

What future for the Kurds?

Khaled Salih
University of Southern Denmark
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Introduction

It is a courageous decision to organise a conference with the title 'The Kurds: One People - Four States - What kind of future?', even though the title only asserts the fact that the Kurds as a people are divided between four states and asks an intellectual and policy oriented question about possible future prospects. In a democratic society this can be done without violent clashes between groups, political parties or involvement of security forces preventing organisation of such a conference. In the Middle East (or West Asia to which Turkey also belongs) this would have been a different story. Such an event would most certainly be viewed as an 'illegal act', 'instigation of hatred', outright threat to the 'indivisibility of the state and the nation', or a direct challenge to the Islamic conception of political order. If held outside of the region, individuals who participate in such a conference might face serious problems, upon their return if they were citizens of those states where the Kurds live, or when they travel to the region if they happen to be citizens of other states. It is in this context that the initiative is courageous in moral, political, intellectual and civil senses of the word ('Courage' 2004), not least because in the political world few concepts are so controversial as 'people', despite the fact that Article 1 of The International Covenant on Civil and Political Rights states that:

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

It is not a secret that deciding 'who is a people' in the contemporary world is a political question rather than a legal process, a subjective self-identification or historically based assertions. In the international political system only those who have attained, or were granted, state sovereignty are regarded as peoples. In fact few peoples have been allowed *freely* to determine their political status (the most recent exception being the people of East Timor).

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Though the UN Charter is written in the name of '*We the Peoples of United Nations*' the organisation represents only the existing sovereign states, not the peoples or the nations that inhabit our world, as its name misleadingly indicates. However, given the level of political violence that eventually led to the creation of the UN and the brutality of inter-state and civil wars of the past decades, it is not difficult to agree with Kofi Annan's proposition that the expression 'we the peoples' should be seen as reaffirming 'the dignity and worth of the human person, respect for human rights and the equal rights of men and women, and a commitment to social progress as measured by better standards of life, in freedom from want and fear alike. Ultimately, then, the United Nations exists for, and must serve, the needs and hopes of people everywhere.' (Annan 2002, 6)

If the UN is to serve the needs and hopes of people everywhere, if 'everywhere' is also to include the Middle East/West Asia and if the self-identification of the Kurds as a people is to be respected, Annan's challenge to critically shift the thinking of the UN as the world organisation should be the guiding principle of this conference on the Kurds. As he eloquently urged the UN:

[W]e must put people at the centre of everything we do. No calling is more noble, and no responsibility greater, than that of enabling men, women and children, in cities and villages around the world, to make their lives better.' (Annan 2002, 7)

Enabling Kurdish women, men and children to develop better standards of life and live in freedom from want and fear alike would be a noble and great responsibility for those who desire to engage in facilitating a better future in the entire Middle East/Wes Asia. Compared with other peoples in the region, the Kurds have not been on equal footing in term of standards of life, including freedom from want and fear, since the creation of the modern states at the beginning of 1920s (with the sole exception of the Kurds in Iraq since 1992).

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The Kurds are regarded either as 'pariah minority' (Rubin 2003), or seen, in a blaming-the-victim reasoning, as a source of destabilisation. A book advertisement in 1994 asserted that with '20-30 million people divided between four rival countries in the Middle East, the Kurds have long been a destabilising factor in a mountainous region which is rich in water, oil and minerals.' (UGI 1994) However, being regarded as a 'pariah minority' or a 'destabilising factor' are not entirely irrelevant concepts to understand how the Kurds were, and still are, dealt with politically in the past seven or eight decades. These concepts and perspectives determine the policies and strategies of the elites of the modern, but highly centralised, states, including those of the Middle East/West Asia.

Past Strategies

When the empires of the Middle East/West Asia were replaced by modern centralising territorial states (often misleadingly called nation-states) at the beginning of 1920s, the Kurds were left without a state of their own. In the new constellations, they became minorities in new political inventions and constructions dominated by ideologies of Turkish, Persian and (two versions of) Arab nationalisms. The imposition of this new state system with its new ideological drive for centralisation, homogenisation and control created entirely different conditions for the stateless Kurds. This was a dramatic shift from several hundred years of imperial tradition in which the Kurdish territory had no sharp mined and military guarded borders. The Kurds, like most of other groups in the vast Ottoman and Persian empires, were subject to 'remote' and discontinuous imperial control, carried out 'cross-border' activities, could easily manipulate and adjust to the loose imperial networks for their own benefits and intermittently enjoy a relative degree of local autonomy. The new state system did not only lead to the imposition of radically different administrative and security control systems, but also to the introduction of new political ideologies. The new state ideologies envisaged their societies in radically different ways, with radical future projections. Demands of minority nationalisms for representation, power-sharing or mere survival were regarded as 'illegitimate', backwardness or just fifth column proxies. The trajectories of the modern states in

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

A most common strategy exploited by the four states in which the Kurds are formal citizens is the official denial of Kurdistan as a territory on its terms. Although various governments in Turkey, Iran, Iraq and Syria have chosen different approaches in their denial or partial recognition of the existence of the Kurds as a people with legitimate political, social and security demands, a persistent denial of a greater Kurdistan and attempts to prevent an eventual emergence of such an entity has been linked to the national security of these states. Consequently, the Kurds have been deprived of any meaningful opportunity to discuss various conceptions and imaginations of Kurdistan, including possibly peaceful arrangements. More than often Kurdish demands were interpreted as a direct challenge to the new state elites' authority, legitimacy or demand for 'national' cohesion (which in practice meant assimilation). The Kurds were viewed as a major obstacle to the ways the new elites thought their societies *ought* to be rather than to deal with how it *is* constituted. Since Kurdish political demands to shared power and resources between different political groups and their very idea that the societies in question do not need to be homogenous but rather heterogeneous, multi-national, -ethnic and –religious, they easily became targets of security, military and political campaigns, all in the name of 'national' security, territorial integrity and state sovereignty. Usually these kinds of internationally recognisable justifications have functioned as effective methods to ward off even mild international criticisms.

While the existence of a Kurdistan province is officially acknowledged in Iran, it amounts only to one-eighth of the Kurdish area in that country (Rubin 2003, 296). In Iraq the 1958 provisional constitution recognised the existence of the Kurdish nationality alongside the Arabs, but the establishment of a Kurdistan Autonomous Region in 1974 did not satisfied

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the expectations of the Kurds and led let to another wave of military confrontation between the Ba'athist government of the time and the Kurds. Until recently, denial of the existence of the Kurds and the Kurdish language in the Turkish Republic was a ritual secular prayer, repeated by politicians, military, security and civil bureaucracies, as well as media and ordinary citizens. In Syria, the Kurds are still treated as 'guests' without political, legal and social rights. Military solutions have been the first option to which state elites in Turkey, Iran, Iraq and Syria have devoted themselves and their country's resources. While Iraq's military offensives against the Kurds are more known to the outside world, the Turkish military 'found control of Kurdistan to be its prime function and *raison d'être*. Only one out of 18 Turkish military engagements during the years 1924-38 occurred outside Kurdistan. After 1945, apart from the Korean war, 1949-52 and the invasion of Cyprus, 1974, the only Turkish army operations continued to be against the Kurds' (McDowall 2000, 198)

Generally speaking the state elites in Turkey, Iran, Iraq and Syria have combined elements of strategies of elimination and management in the past.¹ In addition to the denial of the existence of the Kurds, Kurdish language and Kurdistan and partial recognition, genocidal campaigns, mass deportation and expulsion, political homogenisation and assimilation, coercive administrative and security control systems and shallow autonomy arrangements have been recognisable methods exploited by successive governments in dealing with the Kurds. The result is massive internal displacement, destruction of villages and small towns, militarization of states and societies, repression of political parties and undermining of civil society organisations, to name but few long-term consequences. These states share important characteristic traits of what political scientists call state failure, not least because of the enduring character and the direction of the violence against the Kurds.² Failed states generally do not deliver positive political goods to their peoples; they are often tense, deeply conflicted, hard and fierce in dealing with alternative versions of reality, and bitterly contested constructions. In

¹ For a general discussion on state strategies see O'Leary 2001.

² For a comprehensive discussion and documentation on state failure see Goldstone, Gurr, et al, 2000.

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order to avoid questioning the legitimacy of their monolithic world views, they embark on violent military expeditions to avoid dialogue, revision of flawed political orders and profound reform programmes.

Undoubtedly, violent methods dominated the ways in which the state elites tried to solve political, social and economic differences in their respective parts of Kurdistan. But violence is not the only way with which modern states have sought conflict resolutions, and the states in the Middle East/West Asia are not destined to pursue only one and the same path. New circumstances, elite reconsiderations of past strategies, new international insights, as well as international changes and incentives can and should change past commitments. New opportunities will require new decisions, new strategies and commitments. Given several decades of past failures and the emergence of new opportunities, one can expect different and constructive policy options and strategic decision to be taken.

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Future prospects

In a world full of ethnocentrism, prejudice, and violent conflict, there is a vital need for core democratic values to resolve ethnic and religious conflicts and to prevent their escalation to violence. The absence of democratic mechanisms to sort out conflicts within a country often makes it easy for conflicts to spill over into violence. (Hamburg 1995)

Lack of proper democratic political processes and the absence of liberalism in the Middle East/West Asia might be seen as one of the main causes of the high level of political violence in solving political issues. However, no country or region in the world should be seen as to have taken non-reversal paths. South Africa abolished Apartheid (and indeed managed to construct new democratic institutions and an inclusive civic culture, leaving behind decades of statutory racism and ideological division). Some former communist countries in Eastern Europe have joined the European Union, partly because they abolished the former political systems and party because they managed to establish new political orders qualifying their countries to EU membership. Several countries torn apart by civil wars have signed new political and social pacts. Although most transitions to radically different political orders are far from smooth, envisaging a better future for the inhabitants of these countries have helped to embark on new future political projects. Available and viable alternatives, serious exploration of their feasibility and qualified discussions on their wisdom and efficacy in the light of reasonable projections of what might happen are not an academic luxury, but necessary demands in democratising societies. Imagining better future scenarios would facilitate meaningful meetings, constructive dialogues and hopes for shared futures of inclusive, representative, accountable and dynamic political systems based on official recognition of existing diversities of the societies in question.

Due to different relationship between the dominant groups and the Kurds, it is possible to imagine and discuss diverse future options in Turkey, Iran, Iraq and Syria. The state

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constructions, recent evolution of their political systems, emerging new elite constellations, specific regional dynamics and their relationship to the outside world would no doubt lay ground for distinct future prospects. Despite that the political elites of all four states stand, though in fundamentally different ways, in front of decisive moments of choices about the future of peoples they ostensibly represent or control. If they opt to distance themselves from the tyranny of the past, they can actively influence, if not direct, the forces of change that take social, political, religious and regional diversities as a source of strength to create better standards of life and conditions to live in freedom from want and fear for every individual and people that must live together. There are at least two great opportunities (in Turkey and Iraq) and two future possibilities (in Iran and Syria) by which the future of the Kurds will directly be determined.

Turkey: United in diversity, at home and as EU member?

Turkey has already booked its place in Europe.
(Solana 2002)

Compared to Iran, Iraq and Syria, Turkey has developed a wide-range of democratic political institutions and mechanisms, as well as long-standing relationship with the European Union and other Western democratic organisations that together should make the country more amenable to democratic dialogue and exchanges of ideas. Turkey's application for EU membership provides a unique opportunity to carry out profound systemic reform and successively mark a definitive departure from previous monolithic beliefs in and practice of homogenisation and military solutions for the Kurdish issue, not least because Article Two of the first draft of the Union's constitution demand specific values from the member states.

The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination.

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This is strengthened by the first paragraph of Article Three in which the aim of Union is ‘to promote peace, its values and the well-being of its peoples.’ (European Convention 2003) Those European countries that laid the ground work for the evolution of the EEC, the EC and later developed and expanded as the EU have dramatically shifted their focus from state security to the security of their populations and peoples. They have gradually developed from what political scientists label as *electoral* democracies to *liberal* democracies, with constitutional guaranties for human rights, women’s rights and the rights of minorities. Eastern European countries who aspired to join the Union must ideologically, politically, socially, economically and administratively be able to advocate and live up to these European values. At the same time these values must be implemented throughout the country for the benefits of all citizens and peoples.

In the negotiation process to qualify for membership, Turkey needs to change its dominant political thinking, the current constitution and thousands of laws and regulations before it can be described as a society characterised by pluralism, tolerance, justice, solidarity and non-discrimination. The past cannot simply be wished away. The future cannot be achieved by imprecise changes. The ultimate test of willingness to direct the state and society in Turkey towards a new future will be determined by the government’s capacity and capability to implement essential reforms throughout the country without prejudice and discrimination on the basis of historical suspicion and blaming-the-victim reasoning. But, to be sure, Turkey has already embarked on a major reform programme and it can hardly retreat from it.

On its way the country will need extensive assistance, expertise, financial support, and political encouragement. The European Union has already committed itself to this process and required financial needs. The current Turkish government has promised, and occasionally taken, further steps in the right direction. It has taken courageous steps ‘in face of strong resistance’ (Oostlander 2004) from the military and those elite groups whose positions and interests are not served by a deepening and widening process of democratisation. For the root of the problem lies in the fact that Turkey, despite the

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determination of its government, cannot meet the Copenhagen political criteria under present circumstances. Because, as a recent report from the European Parliament noticed, the country has not yet established a clear framework for guaranteeing political, civil, economic, social and cultural rights. In order to meet these criteria, more far-reaching efforts are required from Turkey 'to enhance the coherence of legal provisions and practice, which will underline the drastic and fundamental character of the transformation of Turkey towards membership' (Oostlander 2004, 6). The point is that 'reparation and amendments' will not do the trick despite significant changes introduced as part of the packages of political reform, because Turkey has not managed to circumvent its 'Constitution adopted in 1982 during the military regime, reflecting a largely authoritarian philosophy' (Oostlander, 5-6). Like the new members of the European Union, Turkey needs to adopt a new constitution, signalling beyond doubt that such a step is a point of departure for the process of reform and modernisation of the state and society (Oostlander 2004, 6). This is a necessary step in a series of revolutionary reforms which can only be judged 'on the basis of their actual implementation in terms of day-to-day practice at all levels of the judicial and security system and of both the civilian and military administration, and that they must have the support of society', a long process for which Turkey will need both fundamental decisions and continued European aid (Oostlander 2004, 6). As Javier Solana so eloquently has expressed, Turkey has already booked its place in Europe; the reservation of that seat in December 1999 was unanimously supported by the 15 EU heads of state and government of the time. But in the process it is up to Turkey if the country 'wishes to assume its place in Europe' (Solana 2002).

It is in this complex process of necessary democratisation of Turkey through the accession process and negotiation, Turkey's Kurdish policies and strategies must be re-defined and re-framed within a new emerging political system with appropriate institutional arrangements. The Turkish problem with the Kurds cannot be painted over or brushed away. Provided that Turkey, partly due to internal mechanisms and processes, and partly because of the country's willingness to become a full member in the EU, will

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not relapse into military coups (as in 1960, 1971 and 1980) or coup attempts (as in 1997), and provide that Turkey continues its development towards a liberal democratic polity as a pre-condition for its negotiation and eventual membership in the EU, almost every reform might contribute to create a better ground to re-define, re-formulate and implement different policies and strategies regarding the Kurds in Turkey. In this process, official recognition of diversity and differences and negotiations to the ensuing tensions and conflicts out to, if not must, become the basic political philosophy and process (Baumeister 2000). After all, the EU enlargement ceremonies of 1st May 2004 were carried out under the banner of 'United in Diversity', as a result of more than a decade of negotiations with the new member states. This is based on the liberal idea of value pluralism for which a set of institutions must be developed in order to effectively manage the conflict and antagonism that inevitably accompanies diversity (Baumeister 2000).

Theoretically, intellectually and politically, there are several options for decision-makers, strategists and supporters of peaceful resolutions of Turkish policy vis-à-vis the Kurds. Here few institutional arrangements will be mentioned briefly.

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

A second arrangement might combine democratisation and decentralisation with group recognition. Loyalty to the state and its institutions would be based on the notion of

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democratic citizenship in which shared interests, values and necessity would not only keep the state and its institutions together, but strengthen the ties and links for the benefit of all groups in Turkey. References to historical traditions of recognition in the Middle East and the Ottoman past can serve the purpose, as well as contemporary European models, such as different arrangements in the UK to meet demands from Scottish, Welsh and Irish nationalisms.

A third possibility for Turkey is to look closely into the Spanish constitutional revolution of 1978. Post-Franco Spain has become increasingly federal in arrangement, except in name. Post-Franco politicians have recognised the need to integrate democracy and decentralisation with recognition of historical nationalities. The 1978 Spanish constitution has created a decentralised, democratic political order in Spain which political scientists characterise as 'a plurinational and multilingual state' (Agranoff and Gallarin 1997). The most interesting element of the Spanish development is the recognition of the need to build self-government into the fabric of the post-Franco polity by recognising the unity of the nation (or more appropriately the state) and the right to autonomy of nationalities and regions. The right to self-government of municipalities, provinces and autonomous communities has in fact strengthened both democracy and stability in Spain through a mechanism and process of differentiation of the country's previous unitary state structure. More than two decades of negotiations and agreements have reinforced self-government and power-sharing with the regions, thereby adopting specific federal arrangements through its autonomous states (*Estado de las Autonomias*). Local and regional units' rights to make decisions independent of central government supervision and control has contributed to a deepening and widening of constitutional democracy in Spain, contrary to any French or Turkish Jacobinist centralisation argument (Encarnacion 2001/2002). Democratic consolidation in Spain was a direct result of reconstruction of the state structure and its political system. The political redistribution of power (between Madrid and 17 autonomous regions - three historic autonomous regions, one specific statute autonomous community, 12 ordinary autonomous regions and one federal capital region) has given the three historic nationalities in the Basque country, Catalonia and Galicia

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their own statute of autonomy tailored to their particular situation based on specific compromises negotiated between the government in Madrid and the regional leaderships. In each case, the 'central' government and the autonomous regions each have a range of exclusive powers but also function jointly in several spheres.

A fourth model that could function as a good example of restructuring the political system is the development in Belgium. Although this model might be regarded as too radical a departure from the Turkish unitary state tradition with a strong distaste for multiple identities and loyalties and with no tradition in negotiating the political order, no rational arguments and peaceful developments can prevent considering it as a possibility. The Belgium federation (since 1993) is based on three territorially defined regions (Flemish Region, Brussels-Capital Region and Walloon (French) Region), and three non-territorial language-based communities (Flemish Community, French Community and German-speaking Community). Distribution of exclusive powers is between the federal government and two other kinds of governments: while the three territorially delineated governments are mainly responsible for regional economic matters, the three non-territorial communities are mainly responsible for linguistic and cultural matters.

Turkey's Kurdish policy could shift from the domain of exceptionality to the domain of normal politics if elements of the UK, Spanish or Belgian systems were to be incorporated into the restructured and reformed political system in Turkey, rather than obstinately keep it within non-compromising national security discussions and military solutions. Nothing would prevent the decision-makers in Turkey to invest in a constructive way the potential of the country's peoples in a strongly restructured political system based on consensus, inclusiveness, recognition of societal and political diversity, value pluralism, finding new mechanisms and institutions for peaceful conflict resolutions, and other constructive steps. Under liberal democratic conditions this could be achieved without overtly opting for federalisation of the country. On its way to such 'a society of pluralism, tolerance, justice, solidarity and non-discrimination', like other members of the European Union, Turkey is required to implement all reforms that would qualify the country to a

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membership negotiation. If the reform process is accelerated in ways most Eastern European countries did for more than a decade ago, a prediction by president Chirac's does not need to come true.

Just two days before the largest enlargement ceremonies of 1st May 2004, president Chirac rhetorically asked: 'Is Turkey's entry possible today? I say "No"'. He believed that Turkey could become a member of the Union in the perspective of 10 to 15 years and added that 'my conviction is that it is in the long term' (Georges-Picot 2004). Only Turkish decision-makers have the capacity and capability to disappoint president Chirac and those who believe that Turkey cannot fulfil its obligations. Erdogan, Turkish Prime Minister, observed that his country still has a lot to do, but his government would 'continue to fulfil our responsibilities' to qualify for membership in the European Union. 'We trust ourselves to pass this test honourably', he said, while he warned that 'it would not only disappoint the Turkish people, it would seriously damage the basic philosophy of the union' because the union is based on 'humanitarian values'. Erdogan believed that to delay Turkey's membership further would be 'wrong and unjust' (Boland 2004). Exactly the same arguments would be used by the critics of Turkey for the delay in what the Oostlander report call revolutionary, but essential reforms. The sooner these reforms are carried out the better chance will Turkey have to cross the threshold from electoral democracy to liberal democracy. At that juncture European zone of stability and prosperity will also peacefully be extended to Turkey, the way it did to former communist countries in Eastern Europe. Having managed to shift mentally, institutionally and constitutionally from a monolithic world view of assimilation, homogenisation and violent military solutions for the Kurdish issue, Turkey's membership in the EU would no doubt transform the fate of the Kurds in Turkey in a dramatically positive way. By that time, the Kurds in Iraq will be new neighbours of the European Union in a federal and democratic Iraq.

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Iraq: From mass killings and genocide to federation?

The genocidal regime of Saddam Hussein created justifiable arguments for entire reconstruction the state Iraq. This complex process started shortly after the Bush administration removed Saddam Hussein's regime from power in April 2003. Whatever our opinion on the events and its consequences, Iraq's different national, ethnic, and religious groups have now initiated a constitutional and institutional process to re-define, negotiate and re-shape the nature of the state, the division of powers and the country's collective identity. A new Iraq would federalise on the bases of a legal text called Transitional Administrative Law (TAL, signed by Iraq's Governing Council on 8th March 2004). If implemented successfully, this will lead to the creation of the first case of a negotiated state reconstruction in the Middle East/West Asia. What is crucial in this context from a Kurdish perspective can be summarised as in the following.

1. With the removal of the Ba'athist regime in Iraq, a political system based on several decades of political brutality, genocide, mass killings and mass graves, systematic oppression and repression has come to an end. A new era of state reconstruction has started with the signing of the TAL. Despite many short-comings and non-democratic nature of the processes that led to signing of the document, the TAL has created a new ground for political negotiation in Iraq. It is the first time since Iraq's creation as a modern state, representatives of various groups, political parties and ideologies held meaningful negotiations and managed to agree on a political structure that corresponds to the reality of the country.
2. The idea of transforming Iraq from a centralised, discriminating, genocide-prone and Sunni Arab dominated state to a federalising construction has been one of the strongest Kurdish demands since 1992. Federalism became a pre-condition and a pre-constitutional principle that was cemented by the Kurds, both before the fall of Saddam Hussein's regime and during the short period of the negotiations that produced the TAL. If the political forces in Iraq manage to federalise Iraq in a meaningful way, it will lead to new mechanisms and institutions for redistribution of

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power according to a new political formula in which the Kurds will be key power-sharers. The mere acceptance of this idea in a region with no tradition of negotiation, especially in comparison with the Arab states, is in itself path-breaking.

The TAL recognises the existence of Kurdistan Region, despite the uncertainties regarding border establishments and the final status of the region in the permanent constitution. TAL also recognises the institutions and their capacities the Kurds have developed since 1992, such as the Kurdistan National Assembly and Kurdistan Regional Government. The articles that guarantee individual human rights, including women's rights are important achievements in a country where mass graves, summary executions and disappearances were widespread practices for which the Kurds were the prime victims throughout most of Iraq's modern history. The agreement that police and internal security in Kurdistan will be within the competence of the Kurdistan Regional Government (KRG) is a crucial achievement, both due to past genocidal policies of the Ba'athist regime and due to fact that the control of police and security forces by the KRG will provide some assurance for a civilian population that cannot trust any Iraqi armed forces in a near future. The police and security forces would also function as an early warning system for internal border security vis-à-vis Iran, Turkey and Syria because these countries are ideologically tempted to undermine institutional consolidations in Kurdistan. Another positive element in the TAL is the decision to confine any future army in Iraq only to external security under strong civilian control. One of the most controversial paragraphs of the TAL, from the point of view of Arab centralisers, non-democratic and anti-Kurdish neighbours, as well as anti-federal forces in Iraq and the region, was the idea, and what eventually became an article in the TAL, of ratification process of the final constitution. This gives the Kurds, but also any other people or region with a two-third majority in three governorates, to reject an undesired draft constitution. The compromise to see Islam only as one source of legal inspiration could save the Kurds from becoming subjects of a new and feared

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form of domination, this time by the Shi'a majority using Islam as a new tool in the political game. The minority rights specified in the TAL would strengthen the democratic experience in Kurdistan because it will put Kurdistan on higher standards regarding minority rights and protections, thereby also making possible to demand protection for Kurds who live outside the Kurdistan region, such as in Baghdad and other areas. The language rights guaranteed by the TAL will for the first time strengthen the Kurds in a federal Iraq, both by making Kurdish a second official language and providing for Kurdish to be used extensively in the Kurdistan Region. Despite all its short-comings, the TAL has provided a provided necessary condition for Iraq to develop a plurinational, religiously tolerant and democratic federation. This desired and hopeful outcome can hardly be achieved easily without meeting many favourable and necessary conditions.

3. Though there are reasons to hope that the promises made in the TAL mentioned above other issue would strengthen a voluntary federal Iraq if the question of Kirkuk and other Arabised areas can be solved in a peaceful way, if Kurdistan's taxing capacities can finance expected well-fare programmes, if the electoral system is based on proportional representation in which the Kurds will gain their share of posts and positions, if shared commerce power is beneficial for Kurdistan region, if the presidential council or the prime minister post is allocated to a Kurdish representative, if the interim government from 1 July 2004 to 31 January 2005 manage to set up appropriate mechanisms and a processes for the election of the National Assembly, etc.
4. Despite these positive elements in the emerging political development in Iraq toward a voluntary federation, the TAL warrant several reservations. Conflicts regarding natural resources might arise in due time because of the unclear language in the TAL. To create a meaningful federal system, the question of the second chamber (for regional representation) is not mentioned at all. It has to be solved in ways accepted by the main constituent peoples of the country. This

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might lead to deadlocks during the negotiations for a permanent constitution. The question of Kurdish representation in the presidential council and the council of ministries, including the position of the prime minister, might lead to tension between the Kurds and other groups in a future government if no clear mechanisms are found in time. The KRG might face conflicting interpretations on the question of its authority over border controls in areas under KRG. The final status of Kirkuk might turn out to be much more problematic difficult to solve than anticipated, particularly if outside powers manage to manipulate different groups either to serve outside interests or by undermining ongoing negotiations at sensitive junctures. Playing the majority-game might turn out to be a strong card in the hands of various Shi'a politicians who might turn out to be less popular than they imagined themselves to be. At specific times the majority-game might be used to undermine liberal rights and guarantees, thereby creating confusions in relation to the role of Islam in politics and invite outside powers in order to alter delicate internal power-balances. Other questions might also arise due to unclear arrangements in relation to power-sharing in the federal government. (For a fuller account see (O'Leary, McGarry et al. 2004)

To be sure, this is only the first crucial step in a long and complex process state reconstruction. What has been achieved can be strengthened, deepened and consolidated. For that to be materialised, the Kurds in Iraq in particular and the rest of Iraq in general, need international diplomatic, political and public support. In particular the process needs expert assistance, reconstruction aid, diplomatic recognition and dialogue seminars, conferences, aid programmes and a lot of good will from those who negotiate and from democratic resourceful states, regions and organisations. Individual European Parliaments, governments, European Union institutions and political organisations could actively support the complex process of reconstruction and reconciliation. Many countries in Europe have first hand experience of reconstruction from the Second World War. European Union and NATO's European members have accumulated experience in the same field from missions in Europe and elsewhere. Together they could provide Iraq's

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different peoples and regions with substantial assistance, building of new infrastructures, political dialogue, etc.

The issue should be regarded as moral and normative obligation to assist the peoples of Iraq in the post-Ba'thist era, in a liberation and occupation process that has become more problematic than expected. Even if the coalition forces might not succeed in finding evidences of weapons of mass destruction with which they justified the war to remove Saddam Hussein's regime, even if winning the peace in the post-war era seems to be more difficult than anticipated, no-one should doubt that the peoples of Iraq have been freed from a regime of mass destruction. The peoples of Iraq deserve a better future after decades of deportations, disappearances, mass killings, genocide, wars and sanctions. In order to bring a democratic, parliamentary, plural, tolerant and federal political system, the coming months and years will be vital for Iraq, its peoples, its neighbours, but whose who desire and work to bring about stability of the entire Middle East/West Asia. Success or failure in Iraq will not depend on the peoples of Iraq, but equally on the willingness of the international community of states to assist in time and in relation to the needs arising from the reconstruction of the political system, healing deep wounds of the recent past and bringing the Ba'thist perpetrators who committed those crimes to justice. It will be vital not to allow the democratic experience in Kurdistan to fail, not least for the potential risks that the project voluntary re-integration and democratisation in the rest of Iraq face unprecedented difficulties or will be undermined. Democratic countries and organisations should actively take a moral and normative duty to engage in strengthening Kurdistan while the region still keeps its stability, prosperity and hope for a brighter future. There should be no time to regret that a unique opportunity has been lost while the possibility and needs are so obvious, so dire and demanding.

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Iran: 'systematic discrimination against the Kurds are slowly changing'

In decades the situation of the Kurds in Iran has been very little known to the outside world, partly because of the lack of information on the Kurds there and partly because of the dramatic shifts in Iranian politics since 1979 and the tensions between Iran and the West as well as self-imposed Iranian isolation until 1997 (when Khatami became president).

The major shift in the status of the Kurds in Iran was connected to the imposition of Shi'a Islam as the ideological political system. This transformed the Kurds into a minority in two senses, both a national and religious minority in a political system dominated now by Shi'a Persians. Since 1997 hopes and expectations have been linked to the reformists around president Khatami who might facilitate conditions to achieve some fundamental changes in the Iranian political system. In this process, the Kurds might seize the opportunity to improve their conditions and thereby share some of the fruits of a reformed political system. Many Kurds were prepared to engage in the reform process. During the past years, the Kurds of Iran have been given some administrative responsibility, a limited degree of cultural and language freedom as well as some favourable conditions regarding publication of newspapers, journals and transmission of radio and television. But these remain within the framework of what the authorities permit and understand as to be within drawn boundaries of Islamic politics drawn by the dominant Shi'a Persian elite. Until recently (Parliament election in February 2004) a Kurdish block of legislators in the Iranian Majlis (Parliament) were able to express some Kurdish concerns, but that hasn't changed the overall political orientation of Persian policies of domination vis-à-vis the Kurds (Blua 2003).

In a near future, focusing on human rights, national minority rights and strengthening the rule of law, as well as de-militarising Kurdish provinces would be the most important elements in bringing about pressure on the Iranian government to improve the situation of the Kurds in Iran. EU's strategy could include political dialogue with moderate Kurdish

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political parties, as well as regional and provincial aids in which the Kurdish regions can gain directly. The governor of Kurdistan, Abdollah Ramazanzadeh was positive about Kurdistan's potential, because he believed that Iran's systematic discrimination against the Kurds are slowly changing. He believed that 'in ten years or so, Kurdistan will be not only a happy province, but also a prosperous one' (Economist 2000). Even though the region he referred to is a limited part of what is traditionally known as Kurdistan in Iran, the process of decentralisation and devolution would no doubt benefit the Kurds, in the same way as Iran's attempt to ease its tensions with the European Union, USA and the UN through different security, trade and economic mechanisms, processes and institutional arrangements.

At one level, Iran's social, cultural and linguistic diversities have not been denied publicly. The idea of having a University called Kurdistan, as the University is called in Sanandaj, is still a political heresy in Turkey and Syria. European organisations, Parliaments, political parties and institutions could assist Kurdish school, scientific and cultural projects to improve daily life of ordinary people, either through direct relations with specific groups who run projects or through joint-programmes covering several regions or areas. For the time being, there are no signs of major improvements of the political system that could lead to any re-arrangement in which power-sharing and meaningful representation of peoples of Iran would be hallmark of the country's political system. However, small steps to improve daily life of Kurds and other minorities in Iran are possible and should be supported openly. Iran is a vital country in a volatile region. The potential of its peoples, the natural resources and the country's geographical situation could change the entire region in a positive direction in which the internal reform processes can achieve its goals to re-shape the political system and its direction.

Syria: Pressing for substantial reforms

The small size of the Kurds, the domination of the Alawi minority government for decades, the consolidation of the new president's power, and Syria's involvement in the

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so called Barcelona process should together provide a good opportunity to demand more substantial reforms in Syria. The Kurds are not, and have never been, in a position to press for radical changes of the entire political system alone. The Alawi minority government cannot hope to control the country's population for much longer without fulfilling reform expectations accelerated by official periodical reform talks, removal of Saddam's regime from power in Iraq and several other factors.

The European Union, within the parameters of the EU-Mediterranean Partnership, is well equipped to link trade relations and sector-directed aid programmes to improvements of the human rights situation of the Kurds. EU institutions and governments can press Syrian government and authorities to abolish the military laws and the state of emergency (in place since March 1963), to stop the Arabisation of the Kurds and their region and change the status of the nearly quarter of a million stateless Kurds who have been deprived of citizenship. Demands can also be made to abolish many regulations prohibiting the Kurds from owning land, legal marriages, education in Kurdish and benefiting from public health cares (Rubin 2003). The European Union can also demand establishment of independent and impartial judicial enquiries into clashes and reported human rights violations, such as the ones in mid-March 2004 when Kurds in Syria celebrated the signing of the TAL in Iraq. Equally important is the demand by the European Union, the UN and international human rights organisations to be allowed to investigate reports of human rights violations on the ground. These steps are important for the credibility of the aids given to Syria in the eyes of European citizen. They are also important if long-term peace and stability in the Middle East/West Asia are to be taken seriously and if the desired and official announcements of the European Union to contribute to the improvements of the living conditions in the countries with partnership programmes with the Union to have any credibility.

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