



CRS Report for Congress

The Kurds in Post-Saddam Iraq

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Summary

The Kurdish-inhabited region of northern Iraq has been relatively peaceful and prosperous since the fall of Saddam Hussein. However, the Iraqi Kurds' political autonomy, demands, and ambitions are causing friction with Christian and other minorities in the north, with Arab leaders of Iraq, and with neighboring Turkey, and Iran. These tensions threaten to undermine the stability achieved throughout Iraq in 2008, although U.S. political influence over the Kurds is likely to prevent a destabilizing escalation of the disputes. 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. The World War I peace settlement raised 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 are Sunni Muslims and their language is akin to Persian. Kurds have had more national rights in Iraq than in any other host country; successive Iraqi governments allowed some Kurdish language use in elementary education (1931), recognized a Kurdish nationality (1958), and implemented limited Kurdish autonomy (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 Baghdad's Kurdish autonomy plan in 1974,¹ but his renewed 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 KDP leadership passed to his son, Masoud. 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). The KDP and the PUK remain dominant among Iraqi Kurds; their differences have centered on leadership, control over revenue, and the degree to which to accommodate Baghdad. The KDP, generally traditional, is strong in the tribal, mountainous northern Kurdish areas, bordering Turkey, whereas the PUK is strong 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 persuade them not to assist Tehran. In 1984, the PUK agreed to cease fighting Baghdad, but the KDP remained in rebellion. 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 Kurds to leave 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). Iraq claimed the chemical attacks were responses to Iranian incursions.

During the 1990s, U.S.-led containment of Iraq following the invasion of Kuwait paved the way for substantial Kurdish 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, protecting the Kurds from Iraqi forces. Later in 1991, Kurdish leaders joined the Iraqi National Congress (INC), a U.S.-backed opposition group, and allowed it to operate from Iraqi Kurdish territory. 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 (most of Iraq's 900,000 person Christian community resides in northern Iraq or in Baghdad). Without a clear winner in the concurrent presidential election, 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." This statement added that the Kurds remained committed to Iraq's territorial integrity, but Iraq's Arab leaders feared that the Kurds would drive for full independence; a concern shared by neighboring states with large Kurdish populations (Turkey, Iran, and Syria).

In early 1994, the uneasy KDP-PUK power-sharing collapsed into armed clashes over territorial control and joint revenues. The nadir in PUK-KDP relations occurred in mid-1996, when the KDP enlisted Saddam's regime to help it seize 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 spearheaded negotiations that culminated in a September 1998 "Washington Declaration" between the two parties. It was endorsed when the Kurdish parliament reconvened on October 5, 2002, by which time the Kurds and other oppositionists were

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.

preparing for a likely Bush Administration war to overthrow Saddam Hussein. In February 2003, opposition groups met in Kurdish-controlled territory to prepare for post-Saddam Iraq, but these groups were disappointed by a U.S. decision to set up a post-Saddam occupation authority rather than immediately turn over governance to Iraqis.

Immediate Post-Saddam Period

There was virtually no combat in northern Iraq during Operation Iraqi Freedom (OIF), the U.S.-led war that toppled Saddam Hussein's regime by April 9, 2003. The Kurds entered post-Saddam national politics on an equal footing with Iraq's Arabs for the first time ever, by participating in a U.S.-led occupation administration (Coalition Provisional Authority, CPA). Holding several seats on an advisory "Iraq Governing Council (IGC)," appointed in July 2003, were Barzani, Talabani, and three independent Kurds. In the transition government that assumed sovereignty on June 28, 2004, a top Barzani aide, Hoshiyar Zebari, formally became Foreign Minister (over the objection of many Arab Iraqi figures). This government operated under a March 8, 2004 "Transitional Administrative Law" (TAL) — a provisional constitution that laid out a political transition process and preserved the Kurds's autonomous "Kurdistan Regional Government" (KRG), with the power to alter the application of some national laws. Another TAL provision allowed the Kurds to continue to field their militia, the *peshmerga* ("those who face death"), numbering about 75,000. The TAL did not give the Kurds control of Kirkuk (Tamim province),² instead setting up a process to resettle Kurds expelled from Kirkuk by Saddam. Despite opposition from Iraq's Arab leaders, the Kurds succeeded in inserting a provision into the TAL that allowed any three provinces to vote down, by a two-thirds majority, a permanent constitution. The Kurds constitute a majority in Dohuk, Irbil, and Sulaymaniyah provinces, assuring them of veto power, although they supported the constitution in the October 15, 2005 referendum because the constitution, as discussed below, met most of their most significant demands.

Current Major Issues

The constitution and post-Saddam politics – coupled with the Kurdish leaders' close relations with the United States – have given the Kurds political strength to the point where Iraqi minorities in the north, Iraq's neighbors, and Iraq's Arab leaders perceive the Kurds as asserting excessive demands and potentially setting back national political reconciliation. The Bush Administration has sought to acknowledge the Kurds' cooperation with U.S. policy while curbing the Kurds' demands enough to mollify the Kurds' opponents and prevent any explosion of violence in the north.

Participation in the Central Government. The Kurds generally view participation in post-Saddam politics in Baghdad as enhancing Kurdish interests, the PUK the more so. The KDP and PUK allied in the two national parliamentary elections in 2005. In the January 30, 2005, elections, their 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, Talabani became President of Iraq. Opting to solidify his base in the Kurdish region, on June 12, 2005, the Kurdish regional

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

assembly named Barzani “President of Kurdistan.” The Alliance showing in the December 2005 elections for a full term government was not as strong (53 seats), largely because Sunni Arabs participated in the elections. In the four year government then selected, Talabani remained President; Zebari stayed Foreign Minister, and a top Talabani aide, Barham Salih (“Prime Minister” of the Kurdish region before Saddam’s ouster) became one of two deputy prime ministers. The Kurds have been generally aligned politically with the mainstream Shiite Islamist parties of Prime Minister Nuri Maliki (Da’wa Party) and his ally, the Islamic Supreme Council of Iraq (ISCI), led by Abd al-Aziz al-Hakim. The Kurds supported Maliki’s decision to confront Shiite militias loyal to radical young cleric Moqtada al Sadr in Basra in March 2008, which the Kurds said demonstrated Maliki’s increasing even-handedness.

At the same time, the Kurds continue to develop their regional government. The “prime minister” of the KRG is Masoud Barzani’s 49 year old nephew, Nechirvan, son of the Kurdish guerrilla commander Idris, who was killed in battle against Iraqi forces in 1987. Nechirvan was slated to be replaced in early 2008 by a PUK official (Kosrat Rasoul), but the parties agreed to extend Nechirvan’s term – in part because of Rasoul’s health. The *peshmerga* primarily remain in Kurdish areas to protect Kurdish inhabitants there, but some have joined the Iraqi Security Forces (ISF) and have served mostly in Arab northern cities such as Mosul and Tal Affar but also in Sunni areas, in the Baghdad “troop surge,” and in the March 2008 crackdown on Shiite militias in Basra. On May 30, 2007, formal security control over the three KRG provinces were handed from the U.S.-led coalition in Iraq to mostly Kurdish ISF units. The Kurds want the *peshmerga*’s salaries to be paid out of national revenues – Iraq’s Arab leaders blocked that proposal in the 2008 budget, adopted February 13, 2008, but they did not succeed in efforts to cut the revenue share for the Kurds from 17% of total government revenue to 13%. The Kurds did agree to abide by a revenue share determined by a census that is to be held.

The Independence Question. The constitution³ not only retained substantial Kurdish autonomy but also included the Kurds insistence on “federalism” — de-facto or 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 laws 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). The top Kurdish leaders — possibly at odds with mainstream Kurdish opinion — have said that they would not push for outright independence. This is perhaps because doing so is likely to be vehemently opposed – possibly to the point of armed conflict – by Turkey, Iran, Syria, and Arab Iraq. However, there is concern among these outside parties that younger Kurds who will eventually lead the KRG might ultimately seek independence. In September 2007, the Senate endorsed the federalism concept for Iraq in an amendment to the FY2008 defense authorization bill (P.L. 110-181).

Kirkuk, Disputed Territories, and Minorities in the North. The Kurds’s insistence that Kirkuk/Tamim and that some cities in Diyala and Nineveh provinces historically Kurdish and should be integrated into the KRG is causing significant tensions

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

with Iraq' Arab leaders and with the minorities in the north, particularly the Christians, Turkomans, and Yazidis. The Kirkuk issue is considered "existential" by Turkey, which fears that KRG integration of Kirkuk would propel a Kurdish drive for independence. Kirkuk sits on 10% of Iraq's overall oil reserves of about 112 billion barrels. Turkey also sees itself as protector of the Turkoman minority.

At Kurdish insistence, the constitution provided for a process of resettling Kurds displaced from Kirkuk and the holding of a referendum (by December 31, 2007 – "Article 140 process"), to determine whether its citizens want to formally join the Kurdistan region. The Kurds – reportedly using their intelligence service the *Asayesh* – have been strengthening their position in Kirkuk by pressuring the city's Arabs, both Sunni and Shiite, and Turkomans to leave. The Kurds grudgingly accepted Bush Administration urgings to accede to a delay of the referendum (no date is now set for it), in favor of a temporary compromise under which the U.N. Assistance Mission-Iraq (UNAMI) is conducting analyses of whether or not to integrate some Kurdish-inhabited cities in Diyala and Nineveh provinces into the KRG (including Khanaqin, Sinjar, Makhmour, Akre, Hamdaniya, Tal Afar, Tilkaif, and Shekhan). Throughout August 2008, tensions erupted over the central government's attempt to gain control of Khanaqin, in Diyala Province. Armed clashes were avoided by a U.S. military- brokered compromise under which the *peshmerga* stayed in control of Khanaqin.

The tensions over Kirkuk have already delayed the holding of provincial elections that U.S. officials believe are needed to better integrate Sunni Arabs into the post-Saddam political structure. Talabani vetoed the July 22, 2008 COR-passed law needed to organize the provincial elections, on the grounds that it provided for an equal division of power in Kirkuk (between Kurds, Arabs, and Turkomans) until its status is finally resolved, and for replacement of the *peshmerga* with the ISF in the province. The vote prompted subsequent communal strife in Kirkuk city. The COR and the major blocs did not find a formula acceptable to all sides before the COR adjourned for summer recess on August 6. UNAMI attempted to break the logjam by announcing on August 20, 2008 that it would propose, by late October 2008, a "grand deal" on Kirkuk and other disputed territories, to be ratified by a "yes/no" referendum (thereby fulfilling the Article 140 referendum requirement). A compromise was finally agreed on a revised election law passed on September 24, 2005 (unanimously by 190 COR deputies voting) in which the major Iraqi blocs agreed to defer the Kirkuk issue by not holding any provincial elections in Kirkuk or the KRG provinces when the rest of Iraq votes (by January 31, 2009), and by not mandating an equal interim division of seats in the Kirkuk provincial council. A subsequent election law is to provide for provincial elections in Kirkuk, and the overall Kirkuk dispute is to be put to a COR committee - composed of 2 Kurds, 2 Turkomans, 2 Arabs, and 1 Christian – to report its recommendations by March 31, 2009.

On the other hand, in the process of forging a compromise, a provision was stripped out of the July 2008 draft that would have allotted 13 reserved provincial council seats (spanning six provinces, including Baghdad) for Christians, Yazidis, and the Shabek minority. These minorities, as well as Muslim Arabs in the north, fear that the Kurds are trying to push them out of the area in order to monopolize power in the north and gain control of the disputed territories. Subsequent to the passage of the election law, Christians in Mosul protested the law and began to be subjected to assassinations and other attacks by unknown sources, possibly Al Qaeda in Iraq. About 1,000 Christian families reportedly have fled the province in October 2008.

Control Over Oil Resources/Oil Laws. Control over oil revenues and new exploration is also another hotly debated issue. The Kurds want to ensure they receive their share of revenues from energy production in the KRG region and to manage new energy investment. 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 would centralize control over oil development and administration. In June 2008, Baghdad and the KRG formed a panel to try to achieve compromise on the national framework oil law, and the U.S. Embassy stated in August 2008 that an agreement might be near on a revenue sharing law. An earlier draft of that law would empower the federal government to collect oil and gas revenue, and reserve 17% of oil revenues for the KRG. The KRG region continues to sign development deals with foreign firms under its own oil law adopted in August 2007, which Iraq's Oil Minister has called "illegal." Deals so far are with: Genel (Turkey), Hunt Oil (U.S.), Dana Gas (UAE), BP (Britain), DNO Asa (Norway), OMV (Austria), and SK (South Korea). The Hunt Oil deal attracted controversy because of the firms' leaders' ties to Bush Administration officials and the perception that it contradicted the U.S. commitment to the primacy of the central government. It is not clear whether the Administration tacitly blessed the Hunt deal.

PKK Safehaven. Turkey's fears of Iraqi Kurdish ambitions are exacerbated by the presence of the Turkish Kurdish opposition Kurdistan Workers' Party (PKK) in KRG-controlled territory; the accusation is leveled particularly at the KDP, whose strongholds border Turkey. The PKK is named foreign terrorist organization (FTO) by the United States. In the mid-1990s, Iraqi Kurds fought the PKK, but many Iraqi Kurds support the Turkish Kurdish struggle against Turkey. In June 2007, Turkey moved forces to the border after Barzani warned that Iraq's Kurds could conduct attacks in Turkey's Kurdish cities. On October 17, 2007 the Turkish government obtained parliamentary approval for a major incursion into northern Iraq, causing stepped up U.S. diplomacy to head off that threat. U.S. officials reportedly set up a center in Ankara to share intelligence with Turkey on PKK locations, contributing to Turkey's apparent decision to limit its intervention to air strikes and brief incursions. Turkey and Barzani held talks on the issue in Baghdad in mid-October 2008 – the first direct talks in four years. Iran and Turkey are aligned in criticizing Iraq's failure to curb the Party for a Free Life in Kurdistan (PJAK), an Iranian Kurdish separatist group, which is staging incursions into Iran.

