safe Haven. The rest of the factors contributing to Kurdistan's current steps towards a peaceful and stable society, the democratic elections that have taken place and improvements to infrastructure, have been the responsibility of the people and leadership. Gunter has further acknowledged:

“It is ١٣ years since the Iraqi Kurds, or a large segment of them, acquired a sort of self-mastery. It was the fruit of a long struggle and great suffering and, typical of the Kurdish experience, it was great upheavals beyond their control that finally brought their self-ruling enclave into being: Saddam Hussein's invasion of Kuwait; the great Kurdish and Shi'ite uprisings; the panic flight of an entire people; and the creation of the western-protected Safe Haven.” (Gunter ١٩٩٢: ٨٧)^١

Having established Kurdistan and seen it develop over ١٣ years, the prospective attack on Iraq seems likely to destabilise their government, by nature tenuous due to its youth. The Kurds remember that it was a mere 'suggestion' for UN safe havens in northern Iraq to protect the Kurds. This idea was pushed hard by John Major, the British Prime Minister, much to the annoyance of President Bush, who was initially against any form of intervention. (Hamid ١٩٩٩: ١٥)^٢

The Bush administration at the time of the Gulf War quickly realised the advantages that placing military forces in Kurdistan would mean in the future struggles its economic advisors anticipated for the future of oil distribution. Hamid added:

^١ Michael M. Gunter “The Kurds of Iraq” (St. Martin's press, New York: ١٩٩٢) at p: ٨٧

^٢ Bashear Hamid “The Future of World Community in Iraq.” Monthly magazine, Dezgeha Rogehandina Gazi publisher, no ٥٤ (Iraq: July ١٩٩٩) at p: ١٥

“On 10 April 1991 Bush changed his policy of non intervention in Iraq and issued an injunction against Iraq to cease all military activity north of the 36th parallel, a line just south of Mosul and Erbil, northwards to the Turkish border, demanding that Saddam keep his troops south of that parallel. Bush created a virtual security zone, which became an Iraqi, no-fly zone while allied combat aircraft monitored. Further more the expression ‘safe haven’ came into common currency. The British labelled the project Operation Provide Comfort while the Americans insisted on referring to it as Operation Poised Hammer.” (Hamid 1999: 16)¹

Habeeb believes the answer lies in the simple conflict of terminology between the two powers with prime responsibility for policing the zone. The hammer poised to strike was perhaps too overt a name for what quite clearly is an excuse to keep military forces in the area ready to attack. The British ever diplomatic, but in my opinion with identical intent, preferred and succeeded in proffering the more attractive notion that the concern was the humanitarian one of providing comfort.

“On the 16th April 1991 American President Bush authorised American troops, under an American general to organise encampments in northern Iraq for some half million Kurds, so as to ensure their safety and co-ordinate relief supplies and the Allied monitoring aerial cover. This Allied military presence gave a sense of security to Kurdish families, some of whom were still sheltering on mountainsides, and thousands of them were persuaded to return to their homes.” (Habeeb 1998: 168, 200)²

¹ Ibid, at p: 16

² Bedran a. Habeeb “Kurdistan Election May 19th 1992.” Kurdistan regional government ministry of education publications (Erbil - Iraq: 1998) at pp: 168, 200. For more details see Kurdistan regional government UK representation source. <http://www.kurdistan.ws/kurdistan.r.html>.

A BRIEF HISTORY OF IRAQI KURDISTAN:

“When the Government of Iraq voluntarily withdrew its administration from Iraqi Kurdistan and enforced an embargo on the area, the Kurdistan

As the thesis examines in the examples of Bosnia and Kosovo the US with the support of the UK has now taken the opportunity on an increasing number of occasions to go ahead with plans for humanitarian aid with or without UN approval. Cook contributed a useful, if brief, analysis of the debate on the safe haven in northern Iraq. She has argued there was never any discussion or intent with regards to UN Resolution 688 about the creation of a Safe Haven and perhaps those nations that voted no or abstained did so in the belief that, however nicely it was worded, it was really an opportunity to put troops permanently in Iraq. Speculation about this motive aside, that is precisely what the US and Britain have got. President Bush covered himself by asserting that this was just a temporary humanitarian measure, and gave the date of their withdrawal as 10 June 1991. By the end of the April 1991 about 800 Iraqi military personnel moved in on the northern city of Zako, where a safe haven was being established, but in the face of the threatened use of military force against them by the Americans, British and French, they withdrew; all that is except a few policemen. By the end of April 1991 there were over 7000 American and 900 British troops in Iraqi Kurdistan organising relief camps for refugees. (Cook 1990: 44-45)¹

Liberation Movement was forced to act through the Kurdistan Front, an alliance of various political groups in the region. A decision was made to hold elections and form a parliament. On May 19, 1992, a general election was held that resulted in the formation of the first Iraqi Kurdistan National Assembly and the establishment of the Kurdistan Regional Government. By July 10, 1992, the new administration was at work. The first law passed by the new parliament stated that the Iraqi Kurdistan National Assembly, representing the people of Kurdistan and their rights, in accordance with international conventions and treaties, decided that the legal relationship with the central government of Iraq would be based on a federalist union with a democratically elected Parliament, based on a multi-party system that respects human rights according to the international conventions and treaties. Iraqi Kurdistan National Assembly October 4, 1992”

¹ Helena Cook - international human rights lawyer “The Safe Haven in Northern Iraq.” Published by the human rights centre - University of Essex and the Kurdistan human rights projects KHRP (London: 1990) at pp: 44-45

The Human Rights Project laid out once more the evidence to suggest that concern for Kurdish people was not of great importance in the decisions that led to the creation of the Safe Haven come from the reactions of Turkey. The study moreover states:

“The government and especially the Turkish military were reluctant to allow Iraqi Kurds of any sort into the country, it was only under the glare of the international TV spotlight and Turkey wanted to be seen as a good European, obliging and humane.” (Human Rights Project ۱۹۹۴: ۱۲۶)^۱

Turkey is the fourth largest recipient of US arms imports and its own record of human rights violations towards the Kurdish minority is extremely poor. If the motive for a Safe Haven was humanitarian on the part of the US, then why does it openly support Turkey’s oppressive regime? Nevertheless if the UN is to prove it now is concerned for the Kurds it must act to support them from now onwards. When the international community created a special status for Iraqi Kurdistan, encouraging the Kurds to return from the refugee camps along the Iraq-Turkey border, the need for a political solution backed by international guarantees was ignored. The responsibility that the international community has assumed has now been reinforced by the fact that they increased the vulnerability of the Kurds and intensified the risks they would face if international protection were to be withdrawn. In addition the Kurds have taken many steps to improve the situation that exists today and these improvements cannot now be disregarded. (Human Rights Project ۱۹۹۴: ۱۲۷)^۲

^۱ Report on the proceedings of the international conference on north-west Kurdistan (South East Turkey) March ۱۲-۱۳, ۱۹۹۴ Brussels “A Democratic Future for the Kurds in Turkey.” Medici International, Frankfurt – Kurdistan Human Rights Project, London, printed by Medico International and KHRP Kurdistan human rights project at p: ۱۲۶

^۲ Ibid, at p: ۱۲۷

Economic and political forces in the Safe Haven

Following intervention and the creation of a no-fly zone, Saddam Hussein was forced to leave the Kurdish people alone, but it was not without a fight. Cook noted that Iraqi President Saddam Hussein had combined economic warfare with the military campaign against the Kurdish people in Iraq. On November ۲, ۱۹۹۱, the Iraqi regime declared an economic blockade of Kurdish areas. Distribution of food and fuel were prohibited. These measures caused a rise in the price of food to a record high and a severe shortage of fuel. Most of the means of transportation were interrupted because the fuel supply comes from Baghdad. The activities of the United Nations relief agencies were interrupted and they were forced to buy fuel from Turkey. The Iraqi authority declared other measures to deprive Kurdistan from its economic resources such as: Withdrawal of all civil servants and employees of medical services from Kurdistan. They were ordered to report to their new duties in Kirkuk, Mosul and Baghdad. Those who did not comply were considered dismissed from their jobs; Cutting the government's public services in the region; and eventually periodic interruptions in electricity to warn the Kurds that the Iraqi regime was in a position to cut off its power source. (Cook ۱۹۹۵: ۵۰-۵۲)^۱

The Kurdish people faced a serious shortage of food, fuel, and health services as a result of Baghdad's economic embargo.^۲ The Kurdistan Front tried the situation with Saddam Hussein and he agreed in principle if all the Peshmerga forces were removed from

^۱ Helena Cook "Safe Haven in Northern Iraq." Human rights centre, Kurdish human rights projects KHRP" University of Essex (London: KHRP press release, ۱۹۹۵) at pp: ۵۰-۵۲

^۲ Iraqi authority declared other measures to deprive Kurdistan from its economic resources such as: Withdrawal of all army units from Kurdistan and concentrating them in Kirkuk, Mosul and Baghdad. Withdrawal of all civil servants and employees of medical services from Kurdistan. They were ordered to report to their new duties in Kirkuk, Mosul and Baghdad. Those who did not comply were considered dismissed from their jobs. Cutting the government's public services. Periodic interruptions in electricity to warn the Kurds that the Iraqi regime is in a position to cut off electricity.

Kurdish cities. This proposal was accepted and, except for a small number of people required for law enforcement, the forces withdrew. With the introduction of the Oil for Food program and the move away from the powers of Saddam to influence the Kurds with the use of economic forces there is now a new economic precedent they must face. (Smyth 19 January 1993)¹

He further argued that the west is entitled to a say in the matter over and above the decisions of the people. This seems to me a strange notion for democracy, and one which undermines any legitimate purpose for the Safe Haven. The people of Kurdistan understood what this meant, deal with Saddam Hussein or deal with the Americans. Saddam Hussein consistently suggested resuming negotiations with the Kurds, after a breakdown in proceedings in 1991:

“It must be admitted that western policy on the other hand is also not comprehensive, it reacts to events”, said Kurdish spokesman Mr. Hoshyar Zebari in early January 1993. Initial pleasure among the exiled opposition groups at renewed western military action was already giving way to frustration that the Baghdad regime had barely been scratched.” (Smyth 19 January 1993)²

Entessar noted that the decision not to remove Saddam Hussein is not an encouraging one as it demonstrates extreme deviousness on the part of the west. Leaving Saddam Hussein in power meant leaving the threat of repeated abuses over the heads of the Kurds, pushing them towards economic and military agreements with the US. Entessar further commented that it was the Iraqi government who had transformed Kurdish society from an agricultural-based society into a society depending completely on a social welfare

¹ Gareth Smyth “Opposition to Saddam Hussein forms Perplexing Mosaic” London - UK Financial Times Tuesday January 19, 1993

² Gareth Smyth “Opposition to Saddam Hussein forms Perplexing Mosaic.” Financial Times Tuesday January 19, 1993

system which to be financed by the petrol dollars. (Entessar ۱۹۹۲: ۱۶)^۱

Moreover Pirbal stated that the UN has destroyed more Kurdish economy under double embargo, one by Iraqi regime and another under international sanctions imposed in ۱۹۹۱ following Gulf War crisis.^۲ There is no owned economy; farm production is not sufficient. All inputs for economic activities, such as oil and fertiliser, are valued in dollars and must be purchased on the black market. The situation becomes more difficult. International NGOs find themselves asked to give types of economical support, which are not part of their remit. Nothing has been done from the international community to give economic support to the Kurdish government to implement their own programme and to solve the problems in Iraqi Kurdistan. (Pirbal ۲۰۰۱: ۵۰, ۵۲)^۳

However several factors make it impossible to carry out comprehensive development planning. Perhaps the most important is the issue of sanctions. So long as these remain in place, the relations between the North, South and Center of Iraq are likely to remain as they are, with the North's capacity for independent development severely constrained. For example, maintaining regular vaccination programmes is dependent on the provision of regular vaccines through the central government in Baghdad, as well as on the functioning of the sanctions system. Local authorities cannot control these factors. It is politically impossible to encourage a change of legal frameworks in Northern Iraq since

^۱ Nader Entessar "Kurdish Ethno-Nationalism" (United States: Lynne Renner publishers: ۱۹۹۲) at p: ۱۶

^۲ Sanctions: A road term for a penalty or a countermeasure. Particular types of sanctions include cutting diplomatic ties, arms embargoes, freezing bank accounts of decision makers in a target state, assassination or comprehensive economic embargoes.

^۳ Khasro Pirbal "Kurdistan, A Regional Profile - An Economic Study About Iraqi Kurdistan." Ministry of culture registering no: ۵۲۳ dated ۲ December ۲۰۰۱, Kurdistan regional government press: Pak printing - (Iraqi Kurdistan: ۲۰۰۱) at pp: ۵۰, ۵۲

national laws set by the Government of Iraq cover the three Kurdish north governorates. However local authorities, and the international organizations that support them, can address some of the basic causes. Perhaps the most important is the absence of local capacity to manage development. Despite the region's isolation, which makes usual approaches to capacity development such as study tours difficult, it is still possible to increase local training. (UNICEF ۲۰۰۲: ۳۲)^۱

A review of developments in Iraq prepared by the regional specialists of REF/RL's, news line team, ۱۱ August ۲۰۰۰ revealed that people of Kurdistan undeniably enjoy wealth at present, unprecedented wealth, but it is not sustainable without the government following completely the political line of its protectors. The review further commented that failure to construct a political system that can represent the views of the people without needing to placate international partners and economic institutions is not a conducive climate for democracy as the people in nations elsewhere in the world like Indonesia would be happy to confirm. If the people object to US decisions in the future, as they do now to the war with Iraq, how will the US respond? Presumably by withdrawing contracts and investments and imposing sanctions. Given that the solution that has been administered in the region has not yet resolved traditional political differences, what would happen if pressure were placed on the Kurdish people by economic action or increased military aid? News line team added:

“Talabani said that the Turkmen living in areas under the control of the Kurdish Democratic Party (KDP) are somewhat concerned for their future, especially after the recent clashes between the KDP and the Turkmen Front. But as far as the PUK is concerned, Talabani said, the Turkmen constitute the second nationality in Iraqi Kurdistan and the

^۱ The situation of children in northern Iraq “An assessment based on the United Nations Convention on the Rights of the Child.” September ۲۰۰۲ UNICEF United Nations Children's Fund at p: ۳۲ <http://www.krg.org/947/unicef-children-sep-۲۰۰۲.pdf>

third nationality in Iraq. Talabani acknowledged that the PUK's relations with the KDP are not very good, even though the two groups have stopped fighting. He said that the PKK had increased its power and recruitment efforts, but in Iraqi Kurdistan, the PUK leader said, its influence has waned." (News Line Team Volume ۳ No ۲۷ August ۱۱, ۲۰۰۰)^۱

For this reason Kurdish intellectuals are pressing for the progress of the peace process between PUK and KDP. They understand that if Kurdistan is to succeed then it must be as strong internally as it can be if it is to withstand outside pressure from more upheaval in the region. The parties have been accused of being hungry for war and blood. There are people in both parties who are pouring fuel to this fire^۲. These are influential people, working to delay and halt the peace process. The situation of no-war and no-peace in Kurdistan is in their favour. (Arfa ۱۹۹۶: ۲۱-۲۴)^۳ The danger is that the no war and no peace situation in Kurdistan is undermining freedom of expression, human rights and

^۱ A Review of developments in Iraq prepared by the regional specialists of REF/RL's, news line team, Ref/RI Iraq report, vol. ۳, no, ۲۷ (۱۱ August ۲۰۰۰) "Saddam Again Threatens in Victory Day Speech."

^۲ During the heavy fighting between the KDP and PUK, December ۱۹۹۳ to August ۱۹۹۵, both parties seem to have been accused of killing prisoners and committing other serious violations. In a detailed report listing such violations, Amnesty International report stated: "Political Leaders Have Shown Themselves Unwilling to Acknowledge the Scale of Human Rights Abuses Carried Out by their Respective Parties." The fact that the perpetrators numerous unlawful and deliberate killings and torture remain not only at liberty but also in Position of authority have undermined public confidence in the administration of justice and the rule of law. The knowledge that crime will go unpunished and may even be awarded – has contributed to the spiral violence in society at large, which has in turn escalated human rights abuses in Iraqi Kurdistan." See Amnesty International report on Iraq: Human rights abuses in Iraqi Kurdistan since ۱۹۹۱, MDE ۱۴/۰۱/۹۵, London, ۲۸ February ۱۹۹۵, at p: ۲۲

^۳ Hassan Arfa "The Kurds: A Historical and Political Study." (London: Oxford University Press, ۱۹۹۶) at pp: ۲۱-۲۴

achievements since the uprising of ١٩٩١ against Saddam's regime. The enemies of Kurdish nation fertilise the ground to demolish Kurdish national achievements. That is why we are utilising the weapon of peace, love and dialogue to achieve peace in Kurdistan said Kurdish intellectuals. (Kurdish Media Press Release ٦ September ٢٠٠٠)^١

Of course the Kurdish situation is so improved compared to the excesses of the Iraqi regime that they do not want to forgo the immediate benefits of the action that has been taken to date in Kurdistan, nor should they have to:

“The greatest opportunity for Kurdish statehood in modern history is at hand in southern Kurdistan. Today, the world has changed in many different ways. Kurds are living in an era in which the world is increasing in its globalisation of economic activities, an epoch of the information super highway. In Kurdistan society has become much more developed; there are more universities than ever before. Over two million Kurds are living in the Diaspora, many of whom have been able to attend the best universities. The Kurdish movement for self-determination has reached its peak. With the help of the United States and its allies, Kurds have managed to establish their own administration in southern Kurdistan of Iraq.” (Berwari ١٠ October ٢٠٠٠)^٢

Rizivi (٢٠٠٠) noted that the only reasonable option for the international community to take is for property and agriculture to be returned to the hands of the people, alleviating political dependence on the will of the west. This would indeed constitute

^١ Kurdish Media press release “Kurdish Intellectuals Press for Progress Between PUK and KDP.” (London: ٦ September ٢٠٠٠)
<http://www.rferl.org/iraq-report/٢٠٠٠/١٠/٢٠-٢٠١٠٠٠.html>

^٢ Dilovan Berwari “The Greatest Opportunity for Kurdish Statehood in Modern History is at Hand in Southern Kurdistan.” ١٠ October ٢٠٠٠
<http://mywebpage.netscape.com/kurdistanobserve/١٦-١٠-٠٠٠-opinion-d-berwari.html>

true responsibility and set a precedent for international laws governing and restraining the powers of global militaries, companies and institutions. The increased popularity of Saddam Hussein in the Middle East and the rise in fundamentalism can be seen as the reaction to political scheming by the west.

Peter Hain, British foreign office Minister, admitted that the Iraqi Kurdish area is an example to Saddam, after meeting with Kurdistan Democratic Party leader Massoud Barzani who visited London to drum up support for his group, reported Sajid Rizvi. (Rizvi October ٢٤, ٢٠٠٠)^١ Barzani was urged by Western governments to reconcile differences with his rival Mr. Jalal Talabani, and his Patriotic Union of Kurdistan. Hein said the United Nations Oil for Food Program had worked to improve food supplies and attend to health care in Iraqi Kurdistan, an area inhabited primarily by Kurds but with Assyrian, Turkoman and Yazidi minorities and administered by Kurdistan regional government and also called for the Iraqi government acceptance of UNSC resolution ١٢٨٤.^٢

For Rizvi using the Kurdish people as means to get Saddam to agree to resolutions is not a valid way of stabilising the Middle East. He argued that the agreement of political groups can easily be achieved if the leaders are conducive to inducements from foreign powers but the people are not involved, in fact are distanced, by such policies. Rizvi added:

^١ Sajid Rizvi “Britain Says Iraqi Kurdish Area is an Example to Saddam Hussein” (October ٢٤, ٢٠٠٠ Kurdish News Line: Erbil, Iraq)
<http://www.vny.com/cf/News/upidetail.cfm?OID=١٣٠٦١٥>

^٢ SCR ١٢٨٤ (١٧ December ١٩٩٩): Another long resolution replacing United Nations Special Commission (UNSCOM) also with United Nations monitoring verification and inspection commission (UNMOVIC), demanding Iraqi co-operation on prisoners of war, altering the oil for food programme, and discussing the possible suspension of sanctions, again in ambiguous terms. France, Russia and China abstained from voting on it in the Security Council and Iraq has ejected. United Nations Security Council S/RES/ ١٢٨٤ (١٩٩٩), adopted by the Security Council at its ٤٠٤٨ meeting on ١٧th December ١٩٩٩ <http://www.un.org/Docs/scres/١٩٩٩/sc ٩٩.htm>

“The meeting between Hain and Barzani was part of a wider diplomatic effort to consolidate peaceful coexistence between the rival Kurdish factions. Foreign Office officials said the talks centred on confidence building measures and would likely be followed by discussions with PUK leader Talabani, who was also invited to visit London.” (Rizvi ٢٤ October ٢٠٠٠)^١

Ms. Nasreen Berwari, a Minister in the Kurdistan regional government responsible for reconstruction and development projects in the autonomous region of Iraq explained to me in a personal interview how regional peace discussions and the power to decide them belong firmly just where their aim implies; in the region. The removal of party leaders and political ties in the west compromise the decisions of those leaders in the eyes of their people. Popular support is lost and this kind of political manoeuvring actually undermines stability. The people do not want to see the creation of yet another dictatorship at the hands of foreign powers. It would be especially cruel to the Kurds for the international community to embark on creating a new government since the current arrangements they have made themselves have proved adequate in the last ١٢ years to administer the region.

Who were the people left behind by the retreating Iraqi administration in the international Safe Haven? Who were the people who filled the void and who were the people who assumed leadership and helped to elevate Kurdistan to its current status? What can be expected from such an administration, created in the aftermath of devastation and destruction? What should the international community require and expect from such an administration and likewise how should the administration expect to be treated? The following section aims to address these questions using fieldwork undertaken in Iraqi Kurdistan. Since the

^١ Sajid Rizvi “Britain Says Iraqi Kurdish Area is an Example to Saddam Hussein.” (October ٢٤, ٢٠٠٠ Kurdish News Line: Iraq)
<http://www.vny.com/cf/News/upidetail.cfm?OID=1٢٠٦1٥>

aftermath of ١٩٩١, a collective of the major democratic movements in the region has governed Kurdistan. This collective has become known as the Iraqi Kurdistan Front and it is composed mainly of members from the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK).

Kurdish authorities have developed a reasonably efficient administration, with an elected parliament and municipal councils. (Appendix No ٦: KRG Municipal Elections ٢٦ May ٢٠٠١)^١ They have internal freedoms unimaginable in Baghdad. In Kurdistan non-governmental organizations (NGOs) and human rights groups do function in a free atmosphere. Whatever their politics, their discourse is infused with a real concern for those ideas democracy, pluralism, tolerance whose absence they suffered so grievously. Two of the region's three universities have been established since ١٩٩١.^٢ They are resettling thousands villages destroyed by Saddam Hussein, placing lost livestock, and re-cultivating the fertile, well watered soil that remains the backbone of their economy. The establishment of the safe haven for the people of Kurdistan led to the Iraqi central government withdrawing its administration from

^١ See appendix no: ٣ results of the municipal elections conducted in Iraqi Kurdistan on ٢٦ May ٢٠٠١ On May ٢٦, ٢٠٠١ the local authorities in Erbil and Duhok Governorates of Iraqi Kurdistan held elections for the municipal posts of mayor and municipal members in the region.

^٢ The University of Sulaimani is regarded as the first university to be found in Kurdistan by the Iraqi regime in ١٩٦٨. The University was transferred to the city of Erbil in ١٩٨٠, due to the critical situation of the Iraqi regime at that time due to the Kurdish crisis. It was reopened by the Kurdish authorities in ١٩٩٤ with three colleges (agriculture, medicine, and art and humanities). The University now has seven colleges with a total of ٣٠٦٧ registered students. However the University of Dohuk is a state university, grounded on ١٤ September ١٩٩٢ in the city of Dohuk. Presently the University of Dohuk has of eight colleges with a total of ١٦٨٩ students. For more details see Kurdish Academic Network (KNA) established June, ١٩٩٨. KNA is a non political voluntary organisation established by academics in the United Kingdom to support education at all levels in Iraqi Kurdistan. See also the website of Kurdish Academic Network offers an interesting selection of extracts from these reports <http://welcome.to/Kurdish-Academic>.

Kurdistan with the aim of creating an administrative and legislative vacuum in the region. The Kurdistan Front asserted its authority but it was later appreciated that it was not possible to fill in the legislative vacuum unless an elected legislative authority was established by the people.

In an interview I conducted with Mr. Mantik, governor of Erbil, capital of the autonomous region in Northern Iraq, he noted that Saddam's failure to succeed in undermining the administration of the region by withdrawing strong central government just goes to show how superfluous such government is to the day to day running of regions and peoples. In fact decentralization was the seed of democracy. Mr. Mantik further explained. After the withdrawal of the administrative authority by the central government, the people of Kurdistan began a democratic election. On ٠٤/٠٧/١٩٩٢ the first cabinet of the Kurdistan regional government, headed by Dr. Fuad Massum, as a Prime- Minister and Dr. Roz Shawais, as a deputy Prime Minister was established. Both parties, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan, had to share equal power. Five seats of the assembly were allocated to the Christians of all denominations in accordance with a decision made by the Kurdish Front on April ٤, ١٩٩٢.

Mr. Mantik stressed that both the KDP and the PUK had strong support in the region prior to the creation of the Safe Haven. For this reason they were the most logical politically controlling bodies in a period when no one else was available to administer the region. Moreover the Kurdish Front immediately took steps to include ethnic diversity as advised and required by the international community. (Interview with Mantik ٢٤ April ٢٠٠٠)^١

The Kurdistan Front adopted the initiative proposed by Mr. Masoud Barzani the leader of the KDP to hold general elections in order to achieve the purpose mentioned. The KF formed a ١٠

^١ Personal communication from Mr. Akram Mantik governor of Erbil capital of autonomous region in northern Iraq (place and date of interview: Iraqi Kurdistan ٢٤ April ٢٠٠٠)

member commission, ١٣ members of whom were lawyers, to set a draft law for the elections. The commission started its assignment in Erbil and convened its first meeting on December ٢٣, ١٩٩١ and its final meeting was held on January ٢٨, ١٩٩٢. The KF ratified the draft resolution on April ٢٨, ١٩٩٢ named the law no. ١ for the year ١٩٩٢ ‘the law for the Iraqi Kurdistan National Assembly’ and ultimately general elections were held for the assembly through free and secret ballot on May ١٩, ١٩٩٢. (Interview with Berwari, ٢٥ September ٢٠٠١)^١

In an interview Mr. Yonadem Yosef Hanna (٢٣ April ٢٠٠٢) from Assyrian Movement Party in Iraqi Kurdistan told me:

“Kurdish political leadership were de-facto authority here. We did our job before the election and later on we decided that we must have some legitimate authority in this region and that was the political decision of the front, later we prepared for that from the beginning of ١٩٩٢. We start to think what to do to have some legitimate authority here as the national assembly, government or local authority. So for that purpose the international community supported us. Monitors from all over the world came here to monitor our election.” (Interview with Yosef Hanna, ٢٣ April ٢٠٠٢)^٢

Taieb, Iraqi Kurdistan regional government Minister for education in an interview told me that he believes that the nomination of the premier of Kurdistan and his deputy is an exclusive competence of Parliament. After deliberations and contacts among the majority parties, he said, the ministers are nominated by the premier and his deputy, then the nominees are presented to the National Assembly in a public session to grant

^١ Personal communication From Ms. Nasreen Berwari a women minister in Kurdistan regional government responsible for reconstruction and development projects in the autonomous region of Iraq (place of date of interview: Iraqi Kurdistan ٢٥ September ٢٠٠١)

^٢ Personal communication from Mr. Yonadem Yosef Hanna from Assyrian movement party in Kurdistan (place and date of interview: Iraqi Kurdistan ٢٣ April ٢٠٠٢)

them confidence. The first regional ministerial cabinet was formed on July ٥, ١٩٩٢ comprising ١٥ ministers beside the Premier and his deputy. The second and third cabinets were formed on April ٢٥, ١٩٩٣ and September ٢٦, ١٩٩٦, respectively. The Council of Ministers may set and implement the general policy of the region, initiate and prepare law bills, the regional general budget, development plans and raise them to Parliament. (Interview with Taieb ١٦ May ٢٠٠٠)^١

The assembly has held ٢٥٠ sessions since its first session on June ٤, ١٩٩٢. Between May ٤, ١٩٩٤ and September ١٩٩٦ internal rifts and conflicts paralysed the assembly. According to Mr. Ahmed Secretary of Kurdistan national assembly KNA, the current government is now pushing for new elections this year, as it has served longer than its specified term. The new assembly held its first session on June ٤, ١٩٩٢. The parliament is now proceeding its sessions and ordinary terms following extending its electoral term for three times, being impossible to hold the elections for the next electoral terms due to the internal fighting, but knowing that the assembly is elected for four years. This statement, under scrutiny, highlights an emerging problem that must be faced by the administration if they are going to place themselves away from suspicion of undemocratic means. Any recognised figures at an international level must be democratic ones and election delays will not serve the Kurdish people in this respect. Fortunately the current leadership has proved itself suitably progressive.

According to Ahmed, the law for the Iraqi Kurdistan National Assembly was a fantastic and determined step, it has since been clouded and encountered difficulties due to internal conflict and infighting. The existing parliament is currently proceeding into its third electoral term as it has been considered impossible three times to hold the elections.

^١ Personal communication from Mr. Abdul Aziz Taieb, Iraqi Kurdistan regional government Minister for education (place and date of interview: Ministry of education, Iraqi Kurdistan: ١٦ May ٢٠٠٠)

This is something, which the people of the region must address in order to receive continued support from the international community. Despite the problems in administering the actual elections the mechanisms and provisions are worth considering to demonstrate the intent of the administration and to analyse the commitments they have made.

Mr. Ahmed further noted the fact the authorities need to address the issues of elections is a given. In respect to its other duties and responsibilities it is worth considering them point-by-point. Firstly the setting of laws is a complicated and difficult task in any region but especially so in Kurdistan. The ethnic and religious diversity sets the people in opposition and conflict due to the great differences between say for example the traditions of Islamic law and Christian doctrine. The parties cannot choose simply to ignore these ideologies, as the people identify deeply with various doctrines. For the same reasons the second of the duties of the assembly is also complicated because gaining momentum and support for decisions often required by the international community is a difficult task. Only a truly representative government can achieve this but in an area stricken with conflict leadership traditionally inclines to more martial, as opposed to liberal, judicial measures. Electing a premier who can really act as a spokesman and figurehead is difficult due to ethnic diversity and controlling regional leadership in an area which until recently had little or no bureaucracy has added further complications. Nevertheless the administration, in the three early years, took the following steps, he said. (Interview with Ahmed ٦ August ٢٠٠١)^١

In addition he further noted that Kurdistan Parliament played an active role in ending to the internal fighting during the period from March to June ١٩٩٤. It formed field follow-up commissions to monitor the cease-fire and declared a ١٩-point document of principles clarifying its stance towards the tragic events in order to settle peace in the region. The members of the Parliament took

^١ Personal communication from Mr. Farset Ahmed Kurdistan national assembly secretary (place and date of interview: Iraqi Kurdistan ٦ August ٢٠٠١)

further action when ٥٩ of them launched a sit-in strike in December ١٩٩٤ inside the Parliament for ١٠١ days with an aim to put an end to the internal fighting, settle peace and restore the legitimacy of government. As discussed earlier the fighting was very damaging for the Kurdish administration as it gave the international community reason to doubt the resolutions of the people and to reduce support and financial assistance. Ironically it is this support, which needs to be increased to help stabilise the situation, as the administration cannot be expected to achieve this on its own. If this means making more commitments to the international community for the future then so be it but those commitments should not be seen as an opportunity to take advantage of the people and leave them with nothing. Only time can dull the pain of countless families who have lost numerous relatives or the memories of those who survived torture. This excerpt from an interview with Mr. Yonadem Yosef (٥ June ٢٠٠١) testifies to the misunderstanding of the situation in Kurdistan that still exists in the manner in which the international community perceives the region:

“It is a big mistake for international community to look at our case only from the humanitarian aspect. Our problem here is not a humanitarian problem. Here we seek rights of expression; freedom, democracy and political status like other nations. These are the reasons why Iraqi regimes invaded the area of Kurdistan many times such as Anfal Campaigns and destroyed ٤٥٠٠ of our villages.” (Interview with Yosef ٥ June ٢٠٠١)

Kurdistan national assembly has so far ratified the following laws:

- The federal union declaration and decision on October ٤, ١٩٩٢ as a co-existence formula between the people of Kurdistan and Iraq
- The law of the regional council of ministers and laws relevant to ١٥ regional ministries
- The law of the judiciary
- The law of administrations of municipalities, which included the principle of the election of the heads of municipalities and their councils
- The law of publications

Several recent reports have assessed that the Council also maintains regional security, protects citizens and their properties, co-ordinates the work of ministers, appoints civil servants, suspends, dismisses and puts them on pensions. Iraqi Kurdistan is divided into governorates, provinces and districts, presided by the governor, the lieutenant governor and the district manger, each considered as the head of his or her administrative unit and serving as the representative of the executive authority in the unit s/he is in charge of. They exercise the functions stated in the law of governorates and supervise the implementation of the policy of the regional government in their administrative units. In addition, they exercise supervision over ministerial offices in their units and employees thereof (except army, courts and teaching departments of universities) and they are hold as local heads of them. In the forefront of the administration's educational concerns is the approach to the establishment of an independent Kurdish education system with a sound philosophy and clear-cut objectives. (KRG Press Release ٢٠٠٠: ١-٢)^١

According to Shaikh Yazden, assessment of the education system of Kurdistan is a fairly administered at present, the responsibility 'shared between the ministry of education and the committee for higher education. The ministry of education makes all long-term and short-term policy decisions concerning educational stages below university level. Higher education is the

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- The law of parties
 - The law of associations
 - The law of arms
 - Pass the law of honouring the martyrs
 - Pass the law of higher education
 - Establishment of Dohuk University
 - Establishment of Sulaimanya University

^١ Personal communication from Mr. Yonadem Yosef Hanna Kurdistan regional government Minister responsible for industrial and energy (place and date of interview: Iraqi Kurdistan ٥ June ٢٠٠٠)

^١ Kurdistan Regional Government press release "The Cabinet Constitution" a brief history (١٠ October ٢٠٠٠) at pp: ١-٢
<http://www.krg.org/about/background.asp>

responsibility of the committee for higher education and includes the technical institutes in the liberated Kurdistan area. Financing education is the responsibility of the Kurdish administration and the education system is entirely funded from the central administration funds. (Shaikh Yazden ١٩٩٨: ٣٣, ٣٩)^١

International Aid within Kurdistan

The area that is considered a Safe Haven and protected above the ٣٦th Parallel covers approximately ٥٤% of the region of Kurdistan and contains ٣,٦ of the total ٦ million population of Iraqi Kurdistan. More than ten years after the withdrawal of administrative and political support by Saddam Hussein, there is little sign that the area is collapsing due to lack of infrastructure. How has this been possible? What has taken place and been done to prevent the region from spiralling into chaos? What successes have been achieved and what plans are being made for their continuation in the future? These questions form the basis of the following section based on interviews with those inside Kurdistan working to rebuild the region and analysis of programs of aid to the region from the international community.

In an interview I conducted with the director of Japan Peace Winds (JPW) organisation Mr. Sabah Akram (١٢ May ٢٠٠٠) he explained that JPW is a neutral non-political body. It was established in February ١٩٩٦ and since then it has supported victims, refugees involved in national disasters. “We also do social work, construction work and life care if it is needed”, he said. JPW also works with UN aid agencies to support different groups in the reconstruction of Kurdistan. As far as obstacles to the work go, JPW and others face security problems, and also the huge number of refugees means that the situation is out of our control. In terms

^١ Shawket Shaikh Yazden “Report on the Activities and Projects of the Third Cabinet of Kurdistan Government ٢٦,٩,١٩٩٦ – ٣١,١٢,١٩٩٧.” KRG press publication, first edition, printed by the Kurdistan regional government ministry of information, no ٢ (Erbil – Iraqi Kurdistan: ١٩٩٨) at pp: ٣٣, ٣٩

of humanitarian support stands as regards the safe haven many organisations apart from us report the need for more support and help. I think the humanitarian support will continue”, said Mr. Sabah Akram, JPW Dohuk office director. (Interview with Akram ١٢ May ٢٠٠٠)^١

Similarly Ms. Kristine Smith, director of the Help the Aged organisation in Kurdistan gave me a summary of organisation development activities since April ١٩٩٩. She explained her organisation is specialised in supporting older people in all different aspects:

“We also give training on different matters such as teacher training and social welfare for the social worker. In addition, health lectures have been given about diseases. Our other responsibilities are to be involved in some advocacy work on TV programs and radio. We also publish articles in local newspapers and magazines in regard to our work. There are other activities, which we are involved in; for example an exhibition has been opened in Zakho at ٢٨ Apr- ١٩٩٩ with photographs, drawings and pictures of older people. We also prepared some competitions between the university students to write articles and stories about the age and aged.” (Interview with Robavera ٨ June ٢٠٠٠)^٢

Ms. Robavera a delegate from the international committee of the Red Cross has also explained how the situation immediately prior to the creation of the safe haven was dire for the people of Kurdistan. ١,٨ million Refugees, high deaths toll among men due to fighting, assassinations and executions. Homelessness due to bombing and shelling of villages and shortages of food and water; this was what the people of the Kurdistan region inherited

^١ Personal communication from the director of Japan Peace Winds (JPW) organisation Mr. Sabah Akram (place and date of interview: Iraqi Kurdistan ١٢ May ٢٠٠٠)

^٢ Personal communication from Ms. Kristine Robavera a delegate from the international committee of the red cross (place and date of interview: Iraqi Kurdistan ٨ June ٢٠٠٠)

following UN Resolution 688, she said. The Red Cross has been present in Kurdistan throughout the 11 or so years of its present rebuilding. The presence has helped the people of the region in many ways:

“Our work is basically to provide humanitarian aid to victims of conflict or wars. In Kurdistan specifically what we do is protection work in detention places, for instance I visit all detention places in Erbil and my colleagues visit other detention places in Dohuk and Sulaimaniya in Iraqi Kurdistan. The work in detention places is to verify the material and condition of living of detainees and to follow the security of detainees. We visit the detention place and make recommendations to detaining authorities. We enter dialogue to better improve situations of detainees in the detention places.” (Interview with Robavera 1 June 2000)¹

Protection also means protection of civilians in the war. One hospital has been destroyed during the fighting. Medical infrastructure according to intentional humanitarian law should not be targeted. Ms. Robavera and others try to gather information and then discuss with the relevant Kurdish authorities or combatants to try to come to an understanding of why it happened to make sure that it will not happen again in the future. According to Robavera they try to understand why civilians are being killed and talk to those responsible or commanders to ask why they make sure that these fighters understand that international humanitarian law outlaws the killing of civilians. Another assignment of ICRC here is the relief programme. ICRC assists internally displaced people that have been expelled from one or another region. They help them at the beginning and provide them with some food and medical assistance. In many wars and conflicts people are separated and families lose contact, and ICRC also tries to reunify these people:

¹ Personal communication from Ms. Kristine Robavera a delegate from the international committee of the red cross (place and date of interview: Iraqi Kurdistan 1 June 2000)

“ICRC has some emergency engineering projects here in Kurdistan. However it is our role to explain to all members of society, what is international humanitarian law and to make sure that they respect this law and respect the international committee of the Red Cross. ICRC can also play the role as intermediary not mediator if the ICRC asked. So in theory ICRC could bring two groups like the KDP and PUK together to discuss and negotiate.” (Interview with Robavera ^ June ٢٠٠٠)^١

Ms. Robavera has further explained that the way in which the Kurds in Northern Iraq perceive the impact of ICRC is another factor that must be looked at it. In the years immediately following ١٩٩١ the Red Cross acted as a stabilising force and greatly assisted the speed of the regions recovery, which has been rapid. The international community should value more highly the work of these organisations as they can help to guarantee that responsibilities to agreements made by all side and parties are met. In Kurdistan the most important work was in bringing refugees and families together as the major issues of detainment and displacement were on a grand scale that clearly could not be met by the region’s own vastly damaged infrastructure. Since this was the case the reconstruction of Kurdistan would not have been possible without the supports of UN’s Memorandum of Understanding regardless of its legal obstacles^٢ and also of the organisations like ICRC, and as such the Kurdish people are hugely grateful to the organisation. The work of outside organisations cannot however guarantee long-term success for the region. The ICRC also

^١ Personal communication from Ms. Kristine Robavera a delegate from the international committee of the red cross (place and date of interview: Iraqi Kurdistan ^ June ٢٠٠٠)

^٢ Memorandum of understanding (MoU) ١٩٩٢: A document which the Iraqi government wanted all NGOs to sign. In ١٩٩٢ which would allow them to continue to work in central and southern Iraq on the condition that they do not want in the northern governorates. All but OXFAM and CARE (Australia) did not sign the memorandum. Oxfam has since withdrawn from central and southern Iraq.

appreciate that the development of the region must be sustainable and their funding insufficient to prop up the region indefinitely. This is why the people of the region have worked themselves, with the advice and support of the international community, to progress their own government, administrative facilities and infrastructure. But how have they done this? What steps have they taken for themselves, proactively, to secure a better future for the next generations in Kurdistan? (Interview with Robavera ^ June ٢٠٠٠)^١

Resources within Kurdistan

Mr. Yosef Hanna Minister of industrial and energy from Kurdistan regional government has pointed out in order to understand and answer these questions it is first worth realising that Kurdistan is not without its own resources that mean that the people are able to develop and realise their own potential. In many other places in the world the population are less fortunate in the resources they can call upon to make moves to rebuild. According to the minister for Industry and Energy it becomes clear just how little actually needs to be supplied. In the case of rebuilding Kurdistan Mr. Hanna pointed out calls for a policy of non interference on the part of the international community: He added;

“The region is unique in its valuable contents of minerals like copper, iron, gold and uranium. The best quality of building stone is affluent in this region where there also exists the kind of stone, which is good for the cement and glass industry, in addition to the marble, which is an

^١ Personal communication from Ms. Kristine Robavera a delegate from the international committee of the Red Cross ICRC (place and date of interview: Iraqi Kurdistan ^ June ٢٠٠٠). The ICRC has a team of ٢٠ expatriates and ١٣٩ Iraqis working in its delegation in Baghdad, its sub-delegation in Erbil and its offices in Dohuk and Sulaymaniyah in northern Iraq. The following is the most up-to-date information on the institution’s activities in Iraq. Update No. ٩٦/١ on ICRC activities in Iraq.

<http://www.icrc.org/Web/eng/siteeng.nsf/htmlall/٥٧JN٣٤?OpenDocument>

important non-metal resource for the region.” (Interview with Yosef ٤ May ٢٠٠٠)^١

Iraqi Kurdistan has tremendous resources of energy in general and petroleum in particular. One of the richest oil fields of the world lies in Kurdistan and that is Kirkuk field, from which oil was extracted for the first time in ١٩٢٧. The fifth largest field in the world in capacity, ٦٠ miles long highland with ٧,٥ miles width, penetrated from the middle. It extends from Tarjil in Kirkuk up to near Debaga in Erbil in addition to two other fields that are not far from it. Generally the triple oil fields of Kirkuk are dogged to depths ranging from ١٥٠٠ to ٣٠٠٠ feet. The total numbers of these wells are ٤٤ and as for the average of the production of each single well is about ٣٥,٠٠٠ barrels a day. However the production capacity of some of these wells in this field amount to ١٠٠,٠٠٠ barrels per day...The oil fields of Kurdistan produce more than half of Iraq’s production and reached ١٨٠ million tons in ١٩٧٩ and its oil revenues amounted to ٢٦ billion dollars in the year ١٩٨٠. These famous oil fields have an international record in their production ranging from ٥ to ١٠ tons a day. They also have production costs. The cost of a barrel is ٣٨ folds less than that in the USA and it is only ٤٠٪ of that in Kuwait and Saudi Arabia. Since ١٩٣٢ the building of much Oil pumping stations for exportation via pipelines has taken place, Hanna further emphasized. (Interview with Yosef ٤ May ٢٠٠٠)^٢

In addition to discussing these resources this thesis examined Kurdistan’s other agricultural resources as well as the neglect of investment and development in the region, which considering its resources and their contribution to the Iraqi state were minimal until the creation of the Safe Haven. According to Mr. Khalid,

^١ Personal communication from Mr. Yonadem Yosef Hanna Minister of industrial and energy from Kurdistan regional government (place and date of interview: Iraqi Kurdistan ٤ May ٢٠٠٠)

^٢ Personal communication from Mr. Yonadem Yosef Hanna Minister of industrial and energy from Kurdistan regional government (place and date of interview: Iraqi Kurdistan ٤ May ٢٠٠٠)

President of Dohuk University in Iraqi Kurdistan, what self-government in the region has shown is that the people, rather than functioning poorly, function far more profitably as their own managers. The international community has begun to see that communication with a functioning and liberal administration and support for the Kurdish politicians is a way forward to improved relations in the Middle East as well as a proper use of the world's resources that does not ruin the lives of those people who are, ironically, unfortunate enough to live in abundant natural areas. These areas, in recent times, have become sources of enmity and envy. The Kurdish leadership understand that the need for oil outweighs territorial considerations but this should not mean they should suffer indefinitely. Education in Islamic societies has great ancient and traditional importance. One of the first things the Kurds achieved for themselves was the establishment of the University of Dohuk.

Mr Khalid explained that the University of Dohuk is a state founded university on ١٤ September ١٩٩٢ in the city of Dohuk. The city of Dohuk is regarded as one of the four seats of administration in the liberated part of Iraqi Kurdistan. It has a population of ٧٥٠٠٠٠. The Kurdish Administration has done a great deal in providing logistics in all levels of education in the area. This covers the provision of free education, staff budgeting as well as basic teaching aids, books, equipment and building maintenance etc. However, these educational establishments require constant scientific support that is beyond the existing system's capacity. The long-standing instability in the area has remarkably affected the implementation of new technology. Almost all primary and secondary schools are without any computers. In general teaching and learning material as well as qualified staff is scarce. (Interview with Khalid ١٩ April ٢٠٠٠)^١

^١ Personal communication from Mr. Asmat Khalid President of Dohuk University in Iraqi Kurdistan (place and date of interview: Iraqi Kurdistan ١٩ April ٢٠٠٠) According to Mr. Khalid presently the University of Dohuk has eight colleges or faculties with a total of ١٦٨٩ students:

At the time of writing this thesis, the situation recounted in this interview has improved and the administration has funded and supplied such equipment as is needed, although they are aware that still more needs to be done. This will be done, as the policy of the current administration has not changed in respect of the importance and valuing of education and intellectual growth within the society of Kurdistan. Shawket Shaikh Yazden (١٩٩٨) has identified that as far as the current Kurdish administration are concerned this is something only to be welcomed. The suppression of the people, now it has been to a large extent lifted, means a breath of fresh air to all those who are keen to get on with their lives since they have been prevented from doing so for so long. (Shaikh Yazden ١٩٩٨: ٣٣, ٣٨)^١ To testify to improvements in education there is this account from Nasreen Sideek Barwari the Minister of reconstruction and development:

“Following the ١٩٩١ war over Kuwait I was a refugee along with over a million who fled to the mountains towards Turkey and Iran. After returning to Iraq following the humanitarian intervention by the coalition forces, I worked with the International Organisation for Migration assisting fellow refugees to return to their homes. I then worked with the UN department of humanitarian affairs in co-ordinating relief services with UN agencies and Non governmental

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١. College of Medicine
 ٢. College of Agriculture
 ٣. College of Engineering
 ٤. College of Arts
 ٥. College of Management and Economic
 ٦. College of Islamic Studies
 ٧. College of Veterinary
 ٨. College of Science

^١ Mr. Shawket Shaikh Yazden “Report on the Activities and Projects of the Third Cabinet of Kurdistan regional government ٢٦,٩,١٩٩٦ – ٣١,١٢,١٩٩٧.” Kurdistan Regional Government press publications & printing, first edition, ministry of information, no ٢ (Iraqi Kurdistan: ١٩٩٨) at ٣٣, ٣٩

organisations.” (NGOs)¹ (Interview with Berwari ٦ July ٢٠٠٠)^٢

Ms. Berwari however noted Iraqi Kurdistan’s recent history is one of destruction, the displaced and the disappeared. Nearly ٤٠٠٠٠ villages and their inhabitant communities were completely destroyed including towns with more than ٥٠٠٠٠٠ populations. A major humanitarian program since ١٩٩١ has been the reconstruction and resettlement of rural Kurdistan. More than ٢٠٠٠٠ communities have been reconstructed with over ٥٠٠٠٠٠ families resettled. Under the Oil for Food program, the UN has so far allocated more than three billion dollars for Iraqi protected zone of Kurdistan and its ٣,٥ million citizens. Ms. Berwari headed the UN centre for human resettlement that offered returning families shelter, water systems, village access roads, health centres, schools, and other support services and facilities. She continues to serve this program and the main goal of the government is to regenerate Iraqi Kurdistan’s rural communities. (Interview with Berwari ٦ July ٢٠٠٠)^٣

The mission of the ministry of reconstruction and development has been to regenerate Iraqi Kurdish rural and semi-urban regions. This according to Berwari is to be carried out in a manner that is culturally compatible, economically productive and protects and enhances the environment. The Ministry’s mission also includes assisting families since ١٩٩١ and widow-headed households wherever they may be located. A few of these designated communities were cities of more than ٥٠٠٠٠٠ people. Not only homes but also, dignity, way of life and livelihoods were

¹ Non-Governmental Organization (NGO): Any organization within civil society working for development.

^٢ Personal communication from Ms. Nasreen Sideek – Barwari Kurdistan regional government Minister of reconstruction and development (place and date of interview: Iraqi Kurdistan ٦ July ٢٠٠٠)

^٣ Personal communication from Ms. Nasreen Sideek – Barwari Kurdistan regional government Minister of reconstruction and development (place and of interview: Iraqi Kurdistan ٦ July ٢٠٠٠)

diminished or destroyed. Tens of thousands of citizens of Iraqi Kurdistan disappeared or fled to neighbouring countries. Most were forced to live in regulated collective towns where they became passive consumers instead of the active producers they once were.

Following the events of 1990-91 many of these internally displaced people¹ had the opportunity to return to their destroyed communities, rebuild them, restart their lives, return to their cultural roots, and contribute to regional regeneration. To varying degrees, more than 2,000 rural communities have been reconstructed through the efforts and limited resources of the people themselves. In Dohuk and Erbil governorates there were originally 2,336 villages. Some of these villages were not destroyed, and many that were have been reconstructed. However, more than 800 villages remain to be reconstructed and repopulated. Nasreen Berwari concluded further that the destruction of rural areas heavily impacted upon urban areas; the ministry has allowed numerous rural families to return to their homes but many, who migrated to cities and towns, could have been largely in search of employment. Such opportunities are limited and most are low paid. These urban areas are also where tens of thousands of internally displaced persons from governorates of the Iraqi central government controlled areas, and from areas which under the threat of armed conflict, fled. Additionally there are a relatively high number of widow-headed households in Iraqi Kurdistan and many are located in the urban areas.

This rapid and large increase in population has caused overcrowding and congestion with an excessive burden on urban public services. If a significant number of rural families, and perhaps some urbanised families, resettle in rural areas, the aim is

¹ Internally Displaced People: Refugees remaining within the borders of their country. Brookings-SAIS project on internal displacement releases report on the internally displaced people of Iraq / U.S. news wire Oct 29, 2002 Contact: Colin Johnson of the Brookings institution, 202-797-6310, or Hilary Talley of the Brookings-SAIS Project on Internal Displacement, 202-797-6168 <http://home.cogeco.ca/~konews/29-10-02-displacement-release-report.html>

to help relieve some of the negative pressure, improve the quality of life in cities and towns, and improve the rural-based economy. For those families that do not want to leave urban areas they are not forced to return. However the ministry also looks to develop support and incentives to encourage them to return and remain in their villages and to become economically productive for themselves and for all Kurdistan. The Kurdistan regional government is carefully examining this situation to better understand the factors involved and to develop, and implement, policies that effectively address them. Security is the most critical factor. Hundreds of rural communities have not been regenerated because they are located in areas threatened by armed conflict. Since 1991, when hundreds of villages have been reconstructed, dozens of rural communities have been damaged, destroyed and depopulated again due to armed conflict. The Kurdistan regional government reconstruction ministry endeavours to seek ways to increase security and improve it to levels where the people feel comfortable to return and reconstruct villages and remain to regenerate their communities. (Interview with Barwari 6 May 2000)¹

At the start of reconstruction activity, in the early years of 1990, the most important factors were to meet with the basic family needs. This incorporated real fundamental living requirements such as having adequate shelter, ready access to clean water, primary education and health care. The ministry undertook to construct traditional family shelters with sanitation facilities, safe water systems, primary schools and primary health centres. In addition major operations took place to construct roads to facilitate the provision of public services and to support agriculture and other income generating activities.

According to the Ministry analysts further work needs to be done to develop more advanced industry and luxury production

¹ Personal communication From Ms. Nasreen Sideek – Barwari Kurdistan regional government Minister of reconstruction and development (place and date of interview: Iraqi Kurdistan 6 May 2000)

facilities; currently most of Kurdistan's valuable resources are exported raw, vastly decreasing their potential for generating income for the people of the region. It is to be hoped in the future that the west will not prevent such development from taking place by undermining entrepreneurialism with disadvantageous and penalising trade agreements. In rural areas, strong attention needs to be directed towards production and marketing of consumer products. The number and kinds of cottage industries and rural-based processing and production units need to be greatly increased to provide the region with mechanisms for weathering periods of financial hardship. The hard work of the people has paid off and the region is currently enjoying relative prosperity in a period of great political uncertainty. Unless the international community now does its part the success of Kurdistan cannot be secured for the ۳,۰ million people living in the area of the Safe Haven and the many more millions living in other parts of Iraq. (Shaikh Yazdein ۲۰۰۰: ۶۰-۶۱)^۱

Mr. Hanna is an example of the Kurdistan Regional Government's multi-ethnic, inclusive and modern democratic credentials as he is a member of the Assyrian Christian community. Mr Hanna explained that the development of the energy program went backwards after ۱۹۹۱; the total megawatt output was enough for summer, but was lacking for winter when it is obviously needed more. He also elaborated upon the Iraqi plan for the Behma Dam a project designed to create problems for the people of Kurdistan. This was because Saddam Hussein deliberately decided to set the water level too high to spill Kurdistan into the region. Mr. Adam said that the regime had moved people from North Eastern Kurdistan to the Iranian border area, approx. ۳۰۰-km away.

The Minister also explained the industrial development of Kurdistan. In Erbil a factory manufactured two thousand cylinders daily, which were used for cooking gas. In Sulemaniye cigarette

^۱ Shawkat Shaikh Yazdein, Kurdistan reconstructs "Kurdistan regional government activities in ۲۰۰۰ and plans for the future" (Aras press publishers: Kurdistan – Erbil: ۲۰۰۰) at pp: ۶۰-۶۱

and cement was produced. (Interview with Hanna ٢٨ May ٢٠٠١)^١ A new plan was now underway for ٣٠ megawatts to be produced for Erbil and ٣٠ megawatts for Sulemaniye. The Minister also reiterated something that was to become a theme throughout the visit such was its importance- that the regime's vengeful nature meant that there would be a humanitarian catastrophe if sanctions were lifted- with refugee camps in Silopi border area along with Turkey. The no fly zone was an absolute necessity, as people said the regime still possessed weapons of mass destruction. I agreed with the need for continued security, though he added that sanctions clearly were not destabilising Saddam, but strengthening him- and an alternative was required. The biggest matter of concern to the minister was that the Memorandum of Understanding (MOU) should be rewritten to rescue the ٩٨٦ programmes from Iraq. Iraq had blocked Caterpillars and other road/bridge building equipment getting to Kurdistan. (Interview with Hanna ٢٨ May ٢٠٠١)^٢

Ethnicity within the Safe Haven

I queried the treatment of the Turkmen minority in Kurdistan. In response, Mr. Nejjar referred to the freedom of expression enjoyed by all minorities in Kurdistan. Under the Baghdad regime, Turkmen people had few rights to cultural expression. Now, the Turkmen community has thirteen schools, (including three secondary), two TV channels, and twelve political parties.^٣ The

^١ Personal communication from Mr. Yonadam Yosef Hanna Kurdistan regional government Minister & member of so called Iraq governing council in Baghdad (place and date of interview: Iraqi Kurdistan ٢٨ May ٢٠٠١)

^٢ Personal communication from Mr. Yonadam Hanna Kurdistan regional government minister now member of so called Iraq governing council in Baghdad (place and date of interview: Erbil, Iraqi Kurdistan ٢٨ May ٢٠٠١)

^٣ Turkmen are also active members of the Iraqi Kurdistan community. Since the formation of the Iraqi Kurdistan national assembly and the establishment of the Kurdistan regional government (KRG), minority rights have significantly improved in the area. The government remains committed to protecting the rights of all groups regardless of their ethnic, political or religious

Turkmen Front is a group of six parties that are loyal to Turkey, and do not call the region Kurdistan, but Northern Iraq. In the ١٩٩٢ elections, these parties did not try to get elected, so the Turkmen community missed out on getting significant representation in government. The minister said there were about ١٥٠,٠٠٠ Turkmen in Erbil, but none in Parliament (the Minister is a regional official), and there have been no elections since ١٩٩٢.

He also referred to the Iraqi Arabization policy. There are now six Turkmen political parties loyal to Turkey- two in Turkey, four in Iraq. The other six parties are in Kurdistan, and get their budget from the KRG. This budget ranges from ٤٠٠,٠٠٠ Iraqi Dinars to ٢٠٠,٠٠٠ Iraqi Dinars. The Minister discussed the possibility that a majority could easily oppress a minority, and the minister then stated that minorities should respect the laws of their neighbours.

Saddam Hussein did not merely want to torment his people; he wanted to eradicate an ethnic hitch in his authority. He failed but succeeded in doing a great deal of damage that will take a long time to repair. This need to take place with the support of international community but in order for this to happen the world community needs to understand who these people are and make the effort to recognise them and their history. The final thing that needs to be remembered in respect of the Kurdish administration is that this is a new experiment in the region in respect of government. The norm for the region is a strong central government, often with traditional positions and hierarchy imposed on the people from above since the establishment of Iraqi state in

background and puts in place programs to support its policies in a meaningful way. Several of Turkmen political parties are active in the region as well, such as the Turkmen Nation Surviving Party, the Iraqi Turkmen Union Party, and the Kurdistan Turkmen Democratic Party, that all have offices in the region. Similarly the Assyrian community is a vibrant and active one in the daily social and political life in Iraqi Kurdistan. There are ١٤ primary schools and ٢ intermediate schools that teach the full curriculum in Assyrian at this time. There are also ١٢ primary schools and ٦ intermediate and secondary schools that teach the curriculum in Kurdish and also teach Syriac as a language.

١٩٢٢. Furthermore these traditions are associated in many instances with religious authority (Interview with Nejar ٢٨ May ٢٠٠١)^١. The following interview with the Minister for humanitarian aid and co-operation Dr. Shafiq Qazaz (١١ September ٢٠٠١) in which he testifies to the fact, is proof of this:

“The Kurdish government is an experiment unique to the area. It is a new concept to the area. It is a very new concept, some thing like this has not happened before in this region. In other words out of a regime of sanctions being imposed on a member of the UN for committing a crime against a neighbouring country i.e. Kuwait. In a sense things have developed to a stage when are own people are now ruling part of Iraq.” (Interview with Qazaz ١١ September ٢٠٠١)^٢

The Safe Haven – A Military Predicament

If there any concerns about what might happen if Saddam Hussein is removed from Iraq and a peace-keeping force is not instituted, it is easy to see what might happen. According to Barifkani the Kurdish region was swept into a whirlwind of violent events in July ١٩٩١, immediately after the withdrawal of American troops and Western allies from the safe havens within Iraqi territory. This was after an agreement to mobilise a military force consisting of ٥٠٠٠٠ soldiers from eight Western countries to positions inside Turkish borders. (Save the Children Fund ٢٠٠٠: ١-٢)^٣

^١ Personal communication from Mr. Jowdat Nejar a Turkmen origin Minister in Kurdistan regional government (place and date of interview: Iraqi Kurdistan ٢٨ May ٢٠٠١)

^٢ Personal communication from Dr. Shafiq Qazaz Minister for humanitarian aid and co-operation MOHAC (place and date of interview: Iraqi Kurdistan ١١ September ٢٠٠١)

^٣ Potential humanitarian crisis in northern Iraq by save the children fund: United Kingdom (٢ April ٢٠٠٠: Manchester)
<http://www.geocities.com/iraqinfo/index.html?page=/iraqinfo/home.html>

This would facilitate rapid intervention should it be necessary to protect the Kurds from threats and revenge tactics. In response to the demonstrations, the Iraqi government mobilised its forces in the two cities and opened fire on the people. In Suleimaniyah, armed Kurds joined with to resist the army but hundreds were killed or wounded. (Berifkani ١٩٩٨: ١٦٥, ١٧٥)^١

Gunter has noted that having reduced security in the Safe Haven to mere forces sufficient to protect UN staff, the Kurdish people now have no local military protection except for their own arms. The no-fly zone may not prove sufficient to protect the Kurds should war break out in the country following action by the US military. If Saddam Hussein does have biological and chemical weapons then it is to be expected that he will use them if he is forced to last resort tactics. The Kurds will be obvious close targets for the dying rage of a dictator forced from power. The situation in ١٩٩١ was not much different for Saddam Hussein and so his reaction can be anticipated. At that time when Jalal Talabani and Massoud Barzani arrived for negotiation, Hussein was in a much-weakened position. He was defeated in Kuwait. Only five of the ten divisions of the Republican Guard remained. Saddam Hussein was internationally condemned for atrocities in Kuwait. People in Europe and the United States demanded that he be overthrown and put on trial for war crimes. He massacred Shia civilians in southern Iraq. He even ordered the attack on Shia holy shrines in Karabala and Najif. After the Kurdish uprising in March ١٩٩١ Iraqi Army attacked Kurdish cities and thousands took refuge in the mountains. According to TV reporters during the crisis several thousands of refugees died of hunger and cold. In Iraq, Hussein had become the number one enemy of the people. (Gunter ١٩٩٢: ٦٢-٦٣)^٢

^١ Abdul Kadir Barifkani "The Modern Kurdish National Movement from Mustafa Barzani to Masoud Barzani." The first Arabic edition (Cairo: Alahram press ١٩٩٨) at pp: ١٦٥, ١٧٥

^٢ Michael M. Gunter "The Kurds of Iraq." (St. Mortin's Press, New York: ١٩٩٢) at pp: ٦٢-٦٣

to make wise future economic decisions¹. In May ١٩٩٤ fighting took place, starting in the town of Qala Diza, Northeast of Suleymania. On May ١, ١٩٩٤, a local squabble over a piece of land between a KDP junior official and the PUK was turned into a power struggle between the two Kurdish partners that engulfed the entire Kurdish area. Ali Hassan Merkhan, whose family owned the land in dispute, travelled to Qala Diza with a group of Peshmergas. According to KDP sources Mr. Merkhan possesses legal ownership documents, proving his rightful property, a number of PUK supporters and members built shops on the land to confiscate it by de facto. Atrushi added:

“Throughout the past year, after the establishment of the Kurdish Administration, Mr. Merkhan repeatedly sought to regain his rightful property. His earlier approaches to the local authorities to either regain the property or collect the rent proved ineffectual.” (Atrushi ٢٠٠٠: ٢٢)^٢

According to the KDP research department the deputy Minister of religious affairs, Mullah Dellagey, PUK appointee to the position, was present in the meeting. As he left the meeting an assassination attempt was made on his life:

“Suddenly shots from the crowd were fired upon them, in which two of his colleagues were injured. They returned fire and a PUK Peshmerga, Mamma Joutayer, was killed.” (KDP Publication ١٩٩٤: ١٠)^٣

¹ Meanwhile both KDP and PUK leaders carried out their foreign policy initiatives independently, each seeking to outdo the other. Personal communication with Dr. Mahmoud Osman (interview and the date of interview: London, ١١ November ١٩٩٨)

² Fawzi Atrushi, a journalist from Kurdistan “Articles about Kurdish Issue.” Dar Aras for printing and publication, issue no ٤٤, second edition (Iraqi Kurdistan: ٢٠٠٠) at p: ٢٢

³ Report by the Kurdistan Democratic Party research department “A Report on the Internal Conflict in May ١٩٩٤” KDP publications (Salahadien, - Iraq: June ١٩٩٤) at p: ١٠

Assassination attempts, always probable when people have easy access to guns, create precisely the kind of political environment in which democracy cannot survive. Disarmament policies instituted by the people would be a good solution but these will only be debatable if an international policy is adopted and implemented. The assassination attempt led to yet more violence in a typically predictable pattern. (McDowall ۱۹۹۶: ۲۸-۲۹)^۱

On May ۲, ۱۹۹۴ in the early morning, the PUK attacked the KDP office that defended them. In the fighting, Ali Hassan and two guards were killed and six others injured. Also, a PUK commander, Ali Nabi was killed. PUK, eventually, overtook and controlled the KDP office, ransacked its contents, arrested twenty-one KDP Peshmergas, and executed them. Several Kurdish politicians urged the Kurdish regional government (KRG) to dispatch a ministerial delegation to control the local dispute and both sides to refrain from escalating the incident. This standard procedure or golden rule which had been observed for the past two years to maintain the coalition and partnership arrangement, where a party refrains from interfering in local or legal disputes (land, water, crimes etc.) and allows the Kurdistan Regional Government (KRG) to handle the situation, was violated by the political factions and others. The Kurdistan regional government agreed on the proposal and sent a ministerial delegation to Qala Diza to control the situation.^۲

^۱ David McDowall “The Kurds” minority rights group international, an MRG international report ۹۶/۴ – the Kurds, first report published June ۱۹۷۰, revised sixth edition published September ۱۹۹۱, seventh edition published December ۱۹۹۶, typeset by texture, printed in the UK on bleach-free paper by MFP design and print, at pp: ۲۸-۲۹

^۲ Disagreement between the two leaders Barzani and Talabani emerged almost immediately after the creation of the safe haven. It began in May ۱۹۹۱ in the aftermath of the Kurdish exodus from Iraq. Despite the financial difficulties of the safe haven on May ۱۹۹۴ the crisis came to a head, when KDP and PUK forces attacked one another across a broad front. For more details see James Ciment “States and Minority in Turkey, Iraq and Iran” The Kurds (New York: Facts on File – Inc., ۱۹۹۶) at pp: ۱۹۲-۱۹۳

The interior Minister, Mr. Roshbayni from KDP and the economic and finance Minister, Mr. Dara Sheik Nouri from PUK arrived in Ranyia on their way to Qala Diza. Upon their arrival to Ranyia, while they were meeting with both KDP and PUK officials to discuss the situation, the PUK with a crowd of supporters again attacked the KDP regional office (11th Branch), looted its contents, burned the building down, arrested a dozen KDP officials and activists, and publicly executed the head of the KDP Ranyia committee along with two other party officials, apparently with the blessing of a PUK, who supposedly gave the Fetwa authority for the executions. Tensions spread to Suleymania where the PUK implemented an emergency plan of setting roadblocks and placing their forces on a state of high alert. This response and PUK's reaction to control the situation led the KDP to instruct its forces in the province of Dohuk to be on alert, take precautionary measures against any broader PUK plan to escalate the conflict elsewhere, and surround their regional headquarters (8th centre).

A report on the internal conflict in May 1994 further indicated that even on a small scale of military intervention, the consequences more often than not escalate, and these are the difficulties faced by the new government. In view of a heavily armed populace the international community should not seek to disarm directly but aim to stop the spread of guns and parts and ammunition. In the context of such fighting it is difficult to determine what if any democratic government can be organised:

“On May 3, 1994 in the morning PUK officers in Dohuk and Zahko-Amadia surrendered. A meeting was planned to take place that morning between the two politburos.” (The events were reported in a KDP statement 1994: 11)¹

¹ Report by the Kurdistan Democratic Party research department “A Report on the Internal Conflict in May 1994” KDP publications (Salahadien, Erbil, Iraq: June 1994) at p: 11 see also the Kurdish Human Rights Project, Suite 319, Linen Hall, 162-168 Regent St, London, W1R 0TB, United Kingdom. The international conflict and human rights in Iraqi Kurdistan, A report on delegations to Northern Iraq in June 1990 and December 1990 <http://www.khrp.org/publish/p1997/r.04.htm>

Reports came in regarding the KDP and PUK's provocations against offices of both sides in Suleymania and elsewhere, and these continued on May 2nd and morning of May 3rd; the KDP office in Suleymania reported that they were under attack by light and heavy weapons from the PUK. About a dozen people were killed from both sides and many more injured. (The events were reported in a KDP statement 1994: 12)¹

The initial conflict and fighting between the PUK and KDP about power and financial resources between May-August in 1994 and later December 1994- April 1996 had already weakened and undermined the joint Kurdish administration, said Omar Sheikmous. (Awadani 10 April 1999: Kurdish Media)² According to Ayse Karabat / Turkish Daily News, PUK representative to Ankara, Mr. Saib, dismissed the allegations of external support, counter-charging that KDP itself deals freely with Iran despite its accusations. "KDP's 2000 Peshmergas in Halabja were transferred to the KDP region via Iran. The KDP has relations with Tehran", Saib said. Talabani however accused the KDP of trying always to stall the talks in order to mount a new attack. (Karabat 30 October 1996: Turkish Daily News)³

According to Hariri, a Member of the KDP leadership committee, fighting and allegations continued back and forth until recently, when it began to die out as progress was achieved in terms of quality of life. Whether the international community has solved a long-standing problem though is a far more complicated issue. At any point in the future when instability hits the region, when oil

¹ Ibid, at p. 12

² Paper presented at the international conference - Iraqi Kurdistan - Status and Prospects. Organised by Awadani e.v. at "Haus der Kulturen der Welt" in Berlin, 9-10 April 1999
[http://www.kurdishmedia.com/Kurdish Worldwide Resources](http://www.kurdishmedia.com/Kurdish%20Worldwide%20Resources)

³ Ayse Karabat / Turkish Daily News "KDP frustrated, PUK Calm Before Talks"
http://www.turkishdailynews.com/old_editions/10_30_96/for.htm

supplies run out, what will be the answer? The fact is that a clear warlord and tribal culture does and has existed in the region for many years and will continue to do so. If the Kurdish government becomes the receiver of foreign military aid, much in the same way as Turkey does at present, what will become of the rights of the people? Will leaders escape to the west if their regimes lose control and let armed forces do what they think best, unopposed? The example set by the PUK and KDP leaders during the conflict in Kurdistan is not encouraging in this respect. (Hariri ١٩٩٧: ٥-٧)^١

The two main Kurdish parties have been battling since early May ١٩٩٤ leaving more than ٥٠٠ people dead and as many wounded^٢. International human rights groups, which once gathered evidence of Iraq's genocide against the Kurds, have turned their attention to the Kurds themselves. We waited ٢٠٠ years for this and now our leaders have destroyed it, said Talat Taber, a University student who two years ago clamoured to work in the new Parliament. On the other hand it is madness, said a senior United Nations official, who spoke on condition of anonymity: The Kurds are committing suicide. They all admit the folly of what they are doing, but do not stop. They are destroying everything they have. If the international organisations leave there will be little left to stop Saddam Hussein's forces from returning.

“It isn't going to be possible to negotiate much of a deal for the Kurds with Baghdad if they keep this up, said a

^١ Franso Hariri, Assyrian origin Kurdistan Democratic Party central office member, assassinated in February ٢٠٠١ by the fundamental Islamic group called Jundel Al Aslam - Erbil, “Kurdish fighting” Erbil, Kurdish weekly newspaper (Khabat), Arabic edition (Salahaddien, Iraqi Kurdistan: ٣ July ١٩٩٧) at pp: ٥-٧ (Iraqi National Congress – INC first set up in Salahaddien, Iraqi Kurdistan. It was comprised of major Iraqi opposition groups mainly northern Kurdish factions. It is considered the main opposition umbrella to Iraq supported by United States until now)

^٢ Many of those engaged in the fighting had only enrolled in order to earn a living for their families.

Western diplomat in Ankara, Turkey who works with Kurdish leaders.” (Hedges ١٩٩٤: ٣)^١

Moreover Western diplomats claim that Turkey’s increasing embroilment in the region makes attempts to resurrect the Iraqi Kurdish peace process more difficult. Turkey had previously hosted negotiations as one of three NATO-member mediators.

“Ankara is now part of the problem, not the solution. You can’t take part in the fighting and then be an unbiased mediator. The PUK won’t accept that, a diplomat told Reuters”. (Saib ٢٦ November ١٩٩٧: Turkish Daily News)^٢

Talabani’s group also says resumption of the “Ankara peace process” sponsored by the United States, Britain and Turkey is impossible in its present form. Shazad Saib PUK spokesman ruled that out. Turkey is a part of this conflict. They could join as another side, but not as a sponsor, Saib said PUK spokesman to Ankara.^٣

Nechirvan Barzani, Prime Minister of Kurdish regional government, explained in an interview that majority of the Kurdish political elite will never allow Kurdistan to be divided. In Dohuk region more than ٥٠٪ voted KDP. Similarly the people in Embalmer than ٥٦٪ and in Suleymania region nearly ٤٠٪ voted KDP. Since its foundation, the KDP has been a national party. When it was founded Barzani was president of the party and he had two deputies. One was Kaka Ziad from Koyee and the second was sheikh Latief from Suleymania. You can come to our political

^١ Chris Hedges, the New York Times International “Quarrels of Kurdish Leaders Sour Dreams of a Homeland.” (June ٢٨, ١٩٩٤) at p: ٣

^٢ PUK spokesman Shazad Saib (Turkish Daily News: ٢٦ November ١٩٩٧) said they are committed to an unconditional cease-fire, while the KDP stated on Monday the truce was conditional upon Talabani’s PUK preventing PKK terrorists from attacking across the cease-fire line “Cease-fire between Kurdish groups seems fragile”
http://www.turkishdailynews.com/old_editions/١١_٢٦_٩٧/for.htm

^٣ Patriotic Union of Kurdistan PUK spokesman Shazad Saib (Turkish Daily News: ٢٦ November ١٩٩٧)
http://www.turkishdailynews.com/old_editions/١١_٢٦_٩٧/for.htm

bureau to see people from Sulaymaniyah, Kirkuk, and Erbil and from everywhere in Kurdistan noted Mr. Barzani. Nevertheless the KRG tried to prevent the internal fighting. It consistently prepared for any peace initiative, be it from political parties, individuals or international community. (Interview with Barzani 22 February 2002)¹

According to Sorekli the fact is that a pluralistic interpretation of democracy is at present the only reasonable solution for the Kurds in the short-term. Part of the conflict is historical and related to the fact that when the conditions for Kurdish unity were present under the leadership of Mustafa Barzani the political situation was not expedient. The PUK and most of the people in the other political groups once belonged to the KDP. In 1996 there was only KDP. The collapse of 1994 agreement with Iraq would perhaps not have taken place if Saddam had not reneged on his promises. Sorekli further more notices:

“But of course within those years a few things did happen. There were changes of views, disagreement, political and ideological. Now though the differences between the KDP and the PUK are anything but ideological, religious or organisational. It is basically a struggle for power.” (Sorekli 2000: 1-3)²

On the other hand Ismail Mohammed argues it is expedient at this point to turn back to the subject of economic interests, the demand for which is growing in the western democracies at an exponential rate. Estimates vary, but generally it is agreed by experts that, even with the discovery of more reserves, in the next 20 – 30 years shortages and economic crises can be expected. What better time than now for the nations dependent on this resource to

¹ Interview with Mr. Nechirvan Barzani - Prime Minister of Kurdistan regional government (Iraqi Kurdistan: 22 February 2002)

² Shahin B. Sorekli “Conditions for Peace in Southern Kurdistan.” The Kurdish Observer, Opinion, September 22, 2000

<http://members.fortunecity.com/malper/1/mehname0010-22.html>

station their militaries in Iraq and take political steps to destabilise the other nations in the region. According to Mohammad, in the near future when there are plenty of humanitarian crises to attend to the US can intervene to “protect minorities” in places like Iran and Turkey. The US can also use the threat of these nations’ weapons capacities to act as a threat to world order and peace giving it the excuse to remove governments and install puppet regimes that trade favourably with powerful western nations. Middle East nations are not blind to this fact but they can do nothing within the boundaries of international law to prevent it:

“Turkey, Iran and Syria have watched the emergence of a de-facto autonomous area in Iraqi Kurdistan with growing apprehension and alarm.” (Ismail Mohammad ۱۹۹۸: ۱۵۷-۱۶۱)^۱

All these countries share the greatest suspicion of any move towards Kurdish autonomy for fear that this will unleash political forces beyond their control within their own Kurdish minority populations. The three countries have been holding regular consultation meetings to assess the regional implications of the situation in Iraqi Kurdistan.^۲ In ۱۹۹۲ they criticised the objective of a federal union supported by the newly-elected government in Iraqi Kurdistan and warned that acts and efforts that may divide Iraq will have negative and dangerous consequences for regional peace and security. (Cook ۱۹۹۵: ۱۳)^۳

^۱ Dr. Khalil Ismail Mohammed – professor of demography at the University of Salahaddien – Iraq “The Kurdistan Region of Iraq – Studies in the National Demography” (Iraqi Kurdistan: Ovest creistal printing, ۵۲ edition: ۱۹۹۸) at pp: ۱۵۷ – ۱۶۱

^۲ Kurdish autonomous region (KAR): The three governorates in the north of the Iraq that are now under local and UN administration - acknowledged by Security Council resolution to be a part of Iraq also known as Iraqi Kurdistan.

^۳ Helena Cook “The Safe Haven in Northern Iraq.” Published by the human rights centre, University of Essex and the Kurdistan human rights projects KHRP (London: ۱۹۹۵) at p: ۱۳

Perhaps there does not seem to be long-term policymaking evident in the actions of the UN's/US's humanitarian assistance programs but it would be ignorant to suppose that they are incapable of making long-term economic strategies. So, are we entering a new era of greater international conscience and concern for humanitarian issues, an era when Human Rights are firmly placed at the forefront of the agenda of the international community? What evidence is there to support the notion that the new world order has now cast aside economic and territorial motives as the primary impetus for the policy of politicians and governments? What reassurances and confidences can Kurdistan draw from increasing interventions in the affairs of states that appear to flout and ignore the rulings of international treaties and laws on Human Rights?

Chomsky suggests, regarding the interpretation of Human Rights violations, that if trends were positive, one would expect to see a reduction in the level and severity of the crimes committed less frequently in respect of Human Rights violations and universal agreements from all nations on the importance of these issues. One would also expect to see more and more nations agreeing to abide by decisions made by international organisations and that those organisations demonstrate high levels of transparency in their activities and processes. In addition, one would expect that humanitarian aid programmes would show marked results in reducing violations and preventing deaths.

Chomsky argues, given that we have questions to ask about the issue of Human Rights as well as an expectation of what the answers to those questions should be if things really are improving, that it is worth taking a look at a few specific examples. First though it is worth noting that Article 25 of the Universal Declaration of Human Rights entitles all to the right to a standard of living adequate for health and well-being; however:

“In his “Final Report” to the UN Commission on Human Rights, Special Rapporteur Leandro Despouy cites the World Health Organization characterization of “extreme poverty” as “the world’s most ruthless killer and the greatest cause of

suffering on earth”: “No other disaster compared to the devastation of hunger which had caused more deaths in the past two years than were killed in the two World Wars together.” (Chomsky 2000: 137)¹

The Bosnia Mess

Slobodan Milosevic took office as the President of Serbia in September 1987 and began a policy of ethnic cleansing against minorities that he used as a vehicle to secure and promote his own personal power. Tony Blair in his speech to the Trade Union Congress, 9 September 2002 has envisaged Slobodan Milosevic’s aim was to create a Serb dominated Federal Yugoslavia. In the eyes of the international community this clearly constituted a ‘humanitarian crisis’ and sanctions were imposed in July 1991 when the European Community imposed an arms embargo and freeze on aid in what was then still called Yugoslavia. The UN followed suit with Security Council Resolution 713 in September 1991, acting under Chapter VII of the UN Charter. In effect, a complete arms embargo in co-operation with European Community member states. Security Council Resolution 757 imposed specific sanctions against the Federal Republic of Yugoslavia in May 1992.

The fact that funding and manpower at the UN is frequently unable to keep pace with the number of resolutions or fulfil their demands has, in my opinion, proved very useful for the US. When it wants to intervene militarily it can indeed claim that the UN is ineffective with justification since in the case of Bosnia-Herzegovina although UNPROFOR and humanitarian aid cost the EU \$2,4 billion between 1991 and 1994 and the estimate for the international community up until the first half of 1990 was

¹ Noam Chomsky “Rogue States – the Rule of Force in World Affairs.” Published by Pluto press, 240 Archway Road, London N6 0AA at p: 137 (2000)

approximately \$⁹ billion, the money normally arrived too late and most of the promised troops never arrived at all. This is not a valid argument to disregard UN Resolutions and act independently; it is however, a good reason for the international community to set up an independent fund for use in the event of humanitarian crises. Currently it could be said that it serves the interests of nations like the US and the UK to ensure that the UN is ineffective. Tony Blair in a speech to the Trade Union Congress that addressed the issue of attacks on Iraq claimed that he would not act ‘without the UN’. (Blair ⁹ September 2002)

But that military action would not be ruled out if Iraq failed to comply with UN Resolutions. What this actually means is that military action will go ahead if Iraq does not comply with UN Resolutions whether or not those resolutions agree to military action.⁷ According to John the U.S. and other Security Council permanent members is similarly cynical when it claims that it must ‘police’ the world, as many governments would be quite happy for them not to do so. The UN is indeed powerless without U.S.

⁷ Tony Blair “Speech to the Trade Union Congress” ⁹ September 2002
<http://www.tuc.org.uk/congress/tuc-0022-f.cfm>

⁷ The United States believes that Saddam Hussein, in agreeing to accept the cease fire and the resolution 687 which implemented it, also agreed to accept the disarmament of his weapons of mass destruction. Having created in fact a situation in which he is no longer obviously complying with that resolution – he is blocking access to inspections, he has not fully complied with the requirement of the resolutions to provide full disclosure of his programs in the first 90 days after the resolution was passed back in 1991. That means that in a legal view the underlying resolution which authorized the use of force, all necessary means, at the end of November in 1990, the famous resolution 678 still applies. And in the absence of a binding cease fire is on the part of the United Nations and others the right to use force. For more details see an assessment study conducted by Douglas Scott “The Legality of Military Action against Iraq.” Memorandum on the question whether existing Security Council resolutions are sufficient to authorize the US to take military action against Iraq. (20 March 1998) See also the website
<http://www.fas.org/news/iraq/1998/03/dscotrpt.htm>

military might but the US is responsible for the creation of this state of affairs due to its refusal to permit any other military to rival its own.

Hutchinson, in his book “Globalization” (1994) broadly confirmed that the UN’s ineffective sanctions and muddled peacekeeping operation worked to the US advantage and ensured that force would eventually be used. The media was also complicit in assisting the onslaught of military action by relaying the mounting atrocities, genocide, and ethnic cleansing in horrible detail. The ‘do something’ response elicited by such graphic and emotive scenes is precisely what governments need in order to implement their policies without reasoned discussion. Hutchinson added:

“The murder and abuse of Bosnian Muslims in the concentration camps run by the Serbs, first published in August 1992 in New York’s Newsday and aired on Britain’s television news channel, ITN, caused a predictable outcry. The ensuing publicity forced the US administration to demand international access to the camps, while the Security Council passed Resolution 770, concurring with this demand. Forty two thousand Bosnia Muslims lived in Srebrenica at the time and the majority was internally displaced people. This was the worst massacre of civilians in Europe since World War II, and caused the International War Crime Tribunal in Hague to announce indictments against Radovan Karadzic, the political leader of the Bosnia Serb and General Ratko Mladic. It was the earlier press and UN reports of brutality inflicted on civilians that originally contributed to the establishment of the War Crimes Tribunal.” (Hutchinson 1994: 127-128)¹

From the perspective of the Kurds it is decidedly uncomfortable to think that the suffering of ones own people might be the means by which governments promote humanitarian aid as the means to

¹ John Hutchinson “Globalisation” (Great Britain: Macmillan press limited, 1994) at pp: 127, 128,

veil foreign policy decisions to station troops and weaponry on someone else's territory.

On 10 October 1995 a six-day cease-fire was declared, which officially began on 12 October 1995. Talks took place in Wright-Patterson Air Base in Dayton on 1 November 1995 to resolve the situation in Bosnia-Herzegovina and after three weeks of negotiations, Clinton announced the Dayton Peace Agreement. It is worth noting that 'agreement' can mean 'accordance in opinion or feeling' or 'a negotiated and typically legally binding arrangement',¹ it cannot mean to 'treat as marginal or peripheral',² the term for that is 'marginalize'. Yet this is precisely what happened at Dayton since the US excluded Kosovo Albanian delegates from the Dayton negotiations and avoided discussion of the Kosovo problem. (Chomsky 2000: 30-36)³

¹ Concise Oxford dictionary, Oxford University press, Great Clarendon street, Oxford OX2 6DP, pp: 27

² Ibid, at pp: 87

³ Dayton allowed special access for Bosnia Serb and Croats to Serbia and Croatia respectively, and the maintenance of separate armies. It confirmed the right of return refugees or compensation in case they could not return and they're right to vote in their original place of residence. In another agreement, Croats and Bosnia's officially agreed to the Federation, and Bosnia-Herzegovina and the Federal Republic of Yugoslavia (FRY) exchanged formal recognition, with sanction to be removed (enshrined in several Security Council resolutions). Dayton also banned those accused of war crimes from holding office. As for organization of the new government, Article III of Annex 4 (pertaining to the constitution) outlined the responsibilities of and relations between the institutions of Bosnia and Herzegovina and the Entities. The new central government in Bosnia was give responsibility for foreign, trade, and monetary police (Article VII), including a central bank, with the governor appointed by the IMF for the next six years and a single currency tied to the D-mark; customs and immigration; the operation of common and international communications, and air traffic control. The constitution guaranteed freedom of movement throughout Bosnia-Herzegovina (Article I), a Constitutional Court (Article VI), a Human Rights Commission (Article II), and a Commission for Displaced Person and Refuge (Annex 5, Article VII). Annex 4 delineated a three person executive

Logic would suggest that if the international community actually wants to provide solutions to humanitarian crises then all ethnic and political minorities should be represented at any discussions over the future of regions where such crises occur. What does this mean in relation to Kurdistan? Well, it demonstrates a distinct lack of respect for the people who live in the region and an unwillingness to discuss the issues that affect them more than anyone else. Since it is clear then that the agreement could never provide a satisfactory solution to the crisis in the Balkans, the people of Kurdistan would be justified in fearing that efforts in their name might likewise bring about the creation of a microstate, a microstate like Singapore, very conducive to US economic policy:

“The Croat-Bosnia Federation is fragile. The federation may collapse many Croats have blocked the return of Muslim to their homes in east/ west Mostar, even though Dayton designated this as a right...Some Muslims in the federation argue that the Croats could be allowed greater autonomy in terms of culture, religion and national identity, as well as control over the Bosnia Croat army, while others claim that more autonomy would lead to separate states. Additional problems include the exclusion from the federal institution of Serb and non-nationalists, who live in the territory, because only Muslim and Croats are allowed representation. The United States government has been sponsoring the program

presidency (Article V), with representation for each ethnic group. Decisions made by the presidency would require unanimity, but two voted could suffice unless the third declared that her national interests were at stake, and then she would need two-third of her constituency's parliament to support that decision. Article IV outlined the 10 person upper legislative chamber with representatives selected from the entities respective assemblies and a 24 person Lower House directly elected from each entity. Finally the Dayton went into Practice. For more details see also John Hutchinson “Globalization” (Great Britain: Macmillan press limited, 1994) at pp: 127, 107 / Noam Chomsky “Rogue States – the Rule of Force in World Affairs.” Published by Pluto press, 340 Archway Road, London N6 0AA at pp: 30 -36 (2000)

for the Croat-Bosnia Federation; supposedly to deter further conflict...Dayton accords have not yet proved to be entirely satisfactory to any party.” (Hutchinson 1994: 106-107)¹

According to Nancy Gordon and Gregory Wirick (1993) despite its obvious failure the Dayton accord was heralded as a great success and step forward in the search for peace. What followed in Kosovo demonstrated how far from the truth this actually was and how, due to the exclusion of some parties, the situation was exacerbated by international intervention.

Gordon and Wirick state that the post Cold War world has witnessed a proliferation of conflicts, but the leading powers have increasingly withdrawn in political terms while intensifying their involvement in the humanitarian aspect of these crises. The result has been that Western NGOs have moved in their place, to offer palliative care but little else. Above all, NGOs cannot be expected to provide political solutions to political problems. They can, however, be expected to be aware of the political context in which they operate and the political ramifications of their acts. The main features of humanitarian intervention first relate to the dramatic and rapid increase in the number and power of NGOs, although NGOs are unaccountable either to their benefactors, who supply resources, or to those they profess to be helping. Moreover, a dependency syndrome is also manifesting itself in several recipient countries. Increasingly governing authorities are not fulfilling their responsibilities because they expect that international agencies will come in and do the job. They encourage their captive populations to see international assistance as a right, and assistance by the local governing authority as a privilege, rather than the other way around. (Gordon & Wirick 1996: 2-5)²

¹ John Hutchinson “Globalisation” (Great Britain: Macmillan press limited, 1994) at pp: at pp: 106-107

² Nancy Gordon and Gregory Wirick “Humanitarian Intervention as an Instrument of Human Rights” (March 2nd 1996) at pp: 2-5
<http://www.ploughshares.ca/content/MONITOR/mond99a.html>

The Kosovo Mess

Milosevic's policies were never going to resolve him to the Dayton Peace Agreement, the massacre and ethnic cleansing of Kosovar Albanians continued in Kosovo. The demands of the ethnic Albanians of Kosovo presented a possible source of instability in the region and so could not be tolerated. The international community has noted that in respect of the signing of the Dayton Agreements:

“Kosovo has become one of the principle factors that call the said agreements into question. Paradoxically, the Dayton Agreements recognised the existence of homogeneous ethnic entities in the former Yugoslavia, but imposed cohabitation on the two communities in Kosovo, henceforth destined to conflict. Since the beginning of the crisis, Albanians and Serbs have developed various operating methods. We have seen how Serb authorities have adopted a strategy of harassment, discrimination, and exclusion toward the Albanian population. Since the start of the 1980's this strategy has entailed the use of particularly violent methods including arbitrary arrests and cruel, inhumane and degrading treatment.” (Bandow 1999: 1, 3)¹

In his testimony Doug Bandow further expressed the fact that Milosovic had, for quite some time, favoured such techniques in regards to the treatment of his ethnic minorities. This should perhaps have raised doubts in the minds of those who proposed and organised Dayton that he could be trusted to take such comprehensive measures to ensure that human rights were respected. On the other hand, if perhaps local leaders and supporters of more democratic and peaceful strategies for the region had been party to the agreements, peace might have been

¹ Congressional Testimony “The US Role in Kosovo” testimony of Doug Bandow, senior fellow, Cato institute before the House international relations committee hearing on the US role in Kosovo” (March 10, 1999) <http://www.Cato.org/testimony>

achieved.¹ The UN and the US would have been far more successful in promoting humanitarian concerns if it had noted and supported ‘the majority of ethnic Albanians’ who ‘along with their leader Ibrahim Rugova opted for a strategy of no-violence’. The Kosovar Albanians were in fact opposed to any military action, although later it was claimed to have been enacted on their behalf to protect them, and instead rejected ‘a war of national liberation, embracing instead the non-violent approach espoused by leading Kosovo intellectual Ibrahim Rugova and constructing a parallel civil society’. (Chomsky 2000: 30)²

Bandow established the view that no reaction has been taken from the international community in regards to moves towards democracy, and this then encouraged the Kosovar Albanians to take issues into their own hands, despite rhetoric to the contrary that they should not stage any militant actions or make demands for independence. With this in mind, is it any wonder that Milosovic imagined that he had licence to act as he pleased in regards to the Kosovar Albanians and ignore the terms of the Dayton Agreements? He probably calculated that the world would not intervene out of fear of seeing a rash of demands for independence and conflicts arise throughout the region.

This was perhaps naïve of Milosovic as in my view, it is easy to see in retrospect that the Clinton administration probably anticipated that he would breach the Dayton Peace Agreements and

¹ Since the beginning of 1998, the no-violence alternative has lost all credibility among the Albanians of Kosovo, many of whom now side with the backers of a more offensive strategy and are willing to resort to violence. During the course of 1998, the Kosovo Liberation Army (KLA) slowly made its way out of the isolation into which it had been confined because of the massive public support for Ibrahim Rugova’s pacifist stance. Kosovo Albanians mainly due to the profound feelings of abandon and injustice felt this turnabout toward the international community. During the 1990s Albanians in Kosovo were isolated.

² Noam Chomsky “Rogue States – the Rule of Force in World Affairs.” Published by Pluto press, 340 Archway Road, London N6 0AA at p: 30 (2000)

thus provide an excellent pretext for the US to intervene with military force and station troops there.

In the presence of the seeming indifference of the international community in regards to its attempts at democracy there was:

“Fostered the emergence of an offensive and armed strategy among certain Kosovars since the beginning of 1998, the no-violence alternative has lost all credibility among the Albanians of Kosovo, many of whom now side with the backers of a more offensive strategy and are willing to resort to violence.” (Bandow 1999: 2)¹

During the course of 1998, the Kosovo Liberation Army (KLA) slowly made its way out of the isolation into which it had been confirmed because of the massive public support for Ibrahim Rugova’s pacifist stance. Kosovan Albanians, mainly due to the profound feelings of abandon and injustice, felt this turnabout toward the international community. The international community’s refusal to address the crisis along with its refusal to become involved in the search for a solution and its inability to take part in any preventive action have led to a worsening of the situation.² Two factors explain why it (the KLA) has gained the backing of both Kosovo Albanians and of the Albanians living in

¹ Congressional testimony “The United States Role in Kosovo” testimony of Doug Bandow, senior fellow, Cato institute before the house international relations committee hearing on the US role in Kosovo (March 10, 1999) <http://www.Cato.org/testimony>

² The Kosovo Liberation Army (KLA), for its part, adopted a policy aimed at making violent confrontations and their effects on civilians more visible. Increased media coverage of destroyed homes and of displaced persons camps located in the mountains has forced the international community to become aware of these events. This awareness is manifest in the three priorities that the international community established: Kosovo can be autonomous, but not independent; the Kosovo Liberation Army (KLA) is a terrorist organization and will not be recognized as legitimate; and the Dayton Peace Agreements must be upheld. The latter turns Slobodan Milosevic into an avoidable intermediary.

other regions of the world. The first is the refusal of the international community to listen to the demands of Kosovar members of the independence movement, despite their refusal to resort to violence. The ensuing feelings of abandonment and injustice led Kosovo Albanians to see violence as a possible and legitimate alternative. Secondly, the fact that Albanian society is based on clans has favoured the growing support of the Kosovo Liberation Army KLA. (Bandow 1999: 4)¹

However KLA has been responsible for attacks on civilians and police stations and so the policy of the US and the international community would seem to encourage and promote terrorism rather than actually seek to lessen its growth in the resolution of world affairs. In respect of Kosovo in 1998, the United Nations Security Council established an arms embargo against the Federal Yugoslav Republic and subsequently adopted Resolutions 1160, 1199 and 1203. 1199 determined the situation in Kosovo as armed conflict and to ensure the protection of civilians in Kosovo demanded that the authorities of the Federal Republic of Yugoslavia cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression. The resolutions also requested the safe return of refugees and displaced persons to their homes and the free access for humanitarian organisations and supplies to Kosovo. And finally Resolution 1244 authorised the Secretary General, with the assistance of relevant international organisations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of

¹ Congressional testimony “The US Role in Kosovo” testimony of Doug Bandow, senior fellow, Cato institute before the house international relations committee hearing on the US role in Kosovo (March 10, 1999) <http://www.Cato.org/testimony>

Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia.¹

¹ Resolution (1244) adopted by the Security Council at its 4611th meeting on 10 June 1999 decided that the main responsibilities of the international civil presence will include:

1. Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo.
2. Performing basic civilian administrative functions where and as long as required;
3. Organising and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;
4. Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;
5. Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);
6. In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;
7. Supporting the reconstruction of key infrastructure and other economic reconstruction;
8. Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;
9. Protecting and promoting human rights; and
10. Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.
11. And finally resolution 1244 encouraged all Member States and international organisations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarisation as laid down by the head of the international security presence in consultation with the Special Representative of the secretary-general; demands that all States in the region cooperate fully in the implementation of all aspects of this resolution; decides that the international civil and security presence's are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;

There appears nothing wrong with the wording of these resolutions, but once more in the case of Kosovo the actual strategies for improving the situation in the region should have been shaped by rational local policy makers with personal concerns for the peace and stability of the region. The UN Resolutions are in the essence of what they achieve idealistic and meaningless. They are also grossly inconsistent in their application to the state of world affairs:

“Conflict wracks many other countries around the world. There has been mass murder in Burundi, Cambodia, Rwanda, Sudan, and Uganda; brutal insurgencies in Angola, Congo, Ethiopia, Liberia, Mozambique, Sierra Leone, and Sri Lanka; bloody wars between Armenia and Azerbaijan, Ethiopia and Somalia, India and Pakistan; endless civil war in Afghanistan; violent separatist campaigns in Iraq (Kurds), Mexico (Chiapans), Northern Ireland (Irish Catholics), Russia (Chechens), Spain (Basques), and Turkey (Kurds); and varying strife in Burma, Georgia, India, Indonesia, Tajikistan, and elsewhere. Then there is Kosovo, where without doubt the situation is tragic; yet the one constant of guerrilla insurgencies and civil wars is the brutality on both sides. The fighting in Kosovo barely rises to the status of atrocity in today’s world. It certainly does not constitute genocide. At least twice as many people died in January alone in Sierra Leone than in Kosovo in 1999.” (Bandow 1999: 1, 2, 4)¹

Given that such atrocities are being committed elsewhere in the world it is a wonder that Kosovo and indeed Kurdistan have received such attention from the international community and the international media. Nor is the administration acting on purely

¹ Congressional testimony “The US Role in Kosovo” testimony of Doug Bandow, senior fellow, Cato institute before the house international relations committee hearing on the US role in Kosovo (March 10, 1999) at pp: 2, 4 <http://www.Cato.org/testimony>

humanitarian concerns, given the many worse conflicts, which it currently ignores. Indeed, contrast U.S policy towards Turkey. But the administration has voiced no outrage, proposed no bombing, and demanded no occupation. To the contrary, Washington supplies weapons to Ankara, to use in order to repress Kurdish separatists and apparently helped Turkey capture Kurdistan Worker Party of Turkey rebel head Abdullah Ocalan. There is much to criticise about Ocalan's PKK, of course, but one could make similar judgements regarding the Kosovo Liberation Army (KLA)

On the other hand the Clinton administration learned a very bitter lesson in the Bosnia War, that if diplomacy is not often coupled by the use of force or willingness to use force in an unstable environment like this, diplomacy is often ineffective. The KLA's agenda is clear. In 1999 spokesman Jakup Krasniqi said his organisation was fighting for the liberation of all occupied Albanian territories, including the Western section of Macedonia, whose population is one-fourth Albanian, and their unification with Albania. Even the moderate Kosovo political leadership is unlikely to accept autonomy, whatever the formalities of any agreement. Dr. Alush Gashi, an adviser to Ibrahim Rugova, told press during a visit to Kosovo June 1999 "Independence is inevitable". A former diplomat and conservative Member of Parliament, motivates, says the important thing is not to allow the change of external frontiers. If we do, it could blow up the Balkans. (Bandow 1999: 5)

Chomsky claims the bombings of the former Yugoslavia were in order to prevent ethnic cleansing is a gross misrepresentation of the facts. The bombings made the situation worse for the Kosovar Albanians, who it was claimed they were intended to help. After two weeks of bombing in the region. He added:

"The flood of refugees had reached some 300,000, mostly from the southern sections of Kosovo adjoining Macedonia and Albania, while unknown numbers of Serbs fled north to

¹ Ibid, at p: 5

Serbia to escape the increased violence from the air and on the ground.” (Chomsky 2000: 30)¹

Chomsky further argues NATO commanders had previously predicted the escalation of violence and death in Serbia before the bombings took place.² Not surprisingly they provided motivation amongst the Serbs for greater excesses since they had nothing to lose, not expecting to win against NATO. Furthermore it should have been evident to an international community genuinely concerned about humanitarian issues that in the three and a half months of bombing that followed ‘an increase in atrocities’ could be expected and that the departure of international observers under the threat of bombing predictably had the same consequence. (Chomsky 2000: 30)³

Dutifully the Sunday Times reported the following when the campaign was finally brought to an end:

“10 weeks of escalating air attacks have finally vindicated the alliance’s strategy of forcing Slobodan Milosevic to quit Kosovo, NATO and Serbian commanders bring new hope to a ravaged region of Europe. It paves the way for Serbia’s 40,000 troops to get out of Kosovo, a British-led army to go in and 1,000 Albanian Kosovars to go home”. (Layne: Cato Policy Analysis 20 October 1999)⁴

What the Kosovar Albanians can go home to is quite another matter considering the massive damage to infrastructure caused by the bombings. Can such tactics really be viewed as a success or even vindicated? The answer to this question must be negative,

¹ Noam Chomsky “Rogue States – the Rule of Force in World Affairs” published by Pluto press, 340 Archway Road, London N6 0AA pp: 34 (2000)

² Noam Chomsky “Rogue States – the Rule of Force in World Affairs” published by Pluto press, 340 Archway Road, London N6 0AA pp: 34-30 (2000)

³ Ibid, at p: 30

⁴ Christopher Layne, faulty justifications and ominous prospects: NATO’s ‘victory’ in Kosovo. Cato policy analysis no 307
<http://www.cato.org/pubs/pas/pa-30Yes.html> October 20, 1999

since the costs involved to rebuild must now be shouldered outside of Kosovo, most likely ensuring that it will now be dependent on donations from the international community for years to come. Is a similar fate in store for Kurdistan? Experience in Bosnia would suggest the answer to this question in yes:

“Bosnia’s wretched experience shows how hard it is to create a normal civil society out of an ethnically poisoned, post-communist trauma. Bosnia depends on United Nations garrisons and Western subsidies to prop it up. It has become one of the most aid-reliant countries in the world. The UN guarantees its peace, but it appears unable, despite a £5 billion-reconstruction programme, to get off its knees.”
(Layne: Cato Policy Analysis 20 October 1999)¹

A War with no Casualties

The Sunday Times news on June 6, 1999 established the consensus view that the military analysts tell us we are entering a new era of warfare, one where wars are fought and lost in months, days, hours and minutes rather than in years. The NATO bombings of Kosovo illustrated this fact by showing just how uneven wars have become when the technology of one side so far outstrips and exceeds the capacities and weaponry available to the opposition. The experience of war in the late twentieth century and the beginning of the twenty-first is entirely different from anything the world has seen before. In World War I and II both sides suffered great losses, individuals on both sides had personal experience of death, injury and suffering. In those wars the soldiers that fought had the opportunity to empathise with the other side; these days one side is usually invulnerable to the other.

It is further noted that NATO, confronted by its first challenge since the end of the Cold War, has renewed its mandate by making

¹ Christopher Layne, faulty justifications and ominous prospects: NATO’s ‘victory’ in Kosovo. Cato policy analysis no 307
<http://www.cato.org/pubs/pas/pa-307es.html> October 20, 1999

that possible. Its ability to do so without a single battlefield casualty makes its success all the more astonishing. Losses are still possible, even probable, as Lieutenant-General Sir Michael Jackson leads his peacekeeping army across the Macedonian border. But no modern war has ever reached a cease-fire with 4,000 troops believed dead and 6,000 wounded on one side-and not a single loss from the fighting on the other. Serbia has ruled Kosovo with a savagery reminiscent of the Nazis. If, as President Clinton says, we are witnessing the last gasp of an aggressive nationalism that has shattered the lives of so many Europeans in this century, NATO's victory will be truly historic; a redeeming conclusion to mankind's most destructive century. (Layne: Cato Policy Analysis 20 October 1999)¹

Daalder contributed a useful, if brief, analysis of the US foreign policy studies. In his statement before the sub-committee on European affairs, committee on foreign relations (United States Senate, September 28, 1999) Daalder states the logic behind the argument that leads the world's most powerful leader to claim that the death and injury of 10,000 people can be described as 'a redeeming conclusion' is appalling. The message that this

¹ President Clinton is now ready to consider a full-scale land war against Serb forces in Kosovo, ending up to 9,000 combat troops from America, if no peace settlement emerges soon. Although NATO is only officially planning for a peace implementation force of 20,000-30,000 troops, there is a growing feeling in Washington and London that the alliance must prepare itself for a much bigger operation, involving 100,000-160,000 troops. The huge number of troops required for such an operation will be a daunting challenge for NATO. However, alliance sources said that with Mr. Clinton committed to defeating Mr Milosevic one way or another, the US would be expected to contribute more than half of the force. They estimated the US contribution could be about 90,000 troops who would be deployed from America, not from Germany. For more details see also Michael Evans, defence editor "Clinton to order 90,000 troops to Kosovo" (The Times: 27 May 1999). See also Christopher Layne, faulty justifications and ominous prospects: NATO's 'victory' in Kosovo. Cato policy analysis no 207 October 20, 1999

<http://www.cato.org/pubs/pas/pa-207es.html>

statement sends to the Kurds who have suffered war atrocities is cause for extreme concern. Having suffered themselves the Kurds can easily see how such rhetoric could be turned and directed elsewhere, towards them if it should suit the political agendas of the nations with the power to decide. The reason there were no casualties for NATO was because the bombing raids were conducted completely from the air. Protected from the realities of the war on the ground the troops flying the planes and operating the equipment can have little experience of the human loss of life resulting from the impact of their weapons. The policies of the NATO forces and the US administration were reluctant to send ground troops into Kosovo even though many of the military commanders thought they were needed. Daalдор however acknowledged:

“Given the security environment inside Kosovo, it would have required more rather than less troops and a significant American presence, if not actually U.S. lead. In the end, the Clinton administration came to accept the need for some troops only February 1999. Even then the administration ruled out their deployment in anything but a permissive environment right through the end of the war.” (Daalдор 1999: 1-2)¹

United States administration officials contend that there were three reasons for their reluctance to deploy ground forces in Kosovo. First, there was no support in Congress or the country for deploying yet more troops to the Balkans. Second, the prospect of ground forces would have created major difficulties within the NATO alliance to the allies like Germany and Italy, both of which were facing a transition in government. In contrast, Britain had concluded as far back as August 1998 that ground forces were

¹ Ivo H Daalдор, senior fellow, foreign policy studies “Statement before the Subcommittee on European Affairs, Committee on Foreign Relations.” Senate House, USA, September 28, 1999 pp: 2, 3
<http://www.usembassy.it/file/99.9/alia/99.928.3.htm>

needed in Kosovo. Third, Russia had opposed the use of force under any circumstances. (Daalder 1999: 3)¹

According to Gore Vidal, the reason the US was reluctant to employ ground troops is because this is a policy that risks exposure to the suffering of other people and potentially the death of US soldiers. The US administration wanted to avoid confronting its people with the effects of war in the region. Protected by technology the soldiers would not need to ask any questions about whether the bombing raids were the best, least damaging of the possible solutions to the humanitarian crisis. The decision not to put ground troops was a direct calculation on the part of the US administration to prevent disturbances at home from developing out of control. The effect that Vietnam had on US soldiers was an unpleasant inconvenience for the US government but perhaps it is worth addressing one more contemporary and relevant example of the distress that the direct experiences of war can have on the American psyche. Vidal added:

“The Oklahoma City Bomber,’ a decorated hero of the Gulf War, one of Nature’s Eagle Scouts, Timothy McVeigh, was due to be executed by lethal injection in Terre Haute, Indiana, for being, as he himself insisted, the sole maker and detonator of a bomb that blew up a federal building in which died 168 men, women, and children.” (Vidal 2002: 270)²

In my opinion, the reluctance of the US and NATO to employ ground troops should be understood for what it is; the prioritising of certain lives more than others. In respect of Kurdistan this must be and is interpreted to mean that the lives of Kurdish civilians are secondary in importance to the lives of NATO soldiers. This is contrary to the notion that soldiers are trained and prepared to risk their lives in warfare to protect civilians. It may indeed be necessary for this shift in the ideology of war to exist and for the

¹ Ibid, at p: 3

² Gore Vidal “The Last Empire.” The meaning of Timothy McVeigh, published by Abacus, an imprint of Time Warner books UK, Brettenham House, Lancaster place, London WC1E 6EN, 2002, at pp: 270

NATO to be honest to the world and acknowledge that they care more about their 'own' than the 'others', but if this is the case then military intervention should not take place. Moreover, to dress military intervention in the guise of humanitarian aid and proclaim human rights for all is blatant hypocrisy given that policies designed to minimise western casualties intrinsically contradict the idea that all men are created equal. (Vidal 2002: 271)¹

Short-term politics

Whiles the US and NATO congratulated itself on its outstanding military successes the reality is that Kosovo has been shaped by short-term politics. According to Gore Vidal (2002) the only lasting solution is a political settlement that reconciles legitimate ethnic Albanian interests about the future of the province and long-term peace with Serbia the current situation in Kosovo can only be an interim solution. The 1999 NATO bombing campaigns, based on selective indignation to humanitarian crisis set a dangerous precedent. Unless world powers agree on principles to guide interventions in similar circumstances, that precedent will have dangerously undermined international order. It is easier to bomb than to build communities bitterly divided for centuries are forced by outsiders to live together peacefully in the face of persistent threats of ethnic cleansing of Serbs by Albanians, the lack of international solidarity and effective action further entrenches the victim mentality among Serbs and undermines prospects of long-term stability. (Vidal 2002: 270-271)²

UN Secretary General Annan believes that following the Kosovo crisis there was a great deal of conflict in regards to the outcome of the policies that were implemented to rescue Kosovar Albanians. It would seem indeed that following the end of the Cold War just as some walls come down, so new walls go up. On March

¹ Ibid, at p: 271

² Ibid at pp: 2, 3

10, 1999 the UN interim authority (UNMIK) begun securing confidence zones in Mitrovica to serve as a buffer area between the northern and southern sides of the ethnically divided city, assisted by the international peacekeeping force (KFOR). Although UNMIK is establishing the confidence zones, in the centre of Mitrovica on both side of the Ibar River which divides the city, to give freedom of movement and security for the residents there, UNMIK spokeswoman Susan Manuel said tear gas had to be used when some Serb crowds gathered in the area. Some four people were slightly injured and town UNMIK police vehicles damaged. Kofi Annan added:

“Meanwhile, the Kosovo Transitional Council (KTC) on 23 April 1999 expressed deep concern over the continuing difficult security situation affecting all people in Kosovo, particularly members of minority communities”. (Annan 22 April 1999)¹

The evidence suggests that peacekeeping forces are unable to do just what their name implies and keep the peace.² Why should the

¹ Press conference given by UN Secretary General Kofi Annan in Paris on 22 April 1999
<http://www.un.org/News/briefings/docs/1999/1999.422.db.42299.html>

² According to Michael Evans on 23 April 1999, Tony Blair outlined his vision for dealing with undemocratic maverick leaders, intent on destroying any hope of a New World order. Speaking in Chicago, which has a large Serbian population, on the eve of NATO's Washington summit, the Prime Minister said it was time for a new doctrine of international community to meet the changes that have accompanied the Cold War's end. He underlined the new formula adopted by most NATO leaders for sending ground troops into Kosovo whether or not there is a peace settlement. Milosevic will have no veto on the entry of this international force, he said. However, Mr. Blair said the most pressing foreign policy problem now facing the west was to identify the circumstances in which we should get actively involved in other people's conflicts. The United Nations, he said, would be central to this strategy, but new ways would have to be found to make the Security Council more effective. He also called for a new Marshall Plan to embrace Kosovo, Montenegro, the Former Yugoslav Republic of Macedonia, Albania and Serbia, too, if it turns to democracy. Michael Evans, Balkan's War "Conflicts Opens Way to New International Community." (The Times: 23 April 1999) at p. 16

Kurdish question be any different? Why should Kurds stand any more chance of making decisions for themselves if the international community has the power to interfere at random depending on the political motives and agendas present at any moment in any given 'international situation'. Perhaps the most unfortunate aspect of current international politics and the new trend towards humanitarian intervention is that, as this thesis has shown, members of the UN actually committed to the ideals and philosophies that led to the Declaration of Human Rights are used by the nations that control the organisation for their own purposes to act as a front for global hegemony. There are many people and individuals working for the UN who work to promote genuine humanitarianism but their work becomes subsumed in the larger impact of international political agendas:

“On March 7, 1999 UN Secretary General Kofi Annan appealed to Member States to provide the UN Interim Administration Mission in Kosovo (UNMIK) with the necessary support in finances, police and other resources.”
(Annan 22 April 1999)¹

Mr. Annan further said the situation had improved in many parts of Kosovo but conceded that there were pockets of problems, noting especially that the need to stem the atrocities committed against minority groups. Although Dr. Kouchner told the Security Council that the United Nations work in Kosovo lacked clear political objectives and sufficient resources. Dr. Kouchner and Gen Reinhardt were doing a great job on the ground, adding that UNMIK was operating in a very ambiguous situation, with no political outline defined for Kosovo, as it had been in Bosnia-Herzegovina.

“If the future political settlement is not clear, it is going to be difficult for us to get these two communities to deal with each other and with us, the Secretary General said, adding

¹ Press conference given by UN Secretary General Kofi Annan in Paris on 22 April 1999

<http://www.un.org/News/briefings/docs/1999/1999.422.db.42299.html>

that we are trying to do our best under very difficult circumstances.” (Annan ۲۲ April ۱۹۹۹)^۱

For the purposes of promoting Kurdish interests it is vital that all societies continue to acknowledge and identify the specific individuals whose UN work actually serves to help minorities and resolve their difficulties. Kofi Annan is perhaps one example and there will be others but the actual mechanisms of the UN ultimately jeopardise the freedoms of groups like the Kosovar Albanians and the Kurds because they are not representative; this is something that must change to ensure Kurdish autonomy.

The International Criminal Tribunal and taking responsibility

Slobodan Milosevic objects to being tried by the International Criminal Tribunal and without speculating on any evidence that might convict him it is quite easy to see why he might object. According to Johnson, Milosevic has consistently claimed not to recognise the authority of the court and whilst he is perhaps not such a sympathetic figure, the court was set up to have jurisdiction over individuals who commit atrocities at levels comparable to Hitler’s persecution of the Jews during World War II. However the United States would not agree to the terms of the court, supporting it only if it received its cases solely from the UN Security Council, where a single American vote can veto any action. Johnson added:

“American officials claim that they must protect their two hundred thousand troops permanently deployed in forty countries from “politically motivated charges.” They maintain that, due to America’s “special global responsibilities,” no proceedings can be permitted against its

^۱ Kofi Annan

<http://www.un.org/News/briefings/docs/۱۹۹۹/۱۹۹۹.۰۴۲۲.db.۰۴۲۲۹۹.html>

soldiers or clandestine agents unless the United States itself agrees to them.” (Johnson ۲۰۰۰: ۶۶)^۱

United Nations high commission report on human rights (Resolution ۱۹۹۹) stated that until the US agrees to be governed by the decisions of the tribunal then the tribunal itself can have no international legitimacy. However, perhaps we should ask the question; does an International Criminal Tribunal, with international standards of justice, have any place in a world that truly promotes diversity? However well intentioned a court may be, the potential for abuse of such powers is so great that perhaps it would be better if they did not exist at all under the guise of justice.

There is a further argument to undermine the idea of a universal court. On the situation of human rights in Kosovo the commission on human rights resolution ۱۹۹۹/۲ has called upon the international community and the International Criminal Tribunal for the former Yugoslavia to bring to justice the perpetrators of international war crimes and crimes against humanity, in particular those responsible for acts of ethnic cleansing and identity elimination in Kosovo. It demanded that the Serbian authorities immediately sign and implement all aspects of the Rambouillet agreement:

“However the commission welcomed the decision of the United Nations High Commissioner for Human Rights, in view of the gravity of the situation, to dispatch human rights monitors immediately to the region to assess the human rights and humanitarian crisis caused by the Serbian policy and practice of ethnic cleansing and to ensure compliance with international human rights and international humanitarian law.” (UNHRC ۱۹۹۹: ۱-۲)^۲

^۱ Chalmers Johnson, “Blowback – the Costs and Consequences of American Empire.” Published by Little Brown and Company In ۲۰۰۰, at p: ۶۶

^۲ United Nations high commission for human rights: ۱۹۹۹ report, resolution ۱۹۹۹/۲ “Situation of Human Rights in Kosovo.” ۳۰th Meeting ۱۳ April ۱۹۹۹. Office of the United Nations High Commissioner for human rights Geneva

With access to all the documentation and education on the subject of international human rights and humanitarian law, a western academic is at once at a great advantage to anyone else in the world when it comes to understanding the processes and procedures. Even with free access it is difficult to form any universal conclusions and yet Serbian leaders are forced to ratify agreements that perhaps never did mean anything to them anyway. Would it not be better to communicate and phrase agreements in terms suggested by a coalition of local leaders rather than resort to the minutiae of international law, which at any rate changes with increasing regularity?

The International Criminal Tribunal provides us with an opportunity to alleviate our own humanitarian responsibilities towards each other.¹ How can one individual be held responsible for hundreds, thousands or millions of deaths? Increasingly uneven distribution of wealth and power in the world is the most likely suspect for why war crimes cases are growing and that is not something attributable to individuals.² Humanitarian aid is likewise a way of alleviating collective guilt but for the people of Kurdistan humanitarian aid will not resolve their situation or provide them with stability. A case-by-case analysis of recent crisis assessing 20 years of humanitarian action Iraq, Somalia, the former Yugoslavia, Rwanda, Burundi, the former Zaire, Chechnya and Kosovo. Working paper highlights:

<http://www.hri.ca/fortherecord/1999/documentation/commission/1999-2.htm>

¹ See an appeal to establish the international criminal tribunal for Iraq (ICTI). International Criminal Tribunal for Iraq advocated by Mr. ABIKO, Seijin editor on monthly review for mass communication, Japan and the International Action Centre (IAC, US). See also the website of International Criminal Tribunal for Iraq offers an interesting selection of extracts from these views (URL: <http://www.icti-e.com/> URL: <http://www.icti-e.com/englishsite.html>)

² Federico Andreu-Guzman "Terrorism and Human Rights." International Commission of Jurists, occasional papers no 2, ISBN 92 - 9037 - 100 - 0 IMP. ABRAX F - 21300 CHENOVE (Geneva, Switzerland: April 2002) at pp: 188 -189

“Humanitarian aid has never saved a conflict or created the conditions necessary to the restoration or the maintenance of peace. It is neither a system of conflict management nor a means of solving conflicts and can never replace political action. Thus the mobilisation of public opinion and better use of political strategies should converge on single objective to return the protection of mankind to the heart of the decision-making process of the body politic.” (A case-by-case analysis of recent crisis assessing 20 years of humanitarian action Iraq, Somalia, the former Yugoslavia, Rwanda, Burundi, the former Zaire, Chechnya And Kosovo. Working paper)¹

The move towards a body politic that can make decisions about government is not a step back but a step forward, for it has hardly yet been realised in the modern world. When it has been realised, the so-called complacency of the masses has been blamed, complacent since they are made so by poor education and ever more cynical politics. Surely an International Criminal Tribunal is an opportunity to create an organisation that could, if unjustly governed, abuse liberty and freedom on a scale greater than ever before seen? The believers in its foundation may have good intentions but in the long-term its mechanisms allow for leaders to be impeached by hostile nations with control over the court. Until the UN is proportionally representative any international court it supports has a seriously fragile claim to be just. (Interview with Ms. Surber 11 November 2002)²

¹ A case-by-case analysis of recent crisis assessing 20 years of humanitarian action Iraq, Somalia, the former Yugoslavia, Rwanda, Burundi, the former Zaire, Chechnya and Kosovo. Working paper protecting people in times of war, international conference, editor and research coordinator: Florence Trintignas, researchers Alexander Balguy-Gallois & Remi Mortier. Graphic Artist: Laurence Barry. Layout Artist: Emmanuelle Ricateau. Translation: Carmen Benito-Garcia (Paris April 1999) available on line at: <http://www.reliefweb.int/library/documents/medmonde.pdf>

² Personal communication from Ms. Franziska Surber, head of training department, international service for human rights (ISHR), Geneva, Switzerland 11 November 2002.

Johnson draws the conclusion it is not an effective or realistic policy to demand that volatile governments with poor infrastructures adhere to international standards of human rights. The very structure and nature of the Iraqi state is despotic and as such incapable of meeting such standards without intervention and assistance. Some might argue that this argument would lead us to conclude that we should not intervene and wait for such countries and states to implement measures protecting the human rights of their peoples, as and when they modernise sufficiently to achieve internationally agreed standards. However the international community is facing unprecedented levels of genocide and human rights violations precisely because of the misuse (I use the term misuse although it is difficult to imagine what else weapons of mass destruction and terror could be used for other than to cause death and terror) of technology far more powerful and deadly than those previously available to the leaders of the world's nations. Such technologies are more often than not the products of the research of many of the world's developed nations, nations that have sold these weapons, sometimes freely, sometimes covertly, and provided the training to use them. This kind of policy directly conflicts with the rhetoric of the international community and undermines any action it decides to take against nations like Iraq. This is exactly the case with the recent publicity surrounding the Taliban in Afghanistan:

“The CIA armed and supported any and all groups willing to face the Soviet armies...in Afghanistan the United States also helped to bring to power the Taliban, a fundamentalist Islamic movement whose policies towards women, education, justice and economic well-being resemble not so much those of Ayatollah Khomeini's Iran as that of Pol Pot's Cambodia.” (Johnson ۲۰۰۰: ۱۳)^۱

If member states of the international community are truly committed to reducing the suffering of the people of Kurdistan they

^۱ Chalmers Johnson, “Blowback – the Costs and Consequences of American Empire.” Published by Little Brown and Company in London ۲۰۰۰, at p: ۱۳

not only need to intervene to protect the Kurdish population in Iraq from persecution, torture and killing, but also commit themselves to reducing the sale and development of ever more effective technologies for perpetrating such crimes. (Barifkani ١٩٩٨: ٥-٧)^١

In an interview I conducted with Mr. Georges Comninos (٤ February ٢٠٠٢), head of operations Middle East and North Africa of International Committee of the Red Cross, he explained that this aid campaign was largely conducted off the evening news of leading television and radio stations. Clearly then there is a strong argument in favour intervention purely because such technologies have already been misplaced and therefore some damage limitation is the direct responsibility of the international community. Those truly committed and interested in taking steps to relieve the suffering of the Kurds shall identify that they are not intervening from a position of moral superiority, putting right the crimes of which could not occur within their own territories. Intervention may take place in the sense of clearing up and taking responsibility for the mess that has been created in Kurdistan. Such an attitude of humility and recompense would also gain more favour and popularity amongst Middle East nations and therefore stand more chance of resulting in success in establishing a peaceful solution to the Kurdish problem. (Interview with Comninos ٤ February ٢٠٠٢)^٢

The Dominant powers and the Safe Haven

The Kurds, although they have never achieved permanent nation state status, over the centuries continually resisted subjugation by other nations. Thus the presence of a large Kurdish population with aspirations of independence prevents Turkish allies from forging the same thing in this country: a unified nation with a

^١ Abdul Kadir Barifkani “From Mustafa to Massoud Barzani - the Modern Kurdish National Movement” (Cairo: Arabic Edition, ١٩٩٨) at pp: ٥-٧

^٢ Personal communication from Mr. Georges Comninos head of operations Middle East and North Africa (place and date of interview: International Committee of the Red Cross ICRC Geneva, Switzerland ٤ February ٢٠٠٢)

strong central government. The Iraqi Kurds, who consider their nation to be Kurdistan and not Iraq, have been a thorn in Saddam's side for years and since 1979, there is evidence that he has used every weapon, including dislocation, starvation and poison gas against them. During 1962 and 1966, Iraq played a catalytic role in the formation, of the Baghdad Pact¹, which fulfilled John Foster Dulles's vision of a northern tier alliance to contain the Soviet Union. Axelgard has noted ultimately, the United States itself did not join the pact, leaving Great Britain as its sole Western adherent. In short, by leaving Iraq exposed and isolated in the Baghdad Pact, the United States put Iraq's position in the region at risk for the sake of a long-shot opening with a hostile, but strategically placed regional power: Nasser's Egypt. In each instance, the calculation was made that Iraq's limited regional significance made it advisable to equivocate on these commitments to appease the regional powerhouses Nasser's Egypt and Khomeini's Iran. (Axelgard 1998: 14-17)²

According to Crowell, in much harsher language than that employed by Saddam Hussein's Ambassador to the United Nations, the deputy Prime Minister, Tariq Aziz rejected the allied demands, emphasising Iraq's claim to sovereignty over all its territory, no-fly zones notwithstanding:

“Iraq, he told to an emergency cabinet meeting in Baghdad, would not heed the ultimatum, and will uphold its right to maintain its air defence bases where they are. Should the bases be attacked, Iraq will certainly respond in kind to

¹ Baghdad Pact: Agreement formed in February 1966, when Iraq, Turkey and the UK formed a pro-western military co-operation alliance, in line with the US plan for a “Northern Tier” to the Arab world to contain the perceived threat of Soviet expansionism. Attempts to expand membership to other Arab countries failed due to the rise of the ‘Non-Aligned Movement’, and were finally terminated with the republican revolution in Iraq in July 1968.

² Frederick W. Axelgard, *The Gulf War and implications for US policy “A New Iraq.”* Published with the centre for strategic and international studies, west port, Connecticut (Washington, D.C. – London: 1998) at pp: 14-17

the aggression”, he was reported as saying. (Crowell, The Independent newspaper, 1993: No: 1,942)¹

Hoagland argued that Saddam’s desert excursion exposed the changes in French–United States relations and the withering of Russian-American co-operation on global affairs that President Clinton then confronted. The unchallenged authority that the United States has exercised in the Gulf since the Operation Desert Storm is eroding as the global political climate changes. Although Americans must respond to that change by being clear about their own interests of Iraq’s abused citizens and of global peace. Keeping sanctions on Iraq as long as Saddam is there and increasing U.S. efforts to topple him can serve those interests. (Hoagland 1994: 9)²

On September 20, 1996 Brian Knowlton noted, Mr. Dutch, CIA chief, said Saddam Hussein has been able to exploit images of suffering of Iraqi civilians in his push to end UN sanctions against Baghdad. According to Rupert Cronwell (January 9, 1993) the United States and its coalition partners have provided millions of dollars in humanitarian aid to Kurds in north, including members of Mr. Barzani’s Kurdistan Democratic Party, as well as a rival faction, the Patriotic Union of Kurdistan, headed by Jalal Talabani.³ Both James Adams and Peter Millar (1993) have argued that the allies try to starve Saddam of money. In January 1993 Robert Gates, the retiring director of the CIA, suggested just that, after Saddam invaded Kuwait the first disagreements surfaced in Washington about the goals of any military action. The agenda

¹ Rupert Crowell, the Independent Newspaper, No: 1,942 “Washington Believes Iraq Using Missile Crisis to Probe American Resolve in Last Days of Bush Presidency.” Defiant Saddam Keeps United States Guessing. (Washington: Saturday 9 January 1993)

² Jim Hoagland, the Washington Post “Now Follow Up with a Drive to Bring Down Saddam.” (Monday October 17, 1994) at p. 9

³ Brian Knowlton, International Herald Tribune “CIA Chief Says Saddam is Stronger after Showdown with US.” (Washington: Friday, September 20, 1996)

included Saddam's assassination, his capture or a crushing military victory. Washington hoped for a palace coup in Baghdad, leading to the disintegration of control over the north and south of the country. They underestimated the efficiency of Saddam's security services. Today about 40,000 security guards surround Saddam Hussein. Saddam seems determined to continue his policy of cheat and retreat while the allies fumble for a policy that will put real pressure on the Iraqi dictator. (Adams & Millar 17 January 1993)¹

Christopher Walker has argued that America tried to pick up the pieces of its shattered Kurdish policy as the state department's Robert Pelletreau arrived in Turkey and held talks with Mr Massoud Barzani. Washington diplomatic initiative was designed to persuade Mr. Barzani that it was not in the Kurds long-term interest to remain allied to president Saddam whose forces helped the Barzani faction to capture the town of Erbil from the rival patriotic union of Kurdistan led by Jalal Talabani. The talks were also designed to re start peace negotiation between the two Kurdish factions. (Walker 10 Dec 1994)²

Kissinger, the former United States Secretary of State, on 27 January 1997 indicated that the United States needs a vision of the future it seeks. To make a long-term difference, the re elected Clinton administration must envision the world it seeks to achieve. Only in that way it will be able to establish criteria for judging where it is heading:

“Let me focus on three areas likely to present the greatest challenges in the next century: Asia, the Persian Gulf, and the transatlantic region encompassing the NATO countries and the territory of the former Soviet bloc. There is a school of thought that proposed trying to anticipate challenges by confronting China with human rights pressures and economic

¹ James Adams and Peter Millar “Allies Try to Starve Saddam of Money.” The Times newspaper, intelligence (Sunday Times 17 January 1993)

² Christopher Walker “US Envoy Has Talks with Kurdish Victor.” (Turkey: Dec 10, 1994)

warfare. The theory is that democratisation will lead to a more peaceful policy and that economic shortfalls will cut down on China's military options, for instance. Under present circumstances such a policy is certain to fail, while evoking the very dangers with which it seeks to deal.” (Kissinger 27 January 1997: 3)¹

On the other hand Lippman has considered the future of Iraq is a matter of a vital national interest for Iraqis and for US. The United States of America doesn't need working groups' or anything like that to talk about it, one senior United States official admitted:

“We have been waiting for Iraq after Saddam Hussein since 1991. No one can predict guarantee or count on Saddam's removal from power. It tends to be a hypothetical question. I don't suggest that people haven't given any thought to what we would like to see if he weren't and we have discussed this with the Saudis, but we haven't focused on it in our policy talks another senior United States official said.” (Lippman 1997: 2)²

On the disarmament components Welch, Assistant Secretary for international organisation affairs believes the Iraqi regime has not signalled any intention to cooperate so far. They've simply said that they want sanctions lifted, and then they're going to talk. Well, no member of the Security Council is prepared to enter into that kind of bargain. (Welch 2000: 8-9)³ Moreover Ambassador George

¹ Henry Kissinger, the former United States secretary of state “A World We Have Not Known.” International affairs, Washington Post (News week, Washington: 27 January 1997) at p. 3

² Thomas W. Lippman, Washington Post staff writer “United States Post Saddam Plans Fall Short of Saudi Arabia Wishes” (The Washington Post: Sunday, March 2, 1997) at p. 2

³ David Welch, assistant secretary for international organisation affairs and David Scheffer, ambassador at large for war crimes issue “On the Tenth Anniversary of the Iraqi Invasion of Kuwait” released by the office of the spokesman (United States department of state, Washington, D.C. August 2, 2000) at pp: 8-9 <http://www.fas.org/news/iraq/2000/08/iraq-2000-08-02.htm>

Moose, U.S. permanent representative to the United Nations and other international organisations in Geneva, responded to a working paper prepared for the submission on the promotion and protection of human rights by a former sub commission member. Mr. Moose revealed the facts that Iraq waged an unprovoked war of aggression ١٣ years ago on its neighbour, Kuwait after earlier having attacked its neighbour, Iran, and having butchered thousands of its own citizens. Iraq has had an aggressive program to develop the full range of weapons of mass destruction and has used such weapons against Iran and also against its very own people. Then the international community reacted with an historic body of international law, including a sanctions regime to reverse the Iraqi aggression, to disarm Iraq of its weapons of mass destruction and related program and to ensure that it's never again a threat to peace and security. The sanctions regime even from the beginning never limited or prohibited Iraq from importing humanitarian goods, such as food and medicine. For many years the Iraqi regime resisted the international community's efforts to institute the Oil for Food program.^١

According to a United States statement to the UN human rights sub-commission on Iraq the sanctions are designed to achieve Iraqi compliance with the Security Council resolutions. These resolutions are international law and they merit the full support and implementation of all UN members. In order to mitigate the impact on the Iraqi civilian population, food and medicine were always expected. The humanitarian situation of the Iraqi people has improved. If oil for food program is able to operate free of

^١ The memorandum of understanding has given the central authorities much power in the implementation of the UN managed program. The sovereignty and integrity clause is being used by Baghdad to negatively affect implementation of projects carried out in Kurdistan under SCR ٩٨٦. The government of Iraq continuously obstructs the smooth running of the program by interfering in the kind and quality of expertise recruited, delaying the issue of visas on one or other pretexts, delaying the procurement of medicinal drugs and food items, and either delaying or obstructing the import of certain machinery, equipment and instruments to the region.

interference by the Iraqi regime, prospects for continued improvement is excellent:

“United States of America will continue to insist that Iraq comply with the Security Council resolutions, including those mandating procedures to improve the humanitarian situation of the Iraqi people, despite the worst efforts of Saddam’s regime.” (USAINFO 2000: 1-2)¹

The attacks in northern Iraq were launched against anti aircraft batteries, which locked on to coalition aircraft with their radar’s, indicating they were ready to engage, and a United States military spokesman said. Iraq deliberately created confusion about its intentions, sometimes sending out different messages from its spokesman in Baghdad and at the UN in New York. Although some say the allied strikes were out of proportion to Saddam’s infringements of United Nations demands, few disagree that his statements and actions were provocative. Yet most diplomats and officials in the Gulf see domestic concerns as Saddam’s primary consideration. The second reason cited by some diplomats and officials for Saddam’s policy is to soften up Bill Clinton as one diplomat put it in a reference to the US president elect. (John Williams 1993: 1-2)² British Foreign Secretary Cook considers the inescapable conclusion is that Saddam has no regard for the plight of his own people. He has consistently rejected all the UN’s attempts to help, and instead prefers to use their suffering as another tool in his propaganda strategy. (Cook 20 February 1998)³

¹ United States statement to UN sub-commission on Iraq sanctions “United States Says Case Study is Incorrect Biased and Inflammatory” 19 August 2000) <http://usinfo.state.gov/regional/Iraq>

² John Williams “Tornadoes in New Attack” Evening Standards, London: Monday 18 January 1993) at p: 2

³ Robin Cook, article “Oil For Food” (The Guardian Newspaper: 20 February 1998)

On 13 November 1998 Tony Blair, British Prime Minister, gave a speech on Iraq at the North Atlantic Assembly meeting held in Edinburgh. He said:

“Saddam Hussein has shown himself, over many years, a threat to his neighbours, and a dictator who does not hesitate to use his weapons, including chemical weapons, on his own people or others. Since the Gulf war Britain has aimed to prevent him from again threatening international security. Yes we have kept him in his borders and prevented him from destroying the Kurds said Tony Blair British Prime Minister. On the other hand sanctions stopped him using oil revenues to build his weapons again. They do not prevent him buying all the food and medicine his people need, if he really wants to do so. But Saddam has never given up his ambitions for one second. He has never ceased to conceal his weapons as far as he possibly could, never stopped his efforts to acquire and develop more, never renounced his desire to dominate others by military force. If Saddam will not change course, he will have to suffer the consequences. If action proves necessary, we will take it with a heavy heart and with great regret. But he cannot simply go on denying the international community in this way. He must doubt the seriousness of our purpose, said Tony Blair.” (Blair 13 November 1998)¹

The EU and G⁸ are united in insisting that Iraq fulfils the obligations laid down by the UN. Both sides agreed to work together to ensure that Saddam Hussein is not allowed to ignore the wishes of the international community or once again become a threat to the region. On the other hand British Prime Minister Mr. Tony Blair promises swift and immediate response to any Iraqi

¹ Extract from a speech given by the Prime Minister, Mr. Tony Blair to the North Atlantic Assembly. NATO'S role in the modern world' edited transcript of speech by the British Prime Minister, Mr. Tony Blair, to the North Atlantic Assembly, international conference centre, Edinburgh, 13 November 1998
http://www.britain.info.org/defence/xq/asp/SarticleType.1/ArticleID.791/qx/articles_show.htm

action. On 9 January 1999 Tony Blair admitted, what Saddam Hussein has to realise is that Britain and its Allies are not going to allow him to threaten his neighbourhood or threaten the stability of this region without taking action. If there is any question or reprisals being taken against allied forces or their friends, then our response will be swift and immediate said Tony Blair British Prime Minister. (Blair 14 November 1998)¹

A conference for the Iraqi opposition was opened in London on 24 November 1998 with the participation of some 10 groups to discuss means of eliminating disputes among them as well as in preparation for coming activities aimed at toppling the Iraqi government led by President Saddam Hussein. The conference is being held under the supervision of the British government, which has recently adopted a new strategy to intensify the efforts of the Iraqi opposition to topple the current Iraqi government. A spokesman for the British Foreign Office was reported as saying:

“That British minister of state Derek Fatchett will supervise this conference. The spokesman added that Fatchett makes efforts with the Iraqi opposition groups to end disputes dividing them. The spokesman added that these groups are expected to ask Britain to provide military and media support in their war against Saddam Hussein.” (Arabic News 24 November 1998)²

On 30 December 1998 British Defence Secretary George Robertson said:

“Saddam’s war machine was badly damaged by the recent campaign of military action against his regime and this latest gesture of arrogance and defiance is a sign of his weakness. It

¹ Britain, UNSCOM and Iraq - Blair no more deals “Nothing Less than Unconditional Compliance Will Do.” (Blair 14 November 1998)
<http://www.cnn.com/WORLD/meast/11/14/iraq.04/#2>

² Arabic News “Iraqi Opposition Conference Convened in London” Politics 24 November 1998
<http://www.arabicnews.com/ansub/Daily/Day/11/12/19981124.04.html>

will make no difference to the way in which Allies police the no-fly zones. They were set up in support of UN Security Council resolution 688 to bring protection to the Kurds in the north and Shia in the south, and as long as that humanitarian need remains, Britain will continue to enforce the no-fly zones. Saddam knows that coalition pilots will respond to threats to their safety in self-defence in accordance with international law.” (Robertson 30 December 1998)¹

Britain led the way in efforts to establish a new platform for the UN’s dealings with Iraq. Following the submission of reports to the UN Secretary General in March 1999 by three expert panels, charged with assessing Iraqi disarmament, the humanitarian situation and Kuwaiti issues, Britain proposed a new Security Council resolution, designed to translate their work into practice. After months of intensive negotiation, the Security Council adopted the resolution on 17 December as SCR 1284 (1999). This comprehensive resolution has the force of international law and constitutes the UN’s policy on Iraq. All members of the Security Council are committed to its implementation. On the humanitarian situation, SCR 1284 offers the Iraqi people, unconditionally, a bigger and better programme to improve the conditions in which, through the actions of their government, they find themselves. (British Foreign and Commonwealth Office: December 1999)²

According to speech given by the British Foreign Office Minister Peter Hain on Friday 23 March 2000, Britain put a great deal of effort into piloting the resolution through the Security Council. The entire international community has backed the 1284 Resolution. It is the official policy of the international community and of the UN, and it reflects Britain’s long-standing and deep-

¹ British defence secretary George Robertson, 23/12/98 “Iraq Missile Aggression” 30 December 1998

<http://www.newsrelease.archive.net/coi/depts/GMD/coi/9727e.ok>

² Report of British Foreign and Commonwealth Office “The Way Forward: United Nations Security Council Resolution 1284”

<http://www.fas.org/news/iraq/1999/12/991221-iraq-usia1.htm>

seated commitment to the disarmament of Iraq and the well being of the Iraqi people. Security Council resolution ١٢٨٤ provides for the suspension of sanctions if Iraq co-operate. That new opportunity is enshrined in a British drafted Security Council Resolution ١٢٨٤ is a further example of British government willingness to think imaginatively about the challenge posed by Iraq. Of course the Iraqi people are suffering; that is one of the reasons why the government invested such energy in a new Security Council Resolution ١٢٨٤. (Hain Friday ٢٤ March ٢٠٠٠)^١

“Britain has no wish to prolong the confrontation in the no-fly zones and it is certain the British pilots have no wish to stay there, thousands of miles from their families, any longer than is necessary said Peter Hain foreign Minister. Britain worked hard in the Security Council to secure adoption of Resolution ١٢٨٤ during ١٩٩٩ year, which removes the ceiling on the amount of oil Iraq is allowed to export”. (Hain ٧ August ٢٠٠٠: ٢-٣)^٢

In an interview with Mr. Pawani one of the heads of public relations from the Kurdistan Democratic Party, he explained that the lives of the people of Kurdistan have improved dramatically as a result of western intervention in the region of Kurdistan. Due to this fact there is a general appreciation and feeling of good will towards western democratic nations. This feeling is tempered by an awareness of the precariousness of the situation in which they are placed and the fact that western support could potentially be withdrawn very swiftly. Following western military intervention in ١٩٩١ and subsequent humanitarian assistance the people were very grateful to receive food, medicine and protection. People in Kurdistan who had previously had nothing now had something and they welcomed the change in their circumstances and looked with

^١ Speech by the British foreign office minister Peter Hain from the adjournment debate on sanctions against Iraq, House of Commons, (London: Friday ٢٤ March ٢٠٠٠) <http://www.parliament.the-stationery-office.co.uk/pa/cm/١٩٩٩٠٠/cmagenda/sa٠٠٠٣٢٤.htm>

^٢ Peter Hain article by foreign and commonwealth office ministry of state, (Independent newspaper: Monday ٧ August ٢٠٠٠) at pp: ٢-٣

great respect and thankfulness on the troops that had rescued them. One of the aims of this thesis has been to analyse why the people of Kurdistan needed to be rescued and so their gratitude should not be over interpreted to signify the right behaviour of their rescuers.

The relationship then between the west and the Kurdish authorities is currently good one and desired by both sides. This relationship and the reasoning and thinking behind it are worth examining and exploring to understand and develop a way forward for future relationships, a way forward which is profitable for both sides without being exploitative. From the perspective of the people of Kurdistan there is much to be learned from the experiences and successes of western democratic nations in building and rebuilding their own nations to a point of economic and political success. The question the people need to ask themselves now is how they want the rebuilding to continue. Do they want to think about the macro-economies of Asia and the 1997 financial crisis when they consider how they want to model their own economy and how they want to relate it to free trade relationships? Do they want to create a society like that of Saudi Arabia where all the professional and labour classes are imported from abroad? The people need to ask themselves what do they want that is good from the west and what do they not want? More importantly they must consider their own culture and society and ask themselves what they want to keep and what they must work to protect. What would be gained and what would be lost by a nation seeking to follow a western model of democracy?

In order to make such choices the people of Kurdistan need to make sense of the relationship with the west. They currently understand that their relationship with the west and with the US in particular is related to a wider policy in the Middle East; a policy that involves Iran, Iraq, Turkey and Saudi Arabia and seeks to

resolve the conflict between Arabs and Israelis. (Interview with PRO ◦ April ٢٠٠١)^١

The Kurdish leadership also further recognize the immediate short-term goal of the US to improve relationships between the Arab world and Israel. With these aims in mind the people of Kurdistan see the need to formulate their own strategies for development that do not infringe upon the aims of the western democracies. This is not because they should necessarily have to consider the aims of western democracies but because they must in order to proceed upon practical political terms. The people may harbour aims to complete self-determination but it is clear that in the immediate future they will need to negotiate for themselves whilst remaining in the context of a unified Iraq. To understand the full extent of the power relationship between the west and Kurdistan it is interesting to note the view of Wajeh Barzani, he argues that despite the opposition of Middle East nations to the creation of an independent Kurdistan it will not happen because of the relation power of the West.

For this idea to materialise it needs the support of the Western powers, the United States, England, France, and Germany. Turkey, Iran, Syria and Iraq would naturally oppose the idea. We believe that if the western powers decide to create such an independent state of Kurdistan in Iraq, the position from Turkey, Iran, Iraq and Syria would have little or no effect on the creation of an independent state of Kurdistan in Iraq. Saddam Hussein's growing popularity in the Arab world is viewed with disapproval by the Western countries that wish to contain and limit his power, so far unsuccessfully through sanctions and other means. Now military action is to be executed by the west, which, at least verbally, encourages democratic reforms holding elections and eventually committed an open access to UN inspectors to investigate in Iraqi military and presidential sides without restrictions. The people of

^١ Personal communication from a member of Kurdistan Democratic Party international public relations office (PRO) in Salahaddien (place and date of interview: Iraqi Kurdistan ◦ April ٢٠٠١)

Kurdistan are working to understand what this means in relation to their own government and how they will need to adapt to the needs of the west in order to prove acceptable. The adaptive needs of Kurdistan are further prioritised by the alliance the west has already procured with Turkey, great abusers of their own minority populations. Basically the more closeness the strategic alliances are between Turkey and West the bigger the threat to plans for political self-determination and finally human rights in general. (Interview with Barzani 9 April 2001)¹

In an interview Mr. Yosef Hanna, President of Assyrian Movement of Northern Iraq, he emphasized that the people of Kurdistan need to be aware, in their relationships with the west, not to ask for too much and all times work to support themselves from within, without resorting to oppression and violence towards their own people. Kurdistan also needs to remember that the priorities of the west lie other than with them. For example at the time of this interview the western democracies were concerned that the issue of Kurdistan should not divert the attention of Syria and Jordan away from making peace with Israel. In reviewing their policy-making the people of the region will need always to look at the priorities of the west before taking steps that may disturb situations in the Middle East. This fact will be politically expedient until such time as the west's power and influence in the region declines. The experience of nations elsewhere in the world is that in order to retain the favour of the western governments the Kurdish administration need not necessarily be liberal or democratic, although they may need to say they are. The most important factor for the people of the region to consider is how they can build a free and profitable society without hampering, too greatly, the economic desires of nations like the West.

¹ Personal communication from Mr. Wajeh Barzani chief of Kurdistan Democratic Party Special Forces, Wajeh Barzani a younger brother of President Massoud Barzani - leader of Kurdistan Democratic Party controls western enclave of Iraqi Kurdistan. (Place and date of interview: Salahaddien - Iraqi Kurdistan 9 April 2001)

According to the major section of the Kurdish leadership, the major consideration is oil, supply and demand. The US and Europe are heavily dependent on this commodity to function cohesively and profitably. Moreover these nations need favourable trade relationships to make a profit, as well as a market willing to absorb their own excess production. To counteract a mirroring of a nation like Saudi Arabia and build a lasting and stable society the people of the region would do well to look towards the industries of the future. The Kurds must not become complacent, relying solely on oil, but rather invest oil profits (should they be given the chance) in industries like biotechnology, nanotechnology industries that will place them economically independent of oil revenues. (Interview with Yosef ١٤ April ٢٠٠١)^١

Mr. Zibari, Iraq foreign Minister and former head of the Kurdistan Democratic Party international public relations (KDP), and also Member of KDP politburo committee, in a personal interview I conducted with him, explained just how dependent the people of Kurdistan are on continued international support and the line the Kurdish leadership perceive they have to follow in order not to jeopardise not just political support but direct funding from international organisations. Without funding and the presence of NGOs the Kurdish administration runs the risk of becoming closed to the west, like many other Middle East states, this can become a dangerous political predicament as has been made evident by US policy towards a nation like Iran for example. The Kurds continued attempts to be identified as a proper administration and to be recognised as such have so far met with resistance from the west. The Kurdish leadership recognized to act cohesively to obtain support for their elected government much in the same manner as the Palestinian Liberation Organisation. Even this kind of recognition from bodies like the UN will not necessarily pave the way for the people of the region to succeed politically. The people must understand that at present they would do well to please the

^١ Personal communication from Mr. Yonadem Yosef Hanna head of Assyrian movement of northern Iraq (place and date of interview: Iraqi Kurdistan ١٤ April ٢٠٠١)

dominant powers like the US, Britain and France, while maintaining high standards as regards issues of human rights. As this thesis has indicated already, human rights are secondary in importance as far as politics are concerned; the US for example sees no reason not to support nations like Turkey. Any Kurdish administration needs to play a clever game, keeping the west satisfied whilst quietly developing socially and economically and refusing to acquire the trappings of a police state. This will mean focusing all monies on education and investment in future profit industries like, micro technology. (Interview with Zibari 10 October 2002)

Turkey and the Safe Haven

In one sign of Turkey's wariness of any step which might give an appearance of independence for northern Iraq, Ankara has for years forbidden members of non-governmental organisations from crossing into the area from Turkey. According to Turkish Daily newspaper Hürriyet (12 September 1994), in the last five years, Ankara has introduced restrictions on the passage of NGO's and that the European countries and the EU as a whole have presented demarcates to Ankara to allow the passage but unfortunately no NGO has been successful so far. Obviously, Ankara has a concern that an independent entity might be established and that it gets assistance from the outside world this is one of the perhaps an explanation for Ankara's actions. Whether such progress in northern Iraq could ultimately come back to worry Turkey is an open question. All parties in the region the Iraqi Kurds included say they want Iraq to remain a single state. But how much autonomy the newly prosperous and self confident Iraqi Kurds may demand or obtain from any final solution of the Iraqi crisis has still to be negotiated. Can an independent Kurdish state be established in

¹ Personal communication from Mr. Hoshiyar Zebari - Iraq foreign Minister, a former director of the Kurdistan Democratic Party foreign relations and also a member of KDP politburo committee (place and date of interview: Iraqi Kurdistan: 10 October 2002)

northern Iraq and does the west want to give life to such a state? Turkey stands against such an entity. Thus there is a de facto position in northern Iraq. There is a Kurdish structure, independent from Baghdad administration in the region above 36th parallel. On 12 September 1994, it was reported that, "Turkey has increased its raids in northern Iraq against PKK positions in the past month in an attempt to flush out militant of this group, who are fighting a bitter and bloody separate war in Southeast Anatolia, from the region. Analysts say the raid is a message to the carious Kurdish organisation in the region that as long as PKK militants are tolerated in the region Turkey will continue the raids. (Hurriyet Newspaper 12 September 1994)"¹

On 10 March 1996 Turkish diplomatic sources mentioned that Turkey supports the idea of a dialogue between the Baghdad administration and Kurdish groups for re-establishment of territorial integrity and sovereignty of Iraq by ending the current situation in northern Iraq. (Cumhuriyat newspaper 10 March 1996)"²

According to Gaqlayan;

"Iraqi Turkmen groups backed by Turkey applied to the State Department of the USA to be participate in the second Dublin meeting, which will be held within this month. Also they are to meet with the Ambassador Onur Oyman who is also an advisor of the foreign ministry to ask foreign minister's support on this subject. On the other hand Iraqi national Turkmen party issued a report headed by views on Turkmen and Iraq and submitted this report to president

¹ Hurriyet newspaper "Kurdistan Democratic Party Blast Talabani for Alleging Bias by Ankara in Iraq." The northern Iraqi Kurdish group says Ankara has been balanced in dealing with the region's Kurds (12 September 1994)

² Cumhuriyat newspaper, Ankara - Turkey "KDP, Western Countries Should be our Guarantors" (10 March 1996) at p. 1

Demirel, Prime Minister Ciller and Foreign Minister Inonu.”
(Gaqlayan ° September 1995)¹

Dogan has examined further that while the political traffic has been intensified in Ankara there was an unexpected development behind the curtain. During the meeting of the Deputy United States State Department, Halbrook with president Demirel, Halbrook said that, it is hard to topple Saddam. Even if he would, it will be very difficult to establish a democratic regime. Probably the best solution would be a federal status in Iraq. Demirel replied the above statement, as the territorial integrity of Iraq should be protected. Demirel has passed on this issue to motherland party’s (ANAP) leader Mesut Yilmaz. Yilmaz has strongly reacted and said that the issue boils down to the establishment of an independent Kurdish state and we are being instrumental for this. (Dogan 1995: 1)²

On 4 of September 1995 Ecevit Turkish motherland political party leader shared Demirel’s view on Iraqi Kurdish administration. Accordingly Bulent Ecevit, at the press meeting held in the parliament, said, “that the Southeast issue is an economic one.” Ecevit stated that he shares Demirel’s view concerning with Southeast and northern Iraqi issues. Nobody believes the statement that the Iraqi territory cannot be divided. Iraq is a state, which has been actually divided. It is known that the USA has a plan to establish a satellite Kurdish State under her protection and mandate in northern Iraq. This plan is realised by the assistance of Turkey, therefore new attempts are being made concerning the establishment of a new state structure in northern Iraq. Bulent Ecevit said. The latest developments in Iraq would

¹ Selling Gaqlayan “Turkey is Being to Loose Her Influence in the Region.”
Turkmen Dublin Attempt, Hurriyet newspaper (Ankara, Turkey: ° September
1995) at p. 1

² Yalcin Dogan, article diary and Milliyet newspaper “A Cold Shown in Ankara
Demirel: I am Worried about a Kurdish Federal Solution.” (Turkey: 6
September 1995) at p. 1

have not met by chance. Responsibility of Turkey's border security cannot be given to Barzani's Peshmerges.

“I suggest to the government that Turkey should immediately exit from northern Iraqi issues. Turkey should say that I am not interested in northern Iraq. It is not my business, said Blunet Ecevit.” (Milliyet 9 September 1990)¹

Karadjis says that while the conflict between Iraq and the United States has led Western governments and media to feign some sympathy for the Iraqi Kurds, they totally ignore the plight of the Kurds in other countries, particularly in Turkey. Until two years ago, it was illegal for Kurds in Turkey even to call them Kurds. They were mountain Kurds according to the official line. Then president Ozal made it legal for the first time for Kurds to speak their language in their homes. The Turkish regime receives about \$1 billion annually in United States foreign aid, third behind Israel and Egypt. When the regime massacred Kurdish civilians in their New Year celebrations last year, the Bush government gave complete support to the regime's struggle against terrorism and the Washington Post warned that any international efforts to comfort

the Kurds must not swing away from Iraq, said Karadjis. (Karadjis 2000: 1-2)²

Dogan believes a solution to the Kurdish question must look to allay the fears of a state like Turkey because of its large Kurdish minority. Without addressing these concerns the future of the Middle East will continue to hang in the balance because of the nations large military capacity. Just like the Kurds, although they themselves only desire it because it is the most practical solution, at present the Turkish government would prefer the region of Kurdistan to be incorporated into a sovereign Iraq. On the other

¹ Milliyet / Hurriyet / Sabah “Ecevet Shares Demirel's View” we are pulled into a trap (Turkey: 9 September 1990)

² Michael Karadjis “Kurdish Protest in Sydney UN Building” (Australia: 10 January 2000) <http://jinx.sistm.unsw.edu.au>

hand Demirel stated other issue: Upon PKK's settlement in Iran and carrying out a military operation had been decided. Dogan further more notes:

“Turkey prevented such an operation. Although being against to Iran would not be true. Not one there are many serious developments. But the most important one is the USA's federal solution idea. USA strongly insists on it. Turkish administration has an historical responsibility.” (Dogan ٦ September ١٩٩٥)^١

According to Arabic news line (December ٢٦, ١٩٩٧) it is unfortunate that the people of Kurdistan must consider this influence but such is the state of the international community that it appears to be the most practical. In this way the Kurdish people can at least further an ultimate goal of self-determination. The people of Kurdistan are at present reliant on Turkey for the US's and British continued use of air bases in south east Turkey for their protection and this is why they must concede to the international political situation. The deployment of foreign forces in Turkey requires Parliament's permission; therefore the government yesterday asked Turkish deputies to approve an extension before the current mandate of Northern Watch expires on December ٣١, ١٩٩٧. (Arabic news ٢٦ December ١٩٩٧)^٢

Arabic news line published further reports on ٢٦ December ١٩٩٧ confirming the multinational air force operation consisting of U.S., British and Turkish air units operating over Kurdistan Region of Iraq was extended for the next six months by the Turkish parliament. The motion is passed;

^١ Yalcin Dogan, article diary and Milliyet newspaper “A Cold Shown in Ankara - Demirel: I Am Worried about A Kurdish Federal Solution.” (Turkey: ٦ September ١٩٩٥) at p: ١

^٢ Arabic News & Voice of America “Northern Watch Mandate Will Continue for the Next ٦ Months.” (Turkey: ٢٦ December ١٩٩٧)
http://www.hri.org/news/usa/voa/١٩٩٧/٩٧-١٢-٢٦_voa.html

“Parliament Speaker Hikmet Cetin said, the mandate for the joint US, British and Turkish force based at Incirlik air base in south-eastern Turkey was last renewed in June of this year by Turkish deputies. Northern Watch replaced the Operation Provide Comfort force for northern Iraq, which was first established in 1991 after an Iraqi uprising was suppressed by Iraqi forces loyal to the Iraqi government following the Gulf War in 1991. Northern Watch was deployed to protect the 3 million Kurds in northern Iraq from any attack by forces loyal to the Iraqi government.” (Arabic news 27 December 1997)¹

Recknagel argues that if the truth were known the U.S. could probably successfully demand the complete submission of Turkey to requests to use airbases but this would not be a better solution to the Kurdish situation and would aggravate relations in the Middle East. Again the question the international community needs to address is one of economic and military pressure that exerts its influence and affects people in nations outside and far removed from the borders of powerfully manipulative regimes Turkey is set to allow diesel smuggling from Iraq to fully resume soon, reversing an earlier decision to reduce it. Charles Recknagel reported in the second of a two part series on diesel smuggling, the trade helps Turkey exert influence in Kurdish controlled northern Iraq stated. (Recknagel 2000: 1-2)² If such influences could be removed it would prove far more useful for societies, like the Kurds, wishing to develop as independently as possible from the machinations of the current world order.

According to the Journal of Armed Conflict Law (1996) the Turkish military action in Northern Iraq constitutes yet another

¹ Arabic News, Turkish Military “Northern Watch Mandate Will Continue for the Next 6 Months.” 27 December 1997
<http://www.arabicnews.com/ansub/Daily/Day/971227/19971227.7.html>

² Charles Recknagel, Radio Free Europe “Ankara Builds Influence in Northern Iraq.” (Turkey: 3 August 2000)
<http://www.rferl.org/nca/features/2000/08/F.RU.000803124440.html>

instance of extra-territorial use of force against armed bands, in addition to similar cases formed action in state practice. A first conclusion to be drawn is that the use of force against armed bands on the territory of another state under the justification of defensive action has been asserted consistently by a number of states. It is significant that action is claimed to be taken against the guerrillas as such and always by asserting the complicity of the host state in the activities of the armed bands.¹ At the same time third state the majority of cases objected to such action. While the activities of the guerrillas are not disputed, the lawfulness of the purported defensive action on the territory of the alleged assisting state is.

This seems to suggest that while action against the guerrillas alone may be a matter of indifference (with the possible exception of the so-called national liberation movements) for the best part of the international community, it is not so when such action take place on the territory of another state. For in this case there is prima facie violation of the rule of non-use of force. This is by passed by invoking the right of self-defence. The plea of self-defence in such cases seems to serve a two-fold purpose. First, the immediate necessity for action is based strictly on the activities of the guerrillas themselves. Secondly, the use of force against them in another state is justified on the basis of often-vague claims of complicity of the alleged assisting state in the activities of the armed bands. It appears that it is the second basis that is mainly disputed, especially on the part of the allegedly assisting state.

¹ There are now about 12 million Kurds in Turkey, yet the Turkish government denies their existence as an ethnic group. Their language, culture and traditions are still forbidden according to laws enacted during Kemal Ataturk's time at the beginning of the existence of the Turkish Republic in 1922. During the last decade, while the Kurdish armed resistance movement in the north of Iraq was operating, there were many occasions when negotiations between the Turkish government and its neighbouring Iraqi government were conducted to collaborate against a growing Kurdish resistance movement in Iraq. For more details see facts about Kurdish refugees from Iraq in Turkey "Report on a Journey in Turkey 20th Nov – 17th Dec 1988 to Investigate the Situation of Kurdish Refugees from Iraq in Turkey" prepared by Abdulbaghi Ahmed doctor of Medicine, committee member of Kurdistan Medical Association in Sweden (KLF-S) Stockholm April, 1989

Moreover, what adds to the objection to such action is the manner in which operation against the guerrillas on the territory of the host state take place. So long as the guerrillas and the state from where they mount their operation are identified as joint authors and source of use of armed force, and purportedly defensive action is direction against the host state as such, then it is unlikely that extra territorial use of force against armed bands should be unreservedly accepted as part of general international law.

These factors and facts about nations should be remembered when casting stones at Iraq for causing a refugee crisis that impacted the international community. The nations could easily argue on the lines of the UN more precisely reasoning about refugees that it has the right to invade Turkey if it wanted to. (Antonopoulos 1996: 52, 27, 51, 55)¹

The Kurdistan Democratic Party office in Ankara issued a press release on December 5, 1996 stating that Turkey does not recognise official names that include the word Kurdish. They are wary of any step, which might give an appearance of independence for northern Iraq. Taieb, Governor of Dohuk, told me in an interview I conducted with him in Dohuk that the Turkish army continues its military operations in the border areas. There are reports that they have restricted humanitarian activity and that some civil servants find it difficult to function in these areas, he said.

Saddam destroyed approximately 4,000 villages and of those 776 were in our governorate.² The aid agencies have managed to

¹ Dr. Costas Antonopoulos "Lecturer and Research Assistant in Public International Law in the Faculty of Law, Democritus university of Greece "Journal of Armed Conflict law." Volume 1, Number 1 (June 1996) at pp: 52, 27, 51, 55

² Northern Iraq is home to hundreds of thousands of internally displaced Kurds. For more details see the desk study on the environment (UNEP) in Iraq. This UNEP desk study provides rapidly assembled information concerning the environment in Iraq. Based on this initial overview, UNEP believes that more through assessments should be carried out at field level, and that action to address environmental concerns should be an integral part of post conflict clean up and reconstruction efforts. First published in Switzerland in 2002 by the United Nations Environment Programme. cover design and layout: Matija

rebuild around ٣٠٠ villages. But there remain more than ٤٥٠ villages to be rebuilt in our governorate, mainly in the border areas. When we asked the international agencies to rebuild or help us to rebuild those villages they refused. They were concerned about the security situation. They do not think that it is safe to work in the border areas. They feel that their lives would be at risk there. Even if they rebuild those villages, they do not feel safe and secure there. We asked for the help and co-operation of the Turkish authorities and the PKK. We reportedly asked them to sort out their problems on their land. We asked not to bring their problems to our territory. Unfortunately their conflict continues to be played out here. Kurdish political leadership mainly KDP blames both sides Turkish government and Worker party of Kurdistan (PKK). Undoubtedly people are unhappy about the internal fighting. It means that we are now living in unnatural political, economical and social conditions. Dohuk governorate has not been affected greatly by the internal fighting. We apply the rule of law. I cannot say that there have not been violations of human rights, because that would not be true, but we are always keen to protect human rights. We have detainees awaiting trial for crimes they have committed. This means that the court and judicial system are working in our city. People here are free to become members of any political party they choose. Different religious groups practise their religious ceremonies freely. (Interview with Taieb ٢٢ June ٢٠٠٠)

Iran and the Safe Haven

In a headline, the Khebat weekly newspaper reported on July ١٩٩٢ that after repeated protests by the Iraqi Kurdish administration, the Iranian government agreed to send a delegation to Erbil in July ١٩٩٣ to discuss the continued attacks on Iranian opposition bases and Iraqi Kurdish villages near the border. The frequent incursions have inflicted significant damage and casualties. Several thousand

Potocnik, Printer: TEX S.A. Geneva printed on Recycled paper Web: <http://www.unep.org/>

^١ Personal communication from Mr. Abdul Aziz Taieb former governor of Dohuk - Iraqi Kurdistan (place and date of interview: ٢٢ June ٢٠٠٠)

people have fled from their border settlements in the latest attack of June ٢٩, ١٩٩٣ Iranian long-range artillery shelled the villages of Boly and Sally in the Qandiel region for nearly five hours. This was the fourth incursion in June ١٩٩٣. (Khebat newspaper July ٢, ١٩٩٣)^١

Cockburn explained that the Iranian influence is one which is far more powerful for the people of Kurdistan because the cultural alignment of the nation is far closer to the Kurds than for example that of Turkey. The Iranians have supported the PKK because they know its weaker standing with the people means that it is a better option if Iran wants to influence the nation according to its own ideals.^٢ Since ١٨ of August ١٩٩٦ the Iranians have entered the conflict directly in support of Talabani's Patriotic Union of Kurdistan Party (PUK) to change the political military balance to their advantage. Kurds are limited and since the United States is not responding even politically and neither the Turks nor the Syrians are understood to support Kurds, the only option left is the Iraqis, says Cockburn:

“The situation began to deteriorate at the end of July ١٩٩٦. The Kurds wrote to Steve Gromon, Director of Near East and South Asian Affairs at the National Security Council, saying Iranian Revolutionary Guards had entered

^١ Article by Kurdistan Democratic Party Khabat weekly newspaper edited by Mr. Ferhad Aonni “Iranian Government Delegation to Erbil” (Iraqi Kurdistan: Issue no. ٢٣١: July ٢, ١٩٩٣)

^٢ On ٤ September ١٩٩٥ Turkish Hurryeit newspaper highlighted, Iran and Syria are supporting the PKK Kurdish worker party of Turkey. One of the authorities of the KDP Brushka Shaways made a statement the French News Agency, AFP and stated that more than ٣٠٠ members of the seperative terrorist organization, PKK, have entered in our region from Iranian border. Iran and Syria are supporting the organization. Shaways also stated that KDP's Ankara based representative Dizayee will meet with the Turkish authorities and he will ask them to initiate talks with Syria and Iran to end both countries support towards the PKK. For more details Hurriet newspaper, accusation from the KDP “Iran and Syria Are Supporting The PKK” (Turkey: ٤ September ١٩٩٥)

Kurdistan in pursuit of Iranian Kurdish rebels. It said Iran approached the KDP leadership on the evening of July ۱۹۹۶ requesting access for their troops to come through Haji Omran but Mr Barzani rejected and refused to offer such access. In the week before the KDP finally decided that it had no choice but to look to Saddam Hussein. We requested the US to send a clear message to Iran to end its meddling in northern Iraq. On ۳۰ August ۱۹۹۶ mediation meeting was held in the U.S. embassy in London, which Mr. Zebari dismissed as a Band-Aid. The following morning KDP guerrillas backed by Iraqi tanks and artillery rolled into Erbil.” (Cockburn ۱۹۹۶: ۱۰)^۱

In an article published by Guardian OPE on September ۱۶, ۱۹۹۶, Yost highlighted that by undermining the activities of the KDP and supporting the PUK, Iran knows that it is contributing to continuing instability in the region and a weak government unable to consolidate its political will. The stronger a government in the region, in terms of being representative of the people, the more it poses a threat to Iran by inspiring a similar move towards independence by the Kurds of Iran. To prevent this from happening and to protect itself from the influence of the US, Iran is doing what it might be expected to do in the face of the massive military superpower. Iran has built a naval force that could temporarily close the Strait of Hormuz, through which one fifth of the world’s oil flows. Iran is also believed to be developing chemical, biological and nuclear weapons that make it a regional and international threat, primarily with the help of China and India. The Clinton administration has tried to deter countries from helping Iran, but from this vantage point, it’s incomprehensible that the Clinton administration hasn’t done more. The Iranians have also developed a significant coastal air defence capability. According to US Navy officials, Iran has tripled its number of SA-۶ surface-to-air missile sites in the past ۱۸ months. And according to US Navy

^۱ Patrick Cockburn “United States Blamed for Causing Iraq Crisis - Kurds Reveal How they Were Thrust into Saddam’s Arms” (The Independent newspaper: ۶ September ۱۹۹۶) at p: ۱۰

officers, these Iranian coastal missile sites often lock onto US Navy aircraft and ships to test their response time. Add to this Iran's recently acquired submarine capability. Tehran just bought number of Russian Kilo-class diesel-electric submarines.

Yost further argued just how dangerous is the Iranian arsenal:

“United States Navy Cmdr. John Christens says that the U.S. Navy views the Iranian threat on three levels. First is the submarine threat but it's not really that significant because we don't think the Iranian crews are that well trained. Also the shallow waters in the gulf aren't particularly good for idling submarines and second are the mine threat. That's significant given the fact that the Kilos can carry 21 mines in place of torpedoes and can lay them without surfacing. But Cmdr. Chris notes that mines are an indiscriminate weapon, unable to differentiate a Kuwaiti and an Iranian tanker. Iran acquired 1,800 mines from the Russians along with the some submarines, according to press accounts.” (Yost, Guardian OPE September 16, 1996 Yost)¹

Clearly Iran is concerned that the US intends to take control and so it is taking steps to protect its economic interests. Perhaps this is why the Clinton administration did nothing since the U.S. administration can in the future use any military stations in Iraqi Kurdistan to launch attacks and wars on Iran. Again this is speculative but it makes sense from a strategic military point of view and explains why Iran sees Kurdistan's growth under western influence as a serious threat to its own sanctity. The fact of the matter as regards Iran and Turkey is that each and every one of the countries that have incorporated parts of Kurdistan has, at different times, practised cultural and physical genocide against their own Kurds. The first offenders were Kemalist Turkey and the Stalinist Soviet Union in the twenties and thirties. At the end of 1989 the Supreme Soviet adopted a resolution admitting illegal and repressive acts, including forcible deportations of 12 nationalities

¹ Mark Yost “Iran, Not Iraq, is the Real Gulf Threat” Guardian OPE (16 September 1996)

in the USSR. The Kurds are amongst those twelve nationalities. Not to be outdone by the others the Ba'athist regime in Iraq refined the process in the last quarter of the twentieth century to include the use of chemical weapons against the civilian population, the destruction of thousands of their inhabitants to an unknown fate. (Badruddin ١٩٩٩: ١٣)^١

According to Al Haiyat newspaper, the meddling of bordering nations in the affairs of the people of Kurdistan can only be stabilised if the international commits itself to understanding the fears of nations like Iran and Turkey and addresses their concerns about the motivation behind the creation of such a Safe Haven. Without encouragement and guarantees that what is happening to day is not simply greedy imperialism then these nations will invariably respond by looking to obtain weapons to combat the U.S. military. This is contrary to international agreement and international law but concurrent with the example set by the west. It is not reasonable to criticise Turkey, Iran and even Iraq until the measures that have been spoken and agreed are put into practice by the nations that dominate international institutions, the nations that initiated and founded the United Nations and proffered it as a model to prevent the excesses of the Second World War. Let us look forward to the day when Iran and Turkey take the responsibility to leave the Kurds alone and to permit them their freedom but let us take the steps that lead nations to follow more positive prospects for the future.

If there are any doubts about whether fear of US military imperialism is the reason behind current tension in the Middle East then one need only look at the responses of the Arab League to US presence on the region:

“On ٢٣ July ١٩٩٨ United States intervention in northern Iraq draws strong criticism. The Arab League has strongly

^١ Salah Badruddin “West Kurdistan” translated by Ahmed Shawkat – social, political and historical study about Kurds in Syria. Published by Kawa-Verband for Kurdish culture e. V. Bonn-Deutschland ISBN Adenaer-Alle ٥٤, ٥٣١١٣ (Bonn-Germany: ١٩٩٩) at p: ١٣

condemned the visit made by the U.S. under Secretary of State David Welch to northern Iraq. The Assistant Secretary General for political affairs Muhammad Zakaria Ismael described the visit as a cheap attempt to interfere in the internal affairs of Iraq, adding that it is a United States attempt to undermine Iraq's unity. This United States measures do not help in restoring stability to the region, the Al official said. He stressed the Arab league's commitment to preserving Iraq's unity, independence and territorial integrity." (AlHaiyat newspaper July ٢٣, ١٩٩٨)^١

The paper (AlHaiyat) called upon the UN to take a firm stand against these act, condemn them and force the countries concerned to abide by honouring Iraq's sovereignty. The paper added that the objective of such activities is to prevent the Iraqi Kurds from maintaining an agreement with the legal authorities and to perpetuate the Iraqi authority absence from the northern part of the country. The United States official added that such co-operation is banned by UN resolutions. Although that sanctions imposed on Iraq will not be lifted and United States will not discuss with Iraq it's lifting before it commits itself to all UN Security Council resolutions. (AlHaiyat newspaper July ٢٣, ١٩٩٨)^٢

The Arab League understands that there is a detailed military program affecting their choices and freedom to conduct business with the sale of their oil supplies. It is quite true in this respect that the US is ready at a moment's notice to strike at military targets within Iraq. If this is the case then it is impossible not to suppose that they likewise have military plans to eliminate non-Iraqi targets in any long-term Middle East project relating to and pertaining to procuring US economic interests. Chris Plante further noted:

^١ Arabic News "United States intervention in Northern Iraq Draws Strong Criticism." Iraq, Politics ٢٣ July ١٩٩٨)

<http://www.arabicnews.com/ansub/Daily/Day/٩٨٠٧٢٣/FP.html>

^٢ AlHaiyat Newspaper "United States intervention Draws Strong Criticism." Iraq, Politics ٢٣ July ١٩٩٨)

<http://www.arabicnews.com/ansub/Daily/Day/٩٨٠٧٢٣/FP.html>

“The Pentagon says attack on Kurds would prompt United States military response. The United States has developed highly classified plans for at least three days of intense attacks against Iraqi military targets if President Saddam Hussein’s military strikes at the minority Kurdish population in northern Iraq this fall, defence department sources said.” (Plante: ٦ September ٢٠٠٠)^١

The United States maintains a carrier battle group in the Gulf at all times to provide air power for enforcement of the southern no-fly zone and to keep a high profile United States presence in the region. Pentagon officials said at the time that the strikes set back by about two years Iraq’s efforts to develop weapons of mass destruction and greater ballistic missile capability continues. There has been speculation that the United States might respond militarily to an anticipated Iraqi refusal to allow United Nations arms inspectors back into Iraq, but Pentagon officials said such a proposal was opposed by important U.S. allies including Saudi Arabia, which provides bases to United States and British warplanes patrolling Iraq’s southern no-fly zone noted Chris Plante. (Plante: ٦ September ٢٠٠٠)^٢

A recurring theme in this thesis, weapons of mass destruction and military imperialism, looks set to impact the lives of the Kurds since more and more are finding their way to within striking distance of the region. What will be the outcome of military build up in the area? Can we afford to take the risk of an uncontrollable eruption of military activity in a primary source of the world’s energy requirements?

^١ Chris Plante “Pentagon Says Attack on Kurds Would Prompt United States Military Response.” ٦ September ٢٠٠٠) at p: ٢
<http://cnn.com/virtual/editions/europe/٢٠٠٠/roof/change.pop/frameset.exclude.html>

^٢ Ibid, at p: ٣

Chapter 1.

What could happen?

Looking to the Future – International Relations Theories

Hopefully this thesis has now shed some light on the history of the Kurdistan area, and where the problems lie with its future, but what is to be done now? What hope is there for the future? How can the international community ensure that any action it takes is in the best interests of the Kurds? How can the spread of weapons of mass destruction be combated, and their use against the poor and defenceless of the world be brought under control? How can funding be sourced to shape policies that form lasting peace and stability? What lessons can be learned from the mistakes made in Kurdistan, Kosovo and Bosnia? What lessons can be brought to bear in the future when interventions take place.

Some international relations theorists argue along the lines that certain crimes like genocide, slavery and widespread torture justify humanitarian intervention and others insist that there are no persuasive grounds for legitimising humanitarian intervention under any circumstances. Governments in general, with the exception of the US and Britain, until recently argued the latter point of view and most judiciary bodies also followed this line. Dodd argues indeed, that under the auspices of the UN Charter and international law there is no strong argument in favour of the creation of any more Safe Havens without serious reflection and academic research. If we, as an international community, assert a right to forcible intervention to protect the nationals of another country from atrocities then we must investigate all the causes

behind such atrocities and seek to remove them. Displacing tyrant governments seems to be a worthy cause but who placed them in power in the first place? Certainly it was not the people of those nations in most instances.

Dodd's work gives a good overview of the studies in comparative politics and political development. He argues that if a nation can be formed without the influence of its people then it follows that the means of sustaining power must come from outside influences. Moreover nations that are supporting imperialism should look to the resources they are wasting in sustaining such foreign governments. Disputes over the legal status of humanitarian intervention in the recent past have shown an ability to view the wording of legal documents from different points of view; the U.S. current argument about UN Resolution 1483, being all it needs to mount an attack on Iraq, is a case in point. Elsewhere under Article 51 of the UN Charter it is clear that all member states are not permitted to threaten or use force against the territorial integrity or political independence of any state without Chapter VII of UN Charter¹ or agreement. The notion that making weapons of mass destruction and that terrorism represents a threat to national security, and as such offer a pretext to war, is a concocted argument to overcome the UN Charter and permit a military free-for-all.

This argument plays on the UN Charter explicit concession that a nation has a right to self-defence, and the American's were able to use September 11th to indicate they were under threat. Is a nod from the Security Council all the US needs to launch an attack that will undermine the Safe Haven? Or is all they need congressional approval? The Security Council, according to its current structure, can be used as a legitimatising mechanism to authorise the use of force if only certain nations would not stand in the way. But certain

¹ Chapter VII of UN Charter: The section of the UN charter that enables the Security Council to authorize measures to maintain or restore international peace and security, including military operations (Article 42). Article 41 from this chapter allows for the establishment of sanctions regime. Chapter VII action with respect to threats to the peace, breaches of the peace and acts of aggression. <http://www.un.org/aboutun/charter/chapter7.htm>

European Nations are refusing to go along with the U.S. regarding the requirement for war, without significant further evidence, and that may lead to conflict with the US. If this becomes the case then I believe the UN will truly cease to function.

Under the UN Charter, human rights were fundamental and non-negotiable but this inflexibility of doctrine now reflects a lack of wisdom as in fact they can now be used as a propaganda tool, rigid and static and contrary to the aims of what should be a world organisation that develops like an organism. The improvement in Kurdistan was an incidental positive by-product that can now be encouraged, but more military action in the region cannot and could not guarantee this continuation. Dodd further more notes:

“The factors that will govern response to a justification grounded in concern for human rights have been enumerated in many scholarly works. Obviously, they include exhaustion of alternative remedies, severity of the human rights violations, the diversity of the intervening Forces, the relative prominence of the humanitarian motive, the effect on human rights in the target country, and the consequences of intervention for its political independence and territorial integrity.” (Dodd 1972: 30, 33)¹

The last factor is particularly troubling; for usually there is a connection between the severity of violations and the irremediable character of the delinquent regime. Should any government risk the lives of its own citizens to achieve a temporary cessation of a slaughter likely to be renewed? If we believe that in certain ineffable cases the dangerous expedient of humanitarian intervention should be attempted, we should concede the probable necessity of reconstructing the political order. It is true that the claims of human rights are becoming more effective. National sovereignty is one of the many shapes beginning to dissolve. The

¹ Ch Dodd, professor of political studies “Studies in Comparative Politics - Political Development” (University of Hull, Britain: Macmillan press ltd: 1972) at pp: 30, 33

law, even as traditionally perceived and proved, is changing. (Dodd 1972: 30)¹

This is a very positive view of developing human rights law and perhaps the truth but it will only remain so if we all continue to take an interest and research that our own governments are doing to promote democratic policies. According to some humanitarian intervention theorists it is only suitable to interfere with “uncivilised” states. Later in this chapter the thesis discusses orientalism but to even begin to define an uncivilised state would lead us off track in the creation of new international laws, if we accepted past scholarship on the topic. The international community would need to look very carefully at its death penalty and prison conditions in some states, before it would be appropriate to criticise Middle East Islamic law. Such US legislation is in fact democratic, just as it would similarly most likely form democratic policy in Kurdistan. Human rights theories are perhaps best kept, as theories until such a time as peoples are ready for them. The only contingent should be that the people must decide if they want those policies. Genocide, ethnic cleansing (McDowall 2000: 3-4)² and

¹ Ibid, at p: 30

² During the Anfal campaign approximately 200,000 Kurds are believed to have perished. Some were killed during army assaults. But the vast majority, the adult and teenage male population were driven to their fate at the execution grounds at Ramadi South of Iraq. Moreover the systematic destruction of Rural Kurdistan was completed, with the raising of virtually every village (approximately 4,000) and several small towns, of which the most notable was Gala Daza a Kurdish town near to Iranian border in the north. Approximately 60,000 Kurds found their way into Turkey, and some 100,000 fled into Iran where there were already some 100,000 from before 1988. Turkey accepted these fugitives with great reluctance, conscious of their potential effect on Kurdish sentiment inside Turkey. As in Iran they were put into camps from which their movements were highly restricted. For further details see McDowall, David “A Modern History of the Kurds.” (Amazon publications: London 2001) at pp: 3-4

<http://www.amazon.com/exec/obidos/tg/detail/-/180437033/1-2-7417174-92329.7?v=glance>

mass torture have never as yet been opted for by democracies within their own borders.

Intervention can perhaps be legitimised by multilateral state agreements provided there is a bias in favour of local democratically elected decision-makers as to what form the intervention took. In this case the U.S. could approve of intervention to protect people but Middle East states would have the main responsibility in choosing how to prevent crimes from a prescribed set of options available for all international situations and decided by a democratic UN. If such protective measures are not taken then we have adequate historical evidence of how such humanitarian legislation can be abused. Damrosh and Scheffer added:

“Humanitarian intervention involving the use of force in the internal affairs of other peoples in the name of human purposes has been extensively employed. The doctrine was one of numerous theories that served to justify the enslavement of uncivilised peoples. European powers, in the name of human ends and under the pretext of protecting ethnic religious minorities, fought to divide, and divided, the already divided world.” (Damrosh & Scheffer 1991: 200)¹

The right of intervention was officially reflected in many international agreements and treaties of that period. For instance, the Act of the 1878 Berlin Congress granted the great powers of the time the right to monitor Turkey’s fulfilment of its obligations to improve the well being of the Armenians and to defend them from the Circassians and Kurds (Article 61) this provision served as the formal ground for England’s interference in the internal affairs of Turkey. Professor Brownlie, in analysing the foreign policy practices of states during the nineteenth century, concluded that in fact no intervention was undertaken for humane purposes

¹ Lori Fisler Damrosh & David J. Scheffer “American Society of International Law - Law and Force in the New International Order.” (Boulder. San Francisco, Oxford, West View Press: 1991) at p: 200

with the exception, perhaps, of the occupation of Syria in 1960-1961.

Thus, the response of the world community to violations of human rights and freedoms may manifest itself in various forms. However it should be taken into account that measures employed must completely exclude humanitarian intervention involving the use of armed force if the Security Council does not appropriately authorise it.¹ The protection of human rights is, of course, one of the purposes of the United Nations, but the powers of the Security Council under Article 39 are not co-extensive with these purposes. Those powers are limited to cases of threats to the peace, breaches of the peace and acts of aggression. But an overwhelming majority of contemporary legal opinion comes down against the existence of a right of humanitarian intervention, for three main reasons: First, the UN Charter and the corpus of modern international law do not seem specifically to incorporate such a right; secondly, state practice in the past two centuries, and especially since 1945, at best provides only a handful of genuine cases of humanitarian intervention, and, on most assessments, none at all; and finally, on prudential grounds, that the scope for abusing such a right argues

¹ Towards a strategic approach to humanitarian intervention - any policy of humanitarian intervention designed by the international community must be based upon sound, realistic strategic planning, not simply high sounding phrases or the good intentions of idealistic academicians safely removed from policy making positions and battlefield risks. The nature of the crisis must be accurately identified, the means of power matched to the political ends, and the likely dilemmas correctly anticipated. But the prerequisite to all this is placing the problem in its proper geostrategic context. For more details see a report published by Dr. Kenneth J. Campbell "The Role of force in Humanitarian Intervention". Kenneth J. Campbell is an assistant professor of political science and International Relations University of Delaware and is also a member of the University's honor faculty. See also Dimitri K.Simes, "There's No Oil in Bosnia" New York Times, March 10, 1993, A19; Ronald Steel, "Bosnia - Their War, Not Ours" New York Times, May 22, 1993, E10

strongly against its creation. (Damrosh & Scheffer ۱۹۹۱): ۲۰۴, ۲۰۹)^۱

According to Jmor the people of Kurdistan have every right to ask the international community to intervene with Saddam Hussein and to give them real support to help them fund their own sustainable developments projects; to refrain from undermining agriculture with the Oil for Food program and destroying local subsistence agriculture to be replaced by dependency on western exports. That is not to say that the Kurds are not currently happy with the Oil for Food program, it is just that it must not be taken away to reveal that in fact the UN has simply destroyed independent means of survival for the Kurds and other living in Iraq leaving them vulnerable to the demands of large companies, like the nations of the Third World.

Jmor also argues that as the media continues to dictate our responses to humanitarian crises by selectively airing the ones in regions strategically useful for global military and economic institutions, the issue of the legitimacy of actions by the United Nations needs to be freshly articulated in new laws and conventions. So what would those legitimate laws and conventions be? The thesis has suggested more decentralised and local solutions. The current legal mechanisms offer some grounding in that they respect self-governing entities but now those entities must be seen to represent people and not parties and organisations; elite groups must forfeit their entitlements that place them over and above universal jurisdictions. For war crimes or genocides^۲ that

^۱ Lori Fisler Damrosh and David J. Scheffer “American Society of International Law - Law and Force in the New International Order” (Boulder. San Francisco, Oxford, West View Press: ۱۹۹۱) at pp: ۲۰۰, ۲۰۴, ۲۰۹

^۲ War crimes are serious violations of the rules of war (see Hague Conventions and Geneva Conventions) Such as an attack directed specifically against civilians. Genocide is a crime against humanity which, contrary to war crimes, is infeasible. This means that legal action can be taken against the perpetrators of genocide regardless of the time that has lapsed since. The

need attention, a flexible norm must be invoked that details and outlines abuses that require intervention. Such criteria could be based on the level of outside influence corresponding to violations. This would require a broad and non-specialised understanding by the public and by their representatives of the historical, economic and cultural ideologies that can be seen to influence the rise of and maintenance of dictators and brutal regimes. The facts will speak for themselves in that it is rare that an informed public will elect a monster, but that outside governments have done so. International organisations need to take responsibility for having caused an atrocity and admit that the people in question (Kurds, East Timorese, Columbians, Chileans etc...) will conceivably never be able to counter the weapons sold to the leaders by the international community. In admitting this they must appreciate that they need to act to remove the threat and then let the people rebuild their economies without tying them into impossible debts. (Interview with Jmor, Geneva, 23rd May 2002)¹

However a legitimate basis for multilateral humanitarian intervention is possible. The notion of immoral and uncivilised regimes belongs firmly in the dustbin of contemporary history. The demons we create are our own and they must be exercised or at least divided into manageable parts, made small and placed in the hands of local democracies. These democracies may be unpleasant up close for some, but if we permit free cheap travel and

term genocide includes all acts (Murder, Grave Violations against Physical and Mental Integrity, Forced Removal of Children) committed with the intention of destroying all or part of a national, ethnic, racial or religious group. The attempt by the Nazis to exterminate the Jews during the Second World War and the massacre of Tutsis by extremist Hutu militia forces in Rwanda are considered acts of genocide.

¹ Personal communication from Dr. Salah A. Jmor, Kurdish representative to UN and other international organizations in Geneva 1982-1992, involved in UN conferences such as the commission on human rights, UNHCR's executive committee meetings, UNICEF, UNDP, ILO, FAO, WHO, WTO, OCHA, etc. Also co-ordination of activities with NGOs and other specialized organizations such as ICRC, and preparing reports, lobbying, participation in committees and technical ad-hoc committees, coordinating with secretariat staff.

communication, but not necessarily trade, for all between them then perhaps they will all grow in harmony. The universal speeches on human rights must be moderated to incorporate the use of more pluralistic anecdotes. The politicians must not be trusted to do their jobs well; the people should educate themselves in order to reach conclusions such as stopping buying McDonalds and choosing to start buying locally produced goods. There is no place for a universal law that transcends pluralism and reaches out to embrace us all because in fact such ideologies throttle democracy and centralise power.

If the legal status of humanitarian intervention is contested, debate is welcomed and the ideas put to the vote then there may be justice for all. Then perhaps intervention may not violate custom and diversity as well as reasoned and flexible international laws. Focusing those laws to uphold the rights of individuals as opposed to the rights of organisations and states will aid and assist the case for human rights without use of military force. Perhaps at this stage in the future of international relations theories there will be a place for a Bill of Rights. When governments and media cry for something to be done let us all question what is being done. Instead of siding with those who want to go to war, ask where did the guns come from? Instead of accepting cheap imports and cheap oil ask where it comes from. Who pays when we go to war in the name of humanitarian aid? Who do we rescue and for how long? To whose benefit is it to go to war?

A new UN cannot and should not do everything. On the contrary its responses should be minimal and collectively agreed. There is no magic absolute power and the great lie of world organisations is that they offer us this. I believe that people do not need to be taken care of but left alone to help themselves, without interference from economic and military giants; they will do the best they can. Empires always fail but society grows and grows and evolution finds a way. Any being, if it varies however slightly in any manner profitable to itself, under the complex and sometimes varying conditions of life, will have a better chance of surviving,

and thus be naturally selected. (Interview with Jmor, Geneva, 23rd May 2002)¹

Williams expressed that the great powers of the world would do well to remind themselves that just like the dinosaurs they will become extinct unless they release some of that power and focus on the damage their economic and military policies stand to do to the world as a whole. States and international organisations must come to exist for the well being of their people. They should not offer protection; instead they should be manipulated to remove the need for it. In other words, the state should no longer be entrusted with the lives of its people but offer a mechanism to prevent stagnation by communicating ideas with other regions prepared to share knowledge and advances in science, art, medicine etc. With few or no weapons in the world capable of inflicting massive damage we can worry about the cure for minor social ailments rather than invasive cancers. In this way the inhabitants of a state become as free from internal persecution and external persecution as they choose to be and if they do not choose favourably then they will not adapt and survive. Once the people have taken power into their hands it will become their collective choice as to what they do with it, and that is good democracy.

The people can then choose to turn over part of their sovereignty over to organisations that can offer the benefits of working pan Middle East, pan-European and engaging in peaceful activities, which will provide for the extra comfort of all individuals. This would cause nations not cooperating at the wider level to be inspired to do so without being forced to do so. Such agreements would have to meet the conditions of the locals and the loan of

¹ Personal communication from Dr. Salah A. Jmor, Kurdish representative to UN and other international organizations in Geneva 1982-1992, Dr. Jmor played a major role in co-ordination of activities with NGOs and other specialized organizations such as ICRC during 1991 refugee crisis in northern Iraq, and also preparing reports, lobbying, participation in committees and technical ad-hoc committees, coordinating with secretariat staff. (place and date of interview: Geneva 23 May 2002)

powers would be conditional on the promises made, always leaving an escape clause. There is no sense in forcing people to work together; the results are always bad. There are plenty of theories, good and bad, that can be used to debate the future structure of international judicial, legislative and political bodies. Williams added:

“A state, which fails to hold together internally, is also one that will fail to contribute to a working international order as we have seen in the case of Iraq and its Kurdish problem. In line with his general political philosophy, which commends diversity, Aristotle has a number of responses to the issue. According to Aristotle it is difficult for the rich and well off to follow reason since they already have so many of the good things in life: equally it is difficult for the downtrodden and the poor since they have to do without so much. Yet perversely it is the middle section of society that for Aristotle is best suited to govern that least wants to hold office. In the best form of state, ruling is regarded as a common task, not be carried out by all, but in which all feel they have a part. A state without such an atmosphere of friendship will find it difficult to govern. Sharing is a token of friendship; one does not share even a journey with people one does not like.” (Williams ۱۹۹۲: ۲۰)^۱

According to this analysis, in order to create a successful governing system that is fair you need a mid-range income group who are interested in the political climate enough to run it and you need participation by all groups of society. In today’s modern world nothing like this kind of power sharing and wealth distribution has been achieved; in fact the reverse is true and today wealth is distributed more unevenly than at any time in history. Aristotle’s notion of effective government is most interesting. In Howard Williams view a balanced and successful international order can be attained only where individual states are effectively

^۱ Williams, Howard “International Relations in Political Theory.” Open University Press, Milton Keynes. Philadelphia (London: ۱۹۹۲) at p: ۲۰

ruled. A badly governed state, like Iraqi Ba'ath regime is likely to have poor relation with its neighbour's. Effective government is a partnership. Friendship is essential to make the relation-ship work well. Leaders drawn from the middle will not induce hostility from other ranks in society. Darwin has identified:

“Aristotle’s view might lead us to argue that power in Third World states might now best fall into the hands of the middle class but in Third World states it might be that people are either absorbed into the modern economy and extremely rich or in the native section and extremely poor. Following this line of reasoning we might expect only poor governments from states in this situation.” (Darwin. 1859: 21-22)¹

Clearly then a situation of world stability and peace would need to address the questions of wealth disparity throughout the world. Nations with excess wealth would need to realize collectively that too much wealth is actually detrimental to a nation’s political freedom. This would mean reversing the influence of economists in political circles in nations where numbers mean more than people. The problem of systems based on measuring success on the basis of numerical superiority is that the system becomes removed from biological reality. The economic or materialist model is a narrow and unhealthy one.

¹ Charles Darwin “The Origin of the Species – 1859.” Full title: On the origin of species by means of natural selection, or the preservation of favoured races in the struggle for life. Charles Darwin, M.A., fellow of the royal, geological, Linnæan. Societies; author of journal of researches during H. M. S. Beagle’s Voyage round the world - London: John Murray, Albemarle Street, 1859. The following papers appear in the (Unknown) edition from which the Brown version was transcribed: It has been retained here as a comment, but not checked. LB 14 July 1994 at pp: 21-22 <http://www.literature.org/authors/darwin-charles/the-origin-of-species/index.html>

Realism

What a bleak picture Rousseau's theory (explained in the Introduction: Rousseau and Realism) presents, with its view that unless peace has direct competitive edge for individual states, that goal is unlikely to be reached. . A bleak picture that I think it is time to regard as needlessly fatalistic. It is not appropriate to talk of rational aims when dealing with diverse social, political and economic forces. The stance of rational argument is narrow; it objectifies everything and intellectualises it to a point of logical conclusion. Once it has reached that point it gives up and says, if we don't do this we are not rational and so we are destined to failure. Evolution has proved that this is not how any organism functions; no such polarisation exists in nature for any prolonged length of time. It is to be anticipated then that as societies experience the disadvantages that greed represents they will discover a mechanism that reverses the trend and returns world order to a middle ground where the many have more than the few. The question to ask ourselves and to spend time theorising is whether it is possible to consciously reverse this trend to find a moderate world order?

In a perceptive report on the Iraqi Kurds Lori Snowdon laid out that much like rationalist theories, realist theory is polarised. It looks back, selectively, through history and argues that there is only one fatalistic course that we can take in building a future world order. This is particularly true in the US. Snowdon added:

“In the light of US global expansion, American international relations IR scholars searched for a positivist orthodoxy which would guide foreign policy. Consequently, Realism became the fulcrum of US foreign policy, mutually constituted by the close institutional connections between scholars and foreign policy makers. Realism, you could say, grew up with modernist theory during the epoch of enlightenment where scholars such as Rousseau, Turgot, Huntington, and Montesquieu asserted a single trajectory of political development, that of the Western model which was

based on secular government and modern notions of citizenship.” (Snowdon ١٧ July ٢٠٠٠)^١

Rosenberg, in his article ‘The Empire of Civil Society’, has argued that the idea of a single trajectory is so entrenched in the minds of western scholars and leaders that they unhappily agree with one another that unfortunately the only way forward is to compete. Needless to say this is hardly looking at the bigger picture; if policymakers did realise the bigger picture then they would see that they are actually like two arms competing together to cut off their own feet; the one who gets there first will enjoy moment of jubilation before both arms realise they are now both at a disadvantage. Historically in the post-war period the term realism (a realist school of international relations theory) has come to indicate a series of propositions underlying a distinctive approach to the study of international politics. Accordingly international politics is to be understood predominantly as the realm of interaction between sovereign authorities, a realm that is separate from that of domestic politics...As a result, critics often observe that realist international theory ends up by reifying modern geopolitics, neglecting historical contrast, and producing a model of the states system that is literally incapable of seeing historical change except as the rise and fall of great powers. Rosenberg also considered:

“Key weaknesses are identified in the international and pre-sociological character of realist theory, and two

^١ The Iraqi Kurds: Victims of political realism? Report by Lori Snowdon, ١٧ July ٢٠٠٠ Source: Erbil, Iraqi Kurdistan regional government - KRG publications available on line at: <http://krg.org/docs/articles/index.asp>. See also Senator calls for multilateral approach in dealing with Mideast Hagel says Mideast at centre of U.S. foreign policy strategy ١٨ December ٢٠٠٢ <http://usinfo.state.gov/regional/nea/iraq/text/١٢١/hagel.htm>

categories in particular, sovereignty and anarchy, are marked out for future redefinition.” (Rosenberg 1994: 9)¹

The distinction between domestic and foreign policy is tantamount to just such an analogy; two arms working against one other to destroy their only means of propelling themselves forward quickly. Separating the two and polarizing their aims, where their promotion of dictators at home is beginning to impact domestic freedoms.

It is clear then that more, not less, collectiveness in decision-making is the way forward in all domestic arenas and correspondingly more domestic based decision-making for international relations. This means we all need to be better informed; modern communications technology would be able to handle such action in the future. Imagine a time in the future when all people vote daily on international issues. Far-fetched and impossible thinking you may think, but only if your imagination does not extend to accepting the fact that scientists are today developing technologies to link our brains directly to computers and bio-molecular scientists are anticipating a time when we can increase actual brain-power. Such technologies are only frightening if we do not start now developing a system to prevent their misuse. Thus the thesis agrees with the following statement that ‘public opinion is increasingly the tool of modern states, and that therefore international public opinion may signal a temporary convergence of several national interests’ but disagree that it ‘cannot constitute itself as an autonomous agent in international affairs’.² Who knows what levels of equality, or inequality, we could achieve with advanced communications technology in the future, asked Rosenberg.

¹ Justin Rosenberg “The Empire of Civil Society - A Critique of the Realist Theory of International Relations.” Verso publications (London, New York: 1994) at p: 9

² Ibid, at pp: 8-9

Rosenberg further argues the assuredness of power struggles should be dismissed then as the only deciding factor in world affairs. New ideas and the converging of Eastern and Western philosophies is beginning to happen and as long as we all struggle to understand each others cultures, incorporating aspects into our own, we can perhaps avoid the kinds of disasters precipitate with the use of military might and weapons of mass destruction. New and old institutions of international management like the UN and International Criminal Tribunal should be made to reflect people not specifically powerful entities, if they are to be developed at all. We need “not just a change in the identity of the hegemonic power in the system, but also a transformation in the historical character of the system itself”. (Rosenberg 1994: 8-9)¹

In a similar approach Rengger emphasized:

“If military, economic and ideological factors are seen as tributaries which cast the pattern of international relations, if they attain significant international reach only through being mobilised as instruments of state policy, then the structure of relations between nation state is not merely a specific moment of the international order, it actually defines the dynamics of that order. If international politics is understood as the struggle for power between states, and self-help is ultimately the only effective regulation of that struggle, then military power poses the quality of international competition most starkly, as it is directly controlled by states and most nearly conforms to the realist account of power.” (Rengger 2000: 12-13)²

The international community’s responsibility then is to ensure that external economic and military factors do not influence the Kurds more than the bare minimum. This is something, which at

¹ Ibid at p: 9

² N. J. Rengger “International Relations, Political Theory and the Problem of Order.” Beyond international relations theory 2000 (Great Bitten: Routledge Taylor & Francis Group) at pp: 12-13

present we are competently failing at because of the failure to accept, or rather tolerate, divergence from realist norm. Dodd noted:

“The close kinship connections of the villager also powerfully and adversely affect any attempts in underdeveloped societies to create nation-wide political parties as it is the case in Northern Province of Iraq (Kurdistan) One of the first effects of development in third-world states has been to impel into positions of power members of a Western-educated, secularist elite somewhat cut off, as a result of their education, from the realities of their own societies.” (Dodd 1972: 30)¹

The attitude towards governmental authority of the traditionalist villager therefore assumes a new importance. Modern secular government is a very puzzling phenomenon to the traditionalist. Traditional government represented sacral values and as expected to be dignified, pious, and ceremonious and, above all, very firm in its maintenance accepted custom.

Dodd study's in comparative politics broadly confirms, traditionally, individual accorded government a high place in his scheme of things, though seeking to have as little contact with it as possible. Modern, secular government is a very new experience for him. Thus it is necessary to fit in with others; it is particularly dangerous to quarrel, since in a small interdependent village community, argument can have serious repercussions. Traditionalism in Third World societies provides grave obstacles to political development, as it was through the history of Iraqi Kurdish resistant movement. This is not to say, however, that all traditionalism is inimical to all aspects of political development. A strong hierarchy and an ingrained respect for governmental power in the populace may enable a great deal to be carried through by the central government. From a general view of the obstacles placed in

¹ Ch Dodd, professor of political studies “Studies in comparative politics and political development.”(University of Hull, Britain: Macmillan press ltd: 1972) at p: 30

the way of political development by traditionalism, we now move on to consider which forms of traditional political authority are the most conducive to political development. (Dodd ۱۹۷۲: ۳۵, ۳۶)^۱

Political development without the internal growth of the Kurdish state on local trajectories the international community will stagnate. Diversity of life is the most important thing in a healthy international environment, just as it is within successful nations. The realist theoretical approach, as applied to the emerging Kurdish identity will cut off the opportunity for the society to make a contribution to an interesting and varied world order. In the case of Iraqi Kurds themselves mobilisation by a single party may lead to modernity more quickly, but at the expense of individual freedoms. Mobilisation through a competitive party system may lead to an excessive degree of social conflict between traditionalists and modernisers, which may disrupt national unity and compel the military to intervene. Thus contemporary states will be neither modern nor traditional, but will rather constitute a mix between the two, and the mix will vary in each case. These views do, nevertheless, rest on the notion of political development as progress along a line leading towards, in our definition, greater central power, national unity and increased participation. That many states have advanced, and are advancing, along this line under the influence of the factors that have discussed are very plain. This is not the same as to maintain, however, that this line of development will [*need or should, my parentheses*] be followed by all states in the future. The developing world will hopefully grow differently to the states that exist today. They will hopefully recognise the folly of centralisation of power and allow local participation in the creation of government. They will with luck, not seek to first create a super rich, super paranoid, super elite, super fat, primarily male globocracy that then proves difficult slim down to the right weight but take two steps at once, unlike their western counterparts and understand the relationship the atomised individual has to the whole, whether or not the authorities care to disregard the fact. We

^۱ Ibid, at pp: ۳۵-۳۶

must all take seriously our participation in important local and international issues to prevent the specialists from deliberately blinding themselves to what can happen once you have discovered how to split the atom. (McPherson 1973: 20-27)¹

Globalisation

The thesis has already hinted at globalisation and how to counter it but just how far does it shape international relations? The 1970s saw the emergence of the term but it has only become common in media references in recent times. The collapse of ideologies like communism has led to greater discussion of materialist consumption and capitalism, seemingly the last overwhelming doctrine of the twentieth century and the major one of the beginning of the twenty-first. The removal of the parent state and the socialist model needs now to identify why such a gap still exists between the rich and poor and what if anything should be done. The information revolution and the Internet imply that the world is a shared social and economic space but for who? Is it the rich? With luck it will be the clever; clever that is for not being too greedy and clever for helping others to learn too.

The truth is that global organisations already do control the deciding factors in our lives, the resources and technologies that permeate all aspects of our lives. So a new global monitoring system that gives the global community's people power does need ultimately to replace states as governments are compromised and find it increasingly difficult to pursue their domestic policies without co-operating with other agencies, political and economic. Individual states alone can no longer be the ones we hold to account for crimes against humanity, as they are not the only perpetrators.

¹ McPherson "Democratic Essays in Retrieval" (Clarendon press, Oxford: 1973) at p: 20-27

There is no longer a place in a global society for powers who can act within or outside local territory in anything but the most minor way. Violent and aggressive action undermines world peace and rocks our stability; de-scaling companies, organisations and militaries into local units, can only exorcise this action. In this way Kurdistan is an example, nations may no longer be needed; their current refusal to rush for centralisation will be followed by the need to evolve on a smaller scale to prove effective. It is time now for us to consciously evolve and learn from past mistakes. Instead of getting big and then dividing violently, let us simply diversify peacefully. The survivors of the future will be those people who prevent 'rigid closed door policies on information, culture and new communication processes and technologies. (McPherson 1993: 1, 18)' However, the survivors will also be those who share those technologies. Holton argued:

“New images of world order speak of the emergence of the global citizen and a global civil society, stimulated once again by the corrosive effect of migration and global communication on nationalism and parochialism. Underlying all these manifestations of globalisation is the key idea of one single world or human society, in which all regional, national, and local elements are tied together in one inter-dependent whole. Globalisation has been evaluated according to a range of values such as social justice and freedom, individual autonomy and the sovereignty of nation to determine their destiny, freedom of personal movement, and

¹ McPherson “Democratic Essays in Retrieval” (Clarendon press, Oxford: 1993) at pp: 1, 18. See also Jomo K. S. (Lessons from East Asia) “Globalization, Liberalization and Equitable development” United Nations Research Institute for Social Development. UNRISD overarching concerns paper No. 3 UNRISD is an autonomous agency engaging in multidisciplinary research on the social dimensions of contemporary problems affecting development. A list of UNRISD’s free and priced publications may be obtained by contacting the reference centre: UNRISD Palais des Nations 1211 Geneva 10 Switzerland, July 2003 ISSN 1020-816X Web: <http://www.unrisd.org>

human rights to decency and personal security.” (Holton ١٩٩٨: ١-٥)^١

Let us hope that this is the picture of the future that we will see emerge for Kurdistan and for all people this to happen.

Empiricism

McDowall argues that whether or not it was a wise or disinterested decision to intervene and establish a Safe Haven in Iraq is now irrelevant to the long-term future of the Kurds. A course of events has been set in motion by the action that the UN has taken with the implementation of Resolution ٦٨٨. The terms of this resolution, while still relevant and important, do not provide a sufficient political or legal basis for the steps that now need to be taken. In the short-term the people of Kurdistan have a dependency on the military enforcement of measures to ensure their protection, and to withdraw that support at this critical stage in the development would be criminal. The intervention has left the Kurds in a precarious and difficult scenario not of their own creation. (McDowall ١٩٩٦: ٣٧٤)^٢

The UN also has to demonstrate to the world that it is a credible international organisation, dedicated and committed to securing solutions that are representative of its members. A policy of simply withdrawing and retreating to the stance of non-intervention is no longer an option if the organisation truly wants to demonstrate that further decisions made by the Security Council are not simply the far-reaching foreign policies of the US and to a lesser degree the UK. This task the UN has given itself is a difficult one but since it has been started it must be carried through to the most beneficial conclusion for all parties. However, the considerations of the Kurds

^١ Robert J. Holton ‘Globalisation and the Nation State’ (Great Britain: Macmillan press ltd, ١٩٩٨) at pp: ١-٥

^٢ McDowal, David. ١٩٩٦. The Kurds - Minority Rights Group International. MEP Design & Print: Britain at p: ٣٧٤

themselves must be the guiding principles behind any solution that lasts.¹

The current Kurdish position is that military intervention to remove Saddam Hussein, if it is to take place, should be the responsibility of special-forces ground troops to eliminate the regime. This would mean a commitment by the world's military forces and might involve the loss of lives of troops; however, it would save more lives than resorting to bombing campaigns, which have been shown to result in high civilian losses. (McDowall 1996: 370)²

Orientalism

This thesis has mentioned previously the concept of Orientalism and before proposing solutions for the people of Kurdistan it is important to understand the theory of 'Them' and 'Us' that unfortunately continues to define and pervert the policy-making of international organisations and western democracies. At this point, rather than call an idiot an idiot, (and in the interests of self-determination) it is better to allow Orientalist thought to represent

¹ At the same time Iraqi Kurdish leaders must reassure their constituents that they are not returning to the tyranny of the past. Some Kurds argue that they should worry about Kurdistan alone, disregarding Baghdad and the Iraqi nation. However the dominant view among Kurds is that they must be represented in Baghdad if they are to avoid the genocidal horrors of the past. Any new arrangement must give the Kurds and other peoples of Iraq tangible assurances that recentralization will satisfy the security and political requirements of all involved. For more details see "Iraqi Kurdistan and the transition, post collation provisional authority" by Barham Salih, policy watch, analysis of near east policy from scholars and associates of the Washington Institute, number eight hundred and twenty nine January 29, 2004 (Special Policy Forum Report). See also the website of Patriotic Union of Kurdistan offers an interesting selection of extracts from these reports <http://www.puk.org/web/htm/news/nws/barham.0129.html>

² McDowal, David. 1996. The Kurds - Minority Rights Group International. MEP Design & Print: Britain at p: 370

itself. McPherson in his study democratic essays in retrieval argues:

“The modern Middle East and North Africa is not a centre of great cultural achievement, nor is it likely to become one in the near future. The study of the region or its languages, therefore, does not constitute its own reward so far as modern culture is concerned. The Middle East region is not a centre of great political power nor does it have the potential to become one. The Middle East has been receding in immediate political importance to the U.S. relative to Africa, Latin America and the Far East. The first thing that emerges from any examination of contemporary Western democratic theory, as distinct from the communist theory of democracy and the various populist theories prevalent in much of the third world, is that the Western theory puts a high value on individual freedom of choice, not only as between political parties but also as between different uses of one’s income, of one’s capital, and of one’s skill and energy. Western democracy is a market society, through and through or, if one prefers to confine the term democracy to a system of government rather than a kind of society. Western democracy is for market society.” (McPherson 1973: 20-27)¹

What does this mean? How can anyone make the serious claim that regions of the world do not deserve cultural recognition? How can it be predicted that the Middle East will have no political significance in the future? Said claims ‘Orientalism’ is not merely a disrespectful attitude and arrogant assertion of western cultural superiority; it is a movement akin to fascism. Orientalism provides the impetus for crimes like genocide, mass torture and ethnic cleansing because it seeks to dominate, subsume and eradicate alternative cultural perspectives and beliefs. The thesis has deliberately personifying Orientalism because the enforcement of ideas by repressive regimes has a human cost as consequential

¹ Macpherson C. B. “Democratic Theory: Essays in Retrieval” (Clarendon press, Oxford: 1973) at pp: 20-27

measures are taken to destroy the lives of the people that hold alternative perspectives and beliefs.

In this respect Kurdistan must be allowed to develop freely, its infrastructure, legal systems and social foundations must originate with the people of Kurdistan themselves.¹ There is strong evidence elsewhere in the world to show that societies that are allowed to develop freely on their own terms are perfectly capable of forming systems that are more than adequate in self-governing respects, these societies do not necessarily follow democratic models but still function fairly. The most obvious comparison in this instance is the Tibetan system.

Yes diversity has been swamped by Orientalist philosophy, instead of trying to celebrate and incorporate local ideas into the creation and functioning, instead of permitting alternative religious and ethnic heritages to shape the powerful nations of today's international community, it is acting in opposition to true concepts of democracy. (Tibetan Response to the Chinese white Paper of ^ November ٢٠٠١)^٢

¹ Ilnur Cevik, Turkish daily news "Nechirvan Barzani: We want our rights based on voluntary union of Iraq". ٢٦ January ٢٠٠٤. Iraqi Kurdish Prime Minister Mr. Nechirvan Barzani says the Kurds want their rights in Iraq based on voluntary union and that Turkey should help them realize this goal. On the status of Kirkuk he said the city is geographically in the Kurdish region. However there are Turkmen, Assyrians and Arabs there as well as the Kurds. So we say we do not want it to be run by the Kurds but by a joint administration. It will be part of our portion of the federation but it will have its own administration. The joint administration will be determined according to the share of the ethnic groups determined by a census. It will be like an administration within an administration with a special status like the Vatican. See also the website of Kerkuk-Kurdistan offers an interesting selection of extracts from these reports <http://www.kerkuk-kurdistan.com/nuceyek.asp>

^٢ Height of Darkness: Chinese colonialism on the world's roof, Tibetan response to the Chinese white paper of ^ November ٢٠٠١, department of information and international relations, central Tibetan administration, Dharamsala ١٧٦٢١٥ (HP), India, December ٢٠٠١

The Meaning of Self Determination

Throughout this thesis I have addressed the issue of self-determination for the Kurds. The notion of self-determination still needs to be defined though, before I propose a future model for Kurdistan. Without a firm understanding of these concepts and an acceptance from all members of the UN, the organisation will continue to make decisions that compound the problems of the Kurds and other minorities:

“The concept of self- determination in political and juridical fields can be considered flexible. In other words there are many inter-operations and different kinds of definition of this subject. For many peoples in the world, especially in third world countries, self-determination is not only a principle on which they base their struggle for freedom, but also an aim for which they are fighting.” (Fuad Hussein ١٩٨٥: ٥٦-٥٧)^١

According to Fuad Hussein one of the problems, which one has to face when dealing with the concept of self-determination, is its many-sided character. Self- determination can be studied from a legal point of view, or a political or economic one. It can refer to the ability of a people or a minority to choose freely in the field of international relations, option for independence or union with other states, or it can refer to the right of the citizens of a state to participate in the process of policy-making in their country. In

^١ Self-determination is universally recognized as a right. It is a universal right. It is for all peoples. Self-determination is valid for a collective group (People, Minority, etc), but it loses its content if there are violations of individual human rights. Self-determination does not always mean to be associated cession. It can sometimes mean to be associated with another people in one country. This association must be based on the free will of both peoples. For more information see Dr. Fuad Mohammed Hussein “The Legal Concept of Self-Determination and the Kurdish Question.”Printed by Luna & Typesetter by Janny Oei: Amsterdam (Amsterdam ١٩٨٥) at pp: ٥٦-٥٧

other words it can be considered as an aspect of the democratic rights of a people within a state. (Fuad Hussein ١٩٨٥: ٣)^١

Fuad Hussein further noted that self-determination refers to the right to decide your own destiny, to break away from recognised authority, however unjust, and form your own independent state. Self-determination can be viewed as the rights of nations, minorities, and individuals and in this way can be related closely to modern human rights ideology. After World War II, self-determination took the shape of being free from a foreign power. The post-colonisation period has given birth to other interpretation of the concept of self-determination as not only meaning that people are entitled to decide about political rights, but also economic and social rights. Although it can be said that the colonialist period, in its old style, has ended, self-determination as a concept in international law, and as an aim for many people, is still valid today. (Fuad Hussein ١٩٨٥: ١١-١٢)^٢

The reason these concepts of self-determination are still valid today is because imperialism has taken on a new form; a form of hyper-imperialism, that operates through the manipulation of distant territories by large corporations and nations. Organisational bodies like the UN Security Council are examples of hyper-imperialism. The use of the control of the media to highlight certain humanitarian crises and gain momentum from the global public to intervene in regions strategically important for economical interests is yet another means by which hyper-imperialism manifests itself in the modern world. In discussing self-determination then we must distinguish the difference between what truly constitutes the desires and intent of a minority to govern itself and what represents the western imposition of human rights propaganda on communities

^١ Dr. Fuad Hussein Mohammed “The Legal Concept of Self-Determination and the Kurdish Question.” Printed by Luna, Amsterdam, typesetter by Janny Oei, Amsterdam, January ١٩٨٥ at p:٢

^٢ Ibid, at pp: ١١-١٢

who should really be permitted to establish their own systems of justice adequate to their needs. (North edge ١٩٥٥: ٨٤, ٩٤)^١

“This issue is complicated further by the trade in weapons that permit nations to prevent valid independent justice systems to establish themselves. Provided the actions of states to which the US has supplied arms tie in with the foreign policy and economic demands they receive support, as was the case with Saddam’s Iraq prior to the Gulf War. When nations act out of synchrony the media support a propaganda war that permits military intervention into the newly demonised ‘rogue state.’” (Andrea Vetishky ١٩٥٥: ٨١)^٢

Removing Saddam Hussein from power

There is a belief amongst some of the Kurdish people that the removal of Saddam Hussein is a prerequisite for establishing peace and stability in Iraq and the region. The Kurds see that as long as Saddam Hussein remains in power there will not be peace and stability in Iraq or in its neighbouring countries. Likewise some of them feel that it is impossible to implement any plan for reconstruction and economic development while Saddam Hussein is still ruling Iraq. The majority of the Iraqi people look at Saddam Hussein and his Ba’athist regime as the evil that brought destruction and calamity upon the Iraqi people.^٣ They believe that

^١ North Edge, F.S.: National self-determination: The adventures of a moral principle. International relations, vol.٧, no.٣, April ١٩٥٥, pp: ٨٤, ٩٤

^٢ Kardinal Andrea Vetishky “Great Leaders Meeting – The Meaning of Self-Determination” (Kawa Verband for Kurdish Culture – E. V. Bonn, Germany ADENA VER ALLEE ٥٤, ٥٣١١٣ Bonn, Germany (Kombenda Kawa B Conda Kurdi: Kurdistan, Hewler) at p: ٨١

^٣ For more than three decades, Iraq has lived the darkest era of its modern history due to the historical, sectarian regime and its oppression, terrorism, adventures, and wars of aggression inside and outside the homeland. To this end, the Iraqi opposition conference attended by the vast majority of Iraqi political groups representing national forces, trends, and personalities

Saddam Hussein and his regime must be punished for all the crimes they have committed in Kurdistan, Iran, Kuwait and against the Iraqi people.

Vidal is not of this opinion, and nor is he of the opinion that this is an issue for the Kurdish people to decide upon, nor for President Bush or Tony Blair. These international leaders do, of course, have the power at their disposal but that is only because the world has given them and their military leaders that power, just as the world has permitted (allegedly) Saddam to have at his disposal, weapons of mass destruction. The people of Iraq are the people who should have the decision as to what happens to Saddam Hussein; unfortunately they do not have the choice. They do not have the choice because the west has, for over half a century, funded and contrived the most ludicrous technologies that threaten the continuation of life on this planet.

According to Vidal this arms race continues and is continuing as global military corporations evade the controls of local governments and continue to create ever more sadistic and devastating weapons. When this trend is reversed, when finally the world comes to its senses, then the cause of minority suffering will be addressed. Rather than treating the symptoms, international organisations must be empowered to strike at large corporations, preventing them from trading and developing arms. Then leaders like Saddam Hussein will be forced to discuss with minorities or be

convened in London on December 14-17, 2002 under the slogan "For salvation of Iraq and for Democracy". The conference affirmed the principles and fundamental tents adopted at previous opposition conferences and meetings, in particular Salah al-Din conference of 1992 and the political statement of the opposition delegation to Washington in August 2002. It made the following decisions and recommendations. See also appendix No: 7 political statement of the Iraqi opposition conference (Iraqi opposition conference London 14-16 December 2002)

voted out by democratic systems that are not jeopardised by military power. (Vidal ۲۰۰۲: ۲۶۷)^۱

The suffering of the Kurds has deeply penetrated the psyche of people victimised by the Iraqi regime and there is a move to wipe the slate clean yet again. Kaddur, a Kurdish politician supportive of changing the Iraqi regime, currently living in Switzerland, believes replacement of Saddam Hussein by another person from his Ba'athist party or by a military man from within the Ba'ath party does not solve the problem, because tension, conflicts and uprising will continue until Saddam Hussein is overthrown and the whole region is changed. We often hear that another strong man from the existing leadership should replace Saddam in power. President Bush called upon Iraqi military to overthrow Saddam Hussein in the aftermath of the Gulf War ۱۹۹۱. The present military commanders and the Ba'athist regime are Saddam Hussein's 'yes men'. These men are directly involved in the crimes committed by Saddam Hussein. Saddam Hussein, his military commanders, and his Ba'athist associates must all be removed and a new regime should be established. (Interview with Kaddur ۹ May ۲۰۰۰)^۲

Parallel aims – Self-determination for the Palestinians

The potential for Kurdistan to go very wrong in the future can be predicted by the example set by the creation of Israel. The Israeli government has created an atmosphere of fear and terror throughout the region that tragically mirrors the suffering of the Jewish community in Europe during World War II. On the other

^۱ Gore Vidal "The Last Empire." Published by Abacus, an imprint of Time Warner books UK, Brettenham house, Lancaster place, London WC۲E ۲EN, ۲۰۰۲, at p: ۲۶۷

^۲ Personal communication from Dr. Fawzi Kaddur a Kurdish politician and supportive of changing Iraqi regime living in Switzerland (Bern, Switzerland: Interview ۹ May ۲۰۰۰)

hand the recognition of the Palestine Liberation Organisation (PLO) by the international community has great significance for the Kurdish question.

The problem of the Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the universal declaration of human rights, (the General Assembly of the United Nations is gravely concerned that the denial of their rights has been aggravated by the reported acts of collective punishment, arbitrary detention, curfews, destruction of homes and property, deportation and other repressive acts against the refugees and other inhabitants of the occupied territories, and it reaffirms the inalienable rights of the people of Palestine. (Mohammed Hussein ۱۹۸۵: ۴۹-۵۱) ^۱

On ۱۴ October ۱۹۷۴, the General Assembly of the UN adopted resolution ۳۲۱۰, which invited the Palestinian Liberation Organisation, the representative of the Palestine people, to participate in the deliberation of the General Assembly on the question of Palestine in plenary meeting. In November ۱۹۷۴, Jasser Arafat, chairman of the PLO, gave a speech in the name of the General Assembly in New York. Resolution ۳۳۷۵, adopted on

^۱ As far as the Palestinian question is concerned, two factors have played an important role in the process of recognizing the PLO by the United Nations. The first one was that the Palestinian question was not a new problem for the United Nations. As early as ۱۹۷۴ the British government has asked the United Nations Assembly to look into the Palestinian question. The second factor is political. The support of the Palestinian people for the PLO and the role of the PLO in Middle East politics, besides the increased role of the Arab countries in international relations have induced many countries, especially in the third world, to support and recognize the right of self-determination for the Palestinian people. The Kurdish question as opposed to other questions mentioned here has never been listed by the United Nations as a problem of a people. It is considered an internal problem, and the responsibility rests with the governments in Iran, Turkey, Iraq and Syria. For more information see Mohammed Hussein "The Legal Concept of Self-Determination and the Kurdish Question." Printed by Luna & typesetter by Janny Oei: Amsterdam ۱۹۸۵ at pp: ۴۹-۵۱

10 November 1970 by the General Assembly, gave the PLO the opportunity to participate in all efforts, deliberation and conference on the Middle East which are held under the auspices of the United Nations, on an equal footing with other parties. (Fuad Hussein 1980: 46-47)¹

The people of Kurdistan did not have the right to consider themselves as a self-determining community because, as stated at the start of this study, they did not have the right to consider Kurdistan a separate state *from the perspective of the international community*.² Perspective is crucial to all the decisions that the international community makes with regards to the Kurds and the plight of the Palestinian people is sadly demonstrative of the double standards that universal principles can come to represent. From the perspective of the oppressed peoples when these universal principles are applied they are used to justify the individual and collective actions of states whose power is disproportionately great in comparison with the rest of the world. The situations are the same but the alliances are different. Israel is a friend of the US and so its actions are not of humanitarian concern to the US, it does not suit US interests to police and impose UN decisions. In Iraq the Kurdish crisis was initially of no importance to the US, until the security of their oil supplied was threatened. Their protection

¹ Dr. Fuad Mohammed Hussein "The Legal Concept of Self-Determination and the Kurdish Question." Printed by Luna, Amsterdam, typesetted by Janny Oei, Amsterdam, January 1980 at pp: 46-47

² Kurds press for independence "Efforts Alarms Neighbours and Threatens US Plan for Iraq" by Daniel Williams, Washington Post foreign service, Friday, January 30, 2003; page A11. We want to be like the rest of the world. There are plenty of countries much smaller than Kurdistan that has their own government, their own flag and their own freedom. We should not have any less, said Siyamend Kader, a high school student and enthusiastic supporter of independence. From the Kurdish point of view, any decision to remain within Iraq would be purely voluntary. See also the website of Kurdistan Regional Government Home offers an interesting selection of extracts from these reports <http://www.kerkuk-kurdistan.com/nuceyek.asp>

was a by-product and propaganda tool incidental to US aims and so its continuation can only be counted on while US priorities remain the same.

Mohammed Hussein proposes that UN recognition of the rights of Palestinians is useless in a world dominated by some nations more than others. Atrocities since Resolution ٣٣٩ have increased, not diminished so in effect the UN has proved useless and may in fact have aggravated violence in the region by its failure to deliver on its promises. In the long-term though recognition by the international community may be important for the Kurdish people if only that the UN must be used by marginalized nations to demonstrate growing dissent for US-led policies. Hopefully as new, more reasonable leaders emerge from the US onto the stage of international politics they will start to try to understand the resentment towards them and work to overcome it. The power is literally in their hands. Given that the UN is unlikely to be dismantled the Kurds must work to be recognised within its framework and work hard to be considered in its decision-making process. The UN must go the way of all progressive global organisations, it must decentralise if it is to survive and distribute powers fairly amongst all its members. Mohammed Hussein furthermore noted:

“The Kurdish people shall first receive the political support of many states and use legal processes to reach the United Nations. The Kurdish movement must prove that it receives the support of majority of the Kurdish people. It must function under a united banner and the aims of the struggle must be clear. It can be a movement, which struggles for independence, or struggles for the right of participation. Right of participation means that the rights of the Kurds must be recognised within the existing states and that the Kurds have their legal, political, economic and cultural rights.”
(Mohammed Hussein ١٩٨٥:٥١-٥٢)^١

^١ Dr. Fuad Mohammed Hussein “The Legal Concept of Self-Determination and the Kurdish Question.” Printed by Luna, Amsterdam, typesetted by Janny Oei, Amsterdam, January ١٩٨٥ at pp: ٥١-٥٢

Federalism – For and Against

The emergence of a single European currency and the creation of the European Union are interesting factors in the post Cold War world. As regards the world stock markets in the last twenty years an exponential growth of the number of mergers and acquisitions has occurred. Bernier Ivan argues that this trend towards gigantism is a defence mechanism by companies that do not want to be consumed by even larger companies. The experience of successful mergers and acquisitions needs to be applied to this new trend in the political arena to prevent conflict. Companies that have listened to advice about decentralising power and wealth by shifting it to local centres are succeeding; companies that have not are losing employees and revenues but are only listening after inflicting great suffering on people. In the political arena this notion of gigantism is sometimes disguised as Federalism, but this is not what real Federalism means says Bernier Ivan:

“Federalism raises numerous problems for international law. Some of them, such as the problems of personality, responsibility and immunity, are old and have been the subject of many studies. Others are more recent and need further investigation: examples are the apparent incapacity of federal states to participate fully in the development of international law and the questionable influence played by federal decisions in certain fields of international law. Historically, international law responded to the appearance of federal states by ignoring their constitutional characteristics and assimilating them to other sovereign states.” (Bernier Ivan 1973: 1, 7)

Federalism can mean the dividing of powers by nations, placing general and regional government separately but co-ordinating both. The term can relate to agreements over territory, taxes and military

¹ Ivan Bernier Ivan, professor Agrege, department of public law, university Laval, Quebec (Archon Books, Canada: 1973) at pp. 1, 7

activity where all parties have equal decision-making powers, often but not always, under a constitutional framework.¹

According to Weekly Gulan Political Magazine sovereignty in a federation must be said to belong exclusively to the federal state. Accordingly member states of federations cannot enjoy international personality. In so far as these member states are endowed with international competence, they must be considered as international subjects. The conclusion is simply that they cannot be considered as states in the sense of international law. Since the member states in a federation can be individually deprived of their competence without their consent, as a rule they do not have an individual right of veto in the amending process. In other words they are not directly subordinated to international law. The federation itself, on other hand cannot be deprived of its competence otherwise than by an international procedure; consequently it is a full subject of international law. (Gulan Political Magazine ٢٠٠٢: ٦)²

Is this the option for the Kurds? Yet again the analogy with global companies is appropriate in the case of Kurdistan. Small companies in the modern economy take greater risks but potentially reap better rewards. Given that the UN shall permit the people of Kurdistan to decide themselves what kind of government they

¹ A written constitution is a major achievement of the democratic state based on the rule of law. It is the highest law of the state. It states the fundamental values of the political community, and it also sets the most important rules, those that make it possible to live together in freedom, peace, and security. The new federal constitution establishes the principles of our political organizations: State based on the rule of law and liberty, social state, direct democracy, and federal state. It guarantees the fundamental rights of human beings and protects them from arbitrariness. It also defines the tasks assigned to the confederation, and allocates the tasks between the confederation and the cantons. It guarantees the participation rights of the people and defines the power of the federal parliament, the federal parliament, the federal government and the federal Supreme Court.” Federal decree on a new federal constitution of December ١٨, ١٩٩٨ unofficial translation by Pierre A. Karrer Dr. IUR. LLM. FCI Arb, partner, Pestalozzi Gumuer & party.

² A report by Gulan information centre “Weekly Gulan Political Magazine” issue no: ٤١٢ (Gulan publications: Erbil - Iraq) ١٩ December ٢٠٠٢) at p: ٦

want, Gore Vidal has suggested that other federalism examples elsewhere in the world have not proved hugely successful and that the Kurds would do well to jump straight into a model society that is as independent as regional factors will allow. The United States is an example of how fragile rights can become when authority moves away from local sources

“The Supreme Court has shown little interest in curbing so powerful and clandestine a federal agency as it routinely disobeys the Fourth, Fifth, and Fourteenth Amendments.”
(Vidal: 2002: 204)¹

Freedland expressed that if the Kurds ever have the opportunity to decide entirely for themselves then the experience of the U.S. would perhaps suggest that Kurdistan need not make the mistake of becoming part of a gigantic federation that alienates people from the mechanisms that shape their own future. There is another view of U.S. federalism though, which perhaps points to some of the advantages that the system can offer if properly monitored and maintained. U.S. federalism is beginning to show aspects of authoritarianism but there is a structure and history that illustrates how US federalism could be adopted for the positive benefit of the Kurds. Freedland added:

“The populist view of democracy prevails on both the left and right of US politics. In 1994 the Republicans drew up their Contract with America, knowing it would fit with American’s view of government. They insisted the document was more than a British-style election manifesto. It was a binding contract of employment; if they failed to keep their side of the deal, their employers, the voters’, would sack them.” (Freedland 2002: 21)²

¹ Gore Vidal “The Last Empire” published by Abacus, an Imprint of Time Warner books UK, Brettenham house, Lancaster Place, London WC2E 9EN, 2002 at p: 204

² Jonathan Freedland “Bring Home the Revolution.” Published by Fourth Estate limited, 1 Salem Road, London W2 4BU 2002 at p: 21

In fact 90% of successful US election candidates campaigns are now funded by private sponsors (Chomsky 2000: 119) but it does show that in fact in a Federal system you do have to make the effort to engage the views of the public. Clearly the Kurds need to bear the U.S. example in mind when they seek to create their own Federal system. The majority of Iraqi Arabs and Kurds leadership such as Kurdistan Democratic Party (KDP) support federalising Iraq according to their own proposals. The popular concept is to create three democratic federated states, north (Kurdistan), central and south. These distinctions take note of the major Iraqi social groups and the distribution of natural and industrial resources. The notion of further separating Iraq from two to three federated states using the demarcation of the Dijla River would balance the power of the Arab majority of the overall Iraqi state. These proposals cannot be developed further though, without the commitment from the international community to allow the Iraqi people to determine for themselves and try out the most successful governing strategy. The diversity of their ideas (there are also ideas for as many as 10 to 15 federal administrative areas), must be permitted to compete for a viable long-term governing strategy. The Kurds have also proposed vaticanising holy cities to keep clergies away from politics, which may or may not be a good idea, depending on the will of the people.

Good ideas are not enough to secure the Kurds and Iraqis freedom or federalisation because none of these ideas can be tried without both internal and external steps to create a politically expedient climate. Both Kurds and Iraqis suffer the injustices of misused resources and the Iraqis continue to suffer the human

¹ Noam Chomsky "Rogue States - The Rule of Force in World Affairs." Published by Pluto press, 320 Archway Road, London N6 0AA 2000 at p:119

² See appendix no: 4 (KDP proposed constitution of the Iraqi Kurdistan region).

rights abuses of the ruling elite. Monopolised power can only remain whilst that elite enjoys the privileges of an international system that allows them to place money in off-shore accounts, avoid taxes, diplomatic immunity and complete freedom of travel (admittedly not something Saddam Hussein can do these days) Iraqi federalisation must remove these distinctions but this can only succeed with comparable moves and agreements from all parts. This is why Iraqi moves to federalisation must eliminate the opportunities for these structures to remain in place and affect the lives of Iraqi people, and one way to do this is to create a further buffer organisation between the new federal state and the current UN structure, perhaps a Middle East organisation to replace the unrepresentative Arab League. (International Conference on Federalism 27 – 30 August 2002)¹

Those in charge of a central Iraqi federated state represent a threat on northern and southern Iraqi federated states in the short term if they keep monopolies on natural and industrial resources.²

¹ International conference on federalism 27 – 30 August 2002 St, Gallen, Switzerland “Federalism in A Changing World – Learning from Each Other.” Conference reader British council, Druuckerei Herzog AG, Langedorf “Scientific Background, Proceedings and Plenary Speeches of the International Conference on Federalism 2002” edited by Raoul Blindenbacher and Arnold Koller, published for the international conference on federalism 2002 St. Gallen, Switzerland by McGill-Queen’s university press Montreal & Kingston. London. Ithaca at pp: 227, 229

² The Kurds will also have to consider their options if the rest of Iraq chooses not to accept any mutually agreeable model of a bi national, multi regional federation. One option would be for Kurds to insist on a distinctive federacy agreement. They can say that they will accept the rest of Iraq choosing to be unitary, or indeed choosing to be a centralized US style national federation, provided that Kurds themselves have a federacy. In short while Kurds have no right to impose a federation on the rest of Iraq, they have every right to insist on federacy arrangements for Kurdistan as one means through which they can exercise national self determination. In this scenario they would probably seek looser power sharing arrangements in the central government, especially in foreign relations, while seeking to protect the cultural and human rights of Kurds outside Kurdistan. For more details see Brendan O’Leary “Multi national Federalism, Federacy, Power Sharing & the Kurds

This would mean appropriating these resources and relocating them from the central part of Iraq to the north and south proportionately to the population number. This would principally mean the Kirkuk oilfields and before any such attempt is made global corporations should be regulated and their moves for compensation, which would invariably follow federalisation and appropriation, be dismissed as illegal and unjust. These resources did not belong to them in the first place but were the spoils of imperialism in the past.

Ostopolitik - How the Germans did it

So where can the Kurds look for an idea of how rebuild, should a federal model be extended in Iraq. How realistic could be this approach to the situation of all Kurdistan parties south and north towards a united greater Kurdistan. In terms of comparison with other disputes there is probably something useful to be learned from the German model of reconciliation. This perhaps can pave the way in the future for solving the problem of internal disorder in the Iraqi Kurdistan Safe Haven and the merging it with the rest of Iraq; if this is what the US and UK insist upon by effecting military action. Garton-Ash in his study “In European’s name, Germany and the Divided Continent” argues:

“Germany’s geopolitical situation in ‘Yalta’ Europe was unique. No other country had the line between east and west running through its middle. Germany was the divided centre of a divided Europe. Berlin, Germany’s once and future capital was the divided centre of the divided. The object was not a ‘compromise’ between liberal and communist orders, and co-operation between countries, organisations or

of Iraq” Lauder professor of political science, director of the Solomon Asch centre for the study of ethno political conflict, University of Pennsylvania, Cafritz foundation conference centre, George Washington University, September 12, 2003. Address for correspondence: 3819-33 Chestnut Street, Suite 309, St, Leonard’s Court Complex, Philadelphia, PA 19104

communities with different social and political orders.”
(Garton-Ash 1994: 10)¹

When the USSR collapsed under social and economic pressures it eventually became possible for the Berlin Wall to come down, but preparations had early been made by the German authorities in order to quickly resolve the difficulties and disparities of the two distinct regions of East and West:

“The majority of Germans were early given full control over their internal affairs, full internal sovereignty like all citizens of liberal democracies, they had to work sometimes even to struggle to preserve and enhance this control.

But the striving to become subject rather than object found it's clearest. One of the oft-repeated formulae of West German politics was that German unity could only be achieved with the understanding, agreement or support of Germany's neighbours. Yet if Moscow, Washington, Paris and London agreed to German reunification, could a unanimous chorus of Poles, Hungarians, Czechs, Slovaks, Romanian, Bulgarians, Albanians, Slovenes, Serbs and Croats do anything at all to prevent it.” (Garton Ash 1994: 17-18)²

The German attitude to reunification looked at all factors, equality and the internal and external political forces that would need to be assuaged. In the East the authorities had begun to permit access for their people to western media, allowing television it had even:

“Had cable laid so that people in the Dresden area, in what was known as the valley of the clueless, could properly receive Western broadcasts, rather than applying to emigrate: this was a significant change in Eastern policy. But neither

¹ Timothy Garton Ash “In European's Name, Germany and the Divided Continent” published by Unitage 1994, printed in Great Britain by Cox & Wyman, reading, Berkshire at p: 10

² Ibid, at pp: 17-18

Britain nor the United States had a distinctive policy directed specifically at the GDR.” (Garton Ash 1994: 126)¹

In direct relations with the GDR, their role was essentially supportive of Bonn’s policy. In what follows we shall look first at the short-term, consensual, operative goals of West German policy and the means by which they were to be realised: permanent negotiation, money and recognition. We shall then turn to the medium-term relationship between policy towards the GDR and the politics of the GDR, looking first at the intended and then at the actual impact of the former on the latter. The internal and external powers then did their part in helping the move towards unification, the internal authorities by relaxing centralized control. The removal of direct meddling by western powers was a great advantage and illustrates that decentralizing of power allows local infrastructures to blossom and function effectively. In the case of Kurdistan, the UK and U.S. would do well to remember this model. The questions were not only human ones of rejoining families and establishing road and rail links, the Germans addressed the issue of disarmament head on. Reflecting on history they understood what the US and UK must yet realize, in real terms, within the context of their own foreign policy; the fact that weapons on a mass scale prevent responsible discussion about the use of force and prolong instability:

“The two sides would now talk about arms control and disarmament. This theme had been present already in the original German-German debates and agreements a decade before. As we have seen, the formula ‘war must never again go out from German soil’ had been used in the Erfurt meeting and was one of Willy Brandt’s twenty points at Kassel. Article 9 of the Basic treaty committed both states to work for peaceful relations between European states, for security and ‘Cupertino in Europe’, and specifically for arms control and disarmament. The Bonn government could therefore hardly believe its luck when the GDR went on to hold up

¹ Ibid, at p: 126

such notions as a coalition of reason between the two German states. West German leaders, for their part, spoke of a ‘community of responsibility.’ (Garton Ash 1994: 129)¹

This thesis has also considered, as far as the experience of the Kurdish people compares to the German situation, that the parallel is clear that they will more than likely be keen to prevent further conflict. The Kurds willingness to cooperate and concede as regards the proliferation of weapons is highly likely, given that they have been the victims and seen the impact of war more clearly in recent years than most nations ever have. This then is a theme that needs to be built on, but one which the international community must also follow in order to lend the kind of reassurances that all states and peoples need to prevent one or two select powers retaining overwhelming global influence. The Germans also recognized the need for political and economic stability and so they backed up decisions and moves for reunification with currency and recognition of the various politicians and businesses in the East. This allowed people to relax and stemmed mass migrations to some extent to the west. More importantly the flow of capital and recognition was not tied to unrealistic conditions or an attempt to take power from the source. Garton-Ash further noted:

“According to Article 7 of the Erfurt meeting (basic treaty) the two states proceed on the principle that the sovereign jurisdiction of each of the two states is confined to its own territory. They respect the independence and autonomy of each of the two states in their internal and external affairs. In a laconic accompanying exchange, however, the federal republic declared that ‘questions of citizenship have not been regulated by the treaty’ meaning that it would continue to regard citizens of the GDR as citizens of the federal republic, and hence automatically to

¹ Ibid, at p: 129

give them West German passports.” (Garton Ash 1994: 10, 19, 21)¹

Garton-Ash draws the conclusion that in this instance the rebuilding of a united Germany was not taken up as some ideological battle, of which the people were to play the part required. The people were given the freedoms immediately and unconditionally, the removal of the threat of being shot on the border was the greatest step the two government structures could take because they placed power in the hands of the people and gave them the option of how the unification would unfold. The parties indeed involved themselves in squabbles but at grass roots level the people could actually from the start live together. In the wake of unification, the immediate West German party political debate concentrated on this issue of long-term goals. There is no doubt that leading Christian Democrats, in opposition and in government; more constantly and loudly reiterated their formal commitment to work towards German unity. They accused the Social Democrats of no longer even talking about reunification, or, indeed, of talking positively about alternatives to it: models for the long-term co-existence of two states, of a reformed GDR in a European peace order, and so forth. It makes more sense, they argued, to talk publicly about the issues on which we have a chance of reaching agreement with the other side than about those on which there is no such chance. It is also very difficult to distinguish between the influence that West Germany exerted passively, by virtue of its mere existence, prosperity, freedom, openness etc, and that which it exerted actively, by virtue of conscious policy. (Garton Ash 1994: 133-135)²

Garton Ash (1994) concludes that in fact it is not very difficult to quantify the passive influence of prosperity, freedom and openness on people if we look elsewhere at how hard oppressive

¹ Timothy Garton Ash “In European’s Name, Germany and the Divided Continent.” Published by unitage 1994 printed in Great Britain by Cox & Wyman, reading, Berkshire at pp. 10, 19, 21

² Ibid, at pp: 133-135

regimes try to restrict these factors in order to gain authoritarian control. China, for years did everything within their power to maintain a stranglehold on knowledge of the west, starved and murdered millions of people with its Great Leap Forward and Cultural Revolution. When the mechanisms of control were relaxed, the most successful economic growth, accompanied by the fastest increase in wealth for the largest number of people ever recorded in history was achieved, admittedly not without a great deal of evidence about poor working conditions in some areas. The key to German success lay in open communication between the two regions but there was conflict with Eastern centralised control throwing spanners in the process:

“The West German government’s interest in every case was to preserve and develop all possible kinds of exchange, link, tie or bond between the two parts of Germany, making a web to hold the nation together. The East German regime’s interest, by contrast, was only to allow the most carefully controlled and selective development of such ties, and to exact for them the maximum price. The negotiations were therefore slow, painful and tortuous. In the 1980s, the agenda of the German-German negotiations became rather more diverse and ambitious. There was some co-operation on tackling common problems like the pollution, which originated in one part of Germany mainly the east but affected the other.” (Garton Ash 1994: 138, 143)¹

The Germans demonstrated an awareness of how domestic policy can impact a collective external issue that impacts us all. Introspection is something that a successfully unified Iraq or even an independent Kurdistan can not allow if it is to grow in harmony with the nations surrounding its borders. In the Middle East the German recognition of these factors must stand as an anecdote, the people must educate themselves to understand world affairs and not retreat into microcosmic seclusion. This will be the responsibility of the Kurds in the future if the international community permits

¹ Ibid, at pp: 138, 143

them the space to grow and develop through active non-interference. A policy of non-interference along the lines of what the Germans called Ostpolitik:

“It is not true to say that German Ostpolitik in the 1970s had no concept of fostering desirable socio-political change inside Eastern Europe. It had one, but it was a long-term strategy of deliberate indirection, based on the hope of modifying the behaviour of communist rules by example, trust, co-operation and, incentives solidarity put liberty before stability: analytically as well as politically and morally. Instead of liberalisation through stabilisation it proposed stabilisation through liberalisation with an inevitable period of transitional stabilise, and of course, economic dislocation. And solidarity was anything but dialectical. It said; if you want to change the status quo you must change the status quo; if you want to weaken the party dictatorship you must weaken the party dictatorship; if you want democracy you must weaken the party dictatorship; if you want democracy you must demand democracy.” (Garton Ash 1994: 283-285)

For Timothy Garton Ash, for instance, the logic behind the German policy was then essentially a democratic one, which prompted the people to make changes for themselves. All successful intervention models need to remember this fact for the future stability of Kurdistan. The western powers and the UN then must not be didactic, but allow a free exchange of ideas. Knowledge, wealth and power must flow both ways in equal proportion both within a united Iraq and in Iraq’s relationship to the international community. Pluralism allowed Germany time to recover and follow the ‘famous order of priorities for West Germany: first, freedom; second, peace; third, unity.’ (Garton Ash 1994: 372, 375)¹ Contrary to current world political stances on behalf of the most powerful nations, growth and development have to be assured by the striation and prioritisation of practical measures to avoid the creation of evermore satellite states dependent on the U.S. for financial security. The German economic

¹ Ibid, at pp: 283-285

² Ibid, at pp: 372, 375

model has permitted its people the choice to reject U.S. world policy as the current popular position evoked by Gerhard Schroeder. Hooper added:

“German chancellor Gerhard Schroeder and his Social Democratic party yesterday broke ranks with America’s other European allies by declaring at the start of their election campaign that Germany would refuse to provide troops or money for an invasion of Iraq.” (Hooper Tuesday August 6, 2002)¹

This change of heart on the part of the German government is in marked contrast to the events of the Gulf War when the federal government contributed more than \$6,000 million. Moreover, on its own initiative, in 1990 Germany had, under most solemn treaty, reaffirmed its renunciation of atomic, biological and chemical weapons, in contrast to the moves of global militaries to increase these capacities, effectively making a mockery of the non-proliferation treaty. The response to the German position from the Americans is to immediately threaten international trade agreements as a means of forcing the government to concede. This sort of economic bullying needs to be avoided by the Kurds in the future by preventing dependence on U.S. and UK based multinationals; unfortunately this has not been the current trend in Kurdistan since the UN now controls the oil resources and is undermining subsistence farmers and the rural population with the Oil for Food program. A program which is popular with the Iraqi Kurds only because they now have food whereas before they did not; it is though potentially a rather Faustian alternative for the future. (Hooper Tuesday August 6, 2002)²

¹ The Guardian, John Hooper in Hanover, Tuesday August 6, 2002 “German Leader Says No to Iraq War.” Guardian newspapers limited

² The Guardian, John Hooper in Hanover, Tuesday August 6, 2002 “German Leader Says No to Iraq War.” Guardian newspapers limited

Trusteeship – or signing your life away?

Trusteeship is essentially a concept that owes its existence to imperialism and it is one of the possible solutions suggested for the Kurdish solution. Trustee's territories were former colonies. They were lifted by their own colonial powers. The administration of such territories were given to the UN decolonization committee and then to the UN trusteeship such as UN trust in Namibia and Western Sahara to certain degree. Trusteeship was needed in many areas of the world that had fallen victim to the encroachment of imperialism on their land and political independence. According to the European World Year book:

“The Trusteeship system could be an alternative example to the solution of the entities such as the Iraqi Kurdistan status. From 1960 there were increasing demands for local autonomy within the trust territory. The Trusteeship Council comprising of People's Republic China, France, Russia, United Kingdom and the USA has supervised United Nations Trust Territories through the administering authorities to promote the political, economic, social and educational advancement of the inhabitants towards self-government or independence.” (The European World Year Book 1998: 18)¹

On October 1, 1994 the last territory remaining under trusteeship², the Republic of Palau, declared its independence under a compact of association with the USA, its administering authority. The Security Council terminated the Trusteeship Agreement on 10 November 1994 having determined that the objectives of the agreement had fully attained. On 1 November 1994 the Trusteeship Council suspended its operations; in the

¹ The European world year book, Volume II, 3rd edition (European publications limited, London, UBC: 1998) at p: 18
<http://www.alor.org/OnTargetBritain.htm>

² The Trustship system shall not apply to territories, which have become members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

future it was to be convened on, extraordinary basis as required (The European World Year Book 1998: 19)¹

The respective peoples and legislatures of the new countries, by the US Congress and by the UN Security Council, were due to end after the principle and terms of the Compacts had approved the trusteeship of the islands. Under the Compacts, the four countries (including the Northern Mariana Islands) would be independent of each other and would manage both their internal and foreign affairs separately, while the USA would be responsible for defence and security. In addition, the USA was to allocate some U.S. \$3,000 million in aid to the islands. In January 1986 representatives of the Palau and U.S. administration reached a preliminary agreement on a Compact, whereby the USA consented to provide US \$211 million in economic assistance to the islands.

In October 1994 Palau, the last remaining component of the Trust Territory of the Pacific Islands a United Nations Trusteeship administrated by the USA, achieved independence under the compact of Free Association. Administrative authority was transferred to the Government of Palau with the USA retaining responsibility for the island's defence. A locally drafted Constitution of the Republic of Palau entered into effect on 1 January 1991. In the case of the Republic of Palau the island still remains reliant on the military protection of the US and could thus conceivably be used as a base for operations throughout Asia. (Johnson 2000: 34)²

As this study has shown, the international community is doing no favours for territories under its protection; it is merely combating the results of its own distribution of weapons of mass destruction. The accountability of military troops on foreign soil should be a priority of UN Resolutions as it is a responsibility that

¹ The European world year book, Volume II, 3rd edition (European publications limited, London, UBC: 1998) at p: 19
<http://www.alor.org/OnTargetBritain.htm>

² Chalmers Johnson "Blowback – the Costs and Consequences of American Empire." Published by Little Brown and Company in London 2000, at p: 34

cannot be left to individual nations to decide and as such is a true issue for the UN agenda. Autonomy is another inheritance from the role that empires have played in the history of governments whose complete sovereignty of their own territories has been compromised. There is little real difference between conventional autonomous examples like Morocco and Trusteeships that existed until the independence of Palau. In the case of Liechtenstein and Western Somoa these states:

“Have voluntarily assigned their international competence to another sovereignty state for reasons of efficiency.”
(Johnson ٢٠٠٠: ٣٥)^١

The question to ask in these instances is why these nations have opted to give up complete sovereignty? Why has the international political situation made it necessary to take such measures? The answer surely must be to do with the threat huge nations and armies present to the people of tiny states, whatever their constitution. Kurdistan is not such an example and its resources and size suggest that it would be capable of functioning as a new as an independent state that over time could be admitted fully to participation in international organisations like the UN on equal footing with other members. This would be a new form of autonomy, one that reflected the aims and desire of the people over who currently decisions are being made. (Johnson ٢٠٠٠: ٣٦)^٢

“The International Monetary Fund is essentially a covert arm of the U.S. Treasury, yet beyond congressional oversight because it is formally an international organization. Its voting rules ensure that it is dominated by the United States and its allies. In ١٩٩٧, the IMF roared into a panic-stricken Asia, promising to supply \$١٧ billion to Bangkok, \$٤٠ billion to Jakarta, and \$٥٧ billion to Seoul. In return, however, it demanded the imposition of austerity budgets and high interest rates, as well as fire sales of debt-ridden local

^١ Ibid, at p: ٣٥

^٢ Ibid, at p: ٣٦

businesses to foreign bargain hunters.” (Johnson ۲۰۰۰: ۲۱۰-۲۱۱)^۱

The Kurdish people should probably keep as far as possible from aggressive foreign investments and trade requirements that may ultimately leave them very poor and in debt to foreign nations in the same way as most of the rest of the population of the world.

Saddam's Suggestion

In recent years Saddam Hussein's party has come forth with agreements to solve the problems of the Kurdish people. According to Arabic News Line (۱۳ March ۱۹۹۹) Iraqi Ba'ath Party member Saad Kassem announced that Iraq is ready to reach a final accord with Iraqi Kurds away from foreign intervention, specifically US and British intervention. Kassem added that dialogue with Kurdish opposition parties is still open, but the main problem was the United States role, which he said threatens the Kurdish side, preventing it from reaching any accord with Baghdad. He also said that Iraq wants a national peaceful solution within the framework of a united Iraq without any role by a foreign side, adding that Iraq has no legal or constitutional problem with resuming the dialogue as the Iraqi leadership announced its readiness to discuss all points of view aimed at reaching a peaceful solution. (Arabic news ۱۳ March ۱۹۹۹)^۲

For Nawar unfortunately the time when solutions could be found within a united Iraq has been seriously diminished by the history of relationships between the state government and the people of Kurdistan. Nevertheless the people should still make the decision as to whether or not they want to be included. There are three

^۱ Chalmers Johnson “Blowback – the Costs and Consequences of American Empire.” Published by Little Brown and Company in ۲۰۰۰ pp: ۲۱۰ - ۲۱۱

^۲ Arabic News, Iraq, political “Baghdad Ready to Approve Final Accord with Kurds.” ۱۳ March ۱۹۹۹

<http://www.arabicnews.com/ansub/Daily/Day/۹۹.۳۱۳/۱۹۹۹.۳۱۳۲۷.html>

contested points to the suggestions of the Iraqi government as regards the resolution of the situation in Kurdistan.

Nawar further noted Saddam Hussein is planning to detach seven rich districts from Kurdistan in Iraq and change their ethnic composition by bringing in Arabs and settling them on these lands. The districts in Southeast Kurdistan are Khaniqin, Mandali, Badra and Jasan. In the Northwest he is targeting the districts of Sinjar, Talaafa, Sheikhan, and Aqura. In negotiations, he added another district, Makhmoor, Southwest of Erbil province. When the extensive and rich oil belt of Kandinawa was discovered in ١٩٨٥, Hussein transferred several Arab nomads into the Makhmoor district and claimed it for the Arabs. When Saddam Hussein was told that a majority inhabited the districts of Kurds and that they are part of Kurdistan, (The Iraqi government has no historical, ethnic or legal claims on these districts) he simply replied that the districts are not purely Kurdish, they are mixed and there are Arabs who live in the districts. Since they are mixed they are therefore Hussein's responsibility; he sees himself as the sole arbitrator and decides which part of the land is to be mixed and that whatever he decides must take effect. The mentioned districts are known to contain huge oil reserves and produce a great quantity of grain and cereal. Hussein also excluded from the autonomous region the entire Kirkuk province with its rich oil reserve and fertile grain land. On November ٨, ١٩٩١ the Iraqi Army attacked the districts of Kifri and Kalar east of Kirkuk province with an obvious aim to depopulate the districts by forcing their inhabitants to flee. (Nawar ١٩٩٣: ١٢٩-١٣٠)^١

According to Osman, a Kurdish politician who participated in several peace negotiations with Iraqi regimes, and who now resides in Britain; Saddam Hussein insists that Kirkuk city, the centre of oil extraction, should not be part of the autonomous region. Kirkuk is a mixed city inhabited by the Kurds, Turkmen, Assyrians and Arabs.

^١ Ibrahim Nawar "The Struggle to Remove Saddam ١٩٩٠ - ١٩٩٣." First published in the UK in ١٩٩٣ copyright CN publications ltd - London, designed by: S. Faramany printed & bound in the UK by: Avrora press (London: ١٩٩٣) at pp: ١٢٩ - ١٣٠

The Arabs in Kirkuk City were brought in by the present Ba'athist regime over the last ٢٠ years to change the ethnic composition of Kirkuk. In the ١٩٦٠s before Ba'ath came to power there were only ٢٠ Arab nomad families living in black tents on the outskirts of Kirkuk selling buffalo butter. In recent years, the indigenous people were forced out of their homes and Arabs were brought by the Iraqi army to settle in their homes. The Iraqi army demolished living quarters in the city. Thousands of Iraqi Kurdish refugees from Kirkuk are not allowed to return to their homes. During the negotiations, the Kurdish delegation suggested a special status for Kirkuk City. They proposed Kirkuk remain within the autonomous region but have a semi-independent administrative status. They also suggested that a mayor assisted by a municipal should rule the city. The Municipal Council would be made up of ١٢ members divided equally among the ethnic groups.

Saddam Hussein replied that he admits Kirkuk city is not an Arab city and never has been one, but to include Kirkuk with its oil wealth in the Kurdish region means to strengthen the autonomous region economically and drive it towards independence, to which he objects. The Kurdish delegation always suggested that oil resources remain in the hands of the central government with a percentage to be allocated to Kurdistan. Saddam Hussein rejected this suggestion because the central government should not be forced to spend a certain percentage on the areas where the resource originates. It is an infringement on the authority of the central government. Kurdish parties have also agreed that the four operational oil fields of Ain Zala, Kirkuk, Khaniqin, and Zanboor should be under the control of the central government. (Interview with Osman ٢٤ June ٢٠٠٠)^١

Mr. Ahmed, Secretary of Kurdistan national assembly, however, emphasized that it is unlikely to be worthwhile to look for

^١ Personal communication from Dr. Mahmoud Osman a Kurdish politician who participated in several peace negotiations with Iraqi regimes now working as a member of so called Iraq governing council (place and date of interview: ٢٤ June ٢٠٠٠)

resolutions to the problems presented by Saddam Hussein's solution, since it is unlikely that Saddam Hussein intends to fulfil any of his promises. As this study has shown the people of Kurdistan have repeatedly been the victims of Iraqi policies when they have made agreements in the past and not kept to them. It is clear that Saddam's solution is only made due to the international protection afforded to part of Kurdistan. The people though:

“Remain anxious about the well being of their brethren who suffer the cruel practices of Iraqi regime in the unprotected region.” (Interview with Osman ٢٤ June ٢٠٠٠)^١

These practices include a policy of ethnic cleansing that takes the form of Evicting indigenous peoples and other inhabitants from their homes and replacing them with tribal Arabs brought in from the middle and southern parts of Iraq. This is one element of a systematic Arabization scheme practised against the Kurds, Assyrians, Turkmen and other non-Arabs especially in the areas of Kirkuk, Khanaqin, Sindjar and Shekhan. Another practice is forcing those who have not left their homes and lands to change their identity by officially altering their legal nationality to Arab through falsification of their legal documents and identification cards. This procedure is inflicted upon the Kurds as well as on the Assyrians and Turkmen, said Mr. Farset Ahmed. In addition, an official plan is harboured in which Kurdish names of towns, districts, and villages are changed to Arab names and the devastation and removal of the regions archaeological legacy of Kurdish history, culture and civilisation will occur. Prominent among these has been the defacing of the Kirkuk citadel whose history dates to ٢٠٠٠ BC. More concerning still is the disallowing

^١ Personal communication from Dr. Mahmoud Osman a Kurdish politician who participated in several peace negotiations with Iraqi regimes now working as a member of so called Iraq governing council (place and date of interview: ٢٤ June ٢٠٠٠)

of Kurds and non-Arabs to buy real estate in aforementioned parts of Iraqi Kurdistan. (Interview with Ahmed ٢٠ June ٢٠٠٠)^١

^١ Personal communication from Mr. Farset Ahmed, Iraqi Kurdistan national assembly secretary (Place and date of interview: Kurdistan regional parliament building - Erbil, Iraq: ٢٠ June ٢٠٠٠)

Chapter 9.

Possibilities for the future

Indecent Proposals

In an interview with Kaetuly, a Kurd of Faili origin, a sector of Kurds living in Baghdad who were forced to leave Iraq in late 1970s under an excuse of religious ties with Iranian Shia fundamentals, he said that the Faili people have good ideas about what they for a government. In addressing Saddam Hussein's proposal they have suggested a model which could be valid for a future independent Kurdistan. There would be six important posts, which, if filled with the right persons, would lead to a successful Transitional Interim Government. The Presidential position would only be relevant in the face of forced unification with Iraq again.

The President of the Republic of Iraq has a major influence and needs to be acceptable to the Iraqi people. The President has traditionally been a Sunni Muslim Arab, but both Arabs and Kurds would most likely also tolerate a Shia. In addition the government would need to look like the following:

- Vice President – Kurd
- Prime Minister – Shia
- Deputy Prime Minister - A Kurd in charge of Kurdish autonomous region
- Deputy Prime Minister - Sunni Arab
- Minister of Interior – Shia

- Deputy Minister – Kurd
- Directorate General of Poise – Sunni
- Directorate General of security – Shia
- Minister of Defence – Sunni
- Chief of Staff – Shia
- Chief of Military Intelligence – Shia
- Minister of Education - A Shia or Christian
- Director General of Education – Shia.

The attention to religious and ethnic orientation in any Iraqi state would need to be understood and suggested by both Arabs and Kurds. These proposals demonstrate the importance of allowing decisions to be made locally. There are plenty of qualified advisors without looking to the UN for guidance. (Interview with Kaetuly 16 February 2000)¹

Leslie Gelb, president emeritus of the council on foreign relations, is well aware of the importance of balancing ethnic representation in the region. In his suggestion for dividing Iraq into three separate states (Kurds in the north, Sunnis in the centre and Shiites in the south), he says:

“The general idea is to strengthen the Kurds and Shiites and weaken the Sunnis, then wait and see whether to stop at autonomy or encourage statehood.” (Gelb 20 November 2003)²

He points out that developing trust within the three states, and from their neighbours Iran and Turkey, would be problematic, but

¹ Personal communication from Dr. Kamal Kaetuly a Kurdish Faili origin a sector of Kurds living in Baghdad who were forced to live Iraq in late 1970s under an excuse of religious ties with Iranian Shia fundamentals come to power in Iran. (Place of interview: Glasgow - Scotland, United Kingdom (date of interview: 16 February 2000)

² Leslie Gelb “The Three-State Solution” the New York Times, November 20, 2003 Leslie H. Gelb, a former editor and columnist for The Times, is president emeritus of the Council on Foreign Relations.
<http://www.miholyoke.edu/acad/intrel/iraq/three.htm>

feels that this is the best hope for the area. Gelb suggests that this is the way the area would naturally have gone, had the western states not imposed their own ideas of a united Iraq. (Gelb ۲۰ November ۲۰۰۳)^۱

To make the administrative system of the autonomous Kurdish region effective, it is suggested by Dr. Kamal Kaetuly that the following recommendations would need to be undertaken:

“The legislative council should be elected by popular vote. The legislative council must elect the executive council. Both councils should elect the President of the autonomous region. He will communicate with the deputy Prime Minister, a Kurd who functions as a liaison officer between the autonomous region and the central government. The boundaries of the autonomous region should be the boundaries of the former Mosul Vilayet plus the three Kurdish districts of Khaniqin, Mandali, Badra and Jasan.” (Interview with Kaetuly ۱۶ February ۲۰۰۰)^۲

According to Saied, a member of Kurdistan Communist Party regional relation committee office, to all intents and purposes the majority of the people view their new government as a real and functioning administration. This attitude is perhaps understandable, it is only normal that they should want to take pride in a leadership of their own which they fought for and which they elected democratically. This pride though is dangerous in reality as it opposes the desires of the western powers. The last thing that the western powers want to see is an increase in nationalism. The west continues to make clear its position that it does not want to see an

^۱ Leslie Gelb. <http://www.mtholyoke.edu/acad/intrel/iraq/three.htm>

^۲ Personal communication from Dr. Kamal Kaetuly a Kurdish Faili origin a sector of Kurds living in Baghdad who were forced to live Iraq in late ۱۹۷۰s under an excuse of religious ties with Iranian Shia fundamentals come to power in Iran (place of interview: Glasgow - Scotland, United Kingdom (date of interview: ۱۶ February ۲۰۰۰))

independent Kurdistan.¹ This factor is something the Kurdish leadership has to calculate into any future political equations if they are to continue to enjoy the current trend of relative freedom they now benefit from. The results of this research raise questions and doubts about how politically successful the current administration can expect to be if it follows its present, somewhat idealistic stance or places its hopes on western nations admitting liability or culpability for the current dispossession of the peoples of Kurdistan. Saied added:

“It is the highest hope of the people of the region to see their country united in a democratic republic Kurdistan. This vision is a long-term strategic goal. Our immediate objectives are to have autonomy in Turkey, Syria, Iran and Iraq to enjoy cultural freedom and to be able to express our identity without persecution and suppression. In short, we want to live freely in our Homeland. It is the responsibility of the United States, Britain, France and Germany to help the people of Kurdistan enjoy their full cultural freedom. Moreover, it is in the economical, political, and strategically interests of the

¹ The task of international is now being devolved by necessity to local groups which have an inherently communal nature and identity. It may be a rebound effect but arguably coalition policy is enforcing age old divisions within Iraqi society and what may be a temporary resurgence and expression of identity is made into a resilient and possible militant characteristic of the new country. If this is the case, and presuming that the international community would not embrace the managed partition of Iraq into distinct zones(Kurdish and Arab, for example) nor welcome a Shia's dominated government with theocratic tendencies, it is a dynamic which may prove difficult to reverse without resorting to Saddam's tried and tested methods of patronage and coercion. Whether the international community the coalition or a future interim administration would be prepared to mimic such policies in the interests of maintaining the territorial integrity of Iraq remains to be seen. For more details see Jonathan Eyal "War in Iraq" combat and consequence – The Royal United Services Institute, RUSI Whitehall paper 09 first published 2003, the Royal United Services Institute for Defence and Security Studies. Printed in Great Britain by Stephen Austin & Sons Ltd, for the Royal United Services Institute, Whitehall, London SW1A 1ET UK at pp: 82-83. For more details visit website: <http://www.rusi.org>

western powers to develop the nation of Kurdistan.”
(Interview with Saied ٦ May ٢٠٠٠)^١

This statement from a Kurdish journalist shows a degree of thinking that the current administration needs to address amongst the population and amongst the administration itself. The population need to be educated to understand that progress at home can never be disassociated from progress on the international field.

When I met Mr. Moaid Taieb, head of Kurdistan television Satellite Centre in Dohuk – Iraqi Kurdistan Office, he further emphasized that if the population is aware that these two fields of policy, home and abroad, are intrinsically linked then perhaps they can come to accept that media and political figures currently desire progress at a slower pace. What does this mean? It means that progress can never be long-term and secure if the people pursue their traditional goal of self-determining autonomy. This path is currently, and for the foreseeable future, too dangerous and difficult. The strategic interests of the western powers are far-removed from such a motive. The challenge for the people and for their administration will be to build and develop relative freedoms within the context of understanding the wider implications of the actual strategic interests of the West in the region, previously examined elsewhere in this study. The misconceptions of the current administration and their political inexperience threaten any and all freedoms, not merely the goal of autonomy. It is a fact that it is not only journalists, who must be expected to hold strong views in a free society, but members of the Kurdish administration that support such political goals. This is a non-rational approach to politics, an absolutist one which allows for fixed goals as opposed to waiting for the political climate to dictate which solutions should be chosen before an actual solution is selected and decided upon. The fact that fighting took place in ١٩٩٦ is evidence of how

^١ Personal communication from Mr. Hashim Saied of Kurdistan Communist Party regional relation committee - Dohuk office (place and date of interview: Dohuk - Iraqi Kurdistan ٦ May ٢٠٠٠)

strongly fundamental beliefs among the parties are felt. This factor must be moderated, these groups must come to the understanding that no fundamental, whether it be socialist, communist or whatever, will ever be tolerated by the west. (Interview with Taieb ^ July ٢٠٠٢)^١

According to Jaff, Representative of Kurdistan regional government to European Union in Brussels, Belgium, the Kurdish leadership in Iraq needs to adapt a moderate political attitude before attempts for international recognition will succeed. This is of course a great challenge in and until recently war-torn and volatile region. The tone of political correspondence from the Kurdish administration must be monitored and ministers educated to understand that in getting what they want, the direct approach is currently not the way to succeed with the west. The demands of the following interview with Kurdish representative Burhan Jaff are just one example of how the approach to the west is being mishandled, the tone of speeches is just too demanding. The Kurdistan Regional Government must remember the maxim that 'you need something to bargain with' when considering how to frame requests to the west for political support and recognition:

“The international community particularly European States have a responsibility to assist the people of Kurdistan to a peaceful and secure future in conformity with their obligations under the United Nations Charter and their Organization of Security and Co-operation in Europe (OSCE) commitments. To this end they must themselves enable our communities in their own countries to participate in the dialogue. European states should open a dialogue with representative of the people of Kurdistan. Members of the Arab League and Islamic countries should recognize the aspirations of the people of the region and open a dialogue with their representatives. The international community

^١ Personal communication from Mr. Moaid Taieb director of Kurdistan Satellite KTV television centre in Dohuk – Iraqi Kurdistan office (place and date of interview: Dohuk, Iraqi Kurdistan ^ July ٢٠٠٢)

should recognize the regional government of Iraqi Kurdistan, help to reconstruct the region and to strengthen its democratic institutions. The international community should call on Turkey, Iran, and Iraq to halt all military operations inside Iraqi Kurdistan.” (Interview with Jaff 16 July 2001)¹

Part of this research has been to identify the responsibility of the international community as regards its dealings with the people of Kurdistan and their present predicament. Now in examining attitudes of the people of Kurdistan to autonomy and self-determination, it is important to understand the concept of responsibilities to themselves in order to succeed in the future. The people cannot assume that the west will acknowledge its culpability and assist in political liberation. Far more realistic would be to frame policy as strongly as possible for furthering their own aims, but not so strongly as to antagonize the west’s fears of an emerging rogue state. This means conforming to international norms in all public communications and moderating, not via censorship but by self-control, demands directed at western governments.

Mr. Jaff further noted that this would be difficult for people who are used to suffering at the will of any other government except their own. It will take necessary consideration on the part of the people of the region and their elected administration not to compound their own suffering by refusing to accept the limitations placed upon their freedom by the pressures of international politics. The current view is somewhat isolationist at present and they need to think beyond conventional notions of Homeland towards a brave new world of international interaction and interdependence. Understanding the western dependency on oil and not exploiting it by raising prices to extortionate levels would be one way of deflecting the west from its traditional role of possessing by force. The notion of a proud and completely self determining Kurdistan is

¹ Personal communication from Mr. Burhan Jaff representative of Kurdistan regional government to European Union in Brussels, Belgium (place and date of interview: Brussels, Belgium 16 July 2001)

an antiquated and outdated concept of the interaction of states in the modern political world. The people of the region would do well to abandon such nationalistic views for the long-term benefit and growth of their culture and identity. This is a view shared by the Governor of Erbil, Mantik, who demonstrated a greater political awareness of what is and is not possible in respect of a future Kurdistan:

“In our view the Kurdish people have as much right as the Palestinians to their own territory whether as an independent state or as part of some federal system. However, it is not for us to decide the political structure of the region, as our forefathers did in past. The international community ought to stand firm on the right of self determination which accords to all peoples the right to determine their own political status.”
(Interview with Mantik ^ June ٢٠٠٠)^١

Sofi is a member of the Association for the Sustainable Development of Northern Iraq committee, a UN humanitarian organisation set up on ٢١ January ٢٠٠٢ to support the development projects in Iraqi Kurdistan in Geneva, Switzerland. Mr. Sofi identified the fact that indeed the choice is not in the hands of the people of the region. The Kurdish authorities to some degree appreciate this and now operate with the aim to be admitted to organizations like the UN where they can then realize greater power to control their own fates. This and economic and financial negotiation will hopefully allow a future Kurdistan to enjoy relative freedoms, perhaps within a Federal context.

It is worth elucidating further on the Governor’s statement about the rights of the people of Northern Iraq. It may be time that all nations, not merely Kurdistan, question the discussion of territorial rights in today’s world. Mr. Sofi further explained that, according to his understanding, Kurdish politicians might be better off approaching politics, and in particular oil politics, from this

^١ Personal communication from Mr. Akram Mantik the governor of Erbil, Iraqi Kurdistan autonomous capital city, Kurdistan regional government, (place and date of interview: Erbil - Iraqi Kurdistan ^ June ٢٠٠٠)

practical point of view. Sharing oil resources with the world requires generous thinking indeed, generous when we consider the West's attitude to such things. When examining such thinking it is easy to see that with the balance of military and political power such as it is in the world today, the people do not have much of a choice other than to accept the demands placed on them by the west and try to influence world affairs by working within the international framework, said Mr. Sofi.

This is not of course merely the responsibility of the Kurdish administration and there are many voices raised amongst the people of Kurdistan who demand that the west listen to Kurdish politicians. "The west would do well not to be too greedy with the demands it places on the region. Less conflict in the region must ultimately mean more resource and better usage of fossil fuels in the long-term." Mr. Sofi's remarks on the issue of refugees in the event of continuing conflict further elaborated this point. He explained to me: "If there is no political resolution for this region the conflict will remain, which means at any time we expect invasion and attack especially if sanctions are lifted. At that time the regime will be free to move in Kurdistan. So again you will see millions of refugees on the borders of Iran and Turkey." (Interview with Sofi 21 May 2002)¹

Al - Bazaz explained that the economic burden of refugees on Middle East states and subsequently upon European nations need to be viewed as a situation to be avoided. In view of recent events in the Gulf this does not change at present, as military action against Iraq is bound to have a similar affect. It should be noted however that many people are nevertheless in favour of removing Saddam Hussein, but not with a bombing campaign – with ground troops. Ground Troops would not elicit the kind of problems that would be

¹ Personal communication from Mr. Jawdat Sofi secretary of association for the sustainable development of northern Iraq a UN humanitarian organisation set up on 21 January 2002 to support the development projects in Iraqi Kurdistan in Geneva, Switzerland (place and date of interview: 21 May 2002)

faced if bombing took place. Massive destruction of Iraq would probably cause Saddam to think about using his last weapons to inflict as much damage as possible on the northern region to prevent attacks against his own weakened forces. The attitude of the people then is; if the west does the dirty job of removing Saddam Hussein then as regards their claims to autonomy they will accept terms along the lines of something akin to Federalism. This is at least the attitude that comes from the Kurdistan regional administration, but not from the people themselves. Divisions amongst the people themselves are clearly recognized by the administration. (Al - Bazaz ١٩٩٦: ٦٩-٧١)^١

Mr Yosef, Minister of Kurdish administration, said, in my opinion, as my understanding from the international perception and regimes, the federal system is the best system for us here in Kurdistan. This system is implemented in United States, Switzerland and many other countries in today's world. It is good in the sense that it unites us and does not divide the region. But to be a real federal system we need to have some rehabilitation programme for the people here. The Iraqi government still thinks of how to Arabize the area of Kurdistan. So if we do not respect each other, other nations, and other religions and other cultures we cannot live together. Yes the crisis here is the mentality of the people. People have to think like human beings and respect other human beings. The majority of people here demand a federal state in Iraq, but not before the change in the central government in Baghdad. We are in different conditions. The people of Iraq are divided in four cultures and languages Kurds, Assyrians, Turks and Arabs. We cannot divide Erbil or Baghdad. People have to feel they are sharers in this home (Iraq) and part of this home is Kurdistan. So if the people do not feel that they are free on their

^١ Sa'ad Al - Bazaz "Kurds and the Iraqi Question" issued by Al - Ahliyah publication and distribution, first Arabic edition (Oman, Jordan: ١٩٩٦) at pp: ٦٩ - ٧١

land and that they are real sharers of Iraq, there will be no stability and no peace. This has been our problem since the beginning of the establishment of the state of Iraq. (Interview with Yosef ١٨ August ٢٠٠٠)^١

Moneim Mustafa, regional advisor for Africa and the Middle East within the International Organization for Migration (IOM) has emphasized in another interview I conducted, in his Geneva office, that the proposing solutions is a dangerous business:

“People may actually use your suggestions and then hold you accountable if they go wrong. This is one of the main problems of intervention, however well intended it maybe. If you allow people to create their own solutions they may fail but this will not necessarily bring you into conflict with people, provided they are honest enough to blame themselves. Provided that the international community recognises its duty to support the people of Kurdistan not as an act of charity but of responsibility, and provided that funding and unconditional military protection are on offer to Kurdistan for as long as it takes to dismantle armies and make safe weaponry worldwide, then perhaps there is a chance for future peace. These are very great steps to take because the plight of the Kurds is not isolated to Kurdistan and, unfortunately, are not exclusive to them. This is because of international factors that are beyond their control.” (Interview with Moneim Mustafa ٠٩ January ٢٠٠٢)^٢

In the United States the society is diverse and multi-cultural but the issue of power is now bitterly complicated by weapons of mass destruction. Who conceived these weapons? Who thought they

^١ Personal communication from Mr. Yonadem Yosef Hanna Minister of Kurdish administration, Kurdistan regional government now member of Iraq governing council from Assyrian minority nomination (place and date of interview: Erbil - Iraqi Kurdistan ١٨ August ٢٠٠٠)

^٢ Personal communication Mr. Hassan Abdel Moneim Mustafa regional advisor for Africa the middle east and southwest Asia – external relations department (International Organization for Migration (IOM) Geneva ٠٩ January ٢٠٠٢)

were a good idea? The answers to these questions are open to debate but the continuation of their development may not be if there comes a time in history when they are used so extensively that the environment we live in can no longer support human life. In an interview, Khallaf explained to me that while democratic systems still function to some degree in western democracies the people must act to prevent the misuse of the wonderful opportunities science and technology offer for the future. In order to ensure that science and technology develop in ways that are positive for the future, people must work to understand possible applications en masse and direct politics to see that it is used in the best way that it can be. With knowledge and understanding of the implication of technology and control placed in the hands of an educated public, the shared resources of the world need not be appropriated by a few nations to dictate and oppress the rest. The UN could take steps in this direction by funding scientists to discover safer methods of dismantling land mines and safer ways to dispose of radioactive materials. We do not need to wait for terrorists to crash a plane into a nuclear treatment plant in order to wake up to the fact that no nation is invulnerable to violence, we need simply to invest in making the world safe and the west must lead by example because it is the one with the biggest guns, not Kurdistan, not China and not Iraq. (Interview with Khallaf ¹ August 2002)

In the context of this thesis it has become necessary at all times to view the bigger picture of world politics in order to understand just how far the Kurdish situation acts as a microcosm that impacts the whole world. The model this thesis proposes for the future then is not one that seeks to preach to the Kurds how they should begin to reconstruct their state, because indeed it should be their state. Mr. Menemencioglu from UNHCR² explained the model is one

¹ Personal communication from Ms. Shaden Khallaf executive assistant office of the director – regional bureau for central and south west Asia, north Africa and the middle east (place and date of interview: United Nations High Commission for Refugees Headquarter UNHCR, Geneva, Switzerland 24th August 2002)

² UNHCR: United Nations High Commission for Refugees a UN body responsible for refugees.

that is the responsibility of the international community, one which creates a framework that allows for the prospect that there will come a time when all crimes like genocide, ethnic cleansing, mass rape and mass torture cease. This would then serve as a universal concept of human rights that does not seek to interfere in the internal affairs of sovereign states but co-exists with diverse societies. The idea of getting rid of weapons may appal military leaders and be dismissed as ridiculous but the simple fact is that you cannot shoot someone without a gun. When weapons get worse, atrocities get worse and that is a fact that has been demonstrated through history. The first step would be maybe to first equalise weapons distribution so that there is not such a great power disparity between nations, the second would be to then get rid of them altogether. In equalising arms there might be less motivation to use weapons of mass destruction on all sides. While this is not the case one side will always obliterate the other and the other will always look to strike first to pre-empt attack. (Interview with Mr. Menemencioglu August ٦, ٢٠٠٢)^١

Rules of Engagement

A world without weapons of mass destruction is an ideal and does not present a practical solution to the problem of the Kurdish people nationalism^١ today or in the foreseeable future. Mahmoud Aisa believes that in the short-term an international military presence in Kurdistan is now needed to ensure that ordinary people are protected from weapons that could be used to slaughter vast

^١ Personal communication from Mr. Ekber Menemencioglu director regional bureau for central Asia, south west Asia, north Africa and the middle east (Geneva Headquarter) place and date of interview: United Nations High Commission For Refugees Headquarter UNHCR, Geneva ٦th August ٢٠٠٢)

^٢ Dr. Mohammad Khoshnaf “The Kurds and Kurdistan” article on the origin of the Kurds, prepared by the Kurdish academic network chairman in London (٢٧ October ١٩٩٩) Kurdish Academic Network (KAN) is a non-political voluntary organisation established by academics in the United Kingdom to support education at all levels in Iraqi Kurdistan
<http://www.kurdishacademic.btinternet.co.uk/Kurdistan/Kurdistan.htm>

numbers of them. Additionally a military presence is needed to prevent a backlash from Iraqi military forces. Semi-permanent military forces stationed in Kurdistan should be educated to understand local laws, languages and customs. Kurdish military leaders and troops should hold positions amongst the military forces stationed in Iraq. The task of all military forces should be to defend and protect territory without encroaching or attacking Iraq. The ethnic mix and governance of the military forces would be the means the international community could use to prove to the Kurds that they are not simply an outpost of western military imperialism but the shapers of their own destinies. (Mahmoud Aisa ۱۹۹۲: ۵۱-۵۳)^۱

According to Salih, of the Patriotic Union of Kurdistan, Prime Minister of the Kurdistan Regional Government, the new Iraqi state should have clearly limited powers. Those who want a strong executive presidency show no understanding of either Iraq or the Middle East. The region is too full of strongmen, many of whom are the West's best friends when it suits them. It would be better for Iraq to have a representative, collegial leadership. It cannot be democratic if it is not also federal, a state that recognizes the rights of Iraqi long-abused people. The Kurds, some ۲۵% of all Iraqis, have not been the only victims of Saddam and the failed state of Iraq, but Kurdish people and other minorities have been its primary victims. The people of Kurdistan are Iraq's democratic vanguard, following to ۱۲ years of air cover; Kurdish people have a diversity of opinions, a free media, and a respect for minority rights that is not found elsewhere in the Islamic Middle East.

Mr. Salih argued that within the region Kurdish people must build good relations with Iraq's neighbours, promote the peaceful resolution of disputes and, above all, end the use of terrorism. At the same time, Kurdish people will politely and firmly ask Iraq's neighbours to leave the people of Kurdistan alone. As for the UN, it has a role to play; but it must win back the trust of Iraqis. The UN's

^۱ Dr. Hamid Mahmoud Aisa "Kurdish Problem in the Middle East" (Cairo, Egypt: Madboli publication – Imprimerie Atlas printing, ۱۹۹۲) at pp: ۵۱ – ۵۳

Oil for Food program has been mismanaged appallingly. Half of the money allocated to Iraqi Kurdistan never reached Kurdish people, because of bureaucratic obstacles erected in Baghdad and supported by UN. Plaza. In Suleimaniyah, Kurdish people have waited five years for the program to build a ٤٠٠-bed hospital. No money from Oil for Food was allocated to cover the basic running costs of the Kurdish authorities. Despite change in Baghdad, there has been no change of heart at the UN. The UN Secretary General has the right to take unspent Kurdish money from the Oil for Food program and use it as he sees fit for Iraq's immediate humanitarian needs. Nobody can object to that in principle. The problem, as ever, is UN practice. People of Kurdistan have been told that any money taken from the Kurdish account is reimbursable, that we will still be entitled to it. When, how, and, frankly, if, this money will ever be reimbursed people do not know. Let international control of Iraqi oil continue, but please, let it be to the benefit of Iraqis and not UN bureaucrats.

“The transition in Iraq will not be easy, and must be assessed in its proper context. Iraq's decimated civil society coupled with the many external influences will inevitably make the transition a rather complicated process. The future of Iraq is of consequence not only to the people of Iraq, but also the wider Middle East and beyond. The stakes cannot be any higher: for those of us who would like the Islamic Middle East to aspire toward more democracy, as well as for those who seek to maintain the status quo. These historic challenges can best be tackled through a partnership between Iraqis and the U.S.-led coalition. A broad-based provisional national Iraqi government must be established very soon, tasked with maintaining order, resuming public services and preparing for elections both local, for municipalities, and national, for a constituent assembly to ratify a new constitution. Free Iraqis must shoulder the responsibility for governing their country. These are great challenges. Whatever happens, let us not forget the terror that Iraqi

people have emerged from, just as world will never forget those who freed Iraqi people.” (Salih, April 22, 2003)¹

Yes, this doctrine is ideologically sound but the US public now need to recognise their international responsibilities. They need to limit the power of their government to permit other peoples in the world to enjoy a world where power flows from the bottom-up. For a long time in the conceivable future, the structure of Middle East society may not function on US democratic lines but by eradicating the arms trade and by working to achieve economic parity throughout the world it is not hard to conceive that societies will emancipate themselves from power structures that violate human rights principles.

According to Peters, a retired military officer and the author of “Beyond Terror: Strategy in a Changing World”, traditional wisdom insists that Iraq must remain in one piece. Washington subscribes to that belief. The Bush administration insists it will not permit the break-up of Iraq. But what if some Iraqis prefer to live apart from others who slaughtered their families? He added:

“Certainly, US efforts to rehabilitate the region would go more smoothly were Iraq to remain happily whole within its present borders. U.S. initial efforts should aim at facilitating cooperation between and the protection of Iraq's ethnic and

¹ Barham Salih “What the Kurds Want” the Wall Street Journal, April 22, 2003. The new Iraqi state should have clearly limited powers. Those who want a strong executive presidency show no understanding of either Iraq or the Middle East. Justice demands that we reverse ethnic cleansing. The Arabization of Iraqi Kurdistan, the settlement program that few have ever heard of, began 40 years ago, before the long tyranny of the Ba'ath party. Over 600,000 persons in Iraqi Kurdistan, mostly Kurds, but also Turkmen and Assyrian Christians, are internally displaced. All reversals of ethnic cleansing must be conducted lawfully: Iraqis have had enough violence and summary justice. The Arab settlers who were used to colonize Khanaqin, Sinjar, and Kirkuk must be treated fairly. Barham Salih is prime minister of the Kurdistan regional government of the Patriotic Union of Kurdistan. (Wall Street Journal) http://www.puk.org/web/htm/news/nws/oil&food_un.html

religious groups. But the US also needs to think ahead and to think creatively if they are to avoid being blindsided by forces they cannot control. What if, despite the US's earnest advice, the people of Iraq resist the argument that they would be better off economically and more secure were they to remain in a single unified state? What if the model for Iraq's future were Yugoslavia after the Cold War¹, not Japan or Germany after World War II? The key lesson of Yugoslavia was that no amount of diplomatic pressure, bribes in aid or peacekeeping forces could vanquish the desire of the oppressed to reclaim their independence and identity. Attempts to force such groups to continue to play together like nice children simply prolong the conflict and intensify the bloodshed." (Peters 20 April 2003)²

Peters expressed that United States is far too quick to follow Europe's example and resist the popular will they should be supporting. If the United States does not stand for self-determination, who shall? This is not an argument for provoking secession by Iraq's Kurds or Shiites. Objectively viewed, Iraq's advantages as an integral state are indeed enormous, while the practical obstacles faced by any emerging mini-states would range from the problems of a landlocked Kurdistan in the north to the threat of religious tyranny in the Shiite south. But reason does not often prevail in the affairs of states and nations. Kosovo, Macedonia and Bosnia remain dependent on foreign donations, black-marketeering and debt for their survival. Two of the three were born anew in blood, and all are troubled. But none of these matters to those who could not bear the arbitrary borders

¹ Cold War: Global confrontation between a capitalist led by the US and a communist bloc led by the USSR, lasting from the end of the Second World War until the breakdown of Soviet rule in central Europe around 1989.

² Ralph Peters "Iraq Must Stay As A Whole" Washington Post, Sunday, April 20, 2003

imposed on them by diplomats whose concerns did not include the popular will.

Peters further concluded that as the U.S. try to help the Iraqis rebuild their state they should spare no reasonable effort to demonstrate to all parties concerned the advantages of remaining together. But the US has to stop short of bullying them and well short of folly.

“Even as they aim for a democratic, rule-of-law Iraq, the U.S. have to consider alternatives if we are to avoid being bushwhacked by the guerrilla forces of history. Iraq’s Kurds, Shiites and numerous minorities long have suffered under the rule of Sunni Arabs from the country's middle. We have witnessed widely varied reactions to the arrival of U.S. troops in Iraq. Kurds welcomed U.S. with flowers. Some Shiites cheered and applauded, but others influenced by Iran have been far more reticent, even hostile. The Sunni Arabs in the nation’s heartland were Saddam Hussein’s most enthusiastic supporters, although many also suffered under the old regime. The situation in Iraq is far more complex than any commentary can describe. But a few things are clear. The United States throughout its history has been the world's most positive force for change. Now U.S. must prepare itself with other allies to help shape further changes it cannot prevent. U.S. and its allies have to concentrate on building a better future, not on defending Europe's indecent legacies. And finally Peters says at the end of the Iraqi experiment, U.S. most important goal should not be preserving the relics of Versailles but promoting human freedom and security whether that means one Iraq or several.” (Peters April 20, 2003)¹

¹ Ralph Peters “Iraq Must Stay As A Whole.” Washington Post, Sunday, April 20, 2003;

International Reaction

Any attempt to build a stable Iraq and preserve its territorial integrity will need to address the Kurds legitimate grievances. Much of the Kurdish population has come to enjoy considerable political autonomy from Baghdad as a result of the direct flow of revenue from the UN Oil for Food Program, and they are not about to accept a rollback of their new status. Fear of losing this status coupled with Washington's historically inconsistent record of support for the Kurds explains why many of them, though deeply hostile to the regime, also are wary of the impact of a U.S.-led regime change. (Crisis International Group 2002: 2)¹

As part of the ongoing confrontations between the U.S. and UK on the one hand and the regime of Saddam Hussein on the other, the Kurds seem to face yet another dramatic change in their recent history. They can either be the great losers in the ensuing changes if the American policy of regime change in Iraq, if it goes badly wrong, and is not well-thought off and well-prepared for or the one of the great winners if President Bush's vision of a new Middle East can hold water in Iraq. In fact, as Gordon argues:

“The Bush administration does have a something of a Middle East vision base on more than domestic political considerations. At the heart of the plan is the determination to use America's unprecedented power to reshape the Middle East by supporting America's friends in the region, opposing its enemies and seeking to promote democracy and freedom.” (Gordon 2003: 100-105)²

¹ Crisis International Group, Iraq backgrounder: What lies beneath? ICG Middle East report, no. 6 October 1, 2002, at p: 2, in order to avoid repetition, and if not otherwise indicated, the words Kurds, Kurdish and Kurdistan refer only to the Kurds in Iraq and Iraqi Kurdistan throughout this report.

http://www.gulfinvestigations.net/document/109.html?var_lg=en

² International Crisis Group, Iraq backgrounder: What lies beneath? ICG Middle East report, no. 6 October 1, 2002, at pp: 2, 0

<http://www.gulfinvestigations.net/document/109.html>

The Kurdish society has transformed during the period of self-rule since 1991. In this context, the Kurds seem to be at a crucial crossroads where they can see either their human development and human security, and possibly their survival, threatened, as in the past decades, or protected by the international community. This study moreover focused on the risks the Kurds are facing in the coming months, or perhaps weeks, if not days. On Thursday 17th March President George W Bush informed the American public (and the world by implication) that the U.S. and the UN were 'still in the final stages of diplomacy. (George Bush 17th March 2003)'¹ The process and the related decisions as to how to solve the confrontation with Iraq have indicated that the Iraqi crisis has created several policy dilemmas for those who support and those who oppose the war option, including the Kurds. Despite that there is:

“Still broad international agreement about the objectives to be pursued ensuring that Iraq does not constitute a threat, disarming it of the weapons of mass destruction it still retains (as demanded by Security Council Resolution 1441), and improving the condition of the Iraqi people as demanded both by common decency and the Iraqi people themselves.”
(International Crisis Group 9, 24 February 2003)²

In a recent press conference President Bush once again, emphasised:

See also Philip H. Gordon, 2003, “Bush’s Middle East Vision” survival, vol. 40, no. 1 at pp: 100-160

¹ President George Bush discusses Iraq in national press conference, 17th March 2003, <http://www.whitehouse.gov/news/releases/2003/03/print/20030317-14.html>

² International Crisis Group, Iraq policy briefing: Is there an alternative to war? ICG Middle East reports no. 9, 24 February 2003. The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with 90 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict. <http://www.crisisweb.org/home/index.cfm?id=1717&l=1>

“That Saddam Hussein, while a real threat to the U.S., is also a real threat to the Iraqi people, therefore, he was convinced that a liberated Iraq is the answer for this troubled part of the world. The Iraqi people are quite capable of governing themselves. Iraq is a sophisticated society. Iraq has got funds. Iraq will provide a place where people can see that the Shia and the Sunni and the Kurds can get along in a federation. Iraq will serve as a catalyst for change, positive change. We care about the suffering of the Iraqi people. The life of the Iraqi citizen is going to dramatically improve. We will be changing the regime of Iraq, for the good of the Iraqi people.” (Bush 6 March 2003)¹

In a testimony before the Senate Foreign Relations Committee on 11th February, Marc Grossman, Undersecretary for Public Affairs, outlined the guiding principles behind the official thinking of the Bush administration in defining its policy towards Iraq, if a war becomes necessary.

“The principals are: First, we will demonstrate to the Iraqi people and the world that the United States wants to liberate, not occupy Iraq or control Iraqis or their economic resources. Second, we must eliminate Iraq's chemical and biological weapons, its nuclear program and its related delivery systems. Third, we must also eliminate Iraq's terrorist infrastructure. Fourth, safeguard the territorial unity of Iraq. The United States does not support Iraq's disintegration. Fifth, begin the process of economic and political reconstruction, working to put Iraq on a path to become a prosperous and free country.” (George Bush 7th March 2003)²

¹ President George Bush discusses Iraq in national press conference, 6th March 2003 <http://www.whitehouse.gov/news/releases/2003/03/print/20030306-14.html>

² President George Bush discusses Iraq in national press conference, 7th March 2003 <http://www.whitehouse.gov/news/releases/2003/03/print/20030307-14.html>. Emphasis added. See more “U.S., UN prepare to meet humanitarian

The fact that Iraq has used weapons of mass destruction against the Kurds reached an unprecedented level of clarity when the Colin Powell told the members of the UN Security Council that they should be deeply and continuously concern with one subject, that of ‘Saddam Hussein’s violation of human rights’. Powell argued that:

“Underlying all that I have said, underlying all the facts and the patterns of behaviour that I have identified as Saddam Hussein’s contempt for the will of this council, his contempt for the truth and most damning of all, his utter contempt for human life. Saddam Hussein's use of mustard and nerve gas against the Kurds in ١٩٨٨ was one of the ٢٠th century’s most horrible atrocities; ٥٠٠٠٠ men, women and children died.” (Powell ٥ February ٢٠٠٣)^١

As far as the Kurds concerned, the Kurdish minister, Dr Qazzaz, expressed the fear, the danger and the risks in a clear way by saying:

“You don’t have to convince us that Saddam Hussein has chemical weapons. We know he has. And we fear he will lash out at us, as he has done before, as soon as he is attacked.” (Kurdistan Observer ٤ March, ٢٠٠٣)^٢

As a White House document stated in March, the danger posed by Saddam Hussein and his weapons cannot be ignored or wished away. In that context the Kurds can hardly feel secure without being offered any real protection when they also hear president

needs in Iraq.” Washington File, ١٤ February ٢٠٠٣ <http://usinfo.state.gov>. Also see Marc Grossman, under secretary for political affairs, testimony before the Senate foreign relations committee, ١١ February, ٢٠٠٣ <http://www.state.gov/p/١٧٦١/pf.htm>

^١ Secretary of state Colin Powell addresses the UN Security Council. The United-Nations, ٥-February-٢٠٠٣, <http://www.whitehouse.gov/news/releases/٢٠٠٣/٠٢/٢٠٠٣.٢.٥-١.html>

^٢ Iraqi Kurd envoy seeks aid and gas masks before war. ٤ March, ٢٠٠٣, <http://home.cogeco.ca/~observer/٥-٣-٠٣-kurds-need-gas-mask.html>

Bush saying that after ١٢ years UN sanctions and inspections Saddam Hussein has systematically violated all agreements and sanctions, and that:

“He pursued chemical, biological, and nuclear weapons, even while inspectors were in his country. Nothing to date has restrained him from his pursuit of these weapons not economic sanctions, not isolation from the civilized world, not even cruise missile strikes on his military facilities.”
(White House ٥ March ٢٠٠٣)^١

This fear is the Turkish factor in the context of the looming war ‘discussion of Turkey’s potential role in Northern Iraq raise serious human rights concerns’, because if very large numbers of Turkish armed forces enter Kurdistan ‘there is a risk that they will resort to the mass detention and torture, political killings, “disappearances,” and village burning that they used when fighting over similar terrain in south-eastern Turkey. (Human Rights Watch, March ٢٠٠٣)^٢

Turkish politicians, military and media have presented the developments in Kurdistan as a threat to Turkish security, Kurdish leaders have several times addressed Turkey’s security concerns by reassuring Turkish officials that the Kurds will prevent PKK

^١ White House ‘Global Message on Iraq’ ٥th March ٢٠٠٣,
http://www.whitehouse.gov/infocus/iraq/global_٢٠٠٣٠٣٠٥.html
Also see state of the union address by President George W. Bush, ٢٨th January ٢٠٠٣
<http://www.whitehouse.gov/news/releases/٢٠٠٣/٠١/print/٢٠٠٣٠١٢٨-١٩.html>

^٢ Human Rights Watch Report “Turkey and War in Iraq: Avoiding Past Patterns of Violation.” (New York, March ٢٦, ٢٠٠٣) Turkish authorities should be taking steps to avoid repeating past violations in any operations in northern Iraq, Human Rights Watch said on March ٢٦, ٢٠٠٣. According to Elizabeth Andersen executive director from Europe and central Asia division of Human Rights Watch Turkey has a bad record of violations against civilians while battling rebel Kurds in south-eastern Turkey. It needs to be taking precautionary steps today, to make sure its troops don’t commit repeat violations in any operations it undertakes in northern Iraq.”
<http://www.hrw.org/press/٢٠٠٣/٠٣/turkey٠٣٢٦٠٣.htm>

(KADEK) forces from attacking Turkish forces from their territory and they themselves will not embark on any political adventure that would endanger their survival as a group. Kurdish political negotiations with the Iraqi opposition leaders have, therefore focused on the Kurds' commitment to the territorial integrity of Iraq. Despite that the Turkish officials seem to be determined to block and undermine any potential development that would lead to formal recognition of the de facto existing Kurdish entity, maintaining that the Kurdish leaders would pursue their own agenda. Turkish officials cite the possibility that Kurdish forces could capture the oil-rich city of Kirkuk, which would provide them with the financial means to establish a separate Kurdish state. The Turkish foreign minister has reportedly expressed this line of thinking as late as February this year, saying;

“At present the Kurdish area enjoys certain autonomy. We do not want this to be consolidated further and to be transformed into a federal state or an independent state.”
(Human Rights Watch Report ٢٠٠٣: ١, ٣)^١

While Turkey insists on a federal solution for the Turks to solve the Cyprus question, Turkey denies, and attempts to block such a development in the case of the Kurds in Iraq. This situation is more of paradoxical because the entire Iraq opposition has already endorsed a federal solution as a future form of government in Iraq. Although not agreeing to the detailed forms of such as solution, both president Bush and several other senior politicians in his administration have publicly talked about a democratic, plural and federal Iraq they would prefer to see. (Annan February ١٥, ٢٠٠٢)^٢

There is a commitment that all peoples in the world can make towards assisting the Kurds as well as helping to see the rights of

^١ As quoted in Human Rights Watch Report, March ٢٠٠٣, Turkey and War in Iraq: Avoiding past patterns of violation at pp: ١, ٣

^٢ Kofi Annan UN Secretary-General addresses international peace academy “Seminar on the Responsibility to Protect.” ١٥/٠٢/٢٠٠٢,
<http://www.un.org/News/Press/docs/٢٠٠٢/sgsm٨١٢٥.doc.htm>

all peoples realised; we need to take responsibility for the actions of our governments, question them and take power from their centres. In the UK for example the people need to demand government transparency and end secrecy. In his book ‘Bring Home the Revolution’ the journalist Jonathan Freedland made clear the complete lack of respect the government has for its people:

“It is not as if British politicians are unaware of the corrosive effect secrecy has on a democracy. On the contrary, it was the very fear of democratic debate that sent the Iraq gate plotters into the shadows in the first place.” (Jonathan 1998: 46)¹

Geoffrey Howe – who as foreign secretary had framed the very rules governing the supply of weapons to Iraq admitted to the Scott inquiry that he had not wanted the change in policy to become known because of the emotional way in which such debates are conducted in public. Rare is the occasion when a British politician actually confesses his utter disdain for the people he represents and for democracy itself. But with those words Lord Howe admitted that he considered the women and men of Britain either too emotional or too stupid to be allowed to know the policies executed in their name. (Jonathan 1998: 47)²

Until the people of powerful military nations like the U.S. and UK take an interest in and make the effort to understand foreign policies they will remain ignorant of how the actions taken on their behalf lead to the direct and indirect suffering of marginalised people like the Kurds. The U.S. in many respects has far less distance to go than Britain in this respect as its political system only requires the American people to take a greater interest in nations outside their border, since unlike the mock democracy of the UK, the power lies far more at a local level to change the behaviour of their government:

¹ Jonathan Freedland “Bring Home the Revolution.” Published 1998 by Fourth Estate ltd, 7 Salem Road, London W2 4BU at p: 46

² Ibid, at p: 47

“The American model endows power to the people who lend some of it to the people. It’s the most radical statement of human rights in the history of the human race.” (Jonathan ١٩٩٨: ٢٠)^١

The idea of bottom-up government does indeed underpin American notions of democracy. But it is not some abstract theory, taught only in civics classes and by onetime history professors like Newt Gingrich. It informs the entire way U.S. politics works, setting out the ideal for which the nation still strives, not always successfully. Whatever the results, the goal is clear – to put the people in charge. This doctrine is ideologically sound but the U.S. public now need to recognise their international responsibilities.

What do the Kurds want to happen?

In an interview I conducted with Mufti, Iraqi Kurdistan Eastern enclave security chief (September ١٧, ١٩٩٩), he stated that at all times and at all opportunities the desires of the Kurds themselves should form the basis of any policies that shape Kurdistan. The Kurds already have notions of how to go about creating a new state and the UN might provide economic subsidies to help them realise their own plans. A Governor or a President should affiliate the autonomous region with the central authority. The central government should be in charge of foreign relations, defence, central bank, foreign trade, and other functions agreed upon. Complete cultural freedoms and a considerable amount of political freedom for the Kurds and the other minorities living within the autonomous region are necessary. Kurdish language should be used as the language of instruction in schools at all levels, including elementary, secondary, and university levels. Arabic language should be used as a secondary language beside languages of the minorities if they wish. The Kurdish language has to be used as the official language of communication in all government branches, in the administration of justice, and in court proceeding. All officials

^١ Ibid, at p: ٢٠

should be either Kurds or minorities in areas where they make most of the population. Exceptions should be made when the employment of Arabs is required for special expertise. The Kurds and the other minorities within the autonomous region should have the rights to follow the principles of a multi party system, freedom of press, and free election without restrictions. In short, the Kurds and the other minorities should use their identities as freely as they wish without infringing on others rights. The Kurds should live like Kurds in their own historical homeland. (Interview with Mufti ١٧ September ١٩٩٩)^١

In another interview I conducted with Khalid, President of Dohuk University, he stated that the economic subsidy has to be provided for the Kurds as long as they are required for them to establish themselves. Military assistance should be separate from any other subsidies. The Kurds should review whether or not they require economic assistance for themselves; at the point they decide to function independently they should be given full recognition and state sovereignty in the eyes of the international community. As regards the removal of the military protection, ultimately this can only be made expedient by the world decrease in weapons and a carefully considered proportionately representative international decision. This is not to be expected in the immediate future but perhaps it is conceivable. Such an event will only come about when the makers of such weapons, the scientists and engineers that work for global military institutions and arms makers, begin to better understand the way their managers and company bosses misuse the technology they develop. Perhaps at a future point in history, greater universal political and cultural awareness will lead experts in weapons technology to work elsewhere in the fields of scientific development. It is the world responsibility of the United States, Britain, France and Germany to help the Kurds enjoy their full cultural freedom. Moreover, it is in the economical, political, and strategic interests of the Western

^١ Personal communication from Mr. Kameran Mufti Iraqi Kurdistan eastern enclave security chief (place and date of interview: Dohuk, Iraqi Kurdistan: ١٧ September ١٩٩٩)

powers to develop the Kurdish nation for peace and stability. The Kurdish people are sparing no effort to strengthen their ties with the West. (Interview with Khalid ^١ September ١٩٩٩)

Barzani President of Kurdistan Democratic Party admitted in an interview with Turkish newspaper Milliyet that a suitable situation for the establishment of an independent Kurdish state has not yet been created. And any discussion on this subject has not yet been held. His conviction is that in northern Iraq (Kurdistan) neither an independent Kurdish State could be established nor the Saddam will be able to subdue the Kurds by using force. Our aim is to establish a federal state within the Iraqi boundaries and with the Baghdad administration. (Newspaper Milliyet ^٢ September ١٩٩٥)

In a speech delivered before the conference of the Arab-Kurdish dialogue which started deliberations in Cairo on ٢٨ May ١٩٩٨, leader of the Patriotic Union of Kurdistan Jalal Talabani said, the Kurdish people have chosen the federal system, which, we think, the right way to preserve Iraq's unity. Talabani added that the coming of Iraqi Kurds to Cairo seeking a just solution for their cause does not mean that they are preparing a colonialist conspiracy against Iraq, adding it is just a sincere Arab attempt to enable Iraq to get rid of a problem that has besieged it (Arabic news ٢٨ May ١٩٩٨)^٣ Honesty is of paramount importance to achieve such lofty goals. Likewise forgiveness must form the backbone of the international world order if we are to move on from the terrible crimes of the past. Many nations have to give back

^١ Personal communication from Mr. Asmat Khalid president of Dohuk University (place and date of interview: Iraqi Kurdistan: ٩ September ١٩٩٩)

^٢ Mr. Mithat Bereket, Milliyet Turkish newspaper "Barzani: Death to PKK" (Salahaddien, Iraq: ٤ September ١٩٩٥) at p: ٣

^٣ Arabic News: Iraq, Political "Kurds: Our Objective is Confederation." *Iraq-Regional, Politics*, ٢٨ May ١٩٩٨
<http://www.arabicnews.com/ansub/Daily/Day/٩٨٠٥٢٨/١٩٩٨٠٥٢٨١٢.html>

from what they have taken and many more must be prepared not to seek revenge for previous injustices. All of this is possible and will be possible if people are the focus of the future; the choices we all make individually must be viewed as part of an organic whole to ensure that if we inflict injury on others then we inflict upon ourselves and so be forced to deal with the consequences. This is the responsibility of East and West, men and women, you and me. We must ask ourselves the question; can we live up to and accept our responsibilities?

Perhaps one day the Kurds will achieve independence or perhaps more international recognition such as Palestinians when we no longer need to see nationalistic distinctions between any of the world's nations as they will all function and co-operate together, whilst respecting the diversity and valuing the cultural differences that make the world interesting. This is indeed a hope for the future but it is not one that should be dismissed as unachievable since we already live in an age when we can communicate in seconds with any person, anywhere in the world, provided we make the effort to learn all languages instead of trying to have just one. (Medico International & Kurdish human right project ١٩٩٣: ٢٨)^١

^١ Report by the parliamentary human rights group on a mission to Kurdistan, ١٢-١٧ October ١٩٩٣ "A Desolation Called Peace" they made it a desolation and called it peace (Tscitus, AD ٨٤: Medico international, Kurdish Human Right Project KHRP: London) at p: ٢٨ See also <http://www.xs.nl/~kicadam/pers/oud/d.html>

Chapter ١٠.

Conclusion

This study set out to examine the history of the Kurds, international law and the facts surrounding international intervention. The international community needs this information to formulate successful and sustainable answers to the Kurdish situation and to build a model for future interventions. The thinking behind it is to identify the real forces that play their parts in constructing the world we know and experience today. The model of the thesis has is not a prescriptive one but an organic one that needs to be reshaped and remodelled almost perpetually in order to provide us with stability and peace in many areas of the world.

At the outset of the thesis question of identity was raised: Who are these people being made to suffer? Before understanding the answer to this question was important to make the claim that national identity is not necessarily something that it is easy to recognise or define. I have tried to prove that geographical, legal, cultural, religious and historical associations can mean everything and nothing in the same instant when viewed in the subjective terms of the people themselves or the differing but equally subjective impersonal eyes of governments and international organisations. The problem is one of recognition and adaptation; It is the role of oppressed peoples to liberate themselves and modernise to begin to understand and take control of the forces of governments and organisations that effect them and it is the responsibility of those governments and organisations to respond and provide the freedom for those peoples to be incorporated and represented.

This process can be incredibly complex and longwinded due to the difficulties associated in communicating and altering the behaviour of organisations far removed that have powerful influence and effect on the everyday lives of the Kurds. In the words of Nobel prize winner for Economics, ex-Chairman of the World Bank, and prior to that ex-Chairman to the Clinton Council of Economic Advisors, Joseph Stiglitz ‘immense time and effort are required to effect change, even from the inside, in an international bureaucracy. Such organisations are opaque rather than transparent, and not only does far too little information radiate from the inside to the outside world, perhaps even less information from the outside world is able to penetrate the organisation’¹. Herein lies the problem for the Kurds; As this chapter shows there are any number of rarefied academics willing to acknowledge the historical claims of the Kurds, their heritage and their presence in the region of Northern Iraq for the past ٤٠٠٠ years, but the voices of these people and the voices of the Kurds themselves do not impact on the policies shaped to protect them and their lands. As part of this conclusion the key word is ‘ignorance’, not in a highly critical and admonitory sense but in the sense that specialised socio-anthropological research and know-how needs to be supplemented by more general awareness amongst the international community and policy-makers if such knowledge is to be utilised when making decisions and understanding the problems faced by a region like Iraqi Kurdistan. I have provided evidence for this point by default in pointing out that the issue of the Kurds in Iraq has only now been recognised and seen as a problem worth addressing when in fact the Kurds have been championing their cause for a lot longer, ever since the formation of the Iraqi state in fact when the previous international players failed to recognise and anticipate the friction between various ethnic groups.

I have tried to show the importance and richness of the cultural heritage of the Kurdish people as well as the historical impetus lent to their efforts to nationalise by movements which have re-shaped

¹ Joseph Stiglitz, ٢٠٠٢, *Globalisation and its Discontents* Penguin Books, Pg ٣٢.

most of the nations of modern Europe and whose impact has at various points in time impacted on the whole of the rest of the world. Raising these issues as well as ones of religious division and the significance of differing religious populations has been part of my overall attempt to bring these factors into view going forward. In this study these issues will serve to balance what seems to have been the failure of previous attempts to create stability in the region due to the primary motivating forces for activity being limited to economic and military resources and demands. Opposition to these ideas have been analogised in the discussion of the linguistic differences amongst the Kurds and rubbished by the observations I have made that amount to the idea that the Swiss could equally not be considered as Swiss if we chose to differentiate them based on the acknowledged fact that they prioritise speaking French, Swiss German and Italian throughout the various provinces.

Failure to appreciate these forces when trying to solve ethnic differences in a region like Iraqi Kurdistan has led to international apathy and slowness to respond to what has in many cases seen repeated instances of unacceptable solutions. I am thinking of course of solutions involving the ultimate denial of identity by governments faced with such problems; crimes like genocide, torture and ethnic cleansing. These types of atrocities have become relevant during the modern era and been compounded by the fact that the west has seen fit to supply unstable and dictatorial governments with dangerous technologies and weapons; weapons which in themselves serve to end the discussion about identity before it can be broached. I have raised this in this chapter to serve as a link to later parts of this study which enlarge on this theory in more detail.

I have recognised the work of such organisations as the UNPO during this chapter in part as a way of seeing a new way forward to avoid the mounting bloodshed that we have seen throughout the 20th century in the hopes that the 21st century can see more of an effort to deal effectively and humanely with issues of cultural identity and the improvement of the lives of millions not just in Iraq but throughout the rest of the world.

I have set out the reasons for and history behind the current situation in Iraq and introduced concepts and interpretations of policies in the region based around that knowledge. I have also addressed the issues of dependency brought about largely by first entering into and interfering with the mechanisms of government present in any particular locale only to then alter, retract and change policies based on the international climate and the resources available. The aim of this chapter has really been to show that certain kinds of interference have demonstrated their ineffectiveness and been the motivation for what has become known in the latter part of the 20th century as the science of sustainable development. This conclusion will show how I have arrived at the basic premise that ‘people need to be able to govern themselves’.

Constructing Iraq in the aftermath of the 2nd World War has certainly proved an exercise of incompetence, largely to the mixed motives of those external forces interested in taking a firm handle on the progress of that process. I have sort to demonstrate that oil and other resources have provided a source of dissatisfaction and conflict since Iraq was divided along what, in cultural terms, have proved to be arbitrary and foolhardy lines. British intervention and subsequent waning of imperial power have since transferred all the inherent problems into the hands of often, inexperienced, militant and sometimes extremist regimes. Looking with sympathetic cultural eyes the actions of the Iraqi government during the period 1991 – 2002 we might be horrified but from the point of view of a blinkered economist at least some of the action against perceived separatists would have made sense; to anyone with only a little of the information it was probably inevitable.

As I have ascertained poor government in Iraq at the heart of political instability and humanitarian suffering has been evidenced by the history of the Iran-Iraq War. External conflict served as a catalyst for the insurgence of local warring factions and this has been linked to an overall failure by the international community to accurately represent the views of people too easily labelled as terrorists. In a violent and oppressive society militancy is one of the

more obvious, even perhaps if it is often in-effective or makes things worse, options. In addition I have aimed to undermine a traditional moral stance epitomised by the phrase 'we will not negotiate with terrorists' as in fact a hypocritical form of public-relations policy which seeks to detract attention from the very real but highly more difficult, charged and complex problem posed by seeking to establish peace with regimes and factions who all have blood on their hands and who all have broken promises and agreements often due to the simple fact of a change in leadership.

I have shown that international promises and treaties in respect of human rights have in the last ๑๐ years bowed beneath the priorities of elites, governments and global organisations examining their short-term plans for profits and immediate material wealth. An international failure to act on new information and technologies for renewable energy sources has caused huge local conflict and impacted on economies where nations are depend too much on too few industries. Provided the Iraqi government provided oil to oil dependent rich nations, who consume disproportionate amounts of it, there was no problem and no reason to intervene to alter the fate of those living under Saddam's regime; in fact dictators are easier for big oil companies to deal with as they don't have to discuss the whittling away of national resources with their populations. This issue will become increasingly relevant as we see oil resources dry up. Once these regions become worthless in terms of oil revenues it will be interesting to see if they remain a priority for the international community.

I have also introduced some themes in my thesis examining imperialist and colonial heritage and attitudes that shape the way in which international organisations and external governments operate in relation to troubled areas such as Iraqi Kurdistan. These attitudes and the regular and customary use of the type of weapons that simply defeat all attempts at progressing the situation in Kurdistan to one which resembles a lasting peace have been shown to have elicited the refugee crisis about which this study takes a keen interest as a turning point in terms international attention and responsibility being directed at Kurdistan.

I have even suggested and theorised the notion of a U.S. led conspiracy to precipitate an invasion of Kuwait in order to justify intervention in the region following an absence after the end of the Cold War of appropriate military threats to national security, required to evince defence spending by U.S. Congress. I think that this idea is hard to prove, however, and certainly the outcome of what has happened in Iraq would have been difficult to predict given the cultural ignorance often betrayed by U.S. policy-makers. This idea perhaps may appear far-fetched and unjustified but then the access to information about what exactly does guide military strategic intervention by the US is unavailable to discredit this speculation and I stand by it. Certainly I have sought to show that the Arab world is massively and irrevocably opposed to any further military intervention in the region and any attempt to do so will anticipate a massive backlash from Arab nations. Furthermore I have drawn attention to the inexplicable decision by the international community not to pressurise Turkey to open its borders during the refugee crisis, the selective coverage of the events by the international media and permanent military strike force now present in the Gulf during the last ten years are things which need to be examined and discussed in relation to the Safe Haven and the real purposes and motivations behind its' creation.

I have initiated a discussion about the nature and practicality of universal human rights laws and policies. Kurdish political leaders have failed to achieve lasting peace often because of the strange relationship between local traditions and social customs and deceptively simply worded resolutions on human rights. The roots of the word resolution would imply both 'resolve' and 'solution', and the reality has, as I have shown, provided neither. In confirming my opinion on this subject I have used arguments from Birch, amongst others, to show how international organisations have failed to act to create humane working solutions, hiding behind high-minded rhetoric. This has sometimes been a conscious failure but more often than not the simple misapplied ignorance of well-intentioned western minded ideology and in particular the

burdening cross of the west's interpretation of for example the phrase 'broadly democratic principles'. With a phrase like this so loaded with possible interpretations depending on where you are standing and who you are I have sought to try to uncover the spurious nature of foreign intervention in and maintenance of the affairs of the Kurds. In doing so I am looking to recommend greater licence and control of current and future government in Iraqi Kurdistan as belonging firmly in the hands of the Iraqi Kurds. This would require a tolerance of a certain degree of violence and insurrection during the emergence of a new state; too often throughout the world we have seen the failure to recognise legitimate local governing systems due to accusations of them being overly militant. This then becomes an excuse to continue occupying and directing the policies of far-removed regions; it is an excuse for continuing imperialism.

The question set to answer was who should lead? This meant me introducing the various parties and discussing their merits. The KDP and the PUK were and are the only viable political entities at present and I have sought to show through their histories how they have sought and continue to seek responsibility in governing Iraqi Kurdistan in the future. I have shown how at various times these parties have been courted by the local and international government, promised and conceded to, betrayed and been betrayed as one would expect of separatist political and military movements. The overall conclusion that can be drawn from their presence though is that for the past 40 years they have existed they have represented the voice of people who have been inadequately represented both in Iraq and abroad among the international community. I have further examined evidence to suggest that these parties can and have worked together, as well as fought, and that potentially they represent a way forward for the future government of the safe haven. As such the need for external government and military rule by an occupier would not seem to be either necessary or desirable in the case of Iraqi Kurdistan.

I have proposed that Kurdish recognition has always been considered internationally as the problem of the countries that have

for the last ٧٠ years, since the formation of Iraq and the division of Kurdistan, incorporated its population. The major international policy-makers in this respect see the mistakes of the past as irreversible and that it is better to go forward. Elsewhere in the world, for example in the division of the former USSR, we have seen the opposite policies in operation so it would seem to suggest the motivation or lack of it for maintaining Iraq as a whole must be due to an apathy or something specific. Without clarity on this point I have advised against removal of Saddam Hussein and regime change and to do so without this would be to invite all kinds of international disapproval and criticism, in particular from the Arab nations whose support and cooperation is so crucial to any future solution in Iraqi Kurdistan and indeed Iraq.

The most important observations of this element of the thesis relate to how the attitudes of the US and the other veto wielding UN Members is a vital key to our understanding how the situation is viewed by the west. The discussion over the future of Iraqi Kurdistan is not one in which the Kurds are participating or seen to have any control over. The west it seems has ultimate decision-making control about who would be placed in power, should they decide to remove Saddam, whose position, it should never be forgotten, has long depended on western support. This has not only been to show, starkly, just how undemocratic international politics is but to give support to the argument I have made to suggest a more practical approach to human rights issues. One of the purposes of this chapter has been to show that human rights cannot be demonstrably realised in differing social and political contexts. A rigid attitude to human rights in rhetorical government propaganda must be seen for what it is, a disguise for inflicting imperialist notions and policies. If governments were interested in human rights then they would stop producing and marketing weapons, women need food, water and education and the freedom not to be killed before worrying about traditional Islamic clothing. This forms part of the assertion that I have tried to make in this part of the study that a policy of intervention is a suspect one and that it promotes instability rather than solves it. As such the conclusion I can make and as such it is a recommendation that the UN and

military forces currently in the Safe Haven would be better to assist a local government, comment but not externally regulate any actions taken by the government and reward its actions with greater international recognition. This of course can only take place provided that the sale and distribution of arms is prevented from interfering in the process of establishing a new and lasting government.

I have investigated the legal and political rights the Kurds can invoke to champion their own cause. It has also been an opportunity to further investigate the workings of the international community in this respect and to reveal the failure of various systems of control and government designed, it would seem, to prevent events like the Kurdish refugee crisis. The latter part of the chapter is dedicated to charting human rights abuses and understanding the role of the international community in this process and its responsibilities towards the Kurds today.

When the UN was founded in the aftermath of the 2nd World War it was supposedly to prevent the reoccurrence of the sorts of atrocities which had been unprecedented prior to events that unfolded in Nazi Germany. As I have shown there was also the League of Nations following the 1st World War which on a smaller scale than the UN essentially aimed at achieving similar goals. What I would like to conclude from this is that the 20th century saw a marked increase in the kind of politics of international cooperation which led to the creation of these organisations and like it or not this trend is now a very real and tangible force in world politics today and is probably not one which is going to go away. I would suggest that international political organisations do have a very real and necessary role to play in assisting developing nations towards stability but they must also come to play a significant role in limiting the power of the richer nations. The problem is not that the Kurds lack the political and legal justification for their cause, the problem is that the structure of the UN is so undemocratic with its post-war bias in favour of those nations who came out best following that conflict.

In attempting to represent the legal obligation to the Kurds I have shown how at the time of the formation of Iraq the League of Nations made promises which still hold under the terms of international law. This means that any military action in Iraq, along with its financial implications, is something that must be decided collectively and funded by the international community without dissent. Rather than being seen to 'rescue' or 'provide refuge' to the Iraqi Kurds the legal evidence I have provided shows that this is a responsibility of the international community involving a long and complicated history of half-finished nation building.

To understand the real failure of the international community as regards to some of its most vulnerable and powerless members I have not only sought to criticise the structure of the UN, with its fixed positions on the Security Council and other key positions available only to certain key members of the UN, but have investigated the whole ethos and ideology behind the organisation. The UN, being essentially an organ created by the Western European nations and the US, must be appreciated as an organisation fundamentally lacking in the cultural knowledge and diversity of the world's population whilst at the same time purporting to be an international body.

To further illustrate this last point I have cited the Geneva Convention and the International Charter on human rights, pointing to the rhetorical nature and broadly generalist wording of such things in order to demonstrate their inappropriateness for day-to-day policy making that serves the required purpose of actually saving lives. I have included my argument Resolution ٦٨٨, to be interpreted as an appropriate response initially to the problem in Northern Iraq but not nearly as comprehensive or sufficient in terms of ongoing measures to help the Kurds re-build and protect their lives and homes.

I have examined agreements made between Kurdish political groups and the leading parties in Iraq and shown how much more effective and capable these policies could have proved if the Kurds had been given the support of the international community; not in terms of intervention but in terms of not supplying the Ba'ath party

with more weapons and showing disapproval of, as opposed to courting, the way Saddam Hussein operated while he was in power.

Following the military build up of arms and weapons in Iraq negotiations with the Kurds no longer became necessary as the means to suppress them were present. As such the international community can be seen as responsible for atrocities like Halabja. To provide the means for a young state to massacre its population is I have suggested rather like giving a child a loaded gun. It does not do to get angry with the child until we know where the gun came from and in the case of Iraq we know clearly where the weapons did come from. As such the Iraqi government cannot be held entirely accountable according to international law because the laws are incomplete and inadequate if they allow external trade and the free market to impinge on the civil rights of those fighting to be given justice within their own country.

Evidence of the depopulation of Kurdish areas, Arabization, torture, killings, gas attacks and destruction of villages really bring me to suggest the following as part of future policy and decision-making in the region.

١. Provide the Kurds with the goods, services, health facilities and education to start again.
٢. Listen to the Kurds and NGO's as to what is best for the future governing of the region.
٣. Seek to minimise military intervention in favour of reducing the trade in arms worldwide.

These would seem to be the first steps to creating a social environment in which human rights come to be respected. To all intents purposes the legal promises and treaties discussed in this chapter have proved and will prove largely irrelevant should they be seen as a solution to the kind of militant activity you can expect, and should tolerate to a degree, in an emerging state.

To understand more why human rights abuse have been allowed to escalate to the level that required a mass exodus of Kurds for their homelands I needed to provide more than merely the history

of the Kurds and the background to the unprecedented international political move to create a safe-haven. I have had to behind the scenes, so to speak, of the international political machine and discover and some cases speculate about why the crisis reached the point it did before action was taken. I began this investigation by first stepping back from the actual events to provide a wider view, or 'big picture' outlook on the way military activity has traditionally been viewed in relation to activity in not only Northern Iraq, but other US and Allied targets, and how what I chose to call 'war mythology' clouds the eyes of the west in respect to activities carried on and out on behalf of the people of, in particular, the US and Western Europe.

The idea that war can be seen as *just and righteous* is one that I have established pervades many of the attitudes from countries like the U.S. These *glorious* War propaganda campaigns have been the means for continuing unchecked military action throughout the world, not merely in the Middle East. I have suggested in the course of this chapter that this remnant of crusade mentality has served to maintain the problematic and troubled relationship between the Western led UN and the Arab nations – ensuring rather than avoiding instability in a region, which needs to rebuild and work towards being independent of international aid. This thinking, I have shown, lies between all seeming inconsistencies in regards to policy-making in the region. This background to international decision-making is the reason that nations like Switzerland, the U.S., the UK, Austria and Germany failed to respond to Kurdish requests for assistance and treatment of chemical weapons attacks. It also goes some way to explaining why the UK government operated destabilising policies, permitting arms supplies to continue to Iraq up until 1996, as far as current records show. It is also why the UK government remained complicit with the efforts of the Iraqi embassy in London to discourage and discredit the claims of Kurdish representatives that they were suffering chemical attacks and executions. To further develop my argument in the direction of solutions for Iraqi Kurdistan I have discussed the current situation in respect to how things need to be handled in the present circumstances in Iraq. In this case I have tried to illustrate

that the argument for intervention/non-intervention has been traditionally used to justify hidden political motives based on the convenience of conducting military action or not as the case may be. The point of revealing this double-standard policy is to point to the potential for the current military support to be suddenly withdrawn on the pretext that the non-intervention policy now seems more attractive to the relevant political decision-makers. Having intervened then, to withdraw would demonstrate reckless irresponsibility and plunge the progress made in Kurdistan backwards. It is important to conclude that whatever the motivation, however spurious, for intervention once intervention has changed a given situation there is nothing to stop international politicians suddenly acting responsibly and listening to the people in the region who are currently clearly requesting continued protection. I have supported this request with further evidence of Saddam's clear commitment to breaking international laws regarding for example the use of landmines.

I have emphasised the impotence of the UN without the military and economic support of the US. As such the US is the major *behind the scenes* decision-maker in international policy-making. I have tried to make clear the fact that this needs to be addressed by the UN in terms of improving internal communications and acknowledging the superior power of the US in military terms. Europe in particular seems to be in denial of its own imperial past as well as unwilling to *bite the bullet* in regards to relations with the US. Alienating the most powerful member of the UN cannot in my view lead to anything but more global strife and discontent and should be avoided at all costs, irrespective of the egos of other UN members.

At this point in my study I arrived at the huge and important issue of Sanctions and the Oil for Food campaign. Its relevance being that it is one of the first major instances of an almost complete management of the economy of a member state. This, more perhaps than military intervention, represents a step in international politics that needs to be examined carefully. The UN's initial efforts, after having met with approval and being welcomed

by the starving people of Kurdistan, must now be seen to incorporate the management and capacities of the Kurds themselves. If not then the road to accusations of cultural imperialism seems unavoidable and this will only lead to more tension and conflict in the region. I have shown that this programme has opened itself to charges if not of corruption at the very least inefficiency by failing to source the best prices for produce or invest, by purchasing from, local providers. The scheme seems at present be promoting dependency rather than paving the way to self-sufficiency.

Sanctions then seem to now be a political tool to effect the destruction of the Iraqi infrastructure as a whole, not merely in Kurdistan. It will, I have suggested, be interesting to see how this works itself out and whether or not the instability in Iraq will provide the impetus for another war with Iraq and perhaps the removal of Saddam Hussein. Understanding the motivations behind such an act of intervention will prove important and it will be necessary to read between the lines of what we see in the media if we are to engage with the significance of these actions. As I have pointed out the creation of bodies like the International Criminal Tribunal running parallel to such events must be reflected on with due consideration. In effect we will all be subject to the ruling of such bodies and as I have proved universal human rights are universal only for those who hold the reigns and the keys to power. Having examined the motivations and hidden agendas at play in the international policy-making arena I turned to the specific example of the Safe Haven and see why and what has been created? These questions have been asked and answered with the following results.

It seems clear to any reasonably impartial observer that the idea of the creation of a safe haven was definitely not a clear initial strategic move on the U.S., UK led coalition forces at the time of the first Gulf War. Subsequently it became an excellent propaganda cover for placing a permanent military presence in Northern Iraq. The U.S. and UK had decided to stay for whatever reasons; the customary rhetoric on such occasions is that *we are here to finish the job we started*, but the reconstruction of a nation would not

seem to be implied by further military strikes in Iraq. The historical evidence points to the fact that War retards the growth and independence of a nation and this is one of the points I have chosen to make clearly. Having segregated Kurdistan from the rest of Iraq the consequences were such that Saddam Hussein began to take economic measures against the region. This of course could have been anticipated before the creation of the Safe Haven and provoked the need for sanctions. As such the motives for creating the safe haven can be seen as suspect but the reality in the last ten years, as I have sought to show, has been the positive growth and reconstruction of the region.

Clearly the Safe Haven has been seen by the Kurdish political leaders as an opportunity to work towards building a future for the Kurdish people and the region. The situation needs to be handled very carefully however because the long-term destabilising effects of the policy on the Middle East has not been assessed. The question as to whether the Kurds can now survive the hatred of Arab fundamentalist groups, brought on them by the action taken by the west, will be the key to the survival of the region. Regional political pressure must now be managed by the international community to avoid this taking place. The evidence leads me to propose that reconstruction and development programmes that are going to prove a success belong firmly in the hands of the local administrative officials with aid and assistance from foreign specialists; as such the international community could act as auditors and consultants and not as has been the experience of the past colonial style governors. The need for strong centralised government has been disproved by the progress of local government without the administration of the central Iraqi government. The Kurds have flourished without and this is further evidence that international guidance needs to remain on the periphery of the decision-making process. I have also intimated that too much obvious international presence in the affairs of the Kurds can only lead to the discontent of the people of Kurdistan as they will see their leaders as puppets of foreign powers; in the course of the new state's realisation of its' political identity this must be seen as a destabilising threat to be avoided.

Having discussed the implications of western ideology and notions of democracy in respect of the governing of Kurdistan I have pointed to the flexibility and willingness that the people of developing Kurdistan have shown but I have also intimated that the future lies in a flexible compromise between these ideologies and the local cultural and traditional systems of government as influenced by the various social and religious forces present in the region. Initial problems with the elections and the perception of the problems in Kurdistan purely as a humanitarian issue have so far inhibited the kind of autonomous political establishment it should have been possible to create during the last 10 years.

To understand the region further I have drawn on the experience of NGO's as well as information and statistics relating to resources in the Safe Haven. The sum of this material and the conclusions to be drawn are that there is good evidence to suggest that provided the region remains untroubled by external economic and military pressure Kurdistan can survive, function and even prosper using its own resources, managed by its own people. The most important task it seems for this process to progress is to discourage urbanisation by investing in small-scale agricultural projects but the atmosphere of uncertainty relating to the future of the safe-haven is not one in which the Kurds feel comfortable to return to villages burnt out and destroyed during the period of Iraqi leadership. The point of concern I think it valuable to raise at this point in my study is the evidence of destabilising techniques being conducted by U.S. forces, removing ground troops has seen the steady decline of the UN, INRC and other NGO presence. It is not to be wondered at that this has brought on factional clashes between the KDP and PUK. The question I have sought to answer is why this is taking place? I have implied that the workings of global redevelopment companies may be seen to manipulate policies to provide themselves with contracts but more importantly I have thought it expedient to examine similar world situations where the motivations for interventions are perhaps clearer or at least provide points of contrast and inconsistency as regards intervention strategies.

Financial problems and a lack of cash-flow are often cited as a reason for non-intervention, *we simply can't afford to intervene*. Without speculating on whether we simply cannot afford not to intervene, at least in a positive fashion, I have tried to show the double standards of intervention in cases like Bosnia and Kosovo where it would appear that images of suffering provide the impetus for military action not necessarily interested or motivated to ease the suffering. Poor communication could be and is blamed in the aftermath of such humanitarian disasters, often capitulated to much greater levels of violence and destruction by the military action supposedly aimed at solving the problems, but I have presented the argument that in fact at the very least the Pentagon strategists know exactly what they are doing when they wage war in the name of humanitarian aid. I have illustrated this point with the chilling evidence that war-technology has progressed in the late 20th century to avoid casualties on the victors side at all costs, to prevent resentment and lack of public support at home, but allow massive scale destruction at the impersonal touch of a button, action without understanding the consequences.

Understanding the consequences and negotiating a political future then is a Kurdish priority, as I have shown in respect of the Kurdish relationship with the west, the Arab nations and its neighbours. I have tried to outline the positive and practical steps that can be taken to allow the Kurds to govern themselves without threatening the regional stability by for example upsetting the Turkish Kurdish community. More importantly the international community has a responsibility for pacifying nations like Turkey and Iran to encourage them to recognise the Safe Haven as an ongoing project. This as I have stated would be easier if the motives of the international community were in fact transparent and favourable to all its members in representative fashion. First and foremost is the fact that the Kurds themselves must be represented on international bodies and given the chance to self-govern. I asserted that the creation of the Safe Haven was not a coordinated and planned humanitarian endeavour but in fact one of the positive outcomes of imperialist, militarist strategies in the region. Whether or not this ought to have been the case is not

something now worth discussing if this means that the present productive situation is ignored and the region is allowed to decline due to withdrawal of the military presence in Iraq. The future of all developing nations hinges around the policies that will be used to shape areas of social and political instability and ambiguity. The Safe Haven is one such example. I have broadened my argument to include the impact the global population can make on international politics going forward. People working for the UN, IMF, and World Bank etc... are international representatives of the global community. As such they must be accountable to that community yet, without study and high level access, we know little or nothing about the decision-making process and we certainly can't influence it at present; unless we apply and are accepted for jobs. Working for such organisation would be a solution but developing nations have fewer opportunities to place their candidates in such bodies. Interestingly, all of the headquarters of these organisations are in the U.S. so it is obvious that the majority of people making the day to day decisions are North Americans.

My discussion on the future of world government has seen me claim that nations and peoples need to be permitted to vote on an international level before cross-border policy decisions can be made. Furthermore, various stabilising activities need to operate at a global level to ensure that the world population can participate in these decisions. The intellectual theoretical arguments I have brought to the fore in this thesis serve to understand the background for building a future for international relations theories and practices, to work on changing ways of thinking and attitudes to the possibilities and perceived impossibilities of these processes. To this end I have analysed and dismissed Realism as flawed when applied too literally, or *realistically*, to international political mechanisms. The objective view of reality serves its' purpose when logically examining solutions to situations of international conflict but is not wide enough to encompass the shift we have seen in the 21st century towards more pluralist and substantially less fatalistic views on the future of the role of the international community in world politics. Encouraging theories like realism as a means to understand a problem like that presented in Kurdistan is then to

promote western-educated elite bureaucracies removed from their traditional roots, unable to manifest culturally viable regional government.

Global forces have been present throughout this thesis as a not too positive force, but this is a general criticism of the way globalisation has progressed. Understanding globalisation theories is a way forward because the only way to prevent the difficulties experienced by a region like Kurdistan is to investigate their foreign and removed impact on the region. I have also tried to show in the discussion of international relations theories that Orientalism perhaps presents the most significant and sinister threat to the future of the relationship that organisations like the UN have with for example the Arab League nations. Orientalism is simply put another form of racism. My proposals for the model of the future for the Safe Haven have been to see first and fundamentally a change in the global economic and political model to make viable the independent growth of poor nations. For the Kurds I have suggested an alliance with other under-represented peoples like the Palestinians and to try to be recognised by international organisations as a state or people, perhaps by conceding limited powers to some federal organisation of nations not yet in existence. This has led me to the belief that the German model, which involves money and constant, ongoing negotiation will be one avenue to be investigated. Flexibility to adapt will be necessary on the part of the Kurds if they are to survive this process. The answer lies not with the actions of any one party but with the dual responsibility of the Kurds and the international community.

What has been of special interest for me from Edward Said's argument is the extension of post-colonial concerns to the problems of geography. After all, Orientalism is a study based on the rethinking of what had for centuries been believed to be an unbridgeable chasm separating east from west. The aim was not so much to dissipate difference itself, for who can deny the constitutive role of national as well as cultural differences in the relations between human beings, but to challenge the notion that difference implies hostility, a frozen reified set of opposed essences

and a whole adversarial knowledge built out of those things. What Edward Said called for in *Orientalism* was a new way of conceiving the separations and conflicts that had stimulated generations of hostility war, and imperial control. And indeed one of the most interesting developments in post-colonial studies was a re-reading of the canonical cultural works, not to demote them, but to re-investigate some of their assumptions, going beyond the stifling hold on them of some version of the master slave binary dialectics.

Combining theories of international relations into a unified whole has been a challenge of this thesis but now it is time to propose a new kind of theory, a theory of circumstance. A theory like a hologram that changes when viewed from different angles. A theory that grows into a practical solution as and when it is required provided that all parties have correct and unbiased information, cultural and religious understanding and tolerance. This is the future of such theories and it is a theory of freedom to not to decide what is best for others but provide them with the environment and tools to make decisions for themselves which are good on a domestic scale but which do not impact negatively on others. When mistakes are made the international system must provide a recompense and resolution for conflicts before they become out of control.

To do this it must commit to understanding the limits we must set for the individual power of entities, be they people, organisations or nations. The Kurdistan problem is one act of a fatalistic tragedy that moulds world affairs and leads nations into conflict. This tragedy needs to become something entirely new, a story that becomes open-ended and free, and thereby setting possibilities for building a future world order. The people of Kurdistan have contributed to such a notion by refusing to give up and establishing a functioning society that must be recognised by the international community. Kurdistan must be a part of a protected military area but governed from within. The region should become a part of a federal Iraq but its power to decide on fundamental issues never given up to a centralised authority. In

order for democracy to emerge in the Middle East, the west must set an example by actually following the doctrine of allowing the people to decide. The so called international community must also do this and Middle East nations allowed choosing if they want to have the benefit of a say in world affairs by cooperating with pleas to allow people the choice of what they do. The alternative to this, an increase in violence, must be headed off with the dismantling of the arms industry with an interim international force to deter aggressive nations from developing weapons of mass destruction.

The study draws the conclusion that if the Iraqi Kurdish Safe Haven eventually joins Iran, Turkey and Iraq as one of the new states built on the ruins of the Iraqi regime, its future will remain uncertain until these countries are stabilised within a framework of democracy. In other words Kurdish people in these countries Iran, Syria and Turkey must be given guarantees of security and self determination, preferable within a formation with a democratic Iran, Turkey and Syria, but if necessary out side it. The alternative to integration is disintegration and the return to violence. For this reason the people of Kurdistan need to be given a prospect which combines incentives to regional co-operation with the region's future. Thus the United States of America and Britain have committed themselves, through sponsorship of the stability of the Kurdish safe haven in Iraq, to help overcome instability in the region. We are now at a critical juncture: Either peace, reconstruction and a co-operative framework for the region are established, or these efforts fail with disastrous consequences for the Middle East region and world a whole. The American, British and Western governments must make the necessary effort to underpin peace in the region. Failure to sustain development, investment, human rights monitoring and support for civil society in the area will almost certainly lead to renewal of ethnic conflict, as well as large scale and potentially uncontrollable movements of population out of the region.

In the end the people of Kurdistan have to solve their own problems. The international community may provide the framework for a Kurdistan at peace but it is for the citizens of Iraqi

Kurdistan to make it a reality. The thesis argues in a post imperial age, it is wrong, as a matter of principle, for the United States or any outside authority to exercise protectorate powers over national communities anywhere in the long term, and indeed very difficult given the complexity of contemporary society. In another words the international community's long-term objective has to be to build local capacity to do the job. The people of Iraqi Kurdistan must take over the running of their affairs at the local and wide level.

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- **Mr. Abdul Aziz Taieb**, Iraqi Kurdistan Regional Government Minister for Education (Place of interview: Ministry of Education, Erbil - Kurdistan, Iraq: ١٦ May ٢٠٠٠)
- **Mr. Akram Mai** a Kurdish Human Rights activist now living in Switzerland (Dohuk - Kurdistan, Iraq: ٥ May ٢٠٠١)
- **Mr. Akram Mantik** governor of Erbil capital of autonomous region in Northern Iraq (Erbil, Iraqi Kurdistan: ٢٤ April ٢٠٠٠)
- **Mr. Asmat Khalid** president of Dohuk University in Iraqi Kurdistan (Place and time of interview ١٩ April ٢٠٠٠)
- **Mr. Burhan Jaff** representative of Kurdistan Regional Government to European Union in Brussels, Belgium (Place and time of interview: Brussels, Belgium ١٦ July ٢٠٠١)
- **Mr. Ekber Menemencioglu** Director Regional Bureau for Central Asia, South West Asia, North Africa and the Middle East (Geneva Headquarter) Place and date of interview: United Nations High Commissioner for refugees headquarter UNHCR, Geneva ٠٦ March ٢٠٠٣)
- **Mr. Erik Kastlander**, associate humanitarian affairs officer from UN headquarters in Geneva (Place and date of interview: Response Coordination Branch, Office for the Coordination of Humanitarian Affairs, Palais des Nations CH-١٢١١ Geneva ١٠ – UNOCHI ٧ October ٢٠٠١)
- **Mr. Fares Koramarki** former military commander of Kurdish resistance in Northern Iraq during seventies (Dohuk – Kurdistan, Iraq: ٨ May ٢٠٠٠)
- **Mr. Farset Ahmed**, Iraqi Kurdistan National Assembly Secretary (Date of interview: Kurdistan Regional Parliament Building, Erbil, Iraq: ٢٥ June ٢٠٠٠)
- **Dr. Fawzi Kaddur** a Kurdish politician and supportive of changing Iraqi regime living in Switzerland (Interview ٩ May ٢٠٠٠)

- **Mr. Georges Comninos** Head of Operations Middle East and North Africa (place and date of interview: International Committee of the Red Cross Geneva ٠٤ March ٢٠٠٣)
- **Dr. Kamal Kaetuly** a Kurdish Faili origin a sector of Kurds living in Baghdad who were forced to live Iraq in late ١٩٧٠'s under an excuse of religious ties with Iranian Shia fundamentals come to power in Iran (Place of interview: Glasgow - Scotland, United Kingdom Date of interview: ١٦ February ٢٠٠٠)
- **Ms. Kristine Robavera** a Delegate from the International Committee of the Red Cross (Place and time of interview: Erbil, Iraqi Kurdistan ٨ June ٢٠٠٠)
- **Mr. Hassan Abdel Moneim Mustafa** Regional Advisor for Africa the Middle East and Southwest Asia – External Relations Department International Organization for Migration (IOM) Geneva ٠٠ March ٢٠٠٣
- **Mr. Hashim Saied** member of Kurdistan Communist Party regional relation committee office (Place and date of interview: Dohuk, Northern Iraq: ٦ May ٢٠٠٠)
- **Mr. Hoshyar Zibari**, head of the Kurdistan Democratic Party International Public Relations (KDP), Member of KDP politburo committee (Place and date of interview: Salahaddien, Iraqi Kurdistan: ١٠ October ٢٠٠٢)
- **Mr. Jawdat Sofi** Secretary of Association for the Sustainable Development of Northern Iraq a UN humanitarian organisation set up on ٢١ January ٢٠٠٢ to support the development projects in Iraqi Kurdistan in Geneva, Switzerland (Place and date of interview: ٢١ May ٢٠٠٢)
- **Mr. Jowdat Nejar** (Turkmen) Minister in the Kurdistan Regional Government (Place and date of interview: Erbil, Iraqi Kurdistan ٢٨ May ٢٠٠١)
- **Dr. Mahmoud Osman** a Kurdish politician who participated in several peace negotiations with Iraqi regimes now living in Britain (Place and date of interview: London: ٢٤ June ٢٠٠٠)
- **Mr. Georges Malempre**, director liaison office of the United Nations educational scientific and cultural organizations (Place and date of interview: Geneva ٧ October ٢٠٠١)

- **Mr. Moaid Taieb** head of Kurdistan television Satellite Centre in Dohuk – Iraqi Kurdistan Office (Place and date of interview: Dohuk, Iraqi Kurdistan ^ July ٢٠٠٢)
- **Ms. Nasreen Berwari** a women minister in Kurdistan Regional Government responsible for reconstruction and development projects in the autonomous region of Iraq (Place of interview :Iraqi Kurdistan, Ministry of reconstruction and development, Erbil - Kurdistan : ٢٠ April ٢٠٠٠)
- **Mr. Onno Seroo** – Relations Internationals, Centre De Catalunya, UNESCO, Barcelona Place and time of interview: Geneva ٢٢ May ٢٠٠٢)
- **Mr. Rahim Badradien** a Lawyer based in Erbil capital of Kurdish autonomous region in Iraq (Date of interview: ٢٣ May ٢٠٠٠)
- **Mr. Rostem Ali** member of ‘Parasten’ a Security Organisation in Kurdistan (Place of interview: Salahaddien, Iraqi Kurdistan: Date of interview ١٣ May ٢٠٠٠)
- **Mr. Safir Syed** - Associate Human Rights Officer Office of the High Commissioner (Place and time of interview ٣ March ٢٠٠٣)
- **Mr. Sabah Haider** information officer from United Nations office for humanitarian affairs in northern Iraq for three governorates Erbil, Dohuk and Sulaimanih (UNOHCI) Place and date of interview: (Erbil, Northern Iraq: ٢٤ March ٢٠٠٠) Mr Sabah Haider provided me with a full list of projects and responsibilities of organisations funded by the Oil for Food program in Kurdistan.
- **Ms. Shaden Khallaf** Executive assistant office of the director – Regional Bureau for Central and South West Asia, North Africa and the Middle East (Place and date of interview: United Nations High Commissioner for refugees headquarters UNHCR, Geneva ٠٧ March ٢٠٠٣)
- **Dr. Shafiq Qazaz** Minister for Humanitarian Co-operation (Place and date of interview: Erbil, Iraqi Kurdistan ١١ September ٢٠٠١)
- **Mr. Wajeh Barzani** Chief of Kurdistan Democratic Party special forces (Place of interview: Salahadien, Iraqi Kurdistan Date of interview: ٩ April ٢٠٠١)
- **Mr. Yonadem Yosef** Iraqi Kurdistan Regional Government Minister, Erbil - Kurdistan (Iraq: ٦ April ٢٠٠٠)

Appendix - ۱-

List of questions from fieldwork conducted on Iraqi Kurdistan

- ۱- How has the internal conflict over the possession of oil rich territories affected the issue of Kurdish autonomy?
- ۲- Has the refugee crisis provided the case of intervention in favour of Kurdish self-determining government in northern Iraq in the aftermath of the Gulf War?
- ۳- How have the rights of the Kurds been violated?
- ۴- What are the economic and political forces in the Safe Haven?
- ۵- Would the replacement of Saddam Hussein by another person solve the problem?
- ۶- How will the Iraqi government attempt to resolve the Kurdish situation?
- ۷- What are the Kurdish ideas for a future independent Kurdistan?
- ۸- How are the relations between the Kurds and the Dominant Powers?
- ۹- How do emergent Kurdish politicians view Kurdish autonomy?
- ۱۰- How should the Kurdish safe haven be rebuilt and administered?
- ۱۱- What is current political structure of the Safe Haven (Northern-Iraq)?
- ۱۲- What is the Oil-for-Food Programme (UN Resolution ۹۸۶)? What is the scale of the program?
- ۱۳- How is it run and administered and by whom? How long should it last and what do the Kurds think of the program?
- ۱۴- How should the Kurds develop a future system?
- ۱۵- Where did the problem start? In another word, where was the disputed region?

- ١٦- Is it possible for the Kurds to stand united behind one outstanding political figure?
- ١٧- How many representative bodies are currently involved in the decision-making processes as regards the future of Kurdistan?
- ١٨- How chemical weapons were used by Iraqi Ba'ath regime?
- ١٩- Are we really discussing Human Rights?
- ٢٠- What do you believe to be the role of the international community in the settlement of the dispute?
- ٢١- What are your perceptions of the experiment of the administration in Kurdistan and how it manages its work?
- ٢٢- What are your views on UN, US and Allied policy in the area and their plans for the future of the area?
- ٢٣- What do you and the people of Iraq hope will happen?
- ٢٤- What are your personal experiences and accounts of the record of human rights violations perpetrated against the people of Iraq?
- ٢٥- Why has an agreement not been reached between the people of Kurdistan and the Iraqi regime?
- ٢٦- What are your views on negotiating with the regime of Saddam Hussein?
- ٢٧- What are your views on removing Saddam Hussein?
- ٢٨- What do you feel are the influences of regional states in the area of Iraqi Kurdistan?
- ٢٩- How do you foresee the future of Kurdistan?
- ٣٠- How do you view the situation for people in other parts of Iraqi Kurdistan under Iraqi government control?
- ٣١- What has been the reaction of the international community to internal infighting?
- ٣٢- What can be done for a peaceful and democratic solution?
- ٣٣- What do the people of Iraqi Kurdistan want the international community to do for them now?
- ٣٤- What do you want the future of Kurdistan to look like?

Appendix - ٢ -

Published works by Piris Zebari

Published: ٢٠٠٣-٠٨-١٤ ...٢٣
www.KERKUKKURDISTANE.com
Federalism – For and Against
By Dindar ZIBARI

GENEVA, ١٢/٨ ٢٠٠٣ — the emergence of a single European currency and the creation of the European Union are interesting factors in the post Cold War world. As regards the world stock markets in the last twenty years an exponential growth of the number of mergers acquisitions has occurred. Bernier Ivan argues this trend towards gigantism is a defence mechanism by companies that do not want to be consumed by even larger companies. The experience of successful mergers and acquisitions needs to be applied to this new trend in the political arena to prevent conflict. Companies that have listened to advice about decentralising power and wealth by shifting it to local centres are succeeding; companies that have not are losing employees and revenues but are only listening after inflicting great suffering on people. In the political arena this notion of gigantism is sometimes disguised as Federalism, but this is not what real Federalism means:

“Federalism raises numerous problems for international law. Some of them, such as the problems of personality, responsibility and immunity, are old and have been the subject of many studies. Others are more recent and need further investigation: examples are the apparent incapacity of federal states to participate fully in the development of international law and the questionable influence played by federal decisions in certain fields of international law. Historically, international law responded to the appearance of federal states by ignoring their constitutional characteristics and assimilating them to other sovereign states.

What this means is that the rights of collections of nations to make international decisions is limited and their influence unrecognised by the international community. Federalism can mean the dividing powers by nations, placing general and regional government separate but co-ordinating both. The term can relate to agreements over territory, taxes and military activity where all parties have equal decision-making powers, often but not always, under a constitutional framework. As regards who has control in a true federation?

Sovereignty in a federation must be said to belong exclusively to the federal state. Accordingly member states of federations cannot enjoy international personality. In so far as these member states are endowed with international competence, they must be considered as international subjects. The conclusion is simply that they cannot be considered as states in the sense of international law. Since the member states in federation can be individually deprived of their competence without their consent as a rule they do not have an individual right of veto in the amending process. In other words they are not directly subordinated to international law. The federation itself, on other hand cannot be deprived of its competence otherwise than by an international procedure; consequently it is a full subject of international law.

Is this the option for the Kurds? Yet again the analogy with global companies is appropriate in the case of Kurdistan. Small companies in the modern economy take greater risks but potentially reap better rewards. Given that the UN shall permit the people of Kurdistan to decide themselves what kind of government they want. Gore Vidal has suggested that other federalism examples elsewhere in the world have not proved hugely successful and that the Kurds would do well to jump straight into a model society that is as independent as regional factors will allow. The United States is an example of how fragile rights can become when authority moves away from local sources:

“The Supreme Court has shown little interest in curbing so powerful and clandestine a federal agency as it routinely disobeys the Fourth, Fifth, and Fourteenth Amendments.”

If the Kurds ever have the opportunity to decide entirely for themselves then the experience of the US would perhaps suggest that Kurdistan need not make the mistake of becoming part of a gigantic federation that alienates people from the mechanisms that shape their own future. There is another view of US federalism though which

perhaps points to some of the advantages that the system can offer if properly monitored and maintained. US federalism is beginning to show aspects of authoritarianism but there is a structure and history that illustrates how US federalism could be adopted for the positive benefit of the Kurds:

“The populist view of democracy prevails on both the left and right of US politics. In 1994 the Republicans drew up their Contract with America, knowing it would fit with American’s view of government. They insisted the document was more than a British-style election manifesto. It was a binding contract of employment; if they failed to keep their side of the deal, their employers, the voters’, would sack them.

This was of course a cynical publicity stunt on behalf of the Republicans as their policies demonstrate in view of the recent election coup. In fact 95% of successful US election candidates campaigns are now 12:1 funded by private sponsors but it does show that in fact in a Federal system you do have to make the effort to engage the views of the public. Clearly the Kurds need to bear the US example in mind when they seek to create their own Federal system. The majority of Iraqi Arabs and Kurds support federalising Iraq according to their own proposals. The popular concept is to create three democratic federated states, north (Kurdistan), central and south. These distinctions take note of the major Iraqi social groups and the distribution of natural and industrial resources. The notion of further separating Iraq from two to three federated states using the demarcation of the Dijla River would balance the power of the Arab majority of the overall Iraqi state. These proposals cannot be developed further though without the commitment from the international community to allow the Iraqi people to determine for themselves and try out the most successful governing strategy. The diversity of their ideas, there are also ideas for as many as 5 to 18 federal administrative areas, must be permitted to compete for a viable long-term governing strategy. The Kurds have also proposed vaticanising holy cities to keep clergies away from politics, which may or may not be a good idea depending on the will of the people.

Good ideas are not enough to secure the Kurds and Iraqis freedom or federalisation because of none of these ideas can be tried without both internal and external steps to create a politically expedient climate. Both Kurds and Iraqis suffer the injustices of misused resources and the Iraqis continue to suffer the human rights abuses of the ruling elite.

Monopolised power though can only remain whilst that elite enjoys the privileges of an international system that allows them to place money in off-shore accounts, avoid taxes, diplomatic immunity and complete freedom of travel (admittedly not something Saddam Hussein can do these days) Iraqi federalisation must remove these distinctions but this can only succeed with comparable moves and agreements from all states. This is why Iraqi moves to federalisation must eliminate the opportunities for these structures to remain in place and affect the lives of Iraqi people and one way to do this is to create a further buffer organisation between the new federal state and the current UN structure, perhaps a Middle East organisation to replace the unrepresentative Arab League.

Those in charge of a central Iraqi federated state represent a threat on northern and southern Iraqi federated states in the short term if they keep monopolies on natural and industrial resources. This would mean appropriating these resources and relocating them from the central part of Iraq to the north and south proportionately to the population number. This would principally mean the Kirkuk oilfields and before any such attempt is made global corporations should be regulated and their moves for compensation, which would invariably follow federalisation and appropriation, be dismissed as illegal and unjust. These resources did not belong to them in the first place but were the spoils of imperialism in the past.

An identity crisis

11 November 2003

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Written and edited

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Geneva

On 6 April 1991 the UN Security Council passed resolution 660 condemning the repression of the Iraqi civilian population throughout Iraq. It was the first instance when the UN insisted upon the right of interference into the internal affairs of a member state. The justification given for intervention by the international community was on the grounds of humanitarian need. Iraq was ordered to immediately end violent repression of the Kurdish population and permit access for international humanitarian organisations to those in need of assistance in all parts of Iraq. Who were these people being made to suffer? Why were they suffering? Why were these people the responsibility of the international

community? Who are the English, French or Americans? When we ask these questions we have a fairly reasonable idea of the kinds of answers we can expect; the English are the people born in England etc... This response is a totally simplistic one and there are innumerable others available. In themselves, these questions could constitute whole theses on national identity about what it means to belong to one or other nation. The purpose here is not to answer these questions but they have a purpose in that they can be useful by serving to illustrate just how much more potentially complicated the subject of identity becomes when we consider the question: who are the Kurds?

There is no designated state where Kurdish people live. There are no internationally recognised borders and no government as such. There are an estimated 30 million people living in several separate countries who consider they to be Kurdish; these are people proud of a rich and diverse culture, with shared languages, history and communities. There is no doubt that these people exist and that they believe they are linked together by the close associations of their communities. Does this mean that they are entitled to their own state? Are people born and living in England with Indian heritage entitled to their own state because they have shared culture, language and community? Whatever you see to be the answer to this question, the two situations are not the same. Both England and India exist as self-governing states and any individual with the right documentation can go and live in either state quite happily and feel as if they belong, give or take the individual's ability to adapt and fit in. Such is not the case for the Kurds who, whilst they have lived in the region of Kurdistan for more than 4000 years, are not recognised by the international community as belonging to a specific state.

So where do these people live if according to international standards they do not occupy any sovereign territory? Well of course many Kurdish people do have places to live and in many cases enjoy relative freedom in the countries that have become their homes but they do not have a legally defined, internationally recognised region that the world community identifies as belonging to, and controlled, by the Kurds. It is for sure most politicians do concern itself with the Kurdish people and in particular focuses on the unique situation of the Kurds in Northern Iraq. The people of Kurdistan are homeless in more than one sense, they are homeless in the sense that they are not recognised in their own land and they are homeless because they have been physically forced from their land. The Kurds have and continue to suffer torture, execution and oppression at the hands of those who would profit from the abundant natural resources that exist in Kurdistan.

“Most (Kurds) inhabit the area known as ‘Kurdistan’, although this is geographical term and has never designated a Kurdish state.”

Some agree with this statement but in their view it is incomplete. It would be better to say that the term has ‘never designated a Kurdish state as far as the international community is concerned’. As far as the people living in the area ‘where today the states of Turkey, Iraq and Iran meet on the map’ the perception of ‘Kurdistan’ may indeed constitute quite as firm a concept of a state as people living in Taiwan and Tibet view their own nations, despite the contrary opinions of the Chinese government. Likewise, few today would argue that North America consists of rogue British, Dutch and French colonies or that South America is a collection of troublesome Spanish and Portuguese states. The question then is not does ‘Kurdistan’ exist as a state, but whether or not the Kurds themselves have the right to consider themselves a free and independent people with the right to self-determination; whatever that may mean?

Kurdistan is formed by mountain range running in ridges northwest to southeast on both sides of Iran’s border with its western neighbours. The people of Kurdistan – those who claim to be ethnically Kurdish or whose ancestral home is Kurdistan – also live in the republics of Armenia and Azerbaijan, in Syria, in Khurasan in eastern Iran, and in the Turkish and Iranian cities of Istanbul, Ankara, Tabriz, and Tehran. Originally nomadic, the Kurdish population settled and established important regions for agriculture and stockbreeding in the area that is now a part of Northern Iraq, Turkey and Iran. These areas account for approximately 10 percent of the total cereal production in Turkey and 30 percent and 30 percent in Iran and Iraq, respectively. Until the end of the nineteenth century stockbreeding was the single most important economic activity.

Large flocks of sheep and goats would be driven up into the higher summer pastures each spring and herded down into the lower regions for the winter. Since the turn of the 20th century the region has become a major producer of cotton and tobacco. The region is also a natural abundant source of fresh water and oil. The latter being a commodity that has vastly complicated Kurdish claims to this disputed region. The issue of the Kurds is not automatically confined to the region of Northern Iraq now under the protection of the international community, but in this article their situation will form the major part of an argument because intervention has meant that the people of Kurdistan in Northern Iraq do now need to be treated differently to the rest of the Kurdish population; this is because international intervention in the region has made their situation different and not because of any fundamental differences between the Kurds themselves. The situation of the Iraqi Kurdish people because it is Kurdistan that currently hangs in the balance in so far as

military intervention has taken place. Indeed, military action may again take place and as this is the region where the political situation of the Kurds has been drastically improved as a result of the intervention, it is also a place where much could now be lost. Since military intervention has taken place it would not now make sense from a humanitarian perspective to abandon the growth and improvement of this region. This does not mean that the Kurds in Northern Iraq should be viewed as separate from their brothers and sisters whose fortunes lie within the borders of other states; certainly there is no historical evidence for the appropriateness of this view. Indeed, it will intimate that the fate of the Kurdish people elsewhere should not now be decided by further military action in other Middle East nations.

Iraq and the Kurdish dilemma – An Identity Crisis

By Dindar ZIBARI

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GENEVA, 9/9 2003 — On 9 April 1991 the UN Security Council passed resolution 660 condemning the repression of the Iraqi civilian population throughout Iraq. It was the first instance when the UN insisted upon the right of interference into the internal affairs of a member state. The justification given for intervention by the international community was on the grounds of humanitarian need. Iraq was ordered to immediately end violent repression of the Kurdish population and permit access for international humanitarian organisations to those in need of assistance in all parts of Iraq. Who were these people being made to suffer? Why were they suffering? Why were these people the responsibility of the international community? The following chapter aims to answer the first of these questions.

Who are the English, French or Americans? When we ask these questions we have a fairly reasonable idea of the kinds of answers we can expect; the English are the people born in England etc... This response is a totally simplistic one and there are innumerable others available. In themselves, these questions could constitute whole theses on national identity about what it means to belong to one or other nation. The purpose of this thesis is not to answer these questions but they have a purpose in that they can be useful by serving to illustrate just how much more potentially complicated the subject of identity becomes when we consider the question: who are the Kurds? Before even beginning to

answer this question the thesis allows speculation to wait until the thesis has first asked where these people live. This is because the thesis needs to freely use the term 'Kurdistan' in addressing who are the Kurds and since this term is not necessarily widely accepted this thesis needs to make a case for it first.

Homelessness

There is no designated state where Kurdish people live. There are no internationally recognised borders and no government as such. There are an estimated 30 million people living in several separate countries who consider they to be Kurdish; these are people proud of a rich and diverse culture, with shared languages, history and communities. There is no doubt that these people exist and that they believe they are linked together by the close associations of their communities. Does this mean that they are entitled to their own state? Are people born and living in England with Indian heritage entitled to their own state because they have shared culture, language and community? Whatever you see to be the answer to this question, the two situations are not the same. Both England and India exist as self-governing states and any individual with the right documentation can go and live in either state quite happily and feel as if they belong, give or take the individual's ability to adapt and fit in. Such is not the case for the Kurds who, whilst they have lived in the region of Kurdistan for more than 4000 years, are not recognised by the international community as belonging to a specific state.

So where do these people live if according to international they do not any sovereign territory? What does the thesis mean by this question? Well of course many Kurdish people do have places to live and in many cases enjoy relative freedom in the countries that have become their homes but they do not have a legally defined, internationally recognised region that the world community identifies as belonging to, and controlled, by the Kurds. This study does concern itself with the Kurdish people and in particular focuses on the unique situation of the Kurds in Northern Iraq. The people of Kurdistan are homeless in more than one sense, they are homeless in the sense that they are not recognised in their own land and they are homeless because they have been physically forced from their land. The Kurds have and continue to suffer torture, execution and oppression at the hands of those who would profit from the abundant natural resources that exist in Kurdistan.

It would be better to say that the term has 'never designated a Kurdish state as far as the international community is concerned'. As far as the

people living in the area 'where today the states of Turkey, Iraq and Iran meet on the map the perception of 'Kurdistan' may indeed constitute quite as firm a concept of a state as people living in Taiwan and Tibet view their own nations, despite the contrary opinions of the Chinese government. Likewise, few today would argue that North America consists of rogue British, Dutch and French colonies or that South America is a collection of troublesome Spanish and Portuguese states. The question then is not does 'Kurdistan' exist as a state, but whether or not the Kurds themselves have the right to consider themselves a free and independent people with the right to self-determination; whatever that may mean? This question will be dealt with in a later chapter.

So where the term 'Kurdistan' comes from and what does it mean? According to one historical source the Saljuqs first used "Kurdistan" as a geographical term in the twelfth century. There is however controversial evidence to show that the term had a much earlier linguistic origin that most historians have supposed. In a lecture given on 26th October 1997, the origin of the Kurds and subsequently the Land of the Kurds:

"The people of these mountains are called the Kurds. When we get to the linguistic part of this exercise you'll recognise in the word Kurd or Kurdu the word Cauldu. Now these Cauldu appear to be the Chaldeans of the Bible. You can get interchangeability between 'L' and 'R' and the Sumerian 'U' and the Semitic 'A', so that you get this interchange of Cauldu with Kurd."

Originally nomadic, the Kurdish population settled and established important regions for agriculture and stockbreeding in the area that is now a part of Northern Iraq, Turkey and Iran. These areas account for approximately 10 percent of the total cereal production in Turkey and 20 percent and 30 percent in Iran and Iraq, respectively. Until the end of the nineteenth century stockbreeding was the single most important economic activity. Large flocks of sheep and goats would be driven up into the higher summer pastures each spring and herded down into the lower regions for the winter. Since the turn of the 20th century the region has become a major producer of cotton and tobacco. The region is also a natural abundant source of fresh water and oil. The latter being a commodity that has vastly complicated Kurdish claims to this disputed region. The issue of the Kurds is not automatically confined to the region of Northern Iraq now under the protection of the international community, but in this study their situation will form the major part of the thesis argument because intervention has meant that the people of Kurdistan in Northern Iraq do now need to be treated differently to the rest of the Kurdish population; this is because international intervention

in the region has made their situation different and not because of any fundamental differences between the Kurds themselves.

The situation of the Iraqi Kurdish people because it is Kurdistan that currently hangs in the balance in so far as military intervention has taken place. Indeed, military action may again take place and as this is the region where the political situation of the Kurds has been drastically improved as a result of the intervention, it is also a place where much could now be lost. The thesis argues that since military intervention has taken place it would not now make sense from a humanitarian perspective to abandon the growth and improvement of this region. This does not mean that the Kurds in Northern Iraq should be viewed as separate from their brothers and sisters whose fortunes lie within the borders of other states; certainly there is no historical evidence for the appropriateness of this view. Indeed, this thesis will intimate that the fate of the Kurdish people elsewhere should not now be decided by further military action in other Middle East nations. In view of the plans to attack Iraq the fate of the rest of the Iraqi people looks set to be decided by military action, whether or not this is the most suitable solution. Later the thesis articulates the view that the fate of Iraq should not be decided with military force unless decisions are made by a proportionally representative Middle East body, to ensure local expertise and cultural appropriateness for any regional solution, this body should in turn be monitored by a proportionally representative international body; something the UN is most definitely not, as this study will also speculate.

Appendix - ٣ -

Results of the Municipal Elections Conducted

In Iraqi Kurdistan on ٢٦ May ٢٠٠١

Kurdistan Regional Government Statement of the Higher Commission for Municipal Elections

The following are the results of the Municipal Elections Conducted in Iraqi Kurdistan on ٢٦ May ٢٠٠١

According to law no.٦ (١٩٩٣), Law of Administration of Municipalities, and article-٢١ of Order no. ١ (٢٠٠١) issued by the Council of Ministers, the Order regarding elections and announcement of results for mayors and members of municipal councils in the Kurdistan Regional Government, the Higher Commission headed by Mr. Sami Abdul Rahman, Deputy Prime Minister in the Council of Ministers, with members Mr. Fadhil Merani, Minister of the Interior; Mr. Mamun Brifkani, Minister of Municipalities & Tourism; Mr. Hadi Ali, Minister of Justice; Mr. Akram Mantik, Governor of Erbil; Mr. Nechirvan Ahmed, Governor of Duhok; Mr. Haji Mohamed Tahir, Attorney General; and Dr. Sahib Kharaman, head of the Regional Statistics Office; met for the twelfth time on ٢٧ May ٢٠٠١. On ١٦ April ٢٠٠١, the Commission began according to the above Order to organize the process of municipal council elections. To supervise the election process, the Commission formed a number of legal committees headed by judges, deputy attorney generals, and judge investigators. These committees began their duties on time according to the Order under the direction of the Higher Supervisory Commission headed by a judge.

At eight o'clock on the morning of ٢٦ May ٢٠٠١ the process of voting promptly started at all election centres and continued up to eight o'clock in the evening of the same day, according to article-١٦ of the Order. As required by some election centres to meet the need of the voters, time was extended up to ten o'clock of the same day. The election process was very well organized, including the preparation of computerized lists of

eligible voters, official ballot papers and ballot boxes, and meeting the requirements of staff working in the election centres. In addition to managing the process properly, good attention was given to maintaining law and order and a high level of cooperation among voting staff at the election centres. The election took place in a very calm and democratic environment, and in a fair manner. Voting secrecy was promoted by the use of proper voting booths with the presence of observers at all election centres plus an election observation committee composed of staff members of both Salahaddin and Duhok Universities and staff members of the international community. All observers had the opportunity to perform their functions satisfactorily.

We gladly acknowledge that citizens participated enthusiastically with a heavy turnout to elect their representatives to the municipal councils. In addition to exercising their legal democratic rights, they once again expressed their confidence in the Kurdistan Regional Government experiment. They proved their support for progress in the democratic process and that the interests of the people are above all other considerations. It was observed that, in general, illiterate people followed the advice of the Commission; family members accompanied many to complete the ballots for them. The freedom of voting for these citizens was thus insured according to their will. This Commission observed that all committees in the region and all election centres respected the rules and instructions of the election, particularly the closing and opening of the ballot boxes, observing the maximum limit of confidentiality in the process of voting, counting the votes in a transparent manner, and preparing signed minutes of committee meetings declaring the results of the election. Immediately after the completion of the extended time for voting the committees in the election centres, in a transparent manner and in the presence of representatives of the candidates, started the process of counting the votes. The committee, according to article-9 of the Order, forwarded official minutes of meetings containing the results to the Higher Commission for Municipal Elections.

We gratefully acknowledge with thanks the contribution of all respected judges, deputies of the attorney general, judge investigators, lawyers, representatives of parties, and all the men and women who participated in voting and counting who offered their best efforts to accomplish this process in a professional manner. According to article-11 of the Order, the Higher Commission for Municipal Elections hereby announces the names of candidates who succeeded to be elected as mayors and members of municipal councils.

Election Observation Report

Municipal Elections in Iraqi Kurdistan Region (Erbil and Duhok Governorates) May 2001

On May 26, 2001 the local authorities in Erbil and Duhok Governorates of Iraqi Kurdistan held elections for the Municipal posts of Mayor and Municipal members in the region. At the request of the Deputy Prime Minister an independent Observation Committee was established with a view to providing an overview of the voting and vote counting process for the elections. The mandate for this group did not extend to any assessment of the procedures leading up to Election Day, nor did the process of campaigning that precede it. The group established was made up of 44 members of the academic staff of Erbil and Duhok Universities, supported by a smaller group of 11 international persons. The Observation Committee was chaired by Dr. Dashty B. Dzay in Erbil, with a Deputy, Dr. Ali Mekail Ali, in Duhok. The international volunteers assisted with the training of the group (drawing on guidelines devised by the Electoral Reform Society in London and OSCE, the Organization for Security & Co-operation in Europe) and as technical advisors on Election Day itself, deploying alongside a local observer.

The purpose for establishing the Observation Committee was to increase local confidence in the process and provide some basic assessment of the outcome to the national and international communities. On Election Day, 20 two-person observation teams were deployed in Erbil and 12 teams in Duhok. According to reports submitted by the teams to the Chairpersons of the Group over 160 polling stations were visited during the voting period, representing 97% of the total number of 169 polling stations. The 32 teams then went on to observe the counting process following the closure of the polls in 32 stations, representing 11% of the total number of counts.

According to these written reports the following general conclusions were found and recommendations made:

General findings and conclusions:

- The observers were welcomed in all centres visited and officials of the centres and the representatives of the parties and independent candidates alike were keen to emphasize the importance they attached to ensuring that the process was

scrutinized to ensure that it was free and fair. It is understood that in each Election Centre the chairman was legally qualified.

- Other than in one case (which was delayed by 30 minutes), the polling stations all opened on time and generally had all materials and equipment present to allow voting to commence on time. The layout of the stations was also complete including security of access to the stations, adequacy of staff and presence of appropriate facilities for votes to be cast in secret. Each station had a number of double booths to allow voting in private with a helper if needed for illiterate persons.
- There were no campaign materials seen inside any of the polling stations. However, there were a few instances of posters within the vicinity of the entrances of the centres. The Chairperson of the centre sometimes ordered these removed without prompting. There were some cases witnessed of pre-printed lists of candidates being discreetly distributed to voters by activists of the parties. This was in violation of campaigning rules to cease activity 24 hours before polling started.
- In a small number of cases facilities were somewhat cramped, especially for the counting process that had to take account of the fact that in Erbil city in particular there were 180 candidates on the voting list, for as many as 4000 voters. In one case the cramped facilities were compounded by poor management of the station resulting in a chaotic situation at the opening of the centre.
- The identification of voters by means of ID cards and issuing of the correct number of voting papers was generally well carried out, although the Chairperson in one or two centres had to issue reminders to the staff issuing voting papers on the correct procedures. The voting lists were found to be generally accurate and under-18 years of age that appeared were invariably identified and prevented from voting.
- Although the layout of the centres (including curtained polling booths) provided the opportunity for individuals to vote in secret, in practice small groups of the same family often chose to enter the booth together.
- The length and complexity of the voting process, which required voters to write the names of up to sixteen chosen candidates from lists of as many as 180 names sometimes led voters to write the lists outside the booth where the full list of candidates were posted. Many voters used pre-printed lists prepared by the various parties.

In one or two stations a complete list of candidates was posted inside each booth, which was a helpful and legitimate aid to voting.

- Assistance for illiterate voters was present, but often not in sufficient numbers to prevent long delays given the large number in many centres. The expectation that illiterate voters would be accompanied by a literate family member entitled to vote at the same centre often proved incorrect.
- The decision to extend hours for voting from 19:00 to 22:00 hours was taken by the Higher Election Committee. The decision was poorly and belatedly communicated, disrupting the process of closure, and in one case, where the count had already started, forcing it to be suspended and the centre reopened. In some other outlying areas' cases the instruction was never received.
- There appeared to be some confusion regarding the process to commence the count (possibly compounded by the late decision to extend the voting hours) and resulting in protracted discussions and some delays before the counts began.
- The mechanism chosen to count the votes (with a single verbal reading of each individual ballot paper) was highly transparent but also exceptionally laborious and time consuming. Given the number of candidates contesting the elections this resulted in counts lasting well into the next day and officials being so tired that it potentially reduced the overall effectiveness of the count.
- The reconciliation process to account for all ballot papers issued to each polling station was incomplete, in that no exact record was required of the numbers of papers received, issued, used, spoilt and unused papers remaining.
- In general the poll and count as we have observed it was largely well organized and showed a high level of commitment and enthusiasm by local officials, representatives and voters alike. When asked, the representatives of the candidates present at the centres expressed themselves to be satisfied with the conduct of the voting and counting process. However, in one case party representatives declined to sign off on the results, stating that they had not been authorized to do so.

Recommendations:

Voting

- Greater emphasis should be placed on the media in the run up to the election order to improve voter awareness of the purpose of elections, and the actual voting process. Particular attention needs to be given to the needs of illiterate voters. Efforts to reduce illiteracy nationally will help.
- More training and direction is required for election officials to ensure a consistent approach to key issues and how to deal with most eventualities on the ground. The use of case studies and role-play in training should be increased. This especially applies to the chairman and staff running election Polling Station Committees. Past observers could lend their experience to such training.
- Clearer and more detailed written instructions on key points should be issued by the Higher Election Committee to Polling Station Committees, and incorporated in the training they receive.
- The voter Registration lists should be as up-to-date as possible and revised for this purpose close to any actual election.
- The arrangements for early voting (pre-voting) in a central area by officials, staff and official observers involved in the elections should be properly conducted according to correct polling station rules. The ballot papers issued and used should be precisely accounted for like any other ballot papers in the election. (See also Recommendation 14 below)
- Posting full candidate lists inside the polling booths can increase the use of booths for voting and safeguard the secrecy of voters in exercising their choices.

30 May 2001

ANNEX ١.

Municipal Election May ٢٠٠٧, Iraqi Kurdistan, Erbil and Duhok Regions

List of National OBSERVERS who took part in the Observation of the election

Erbil Governorate:

- Dr. Dashti B. Dzay, Chairman of the Observation Committee
- Dr. Najeeb Toma Rassam
- Mr. Khalid Akram Abbas
- Dr. Yousif Jalal Azeez
- Mr. Jamal Mohammed Aziz
- Dr. Ali Mahmood Assad
- Dr. Ahmed Mohammed Ahmed
- Dr. Govend Husain Maolud
- Dr. Sirwan Ali Saleh Rasha
- Dr. Sherko A. Tawfiq
- Dr. Kamal Hamadamin Shekh Younis
- Dr. Ibrahim Ismail Hamarash
- Mr. Husain Ali Wali
- Dr. Khalil Esmail Mohammed
- Dr. Ahmed Merza Merza
- Dr. Wasfi Taher Salih
- Mr. Kamaran Raqib Mufti
- Mr. Tahseen Jameel Salih
- Dr. Mohammed Mustafa Osman
- Prof. Dr. Azad M.A. Nakshbandi
- Dr. Nawzad Waqas Saaid
- Mr. Bzhar Ali Jukal

- Mr. Jawher Fattah Saeed
- Dr. Nabil Adil Fakhri
- Dr. Mustafa Saeed Omer
- Dr. Dara Omer Miran

Duhok Governorate:

- Dr. Ali Mekail Ali, Deputy Chairman of the Observation Committee.
- Dr. Mohammed Shokri Ahmed
- Dr. Mosleh Mohammed Saied
- Dr. Salim Hassan Haji
- Dr. Saleem Ismail Shahbaz
- Dr. Mohammed Ahmed Ramadan
- Mr. Adnan Muhsen Brifceni
- Dr. Abdullah Yaseen Amedy
- Mr. Zerk Aziz Khan
- Dr. Ihsan Qadir Zangana
- Mr. Lokman Taib Omer
- Dr. Nadhim Sulaiman Abdulaziz
- Mr. Omer Mohammed Nori
- Mr. Jawher Rasheed Mohammed
- Dr. Mohammed Beker
- Dr. Mohammed Salih Zebary
- Mr. Mahdi Qadir Kder

In addition there were ١٢ individuals from the international community who acted as technical advisors to the national ones across Governorates.

ANNEX ٧.

ACCOUNTABILITY of Ballot Papers

The Election Committee members in the presence of any accredited Observers in the polling station should:

- Note and record the number of any ballots already received from pre-voting. (See Recommendation ٥ above)
- At the start of polling, count and record the number of ballot papers received.
- At the end of polling and before counting starts:
 - Count and total the number of ballots remaining unused.
 - Pack the unused ballots away safely, (for return to the Higher Election Committee with other ballot papers at the end of the Count)
 - Count the total number of voters who signed the Voters Register
 - Count the number of Spoiled ballots.

For complete information, please see Gulan Magazine, Supplementary Issue ٣٢٢, published on ٣١ May ٣١ ٢٠٠١. It can also be viewed at the KDP website www.kdp.pp.se/. The results for all candidates in all ٨٥ communities can be found there.

Appendix - ٤ -

KDP proposed constitution of the Iraqi Kurdistan Region

PREAMBLE

The Kurds are an ancient people who have lived in their homeland of Kurdistan for thousands of years, a nation with all the attributes that entitle it to practice the right of self-determination similar to other nations and peoples of the world. This is a right that was recognized for the first time in Woodrow Wilson's Fourteen Points issued at the end of World War I and the principles of which have since become entrenched in international law.

In spite of the ١٩٢٠ Treaty of Sevres that recognized the right of self-determination in articles ٦٢-٦٤, international interests and political expediency prevented the Kurds from enjoying and practising this right. In contradiction to what that Treaty had offered Southern Kurdistan was annexed in ١٩٢٥ to the newly created state of Iraq, which had been created four years earlier in ١٩٢١, without consideration of the will of its people. The Treaty stipulated that officials of Kurdish origin should be appointed to the administration of their own land and that Kurdish should be the language of education, the courts and for all services rendered. Since that time this part of Kurdistan has been known as Iraqi Kurdistan. On December ٢٥, ١٩٢٢, the British and Iraqi governments made a joint official statement that admitted the right of the Kurds to set up a government of their own and asked that the representative of the Kurds negotiate the form of that government, the geographic boundaries, and the nature of the political and economic relations with Iraq.

When Iraq was admitted to the League of Nations it was conditional on Iraq issuing a statement, which it made on May ٣٠, ١٩٣٢. The

statement includes a number of international obligations and sets out guarantees for the rights of the Kurds that Iraq is not allowed to amend or abolish without a majority vote from the members of the League of Nations in accordance with Article ١٠ of the above-mentioned statement. These obligations have been transferred to the United Nations organization and are still in effect to this day.

The interim Constitution for the Republic of Iraq issued in ١٩٥٨ stated in Article ٣ that the Arabs and Kurds are partners in the Iraqi state and then on March ١١, ١٩٧٠ an agreement was reached between the Kurdish leadership and the Government of Iraq that recognized autonomy for the people of Kurdistan within the Iraqi Kurdistan Region as the constitutional means for their rights in Iraq. In spite of this, successive Iraqi governments have turned their backs on these obligations to the Kurds and instead have practised a racist and chauvinistic policy of ethnic cleansing and destruction by all political and military means. They have altered the demographic reality through forcible deportation of the Kurds and changing their national identity to Arab. They have even gone as far as using internationally prohibited chemical weapons in such areas as the city of Halabja, the town of Balisan and other parts of the Duhok Province. They have razed some ٤, ٥٠٠ towns and villages while driving tens of thousands of unarmed civilian Kurds, among them Faylis and Barzanis, into an unknown future. This was followed by other campaigns of collective destruction that became known as the Anfal in the process of which ١٨٢, ٠٠٠ unarmed civilians were the victims.

On April ٥, ١٩٩١, the Security Council voted on Resolution ٦٨٨ setting up the Safe Haven for the Kurds by the Allies following the second Gulf War thus acting to prevent the Kurds from facing an ominous future. The Kurds used this opportunity to elect their first parliament on May ١٩, ١٩٩٢ and to establish the Kurdistan Regional Government. 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 of the Federal Republic of Iraq.

The federalism formula is seen as an ideal solution for the ethnically pluralistic Iraqi society that would safeguard its unity and would, to a large degree, satisfy the legitimate aspirations of the people of Iraqi Kurdistan as this formula will guarantee their participation in the making of decisions while protecting the integrity and unity of Iraq. It is for these reasons that the preparation of this draft constitution attempts to embody the decision by the Iraqi Kurdistan National Assembly on federalism. It is to be guided also by the principles and values of democracy, pluralism and respect of human rights, and in accordance with international agreements and conventions related to civil and political rights and international convention on social, economic and cultural rights of 1966 to which Iraq became a signatory on January 20, 1971. Choosing the above alternative is also in harmony with the principles of the New World Order. The peoples and nations that have chosen the road of federalism have achieved great success, such as in the United States of America, Canada, Belgium, and others, whereby participation is afforded all nationalities, groups, and constituents in the governance and decision making at the federal level, hence making possible the actual embodiment of democracy and its practise in a real sense. Moreover it would bring about internal independence to the people of the regions and so the federal solution is seen as the best guarantee for maintaining the integrity of the country.

The people of Kurdistan have always supported a peaceful solution to their problem and have positively reacted to all the calls of successive Iraqi governments for negotiation and the establishment of peace. However, they have repeatedly met lack of faith and renegeing of those governments on their promises and national and international obligations. Therefore, no constitutional document alone can guarantee proper implementation or endurance in a practical way unless there are sufficient international guarantees so that all sides to the agreement will abide by it and respect its terms. This past ten year's experiment has proven the value of international protection that has afforded the people of Kurdistan to enjoy their freedom and their national rights in an environment that is safe and free from persecution and oppression. It is therefore deemed necessary that such protection is seen as a crucial element until a final, just, enduring and internationally guaranteed solution is reached.

PART I - GENERAL MATTERS

Article ١:

As a region of the Federal Republic of Iraq, the Kurdistan Region shall have a multi-party, democratic, parliamentary, republican political system.

Article ٢:

The Kurdistan Region consists of the Provinces of Kirkuk, Sulaimaniyah and Erbil in their administrative boundaries prior to ١٩٧٠ and the Province of Duhok along with the districts of Aqra, Sheikhan, Sinjar and the sub-district of Zimar in the Province of Ninevah, the district of Khaniqin and Mandali in the Province of Diyala, and the district of Badra in the Province of Al-Wasit.

Article ٣:

Power is inherent in the people as they are the source of its legitimacy.

Article ٤:

The people of the Kurdistan Region consist of the Kurds and the national minorities of Turkmen, Assyrians, Chaldeans, and Arabs and this Constitution recognizes the rights of these minorities

Article ٥:

The city of Kirkuk shall be the capitol of the Kurdistan Region.

Article ٦:

There shall be a special flag for the Kurdistan Region in addition to the flag of the Federal Republic of Iraq and this shall be regulated by law.

Article ٧:

i) Kurdish shall be the official language of the Kurdistan Region.

- ii) Official correspondence with the federal and regional authorities shall be in both Arabic and Kurdish.
- iii) The teaching of Arabic in the Kurdistan Region shall be compulsory.
- iv) The Turkmen language shall be considered the language of education culture for the Turkmen in addition to the Kurdish language. Syriac shall be the language of education and culture for those who speak it in addition to the Kurdish language.

PART II - BASIC RIGHTS AND RESPONSIBILITIES

Article ٨:

- i) Citizens of the Kurdistan Region are equal before the law in their rights and responsibilities without discrimination due to race, colour, sex, language, ethnic origin, religion, or economic status.
- ii) Women shall have equal rights with men.
- iii) The family unit is the natural and fundamental group of the society. The protection of mothers and children shall be guaranteed. Government and society have a duty to care for youth and to protect the basic moral and ethical values, and the heritage of the people of Kurdistan and that shall be regulated by law.

Article ٩:

- i) Punishment is personal. Nothing can be treated as a crime, nor can any punishment be ordered and carried out unless defined in the law. No act is punishable unless it is considered to be a crime at the time of commission. No punishment can be administered that is greater than what is written in the law.
- ii) The accused is presumed innocent until proven guilty in a court of law.

Article ١٠:

- i) The right to legal defence is guaranteed at all stages of an investigation and trial in accordance with the law.
- ii) Trial proceedings shall be open unless otherwise declared secret by the court.

Article ١١:

- i) The sanctity of the home and its contents shall be protected and cannot be entered or searched except in accordance with procedures laid out in the law.
- ii) Individuals or their possessions cannot be searched except under conditions defined in the law.
- iii) The integrity of the individual shall be protected and all types of torture, physical or psychological, are prohibited.

Article ١٢:

The privacy of postal, cable and telephone communications is guaranteed and cannot be disclosed except when deemed necessary to serve the needs of justice and security in accordance with the parameters and procedures laid out in the law.

Article ١٣:

The right of ownership is guaranteed and movable and immovable property cannot be confiscated except in accordance with the law. Property cannot be expropriated except where required to serve the public interest in accordance with the law and with fair compensation paid.

Article ١٤:

Citizens of the Kurdistan Region cannot be prevented from travelling abroad or returning to their homes. No restrictions shall be placed on the movement of people or the location of their residence except where stipulated in the law.

Article ١٥:

Freedom of expression, publication, printing, press, assembly, demonstration, and forming of political parties, unions and associations shall be guaranteed by law.

Article ١٦:

Freedom of religion, belief, and the practice of religious duties is guaranteed provided they do not conflict with provisions of this

Constitution or the Federal Constitution or with federal laws and provided they do not go against general moral and ethical standards.

Article ١٧:

Political refugees shall not be extradited.

Article ١٨:

- i) Primary education in the Kurdistan Region is compulsory and shall be regulated by law.
- ii) The government shall combat illiteracy, guarantee for their citizens the right to a free education in all its stages of primary, secondary, and university, and guarantee the development of technical and vocational studies.

Article ١٩:

The right of academic research shall be guaranteed. Outstanding achievement, innovation and creativity shall be encouraged and rewarded.

Article ٢٠:

- i) Work is a right and duty of every citizen and the regional government shall make efforts to create work opportunities for every capable citizen.
- ii) The regional government shall guarantee good working conditions, work towards raising the standard of living as well as the skills and knowledge of all working individuals. The regional government shall provide social security benefits in cases of illness, disability, unemployment, or old age.
- iii) No individual shall be forced to carry out a job unless the purpose is to carry out a public service according to the law or in the case of emergency or natural disaster.

Article ٢١:

The regional government guarantees to protect public health through consistent efforts to provide medical services in the fields of prevention, treatment and medication.

Article ٢٢:

Paying taxes is a duty of every citizen and such taxes shall not be levied, collected or amended except by law.

Article ٢٣:

Citizens have the guaranteed right to raise complaints and write petitions to the proper authorities and the authorities shall consider these within a reasonable period of time.

Article ٢٤:

The judiciary in the Kurdistan Region is the source of the protection of rights mentioned in this part. The Courts will decide what punishment and/or fine is warranted from any of the parties concerned.

PART III - KURDISTAN REGIONAL AUTHORITIES
CHAPTER ١ –
LEGISLATIVE AUTHORITY—KURDISTAN REGIONAL ASSEMBLY

Article ٢٥:

The Kurdistan Regional Assembly is the legislative authority in the region and consists of the representatives of the people elected through direct secret, general ballot.

Article ٢٦:

- i) The electoral process for the election of the members of the Kurdistan Regional Assembly, procedures (timing, proportional representation, and qualifications of candidates and voters) shall be regulated by law.
- ii) In the composition of the Assembly, fair representation of national minorities shall be observed.

Article ٢٧:

- i) The term of the Parliament is five years beginning with the first session?

- ii) The Assembly shall be convened at the request of the President of the Kurdistan Region within ١٥ days from the announcement of the final election results and the Assembly shall convene at the end of the above-mentioned period if there is no call.

Article ٢٨:

The Assembly shall convene its first session presided over by the oldest member and through secret ballot a president, vice-president and secretary shall be elected.

Article ٢٩:

Members of the Assembly shall swear the following oath of office:

“I swear by God Almighty to protect the interest of the people of Kurdistan, their honour and rights and to carry out my duties as a member impartially, faithfully and sincerely.”

Article ٣٠:

- i) A quorum in the Regional Assembly shall be reached when a majority of members are in attendance and decisions made by a simple majority of those present shall be carried out unless otherwise stipulated by law.
- ii) Proposals for legislation, on other than financial matters, can be brought forward by ten members of the Assembly.

Article ٣١:

Salaries and stipends of the president of the Assembly and the members shall be regulated by law.

Article ٣٢:

Procedural guidelines for conducting the business of the Assembly's ordinary and special sessions as well as rules and procedures of membership and filling of vacancies shall be regulated by internal rules of the Assembly.

Article ٣٣:

The Regional Assembly shall exercise the following responsibilities:

- i) Amending the Regional Constitution with a ٢/٣ majority of its members
- ii) Legislating laws, amending, or abolishing them
- iii) Giving vote of confidence to the cabinet, its members and withdrawing such confidence from them
- iv) Approving the general budget for the Kurdistan Region and carrying out the necessary transfers and approving unexpected expenditures not included in the general budget
- v) Levying, amending or abolishing taxes and duties
- vi) Approving agreements that are made by the regional executive authority with other regions of the Federal Republic of Iraq, as well as foreign parties and the federal regions of other states in the areas of economic, development, culture, education, humanitarian, finance, security, and border issues
- vii) Authenticating membership in the Assembly
- viii) Issuing the necessary decisions for filling vacancies that occur within the Assembly according to the law
- ix) Supervising the work of the executive authority for the Kurdistan Region
- x) Drawing up the internal rules of the Assembly, deciding the staffing requirements, preparing the Assembly budget, appointing staff and designating salaries
- xi) Forming investigative committees for matters that the Assembly deems necessary

Article ٣٤:

- i) A member of the Assembly enjoys parliamentary immunity. He/she has the right to express views and opinions within the limits of the internal rules of the Assembly.
- ii) A member of the Assembly may not be investigated or arrested or have his/her rights and freedoms restricted, nor can he/she be put under surveillance or searched during a parliamentary session without the prior consent of the Assembly except in cases where there is no doubt that a crime or offence has been committed according to the law.

- iii) A member of the Assembly may not be put under surveillance or arrested while not attending a parliamentary session without the permission of the president of the Assembly except where there is no doubt that a crime or offence has been committed according to the law, in which case, the Assembly must be immediately informed of the measures taken.

Article ٣٥:

- i) The Assembly may dissolve itself with a ٢/٣ majority of its members.
- ii) The Assembly can be dissolved by a decree of the Regional President in the following cases:
 - a. If more than half of the Assembly's members resign.
 - b. If a legal quorum cannot be met within ٤٥ days from the date the Assembly calls for a session.
 - c. If the Assembly does not give a vote of confidence to the Council of Ministers in three successive votes.
 - d. If the election laws of the Assembly are changed and the period remaining in the term of that Parliament is less than six months.

Article ٣٦:

When the Parliament is dissolved or its term of office comes to an end, there shall be new general elections to elect a new Assembly within a period that is no longer than two months.

Article ٣٧:

If the Parliamentary term of office comes to an end, the Assembly shall remain in office until a new Assembly has been elected and has convened its first session.

CHAPTER ٢ – EXECUTIVE AUTHORITY

Section ١. – President of the Kurdistan Region

Article ٣٨:

The region has a President called the President of the Kurdistan Region. He/she is the highest executive authority and he/she

represents the President of the Federal Republic of Iraq in the region and substitutes for him/her on state occasions and coordinates between the federal and regional authorities.

Article ٣٩:

The President of the Kurdistan Region is elected by direct, secret, general ballot by the people of the region.

Article ٤٠:

The manner in which the President of the Kurdistan Region is elected, candidate qualifications, the manner he/she can be indicted or tried, have his/her term of office terminated shall be regulated by law.

Article ٤١:

The President of the Kurdistan Region, prior to assuming his/her responsibilities shall resume the following constitutional oath of office in front of the Kurdistan Regional Assembly:

“I swear by God Almighty that I shall protect the rights, achievements and interests of the people of Kurdistan and respect the Constitution of the Federal Republic of Iraq and of the Kurdistan Region and to carry out my duties faithfully with impartiality and sincerity.”

Article ٤٢:

The term of office of the President of the Kurdistan Region is five years.

Article ٤٣:

The salary and allowances of the President of the Kurdistan Region shall be designated by law.

Article ٤٤:

The President of the Kurdistan Region shall assume the following responsibilities:

- i) Proclaiming into law legislation passed by the Regional Assembly

- ii) Issuing the call for general elections for the Regional Assembly
- iii) Issuing the call to convene the normal or special sessions of the Regional Assembly
- iv) Issuing the formal announcement of the Cabinet after it has received a vote of confidence from the Regional Assembly
- v) Calling the Council of Ministers to session which he/she may chair or attend and requesting reports from the ministers
- vi) Preparing draft laws and submitting them to the Regional Assembly for debate
- vii) Issuing decisions that have the power of law following consultation with the President of the Regional Assembly and the Council of Ministers in cases where the Kurdistan Region, its political system, its general security, or its constitutional institutions face danger that may threaten its existence and at a time when it is difficult for the Regional Assembly to meet
- viii) Declaring states of emergency in accordance with the law
- ix) Using the powers that are delegated to him by the President of the Federal Republic of Iraq
- x) Issuing decrees and decisions proposed by the Council of Ministers
- xi) Mobilizing the Armed Forces and Internal Security Forces within the region
- xii) Supervising and directing the Federal Security Forces operating temporarily or permanently within the region
- xiii) Issuing the decree that formally announces the resignation of the Cabinet or a minister following withdrawal of confidence
- xiv) Issuing decrees that accept the resignations of the Cabinet or a minister in the case where they were asked to do so and requesting that they remain in office until the formation of a new Cabinet or the appointment of a new minister
- xv) Requesting the resignation of the Cabinet or a minister
- xvi) Granting special amnesty to prisoners
- xvii) Approving the death sentence or commuting it to life imprisonment
- xviii) Appointing, dismissing or retiring judges, the regional chief prosecutor, regional general prosecutors and their deputies, heads of administrative units, and individuals to special positions in accordance with the law

- xix) Conferring military ranks on officers of the Internal Security and dismissing or retiring them according to the law
- xx) Conferring medals and awards as specified by law

Article ٤٥:

An Office for the President of the Kurdistan Region shall be established, the requirements and structure of which shall be laid out in a law.

Article ٤٦:

- i) In the case of the resignation, demise, or permanent disability of the President of the Kurdistan Region, a successor shall be elected in the same manner.
- ii) When the position of the President of the Kurdistan Region becomes vacant, the President of the Kurdistan Regional Assembly shall assume responsibilities of the President until such time as a new President is elected.
- iii) When the President of the Kurdistan Region is absent or on leave, the Regional Prime Minister shall assume the responsibilities of the President in an acting capacity.

Section ٧ - Kurdistan Region Council of Ministers (Cabinet)

Article ٤٧:

The Kurdistan Region Council of Ministers is the highest executive and administrative authority in the region; it carries out its executive responsibilities under the supervision and guidance of the Kurdistan Regional President.

Article ٤٨:

- i) The Council of Ministers is made up of the Prime Minister, his deputies and a number of ministers, whose number shall not be less than ١٥.
- ii) The President of the Kurdistan Region shall ask a member of the Kurdistan Regional Assembly to form the cabinet.

- iii) The Prime Minister designate shall choose his deputies and his/her ministers from among the members of the Kurdistan Regional Assembly or others who meet the necessary qualifications for membership in the Assembly.
- iv) The Prime Minister designate shall present his/her cabinet to the Regional President for approval.
- v) The Prime Minister designate following the approval of the Regional President shall present his/her cabinet to the Regional Assembly seeking a vote of confidence and when given a formal decree for the formation of the cabinet shall be issued.

Article ٤٩:

Within the makeup of the Kurdistan Region's Council of Ministers representation of the national minorities, Turkmen, Assyrians, and Chaldeans, shall be taken into consideration.

Article ٥٠:

The members of the cabinet are collectively responsible to the Kurdistan Regional Assembly with regard to the work of the cabinet while each minister is individually responsible for the work of his/her ministry.

Article ٥١:

The Council of Ministers shall assume the following responsibilities:

- i) Carrying out the laws, regulations, and decisions while protecting regional security and public property.
- ii) Setting general policy for the Kurdistan Region in cooperation with the President of the Kurdistan Region.
- iii) Preparing the economic development plans and securing the necessary means for their implementation.
- iv) Preparing the general budget for the region.

- v) Supervising, directing, following and coordinating the work of the ministries, institutions, and public facilities in the Kurdistan Region as well as abolishing or amending their decisions.
- vi) Issuing executive and administrative decisions in accordance with the laws and regulations.
- vii) Preparing draft laws and issuing regulations.
- viii) Appointing, promoting, dismissing, or retiring staff and setting salaries according to the law.
- ix) Making loans and special agreements in the economic development, cultural, and humanitarian fields with the institutions of the federal government or foreign parties.

Article ٥٢:

The minister is directly responsible for all the affairs of his/her ministry.

Article ٥٣:

- i) The cabinet shall be considered to have resigned if the Regional Assembly withdraws confidence from it.
- ii) The minister shall be considered to have resigned if the Regional Assembly withdraws confidence in him/her.

Article ٥٤:

The manner in which the Prime Minister, his/her deputies or his/her ministers are made accountable or are indicted and tried and the matter of setting their salaries and allowances shall be regulated by a law.

CHAPTER ٣ – THE JUDICIARY

Article ٥٥:

The Kurdistan Region's judicial authority is made up of the region's court system in all its levels.

Article ٥٦:

The judiciary has general jurisdiction over all public and private entities and individuals except those that stipulated in a law.

Article ٥٧:

The judiciary is independent with no power above it except the law itself.

Article ٥٨:

The judiciary in the region, in all its levels and types, its structure and conditions under which its members are appointed, transferred, or held accountable shall be regulated by law.

Article ٥٩:

The general prosecutor represents the society by defending general rights and ensuring justice.

Article ٦٠:

The non-Muslim communities have the right to establish religious, “spiritual,” legal bodies in accordance with a special law. These bodies shall have the right to look into all personal matters of citizens belonging to those communities, matters which are not included in the competence and responsibility of the “Muslim” religious courts.

Article ٦١:

Sentences and decisions of the judiciary are passed in the name of the people.

**PART IV –
ADMINISTRATION AND MUNICIPAL COUNCILS**

Article ٦٢:

The administrative divisions of the Kurdistan Region shall be formed by regional law in a manner that does not contradict the terms of this Constitution.

Article ٦٣:

A province, “governorate,” may be created, its administrative centre and name may be designated or changed, and its boundaries may be altered by annexation or separation of its districts and/or sub-districts. Districts and/or sub-districts can be added to another province and all of the above shall be in accordance with a regional decree proposed by the Minister of Interior and approved by the Council of Ministers.

Article ٦٤:

Districts may be created, their administrative centres and names may be designated or changed, and their boundaries may be altered by annexation or separation of sub-districts. Sub-districts may be added to another a district. Sub-districts may be created, their administrative centres and names may be designated or changed, and their boundaries may be designated. All of the above shall be in accordance with a regional decree proposed by the Minister of Interior and approved by the Council of Ministers.

Article ٦٥:

Each centre of a province, district, sub-district, and a village with a population no less than ٣, ٠٠٠, shall have a municipality with a Council and will render public services to the population.

Article ٦٦:

- i) The head and the members of the Municipal Councils are elected from among the people of their communities through direct, general, secret ballot.
- ii) In the formation of these Municipal Councils, fair representation of the national minorities of the Kurdistan Region shall be taken into consideration.

Article ٦٧:

The municipalities, the method of electing their heads and members of the Municipal Councils, their powers, duration of office and all matters shall be regulated by a law.

PART V - FISCAL MATTERS

Article ٦٨:

Taxes or duties cannot be levied, amended, or waived except by a law.

Article ٦٩:

The regional authorities can levy and collect taxes and duties within the region, amend or abolish them taking. Such taxes and duties should be levied in a just and equitable manner comparable to the situation of the citizens of the Federal Republic of Iraq. Export and import duties (customs) are the responsibility of the federal authority.

Article ٧٠:

Revenues of the Kurdistan Region are made up of:

- i) Taxes, duties, and public service fees, as well as taxes from corporations and institutions within the region
- 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.
- iii) Grants, endowments and proceeds of lotteries, and other public income
- iv) Internal and external loans intended specifically for the Kurdistan Region

Article ٧١:

From a fiscal point of view, the Kurdistan Region shall be a successor to the federal authorities in matters pertaining to financial debt, and tax and duty arrears that are related to the region.

Article ٧٢:

The fiscal year shall be designated by a law.

Article ٧٣:

Each fiscal year, the budgetary law that will consist of the estimated revenues and expenditures for the Kurdistan Region shall be passed.

PART VI - MISCELLANEOUS

Article ٧٤:

Any law, regulation, decision, or decree that undermines or sets a limit to the legitimate national rights of the Kurdish people or the citizens of the Kurdistan Region or if they contradict the terms of this Constitution shall be null and void.

Article ٧٥:

The structure of the entity and the political system of the Federal Republic of Iraq cannot be changes 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.

Article ٧٦:

If constitutional conflict or disagreement arises between the Kurdistan Regional authorities and the authorities of the Federal Republic of Iraq or the Arab regional authority, they shall be referred to the Federal Constitutional Court for adjudication.

Article ٧٧:

If there is difference in the interpretation of the terms of this Constitution between the Kurdistan regional authorities, they shall be referred to the Cassation Court of the Kurdistan Region for adjudication.

Appendix - ٥ -

UNSCR – ٩٨٦ *United Nations Resolution & Report:* *The KRG View*

UNITED S NATIONS

Security Council

Distr.

GENERAL

S/RES/٩٨٦ (١٩٩٥)

١٤ April ١٩٩٥

RESOLUTION ٩٨٦ (١٩٩٥)

Adopted by the Security Council at its ٣٥١٩th meeting,

on ١٤ April ١٩٩٥

The Security Council,

Recalling its previous relevant resolutions, Concerned by the serious nutritional and health situation of the Iraqi population, and by the risk of a further deterioration in this situation, Convinced of the need as a temporary measure to provide for the humanitarian needs of the Iraqi people until the fulfillment by Iraq of the relevant Security Council resolutions, including notably resolution ٦٨٧ (١٩٩١) of ٣ April ١٩٩١, allows the Council to take further action with regard to the prohibitions referred to in resolution ٦٦١ (١٩٩٠) of ٦ August ١٩٩٠, in accordance with the provisions of those resolutions, Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country, Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Acting under Chapter VII of the Charter of the United Nations, ١. Authorizes States, notwithstanding the provisions of paragraphs ٣ (a), ٣ (b) and ٤ of resolution ٦٦١ (١٩٩٠) and subsequent relevant resolutions, to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto,

sufficient to produce a sum not exceeding a total of one billion United States dollars every 90 days for the purposes set out in this resolution and subject to the following conditions:

(a) Approval by the Committee established by resolution 661 (1990), in order to ensure the transparency of each transaction and its conformity with the other provisions of this resolution, after submission of an application by the 90-10988 (E) /...

S/RES/986 (1995)

State concerned, endorsed by the Government of Iraq, for each proposed purchase of Iraqi petroleum and petroleum products, including details of the purchase price at fair market value, the export route, the opening of a letter of credit payable to the escrow account to be established by the Secretary-General for the purposes of this resolution, and of any other directly related financial or other essential transaction;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into the escrow account to be established by the Secretary-General for the purposes of this resolution;

γ. Authorizes Turkey, notwithstanding the provisions of paragraphs γ (a), γ (b) and ε of resolution 661 (1990) and the provisions of paragraph 1 above, to permit the import of petroleum and petroleum products originating in Iraq sufficient, after the deduction of the percentage referred to in paragraph 1 (c) below for the Compensation Fund, to meet the pipeline tariff charges, verified as reasonable by the independent inspection agents referred to in paragraph 2 below, for the transport of Iraqi petroleum and petroleum products through the Kirkuk-Yumurtalik pipeline in Turkey authorized by paragraph 1 above;

δ. Decides that paragraphs 1 and γ of this resolution shall come into force at 0001 Eastern Standard Time on the day after the President of the Council has informed the members of the Council that he has received the report from the Secretary-General requested in paragraph 1γ below, and shall remain in force for an initial period of 180 days unless the Council takes other relevant action with regard to the provisions of resolution 661 (1990);

ε. Further decides to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the initial 180 day period, on receipt of the reports referred to in paragraphs 11 and 1γ below, and expresses its intention, prior to the end of the 180 day

period, to consider favorably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs ١١ and ١٢ below indicate that those provisions are being satisfactorily implemented;

٥. Further decides that the remaining paragraphs of this resolution shall come into force forthwith;
٦. Directs the Committee established by resolution ٦٦١ (١٩٩٠) to monitor the sale of petroleum and petroleum products to be exported by Iraq via the Kirkuk-Yumurtalik pipeline from Iraq to Turkey and from the Mina al-Bakr oil terminal, with the assistance of independent inspection agents appointed by the Secretary-General, who will keep the Committee informed of the amount of petroleum and petroleum products exported from Iraq after the date of entry into force of paragraph ١ of this resolution, and will verify that the purchase price of the petroleum and petroleum products is reasonable in the light of prevailing market conditions, and that, for the purposes of the arrangements set out in this resolution, the larger share of the petroleum and petroleum products is shipped via the Kirkuk-Yumurtalik pipeline and the remainder is exported from the Mina al-Bakr oil terminal;

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٧. Requests the Secretary-General to establish an escrow account for the purposes of this resolution, to appoint independent and certified public accountants to audit it, and to keep the Government of Iraq fully informed;
٨. Decides that the funds in the escrow account shall be used to meet the humanitarian needs of the Iraqi population and for the following other purposes, and requests the Secretary-General to use the funds deposited in the escrow account:
 - (a) To finance the export to Iraq, in accordance with the procedures of the Committee established by resolution ٦٦١ (١٩٩٠), of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, as referred to in paragraph ٢٠ of resolution ٦٨٧ (١٩٩١) provided that:
 - (i) Each export of goods is at the request of the Government of Iraq;
 - (ii) Iraq effectively guarantees their equitable distribution, on the basis of a plan submitted to and approved by the

Secretary-General, including a description of the goods to be purchased;

- (iii) The Secretary-General receives authenticated confirmation that the exported goods concerned have arrived in Iraq;
- (b) To complement, in view of the exceptional circumstances prevailing in the three Governorates mentioned below, the distribution by the Government of Iraq of goods imported under this resolution, in order to ensure an equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country, by providing between 130 million and 100 million United States dollars every 90 days to the United Nations Inter-Agency Humanitarian Programme operating within the sovereign territory of Iraq in the three northern Governorates of Dihouk, Arbil and Suleimaniyeh, except that if less than one billion United States dollars worth of petroleum or petroleum products is sold during any 90 day period, the Secretary-General may provide a proportionately smaller amount for this purpose;
- (c) To transfer to the Compensation Fund the same percentage of the funds deposited in the escrow account as that decided by the Council in paragraph 2 of resolution 400 (1991) of 10 August 1991;
- (d) To meet the costs to the United Nations of the independent inspection agents and the certified public accountants and the activities associated with implementation of this resolution;
- (e) To meet the current operating costs of the Special Commission, pending subsequent payment in full of the costs of carrying out the tasks authorized by section C of resolution 687 (1991);
- (f) To meet any reasonable expenses, other than expenses payable in Iraq, which are determined by the Committee established by resolution 661 (1990) to be directly related to the export by Iraq of petroleum and petroleum products permitted under paragraph 1 above or to the export to Iraq, and activities
/...
S/RES/986 (1995)

directly necessary therefore, of the parts and equipment permitted under paragraph 9 below;

- (g) To make available up to 10 million United States dollars every 90 days from the funds deposited in the escrow account for the

payments envisaged under paragraph ٦ of resolution ٧٧٨ (١٩٩٢) of ٢ October ١٩٩٢;

٩. Authorizes States to permit, notwithstanding the provisions of paragraph ٣ (c) of resolution ٦٦١ (١٩٩٠):
 - (a) The export to Iraq of the parts and equipment which are essential for the safe operation of the Kirkuk-Yumurtalik pipeline system in Iraq, subject to the prior approval by the Committee established by resolution ٦٦١ (١٩٩٠) of each export contract;
 - (b) Activities directly necessary for the exports authorized under subparagraph (a) above, including financial transactions related thereto;
١٠. Decides that, since the costs of the exports and activities authorized under paragraph ٩ above are precluded by paragraph ٤ of resolution ٦٦١ (١٩٩٠) and by paragraph ١١ of resolution ٧٧٨ (١٩٩١) from being met from funds frozen in accordance with those provisions, the cost of such exports and activities may, until funds begin to be paid into the escrow account established for the purposes of this resolution, and following approval in each case by the Committee established by resolution ٦٦١ (١٩٩٠), exceptionally be financed by letters of credit, drawn against future oil sales the proceeds of which are to be deposited in the escrow account;
١١. Requests the Secretary-General to report to the Council ٩٠ days after the date of entry into force of paragraph ١ above, and again prior to the end of the initial ١٨٠ day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph ٨ (a) above, including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph ١ above;
١٢. Requests the Committee established by resolution ٦٦١ (١٩٩٠), in close coordination with the Secretary-General, to develop expedited procedures as necessary to implement the arrangements in paragraphs ١, ٢, ٦, ٨, ٩ and ١٠ of this resolution and to report to the Council ٩٠ days after the date of entry into force of paragraph ١ above and again prior to the end of the initial ١٨٠ day period on the implementation of those arrangements;

١٣. Requests the Secretary-General to take the actions necessary to ensure the effective implementation of this resolution, authorizes him to enter into any necessary arrangements or agreements, and requests him to report to the Council when he has done so;

/...

S/RES/٩٨٦ (١٩٩٥)

١٤. Decides that petroleum and petroleum products subject to this resolution shall while under Iraqi title be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and to ensure that the proceeds of the sale are not diverted from the purposes laid down in this resolution;

١٥. Affirms that the escrow account established for the purposes of this resolution enjoys the privileges and immunities of the United Nations;

١٦. Affirms that all persons appointed by the Secretary-General for the purpose of implementing this resolution enjoy privileges and immunities as experts on mission for the United Nations in accordance with the Convention on the Privileges and Immunities of the United Nations, and requires the Government of Iraq to allow them full freedom of movement and all necessary facilities for the discharge of their duties in the implementation of this resolution;

١٧. Affirms that nothing in this resolution affects Iraq's duty scrupulously to adhere to all of its obligations concerning servicing and repayment of its foreign debt, in accordance with the appropriate international mechanisms;

١٨. Also affirms that nothing in this resolution should be construed as infringing the sovereignty or territorial integrity of Iraq;

١٩. Decides to remain seized of the matter.

Appendix - ٦ -

UNSCR ٦٨٨

RESOLUTION ٦٨٨ (١٩٩١)

Adopted by the Security Council at its ٣٩٨٣rd meeting on ٥ April ١٩٩١

The Security Council,

Mindful of its duties and its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

Recalling of Article ٣, paragraph ٣, of the Charter of the United Nations, Gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions, which threaten international peace and security in the region,

Deeply disturbed by the magnitude of the human suffering involved, Taking note of the letters sent by the representatives of Turkey and France to the United Nations dated ٣ April ١٩٩١ and ٤ April ١٩٩١, respectively (S/٣٢٤٣٥ and S/٣٢٤٤٢),

Taking note also of the letters sent by the Permanent Representative of the Islamic Republic of Iran to the United Nations dated ٣ and ٤ April ١٩٩١, respectively (S/٣٢٤٣٦ and S/٣٢٤٤٧),

Reaffirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq and of all States in the area,

Bearing in mind the Secretary-General's report of ٢٠ March ١٩٩١ (S/٢٢٣٦٦),

١. Condemns the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, the consequences of which threaten international peace and security in the region;
٢. Demands that Iraq, as a contribution to remove the threat to international peace and security in the region, immediately end this repression and express the hope in the same context that an open dialogue will take place to ensure that the human and political rights of all Iraqi citizens are respected;
٣. Insists that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations;
٤. Requests the Secretary-General to pursue his humanitarian efforts in Iraq and to report forthwith, if appropriate on the basis of a further mission to the region, on the plight of the Iraqi civilian population, and in particular the Kurdish population, suffering from the repression in all its forms inflicted by the Iraqi authorities;
٥. Requests further the Secretary-General to use all the resources at his disposal, including those of the relevant United Nations agencies, to address urgently the critical needs of the refugees and displaced Iraqi population;
٦. Appeals to all Member States and to all humanitarian organizations to contribute to these humanitarian relief efforts;
٧. Demands that Iraq cooperate with the Secretary-General to these ends;
٨. Decides to remain seized of the matter.

Appendix - ٧ -

Political Statement of the Iraqi Opposition Conference (Iraqi Opposition Conference ١٤-١٦ December ٢٠٠٢)

In the name of God, the compassionate and the merciful

Final Statement

Meeting of the Coordination and Follow-Up Committee held in
Salahaddin, ٢٦ February – ١ March, ٢٠٠٣

As Iraq faces a critical stage in its history, the Coordination and Follow-Up Committee that was elected at the London Iraqi Opposition Conference between ١٣-١٦ Dec. ٢٠٠٢, held its first meeting with the participation of ٥٤ members, in the liberated territory of Iraq, in the city of Salahaddin in heroic Kurdistan, between ٢٤-٢٨ February ٢٠٠٣.

After a series of frank and comprehensive discussions over a period of three days, which preceded the official meeting, the meeting was opened with a recital of a verse from the Holy Quran and a minute's silence in memory of our martyrs and in solidarity with our people in prison, detention, and exile.

After listening to a speech by the host, Mr. Masoud Barzani, President of the Kurdistan Democratic Party (KDP), the meeting listened to a message from his eminence Mohammad Bakir al-Hakim, President of SCIRI, and speeches by a number of leaders of the Iraqi Opposition and guests. With a quorum of ٥٤ members the meeting held seven closed sessions during which a steering committee was elected and the rules of

order of the meetings, the agenda, election of Mr. Jalal Talabani as a chair for the meetings, and the structures required to face conditions both inside and outside the country were established, in pursuit of the establishment of an alternative democratic government. The meeting evaluated the political and international situation and the possibilities of a military conflict, which the allied forces plan to launch under the leadership of the US. The meeting puts the responsibility on the Iraqi regime for endangering the security of the country as a result of its repressive policies, violation of human rights and rights of various groups, non-compliance with relevant UN Security Council resolutions, aggression against neighboring countries and its refusal to get rid of its Weapons of Mass Destruction. The meeting calls upon the US and the international community to distinguish between Saddam Hussain's regime and the Iraqi people and between Weapons of Mass Destruction and the infrastructure of Iraq. The meeting reconfirmed that, in the aftermath of the overthrow of the Saddam Hussein regime, power should be transferred to the Iraqi people and their true representatives as soon as possible. It looks forward to Iraq enjoying balanced relations with other countries, on the basis of mutual relations and cooperation and without occupation. The meeting took note of news reports that thousands of Turkish troops are planning to enter Iraqi Kurdistan unilaterally, and hopes this is not the case. While we appreciate the undertaking of the international coalition to enforce the relevant UNSC Resolutions and its support of the Iraqi people in overthrowing the dictatorial regime and establishing democratic rule in Iraq, we reject Turkish military intervention, or the intervention of any other regional power, in Iraqi internal affairs. At the same time, the meeting extends the hand of friendship and cooperation to the republic of Turkey and reassures her that our Kurdish brothers and all members of the Iraqi opposition reject the division of Iraq. The meeting asserts its belief in one unified country. It takes seriously Turkey's legitimate security concerns and it is willing to establish optimum neighborly relations with Turkey. We, the members of the Iraqi opposition, call upon the government of Turkey for open, frank and direct dialogue, with the participation of the US, and reaffirm our commitment to establishing a unified Iraq and reinforcing Iraq's national unity on the basis of democratic, parliamentary, federal and equal citizenship to all Iraqis, be they Arabs,

Kurds, Turkomens, Assyrians, or Chaldeans. The Iraqi people would have the first and last word in deciding and managing the affairs of their country. Iraq is a country with multiple Arab and Muslim dimensions of identity. It is a land with many holy sites and shines that have been subjected by Saddam Hussein to the worst kinds of violation of all that is sacred and holy. The Saddam Hussein regime has forced millions of its sons into exile. Hundreds of thousands of its citizens have been killed and wounded in internal wars that have touched every part of the land. The opposition is a partner in the liberation of Iraq and in building of a new democratic Iraq. The Iraqi opposition will contribute to the restoration of stability and to the prevention of potential anarchy and chaos. The opposition will enlist the assistance of the Iraqi army and people, including religious and tribal personalities, to enhance law and order, social peace and toleration among all sections of society. The Iraqi opposition ultimately wishes to rehabilitate all militia organizations, including those forces operating under the command of the leadership council of the Iraqi opposition, and reintegrate them into a future Iraqi national army and to end the state of society's militarization by returning the army to its barracks, dismantling all Iraq's repressive institutions and ending those currents of thought in Iraq that gave rise to tyranny. The Iraqi opposition wishes to return to a life of constitutionalism and to reengage with regional, international, and Arab countries in relations of mutual interest and good-neighborliness. A democratic Iraq based on the rule of law, characterized by internal peace, is the best guarantee for the spread of peace and stability with other countries and the international community. Considering all of the above, and implementing the decisions of the London conference, in particular the two documents – the Political Statement and the Transitional Period – on ١٣-١٦ Dec ٢٠٠٢, the meeting has elected a leadership council of the Iraqi opposition along with the following ١٤ specialized committees: ١) Operational, ٢) Media, ٣) Reconstruction and Development, ٤) Foreign Relations, ٥) National Outreach, ٦) Social, ٧) Economic, ٨) UN Resolutions Follow-Up, ٩) Displaced and Deportees, ١٠) Finance, ١١) Legal and Constitutional, ١٢) Human Rights, ١٣) Relief and ١٤) Education and Higher Education. This is in order to prepare for liberation and to prevent the emergence of a political, administrative and security vacuum. It is also to guarantee the best possible representation for the Iraqi people in the international arena

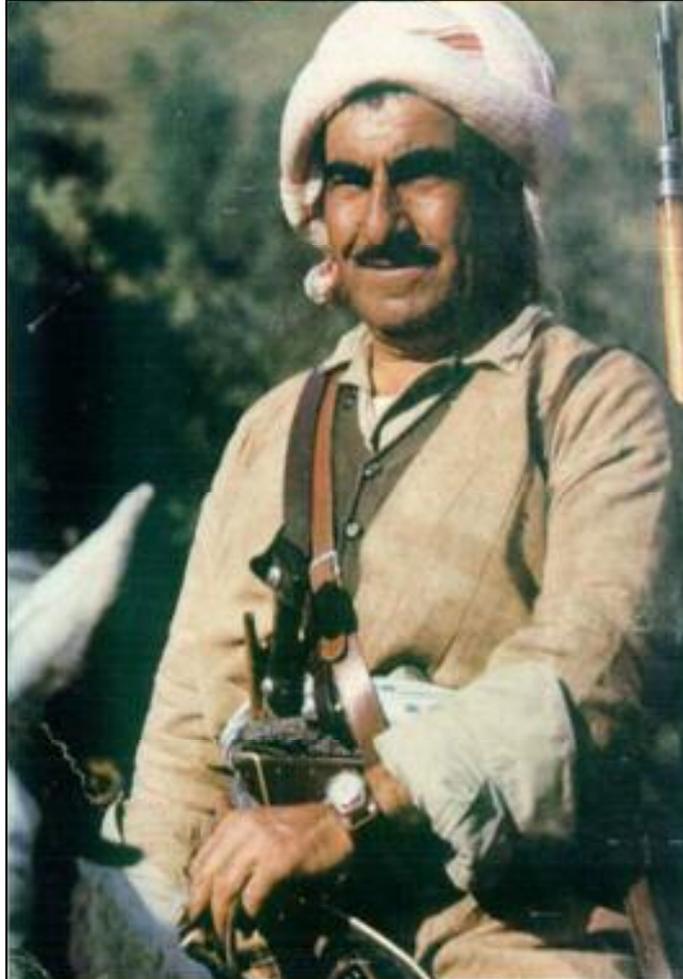
and with friendly states who wish to cooperate with them. The meeting emphasized the importance of cooperation with the widest possible forces of our people to reach the goal of change, face all possible eventualities and to prepare for the transitional period, which will begin immediately after the collapse of Saddam's tyrant regime. Within this framework, the meeting decided to continue dialogue with forces that did not participate in this meeting, or the London conference of the Iraqi opposition, and we call upon them to join this patriotic process. We call upon all people with expertise and specialist skills inside Iraq and in exile to be engaged in this work, to assist in building a future Iraq, to be in contact with the administration and the existing infrastructure in the country and to carry out the necessary tasks during the transitional period. Furthermore, the effects of Saddam's brutal policies must be eradicated to pave the way to transition to a parliamentary system and constitutional traditions in a united, democratic, pluralistic, and federal Iraq that respects Islamic values and religious freedoms and practices. The experiment in Kurdistan and all its progress of the last ١١ years, is the best proof of what the Iraqis can achieve. The delegates of the meeting noticed the great achievements in all fields of development – political, democratic, providing security and stability, national reconciliation and transparency – in spite of the difficult and complicated circumstances and the pressures and destruction the area faces that remained after the Iraqi regime left the region in ١٩٩١. It must also be taken into account that this area came under two economic embargos, not just one. The delegates enjoyed the hospitality of the Kurdish leadership, especially the Kurdistan Democratic Party under the leadership of Masoud Barzani, and the Patriotic Union of Kurdistan under the leadership of Jalal Talabani. The delegates discussed Iraq's ties with its neighbors and they also expressed appreciation for the positive historical role of both the Syrian Arab Republic and the Islamic Republic of Iran. Those two countries were the first who welcomed the Iraqi opposition and refugees and they carried a large burden as a result of this. The meeting also expressed appreciation for the role played by two neighboring countries, Kuwait and Turkey, in this regard. The meeting sent its greetings to all people, organizations and friendly states in the world. In particular, it sends its greetings to the Ambassador-at-Large for Free Iraqis, Dr. Zalmay Khalilzad, and the accompanying

delegates for coming to Iraq, in spite of difficulties, to meet the delegates and members of the Follow-Up and Coordination Committee on behalf of the American President, George W. Bush, in order to convey the US administration's messages and opinions. Dr. Khalilzad's important address to the opening session included a confirmation of statements made by the President that the United States does not intend to change one dictator for another, that it supports a democratic regime in Iraq as was mentioned in the President's September speech, that the US has no desire to govern Iraq and that the Iraqis should choose who will govern them. These policies were received by the delegates with great appreciation for the president of the United States. The meeting also sent a special message to other Arab states urging them to support the Iraqi people, who have many strong ties with Arab countries, in their endeavor. It also demanded from those who are still trying to save the Iraqi regime to give up their shortsighted policies. The meeting also supports all those who have tried to pressurize Saddam Hussein to give up power in order to guarantee a peaceful transition that will end the brutal regime and all its policies. We ask them to continue these efforts to stop war and to stop this terrible saga of Iraq's history. The meeting also discussed the humanitarian issue and put forward views for emergency relief and development. It emphasized that for the Iraqi economy to recover and its massive potential growth to develop in such a way as to support the democratic process in the future, Iraq requires massive financial resources that can only come from the production of Iraqi oil through a guaranteed fair share of the international market. It also requires the readiness of regional and international communities to provide humanitarian aid and endeavor to solve the issue of debt, compensation and the freeing up of Iraqi assets abroad. At the end of this historic meeting, the delegates salute the steadfast freedom-fighters, our martyrs and their families and we hail the political prisoners, detainees and the exiled, displaced and disappeared people. The meeting also calls upon the people of Iraq who continue to be under the reign of repression and destitution to prepare for liberation day. The delegates also salute our people in exile and call on them to increase their activities and mobilize and unify their efforts so that we all have one unified vision for the future of Iraq. The meeting also sends a call to all citizens that are conscripted in the party organization and the many other party institutions: The coming

order will be about tolerance, forgiveness and reconciliation. It will end all forms of ethnic and religious discrimination and eradicate all repressive laws and all forms of behavior that are above the law. A future Iraq will be for all: Arabs, Kurds, Turkomens, Assyrians, Chaldeans and other ethnic minorities, Muslims and Christians, Shi'a and Sunni and all other cultural diversities. Iraq will not be for one individual or one party or a single ethnic minority group to the exclusion of the rest of the Iraqi people.

Appendix - ٨ -

Pictures & Maps



**General Mustafa Barzani, the Kurdish leader ١٤
March ١٩٠٣ - ١ March ١٩٧٩**



Agreement between the two leaders Barzani and Talabani to end the internal fighting (Washington D.C – ١٩٩٨)

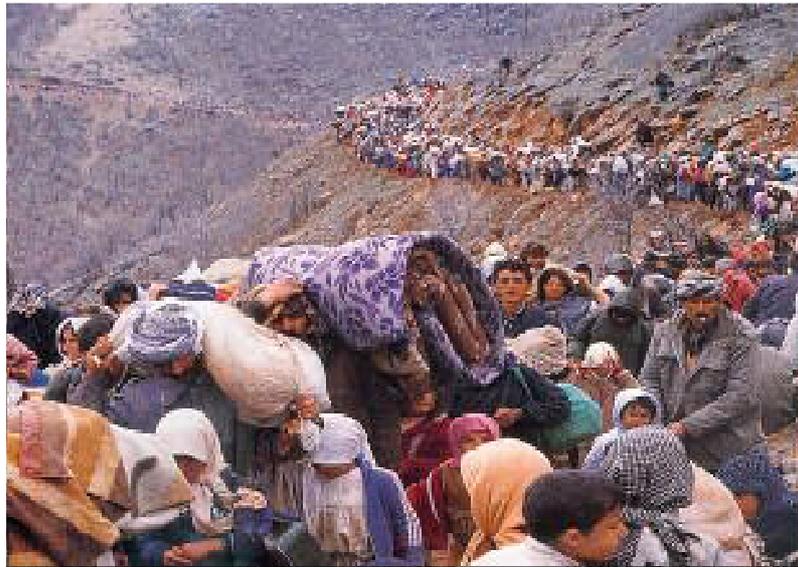


Mr. Nechirvan Barzani, KDP polite bureau member arriving international safe haven in northern Iraq - ١٩٩١

Kurdish Events that led to the creation of no fly zone









۱۹۹۲ May, Jalal Talabani and Masoud Barzani at the time of the elections



Mr. Nechirvan Barzani, KRG Prime Minister during his official visit to the House of Lords – London



Wajeh Barzani, Chief of KDP special forces



Dr. Dindar Zebari, KRG Coordinator to the UN

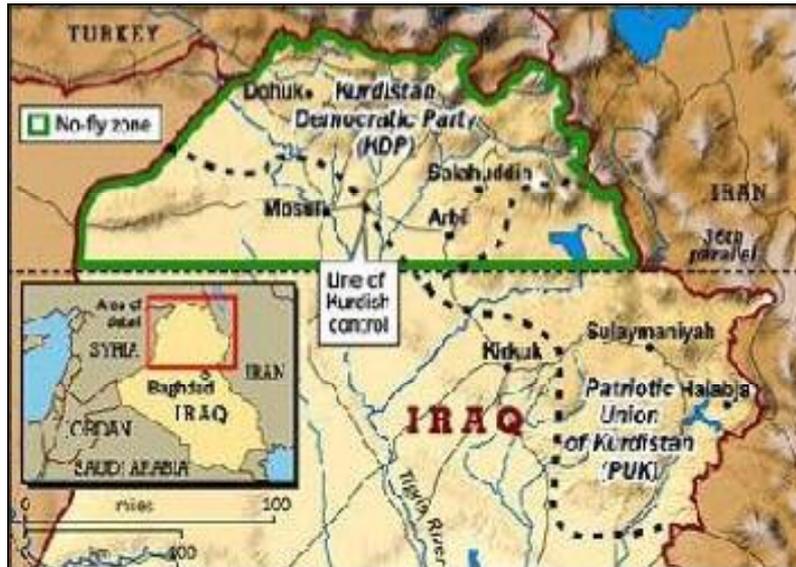


Erbil – The Parliament

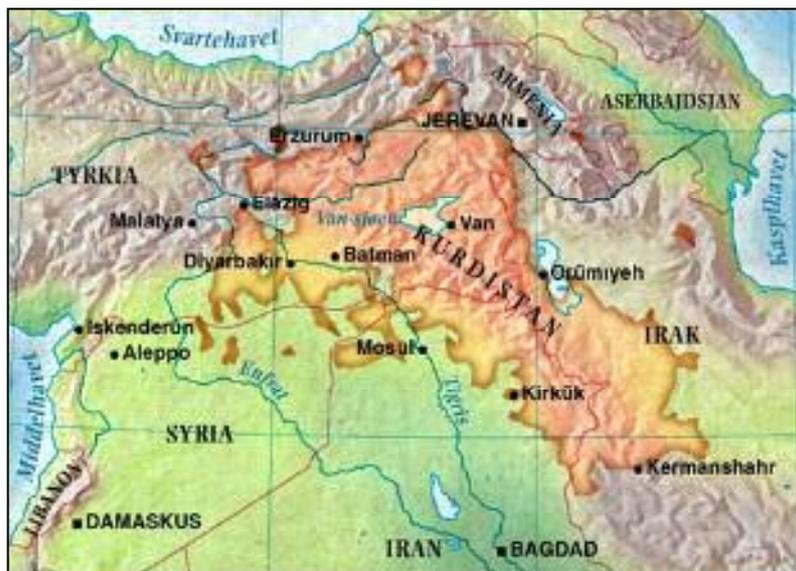


Greater Kurdistan Map





The Kurdish Safe Haven in Iraq



Geographical borders of Kurdistan