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Kurds in Iraq seek independence 100 years after Sykes-Picot

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In February, Masoud Barzani, President of Iraqi Kurdistan, announced that a referendum on the independence of the autonomous region would be held by the end of 2016. He stressed that Kurdistan had the same grounds for demanding statehood as Scotland, Catalonia or Quebec. Equally, he opined, the right of the Kurdish people to decide their own fate was unnegotiable. During an earlier encounter with Western journalists, Barzani pointed to the upcoming centenary of the Sykes-Picot agreement (16 May 1916), which divided Ottoman assets in the Middle East into British and French zones of interest, laying the foundations for the creation of multi-ethnic and multi-religious Iraq and Syria. The President of the Kurdistan Region underlined that 2016 would be the year in which the Franco-British agreement of World War I would be annulled and the policy of “compulsory co-existence” in the Middle East

finally abandoned. The purpose of this brief is to succinctly discuss the case made for Kurdish independence, but also the many obstacles on the way towards it.

Solid arguments in favour of secession

Mr. Barzani’s central argument in favour of Kurdish statehood is the fact that international borders in the Middle East largely do not correspond to popular will; i.e. they have no legitimacy, only legality. Historically, they are by-products of foreign – Ottoman, and later Western European – rule. As such, they are open for revision, especially if the states in question have a track record of discriminating, forcibly assimilating, or – in the worst case – physically exterminating segments of the population.

Another argument made by Mr. Barzani is one concerning “compulsory co-existence”. It’s

well-known that international power brokers are rather conservative when it comes to recognizing border changes or granting independence to secessionist entities. As a rule, these are considered only in instances of grave human rights violations, and only as a last resort. The Westphalian sovereignty of states has been greatly eroded by the concept of humanitarian intervention. However, international borders are still considered to be sacrosanct and – generally – untouchable. This often leads to the involuntary co-existence of ethnic, national and/or religious groups with no sense of shared identity or mutual interests. In such unfavourable conditions, democracies – if they exist – are little more than tyrannies of the majority.

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It should also be noted that Kurds are the largest autochthonous ethnic group in the world without a nation-state of their own (they number roughly 30 million in total, with around 5 million in Iraq). The homelessness of the Kurdish people was to be addressed in 1920, when the Treaty of Sèvres between the Entente Powers and the Ottoman Empire laid the basis for the creation of a Kurdish state (albeit, confined to Northern Kurdistan in present-day Turkey). However, just three years later, the Treaty of Lausanne, signed by

the victors of World War I and the nascent Republic of Turkey, crushed all hopes of Kurdish self-rule.

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Furthermore, during the 20th century Kurds were subjected to forcible assimilation in each of the four countries that carved up Kurdistan – Turkey, Iran, Iraq and Syria. Their lot was by far the worst in Iraq, where they endured Arabization policies, ethnic cleansing and genocide at the hands of Saddam Hussein.

A fifth and crucial argument often stated in favour of Kurdish independence is the pivotal role played by Iraqi (and Syrian) Kurds in the containment of ISIS, the protection of endangered Christian and Yazidi minorities, and the promotion of secularism and women's rights.

Hostile environment and internal divisions

Nonetheless, the obstacles on the way to Kurdish statehood are abundant and can be classified into four categories: international, regional, domestic (relating to disputes between Erbil and Baghdad) and intra-Kurdish (relating to the rift between the two strongest political parties of Iraqi Kurdistan – Masoud Barzani's Kurdistan Democratic Party and Jalal Talabani's Patriotic Union of Kurdistan).

International obstacles

On the international scene, the US remains firmly committed to its one-Iraq policy of “compulsory co-existence”, even though influential former diplomats and scholars such as Peter W. Galbraith and John R. Bolton have advocated the break-up of the dysfunctional country into homogenous and hence more stable nation-states. Unlike Washington, London subscribes to a more flexible approach. In January 2015, the Foreign Affairs Committee of the UK Parliament concluded in a report on Iraqi Kurdistan that the region’s independence was acceptable as long as secession was grounded in a democratic choice by its people, and if the divorce between Baghdad and Erbil was amicable.

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In September 2015 Russia joined a coalition including Iran, Iraq and Syria whose declared purpose is the sharing of intelligence data with the goal of annihilating ISIS. This would indicate Moscow’s leaning toward a restoration of the status quo ante bellum (with increased Russian influence in Baghdad). Yet, in December of the same year, the Russian Consul General in Erbil, Victor Simakov, gave an interview to the TV

station Kurdistan24, saying: “If any of the Iraqi sides – without any outside interference – decides to become independent, Russia will respect their decision”.

Regional obstacles

The rejection of Kurdish statehood is more explicit in Ankara. The Turkish military has been embroiled in a protracted civil war/war on terrorism against the Kurdistan Workers’ Party (PKK) since the early 1980s, with south-eastern Turkey eerily resembling Northern Ireland prior to the Good Friday Agreement. Ankara fears that a declaration of independence by Iraqi (and Syrian) Kurdistan might spark a massive uprising of Turkey’s 15 million Kurds and lead to territorial disintegration.

However, this is only one side of the coin. On the other side, Turkey’s political leadership has been cultivating friendly relations with the Kurdistan Regional Government (KRG) for years, and the financial viability of landlocked Iraqi Kurdistan wouldn’t have been possible without the export of Kurdish oil through the Turkish port of Ceyhan. It is conceivable that, ultimately, Ankara may recognize Kurdistan’s secession from Iraq in exchange for the elimination of PKK’s bases in the Qandil Mountains and Erbil’s promise not to interfere in Kurdish matters in Turkey.

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While Damascus isn't in a position to halt any developments in Syria's neighbourhood, Tehran is bolstered by the lifting of economic sanctions and is trying to raise its clout across the region. An independent Kurdistan on its north-western frontier is vexing to Iran for several reasons. Firstly, the hypothetical Kurdish state would have territorial contact with three Iranian provinces including large Kurdish communities (West Azerbaijan, Kurdistan and Kermanshah). One should keep in mind that the first attempt to create a modern Kurdish state took place in Iran, with the establishment of the Republic of Mahabad in December 1945. This short-lived republic, which was allied to the Soviets, was also the birthplace of Masoud Barzani, whose father – a national hero for the Kurds – Mustafa Barzani commanded the Kurdish army against the troops of the Shah. Naturally, Tehran is troubled by Barzani's potential aspirations toward his hometown and Eastern or Iranian Kurdistan in general.

Secondly, the leadership of the Islamic Republic is aware of Barzani's cordial relations with Turkey, one of its main regional rivals (hence Iran's proposal to the KRG to open a second route for the export of Kurdish oil by building a pipeline from Iraqi Kurdistan to the Persian Gulf), and of the scenario in which Ankara recognizes Erbil's independence in order to weaken Shia-dominated Iraq. Furthermore, there is the outspoken Israeli support for the sovereignty of Iraqi Kurdistan, but also Benjamin Netanyahu's plan of integrating the new state into an Israeli-Jordanian-Kurdish alliance against Islamic extremism. There are more than enough reasons for Iran, not Turkey, to be the principal opponent of Kurdish ambitions to achieve statehood.

Domestic obstacles

The dispute between Baghdad and Erbil revolves around two closely related issues: oil and soil. For years the KRG deplored that it was being cheated out of its rightful share of Iraqi oil revenues by the central government. In response to this, in 2013 the Kurds set up a new branch of the Kirkuk-Ceyhan pipeline, running exclusively through KRG territory, and started exporting oil on their own, which is illegal according to Iraqi laws. Since the Kurdish takeover of the city of Kirkuk and all surrounding oil fields in June 2014, these exports increased substantially, marking the beginning of a Kurdish petro-state. However, the continuous drop in oil prices (the price of a barrel fell more than 70% between June 2014 and February 2016), combined with the ongoing war against ISIS, have plunged Iraqi Kurdistan into an economic crisis. Budget shortages have been especially felt in the bloated public sector and armed forces, paving the way for civil unrest and – more dangerously – mutinies by unpaid Peshmerga.

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Another point of disagreement is the way in which the KRG acquired control over the "disputed territories" during ISIS's 2014 offensive. The "disputed territories" are areas in the Nineveh, Kirkuk, Saladin and Diyala provinces that were supposed to hold plebiscites by the end of 2007 (Constitution of the Republic of Iraq, Article 140), in order to determine their alignment with Erbil or

Baghdad, but never did. Following the rapid breakdown of Iraqi security forces in Mosul and other locations, the Peshmerga created a fait accompli by capturing ca. 13,000 km² and enlarging the Kurdish controlled areas in Iraq by 40%. The KRG hopes to keep these areas by appealing to the *uti possidetis* principle of international law. The central government considers this move unconstitutional, with Kurdish authorities maintaining that it was necessary in order to prevent further territorial gains by ISIS. The issue is particularly explosive in the context of the forthcoming independence referendum. Shia Turkmen of Tuz Khurmatu, a town near the demarcation line between autonomous Kurdistan and the rest of Iraq, already clashed with Kurdish forces and hostilities may re-erupt.

Intra-Kurdish obstacles

Last, but certainly not least, among the obstacles on the way to Kurdish statehood are long-standing intra-Kurdish rivalries. The two major political parties of Iraqi Kurdistan – Barzani’s KDP and Talabani’s PUK – have been at loggerheads with each other since 1975, and even fought a civil war between 1994 and 1998. Until the formal “re-unification” in 2006, the KDP governed the Erbil and Dohuk provinces in the western half of Iraqi Kurdistan, while the PUK controlled the eastern Sulaymaniyah province. Still, the division into a “yellow” KDP zone and a “green” PUK zone unofficially lingers on and in 2014 they divided the newly gained “disputed territories” among themselves. It’s important to stress that both parties are secular nationalist parties and openly in favour of independence. Therefore, the source of intra-Kurdish antagonism isn’t ideological

discord but rather tribal competition between the Barzanis and the Talabanis, who are vying for leadership of the nascent Kurdish state.

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The strife between the two tribes and their respective political parties runs almost as deep as the one between the KRG and the Iraqi central government. PUK officials regularly criticize Erbil for scheming with Ankara and snatching up most of the oil revenues and foreign aid, which are used for the development of KDP-dominated areas, as well as for the arming and financing of KDP-affiliated Peshmerga. On the other side, KDP politicians accuse the PUK of conspiring with Iran and dismantling the unity of Iraqi Kurdistan. Even though both parties promote independence and work together in the current coalition government, so far they haven’t been able (or willing) to merge the Peshmerga into a unified Iraqi Kurdistan military force. The Peshmerga remain the military arms of both the KDP and the PUK and are not only used for the fight against ISIS, but also for keeping internal order and – sometimes – for harassing and intimidating political opponents.

2016 – A watershed year for the Kurds, the Middle East, and the world

The appearance of ISIS and the de facto breakup of Iraq have given the Kurds a unique

opportunity to realize their age-old dream of independent Kurdistan. In order to accomplish his life's work, Masoud Barzani will have to achieve several objectives by the end of this year: liberate the Nineveh plains and push ISIS as far away as possible from the Kurdish capital Erbil; upgrade relations with Ankara, despite its actions against the Kurds in Turkey and Syria; boost cooperation with Israel, which is eager to gain an ally in the region; come to terms with Baghdad over the issue of the "disputed territories"; secure conclusive support for secession on the independence referendum; and unify the Peshmerga under a single non-political command. In case that all these conditions are met, obtaining international recognition of Iraqi Kurdistan's independence should be feasible, even from the US, which would ultimately have to yield to the new reality.

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Neighbouring Syrian Kurds have been equally successful in using the mayhem created by ISIS for the expansion of territory under their control and the overall improvement of their position in the country. However, the Rojava Kurds (Rojava stands for Western or Syrian Kurdistan) politically lag behind their co-ethnics in Iraq. Their next move is to secure internal and external support for the creation of a Kurdish federal unit within a decentralized post-conflict Syria. For the time being, Rojava's unification with Southern or Iraqi Kurdistan is no more

than a purely theoretical contemplation.

In the longer term, Kurdistan faces the challenge of ending the practice of nepotism (the current Prime Minister of the Kurdistan Region is Nechervan Barzani, Masoud Barzani's nephew, and his deputy is Qubad Talabani, Jalal Talabani's son) and clientelism (extensive employment in KRG government agencies in exchange for political loyalty). These issues have already been addressed by the Gorran (Change) party that split from the PUK in 2009 and since then has risen to prominence on a reformist and anti-corruption platform. Gorran also objected to the second extension of Mr. Barzani's second and final presidential term in August 2015, a move distinctly prohibited by law. Such an extraordinary measure in Mr. Barzani's favour can be tolerated due to the ongoing war against ISIS and the current impossibility of organizing presidential elections. However, if the Kurdish leader doesn't step down in August 2017 – when the second extension expires – this will be an unmistakable sign of autocratic intentions.

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Despite its numerous shortcomings, the Kurdistan Region has achieved progress in many areas. The Kurds of Iraq have demonstrated a high level of national consciousness, but at the same time a sincere benevolence towards ethnic and religious minorities. Their voting patterns suggest that

most of them view the Islamic faith as a purely private and spiritual affair that should be kept away from politics. Although traditional in many aspects, Kurdish society has shown openness towards the emancipation of women and their active involvement in the armed struggle against ISIS will certainly leave a lasting mark. The West has duly acknowledged these facts and shown sympathy for the Kurdish cause; yet it remains restrained when it comes to Kurdistan's independence. As a member of

NATO and the EU, Croatia can't expect unanimity on this issue from the transatlantic community and will eventually have to pick sides, just as it had to in the case of Kosovo's secession from Serbia.

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