



***Consideration of Kurdish National Autonomy and Self-Determination***

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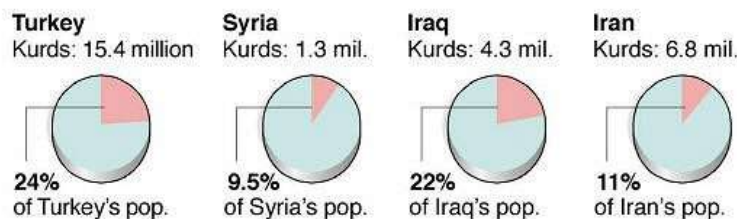
**Introduction**

The Kurds are a people of roughly 28 million, a nation with ancient roots in the region at the junction of Iran, Iraq, Syria and Turkey. This location places the Kurds at the cockpit of much of the worst ethnic strife of recent years. Lacking a sovereign state of their own, the Kurds are dependent on cooperation with their resident countries. With a strong movement for national self-determination, living with their resident states often is difficult, punctuated by rebellions, civil war, harsh repression and terrorism.

A nation without a state, the Kurds are one of several hundred ethnic groups situated awkwardly in the Westphalia world of territorially bounded states. Political boundaries have introduced religious and racial struggles with a people who do not identify with the nations whose boundaries enclose them. Conflicts such as the Syrian civil war, efforts at assimilation by Turkey and genocidal repression by Iraqi under Saddam Hussein, have made the issue of Kurdish identity and autonomy an international concern.

For the United Nations, Kurdish issues are difficult. The international community has a commitment to national self-determination and protection of human rights. It also serves the will of its 193 member states. When those rival priorities come into conflict, everyone involved must struggle to find the best possible outcome.

**Figure 1. Distribution of Kurdish population**



SOURCE: M. R. Izady, *The Kurds: A Concise Handbook*

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### Background

The Arab world has always been a highly cultural and religious area unique to the westernized world. History in these areas date back to the beginning of civilization; and cultural history and ethnicity are extremely valued. While official political boundaries have been drawn, there are some people groups that have been left without official homelands and are subject to the governments in which their lands have been divided into. The Kurds are currently seeking self-identity and self-governance. They have their own unofficial nation and government in which the people recognize their authority, however this conflicts with the boundaries drawn that separate their historical homeland between, Turkey, Iraq, Iran and Syria. In these countries the Kurds have faced assimilation, political suppression, denial of rights and even extermination.

At the end of World War One, the Ottoman Empire was divided, leaving no official homeland for various ethnic nations, and the Kurds in particular. The Treaty of Sèvres offered recognition of a Kurdish territory.<sup>1</sup> However, the treaty was not fully implemented and the Kurdish people never received the independent governance. Conflicting national interests between the four countries with significant Kurdish minorities left the Kurdistan an unfulfilled idea and created enduring trouble for the Kurdish people.

**Figure 2. Proposed Kurdistan and other areas of Kurdish majority**



With the largest Kurdish population and its own adherence to Western values, Turkish policy on Kurdish issues has been especially prominent. The rise of the insurgent PKK (Kurdistan Workers' Party or Partiya Karkerên Kurdistan), a communist-inspired Kurdish independence movement, greatly inflamed relations. War between the Turkish state the PKK began in 1984, killing some 40,000. With the capture in 2009 of the PKK leader Abdullah Öcalan and negotiation of a ceasefire in 2013, tensions have reduced, but the conflict is not over.

<sup>1</sup> 1920 Section III, Article 62



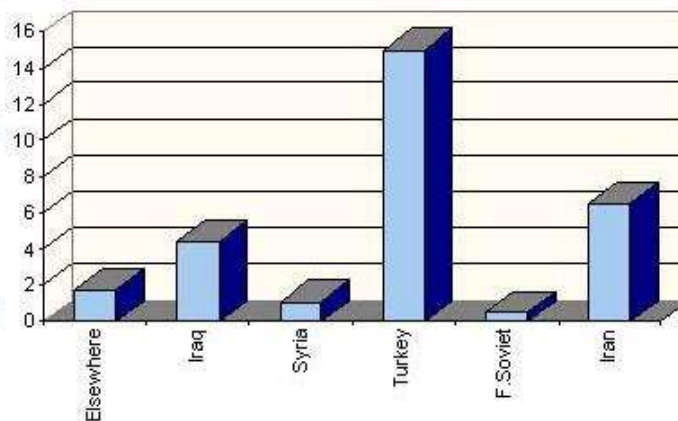
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The Syrian civil war also displaced attention, but the grievances and demands of Turkish Kurds have not been fully resolved.

In Turkey, national policy long stressed assimilation of Kurds into Turkish culture. Turkey's policy emphasized denial of the Kurdish ethnicity, sometimes referring to them as Mountain Turks. Turkey has outlawed traditional Kurdish dress and the language making it difficult to pass down the Kurdish culture through the generations. In 1983 Turkey banned use of Kurdish language, contributing the PKK insurgent campaign that began the next year. The law banned the use in publishing, broadcasting, education etc., of any language other than the primary language recognized by Turkey. This technically illegalized the use of Kurdish. The law was lifted in 1991 during the presidency of Turgut Ozal, who was of Kurdish origin. However, PKK violence heavily intensified during this period, so the same year the law was repealed, the government implemented a very strict counter-terrorism law that criminalized any action that aimed at imposing any change to the Turkish Republic. Since 1999, under pressure from the European Union and domestic Turkish advocates, liberalization has gradually permitted greater Kurdish culture expression.<sup>2</sup> Another reform package is under consideration in Turkey, still very controversial.<sup>3</sup>

Iraq's conflict with the Kurds peaked under the suspicious rule of Saddam Hussein and again immediately after the American invasion of 2003 destroyed Saddam's state. Kurds make up a large minority in Iraq; however they hold the majority in the northern provinces of Iraq which happens to also be rich in oil.<sup>4</sup> In the 1970s, Saddam led a military campaign against Kurdish militias and deported Kurdish people to other parts of Iraq, in an effort to enhance Sunni dominance in the north. During the Iran-Iraq war during the 1980-88s, Iraqi Kurds were accused of collaborating with Iran. Saddam Hussein retaliated against the Kurds by killing civilians and burning villages, most spectacularly the sarin nerve gas attack on the town of Halabja, which caused an estimated 5,000 deaths. Many fled to Iran and Turkey.

**Figure 3. Distribution of Kurdish population**



Source: 1

<sup>2</sup> Washington Post 1999

<sup>3</sup> Alexander Christie-Miller, "Turkey: Reform Package Gets Tepid Reception", *Eurasianet.org*, 1 October 2013. <http://www.eurasianet.org/node/67570>

<sup>4</sup> Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds 2008

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Another cycle of uprising and counterattacks, after Saddam's defeat in February 1991, transformed international attitudes. Normally reticent about engaging in domestic affairs of sovereign member states, the UN finally took action in April 1991 by officially condemning the violence against civilians, with UN Security Council resolution 688. The UN Security Council demanded aid to be brought in to the region and established the northern no-fly zone to create a safe haven for the Iraqi Kurds.

The Syrian Kurds faced similar assimilation challenges, however in Syria, no political parties were allowed to form. Just like in Turkey, the Kurdish language was banned and children made to take Arabic names. Additionally until 2011, Kurds were even denied nationality and citizenship within Syria, effectively denying them of social rights.<sup>5</sup>

Iran has a reputation for the most tolerant policies toward its Kurdish minority, based on cultural ties between the majority Persian Iranians and Kurds. Kurds have played an integral part in Iranian politics and Iranian Kurds seem least interested in a Kurdish national state.

### **Current situation**

The Syrian civil war, which began in March 2011, led to an unprecedented exodus of international refugees, including hundreds of thousands of Kurds fleeing to Turkey and northern Iraq.<sup>6</sup> This massive movement presents a problem for Iraq and Turkey. The problem is especially acute for Iraq, where Kurdish-Sunni-Shi'ite sectarian warfare never fully ended after the American withdrawal in December 2011. The civil war has increased Kurdish arming and development of Kurdish militias.

Those who have managed to remain in Syria are gaining increasing control of their territory, reducing the influence of the Alawite-dominated government of Bashar al Assad in the east of the country. Fawzia Yusuf, a Kurdish politician spoke for many Kurds when he said "Our main goal will be to unify Kurdish opinion. The second goal is to form a Kurdish national organization to take charge of diplomacy with the rest of the world. And the third goal is to make decisions on a set of common principles for all the Kurdish people."<sup>7</sup>

A prominent effort to unify and organize Kurdish opinion is the organization of a Kurdistan National Conference. Long proposed, major Kurdish political parties are hesitant, worried about antagonizing regional governments. On 4 September 2013, the conference was postponed and rescheduled for 25 November 2013.<sup>8</sup> The conference might help unify the Kurdish people from all four countries. Taking this step towards unity could ultimately be the starting point towards the unified nation that the Kurds have dreamt of for decades. But disagreements between Kurdish factions make this difficult. Parties are concerned with over representation by some parties while others are insisting on better representation to account for their influence across the region, or even representation overall.<sup>9</sup>

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<sup>5</sup> CNN Wire Staff 2011

<sup>6</sup> Chulov 2013

<sup>7</sup> Jaboori 2013

<sup>8</sup> Rudaw 2013

<sup>9</sup> Chomani 2013, KÜÇÜK 2013



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#### **Role of the United Nations**

The UN Charter, subsequent international treaties, and traditions of the General Assembly come into tension regarding Kurdish issues. The principle of non-interference in the domestic affairs of sovereign states points in a clear direction. The principle of national self-determination is another. And the goal of protecting human rights is yet another. Kurdish advocates stress Chapter 11, Article 73, of the UN Charter, whereby the UN will support and assist territories seeking to develop self-government.<sup>10</sup> They note the northern Iraqi Kurdish-controlled territory is effectively self-governed and autonomous, although it falls short of complete independence from Iraq. Efforts to create a Kurdistan National Conference could affect this balance.

Finally in its role helping to strengthen peace, safety and security, the UN may be expected to address regional insurgency and terrorism, including actions of the PKK. Unlike other Kurdish political parties, the PKK has a history of offensive violent struggle, especially in Turkey. In March 2013, UN Secretary-General Ban Ki-moon acknowledged the call by the PKK for a ceasefire in Turkey while also affirming that “The United Nations stands prepared to support the people of Turkey in this important process.”<sup>11</sup> The current role the UN mostly is an encouraging observer, supporting humanitarian aid and peace within the countries of the region.

#### **Landmark UN resolutions**

The most prominent resolution to be considered in this debate would be UN Security Council resolution 688.<sup>12</sup> The resolution, a response to Saddam Hussein’s military repression of Shi’ite and Kurdish uprisings after the 1990-91 Gulf War, acknowledges the human rights of Kurds living in Iraq’s “Kurdish populated areas”. Reflecting the official policy of Iran and Turkey, and their allies in the Security Council—especially China, Russia and the United States—the resolution does not recognize Kurdish territorial claims or a right to self-determination. Instead, the resolution emphasizes the role of the UN in all humanitarian emergencies, regardless of national government policy, as established in the UN Charter under Article 2, paragraph 7.<sup>13</sup>

More generally, the United Nations has a long tradition of supporting national self-determination. Self-determination usually is understood to refer to people’s fighting colonialism, principally American, British, French, Portuguese and Spanish rule of colonies after World War Two. The Non-Aligned Movement (NAM) has not sought enforcement of decolonization when it affects the territorial sovereignty of its own members, including Iran, Iraq and Syria.

More relevant perhaps are the precedents in the UN for recognizing other separatist projects. Major related issues concern the future of international recognition of Kosovo, part of the former

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<sup>10</sup> The Charter of the United Nations n.d. art. 74 para. b

<sup>11</sup> Ki-moon 2013

<sup>12</sup> “United Nations Security Council resolution 688”,

[http://en.wikipedia.org/wiki/United\\_Nations\\_Security\\_Council\\_Resolution\\_688](http://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_688)

<sup>13</sup> UNSC resolution 688 (1991): <http://www.fas.org/news/un/iraq/sres/sres0688.htm>

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Yugoslavia that declared independence from Serbia in 2008. Although widely accepted internally, Kosovo independence is not recognized by many countries with separatist problems of their own, including Hungary, India, Pakistan, Romania, Spain, and all countries with major Kurdish minorities.

### **Country positions**

*Arab League* – members of the Arab League try to avoid internationalization of Kurdish issues, which they believe are best resolved between the governments of the region by themselves. They deny any connection between the future of Kurdish issues and Palestinian self-rule.

*China* – Decolonization and sovereignty are key concerns for China. The People's Republic of China mission to the UN believes highly in the possibility of a peaceful resolution to the Israel-Palestine conflict that will end in an Independent Palestinian State. Furthermore the Chinese government affirms their consistent support for people of Non-Self Governing territories to attain self-Government. Chinese spokesmen usually avoid addressing Kurdish issues directly, worried about separatist precedents in China, which has its own restive minorities. China tends to talk about principles rather than issues.

*European Union* – In Brussels (home of the headquarters of the European Union) and many member governments, Kurdish issues are viewed through the lens of relations with Turkey. Turkey is a candidate for EU membership, although the process is not advancing quickly. Concern for Human Rights is an essential issue that must be considered and resolved in order for the EU to consider Turkey's application for membership. Counterterrorism is another important issue for the EU and its members, with obvious implications for Turkish-Kurdish affairs.

*France* – Human rights is an especially important issue in French policy, as for many countries of Africa, Europe and Latin America. Unlike many other powerful states, France is not afraid to move the Kurdish issue to the United Nations, since "France wants the UN to be the centre of global governance."

*Iran* – Tehran watches its neighbors, hoping to limit Kurdish activism. Should Turkey peacefully solve their own Kurdish problem, they could finally have the trigger for the revolution in Iran's Kurds to assert themselves as well.

*Iraq* – The Iraqi constitution allow the country's Kurds near-compete autonomy and self-rule. Current conflicts in Iraq revolve around the economic agreements for all of Iraq to share in the profits of oil produced in the Northern Iraqi-Kurdistan territory. Complete independence would threaten the future of the Iraqi state, and risks civil war.

*Russia* – Is very cautious on Kurdish issues, reflecting its preoccupation with separatist groups still fighting in its southern province of Chechnya and elsewhere in the Caucasus.



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*Syria* – With its significant Kurdish minority, the Syrian government has been very strict and repressive. It is willing to accept Kurdish activism in neighboring countries, especially Iraq and Turkey, and has welcomed Kurdish separatists—including the PKK—if they posed no threat to

Syrian authority. Currently the Syrian civil war has forced several hundred thousand Kurds to flee to Iran, Iraq and Turkey.

*Turkey* – Turkey opposes creation of a National Kurdish state. Its politics stress active combat of terrorist threats created by the PKK. Another area of concern for Turkey is refugees from Syria, many from Kurdish dominated regions, adding to the number of Kurds in Turkey who could join the resistance. The Turkish government is reducing historic limitations on Kurdish rights, including allowing greater freedom to speak and write in the Kurdish language. But Kurdish self-rule is aggressively opposed.

*United States* – Kurdish issues are difficult for Americans, who naturally support national self-determination, but also support allies like Turkey and hold responsibility for the integrity of the new Iraqi state.

#### **Options for action**

Debate on the future of Kurdish territory raises difficulty and controversy in the UN system. Several countries can be expected to vigorously oppose consideration of the issue, led by those with major Kurdish minorities (Iran, Iraq, Syria and Turkey). Others strongly support rights of self-determination, including recently independent countries elsewhere. Kurdish organizations have strong presences in several European countries and the United States, which they sue to create pressure for action.

The international community may agree to extend principles of national self-determination to Kurdish people, including an invitation to apply for UN membership. Or it may act less ambitiously, to establish Kurdish observer status in the UN system, as it has with Palestine. Both proposals would have to overcome vigorous opposition from countries with Kurdish minorities and others worried about separatist precedents.

Less controversial would be measures to extend the UN presence in Kurdish regions, including new offices for organizations like the United Nations Development Program (UNDP) to promote educational, health, economic and commercial development, without affecting regional political arrangements. The UN also can establish regional early warning centers or observatories to insure monitoring of the human rights situation and insure widespread early notification of problems and catastrophes.

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