



CRS Report for Congress

The Kurds in Post-Saddam Iraq

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Summary

The Kurdish-inhabited region of northern Iraq is relatively peaceful and prospering economically, but the Iraqi Kurds' political autonomy and political strength in post-Saddam Iraq is causing backlash in Arab Iraq, Turkey, and Iran. The Iraqi Kurds' ties to the United States and the U.S. drive to stabilize Iraq are increasingly less likely to help the Kurds to parry these challenges. This report will be updated. Also see CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

Pre-War Background

The Kurds, a mountain-dwelling Indo-European people, comprise the fourth largest ethnic group in the Middle East, but they have never obtained statehood. An initial peace settlement after World War I held out hopes of Kurdish independence, but under a subsequent treaty they were given minority status in their respective countries — Turkey, Iran, Iraq, and Syria — with smaller enclaves elsewhere in the region. (See dark gray area of map). Kurds now number between 20 and 25 million, with an estimated 4 to 4.5 million in Iraq, roughly 15 to 20 percent of the Iraqi population. Most Kurds are Sunni Muslims and their language is akin to Persian. To varying degrees, Kurds have been persecuted in their countries. Some Kurds would settle for autonomy, while others want independence. Iraq's Kurds have had more national rights than have those in any other host country. Successive Iraqi governments allowed limited use of the Kurdish language in elementary education (1931), recognized a Kurdish nationality (1958), and implemented limited autonomy for the Kurdish areas (1974). For the three decades that preceded the U.S.-led expulsion of Iraqi forces from Kuwait in 1991, an intermittent insurgency by Iraqi Kurdish militia (“*peshmerga*”) faced increasing suppression, particularly by Saddam Hussein's regime.

Kurdish dissidence in Iraq was initially led by the Barzani clan, headed by the late storied chieftain Mulla Mustafa Barzani, who founded the Kurdish Democratic Party (KDP) after World War II. He rejected the Iraqi government's Kurdish autonomy plan

in 1974,¹ but his renewed Kurdish revolt collapsed in 1975 when Iran, then led by the Shah, stopped supporting it under a U.S.-supported “Algiers Accord” with Iraq. Barzani, granted asylum in the United States, died in 1979, and leadership of his party passed to his son Masoud. Some years earlier, a younger, more urban and left-leaning group under Jalal Talabani emerged; it broke with Barzani in 1964 and, in 1975, became the rival Patriotic Union of Kurdistan (PUK). Talabani is married to Hero Ibrahim Ahmad, daughter of Ibrahim Ahmad, a founder of the KDP; she was unhurt in a May 4, 2008 bombing of her motorcade in Baghdad. The KDP and the PUK remain dominant in the Iraqi Kurdish movement; their differences have centered on leadership, control over revenue, and the degree to which to accommodate Baghdad. The KDP, generally more tribal and traditional, is strongest in the mountainous northern Kurdish areas, bordering Turkey. The PUK predominates in southern Kurdish areas, bordering Iran.

During the first few years of the 1980-1988 Iraq-Iran war, the Iraqi government tried to accommodate the Kurds in order to focus on the war against Iran. In 1984, the PUK agreed to cooperate with Baghdad, but the KDP remained opposed. During 1987-1989, the height of the Iran-Iraq war and its immediate aftermath, Iraq tried to set up a “cordon sanitaire” along the border with Iran, and it reportedly forced resettlement of Kurds outside their area in a so-called “Anfal (Spoils) campaign,” which some organizations, including Human Rights Watch, say killed as many as 100,000 Kurds. Iraqi forces launched at least two lethal gas attacks against Kurdish targets in 1988, including at the town of Halabja (March 16, 1988, about 5,000 killed). Iraqis justified the chemical attacks as responses to Iranian incursions in the area at that time.

In 1991, the allied campaign against Iraq following its invasion of Kuwait paved the way for the Kurds to carve out substantial autonomy. After Iraqi forces suppressed an initial post-war Kurdish uprising, U.S. and allied forces in mid-1991 instituted a “no-fly zone” over the Kurdish areas, enabling the Kurds to establish their autonomous zone. Later in 1991, Kurdish leaders joined the Iraqi National Congress (INC), a U.S.-backed opposition group, and allowed it a presence in Iraqi Kurdish territory from which to operate against Baghdad in the 1990s. The Iraqi Kurds set up an administration in their enclave and held elections for a 105-member provisional parliament in 1992. The KDP and the PUK each gained 50 seats; another five went to Christian groups. No candidate received a clear majority in the concurrent presidential election, and the two main factions agreed to joint rule. On October 2, 1992, the Kurdish parliament called for “the creation of a Federated State of Kurdistan in the liberated part of the country,” adding that this would not undermine Iraq’s territorial integrity of Iraq. Iraq’s Arab leaders feared that Kurdish demands for a federation masked a quest for full independence; neighboring states with large Kurdish populations (Turkey, Iran, and Syria) shared this concern.

In early 1994, the uneasy power-sharing arrangement between the KDP and PUK collapsed, and armed clashes broke out over territorial control and sharing of joint revenues. The nadir in PUK-KDP relations occurred in mid-1996, when the KDP briefly sought help from Saddam’s regime in seizing Irbil, the seat of the regional Kurdish government, which the PUK had captured in 1994. The Kurdish regional authority effectively split into KDP and PUK entities. However, the United States, supported by

¹ The government’s so-called Law of Self-Rule (No. 33 of 1974) provided for limited governing institutions in some Kurdish regions but failed to garner widespread Kurdish support.

Britain and Turkey, spearheaded negotiations that culminated in a September 1998, Washington, D.C. meeting at which Barzani and Talabani agreed to the so-called “Washington Declaration.” This was endorsed at the first session of a reconvened Kurdish parliament on October 5, 2002, by which time the Kurds, along with other Iraqi opposition groups, were beginning to prepare for the likelihood that the Bush Administration would overthrow Saddam Hussein militarily. In February 2003, opposition groups met in Kurdish-controlled territory in northern Iraq to form a “transition preparation committee,” although these groups were disappointed by a subsequent U.S. decision to set up an occupation authority to govern Iraq after the fall of the regime, rather than immediately turn over governance to Iraqis.

The Immediate Post-Saddam Period

Northern Iraq remained stable during the major combat phase of Operation Iraqi Freedom (OIF), the U.S.-led war that toppled Saddam Hussein’s regime by April 9, 2003. After the regime fell, the Kurds, set to enter national politics on an equal footing with Iraq’s Arabs for the first time, accepted a U.S.-led occupation administration (Coalition Provisional Authority, CPA) by participating in a non-sovereign advisory council called the “Iraq Governing Council (IGC)” appointed in July 2003. On the IGC were Barzani, Talabani, and three independent Kurds. In the transition government that assumed sovereignty from the CPA on June 28, 2004, a top Barzani aide, Hoshiyar Zebari, formally became Foreign Minister. This government operated under a March 8, 2004 “Transitional Administrative Law” (TAL) — a provisional constitution that laid out a political transition process and citizens’ rights. Over the objections of Iraq’s Shiite Muslim leaders, the Kurds succeeded in inserting a provision into the TAL that allowed citizens of any three provinces to vote down, by a two-thirds majority, a permanent constitution that was put to a public referendum by October 15, 2005. The Kurds constitute an overwhelming majority in Dohuk, Irbil, and Sulaymaniyah provinces, assuring them of veto power in that referendum. The Kurds maintained their autonomous “Kurdistan Regional Government” (KRG), with the power to alter the application, in the Kurdish areas, of some Iraqi laws. Another provision allowed the Kurds’ militia, the *peshmerga* (literally, “those who face death”), which number about 75,000, to legally continue to operate. The TAL did not give the Kurds control of the city of Kirkuk, the capital of Tamim province,² instead setting up a compensation process for Kurds expelled from Kirkuk by Saddam’s regime.

Current Major Issues

There are several major interrelated issues of concern to the Kurds, some of which were, as in the TAL, addressed to the benefit of the Kurds in the permanent constitution, which the Kurds supported overwhelmingly in the October 15, 2005 referendum. The constitution was adopted over Iraqi Sunni Arab opposition. The constitution and post-Saddam politics have given the Iraqi Kurds substantial political strength to the point where Iraq’s neighbors, and Iraq’s Arab leaders, both Sunni and Shiite, now see the Iraqi Kurds as a potential threat.

² The text of the TAL can be obtained from the CPA website: [<http://cpa-iraq.org/government/TAL.html>].

Participation in the Central Government. Although striving for maximum autonomy, the Kurds view participation in the post-Saddam central government as enhancing key Kurdish interests. The KDP and PUK competed jointly as a “Kurdistan Alliance” for the two major parliamentary elections in 2005. In the January 30, 2005, national elections, the Alliance won about 26% of the vote, earning 75 National Assembly seats out of 275; and it won 82 seats in the 111-seat Kurdish regional assembly. On that strength, the main Kurdish parties engineered Talabani’s selection as President of Iraq. Opting to solidify his political base in the Kurdish region rather than participate in national politics, Barzani, on June 12, 2005, was named “President of Kurdistan” by the Kurdish regional assembly. The Alliance showing in the December 2005 elections for a full term government was not as strong (53 seats), largely because Sunni Arabs participated. Nonetheless, Talabani remained President; Zebari stayed Foreign Minister, and a top Talabani aide, Barham Salih (who was “Prime Minister” of the Kurdish region before Saddam’s ouster) became deputy Prime Minister for security issues. Still aligned with Prime Minister Maliki and his Shiite ally, the Islamic Supreme Council of Iraq (ISCI), in December 2007, Barzani, Talabani, and the most senior Sunni leader, deputy President Tariq al-Hashimi, signed a “Letter of Common Understanding” committing to political reconciliation and a joint vision of a unified, democratic Iraq. The Kurds also reaffirmed their support for Maliki following his decision to confront Shiite militias loyal to Moqtada al Sadr in Basra in March 2008, which the Kurds said demonstrated Maliki’s commitment to combat outlaw elements, even if they are Shiites.

At the same time, the Kurds continue to develop their regional government. The “prime minister” of the KRG is Masoud Barzani’s 46 year old nephew, Nechirvan, son of the Kurdish guerrilla commander Idris who was killed in battle against Iraqi forces in 1987. As part of a power-sharing arrangement between the KDP and PUK, Nechirvan was slated to be replaced in early 2008 by a PUK official (Kosrat Rasoul), but the KDP and PUK agreed to extend Nechirvan’s term – in part because the Kirkuk issue (see below) remains unsettled and in part because of Rasoul’s health. The *peshmerga*, as the most pro-U.S. force in Iraq, primarily remain in Kurdish areas to ensure that the insurgency in Arab Iraq does not enter the north. However, some *peshmerga* and other Kurds have joined coalition-trained national Iraqi Security Forces (ISF), serving primarily in northern cities such as Mosul and Tal Affar. Some *peshmerga*-dominated ISF units served in the 2007 “Baghdad security plan” that accompanied the U.S. “troop surge.” On May 30, 2007, formal security control over the three KRG provinces were handed from the U.S.-led coalition in Iraq to ISF units composed mostly of Kurds and *peshmerga* fighters. The Kurds reportedly want the salaries of the *peshmerga* to be paid out of national revenues, but the government of Prime Minister Nuri al-Maliki did not agree to that in the 2008 budget adopted February 13, 2008. That budget maintains the agreed revenue share for the KRG region at 17% of total revenue, despite Iraqi Arab attempts to cut the allocation to 13%, although the Kurds agreed to abide by a revenue share determined by a census that is to be held. The national budget also allocates about \$2 billion in capital investment in the KRG areas.

Autonomy and Independence. The constitution³ not only retained substantial Kurdish autonomy but also included the Kurds insistence on “federalism” — de-facto or

³ The text of the constitution is at [<http://washingtonpost.com/wp-dyn/content/article/2005/10/12/ar2005101201450.htm>].

formal creation of “regions,” each with its own regional government. The constitution recognizes the three Kurdish provinces of Dohuk, Irbil, and Sulaymaniyah as a legal “region” (Article 113) with the power to amend the application of national law on issues not specifically under national government purview; to maintain internal security forces; and to establish embassies abroad (Article 117). Arabic and Kurdish are official languages (Article 4). Kurdish leaders — possibly at odds with mainstream Kurdish opinion — have said that, for now, they would not push for independence. Until 2007, the Iraqi Kurdish leadership stance on independence had eased Turkish concerns to the point where Turkey was allowing Turkish companies to become the major investors in the Iraqi Kurdish region, helping create prosperity unknown in Arab Iraq to date. In September 2007, the Senate endorsed the federalism concept for Iraq in an amendment to the FY2008 defense authorization bill (P.L. 110-181), a provision in the final law.

Kirkuk. The Iraqi Kurds fervently believe that Kirkuk and surrounding Tamim Province should be “Kurdish” – reversing the alleged Saddam policy of displacing Kurds there in favor of Arabs – and must be incorporated into the territory administered by the KRG. The Kurdish leaders consider this an “existential issue” that, if not implemented, could cause them to pull out of the national government. At Kurdish insistence, the constitution provided for a process of resettling Kurds displaced from Kirkuk and the holding of a referendum, to be conducted by December 31, 2007 (Article 140), to determine whether its citizens want to formally join the Kurdistan region. Still, the Bush Administration sought to persuade the Kurds to accept a delay of the referendum at least until Iraq’s overall security situation has stabilized; that effort bore fruit in December 2007 when the Kurdistan National Assembly voted, although reportedly grudgingly, to accept a proposal by the U.N. Assistance Mission-Iraq (UNAMI) to delay the referendum for six months (by June 30, 2008). The delay is in line with Recommendation 30 of the Iraq Study Group report, issued December 6, 2006. U.S. officials say that the Kurds have softened their insistence on a referendum and are instead focused on integrating some Kurdish cities, including Khanaqin and Sinjar, into the KRG. As anticipated by analysts, the Kurds are trying to strengthen their position by settling Kurds in Kirkuk and attempting to expel the city’s Arabs (both Sunni and Shiite) and Turkomans. In late 2007, there were increasing numbers of violent incidents there, even as violence in other parts of Iraq was diminishing as a result of the 2007 U.S. “troop surge.”

The Kirkuk issue is also considered “existential” by Turkey, which fears that affiliation of Kirkuk to the KRG would give the Kurds enough economic strength to support a drive for independence. Kirkuk purportedly sits on 10% of Iraq’s overall proven oil reserves of about 112 billion barrels. In addition, there is a substantial Turkoman minority in Kirkuk who also claim a say about the city. Iraqi Kurdish leaders assert that the ongoing crisis with Turkey is about Kirkuk and the overall Kurdish independence issue than it is about the Turkish Kurdish opposition issue discussed below.

Control Over Oil Resources/Oil Laws. Control over oil revenues is emerging as perhaps the most hotly debated issue between the Baghdad government and the KRG. Revenue earned from oil fields in the Kurdish region are deposited into the national treasury but the Kurds want to keep control of revenues (or at least be guaranteed their fair share of revenues) from new discoveries in the KRG region. The Kurds currently keep revenues earned from customs duties from trade across Kurdish-controlled borders. Iraq’s cabinet approved a draft version of a national hydrocarbon framework law in

February 2007, but Kurdish officials withdrew support from a revised version passed by the Iraqi cabinet in July 2007 on the grounds that it, and related implementing laws, would centralize control over oil development and administration. A related draft revenue law would empower the federal government to collect oil and gas revenue, and reserve 17% of oil revenues for the KRG. To protect its control over oil in the KRG region, the KRG passed its own oil law in August 2007 and signed development agreements with foreign partners. Iraq's Oil Minister has called the Kurdish deals and the KRG oil law "illegal." To date, the KRG has signed development deals with a small Turkish firm Genel, U.S.-based Hunt Oil, UAE-based Dana Gas, Britain's BP, DNA Asa (Norway), OMV of Austria, and SK of South Korea. In response, Baghdad implemented a threat to cut off oil sales to investors in the northern energy fields by cutting off oil sales to SK (75,000 barrels per day imported) and OMV (10,000 barrels per day).

Safehaven for Other Kurdish Opposition Fighters. Turkey accuses the Iraqi Kurds of providing safehaven to the Turkish Kurdish opposition Kurdistan Workers' Party (PKK); the accusation is leveled particularly at the KDP, whose strongholds border Turkey and from where PKK fighters operate. The PKK is named foreign terrorist organization (FTO) by the United States. The KRG has, at times, such as the mid 1990s, fought the PKK, but many Iraqi Kurds view them as brethren and support the PKK struggle against Turkey. In June 2007, Turkey moved about 100,000 forces to the border after Barzani warned that Iraq's Kurds could conduct attacks in Turkey's Kurdish cities if Turkey were to invade northern Iraq. During September-October 2007 when PKK guerrillas killed about 40 Turkish soldiers and captured eight (later released). Facing continuing losses, on October 17, 2007 the Turkish government obtained Turkish parliamentary approval for a major incursion into northern Iraq against the PKK — an action that brought stepped up U.S. diplomacy to head off a threat to the most stable region of Iraq to date. U.S. officials reportedly set up a center in Ankara to share intelligence with Turkey on PKK locations. U.S. support for the Turkish position on the PKK has apparently succeeded in causing Turkey to limit its intervention to continue air strikes and small incursions rather than a major ground offensive into northern Iraq.

A related dispute, which appears to align Iran and Turkey, is Iran's shelling of border towns in northern Iraq that Iran says are the sites where the Party for a Free Life in Kurdistan (PJAK), an Iranian Kurdish separatist group, is staging incursions into Iran.

