The Kurds:

Between Ankara and Baghdad in Search of Independence

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Introductory remarks[1]

"If within one year from the coming into force of the present Treaty the Kurdish peoples 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 of these areas desires independence from Turkey, and if the Council then considers that these peoples are capable of such independence and recommends that it should be granted to them, Turkey hereby agrees to execute such a recommendation, and to renounce all rights and title over these areas.

The detailed provisions for such renunciation will form the subject of a separate agreement between the Principal Allied Powers and Turkey.

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 that part of Kurdistan which has hitherto been included in the Mosul vilayet.[2]"

This famous article laid down in the Treaty of Sèvres (1919/20) is still of key importance for the Kurds, no matter where they are located. It is considered as the legitimate basis to create a Kurdish state, no matter, that the Treaty of Sèvres had been overruled by the Treaty of Lausanne (1923). For the Kurds, Sèvres is a synonym of freedom and independence. For Turkey, it is a synonym of defeat; it molded Turkish thinking over the decades.

In the nineteen nineteenth, the Kurds played a crucial role in Turkish domestic politics, because of their persistent fight against the Turkish state. In the past few years, situation has eased because some crucial events happened (such as the capture of PKK-leader Abdullah Öcalan). Additionally, Turkey improved its human rights record and changed the rights in favor of the Kurds living in Turkey – may be due to the years lasting pressure of European states, of the increased critique by EU-members and of rather favorable conditions for Turkey to enter EU.

Lately, the Kurds came into international headlines again. They played a crucial role during Operation Iraqi Freedom in spring 2003. Their support for the coalition of the willing was received very warmly, particularly by the United States. The positive development overshadowed a decade-lasting fight of the Kurdish tribes against suppression and for the establishment of their own state ('Kurdistan'). In Turkey, they represent the biggest group among minorities, though Turkey does not accept them as minority because they are not named in the Lausanne Treaty of 1923, which is seen as the legal basis for the establishment of the Republic of Turkey in 1923, and, at the same time, indicates the minorities accepted by Turkey as such. This has led to fierce tension and civil-war-like conditions, which seriously hampered any Kurdish desire to create an independent or at least autonomous state and the Turkish ambitions to join EU. Additionally, the Kurdish strife for independence has been overlaid by the developments in Iraq, particularly in the Northern part in past twenty years.

This study is based on the following questions:

1. Which is the minority understanding in Islamic countries?
2. How does this understanding comply with western standards?
3. How can the concept of nation be linked with umma concept?
4. How does the different perception influence the relationship between majority and minority?
5. How did Turkish-Kurdish relations develop over the centuries?
6. Which was the impact of the Kurdish question on Turkey's EU-ambitions?

7. How did the situation in Iraq influence the Turkish relation to the Kurds?

8. Which future options are available for the Turks, the Kurds in Turkey and the Iraqi Kurds?

9. How would the regional stability be influenced by changed in one of the relations?

The key target is to present a differentiated picture of the Kurds along a time-space calculus and to find out interconnections between the impacts of minority issues within a country which has a different minority perception as compared to the western perception (Turkey and Iraq). Additionally, possible effects on the stability and the domestic situation in another country (Turkey and Iraq) will be investigated.

The study covers

-   a brief theoretical framework, based on the triangle of 'nation'-'state'-'minority'; this is the basis to assess the relationship between the Kurds and the Turkish state, especially the 'minority-status' of the Kurds. Moreover the question as to whether or not the existence of nations and minorities on the same territory provide a potential for crisis will be investigated.[3]

-   Additionally, an investigation the Kurdish-Turkish relationship, based on a historical review and an analysis of recent developments will be pursued.

-   Finally, an analysis of the connections between the Kurdish question in Turkey and the Kurds in northern Iraq (including an assessment of the role of the Kurds during the war against Iraq in spring 2003 and the development until spring 2004) will be provided.

The paper is based on primary literature and secondary literature analysis within a politico-sociological and historical context.

1.   The Kurds – a minority?

1.1.   Some basic deliberations

Due to its geographical and geopolitical location, Turkey (and the Ottoman Empire, too) has had an 'interface position'. It affected the creation of the Turkish state and the socio-political development. One of the results was a mixed approach to the concept of nation-state and other western-related concepts, which are based in the age of enlightenment. Westernization was one of the main targets of Atatürk. It remained an attractive concept over decades since. The mixture of historically grounded elements (such as the originally Islam-based structure of the Ottoman Empire) and of a struggle to appear 'western' shaped the existence of the Turkish state. Religious concepts such as *umma* and *millet* are opposing the concepts of nation-state and minorities. They are by definition incommensurable. This incommensurability formed the Kurdish-Turkish relation and influenced every Kurdish effort to gain independence and to create an independent state.

The question, whether Kurds comply to the features of a minority in the western understanding or not, has been one of the most discussed issues in Turkey and in many other states where Kurds live (e. g. Iraq, Iran, Syria etc.). It gave rise to numerous debates between Turkey and Europe and turned out to be one of the main obstacles for a full-membership of Turkey in the EU.[4]

The following paragraphs provide an overview of definitions and concepts of importance for the Kurds and related questions. It is annotated, that the introduced concepts are of western origins, thereby not only overlaying but also sometime contradicting each other. The terminological issue has provided ground for numerous misunderstandings between Turkey and Europe. The situation becomes even more delicate, if a state, like Turkey, has its origins

in a different historical, philosophical, legal and societal framework than the western one (in the Muslim framework, nations, states, minorities and ethnicities do not exist).

1.2. The conceptual framework

1.2.1. The 'Western' elements

Minority issues have always been part of the international agenda. They are the result of movements of people due to political and religious persecution, economic deficiency and/or drawing of borders after wars. Systems evolution implies that there are majorities and minorities – regardless of scientific definition, but due to perceptions by oneself and others. Therefore, minorities are a 'natural part' of society and its historical development.

Kurdish tribes represent a special case in the 'concert of minorities'. Their fight for autonomy and independence (lasting some centuries and largely unsuccessful) provides a prime example of the different ways of understanding concepts like those of nation, of state and the role of minorities and ethnic groups. Those concepts are of western origin and rather strange to Muslim concepts.

The historical roots for the three concepts can be found in the Treaty of Westphalia of 1648. Nations, the nation-state, nationalism, minority and ethnicity are terms which arose during the Age of Modernity, the creation of Civil Society and the Industrial Revolution. They are '19th century concepts' and play a leading role in the process of political integration. Democratization and suffrage increased their importance. The breakdown of empires, the changes in the political landscape after World War I, the end of colonization and the re-delineation of borders (mostly completed without taking settlement areas into account) re-enforced the issues of nation-state, nationalism, minority/majority and ethnicity.

Nation, state and minority are interrelated terms, which lack commonly accepted definition or understanding. This is due to the fact that an agreed definition implies a number of far reaching consequences in several societal areas. Nevertheless, an effort to form a basic understanding of the concepts will be attempted.

1.2.1.1. The concept of state

The emergence of the concept of state stretches from the Reformation period (16th century) to the late 18th century. The following features characterize the period:

- Dissolution of the spiritual and ecclesiastical unity of Europe.
- Discovery of the New World.
- Emergence and rise of early capitalism.
- Emergence of nature sciences as determining field for all other field of the society.
- Emergence of nations.
- Re-discovery of the ancient period.
- Changes in standards of armament and in the armies.
- Revolution of the suppressed societal parts.
- Stabilization of territorial power.

The modern state is based on the following three pillars:

The three pillars of the modern state:

The Westphalian Peace Treaty

Sovereignty

State reason

Secularization
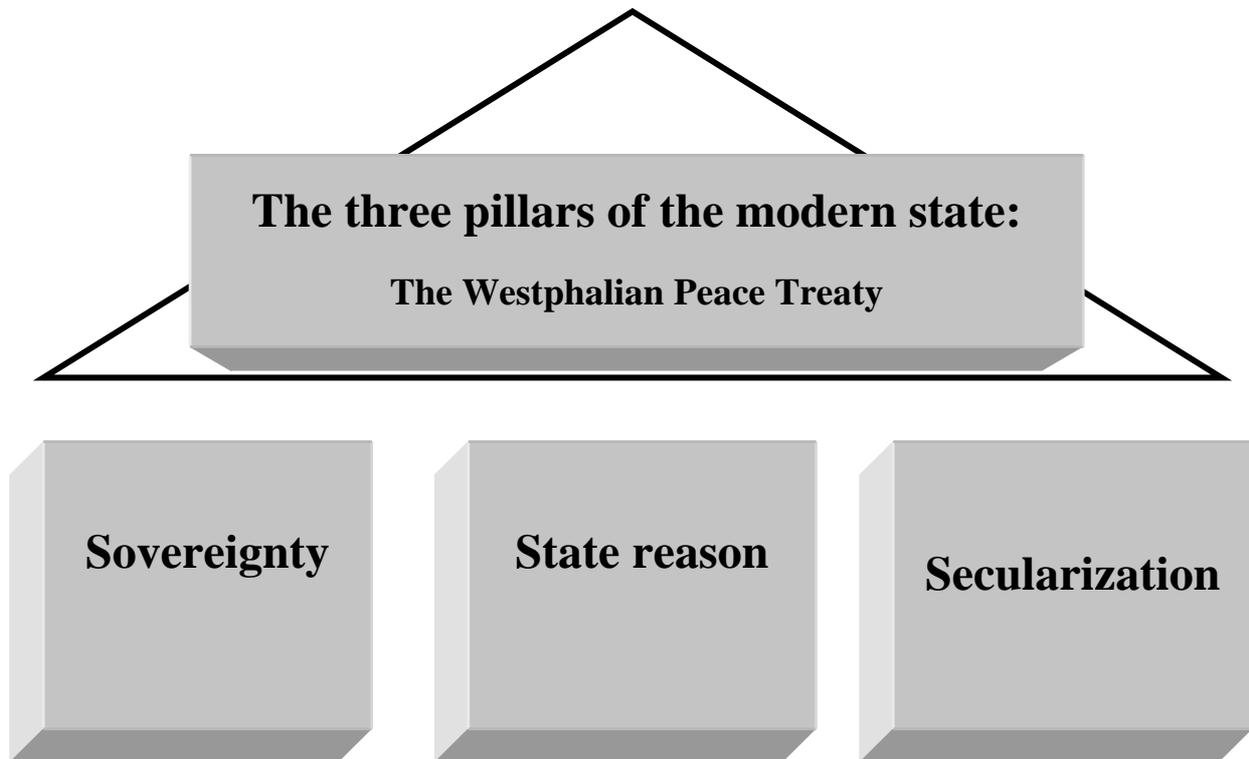
Raison d'état (state reason): State reason (*ratio status; ragio di stato*) is one of the key early elements of the modern state. It emerged in parallel with the rise of economy and the further independence of economy of the political subsystem. A symbol of this becoming independent of economy is *Jakob Fugger* who financed the rise of Karl V. *Machiavelli* displayed the most straightforward interpretation of state reason. The political subsystem was more or less fully independent of economy and other societal areas. Gaining and maintenance of power were in the center of his work. Machiavelli fought for his thoughts in all their sharpness up to the end – with all consequences. Later on, state reason was softened step by step. It was done partly by wrapping it in a religious content or by putting a legalistic cap on it. Another approach was the division into 'good' and 'bad' parts, i. e. in the art of governing and in pure power gaining and maintaining. In the course of the 16th century state reason gained more and more ground and lost its sharpness. The medieval idea of an emperor faded more and more away. The Thirty Years War led to a strong turn around. Consolidation of power and the separation of power made state reason a sub-concept with a legitimate place in the overall concert of policy-making in general and in designing foreign policy in particular.

Sovereignty: The concept of sovereignty went in parallel with the emergence of state reason. It was mentioned for the first time in *Bodin's* "Six livres de la République" (1576). Sovereignty is seen as the key basis for the emergence and existence of the modern state. One of the key provisions in the very diverse agenda of the Treaty of Westphalia was the recognition of the prerogatives of the princes within their own territory and their right to make alliances with other states.[5] This formulation is generally regarded as a key attribute of sovereignty, particularly as the right of a state to create and carry out ones own foreign policy. Sovereignty has been one of the key notions in the wake of the Treaty of Westphalia. It is based on the principle of territoriality and the exclusion of external actors from domestic authority structures (i. e. non-intervention into internal affairs), i. e. it is based on the principle of sovereignty, particularly on the European perception and interpretation of sovereignty.

Adam Watson clears the very European concept of sovereignty in the following way *"... as its name implies, was an aim of rulers and princes, who wanted to be masters over all their subjects but to acknowledge no master over themselves.[6]"* The second part of the sentence clearly points to the existence of anarchy in the new international society. He perceives it as the ordering principle in the European international system. Watson continues: *"The concept of sovereignty protects the weak prince against the strong. The sovereignty to which Westphalia committed the European society of states was essentially domestic. What a sovereign did in the territories recognized as legitimately under its government was not the business of other sovereigns. In principle sovereign princes and states were also free to act as they saw fit in their external relations. Indeed the ability to conduct and independent foreign policy was widely regarded as the test of genuine sovereignty. But the relations of a sovereign state with the other members of the sovereigns club were constrained by the pressure of the system and by the rules and codes of conduct of the society, and also most of the time by a degree of hegemonial control.[7]"* Watson points to the existence of entities, which are obviously different to the ones existing in the pre-Westphalian period. Those entities are framed in a very particular understanding of the concept of sovereignty. This is only one perspective of sovereignty, which is one of the most debated notions in IR.[8] *Krasner* distinguishes at least four meanings of sovereignty. *"domestic sovereignty, referring to the organization of public authority within a state and to the level of effective control exercised by those holding authority; interdependence sovereignty, referring to the ability of public authorities to control trans-border movement; international legal sovereignty, referring to the mutual recognition of states or other entities; and Westphalian sovereignty, referring to the exclusion of external actors from domestic authority configurations. These four meanings of sovereignty are not logical coupled, nor have they co-varied in practice."[9]*

The center of the Westphalian model is the state and its relationships with other states. The state is basically and primarily a legal concept. It is perceived as the legitimized and lawful basis and justification of power. The state emerged out of the chaos and the following demise of medieval Christendom and feudalistic system in the Medieval Ages. When we take the concept of sovereign state as reference point for the establishment of an international society, then the Treaty of Westphalia seems to be a good starting point. We are fully aware that this – of course - is a deliberate choice, but it fits very well with the referent object. Discussion on sovereignty and equality of the newly emerging powers and the Ottoman Empire was a key point in the relationship. Both issues had considerable impact and were shoving and shaping the European international system sustainable.

Secularization: The emergence of the modern state is considered as a process of secularization. The religious fights destroyed a common fundament. Profane power took over the role as preserver of peace. Secularization is a result of the dissolution of the medieval order. Religion had to subordinate to the secular power. Slowly ideological pluralism came into being. Both types of orders separated themselves slowly. Secularization is not the same as de-Christianization. Public and political life of the 17th and 18th century was coined by Christian thoughts. A modern separation of state and church was never part of the agenda. The key target was the avoidance of religious fights, and not a de-Christianization of public and political life.

The Treaty of Westphalia: The modern state and the Treaty of Westphalia are inseparable connected. Westphalia marks a crystallization of a development within a very particular time-space-calculus and dynamic dialectics. The combination of *power of capital* and *power of coercion* led to the modern states. The group disposing over capital provided the state with the financial potential. The state enabled the possessors of capital to gain influence in governing the state. The modern state generated optimal condition for economic activities.

The economic expansion of Europe and the emergence of sustainable and functioning nation-state went hand in hand. Additionally, the absolutist principle was abandoned. Power was handed over to the people. Ruler and ruled had to be in a working relation. This would guarantee stability and peace. State, society and territory had to be interconnected. The responsiveness to the nation state was favored by three developments:

1. Emergence of an independent economic class.

2. Nationalism as an ideology of the state.

3. Introduction of democratic ideas.

The change to the nation state took several centuries. For some decades, empire, civilization, city-states and modern nation states existed in parallel or competed with each other.[10] The European expansion lasted for almost four hundred and spread the nation state concept on a global scale. The concept of nation state was spread particularly in the 19th century and presented the new analytical unit in the international order. It reached its peak of penetration at the end of the colonization. From that moment on, it became the generally accepted organization concept.

Many scholars consider the Treaty of Westphalia as the hour of birth of the modern state. This is only partially correct, since it is only one of several events which can be clearly figured out. Additionally, the Treaty marks the crystallization for several developments which have started already decades before 1648.[11] At the same time, Westphalia has been the basis for numerous following developments and events.

The following seven principles can be derived from the Treaty, which influenced the systemic and societal developments:

1. Emergence of the concept of sovereignty and the anti-hegemonic principle.[12]

2. States were equalized legal objects. This was particularly important for smaller states; anarchy was manifested as organizational principle.[13]

3. The principle of balance of powers was accepted. It was a consequence of the acceptance of anarchy as organizing principle. Balance of power was fixed in the Treaty of Utrecht, 1713.[14]

4. The idea of international society was created.

5. The right of Christendom to legitimize states was established.

6. The voluntary acceptance of rules in international conduct between sovereign states was fixed.

7. Modern diplomacy emerged.

A state in the underlying paper refers to „*the set of institutions at the political centre of a particular territory. The state looks both outwards and inwards, and is in competition with actors in the international and domestic sphere.*[15]"

Westphalia also marked the start for the emergence of minorities and ethnical distinctions. Clearly delineated territory led to the emergence of 'we-and-other-perceptions'.

1.2.1.2.   The concept of nation and the framework of nationalism[16]

The creation of nations and nationalism (*natio* – a group of people united by birth or birthplace) stand in close connections and were phenomena, which emerged in the wake of the French Revolution. Three paradoxes characterized this strand:[17]

1. The objective modernity of nations to the historian's point of view vs. the subjective antiquity from the nationalists' point of view.
2. The formal universality of nationality as a socio-cultural concept vs. the irremediable particularity of its concrete manifestation.
3. The political power of nationalism vs. the political poverty and incoherence of the strand.

The inhabitants of a country were subjects; their political identity was formed by allegiance to a ruler or ruling dynasty. Nationalism therefore was a revolutionary and democratic concept. Subjects of the crown should become citizens. A nation should be its own master. Nationalism redrew the European map in the 19th century. It led to the split-up of big empires like Austria-Hungary, Ottoman, Russia etc. and to the rise of new empires like Germany/Prussia. The Nationalism movement was very much fixed to the middle class (which was rising due to capitalism), who was attracted by the ideas of national unity and constitutional governments. At the end of the 19th century, Nationalism had become a popular movement. The central theme to Nationalism: For the love of the country. Nationalist claim, that nationalism did have to be invented, because the feeling of nationalism is something natural, something automatic, something that existed forever ('permanence of the idea'). A man without national is feeling lacks his home and is fragmented. He is not part of the whole. Nationalism claims that nations have existed forever, which is not true at all and one of the biggest problems.

Nationalism just has to be brought to consciousness; it has to be activated. Ns have a precise perception of their audience. Nationalism is not equal with xenophobia but Nationalism often mixes this. Nationalistic biologism was extensively used to justify nationalistic organic thinking. Social Darwinism (Charles Darwin, 1809-1892) was another key program and encouraged nationalism considerably. Social Darwinism refers to the 'fact' that all human beings/species produce more successors than they need to preserve the species. Moreover, species vary and show mutations, which struggle for life and bring themselves through. Selection leads to development. No species lives eternally. This assumption or principle has been applied to all social developments. Evolution is the interplay between integration and differentiation. Struggle became a key part in the game. Instead of class struggle like Marx promoted the struggle for national consciousness lies in the center of nationalism.

Nationalism appeared during of the Enlightenment period. Political and social change was basically accepted. National self-realization was put under this 'hat of change'. Enlightenment promoted a permanently moving world, a world full of changes. Nationalists used this paradigm to promote an everlasting national struggle. Nationalism enveloped into the most successful and compelling of political thoughts, helping to shape and reshape history in many parts of the world for over 200 years.

The key pillars of nationalism are:

The definition of the term 'nation': The term 'nation' is one the most blurred terms. What does a nation constitute?[18] It comprises language, religion, we-ness, sameness, culture, history, traditions, customs, etc. The effort to define the term 'nation' may lead from philosophical approaches to those of international law. For years a wide debate over whether more focus on objective or subjective criteria is needed in defining a nation has been ongoing.

Looking for the features of a nation, a number of problems in attempting to figure them out emerges. Qualitative aspects or soft facts dominate. Hard facts are rarely to be found. One could even ask, provokingly, whether the concept of nations exists only in minds. Usually, a nation covers subjective aspects such as a sense of solidarity, a common culture, a common history, common myths, a historical memory, a national consciousness, self-awareness and self-perception, and objective aspects, such as a certain territory, a shared language, religion, culture, legal systems and common descents. It is obviously a blend of objective and subjective criteria, which keep people together.[19] It is not only a common misperception of their history. The concept of nation is one of the leading organizational principles in the international system and provides a benchmark for orientation. It may be interpreted as an inclusive concept, which covers several ethnicities and has one dominant ethnicity in its core. Its roots date back to the Treaty of Westphalia and the Peace Accord of Utrecht (1713). This clearly indicates the Western ties, particularly the European ties.

Organic community: This is the unifying criterion. Humankind is naturally divided into a collection of nations, which have a distinctive character and separate ethnic entity. This gives a nation a higher standard than every other social group. National ties are found in all kinds of communities. The concept of nation stands above everything. Collective identity creates a nation.

Self-determination: The doctrine of popular sovereignty is the key for self-determination. This idea is reflected in *Rousseau's* work. He is often called the 'father of modern Nationalism'. The 'general will' is equalized with the popular sovereignty, the collective and common interest of society. Nationalism, nationhood and statehood were inter-linked. National identity can be reached by realizing the principle of national self-determination. The goal is the founding of a 'nation-state': Firstly, by unification; secondly, by the achievement of independence.

Identity politics: Identity and nationalism are inter-twinned. Identity is one of the soft issues, created by a common history, memory, patriotic loyalty, social bonds and a collective spirit.

Political nationalism is a rather complex phenomenon. It was liberating and progressive. At same time it was irrational, reactionary, using war and power in the name of the nation.

1.2.1.3. Ethnicity - Minority – Tribe: Efforts to define core terms

The terms 'ethnicity', 'minority' and 'tribe' can be defined in several ways by applying objective and subjective criteria. Self-perception, labeling of others, boundary drawing and maintenance play a crucial role in the definition procedure.

Ethnicity: Literature provides a long list of efforts attempting to define the term 'ethnicity'.[20] Ethnicity is closely linked with self-awareness, with a common language, religion and race. Moreover traditions, a sense of historical continuity, common ancestry, a place of origin and a subjective belief in common descent (whether or not related by blood) seem to be of crucial importance for defining the term 'ethnicity'. Another main feature entails the drawing and maintaining of boundaries between different ethnicities. How can the term 'ethnicity' be distinguished from 'nation' or are both more or less the same? Assuming that a nation has a certain dominant ethnicity in its center, some ethnicities are able to become a nation. Ethnicities are usually perceived as being more exclusive. Nations, on the other hand, are more inclusive. Ethnicities usually have different targets. The spectrum stretches from the attempt to achieve an independent statehood (or at least a certain type of autonomy) to respect of cultural rights. In most cases, those targets are self-defined. The ethnicities leaders use politization to maintain what they call a 'separate group identity'. It is obvious that the

concept of ethnicity is neither a very clear and rigid one nor does it refer to very monolithic entities.

Minority: The term minority is considered to be a very vexed one. The key reason for blurred definitions is quite simple: The subject to be defined is such a broad one that the definition procedure is like squaring a circle. A minority can be defined as an ethnic minority, a religious minority and / or a cultural minority. Moreover the term minority can comprise a group standing politically in opposition to a majority (political minority) or as a group in society feeling that they are in a disadvantaged position. Another approach is a legal one. The legal term minority refers to the subjective consciousness of identity and to the cultural conception of oneself. There is no reference to geographical territory. The United Nations definition of minorities is by far the broadest one. According to the UN, a minority is "*a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religions or language.*[21]"

'Minorities' comprise only non-prevailing groups of a population, which show a stable ethnic, religious or language related tradition. Moreover these groups want to keep those traditions and have a strong wish to be distinguished from the other parts of the population. Minorities have to comprise a certain number of people, being big enough to develop the features mentioned. Members of the minority have to be loyal to the state and the citizens. The legal understanding of 'minority' is based on the subjective perception of identity and the individual right. There is a strong connection between 'minority' and the right for self-determination of peoples. Moreover, a close proximity to cultural self-perception can be observed. A territorial connection cannot be seen in this understanding. One can differ between ethnic, religious and linguistic minorities. This does not mean that a group considering itself as a minority is an either ethnic, religious or a linguistic minority. In many cases all three types are mixed. There are at least two consequences concerning the complexity and multidimensionality of minorities: A legal consequence and – much more complex – a political consequence. Both issues are strongly interlocked. The legal aspect is related to a possible intervention of a mother country in favor of its minority. The political aspect refers to the issue of the meaning and the legal consequences of rights and self-determination.[22] This development is in accord with the current debate on minority rights, which is primarily targeted at group rights. From the state's point of view self-determination is always related to secession of a minority. This may lead to loss of territory and control over parts of the population. Consequently, legal provision can only be supportive nature. Society has to undertake efforts to create harmonious relations between the majority and the minority (ies) . Minority protection is a task for society as a whole and not an area for specialists and for law. Therefore, minority issues are social and not legal problems. Legal provisions can only give a guideline or a framework to play within, but they do not solve the problem itself.

Under which conditions may minorities become a potential for crisis?

- Definition triggered issues like different and/or unclear definitions.
- Law triggered issues like vague international regulations, (agreements ratified only by some states). The minority group is not accepted as a religious and/or ethnic and or/national minority and does not have any legal protection. The minority group is not granted special rights (use of language, education, exercise of religion, traditions) and the minority group is not granted autonomy, at least protection from majorization and/or social emancipation (e. g. because the hosting state is not party to the relevant international agreement or the agreement is not ratified).

- Minority-per se triggered issues such as a huge number of minorities living on a state's territory, or the minority unable to articulate its targets because of lack of coherence make it difficult to realize a common target.

- These are enough reasons why minorities can become a potential for crisis. Usually, the three groups of issues show a high level of networking effects, influencing each other very much and thereby leading the development for the minority and the hosting state in a negative direction.

Tribes: Tribes are usually seen as a sub-group of ethnicities. They are part of a larger and interrelated group. Tribes are often regarded as a pre-stage in the evolution of the organization of an ethnicity. A tribe is also a self-defined entity with a common language, history, territory and culture.[23] For this paper the term tribe is seen as a sub-category of ethnicities.

All concepts mentioned are sometimes overlapping and contradicting. This provides fertile ground for conflicts and a multidimensional potential for crisis. If minorities are neglected or not sufficiently integrated in a host nation respectively state, those potentials may increase. The situation becomes even more delicate, if a state, like Turkey, has its roots in a different historical, philosophical, legal and societal framework than the western framework (which is rooted in the age of Enlightenment).

1.2.2. *The Ottoman and Muslim elements*

The Ottoman Empire (the predecessor of Turkey) was based on three structural pillars:

The internal structure of the Ottoman Empire during the peak-period serves as basis of understanding the beginning decline of the empire, which was a very structured society with a strict and centralist organization. The following concepts built the cornerstones of the Empire:

- The *timar*-system as an administrative system that connected agriculture, taxation, land ownership and the military sector; it guaranteed a relaxation on the budget for the various military undertakings.

- The *ghulam*-system which was the basis for a particular education for the bureaucracy; it stood for a strict and straight-forward organization.

- The *millet*-system which was an identity-determining concept. It is seen as the key basis for misunderstandings and wrong perceptions of so-called western societal concepts, such as nation or state; finally, many consider it as one of the main obstacles for an earlier integration and arrival of the European International System in the Ottoman Empire.

In the following paragraphs the three cornerstones will be discussed.

1.2.2.1. **The timar-system**

The center peace of the empire's structure was the *timar*-system. "*A timar was a grant constituting a stated share in the agricultural tax revenue of a stipulated area.*[24]" The *timar*-holder had to present himself together with his horses and weapons he was given for service. This system guaranteed a strong cavalry which became the army's backbone. Moreover, it did not put any financial pressure on the state to finance a then essential part of the army. If the *timar*-holder gained higher income, he had to provide the cavalry with additional men, horses and weapons. Apart from the *timar*, the *askeris* and the *reaya* existed. *Askeris* referred to the military or the rulers. *Reaya* (=flock) referred to the ruled, the subjects. The *reaya* produced the basis for the *askeris* who were tax-exempt. The sultan's main task was to keep this

difference. In the wake of the expansion period the need for more administrative personnel and more military personnel grew considerably. This gap was filled over the *timar*-system. For a rather long period of time the *timar*-holders were the cement of the Ottoman Empire. They kept the local societies together and were a guarantee for stability and continuity in a multi-Empire.

1.2.2.2. The ghulam-system

Another cornerstone was the *ghulam*-system. *Ghulams* were educated slaves who were particularly trained for the state's service. This system dates back in the Seljuk era. The Ottomans revived it and gave it a new meaning. They started to recruit their future state servants particularly from their Christian Orthodox population. This process was called *devsirme*. Young boys from Christian Orthodox families were brought together and received a comprehensive education. Later on, they converted to Islam and were educated according to the rules, traditions and languages of High Islam.[25] Those who completed their education successfully were moved to the Janissary Corps at the age of around 24 years.[26] An alternative was a commitment in the Palace. The rest was sorted out and received a lower-level education and lower-level positions. This system supported the Ottoman Empire to provide itself with a very efficient and high quality administrative and military elite staff. Both were non-Muslim and non-Ottoman. Together they were the *kapikullari*, the servants of the Porte. The Janissaries were the elite corps of the Empire's army. For some decades they had a very particular position within the army. This role underwent a considerable change in 1566 when its members where permitted to marry. *"This immediately produced two results: first, the growth of a hereditary caste feeling and, second, the softening of their military valor. This circumstance as well as the fact that the sultans personally participated less and less frequently in campaigns led to a decline in the Janissaries' standards and in their loyalty to their rulers. The effects upon the military power of the empire were obviously detrimental.*[27]*"*

Devsirme was one instrument for societal differentiation. Another instrument was the occupational differentiation within the *askeri*. Basically, there were three groups within the *askeri*. Firstly, the men of sword (*seyf*); secondly, the men of the pen (*kalem*); thirdly, the men of the religious establishment (*ilim*). The three groups had fixed places and tasks within the Ottoman Empire and considerable internal influence.

1.2.2.3. The millet-system and the embedded umma

In 1517 the Ottoman Empire found itself as a society with a domination of Muslims. Millet refers to a corporate and collective identity, which is grounded on religion; it was a synonym for a religious community. In the course of the centuries the notion 'millet' changed its content from religious community to nation and people. This is to be seen as a compromising step towards the western concepts. Nevertheless, it was more a 'cosmetic' change (or 'label change') than a change in contents. Relationship between the Ottoman Empire and non-Muslims was either based on the acceptance as a group of possessing written scripture (=people of the books or *ahl al-dhimma*) or on a pact or document that regulated the relationship. *Dhimmis* had particular rights and a certain degree of autonomy. As a quid pro quo *dhimmis* were subjected to a special capitalization tax (*cizye*).

The Muslims constituted the *umma*, the community of brothers in faith (also the community of God or of Muhammad). *Umma* refers to community of brothers in faith. It is a 'paranthesis' for all Muslims. Even though there are big differences in the interpretation of basic sources, the concept which is not bound to states in a political sense keeps all Muslims across the world together. State and society are closely linked to religion. The *umma* concept is based on

the principle of collectivity, i. e. the individual human being does not have rights, but derives his/her identity and status from the fact of being part of the *umma*. The religious core within the multiethnic Ottoman Empire was represented by Sunni Muslims. The empire fully recognized minorities, but defined them in religious and not in ethnic terms. For Muslim ethnic groups a minority concept in a legal sense did not exist. First, Islam had the identity of blood. Later on, this was replaced by the identity of faith. It referred to the common acceptance of Islam and, therefore, the common membership of the Islamic community. Finally, there were three religious, social, political and economic categories: Muslim, *Dhimmi* and *Harbi*. This tri-partition was the dominating partition in the Ottoman Empire. The core is the *umma dun a-nas*, the community of brothers in faith that are distinguishable from the rest of the mankind. The world was divided in the *Dar al-Islam*, the House of Islam, and the *Dar al- Harb*, the House of War. The latter stood for the areas of infidels. Both Houses were in a permanent state of war. Separated from the *Harbi* (=infidel beyond the borders) was the *Dhimmi*. This referred to the non-Muslim who lived on Muslim territory and was under particular protection. The key goal of the House of Islam was to convert the infidels into Muslim or at least into *Dhimmis*.

The system enabled Muslims and non-Muslims to live together in peace until the nineteenth century. Formally, everyone was equal in the Ottoman Empire, but the Muslims were a little bit more equal than the rest. Until the nineteenth century Turks considered themselves as Muslims, i. e. they took a religious approach in their self-perception. This is considered as one of the 'breaking points' why the Ottoman Empire had difficulties to become part of the European International System. The European International System was based on the concept of nation-state. Turkish nationalism is a breed of the mid-nineteenth century and contradicts the whole story of emergence and organization of the Ottoman Empire. The Empire's rise was a rise of Islam and not a rise of the nation-state. It was a rise of a religious concept, which encompassed all parts of social, economic and political life and not a rise of a political concept.[28]

In the Muslim framework, nations, states, minorities and ethnicities do not exist, because the basic concept is the *umma*. Given those conditions, misunderstandings and even violent fights seem to be pre-planed. Reality has proven numerous examples of this assumption – the Kurds are one of most dramatic ones.

1.2. Who are the Kurds?

1.2.1. A brief historical encounter[29]

The Kurds are considered as one of the oldest people and the third largest one in the Middle East.[30] Kurdish history dates back 2300 years. The Kurds are considered as one of the oldest people and the third largest one in the Middle East.[31] Long before the Arab tribes and the Turks, Kurdish tribes settled in the area of Lake Van. Ethnical and cultural origins can be traced back to the Sumerians, the Medes, and the Assyrians. The founding fathers of the Kurds have been west-Iranian nomadic tribes and the 'Kaduchs'. Kurdish tribes revolted against Arabic tribes (7 century), the Seldchuks (1000) and the Mongolians (1200) and played an important part in the founding phase of the Ottoman Empire. 'Kurdistan' was located at the cross-road between the Ottoman and the Persian Empire. Both Empires tried to receive support of the Kurdish tribes. Power distribution among the various clan leaders remained scattered and, therefore, could not be applied efficiently. For reason, regional influence was low and remained a *quantité neglegable* for years.

1.2.2. Characterizing the Kurdish tribes

The tribes have some general features in common, such as their century-lasting struggle for independence. Moreover, they show a high level of similarity in their cultural and traditional heritage. 'Kurdish Nationalism' refers to independence and to the perpetuation of a common cultural and traditional heritage. Other features display rather differences than commonalities. There are a number of reasons, which are obstacles for the tribes to achieve their political goals.

The tribes live in an area stretching from the eastern Taurus region to the Zagros Mountains in the west, to the borders of Iran and the former USSR in the east. In the north it is bounded by the Pontic Mountains and in the south the borderlines are built by the Turkish-Syrian and the Turkish-Iraqi frontiers.[32] This area is called 'Kurdistan'. The term refers to a geographical, historical and cultural area and not to the name of an internationally recognized state.[33] Kurdistan in this perception is a vague idea and refers more to a myth than to a concrete concept. According to international law the features of a state are characterized by a defined territory, a permanent population, a government, the capacity to enter into relations with other states. The control of a defined territory is seen as the core feature of a state.[34] Kurdistan does not comply to the minimum requirements of a state in the sense of international law. 'Kurdistan? Which one do you mean?' could be provoking but justified questions. In the course of time, Kurdistan has been used to name several empires rules by numerous dynasties. Today, a province with the name Kurdistan exists in Iran. There is consensus that Kurds live in Eastern and Southeastern of Turkey, in parts of Syria, in Northern Iraq and in Western Iran.[35] Still, the answer is open – despite the quasi-autonomous zone in northern Iraq and some very promising provisions in the Iraqi Transitional Constitution dated March 2004.

Additionally, there are no clear numbers of the Kurdish population – no matter where the tribes are located. Since 1965, ethnicity has not been part of the Turkish census. Until 1965 people were asked about their mother tongue. These questions provided a guideline concerning the number of Kurds, although the figures were not fully reliable and complete. Most of the indicated figures are based on intuitive guesses. During the census Kurds had often been put under pressure not to indicate their Kurdish roots, but to declare themselves as citizens of the countries on the territory of which they live. It is not only the unwillingness of the 'host country' to receive exact figure, but it is also the 'multiple identity' Kurds may adopt. As there exist several definitions of the term 'Kurd', a 'correct and comprehensive formulation' turned out to be impossible. During census the term 'Kurd' was often indicated in a very narrow interpretation. In consequence, many Kurds did not regard themselves as part of this interpretation. There are a number of Kurds who are not able to speak one of the Kurdish dialects, but nevertheless consider themselves as Kurds. Moreover there is the special status of *Zaza* speakers. Most of them are *Alevis* and often not regarded as Kurds, not even as Muslims. Finally, a considerable number of Kurds have a mixed ethnic background. Mixed identities and definition problems make it impossible to arrive at reliable figures. According to assessments the distribution of Kurds is as follows:[36] In total (not only in Turkey!), approximately 24 to 27m members of Kurdish tribes are a realistic assumption. In Iraq, especially in northern Iraq live roughly 4m Kurds, in Iran, primarily in western Iran 5 to 6m, in Syria more than 1m, in the Former Soviet Union approximately 400.000 and in Turkey, especially in the south east and east of the country there live 10 to 13m.

It has to be noted that a common language is one helpful and supportive tool in creating homogeneity within an ethnicity and lead it to a homogenous entity, and later on, to a state. There is no common language in the sense of a standard language ('high Kurdish'). Kurdish tribes speak a number of dialects. This is due to the lack of Kurdish state, which could have

promoted the development of its own language. In Iran and Iraq Kurdish dialects were banned for certain periods. There is only an oral tradition.

In Turkey, Kurdish dialects are to be seen under very particular circumstances. First of all, any language other than Turkish is forbidden by constitution. Kurdish dialects are still restricted to private conversation. In public, in media or in education Kurdish dialects were prohibited.[37] Only very recently, a reform package in 2002 opened the gate for the use of Kurdish dialects in public Turkish life. It remains to be seen, whether Kurds will be permitted to apply their dialects or whether they will face again suppression. Additionally, dialects differ considerably in pronunciation and in wording. Communication between the Kurdish tribes is sometimes difficult. Language could not perform an integrative power for the Kurdish tribes. Moreover, there are only a small number of written publications.[38] In consequence, a north-south difference in cultural and social development arose. There are three key dialects: *Sorani*, the key dialect in the southern regions, became the 'language for publications' and indicates a higher social status. *Sorani* is used in Iraq around Suleymania and the other Iraqi regions and in Iran around Kermandschah. *Kurmanci*, the second key dialect which has been used in the northern regions, points towards a lower social position but is considered the key Kurdish dialect. *Kurmanci* is used in Turkey, Iran, in Northern Iraq around Mosul and in Syria. Both dialects differ as Dutch and German do. A third dialect is *Zaza*.[39] Within the dialect groups big differences may occurs. Kurds from Turkey have considerable troubles to communicate with their Iraqi neighbors in their mother tongue. For reason, many Kurds are forced to use the official national language for communication. There is no unified written language for all Kurdish regions. *Kurmanci* is used in Turkey with a modified Roman characters. In *Sorani* a version of Arab characters is applied.

Secondly, one of the main claims in Turkey is that 'Kurdish' is a Turkish dialect.[40] From an etymological point of view the Kurdish dialects belong to the Farsi language group. The Farsi language group is also called the Persian language. The Turkish language belongs to the Altai languages (like the Finnish or the Hungarian language). Similarities can be found in new words used in the Kurdish dialects. They have been taken from Turkish and Arab languages and are called paronym words. It is rather a natural development which can be found in many other historical cases. From an etymological point of view, it is mistaken to say that Kurdish, which strictly speaking is spoken as a number of dialects, is a Turkish dialect. The discussion on the origins of Kurdish was used as a pre-text by official Turkey to secure the integrity and unity of the weak Turkish state. This attitude hampered the dialogue between the Kurds and Turkey, blocked Kurds in their development and made Turkey a country, which bowed history and cultural to its own advantage to secure a very weak position.

Religion which can be an integrating force also rather tends to heterogeneity among the Kurdish tribes.[41] Most of the Kurds are orthodox *Sunnites* in the *Schaf'i* tradition. The *Schaf'i* tradition is one of the four accepted Islamic law schools. Being *Sunnites* put the Kurdish tribes in opposition to their hosts and neighbors, although most of the Turks are *Sunnites* who hang on to the *Hanafi* law school. The *Hanafi* law school is the more liberal law school of the four accepted law schools. *Sunnites* combine the Koran with the *Sunna*, which are guidelines and traditions given by Mohammed. *Sunnites* stand in contrast to the *Shiites* who accept only the Koran as the single source. Moreover the two big groups differ on the question of the legitimacy of the religious leader. It has to be noticed that Turks also hang on the *Alevi*, but the number of them is considerably smaller. A small number of Kurds follow the *Alevis*, who themselves represent a more liberal group in Islam and are seen as a minority. *Alvi*-Kurds are a 'minority within a minority' and, therefore, in a very difficult position. *Alevis* present the second largest religious group. Every fifth Turk belongs to this group. Other than the *Sunnites* they do not follow the five pillars *Schahada* (confession to a divine unity and to Muhammad's

prophecy), *Salat* (pray five times per day), *Siyam* (to fast rigorously during Ramadan), *Zakat* (alms), *Hadj* (pilgrimage to Mecca). *Alevis* believe in the trinity of Allah-Ali-Mohammed. Koran and the *Hadith* (authenticated traditions of Muhammad) are not interpreted in a strict way but according to mythological guidelines. Man is in the center of religion; he/she is not a slave but god's perfect creation. He/she shall be autonomous and self-reliable. *Alevis* do not pray in mosques, but meet in a community house (*cemevi*). Men and women have equal rights. *Alevidom* is the result of a religious-historical development, which entails Christian and gnostic elements.[42] Apart from the Islamist groups there are Kurds, who follow the Christian religion or the Jewish one. This heterogeneity in religion has resulted in a number of problems for the Kurdish tribes and their members. Some of them became a minority in a multi-fold sense of the word. Amongst the Kurdish tribes the *Yezidi* hold a special position, since they hang on a mixed religion. This mixed religion covers elements from Asian religions follows an ancient and indigenous, pre-Islamic Kurdish religion.[43] This 'patch-work of religions' was not the basis to create unity among the tribes. Additionally, it represented an additional factor to promote the 'out-cast position' of Kurds in Turkey (but also in other countries).

The clan-structure is another key feature of the Kurds. Clans determined the societal structure of the Kurdish tribes and their tribal behavior. Families as a cell of a clan are the centre of interest. When Kurds talk of 'families' they have a different approach as compared to the western understanding. Usually they refer to an 'extended family', which covers several generations and a 'network of lines'. Interests of clans go beyond the individual interests. Sometimes they collide. Collisions of interests between the extended families are the rule. Families recur to one founding father or progenitor (either a legend or a historical person) and common economic interests (e. g. common ownership of agricultural areas, animals etc.). There are sedentary and nomadic tribes. The heads (*agha*) of the tribe conducts the external relations of the tribe with the neighbor tribes, political parties and the government. The dignities are inherited. In many cases, the *agha* carries the name of the tribe (e. g. Barzani, Talabani, Zibari etc.), which is often the name of the main village or city the tribe is rooted. The *agha* is usually a privileged and reach person, who considers himself as aristocrat.

Another structuring element has been the connection with *Dervish orders.* The antagonism between clanism and *Dervish* connection on the one hand, and the slowly developing and modernizing society is still lasting. The Dervish orders or Sufis have been spread over the world. In Kurdistan the *Nakshibendis* and the *Qadiris* dominate. Both are *Sunnite* orders which are open to everybody. The sheikh, who is the mystical master of the order, has reached the level of head of a tribe. The dignity is inherited within families. *Aghas* and *Sheikhs* have become societal and social elites. Influential clans combine *Dervish* and tribal connections.

The language-divide aggravates the differences. Today, the clan has been pushed into backdrop by parties. A Kurd has to decide to which party he belongs. Though not all Kurds belong to parties, the big and influential families can clearly be designated to parties.

Even though Kurdish tribes have been affected by modernization and its consequences, which has led to a certain break-up of the traditional structures, the tribal behavior and the phenomenon of 'Kurdish Nationalism' do undeniably exist.[44] These traditional structures have been an obstacle for the political and societal integration of the Kurds so far.

1.3. How to define 'Kurds'?

The answer to this question is as multiple and vexed as the Kurds are. There is a number of non-Arabic tribes living in the area delineated who can be called 'Kurds. The members of these tribes have a multiple identity. Which one is chosen depends on the situation a Kurd is

in. Thus a Sunni Kurd may be a Kurd, a Sunni Muslim, a citizen of Turkey and at the same time a member of a certain social class, a tribe or a village. The position depends on the specific context. The number of so-called Kurds is vague. Census does not provide the necessary information. In many cases the question of whether or not you belong to a minority is not asked. This is done on purpose because the census is still seen as one important basis concerning ethnic issues. Turkey acted this way in its census (dated 1997 and the latest one in 2000). Kurdish identity is still denied in Turkey, despite the fact, that the latest reforms in 2002 and 2003 provide more leeway for the Kurds. The clans as organizational units do not comply with the feature of a state in a legal understanding. So far, they were neither able and nor allowed to create a common language. The clan's interests go beyond the individual interests and the interests of other clans. For reason, Kurds have been treated differently by the governments of the various states they live. The spectrum covers persecution, complete ignorance, suppression and comprehensive grants of cultural rights, acceptance and autonomy (as it was the case in Iraq some time ago).

This bears the question as to whether or not there is 'something', what could be used as a kind of cement, something most of the Kurds have in common? There is a very strong will prevailing among a high number of Kurds to achieve guaranteed minority rights in the western understanding. Moreover, cement is provided by a common cultural and traditional heritage and the Kurdish consciousness beyond state borders. The difference lies in the way in which the Kurds can reach this target. Inner Kurdish fragmentation follows geographical fragmentation (i. e. the mountains). There is hardly a clan or tribe, which has been accepted on both sides of the border.

2.   Kurdish-Turkish relations

"The Kurds are undergoing a period of profound (re)awakening of their national consciousness as people. They have, to be sure, been aware of themselves as a distinct people and community for well over a thousand years – linguistically sharply different from their Arab and Turkish neighbors and a distinct branch among diverse Iranian peoples. ... Today, faced with a combination of dramatic domestic political changes and profound international developments, the Kurds of Turkey (as well as Iraq and Iran) have entered a new phase of national awareness. ... The emergence of new Kurdish political self-awareness is a political evolution largely irreversible in character: One does not unlearn unlearned ethnicity.[45]*"*

Kurdish-Turkish relations have undergone many ups and downs in common history. Relations date back to the Ottoman Empire and were not always that strained as they were in the twentieth century.

The following section covers

1.   the framework for the relations with regard to historical developments, starting with the era of the Ottoman Empire until the establishment of the Republic of Turkey;

2.   the legal foundation and the origins of the 'Kurdish Question';

3.   the events of the last three decades in Turkey (the emergence of PKK, the civil war between the PKK and the Turkish government/army; recent developments and constitutional changes).

2.1.   The framework of relations

The following section will provide an overview of the transformation of the Ottoman Empire to the Republic of Turkey. Special attention will be paid to the societal transformation, the

Turkish nationalism, the conscious blending of nationalism and religion, and the role of ethnic groups and minorities in the transformation period.

2.1.1. *The Kurds during the Ottoman Empire*

The destiny of the Kurds is closely linked to the rise and fall of the Ottoman Empire. The Ottoman Empire has been an example of a multi-ethnic and multi-religious empire. The conquest by the Arab world (sixteenth century) led to a society, which was dominated by Muslims. One of the instruments the Ottomans used to keep the Muslim domination up and alive were the *umma* and the *millet*. The Kurds lived, structured in tribes and clans, as part of the *umma*. They were considered as Muslims and served the sultans in their fights to enlarge the Empire. The structure of the Empire provided a fertile ground for many misperceptions and misunderstandings regarding the status of the Kurds in Turkey. A thorough analysis is an indispensable basis to understand the current situation and to avoid further misreading.

During the early sixteenth century, the Ottoman Empire was a multi-ethnic society, which was dominated by Muslims and structured into the three millets: the Orthodox millet (also Greek millet or Millet-i Rum); the Jewish millet and the Armenian millet.

After its rise (1299 to 1453) and its peak (1453 and 1683 - conquest of Constantinople and the siege of Vienna), the Empire started to decline (from the late 17th century onwards). In the nineteenth century, the multiethnic and multi-religious Ottoman Empire fought against its break-down. At the end of the nineteenth century during the *Tanzimat* Period the structures of the Ottoman Empire weakened. The *Tanzimat* Movement was a political movement already starting to promote its reform and modernization ideas in the 1840s. Intellectual elites, military officers and leading bureaucrats played a crucial role in replacing the Ottoman structures and rules by a new leading class with new principles. The modernization movements tried to overcome the weak and less developed linkage between state and society which is best described as a patrimonial authoritarian system that depended upon traditionalism, with foundations derived from Islam and Islamic law.[46] The key target was the creation of a Turkish national identity as a basis for a new nation-state.

2.1.2. *The Kurds in the decaying Ottoman Empire: No consensus anymore*

The tensions between the Kurds and the Ottoman Empire have to be seen in the light of the different development of the Empire and of Europe. During the reign of *Suleiman the Magnificent* (1520 – 1566) the Ottoman Empire had its largest extension. *Suleiman* made use of the western disunity, its incoherence and its proneness for the quick economic profit. His final years of reign were already characterized by numerous internal and external changes, which had a strong impact on the further development of the Empire and the following crisis. The reasons for the outbreak of this crisis were: There was no progress in the already highly developed fields of politics and culture. A comprehensive deadlock characterized the Empire, although it presented at that time a comprehensive threat to the still very heterogeneous European entities. In the 16th and 17th century, religious wars in the West led to a temporary paralysis and, finally, to fundamentally new structures. After the destruction of the old system of principalities and statelets, a new category, the sovereign state, emerged. In the wake of this renewal enormous intellectual energy was set free. Science and culture rose and had a strong impact on further societal and political developments. The rise of the 'enlightened citizen' and of the 'enlightened absolute monarch' led to a significant change in the political landscape. With the exemption of the 'patchwork of the German Empire', old kingdoms were transformed to centralist organized states. Feudalism slowly faded away. The Age of Reason dominated thinking and led to a comprehensive societal progress.

The Ottoman Empire did not experience this deep-going and fundamental change. It displayed a very strong structural and intellectual inertia. This does not mean still-stand, but it hardly received impact from external developments. The Ottoman Empire was more and more shelved. At the end of the 17th century the tables turned again – not much in favor of the Empire: Russia became a more and more important player in the power game. In parallel, the Empire steadily lost its position in the concert of the players. The Treaty of Kücük Kaynarca (July 1774) was perceived as a 'written humiliation'. It is considered as another milestone in Ottoman-European relationships. It provided Russia with considerable political and territorial advantages. The treaty had a fourfold impact:[1] Firstly, a territorial impact, since Russia gained access to the Black Sea. Secondly, a commercial and maritime matter, as Russia could establish consulates. Her traders and merchants were give particular rights, such as the freedom of trade in the Empire. Thirdly, in religious questions, the Ottoman Empire suffered one of its biggest defeats. Russia was permitted to build an Orthodox church in Constantinople which was Russian-administered. The sultan committed himself to protect the Christians in the Ottoman Empire. The sultan claimed universal Islamic leadership of the house of Osman to counterbalance his unfavorable situation. That was more a formal claim than one with concrete substance. Fourthly, politically, Russia became the protection power of the Christian population of Moldavia and Wallachia. Britain, on the other hand, performed a policy aimed at maintaining the Empire and balancing the Russian influence in the Near East.

It was not the formidable enemy, which threatened western Christendom anymore.[47] It was Europe that posed a threat to the existence of the Empire. During the period, the so-called 'Eastern Question' was born.

The process of a loss of power by the Empire and the reshuffling of influence within the international system continued all through the 18th century. The Empire faced a grave financial crisis and was involved in a number of very costly wars. In the course of 18th century, the Ottoman Empire came more and more in the 'sandwich' between the Habsburg Empire and Russia and their power-games. Both powers were landlocked and tried to secure their areas by setting up so-called *glacis*. The permanent expansion of the Habsburg Empire, Russia and some less successful efforts of the Empire led to an enormous pressure on one area: The Balkans. At the end of the 18th century, the Empire was about to collapse and Russia emerged as the big Black Sea power. The Empire became a punching ball of European interests, internal struggles, and incapability to deal with the emerging intellectual, technical, economic and societal changes. The newly emerging phenomenon of nationalism was incommensurable with the Islamic founded perception of *millet*. The new national ideas that came out among the Christian-orthodox peoples in the course of the 19th century were perceived as betrayal to the anyway already groggy Empire. The new ideas were seen as a result of external intervention. The only solution was a brutal suppression. All ideas of the French Revolution were considered as a danger, which threatened the Ottoman Empire. Particularly the idea of secularization was seen as the key threat. It ran completely opposite the fundamental pillars of Islam and was more or less unacceptable and incommensurable (interestingly, the founder of Turkey, *Ataturk*, recognized secularization as one of the most important pillars of a modern and working state). Although the Empire stood in sharp opposition to nationally motivated struggles, it slowly took over numerous Western elements. On the external level, the Empire faced considerable turmoil in this period. Various independence wars in the first half of the 19th century supported the plans and aims of the Western powers. The Empire was perceived as an essential market for the emerging western economies. At the same time, the Empire was one of the most important exporters of raw materials for the Western powers. The 19th century become the era of systemic economic exploitation of the Ottoman Empire by Europe. At the end of the century, the Empire was reduced to the level of a developing country.

Politically, the Eastern Question was in the center of attention. Russia played a more and more crucial role in the solution of the question. Russia and Britain had different interpretations on how to solve the question. From the Russian point of view the solution included a division of the Ottoman Empire. Britain saw the situation differently. The differences ended up in the war over Crimea (1854-1865). The *Treaty of Paris* (1856) sealed the Russian defeat and, at the same time, forced the sultan to accept equality within the European system. Despite the success in the Crimean war, domestic troubles still prevailed in the Ottoman Empire. The Empire was unable to deal with the rising nationalism in the Balkans. Suppression and cruelties led to broad indignation in Europe. The *Treaty of Berlin* (1878) presented a hallmark in Russian-Ottoman relationships. The Treaty is regarded as an expression of the ambiguous attitude of the then European powers. They had to square the circle of keeping Russia down (Russian ambitions were cut down to a minimum), preserving the integrity of the Empire and, finally, they had to take care of their own positions. The agreement is an expression of how torn the situation in the then Europe was. On the other hand the Ottoman Empire had to seize for the first time a mainly Muslim settling area, namely Crimea. The Sultan's rights were curtailed to the rights of a 'caliph'. This was seen as a first step to increase religious power, but at the same time, it represented a clear step towards a decrease of political influence.

The decay of the Ottoman Empire and the efforts to overcome structural problems during the nineteenth century (such as an exploding bureaucracy, economic backwardness, diplomatic pressure by other states, the desire to become a western and modern state and separatist ethnic movements) led to an erosion in the a-national and de-central aspects of Ottoman politics.[48] One of the main results was the end of consensus between the Kurdish emirates and the Ottomans. A number of substantial reforms at the administrative level up until 1850 destroyed the relative autonomy of the periphery. Centralization which covered economy, administration and politics led to a massive and sustainable individualization of the Kurdish tribes and to a long lasting confrontation between them.

The decision of the Ottoman Empire to enter World War I on the side of the Triple Alliance altered the situation dramatically. Britain, France and Russia decided to do everything to destroy the Empire. Several agreements between 1915 and 1917 were targeted at the partition of the Ottoman Empire (as a pre-step towards destruction). The Mudros Armistice in 1918 was the opener for the division and marked the end of the Ottoman Empire. The armistice was concluded between Turkey and the Alliance on October 30, 1918. In the wake of this armistice, a French-British Declaration was issued on November 8, 1918. It confirmed one goal of the two powers: The complete and definitive liberation of the peoples oppressed by the Ottomans and the establishment of national governments and administrations drawing their authority and inspiration from a free choice of the indigenous populations. The Mudros Armistice established finally the Turkey claims on areas beyond the line fixed in the agreement. After the foundation of Turkish General Assembly a National Pact was agreed on. Apart from independence, the Pact put a claim on all non-Arab territories of the Ottoman Empire (Western Thrace, Kars, Ardahan, Mosul and Batumi). Mosul was the territory beyond the agreed line.

Mosul and Kirkuk turned out to be one of key the stumbling blocks in Turkish history. Experts are of different opinions whether Turkish claims are justified or not. The Pact leave more than one interpretation for the paragraph on the non-Arab areas open.

2.2.   The Sèvres Treaty (1920): An unsuccessful intermezzo

The Paris Peace Conference, which ended with the Sèvres Treaty (10.8.1920 - signed between the Empire and the Allies), formally fixed the disintegration of the Empire. The 'Eastern Question' was seen as settled.

The Treaty marked a turning-point for both, the Ottoman Empire (which was already on its 'road to become Turkey) and the Kurdish tribes. "*The formation in 1919 of an effective resistance movement composed of both, Kurds and Turks, as well as other Muslim groups of different ethnic backgrounds such as the Albanians, Circassians and Laz, would ultimately forestall the establishment of Kurdish autonomy or independence as envisaged by the Treaty of Sèvres.*[49]" The Sèvres Treaty specified the preconditions for the foundation of two independent states, namely Armenia and Kurdistan. Within one year the Kurds had to claim autonomy. This wish had to be expressed explicitly. Moreover the tribes had to prove to be able to become autonomous. The preconditions for an autonomous state were the readiness and the capability to maintain a new state.

Instead of speaking with one voice, at least three groups came into being. One supported the Ankara government; a second group wanted at least autonomy in the new state (either an Ottoman or a Turkish one); the third group wanted their 'own kingdoms'. The second and the third group could not reach a compromise. This disunity provided a negative basis upon which a powerful resistance movement could be built. This minimized any chance to create an autonomous or independent state from the very start.

The clan system stood against the new state from the very beginning. A narrow perspective made autonomy impossible. A complex web of rivalries between the tribes' leaders prevented the Kurds as a whole from gaining sufficient support to elect a modern leadership and to organize a nationalist struggle with the target of becoming independent and having their own state. Moreover, the original separation of Kurdish tribes into Ottoman and Persian camps made the achievement of unity difficult. The further disintegration in separate states was another imposition which made the prospects for Kurdish unity more and more unlikely.

Due to lack of ethnic self-awareness and disunity, Kurdish nationalists were not successful in forming a unified nationalistic movement until 1923. International support for an independent Kurdish state was minimal. Britain, one of the major players after World War I, for instance was not interested in fuelling more resources to implement the previous decision of the Allies to keep the Ottoman Empire as weak as possible. Between 1919 and 1930 numerous smaller up-rises of tribal leaders against the British (e. g. by Sheikh Mahmud in Suleimaniya) did not lead to any success for the Kurds. This period of unbroken struggle damaged the Kurdish cause considerably.

The Sèvres Treaty is still seen as the key document for the low integration of the Kurdish tribes in the state on whose territory they have been living, their opportunities for political activities, their perspectives for autonomy and the foundation of their own state. The Sèvres Treaty was never accepted by the Turkish national independence movement headed by Kemal Atatürk. It is seen as a means taken by the Allies to destroy the Ottoman Empire and to keep the successor countries as weak as possible. Nevertheless, many leaders of Kurdish tribes and certain Kurdish individuals still consider this agreement, which has opened a unique chance for them to found their own independent state, as a valid basis.

The short period between Sèvres and Lausanne was overshadowed by the war of the Turks against the Greeks. Due to shortages in manpower and materiel Kemal Atatürk could not afford to alienate the Kurds. Atatürk performed an appeasement tactic to keep the Kurds calm until he had reached his goal of a new state.

Greece has, partly, been used by Britain to keep Turkey as divided as possible. By mid 1922 the British strategy turned out to have fundamentally failed. Greece suffered a major defeat. Turkey had regained power and influence. As a reaction to this new development, London tried to improve its relationship with the government in Ankara. Britain tried to play the 'Kurdish card' as a bargaining chip to keep Turkey out of the oil rich areas around Mosul. The Lausanne Treaty (1923) could not solve the basic differences between Britain and Turkey.

2.3. The Republic of Turkey – a new approach and a new framework?[50]

The Empire's successor, the newly founded Republic of Turkey made a radical break with its Ottoman history. Nevertheless it was impossible for the state's founder, Kemal Atatürk, to completely delete the legal, societal and political Ottoman past.

In the international context the Lausanne Treaty (24th July 1923) was the result of a re-strengthening of the Ottoman Empire in terms of the newly created Turkey. Atatürk, the new Turkish leader, bargained for a new treaty with Great Britain and France. This agreement brought an appreciation of the new state and its leader. Atatürk defined the new nation as a composition of all Islamic elements within the National Pact boundaries.

The concept of the new Republic of Turkey is rooted in Kemalist nationalism. Nationalism in the very particular understanding of Atatürk is one of the six arrows of the Kemalist ideology, which are:

1. Turkish Laicism/Secularism (laiklik): Strict separation between state and religion.

2. Republicanims (cumhuriyetcilik): Turkey is a republic according to western understanding.

3. Populism (halkcilik): Politics has to be conducted according to the wishes of the people.

4. Nationalism (milliyetcilik): There is only one undivided Turkish nation.

5. Etaism (devletcilik): Economy is state-controlled.

6. Reformism/Revolutionism (inkilapcilik): Aim for permanent progress in society.[51]

In the new Republic, nationalism rather than *umma* was the new basis on which to overcome the obstacle of a multiethnic and multicultural empire. The core of the new state was formed by the dominant ethnic group of the Turks. The ethnic centre of the Turkish nation was based on Turkish ethnicity with the Turkish language and culture.

Atatürk slowly pushed the religious component out of public discussion and made it a private issue. 'Turkishness' replaced Ottoman identity. The terms 'Turk' and 'Turkishness' developed a new meaning, a functional concept, a basis for a new national identity. 'Turkishness' became a transformation vehicle to bring an old society based on Ottoman rules to a new and modern one, the Turkish society. Atatürk's key assumption was that within the Turkish borders only one nation, the Turkish nation exists. The persecution and suppression of members of the Kurdish tribes according to the Lausanne Treaty was justified ex-post by Kemalism and by the understanding of the terms nation, state and minority.

The treatment of the Kurdish question in Turkey presupposes a discussion on the position of ethnic minorities in the Turkish Constitution and the legal system per se. A key particularity is the irresolvable connection between minority issues and the question of the ideological structure of the Turkish constitutional and legal system. Two key premises are fixed in the constitution. First, Turkish citizenship automatically implies to be Turk. Secondly, the state Turkey is indivisible in its territory and people. The language is Turkish. People, language

and territory build a kind of troika of indivisibility. These are the guiding principles for any domestic assessment of the relation between Turkey and its Kurdish tribes.

The Lausanne Treaty substituted the Sèvres Treaty. It excluded the Kurdish Question and the fate of the Mosul region. The treaty paved the way for the creation of a single ethnic Turkey. According to several reports there are close to fifty identifiable ethnic groups in Turkey. All rights indicated in Section III, Articles 37 to 45 in the treaty apply only to non-Muslim minorities which are explicitly named.[52]

SECTION III.
PROTECTION OF MINORITIES.
ARTICLE 37.

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

ARTICLE 38.

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

ARTICLE 39.

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

ARTICLE 40.

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

ARTICLE 41.

As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

ARTICLE 42.

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorisation will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

ARTICLE 43.

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

ARTICLE 44.

Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

ARTICLE 45.

The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.

For the Kurdish tribes the Lausanne Treaty brought a dramatic change. The former Arab provinces were separated from modern Turkey. They became mandates of the League of Nations. Later on, they were transformed into independent states. The Kurdish parts were left to Syria, Iran, Iraq, Turkey and the Soviet Union. Atatürk gave the Kurdish question a new drive and, thereby, caused a new dynamic. The Kurdish question became more and more complex because of its trans-state nature.

Minority rights referred only to the established Christian minorities (including the Armenians and the Greek Orthodox). Additionally, the Jews' rights were confirmed. With regard to the non-Turkish minorities, the Lausanne Treaty stipulates the right to use the language in private conversations, in media, in publications and at public occasions (Para 39). The Lausanne Treaty extrapolates the Ottoman understanding of minorities. It refers only to religious minorities. Ethnic minorities are not covered by the Treaty.

According to the treaty, Kurds were counted as Muslims. Therefore, no special protection was required. Officially, Turkey had a basis to refuse acknowledgement of the Kurds' existence. The Treaty did not foresee provisions of an autonomous region for the Kurdish tribes on Turkish territory.[53] The agreement is still seen as the starting point for a decades-lasting diaspora in at least five countries. It signaled the beginning of a desperate Kurdish nationalistic movement, which started in the nineteen thirties.

Another important issue which was not positively covered for Turkey by the Lausanne Treaty was the question on Mosul. In 1925 the League of Nations decided that Mosul will stay part of Iraq. Ankara was very unpleased with this decision. The Turkish public was fed with the idea that Mosul and Kirkuk were robbed from Turkey by the imperialistic powers France and Great Britain.[54]

2.4. Kurdish reactions

2.4.1. *Unsuccessful up-rises – On the road to insignificance?*

From the mid 1920s until 1938 more than twenty Kurdish up-rises took place[55]. Afterwards, the 'Kurdish problem' seemed dormant and 'solved' for more than fifty years. Apart from suppression, Turkish governments offered Kurds chances to succeed in society, politics, economy and culture – provided they accepted full assimilation and they gave up their Kurdish identity. In parallel, Kurdish structures were integrated into Turkish society. The tribal leaders and chiefs of clans became leaders of political parties. They became members of the parliament, represented the Turkish State in south eastern Anatolia and secured the right

voting. As a 'gift', the state accepted the power and ownership relations. The military coup d'état in 1980 in Turkey, the following difficult political situation and social and economic deficits fuelled the process of Kurdish identity formation and national consciousness. By the late nineteen eighteenths, the Kurdish question became a key question on the Turkish political stage.

Apart from legal aspects there are, at least three areas, which make an achievement of a common ground between the Kurdish tribes and the Turkish states difficult: First, the economic situation in the eastern and south-eastern regions is despite a number of government activities to revive the area still very poor (compared to the economy in other parts of Turkey). Second, the more than 15 years lasting war between the Kurdish Workers Party (PKK) led to destruction in the area. Third, the years-lasting expulsion from eastern and South Eastern Anatolia led a sustainable domestic migration and to an increased urbanization. Fourth, the role of the Turkish government and political parties in dealing with the Kurdish issue has been very problematic for years, and, therefore, made the relations very distant.

2.4.2. PKK – back to significance?

The emergence of or Kurdish Worker's Party (*Partiya Karkeren Kurdistan*, abbreviated PKK) stands in close relation with the socio-economic situation in South Eastern Anatolia[56] and the targeted suppression campaign by Turkish governments, their inability and unwillingness to accept the Kurds as minority and to grant appropriate rights.

The Kurdish tribes have been the key settlers in the eastern and south-eastern regions for centuries. The economic situation in east and southeast Anatolia is one of the worst in Turkey. Agricultural dominance in the economic structure combined with very dry soil and water problems have created a situation which requires very high investments by the state. Expulsion due to the Great Anatolia Project or *Güneydogu Anadolu Projesi* (GAP)[57] which was started in the late 1980s, has also contributed to a considerable deterioration. Additionally, the region has, for decades, been very much affected by the embargo on Iraq, which has been a traditional trading partner. In consequence, a sustainable disparity between the economic situation in the eastern and south-eastern region and the western parts of Turkey has developed since the beginning of the 1980s.[58] Many frustrated Kurds engaged in the more lucrative but illegal drug business and narcotics trade, consequently sliding into crime.[59] Additionally, many of them supported PKK, since this movement was seen as the only answer to brutal Turkish suppression (whether right of wrong is another issue).

PKK is not a 'normal/usual' Kurdish movement. Usually Kurdish movements originate from groups with a strong regional or tribal affiliation. PKK has been a result of the repression since the military coups in Turkey in the 1960s, 1970s and 1980s. After the military coup in 1971 the Kurdish tribes started to revolt against heavy suppression. One of the revolting groups led to the foundation of PKK.[60] The organization evolved out of the leftist student groups active in Turkey in the 1960s. It was made up primarily of Turkish Kurds. Abdullah Abdullah Öcalan, a Kurdish student at Ankara University, joined the Revolutionary Youth Federation (Dev-Genc). On Nov. 27, 1978, the PKK was secretly but formally set-up in the Diyabarkir district. It aimed to establish a separate Kurdish state via a communist revolution in the southeast of Turkey, which was mainly dominated by Kurds.

PKK was the first movement to say explicitly that violence and the use of weapons are justified means to act against the Turkish state (government and army) to reach its main target: an independent state. The more the Turkish state attacked PKK, the more the movement gained new members and supporters. The violent attitude brought Turkey close to

a condition of civil war. The trigger was a declaration by Abdullah Öcalan dated August 15th, 1984. In his declaration Abdullah Öcalan called for civil war against the Turkish state.

The PKK-campaign that followed centered on the 'village guards' - a paramilitary force set up by Turkey to combat the PKK - and other Turkish security forces. The group targeted the Turkish tourist industry, attacking resorts and hotels and kidnapping foreign visitors in the early to mid 1990s, and Turkish diplomats across Europe.

In 1993 the military was given blank check to fight PKK more effectively. In the same year, Öcalan abandoned his idea of an independent Kurdish state. In the mid-nineteen nineteenths, the situation culminated and peaked in several broad military interventions. The situation reached the state of civil-war. Martial law and state of emergency were the order of the day in South Eastern Anatolia. Turkey's international reputation suffered considerable damage. The situation was in a dangerous dead-lock. The then Turkish government put pressure on Syria to stop supporting PKK and to extradite Abdullah Öcalan. Developments came to ahead, when Abdullah Öcalan was captured under mysterious circumstances in Kenya in February 1999. He was sentenced to death, but later on (due to international pressure), the sentence was swapped into a life-long prison sentence (in the wake of a constitutional reform in August 2002).[61] Abdullah Öcalan declared a unilateral, open-ended ceasefire in August 1999 (which was abandoned on September 2, 2003). In the following months, PKK officially abandoned the armed struggle against the Turkish state. It pledged to pursue its targets by purely political means.

In April 2002, the group changed its name to the Kurdish Freedom and Democracy Congress (KADEK). The Turkish government perceived this 'swap' as a cosmetics and camouflage-like step. The fight between the government, the army and the PKK caused roughly 35.000 people's death. It brought the region and the country into a difficult political, economic and societal situation. Economic and social structures were destroyed. For almost twenty years, the combination of military force and societal polarization raised the consciousness of the Kurds and provoked resistance. Even those who consider themselves as very assimilated have become aware of the issue and have rediscovered their Kurdish roots.

Despite a relaxation after the capture of Abdullah Öcalan, the Kurdish issue is still of high delicacy. The Reform Package brought through on August 3, 2002 is remarkable, since is permits the use of different languages and dialects, which have been used traditionally in every day's life by the citizens. This vague formulation is considered to be the gate for the official use of Kurdish dialects in public life. It remains to be seen whether this remarkable clause will be materialized. Another Reform Package in 2003 enhanced Kurdish rights. Still it lacks translation into daily life. Finally, it remains to be seen, how the situation in Iraq will influence the relation between the Turkish Kurds and Turkey itself.

3. The Kurds in Northern Iraq and their impact on the Turkish-Kurdish Relations[62]

The history of Iraqi Kurds is characterized by extremes. Kurds experienced in Iraq both, their greatest freedom and their most brutal persecutions. Kurds live along the mountainous regions along the Turkish and Iranian borders and at the Syrian border (*Dschabal Sindschar*). The latter differ considerably from the rest of the Kurds. They hang on Yezidism and are socially not integrated in the other Kurdish groups in Iraq. The area of settlement of the majority of Kurds in Iraq comprises the biggest part of the former Ottoman province Mosul. In the cities of Mosul and Kirkuk Kurds were until recently minorities. Mosul had a high share of Arabic, Assyrian and Jewish population. Kirkuk was mainly a Turkmen city. On the other hand, Suleymaniya and Arbil (Erbil, Irbil) were clearly dominated by Kurds.

The legal basis for the affiliation of the province of Mosul and the south-Kurdish areas to Iraq has been provided only in 1921 at the conference in Cairo. Economic considerations led to the decision to unify the three Ottoman provinces Basra, Baghdad and Mosul. Turkey consented with great reluctance. It justified its claims with the Turkmen minority which lived in Kirkuk and Mosul. Its hidden agenda were the rich oil resources in the area. Turkish claims flared-up again in the months before the war against Iraq in 2003. Again, minority protection was the pre-text to secure access to oil reserves.

The situation of the Kurds in Northern Iraq is directly related to the situation of the Kurds in Turkey. Every effort of the Iraqi Kurds to gain more autonomy or even independence from the Baghdad-government was observed with suspicion in Ankara. More room to move could have had a strong impact on the Turkish-Kurdish independence movement. Supported by many European human rights and minority rights movements, it could have claimed 'European minority rights'. They are not included in the Turkish constitution and it was very difficult to include them, since the Turkish constitutions points to the comprehensive indivisibility of Turkishdom.

The more split-up the situation in Northern Iraq was, the better it was for Turkey. For reason, the Turkish government and the armed forces have always been interested in a 'divided situation' between the key clan leaders. They gave a negative example for the Turkish-Kurds and provided a fertile ground for the Turkish government to argue that Kurds are not in a position to unify and state their claims.

3.1.   The Kurds before the Second Gulf War (1991)

3.1.1. A short historical prelude

The Kurds in Iraq started their struggle already in 1920, when they boycotted the referendum held to approve the accession of Prince Faisal I. The nineteen twentieths and nineteen thirties were characterized by revolts of numerous sheiks against the regime. In 1945 the Kurds addressed a memorandum to the UN Constitutive Assembly, outlining national claims. In 1946, the first Kurdish Republic, the Republic of *Mahabad*, was founded in Iran. This is a remarkable event in Kurdish history. *Mahabad* became a synonym for non-realized Kurdish independence dreams.

In 1958, the Republican Revolution took place in Iraq. The provisional constitution, promulgated briefly after the Revolution, stipulated in Art. 3: "The Arabs and the Kurds are partners in this fatherland." Art. 2 says that the Iraqi state is an indivisible part of the Arabic nation. This paragraph is not necessarily targeted against the Kurds, although it may be interpreted as such. The pan-Arabic clause points to the ideological dilemma of the post-World War II period. National-Iraqi and pan-Arabic approaches competed with each other.

One of the key problem of the then-government was to find out with it could enter into negotiations. The two main groups (Talabani and Barzani) were estranged. Resistance among them had to be overcome first. The Iraqi armed forces were against any solution, which could entail autonomy for the Kurds. The greatest fear was caused by the assumption that autonomy rights for the Kurds could cause a split of Iraq and would force to grant the same rights to the Shiites. The current situation seems to be duplication of history.

In 1958, Mustafa Mulla Barzani (1903-1979), the key Kurdish leader of the twentieth century, returned from his exile in the Soviet Union. He became the most well-known and famous.[63] The Barzanis were the ones who gained most of the situation. Fights and armistice changed in a rapid pattern. In 1968, the Ba'ath-putsch offered good chances for a renewed effort to solve the Kurdish question in Iraq. The government did not promise autonomy or independence, but

it offered a flexible solution with peaceful prospects. Talabani changed to the government. Barzani stood still on the sidelines.

In 1970, Sami Abdul-Rahman, a representative of Barzani's Kurdish Democratic Party (KDP), and Government-representative Mahmud Osman negotiated over Kurdish autonomy. In March 1970, an agreement was signed. It comprised a number of remarkable issues, such as autonomy, the right to set up security forces, free elections in Kurdistan, Kurdish as second language etc. Kurds were allowed to participate in administrative matters and in the government. The cooperation was born out of a very difficult situation. Barzani's position was strengthened. Talabani had to accept a runner-up position. The rift between the Kurdish groups became larger and larger.

The following four years brought peace, economic growth, cultural and societal development for the Kurds. The development was stopped by an argument over the translation of the autonomy. The oil-rich province of Kirkuk and the area around Chaniqin were at the core centerpiece of the dispute. Saddam Hussein offered half of the province of Kirkuk, but Barzani turned this offer down. Obviously, Saddam never seriously thought of a translation of the agreement. He started an Arabization campaign in Kirkuk. Financial incentives for Arabs were intended to bring more of them from other provinces to Kirkuk. Kurds were systematically expelled. On the other hand, Barzani tried to bring as many Kurds as possible into the area. Saddam applied drastic measures. He expelled some 50.000 Fayli-Kurds, who lived in the area since the Ottoman Empire. They were counted as Iranian citizens, since they did not possess Iraqi citizenship. Barzani looked for support and found it in Israel, the Shah and the United States. Nevertheless, the Iraqi government continued negotiation which failed again. The government offered Barzani autonomy and two weeks time to comment the proposal. Barzani continued his fight, thereby relying on the Shah and the United States. A Kurdish up-rise broke out and lasted until 1975. The main issues of the up-rise were an agreement between Iraq and Iran over the Shatt al-Arab and U.S. Secretary of State Henry Kissinger, who halted aid for the Kurdish movement. The Shah withdrew his support for the Kurds. The up-rise collapsed and laid the ground for the devastating defeat of the Kurds. Barzani gave up and roughly 300.000 people were forced to flee to Iran. Sami Abdul-Rahman accompanied the aging Barzani into exile.

In the meantime, Hussein wiped out every Kurdish opposition and resistance in Kurdistan. Along the Turkish border and the Iranian border a security zone (30 km breadth) was established. Nevertheless, the Kurdish resistance continued. Between 1979 and 1982, a Kurdish civil war took place. In parallel, the Iraqi regime destroyed some 2000 villages and 2.500 mosques by 1978. In the first Gulf War (1980-1988) the Kurds experienced a rather volatile period. Kurds found themselves supporting both parties to the conflict. From 1985 onwards, the Iraqis decided to intensify the fight against the resistance movement. Particularly the peshmergas[64] were put under heavy pressure. In parallel, the Kurds succeeded in coordinating their cooperation. Saddam Hussein reacted and started several offensives against the Kurds. Between April 1987 and September 1987 500 villages were destroyed and Kurds were deported.

The 'Anfal-offensives' were one of the bloodiest actions in Kurdish history. It reached its peak in 1988. In Halabja more then 5.000 people died on a single day because Saddam Hussein used chemical weapons. The destruction of Kurdish and Turkmen homes was going on in Iraqi-controlled areas of northern Iraq, as evidenced by the destruction by Iraqi forces of civilian homes in the citadel of Kirkuk. More than 600.000 Kurds were re-settled in Southern Iraq in madschama'at (a kind of refugee camp). Anfal was deliberately targeted against Kurdish civilians. The long-term consequences were well calculated (such as the decrease of Kurdish population, the increase of infant mortality, cancer; environmental damages). There

are strong indications, that the Kurds were used as test persons for weapons of mass destruction, particularly for gas combinations.

The political heritage of Mulla Barzani was split between one of his sons, Massud (*1946) and one of his earlier supporters, Jalal Talabani (*1933). He negotiated several times with various political leaders over the future of the Kurds in Iraq. The Talabanis were technically not a tribe, but had wide military and religion influence. Jalal faced resistance from very early onwards. In 1949, he became member of KDP. In the 1950s he was permitted to study law in Baghdad. The off-again, on-again struggle between Mulla Barzani and Talabani started in the 1950s. Because of his mercurial temperament, Talabani fell into disgrace with Barzani. In 1975 the final split happened. Talabani founded his own party, the Patriotic Union of Kurdistan (PUK). A fight which lasted several years between the two Kurdish fractions started. This fight destroyed the dream of Kurdistan – at least for some further years. In 1986, Talabani started an effort to explore a fresh start with Barzani. This led to the creation of the Iraqi Kurdistan Front in 1988.

3.1.2. The Second Gulf war and beyond (1991-2003)

1991 was another crucial year for the Iraqi Kurds. The Kurds and the Shiites staid calm during the war. The impressions of Halabja were still fresh. Only after 1991, the Kurds gained courage, when it seemed obvious that Saddam Hussein would suffer a defeat.

Already before 'Desert Storm' the then U.S. President Bush encouraged the Kurds to revolt against Saddam Hussein. The Shiites started first and, finally, the Kurds joined the resistance movement. But then, he leaned back passively while Iraqi tanks attacked Kurdish cities. More then one million people were forced to flee to the mountains of Turkey and Iran. Even after 1991, the Saddam regime continued its 'Arabization policy'. Since then, some estimated 120.000 Kurds, Turkmen and Assyrian Christians were expelled. The passivity of the U.S. seemed to be rooted in the fear to alienate the Arab states and, probably to be fully isolated. Important bases would have been jeopardized. The geopolitical matrix of the U.S. would have been damaged sustainable, something the U.S. did not want to risk.

After the Second Gulf War a peace haven in northern Iraq has become the issue for Turkey's close involvement in the area ('Provide Comfort' and later on renamed into 'Northern Watch'). UN-resolution 688 was the legal basis for the no-fly zones and turned out to become the basis for Turkish efforts to play intermediary in the conflict between several Kurdish tribes in northern Iraq and to make use of the fight between the biggest Kurdish parties. The strategy was driven by the assumption, that a pacified northern Iraq could have a calming-down effect on the Turkish Kurds. Turkish tactics have changed.

Motivated by the United States, the Iraqi opposition started a process of defining a common goal. One of the first steps was the institutionalization of the opposition (e.g. the Iraqi National Congress which is an umbrella organization of approximately 90 per cent of the Iraqi opposition).[65] After the up-rise and the withdrawal of central government institutions in 1991 from Iraqi Kurdistan, elections were held (May 1992). The result was the establishment of a Kurdistan National Assembly. In July 1992, a de facto government was established and in November 1992 a federated state was declared. The government was equally divided between KDP and PUK, without Barzani and Talabani in a top-position. Additionally, neighboring countries started to involve and made use of the then volatile rivalry between the two leaders. Moreover, CIA played an important role in keeping peace among the Kurdish groups and in initiating opposition to Saddam. All efforts failed.[66]

In 1994, the Kurdistan National Assembly collapsed and interfactional fights started and lasted until 1997. Northern Iraq was divided: The PUK occupied the area around Arbil (Erbil,

Irbil); KDP took over control of the Dohuk and Zakho. By 1995/96, tensions reached another peak. The INC was about to fall apart. In parallel, Turkey used the torn and volatile situation to send some 35.000 troops into northern Iraq to wipe out PKK (March 1995). Turkish incursions led to additional misunderstandings and heated up an anyway very volatile situation. Due to the tensions between PUK and KDP, PKK was able to extend its influence in northern Iraq between 1995 and 1999. Kurdish future in northern Iraq seemed to be very dim.

In the meantime, a parallel opposition group, called the Iraqi National Accord, was formed. United States put more hope in this group and started to support it. However, Saddam infiltrated this group.

Despite those negative developments, one positive event happened: A Kurdish parliament in exile was established (April 12, 1995). The parliament in exile is composed of 65 members, who represent the various Kurdish political parties. Among its members are representatives of ERNK, the Democratic Party, the Islamic Movement, Assyrian-Chaldeans, women and youth organizations, trade unions and independent personalities. The parliament in exile represents the people of all four main hosting countries of the Kurds: Turkey, Iran, Iraq and Syria. Slowly, the key target changed from an independent state to a federal solution within Iraq.

At the end of 1997, Talabani approached Barzani to make peace. In 1998, a number of meetings between the two parties took place. Barzani was still hesitating and reluctant. In July 1998, another U.S.-sponsored peace initiative started. It was concluded on September 17, 1998 with the 'Final Statement of the Leaders' (also called Barzani-Talabani Accord).[67] One issue, which finally supported these efforts, was the improving economic situation in northern Iraq. The oil-for-food deal, which acted as a catalyst in the institutionalization of the Kurdish Regional Government, supported the gearing-up of economy, accompanied by a certain political liberalization. Nevertheless, this Accord could not immediately overcome deep-seated rifts between the two fractions. Polemic documents were still published. Mutual distrust was still the order of the day.[68]

September 11, 2001 affected the Kurds in northern Iraq, too. KDP and PUK formed the most powerful military groups in the Saddam-opposition (est. 80.000 peshmergas, who were considered as a crucial factor in the northern front, since they were familiar with the mountainous area). This fact was feared by Turkey, which tried to play the Kurdish strength down. Since a number of important economic questions (such as the crucial access to oil) were touched, the Kurds sought to maintain a high profile with Washington over this period. These contacts were the basis for the U.S.-Kurdish cooperation (despite considerable distrust and reluctance at the very beginning on the Kurdish side) in the spring 2003-war against Saddam.

3.2.   Operations Iraqi Freedom: Turkish concerns and Kurdish ambitions

Turkey had three main concerns related to the war against Iraq: The establishment of an independent or federal Kurdish state in northern Iraq, the position of the Turkmen and migration of refugees into Turkey (as it was the case in Second Gulf War, 1991).

Kirkuk has become the center of greediness. 70 % of the Iraqi oil production took place in Kirkuk. The city, which is currently not part of the Kurdish area, was already several times proposed to become the 'capital of Kurdistan'. Since 1970, Kirkuk experienced a broad Arabization. Kurds were discriminated and expelled. Currently, the ethnic situation seems to be in favor of the Arabs. The city and its environment were traditionally inhabited by Turkmen. Most Turkmen in Iraq live in the central Iraqi province of Mosul, Kirkuk and Deyalah and in Arbil to the north. Iraqi Turkmen were a buffer between the Arabs in the south and the Kurds in the north. Population figures deviate considerably. Kurds estimate the

Turkmen between 500.000 and 800.000. Turkey claims a figure of 2.5 million. Turkmen complained about the brutal suppression by Hussein. In the Kurdish area Turkmen enjoy remarkable minority rights. The Turkmen Front asked Turkey several times for 'support'; for them, Turkey's influence in Kirkuk has been a life insurance and a protection against the Kurds. After some time they found out that too much Turkish support may turn out detrimental for their ambitions to be represented in a regional government. They feared U.S. resistance, and they proved right.[69]

Kirkuk and Mosul have become both a bone of contention between the Kurds, the Iraqi and the Kurds and between Turkey and Iraq.[70]

The following questions emerged:

1. Would Turkey be split up if a Kurdish state would be established in northern Iraq under Turkey's control, i. e. under a Turkish umbrella, a Kurdish state that would seek and, finally, have friendly relations with Ankara?

2. Which could be the consequences for Turkey?

Turkish fears were intense in early 2003. U.S.-activities were delayed by Turkish reluctance. Costs were increased by closing the borders, facilities and – for a long time – air space. The no-vote for logistical support and deployment of U.S.-troops by the Turkish parliament marked a low in U.S.-Turkish relations at the beginning of March 2003.[71]

Preparatory activities in the northern part made Turkey very nervous. The threat to invade led to even increased tensions with the United States. At that point of time, the U.S. had given up Turkey as a strategic ally.

Certainly, there were a number of issues emerging and activities going in northern Iraq and among the various Kurdish groups. The closer Kurds came to Kirkuk, the more worried Turkey became. Additionally, Turkey feared that the Kurds would expel the ethnic Turkmen residents from Kirkuk and Mosul and use their control of the oil fields to buy weapons and establish an independent Kurdish state. That in turn could fuel a violent separatist movement among Turkey's large Kurdish population, which is concentrated in the south eastern region bordering Iraq. Any Kurdish refugee movement was perceived as a danger for Turkish integrity. It could also pave the way for a new flare-up of resurgent PKK-KADEK-KONGRA-GEL activities.

The AKP-government anxiously observed the developments before the break-out of war against Iraq in spring 2003. During the war, Turkey fiercely made its point of view on a possible Kurdish autonomous zone several times clear. To a certain extent, Turkish fears where justified. There was evidence that the Kurdish Parliament has already worked out a draft constitution, which foresaw the establishment of a federal Kurdish region in the north. The region would have its own constitution, its own parliament and its own president. For the Shiites in the south a similar plan was drafted. The central government in Baghdad would continue to have control over the army and internal security matters. It would formulate the foreign policy agenda, conclude international agreements, draft laws and – very important – administer the oil revenues. The draft constitution also foresees a delicate issue: It assigns the oil-rich area of Kirkuk to the Kurds. This was one of the hottest issues before and during the war against Iraq and it is still not solved. This plan would have cemented the situation, which emerged in the past 12 years, when the Kurds in northern Iraq have not been under Saddam's control anymore. A de facto state has been created since then. Although not internationally accepted and not promoted by the international community, it could be counted as the second state in Kurdish history. The first one was the 'Republic of Mahabad' (1946). The current construction has already its own flag, its own army and police and its own parliament. Suleimaniya and Dohuk have their universities with Kurdish as instruction language. There

are Kurdish newspapers and television stations and rather well functioning societal und legal institutions.

Turkey tried to exploit the situation and to gain a lasting foothold in Northern Iraq. Additionally, it tried to play the 'geopolitical card' – and it lost. The pro-vote in early October 2003 did not bring the desired change, let alone a boost in geopolitical meaning of Turkey.

3.3. The post-war situation and the new Iraqi Constitution

3.3.1. On the way to a transition government and an interim constitution

3.3.1.1. The Coalition Provisional Authority (CPA)

In summer 2003, situation in Iraq faced a security dilemma – despite or probably because of the end of war, which was declared too early and with not enough attention to the post-war situation and possibly emerging resistance. The high expectations of the Iraqi people (an overnight success and richness of the Gulf-states) were not fulfilled. Numerous casualties among the U.S. troops and the Iraqi civil population were the order of the day. Looting and small attack by pockets of resistance characterized this period. The war was declared finished, but the Iraqi reality showed a different picture. The 'instability gap' increased day by day – despite the provisional U.S.-led administration under the Gen. Garner. In May 2003, L. Paul Bremer took over the U.S.-administration in Iraq. He headed the highest civil institution in Iraq, the Office of Reconstruction and Humanitarian Assistance. The Office was founded in January 2003 based on the Presidential Directive No. 24 and was dissolved in June 2003.

On May 16, 2003 the Coalition Provisional Authority (CPA) was founded (based on the UN-Resolution 1483). The CPA was supported by US-CENTCOM. Its main targets were the guarantee of territorial integrity of Iraq and provision of conditions for the Iraqi people to decide freely about its future.[72] The CPA had the challenging task to create a functioning public life, to provide calmness and order and to promote the transformation into a democratic state. On July 12, 2003, 25 prominent Iraqis convened in Baghdad to form the first post-war decision-making body since the end of war, called the Iraqi Governing Council. The U.S. and Great Britain chose the members. Both states had the right to overrule the body's decision. This led to numerous discussions about the democratic legitimization of the Council. The nomination of a transitional body was a usual step after a war. Otherwise, it would have been difficult to trigger nation-building and a democracy process. Usually, entities need the support from outside (either occupation or liberation forces) to step into this phase. The Iraqi Governing Council was given the power to appoint ministers, set up a budget and to support the creation of a new constitution. Competences beyond those named remained unclear and not sufficiently defined. The Council started its work in early September 2003 and was the preparatory body for full governance.[73] The members of the Council represented the different ethnicities and religious groups in Iraq – no matter how large or small. It worked hand-in-hand with the CAP and played a major role in the nation-building process. Both institutions had represented the interim administration of Iraq.

Additionally, a list of ministers was announced to form a government. The list represented the make-up of the Iraqi population and covers 13 Shiites, 5 Sunnites, 5 Kurds, 1 Assyrian and 1 Turkmen.[74] It was a clear signal to separate the political present from the past of the Ba'ath Party. The interim government did not have a ministry of defense. For the time being, the task was performed by the U.S. and Great Britain. Furthermore, no ministry of information was included. The most important tasks of the new government was the provision of a minimum of security, reconstruction of the country (including security issues), economic consolidation and improvement of general living conditions to guarantee a minimum of social welfare. The

Kurds hold two very important positions. Hoshyar Zebari, the speaker of Massud Barzani's KDP, was appointed Foreign Minister. Nasrin Mustafa Berwari took over the ministry of public service.[75]

Finally, the Iraqi Governing Council agreed in July to change the presidency in a monthly rhythm. The rotation cycle covers nine persons, each of them representing an ethnical/religious group.

Many questions on the future state and structure of Iraq have not been answered by fall 2003. The time framework was very tight, since the U.S. wanted to hand over power as soon as possible. The central government should exercise sovereignty from June 30, 2004 to December 31, 2005. Situation in Iraq deteriorated considerably over the winter 2003/2004. There was hardly a day without attacks from Shiite or Sunnite groups. The northern part was comparatively calm, because the Kurds held the string decisively in their hands. It seemed to be a proof for their ability to keep their area stable and under control.

3.3.1.2.   The road to the interim constitution

The phase of creating the new constitution was accompanied by tensions within the different groups, by a striving after special rights and after power. Three key issues molded the discussion on the new constitution:

-    First, the role of Islam in the constitution (Will Sharia become the basis for the future constitutional and administrative laws? Will Islam become a state religion? Will freedom of religion be respected?).

-    Second, the rights of women (How many women will be members of the provisional national assembly? Should all Iraqi, no matter which race, religion and sex, have the same rights?).

-    Finally, the position of the Kurds, which almost derailed the negotiations (Where will be the exact area of 'Kurdistan'?, What will happen with Kirkuk? Will it be part of the Kurdish area? Will Kurdish become an officially accepted language? According to which principles will the country be divided? What will happen to the Kurdish militia, the *peshmerga*? Will they become part of the Iraqi Kurdistan National Guard? Will it be possible to deploy soldiers from other part of the country in Kurdish areas without the approval of the Kurdish parliament?). Division of power was intended to follow geographical principles and not racial, ethnical or religious guidelines. This would have meant the end for a Kurdish state.

The Kurds demanded broader autonomy than stipulated in the first drafts. The requests included the right to control military forces in Kurdish areas and the freedom to reject laws passed by the national government. It seemed, that a population, which accounts for 20 % of Iraq's predominantly Arab population threatened to block approval of the interim constitution. One of the key issues apart from autonomy was the definition of the state of Kurdish peshmergas. The draft foresaw the peshmergas to be folded into the new Iraqi army or civil defense units, both of which would be controlled by the national government. On the other hand, it was clear, that the contribution of the *peshmerga* for the U.S.-troops located in the North in spring 2003 had to be awarded. The Kurdish counter-proposal amounted at two states with two different armies but without a unified command structure. The Kurds perceived this as a guarantee for the self-defense of the Kurdish people. Kurdish leaders also insisted that laws do not pertain to foreign policy or other subjects clearly in the domain of the national government must be ratified by the Kurdistan National Assembly before they can take effect in Kurdish areas. Kurdish leaders, who adhere to a relatively liberal school of Islam, said they want the freedom to reject any legislation passed by the national government based on a strict interpretation of Islamic law. This provision was considered as a guarantee

against extremism. The Kurds insisted on keeping their secular government. Additionally, Kurdish leaders wanted to maintain their own judiciary with its own penal code. Finally, two further demands brought forward by Kurds created arguments. They referred to the local control of oil revenues (which would provide the Kurds with a certain economic independence of the central government – all natural resources belong to the Kurds; Kurds would receive a share of Iraqi oil sales in proportion to the number of Kurds in the country's population) and to efforts to redress the eviction of Kurds from their homes by Saddam's government (including a codified option for people to return to their homes and for redrawing the boundaries of the disputed province of Kirkuk).

It cannot be denied that the Kurds had a de-facto independence. They have their own territory, administration, a functioning double-government, a parliament, armed forces and police forces. Independence, of course, does not mean stateship. Kurdish representatives are very cautious and avoid claiming an independent state 'Kurdistan'.

Sunnite Muslim Arabs, who live predominantly in provinces directly south of Kurdish areas, were worried about Kurdish demands to reestablish control in areas where Saddam Hussein's government moved large numbers of Arabs during a decades-lasting campaign to drive out Kurds. Shiite Muslim Arabs, who live farther south and comprise about 60 per cent of the country's population, feared that the Kurdish position will weaken Iraq's eventual national government, which the Shiites expected to control.

Kurdish demands were opposed by the Arab majority, because it feared the effective preservation of an autonomous Kurdish mini-state in northern Iraq with its own laws, army, tax system, judiciary and parliament. Although the Bush Administration opposed many of the Kurdish demands, Paul Bremner tried to forge a compromise over several weeks. Iraqi Arabs argued that Kurds should not obtain special rights. Kurdish representatives insisted at all cost they were unwilling to suspend many of the rights they had during 12 years of virtual independence that began after the 1991 Gulf War. After Saddam crushed a Kurdish uprising in 1991, a large area of Kurdish-populated northern Iraq was wrested from direct control, and protected with the help of American and British flight patrols. Iraqi Arabs viewed the Kurdish proposal as the first step towards the division of Iraq into separate entities and even states.

There was not only domestic debate about the constitution and its key issues, but there was pressure from outside, too. It was obvious that Turkey will never accept an independent Kurdish state in northern Iraq because of the unforeseeable consequences for its domestic situation. A possible participation in the U.S.-led stabilization force in Iraq (at the request of the U.S. government) could be interpreted as a creation of a Turkish foothold and basis to control the situation in northern Iraq.[76] Still Turkey holds some 5.000 troops in Kirkuk to protect the Turkmen minority. It could also be interpreted as a token to put the U.S. and the Kurds, if they feel it will be necessary, under pressure. By putting its fingers into this power game, Turkey tried to re-gain its lost position as a strategic partner and to achieve leverage for the post-war restructure process of Iraq.

On the other hand, it seemed obvious, that the support of the Kurds in the coalition against Saddam during the operation Iraqi Freedom has to be awarded by the U.S. The award could cover the cementing of the current situation, i. e. the acceptance of a de facto autonomous region in northern Iraq under Kurdish rule. The United States will be very careful and most likely will not support this track openly, but it may promote this path by letting it simply happen. The most pressing and most important issue was money. The Kurds could not raise the necessary financial means to maintain administrative structures. This seemed to be the Achilles heel and a stumbling block for a fast and steady recovery and a paralleled stabilization. Income for public servants and the peshmergas have been paid by the U.S., since the abundant money fluxes of the nineteen ninetieths (which were off-springs from the oil for

food program and the border trade) have been decreased substantially due to operation Iraqi Freedom. The *peshmergas* mounted a long-running resistance to Hussein's government. They have been the only armed Iraqi force in the Kurdish areas since the region became autonomous. Since the war, the peshmergas have continued to provide security in the Kurdish areas.

In winter 2003/2004, a taste of treachery loomed over the northern Iraq and the Kurds.[77] This taste was reinvigorated by the decision of the Turkish government to dispatch troops to Iraq in early October 2003 (on request of the U.S.). In the immediate aftermath of the war in May 2003, tensions between Turkey and Kurds eased a little bit – most likely due to the fact, that the U.S. moderated and smoothed out the situation in the two key cities, Kirkuk and Mosul. A possible dispatch of Turkish troops again created an up-heated atmosphere between Kurds and Turks. The mandate agreed by the Turkish parliament did not stipulate the number of troops and their location. Instead of stabilizing the situation, the mandate created more question marks then before. An attack against the Turkish embassy in Baghdad in mid-October was considered as a warning against Turkey. The following talks between the U.S., Turks and Iraqi representatives turned out unsuccessful, since the U.S. handed over responsibility to the Turks and Iraqi. Representatives in the Iraqi Government Council opposed any deployment of troops of neighboring countries in general and of Turkey in particular. A tug of war followed and led to a withdrawal of Turkey at the end of October 2003. Certainly, this was a success for the interim government. It was a defeat for Turkey, which could not bring its ideas and wishes through. It remains to be seen whether this decision will backfire on U.S.-Turkish relations, on the relations with Iraq and even on European-Turkish. It is likely, that Turkey will gradually find an approach to the U.S. and at the same time and will try to find its own way. This way might include regular 'securitizing missions' into northern Iraq – something the U.S., the Iraqi Governing Council and the Kurds can and will certainly not accept. This, again, may open another trouble spot in the region with a very uncertain future.

3.3.2. *The new Iraqi constitution and the position of the Kurds*

Finally, the 25 members of the U.S.-appointed Council signed the document during a ceremony at the Baghdad Convention Center attended by the U.S. chief administrator in Iraq, Paul Bremer on March 8th, 2004.[78] The days before the signing ceremony were characterized by numerous arguments between the various factions and a twice-postponed ceremony (first because of a number of terrorist attacks with a high death toll; the second time because of an 11 hours lasting political dispute, which was seemed to have caused Ayatollah Ali Sistani, a powerful Shia cleric, to have second thoughts about the interim document; he was reportedly behind the objections and the delay). The general discord and a religious decree stating his reservations about the constitution issued by Sistani hours after the signing ceremony immediately raised questions about the permanence of the new charter. Shiites signed in order to safeguard national unity, but their doubts and objections remained. Shiites make up a 60 per cent majority in Iraq and were brutally suppressed under Saddam's Sunni-dominated government. For reason, they have become particularly sensitive to any regulation which could bring them into another painful situation.

The interim constitution borrows from various constitutions and legal systems including Canadian federalism, the Islamic laws of Egypt, Britain's Parliamentary system, and America's Bill of Rights. Overall, it is intended to combine Islamic values with western liberalism, and is progressive compared to constitutions in other Middle Eastern states. Some commentators even hailed the 'basic law' as a historic step in Iraq's path to democracy. The law also sets civil rights guarantees that are unprecedented in the Arab world (such as

guarantees for freedom of speech, the press, assembly and religion, prohibitions of torture and other government abuses).

The interim constitution lays out a blueprint for a transitional government, including a 275-member National Assembly that would elect a new government by January 2005. The elected government, to be run by a prime ministers and headed by a three-person presidential council, would then write the permanent constitution. Laws passed during the transitional period will not become legitimate until they are approved by the elected government. The document leaves open the issue of what kind of 'care taker government' would take power from June 30, 2004 through the first election.

The situation until the end of June 2004 was characterized by numerous terrorist attacks. The security situation was extremely dim. Until the very last weeks before the deadline extensive discussion on a possible shift of handing over the poser went on. It was very clear that a drastic improvement of security to hold elections.

These elections will give rise to a national assembly. A quarter of its seats will be held by women, which is a remarkable provision. Soon after the elections, the permanent constitution will be drawn up and endorsed in a referendum. This seems to be the trickiest moment of all and it lays out the difference between a draft constitution, which will have a lifespan of some 1 to 2 years and a constitution for all time. The document has to be approved by all voters. All difficulties such as the Kurdish autonomy and the role of Islam, which emerged during the craft of the interim constitution will resurface. So too will the balance between proportionate representation in government (as pushed for by Shiites) and equal representation for all ethnic groups as advocated by Kurds and Sunnites. The United States and other international players will not have a direct say in the permanent constitution. Nevertheless, they will hope that many of their liberal values written in the interim document will have become indispensable by then.

The relevant paragraphs for the Kurds are the following ones:

Article 53.

(A) The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh. The term "Kurdistan Regional Government" shall refer to the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan region.

(B) The boundaries of the eighteen governorates shall remain without change during the transitional period.

(C) Any group of no more than three governorates outside the Kurdistan region, with the exception of Baghdad and Kirkuk, shall have the right to form regions from amongst themselves. The mechanisms for forming such regions may be proposed by the Iraqi Interim Government, and shall be presented and considered by the elected National Assembly for enactment into law. In addition to being approved by the National Assembly, any legislation proposing the formation of a particular region must be approved in a referendum of the people of the relevant governorates.

(D) This Law shall guarantee the administrative, cultural, and political rights of the Turcomans, ChaldoAssyrians, and all other citizens.

Article 54.

(A) The Kurdistan Regional Government shall continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the

exclusive competence of the federal government as specified in this Law. Financing for these functions shall come from the federal government, consistent with current practice and in accordance with Article 25(E) of this Law. The Kurdistan Regional Government shall retain regional control over police forces and internal security, and it will have the right to impose taxes and fees within the Kurdistan region.

(B) With regard to the application of federal laws in the Kurdistan region, the Kurdistan National Assembly shall be permitted to amend the application of any such law within the Kurdistan region, but only to the extent that this relates to matters that are not within the provisions of Articles 25 and 43(D) of this Law and that fall within the exclusive competence of the federal government.

Particularly Turkey observed the process around the constitution with rising suspicion. *"We consider the interim constitution an arrangement which doesn't satisfy us, which raises our concerns and uneasiness, and which will not help settlement of permanent peace and which will cause continuation of instability and lack of tranquility in this country for a long time. We have tried to explain this to the concerned countries by letters or by other means. Our evaluations continue.*[79]*"*

Ankara has repeatedly stressed its opposition to the granting of semi-autonomous status to the majority Kurdish population of Northern Iraq and to the lack of recognition of the region's Turkmen community in the new constitution. There is no room for constitutional failure in Iraq. Its first effort must be successful. It does not have the luxury of a second chance or more, as the United States and most other nations have had. If the first Iraqi constitution fails, Turkey's influence will reach in from the north, Syria's from the west, and Iran's from the east. Iraq will then have a tripartite dictatorship to replace the single one from Saddam. The negative historical example is Lebanon. Originally, Lebanon was accurately described as the 'Switzerland of the Middle East'. Its divergent ethnic and religious groups existed peacefully side by side. Despite its lack of oil, it was one of the most prosperous nations in that region. When it degenerated into guerilla warfare between those factions, Syria moved into the power vacuum that resulted. Syria still dominates Lebanon, and its troops occupy the Bekaa Valley, the center of agriculture -- and terrorism -- in Lebanon.

In early spring 2004, security concerns have been underscored by insurgents' increased targeting of Iraqi civilians. Additionally, kidnapping of foreign civilians, who are either part of the reconstruction teams or private security companies, has increased dramatically from the beginning of April 2004 onwards. Particularly in the Sunnite and Shiite areas security conditions have deteriorated considerably. The situation in the Kurdish dominated areas remained comparatively calm. This may have been due to the strict security measures applied by the *peshmergas*. Additionally, it could be interpreted that the Kurds are more mature and experienced in stabilizing difficult situations than the Shiites and Sunnites.

The U.N. resolution 1546 (2004) dated June 8, 2004 set the pretext for the final steps towards a hand-over of power to the Iraqis. The resolution caused some anger among the Kurds since they and there fate were not explicitly named in the resolution. Some felt betrayed by the U.S., others saw it as a step to break away from Iraq.

The resolution certainly can be interpreted as a signal by the international community of states that it will not tolerate a complete separation of Iraq. Territorial integrity is of supreme importance. This means that autonomy rights are the utmost one will agree on from outside. Whether this will be finally accepted by the Kurds who are far better off than the other two groups will depend very much on the capabilities of the first government after the war in satisfying the wishes and needs of the three groups.

4.   Conclusions

The Kurdish question – perhaps more than any other problem, has shown all possible dimensions a conflict may display. It has damaged Turkey's international reputation and hampered its search for a new geopolitical role considerably. The role of Kurdish dissidents in Turkey as well as abroad has led to a continuous preoccupation by political decision-makers and to a resource-consuming effect going far beyond politics. The persecution of Kurdish political parties has reduced responsible political activities and undermined the rise of a political middle ground. Moderates have been kicked out of the circle of political decision-makers and in consequence, moderate solutions are still missing. It is obvious that all parties to the dispute still have big differences in questions concerning the acceptance and integration of minorities.

But there is something often left out of the assessment: The process of national consciousness building among the Kurds has reached an irreversible status, as clearly emanated during the operation Iraqi Freedom. The complexity of the problem and possible regional consequences make a solution difficult and challenging. The current situation provides a fertile ground. The Kurds have a unique chance. If they do not make use of it, they will remain what they were for decades: clans which do not know what they want, simply, trouble makers. It will be up to the Kurds to reach a common minimum ground and to go for their decades-lasting target: their Kurdistan – be it an autonomous zone in Iraq or even more in the long-run future.

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[2]   Treaty of Sèvres, Article 64, see http://www.lib.byu.edu/~rdh/wwi/versa/sevres1.html.

[3]   The term 'potential for crisis' refers to the fact that there is 'something', a constellation of facts which might lead to the outbreak of a crisis, i. e. a crucial phase in the development of society. The outbreak is possible but it is NOT a must.

[4]   See the numerous annual EU-reports since 1998, in which the rapporteurs critized the Turkish attitude towards the Kurds and the statements prior to this date (e. g. in the wake of the customs union negotiations in the early 1990s.

[5]   See Krasner, S., Rethinking the sovereign state model, Review of International Studies (2001), 27, p. 37.

[6]   Watson, A., The Evolution of International Society: A Comparative Historical Analysis (London: Routledge, 1992), p. 316.

[7]   Watson, A., The Evolution of International Society: A Comparative Historical Analysis (London: Routledge, 1992), p. 316.

[8]   On a very critical approach to the different meanings of sovereignty see Krasner, S., Sovereignty. Organized Hypocrisy (Princeton University Press: Princeton, 1999), part. pp. 9-25. Krasner, S., "Rethinking the sovereign state model", Review of International Studies (2001), 27, pp. 17-42.

[9]   Krasner, S., *Sovereignty. Organized Hypocricy,* p. 9. The principle of non-intervention that usually has been connected with the Peace of Westphalia and was seen of one of the big achievements after the Thirty Years War was not exercised or applied until the end of the 18th century. It was firstly explicitly mentioned by Vattel and Wolf. For a rather period of time the principle of non-intervention played a key role in the definitions of sovereignty.

[10]   See Osiander, A., Before sovereignty: society and politics in *ancien régime* Europe, Review of International Studies (2001), 27, pp. 119-145.

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[11]   See Stolleis, M. (ed.), Staatsdenker der frühen Neuzeit, (Verlag C. H. Beck, München, 1995), p. 13.

[12]   See Roberson, B. A. Introduction", in Roberson, Barbara A. (ed.), International Society and the Development of International Relations Theory (London, Washington: Pinter, 1998), p. 11.

[13]   See e. g. Buzan, B., From international system to international society: structural realism and regime theory meet the English school, International Organization, 1993, vol. 47, p. 346.

[14]   The Treaty of Utricht formally ended the Spanish War of Succession in 1713. The Treaty is considered a breach of the policy of the 17th century. See Sofka, J. R., The eighteenth century international system, Review of International Studies (2001), 27, p. 150.

[15]   Hobden, S., International Relations and Historical Sociology. Breaking down Boundaries, London, New York 1998, p. 169.

[16]   One of the leading works on nationalism and nation is Anderson, B., Imaged Communities, extended version, ninth impression, (London, New York: Verso, 1999). Additionally: Gellner, E., Thought and Change, (London: Weidenfeld and Nicholson, 1964). Hobsbawm, E.: The Age of Revolution, 1789-1848, (New York: Mentor, 1964).

[17]   See Anderson, B., Imaged Communities, extended version, ninth impression, (London, New York: Verso, 1999), p. 5.

[18]   One of the key intellectual promoters of nationalism and the creations/existence of different nations was *Johann Gottfried Herder* (1744-1803). Originally he tried to be one of the true sons of Enlightenment – and become at the end one of its biggest critics. He was very much stamped by his experiences by the Prussia of Frederick the Great and his experiences with *Immanuel Kant. Herder* was extremely idealistic and remained in a very naive position behind the development of Enlightenment. What bothered him was the connection between enlightenment and despotism. *Herder* began as the key spokesman of German enlightenment and at the end perverted almost everything. *Herder* traveled rather a lot. He spent some time in Paris, learned French and after some time he found cities boring and went to live in the country-side. This was not something extraordinary since many of the intellectuals re-discovered the 'simplicity of the soil and the peasantry'. *Herder* found purity in the countryside, purity in life and in language. Particularly the purity of language became for him a measure of a nation's inner strength and quality. Language is the criterion what nation is. Moreover it is a key driver for developing a nation's own culture. A nation's strength depends upon whether it can protect and develop its own culture. Differences in languages were another sign for a divided humanity. *Herder* denied reason as a driver for progress. He referred to a national spirit or mind (*Volksgeist*) as driver. It is embedded in language.

Nationalism in *Herder's* understanding is a competitive program. Nationalism drives implicitly towards a cultural hegemony by different nationalisms. Herder's approach is seen as a counter-reaction to enlightenment, to the universalistic principles. Herder's critique of Enlightenment anticipated and influenced what was to become the classic critique of Enlightenment. In 19th century positivism, and that was the enlightened view of science was totally confused. Since deduction and induction were mixed in social sciences nothing acceptable came out and finally led to a complete confusion and to lots of critique. The universal principles could not been found, let alone to be proofed. *Herder* celebrates the particular against the general, the concrete historical fact against the sweeping theories of necessary historical progress which were all the rage in the 18th century.

The second key promoter of nationalism, at least from the nationalist point of view was *Jean Jacques Rousseau* was born in 1712 in the Calvinistic Geneva and died in 1778. *Jean Jacques Rousseau* was not only a political thinker, but also a composer and a writer. His political arguments ambitiously integrate ideas about sovereignty and liberty with distinctive moral visions. "Man was born free, and he is everywhere in chains", Rousseau wrote in 1762. He thought that civilization fills "man" with unnatural wants and seduces him away from his true nature and original freedom. *Jean Jacques Rousseau* tried to build an ancient collectivism within an emergent modernity. It is an ambition that is full pursued in the arguments of modern-day communitarians. *Jean Jacques Rousseau* tried to entertain two utopias, one old (a Spartan city) – and one new (the tranquil household). The term 'democracy' is hardly used in Jean Jacques Rousseau's work, and if, it is treated in a very harsh way. But for all this, his *Social Contract* is regarded as the most novel account on democracy. The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before. *Rousseau* is very ambitious, when he wants to create a political order that allows for both stability and liberty.

Freedom emerges through a particular kind of collective order, the General Will *('volonté générale'-* as opposed to the *'volonté de tous')*.

Before a General Will can exist, all must agree to the social contract which creates the community. Three assumptions are to be fulfilled to arrive at the General Will:

1. If one decides to enter a community he accepts the position of a majority.

2. Additionally, the community must be rather small (to recognize who we are). The community must not be divisible; there must not be big disparities in wealth.

3. The community must share a common culture.

One of the key issues in *Rousseau's* work is his discussion about 'freedom/liberty'. How do General will and freedom go together, or how do collective authority and liberty go together? Firstly, no one will be totally and absolutely free. Secondly, there are variations in freedom for the individual. *Rousseau* accepts only a radical position: either full freedom or no freedom at all – nothing more or less. Since liberty has gone with the end of the State of Nature, we live in a social condition which cannot be turned back anymore. The only thing that remained is the 'natural liberty'. Here comes the SC in. *Rousseau* creates a new moral entity which he calls 'state' in the passive version and 'sovereign' in the active version and 'power' when it is compared to others. Which are the contents of General Will? Where do they come from? *Rousseau* differs considerably from *Hobbes* and *Locke*. He is more empirical and far less theoretical in his approach. What *Rousseau* is proposing is a system of government, which enshrines this collective version of freedom by establishing a means by which we come together with the dual purpose of both maximizing and limiting our freedom. We set the limits; they are not imposed on us. We accept these limits, because they represent the best possible list of mutually agreed options. This combination of the individual and the collective is not easily achieved. It is a permanent challenge in and to all political systems. *Rousseau* believes the answer lies in the obedience to the General Will.

[19] For different definition approaches see e. g. Smith, A.D., National Identity (Harmondsworth, Middlesex: Penguin, 1991), p.14. Gurr, T. R., Minorities at Risk: a Global View of Ethnopolitical Conflicts (Washington DC: US Institute of Peace, 1993), p.3. Connor, W., "Nation-Building or Nation-Destroying" in W. Connor, Ethnonationalism: the Quest for Understanding (Princeton: Princeton University Press, 1994), pp. 29-66.

[20] See e.g. Smith, A.D., The Ethnic Revival in the Modern World (Cambridge: Cambridge University Press, 1981), p.20. De Voss, G., "Ethnic Pluralism: Conflict and Accommodation" in De Voss G. and L. Romannucci-Rose (eds.), Ethnic Identity: Cultural Continuities and Change (Palo Alto: Mayfield, 1975), p.9. Horowitz, D. L., Ethnic Groups in Conflict (Berkeley, Los Angeles, London, University of California Press, 1985), p. 57.

[21] Malanczuk, P., Akehurst's modern Introduction to International Law, 7th ed. (London, New York: Routledge, 1997), p.106.

[22] Browlie, I., Principles of Public International Law, reprinted 4th ed. (Oxford: Clarendon Press, 1996), pp.565-566.

[23] Connor, W., "Nation-Building or Nation-Destroying", in W. Connor, W., Ethnonationalism: the Quest for Understanding (Princeton: Princeton University Press, 1994), pp.107-108. Khoury P.S. and Kostiner, J., "Introduction: Tribes and the Complexes of State Formation in the Middle East", in Khoury P.S. and Kostiner, J. (eds), Tribes and State Formation in the Middle East (Berkeley, Los Angeles and Oxford: University of California Press, 1990), p.2.

[24] Volkan, V. D. and Itzkowitz, N., Turks & Greeks: Neighbours in conflict (Huntingdon: The Eothen Press 1994), p. 56.

[25] See Volkan, V. D. and Itzkowitz, N., Turks & Greeks: Neighbours in conflict (Huntingdon: The Eothen Press 1994), p. 58.

[26] The Turkish expression is yeniceri which stands for 'new soldiers'.

[27] Lenczowski, G., The Middle East in World Affairs, 4th ed., (Ithaca, London: Cornell University Press 1985), p. 29.

[28] Literature on the particular conception of Islam as a comprehensive concept has become rather huge, particularly in wake of events from September 11th, 2001. For the very particular case of Turkey and her predecessor the Ottoman Empire see e. g. Riemer, A. K.: Religion as a potential for crisis? - The Case of

Turkey, paper presented at the Annual Meeting of the International Security Studies Section (ISSS) of the ISA, Norfolk, 25 October 1997. Riemer, A. K.: Religion as a potential for crisis? - The Case of Turkey, Research Paper No. 60, published with Research Institute for European and American Studies, Athens 1999. Riemer, A. K.: "Islam as multidimensional potential for crisis? An Analysis from a western Perspective" in Mustafa Aydin (ed.), The Turkish Yearbook of International Relations 1998 (Ankara: 2000), pp. 29-51.

29   See Strohmeier, M. and Yalcin-Heckmann, L.: Die Kurden. Geschichte, Politik, Kultur, München 2000, pp. 20 – 41. Van Bruinessen, Martin, Agha, Shaikh and State: The Social and Political Structures of Kurdistan (London, New Jersey, 1992). White, P.: Primitive Rebels or Revolutionary Modernizers? The Kurdish National Movement in Turkey (London, New York 2000).

30   This part is mainly based on: Smutek-Riemer, A., Die Kurden: Eine nicht ausreichend integrierte Minderheit als regionales Krisenpotential? Eine ethnische Genese der kurdischen Stämme im Irak, Iran und in der Türkei und ein Versuch einer Krisenpotentialabschätzung für die Türkei, (Frankfurt/Main et al: Peter Lang, 1996) and on to Riemer, A. K.: Die Kurden – Zwischen Unterdrückung, Betrug und Unabhängigkeitsträumen (forthcoming (Frankfurt/Main et al: Peter Lang, 2004).

31   This part is mainly based on: Smutek-Riemer, A., Die Kurden: Eine nicht ausreichend integrierte Minderheit als regionales Krisenpotential? Eine ethnische Genese der kurdischen Stämme im Irak, Iran und in der Türkei und ein Versuch einer Krisenpotentialabschätzung für die Türkei, (Frankfurt/Main et al: Peter Lang, 1996) and Riemer, A., Die Türkei an der Schwelle zum 21. Jahrhundert: Die Schöne oder der kranke Mann am Bosporus (Frankfurt/Main et al: Peter Lang, 1998).

    „In Vorderasien, in dem Gebiet südlich und östlich des Berges Ararat, der nach dem Bibeltext allein Schutz gegen die Sintflut gewährte, lebt auf einer Fläche von rund 500.000 Quadratkilometern eines der ältesten Völker der Welt, die Kurden. Ihre Zahl wird auf rund 15 Millionen geschätzt. Vor 2300 Jahren wurden sie in sumerischen Quellen zum ersten Mal als ‚Qurti' erwähnt." Stuckmann, E.: Die Kurden: In der Heimat staatenlos, in: Gödeke, P. (ed.): Kriege im Frieden, Braunschweig 1983 p. 110.

32   The area in which they live covers parts of Turkey, Iraq, Iran, Syria and Armenia.

33   Kendal, N., Kurdistan in Turkey, in Chaliand, G. (ed.), People Without a Country: The Kurds and Kurdistan (London: Zed Press, 1980), p. 47.

34   Malanczuk, P., Akehurst's modern Introduction to International Law, 7th ed. (London, New York: Routledge, 1997), p. 75.

35   See Posch, W., Irak unter Saddam Hussein. Das Ende einer Ära? Historischer Hintergrund – Akteure – Szenarien, Schriftenreihe der Landesverteidigungsakademie, 13/2002, Wien 2002, pp. 54-56.

36   See Posch, W., Irak unter Saddam Hussein. Das Ende einer Ära? Historischer Hintergrund – Akteure – Szenarien, Schriftenreihe der Landesverteidigungsakademie, 13/2002, Wien 2002, pp. 56. The author does not refer to the latest Turkish census, but to Mutlu, S., Ethnic Kurds in Turkey: A demographic study, International Journal of Middle East Studies, 28/1996, pp. 517-541. Taking the incomplete (in terms of taking Kurds into account) census from 2000 into account, the figures indicated in the publication seem reasonable and reliable. See also Van Bruinessen, M., Agha, Shaikh and State (London: Zed, 1992), pp. 14-15. Izady, M., The Kurds: a Concise Handbook (Washington DC: Taylor & Francis, 1992), p. 119.

37   Weiss, H., Um zu überleben, müssen wir für uns selbst kämpfen. Die Kurden in der Türkei, in B. Nirumand (ed.), Die kurdische Tragödie. Die Kurden - verfolgt im eigenen Land (Reinbek bei Hamburg 1993),pp. 146 - 147 and pp. 153 - 155. Ammann, B., Liebeserklärung an die geschundene Heimat. Blick auf eine bedrohte Kultur, in B. Nirumand (ed.), Die kurdische Tragödie. Die Kurden - verfolgt im eigenen Land (Reinbek bei Hamburg 1993),pp. 53 - 54. Aziz, N., Die Kurden. Ein Volk auf der Suche nach seiner Identität, in Aus Politik und Zeitgeschichte, B30-31/91, 19. Juli 1991, pp. 23-24.

38   In most cases the written language is the language of the state on whose territory the tribes live. A rigid suppression of the use of dialects, especially in Turkey, Iran and Iraq after World War I, had a disintegrating effect.

39   See Van Bruinessen, M., "Kurdish Society, Ethnicity, Nationalism and Refugee Problems" in Kreyenbroek, P.G. and Sperl, S. (eds.): The Kurds: a Contemporary Overview (New York, London: Routledge, 1992), p. 47.

[40] Rumpf, C., "Minderheiten in der Türkei und die Frage nach ihrem rechtlichen Schutz", in Zeitschrift für Türkeistudien, Jg. 6, Heft 2, 1993, p. 203.

[41] A detailed analysis on religion among the Kurds is provided by: Izady, M., The Kurds: a Concise Handbook (Washington DC: Taylor & Francis, 1992), p.131-166.

[42] For further details on the Alevi factor in the Kurdish question: Barkey, H. J. and Fuller, G. E., Turkey's Kurdish Question (Lanham, Oxford: Rowman & Littlefield, 1998), p.67-70.

[43] See Gunter, M. M., The Kurds of Iraq: Tragedy and Hope (New York: St. Martin's Press, 1992), p. 7.

[44] This can clearly be seen in the Interim Government of Iraq. A close relative of Massud Barzani holds the post of the foreign minister. Family bonds guarantee preservation of tribal traditions and influence on the overall development of the meta-entity.

[45] Barkey, H. J. and Fuller, G. H., Turkey's Kurdish Question (Lanham, Oxford: Rowman & Littlefield, 1998), p.5.

[46] See Müftüler-Bac, M., Turkey's relations with a changing Europe (Manchester, New York: Manchester University Press, 1997), p.15.

[47] See Lenczowski, G., The Middle East in World Affairs, 4th ed., Ithaca, London: Cornell University Press 1985, p. 31.

[48] Yegen, M., "The Turkish State Discourse and the Exclusion of Kurdish Identity", in S. Kedourie (ed.), Turkey: Identity, Democracy, Politics (London, Portland: Frank Cass, 1998), p.218.

[49] Kirisci, K. and Winrow, G. M., The Kurdish Question and Turkey. An Example of a Trans-state Ethnic Conflict (London, Portland: Frank Cass, 1997), p. 75.

[50] McDowall, D., A Modern History of the Kurds (London: I. B. Tauris 1996).

[51] See Kadioglu, A., The Paradox of Turkish Nationalism and the Construction of Official Identity, in S. Kedourie (ed.), Turkey: Identity, Democracy, Politics (London, Portland: Frank Cass, 1998), pp. 177-194.

[52] Treaty Series No. 16 (1923): Treaty of Peace with Turkey and other Instruments, Signed at Lausanne on July 24, 1923, together with Agreements between Greece and Turkey signed on January 30, 1923 and Subsidiary Documents forming part of the Turkish Peace Settlement (London: His Majesty's Stationary Office, 1923).

[53] The question for autonomy of the Kurds is reflected in a number of interviews done by Prof. Dr. Dogu Ergil during summer 1995. Prof. Ergil questions more than 1000 Kurds in Southeast Anatolia. The basic result is a preference of higher autonomy instead of a Kurdish state. The results were published by: Zentrum für Türkeistudien (ed.): Zentrale Ergebnisse des von Prof. Dr. Dogu Ergil im Auftrag des Verbandes der Kammern und Börsen der Türkei erstellten Südost-Berichtes, Essen 1995.

[54] See e.g.: Iraqi Kurds courting Erdogan, Turkish Daily News, 21.6.2004. Turkey says no policy change on Iraqi Kurds, Turkish Daily News, 21.6.2004. No fait accompli in Kirkuk, Turkish Daily News, 22.6.2004.

[55] See Gürbey, G., Auf der Suche nach einer Lösung der Kurdenfrage in der Türkei: Optionen und Hindernisse, HSFK-Report 4/1995, Frankfurt am Main 1995, S. 8. Sen, F.: Zur aktuellen Lage der Kurden in der Türkei, ZfT aktuell Nr. 7, Essen 1992, S. 7.

[56] Riemer, A., Demographic Obstacles to Stability in the Middle East: Turkey as a Case Study Country, Paper presented at the Third pan-European International Relations Conference and Joint Meeting with the International Studies Association, Vienna, September 16-19, 1998. DIE-Statistics: 2000 General Population Register Results: htppo://www.die.gov.tr. For further details see Survey Turkey: Democracy at gunpoint, in The Economist, June 8th, 1996. Rumpf, C., Die Kurdenfrage in der Türkei. Bemerkungen zu neueren Entwicklungen mit einem Exkurs zur Kurdenfrage im internationalen Recht, Zeitschrift für Türkeistudien, Jg. 4, Heft 2, 1991, S. 206.

[57] A project description is provided by: Eren, S. and Özgüven, K. (eds.), Turkey Alamanac, 1995, pp. 139 - 141. Beschorner, N., Water and Instability in the Middle East, Adelphi Paper 273, Winter 1992/93, London IISS. "Send for the dowsers: Irrigation in Mesopotamia", The Economist, Dec. 16, 1989. Zentrum für Türkeistudien (ed.), G.A.P. Southeastern Anatolia Project: Its Impact on the Turkish Economy and on the Middle East Balances, (Essen 1989). http://www.mfa.gov.tr/grupc/gap.htm. http://www.mfa.gov.tr/grupc/gap1.htm. http://www.mfa.gov.tr/grupc/gap2.htm.

[58]   Robins, P., The Overlord State: Turkish Policy and the Kurdish Issue, International Affairs, 69, 4 (Oct. 1993), p.663.

[59]   Alexander, Y., Narco-Terrorism: Future Threats", Intersec, 10. 11/12, (Nov.-Dec. 1995), pp.430-431.

[60]   See Burgess, M., In the Spotlight: PKK (A.k.a KADEK) Kurdish Worker's Party (A.k.a. Kurdish Freedom and Democracy Congress),

[61]   The death penalty was already abandoned in a constitutional change on October 4, 2001, but was kept for terrorist activities. Since 1984 a moratorium forbids the execution of death penalties.

[62]   A very detailed overview of the Kurds in Northern Iraq, based on numerous personal interviews, is provided by Gunter, M. M., The Kurds of Iraq: Tragedy and Hope, New York: St. Martin's Press, 1992. Gunter, M. M., The Kurds and the Future of Turkey, New York: St. Martin's Press, 1997. Gunter, M. M.: The Kurdish Predicament in Iraq. A Political Analysis, London: MacMillan, 1999. See also Standsfield, G. R. V., The Kurdish Dilemma: The Golden Era Threatened, in: Dodge, T. and Simon, S. (eds.): Iraq at the Crossroads: State and Society in the Shadow of Regime Change, Adelphi Paper 354, Oxford University Press, London, 2003, pp. 131-148. Additionally: Posch, W./Brown N.: Kurdische Unabhängigkeitsbestrebungen und die irakische Verfassung, Schriftenreihe der Landesverteidigungsakademie, 03/2004, Vienna 2004.

[63]   Walter Posch provides a concise overview of the Barzani family history in Posch, W., Irak unter Saddam Hussein. Das Ende einer Ära? Historischer Hintergrund – Akteure – Szenarien, Schriftenreihe der Landesverteidigungsakademie, 13/2002, Wien 2002, pp. 65-72. A further detailed source is Michael Gunters work: Gunter, M.M., The Kurdish Predicament in Iraq. A Political Analysis, London: MacMillan, 1999. Gunter has been in personal close contact to the Barzani and the Talabani families for several years and accompanied their efforts for a sovereign Kurdish state.

[64]   Peshmerga=the one who stands in front of death; as opposed to the dschasch=little donky; the official title is Fursan Salahaddin, i. e. Knight of Saladin. Dschaschs were very well educated militia soldiers or even only pro-forma connections. The latter had fighters only in the papers and paid for them. The system was very similar to the Turkish village guard system in the 1990s. See e. g. Posch, W., Irak unter Saddam Hussein. Das Ende einer Ära? Historischer Hintergrund – Akteure – Szenarien, Schriftenreihe der Landesverteidigungsakademie, 13/2002, Wien 2002, pp. 67-68.

[65]   Michael Gunter provides a detailed analysis on the INC in: Gunter, M.M., The Kurdish Predicament in Iraq. A Political Analysis, London: MacMillan, 1999, pp. 36-50.

[66]   CIA spent $ 110 million within five years (1991 – 1996).

[67]   The original text of the exchange of letters between the two Kurdish leaders and the Final Statement can be found in Gunter, M. M., The Kurdish Predicament in Iraq. A Political Analysis (London: MacMillan, 1999), pp. 90-96 and pp. 101-107.

[68]   See Posch, W./Brown N.: Kurdische Unabhängigkeitsbestrebungen und die irakische Verfassung, Schriftenreihe der Landesverteidigungsakademie, 03/2004, Vienna 2004, pp. 37-40.

[69]   See e. g. Posch, W./Brown N.: Kurdische Unabhängigkeitsbestrebungen und die irakische Verfassung, Schriftenreihe der Landesverteidigungsakademie, 03/2004, Vienna 2004, pp. 44-47 and 52-65.

[70]   The question on two cities experienced a new drive in 1986, when Turkey declared to reactivitate claims on the two cities in case of a break-up of Iraq. For details see Posch, W./Brown N.: Kurdische Unabhängigkeitsbestrebungen und die irakische Verfassung, Schriftenreihe der Landesverteidigungsakademie, 03/2004, Vienna 2004, pp. 48-42.

[71]   On the current status of the relationship see Riemer, A. K.: Das amerikanisch-türkische Verhältnis: Nachhaltig beschädigt oder nach wie vor eine stabile strategische Achse?, Das Parlament, 9. Mai 2003.

[72]   CPA/REG/16 May 2003 (http://www.cpa-iraq.org/regulations/REG1.pdf).

[73]   See Masci, D., Rebuilding Iraq, CQ on the Web: www.cqpress.com, July 25, 2003.

[74]   The new government's makeup is based on the Lebanon-case.

[75]   See NZZ-Online, Erstes irakisches Kabinett nach Saddam, NZZ, September 1, 2003. Hermann, R.: Technokraten und Namen großer Familien, FAZ.NET, September 6, 2003.

[76]   See Sarübrahimoglu, L.: Turkey considers role in US-led force, Janes Defense Weekly, 30 July 2003, p. 3. Van Gent, A.: Türkische Soldaten für den Irak?, NZZ, 24. Juli 2003.

[77]   See Van Gent, A., Finanzielle Not der nordirakischen Kurden. Verebbte Begeisterung über die US-Operation, NZZ, 18. Juni 2003.

[78]   See the official transcript of the CPA: www.cpa-iraq.org/transcripts/20040308_signing_trancript.html (entry March 11th, 2004). Additionally see e. g. A constitution at last, The Economist, March 9th, 2004.

[79]   Turkish Justice Minister and government spokesman Cemil Çiçek on March 9th, 2004 after the presentation of the interim constitution.