

The Kurds in Iraq: problem and solution attempts

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An introduction

Since 2005, the Kurds in Iraq have enjoyed the formal recognition of their region (Kurdistan Region) that they had established in 1992 when the Iraqi Baath government withdrew its offices from the Kurdish autonomous region and imposed economic sanctions on them. Nowadays, the autonomy that the Kurds have under the federal system and their level of participation in decision-making in the centre are unprecedented in the modern history of Iraq. However, in the pre-2003 Iraq, the political situation and the politicians' attitudes about ethnic autonomy arrangements was fundamentally negative. Essentially, such autonomy arrangements were not, for most of Iraq's modern history, even allowed to be negotiated as they were perceived by those in authority, under both the monarchical or republican system, as a risky step and a serious threat to the unity of Iraq and its integrity. This is not to suggest that there did not exist rare instances where the Kurds and the Iraqi authorities discussed the possibility of an ethnic autonomy arrangement for the settlement of the Kurdish problem.

The Kurdish demands for autonomy differed from a period to another. They had the independence dream before the establishment of the new Iraq and were promised to have their state in the Sèvres Treaty¹. Yet, after the new Treaty of Lausanne was signed between Turkey and Britain and after the

¹ The Treaty of Peace with Turkey (Sèvres Treaty), Treaty Series No. 11 (1920). [online] Available at: <http://treaties.fco.gov.uk/docs/pdf/1920/TS0011.pdf> [Accessed 27 Feb. 2017].

annexation of Mosul to Iraq in 1925, the Kurds became gradually disappointed and realised that their dream of independence is far from fulfilment. They started to demand basic cultural and political rights that the League of Nations asked Iraq and Britain to be committed to them. The question here is: what were these demands and how were they developed throughout the modern Iraqi history? It is also of importance to investigate the extent to which such demands were undermining the state's integrity of land and sovereignty? Section one surveys the range of these autonomy demands and their developments.

How the authorities in Baghdad responded to these demands is another vital question to be investigated properly in this research. Section two examines this issue. The response to autonomy demands was not always the same and it differed based on, firstly, the strength of both sides (the authorities in Baghdad and the Kurdish political movements) and, secondly, the political situation that was sometimes affected by regional interferences, and finally, by the nationalist ideologies and viewpoints followed by those in power. More importantly, the question of how the responses of the central authorities were to such autonomy demands should be explicitly observed. What instruments the authorities utilised and what policies they followed are big queries that need sufficient researching. In fact, some of the formal adopted policies, as they were undemocratic, left their fingerprints on worsening the relationship between the authorities and the Kurdish populace at large. Furthermore, they contributed to enticing political distrust, or at best mistrust, among the politicians belonging to the significant ethnic groups after the collapse of the Baath government in 2003 and the establishment of a federal and democratic Iraq.

The last section of this research deals, relatively shortly, with the issue of federalism and its capability of alleviating ethnic conflicts and providing for the inclusion of underprivileged minorities in authority and central decision-making. Federalism is about shared-rule and self-rule, a wisdom that was neglected in Iraq for unwisely calculated doubts of it leading to the partition of the state. In fact, federalism is about finding unity in diversity. It does not

matter a lot whether the diversity is of religious, lingual, or cultural dimensions. Examples of federal experiences in the world speak of its capability of creating unity out of such differences. Altogether, this section should provide a clear picture of why modern Iraq was, has been, politically unstable to different degrees at separate times. The reader of this research will appreciate the untried problem-solving qualities of federalism throughout the monarchical and republican reign.

Section One:

The development and content of the Kurdish demands in modern Iraq

The Kurdish demands have developed since they were forced into modern Iraq (or Mesopotamia as called by the British)². Such demands ranged from asking for an independent statehood to cultural and political autonomy. The demands changed, as Ibrahim Ahmed put it, per the strength of the Kurds or the ruling authorities. This section, the development of the Kurdish demands, greatly contributes in answering the main question of this paper and paves the way to the next section which is about the response of the authorities to these autonomy demands.

Since the occupation of Mosul by the British forces in 1918, the Kurds, especially in Sulaimani, had an autonomous arrangement under the supervision of the British officers. This administration was headed by Sheikh Mahmud, a Kurdish chief that had political and religious influence over a great part of Sulaimani. Under the reign of Sheikh Mahmud, the British allowed the Kurds to enjoy cultural and political authority. A Kurdish newspaper was issued in Sulaimani, named Tegayshtni Rasti (Understanding the Truth)³. Furthermore, the Kurds administered Sulaimani with British assistance. Yet, since Sheikh Mahmud kept pushing for independence, this autonomy administration was demolished by the British, who held Sheikh Mahmud under captivity in India from 1919 to 1922.

The Treaty of Sèvres in 1920 promised the Kurds east of Euphrates (nowadays Turkey) independence (Article 62) and that the Kurds in Mosul Vilayet might join the Kurdish state later (Article 64). The precise borders of

² Iraq of nowadays was called Mesopotamia by the British in their formal dispatches.

³ Copies of this newspaper are available online on:

المكتبة الرقمية العالمية. [online] Wdl.org. Available at:

<https://www.wdl.org/ar/search/?regions=middle-east-and-north-africa&institution=iraqi-national-library-and-archives&grouping=3270#3270> [Accessed 27 Feb. 2017].

the promised state and that of Turkey should have been decided by a commission that would have included representatives of Kurds. The Kurds worked hard to see the implementation of this treat. However, the fulfilment of treaty promised lies on the shoulders of the powerful parties rather than the subjects. These promises of a Kurdish state were gradually relegated. The Cairo Conference in 1921 was attended by Winston Churchill and other British Officials in Iraq to discuss the political future of the Middle East, including the Kurds. A lengthy discussion took place regarding settling the Kurdish issue in Mosul Vilayet and on the fate of Iraq at large. The British officials in the Conference 'realised that any attempt to force purely Kurdish districts under the rule of an Arab government would inevitably be resisted. They accordingly recommended that, until such as a representative body of Kurdish opinion might opt for inclusion in Iraq, Kurdistan should be dealt with direct by the High Commissioner, and kept separate from Iraq itself' (The National Archive, 1921).

Until 1925, the fate of Mosul was undecided, and with it the future of the Kurds. Although basically, Mosul Vilayet was considered by the British as part of the Iraqi monarchy, this issue still needed to be settled by the League of Nations between Turkey and Great Britain. The Kurds did not stop demanding independence even after a few years from the annexation of Mosul to Iraq. When the Iraqi state was established, Great Britain had a condition of preserving the cultural rights of the ethnic components on the Iraqi officials (.). However, as usual, such promises stayed ink on paper. The first Iraqi constitution was legislated in 1924⁴. Article 6 of it referred to the equality of all Iraqis without any consideration for religion, language, and ethnicity. Article 16 pointed to the right of various Tawa'if (religious communities) to establish schools that educate in local languages. However, Arabic alone (Article 17)

⁴ The Iraqi Fundamental Law of 1925, قاعدة التشريعات العراقية, [online] Available at: <http://www.iraqld.iq/LoadLawBook.aspx?page=1&SC=&BookID=170> [Accessed 27 Feb. 2017].

became the formal language of the state. Article 37 specifies that the non-Islamic religious minorities (for example Jews and Christians) had to be represented in the House of Representatives (without referring to a certain quota). In fact, no specific mention was made to the Kurds regarding being fairly represented in state institutions (executive, judicial, or legislative). This is no to say that there were no Kurds in the successive governments. In March 1924, the first Iraqi parliament was established in which there were a few Kurds⁵. Sometimes, in the Iraqi cabinets included some Kurds as ministers. However, as mentioned above, this did not mean that the Kurds were fairly represented or that they enjoyed cultural and political rights.

One of the conditions and recommendations of the league of Nations to the Iraqi government, when Mosul was ceded to Iraq, was the protection of the political and cultural rights of the Kurds (Al-Hasani, 2008: Part 2, 154). However, any demands for political autonomy in Iraq, by the Kurds or others, was conceived by the Iraqi Monarchy and the British mandate authorities as a threat to the unity of Iraq's integrity and unity. In June 1921, more than four thousands of Basra's notables signed a long petition made of 23 points in which they asked for a federal arrangement due to the specific traits that Basra enjoyed. The petitioners made clear that Basra looked like other provinces in the world that were under the British but given special statues and it should become an independent region ruled either by an Iraqi emir or an elected official. The petitioners proposed that a state should be established named the United Vilayets of Iraq and Basra. Accordingly, Basra should have its parliament that would be responsible for internal affairs legislations. Furthermore, Basra should be in possession of its own army and police forces (Al-Tamimi, 1979: 635-639). These are only to mention some of the demands made by Basra notables. These demands from Basra was unwelcomed by both

⁵ For more details look at:

The Iraqi Constituent Assembly's diary of 1924, (1924). The Iraqi Government, Ministry of Interior.

the Iraqi government and the British mandate authorities. The core reasons for the rejection of these demands were that they were against the British interests and that they would lead due the disintegration of Iraq.

In 1925, the British High Commissioner reported the political situation of the Kurds in Iraq in various aspects. The report related that the Kurds were granted the rights that were demanded by the League of Nations. Accordingly, out of 75 employees of the ministries of Finance and Justice in the Kurdish areas, 44 were Kurdish and that gradually this number was increasing. The report also stated that the Kurds have a fair share in the decision-making instrument in the central state such having 14 MPs out of 88 and that two ministers are Kurdish. According to the report, the Kurds made up 17% of the total Iraqi population, yet 24% of the police forces and 14% of the Army are Kurdish (Al-Hasani, 2008: Part 2, 155). Such figures, although could not be proved by neutral sources, did not satisfy the Kurds. Other evidence proves that the Kurds were still unsatisfied and periodically demonstrated against the government. Such demonstrations were ruthlessly crushed by the RAF. The RAF guaranteed the survival of the Iraqi state. For instance, only in May 1924, during 48 hours, 28 tons of bombs were dropped on Sulaimani that destroyed most of the buildings of the town (Bowyer, 1988: 90).

In 1929, six Kurdish MPs petitioned the Iraqi Government and the British mandate authorities in which they had three basic demands. Firstly, the government should increase the expenses of the education sector in Kurdistan. Secondly, the establishment of an administrative unit from the liwas 'provinces' of Sulaimaniyah, Erbil, Kirkuk, and the Kurdish Qazas 'sub-provinces' belonging to Mosul Liwa. This Kurdish administrative unit should be the sole body that links up the Kurds with the Iraqi state. Finally, the general expenses of Kurdistan should also be increased (Al-Hasani, 2008: Part 3, 311). According to al-Hasani, the Prime Minister of Iraq was surprised at this petition and contacted the British High Commissioner immediately whom they agreed that the second point was a real danger (on the integrity of Iraq). In 1930, when the Anglo-Iraqi treaty was signed, no mention was made to the rights of the Kurds

as the League of Nations recommended in 1925. As a result, the Kurds in Sulaimani demonstrated against that treaty. The military forces interfered in putting down the strikes.

From August 1930 to October 1931, more than eight petitions were given to the League of Nations introducing and detailing the grievances of the Kurds caused by the acts of the Iraqi and British Mandate authorities. Some of these petitions also provide the solution to the Kurdish issue. The grievances of the Kurds were many as in the petitions, I quote, 'Some of the petitioners' complaints are very vague -*cruel and ruthless treatment at the hands of the Iraqi authorities*- but others are much more precise. Thus, several petitions complain that, in spite of assurances to the contrary, *the non-Kurdish element among the officials responsible for the administration of their territory is still preponderant*. Others complain of the imposition of excessive taxes on their flocks and herds and their crops. Several protest against the fact that *the last treaty of alliance between Great Britain and Iraq contains no clause guaranteeing the special rights of the Kurds*. Several denounce *the intimidation and acts of violence to which the mass of the Kurdish population* and, still more, the chiefs are alleged to have been subjected at the time of the elections in Sulaimaniya. Lastly, two petitions couched in almost identical terms complain that *complaints sent to the High Commissioner have remained unanswered* (Amery, 1929: 221, *Italics are mine*). According to these petitions, neither the Iraqi authorities nor the British seriously worked for the enactment of the Kurdish cultural rights and political autonomy.

In those petitions, the petitioners suggested a few solutions to the problem of the Kurds. As the above document relates, some of the petitioners proposed that an independent Kurdish state under the mandate of the British would be established, while others proposed an independent state headed by Shaikh Mahmud of Sulaimani. Among the petitioners, Tofiq Wahbi suggested an administrative and political autonomy (The League of Nations, 1931: 220-222). In the same document, the League of Nations transferred the attitude of the Mandate authorities towards the grievances and demands of the Kurds.

However, the way the League of Nations responded to these petitions and the grievances mentioned in them were not at all satisfactory to the Kurds. The document, in its response to the demands of the petitioners, referred to the statements made by the British authorities. According to the British statements, the grievances of the Kurds mentioned by the petitioners were exaggerated. Furthermore, the British officials denied that they had ever promised the Kurds independence or any sort of autonomy. Yet, they could not deny that they promised the Kurds should have been employed in the areas in which they were a majority and that any other non-Kurdish officials in the Kurdish areas should be familiar with the Kurdish language. The Mandatory Power 'denied that there was any general discontent among the Iraqi Kurds. According to the document, the British authorities were entirely confident that, thanks to the moderation and prudence of the Arab majority in Iraq, the rights and position of the Kurdish minority would always be respected, even after the entry of Iraq into the League of Nations as an independent State, a step which it warmly recommended (The League of Nations, 1931: 221). In fact, such a confidence in the moderation of the Arab majority in respecting the rights of the Kurds was misleading (as later evidence proves) and used a disguise to convince the League of Nations that Iraq was prepared for a full membership in the League. The Kurds, although they had representatives in government and the legislative body, were always crushed for demanding more cultural and political rights.

Upon becoming a member of the League of Nations, Iraq had provided a declaration to the League in 1932 to prove that it was eligible for full membership. The declaration was constituted from 16 Article of which 10 were about the guaranteed protection of minorities' rights. In these articles, the Kurds and other minorities were promised to enjoy the same rights and duties as Arabs with no distinction because of race, religion, or language (Article 1). Point 2 of Article three stated that 'the electoral system shall guarantee equitable representation to racial, religious and linguistic minorities In Iraq'. Although mentioned frequently in the declaration, Article 9 was dedicated to the linguistic rights of the Kurds. Article nine comprehensively detailed that,

besides Arabic, Kurdish shall be the official language in the *qazas* belonging to the *liwas* of Mosul, Arbil (Erbil), Kirkuk and Sulaimani in which the Kurds form a majority (League of Nations, 1932: 2-6). However, the incidents that took place after the independence of the Iraqi state proved that the expectations of the mandatory authority and the League of Nations were misplaced. One can refer to the Assyrian massacre on the hands of the Iraqi Army in 1933 in which thousands of Assyrians were recklessly slaughtered, including children and women (Lukitz, 1995: 22).

During the reign of the monarchy, the Kurds relatively enjoyed more freedom in the establishment of Kurdish political parties and other aspects. In the monarchical period, it could be said that the Kurds were more respected and represented during the rule of the first Monarch (King Faisal I) in 1933. However, with the coup d'état of 1958 and the inauguration of republicanism, the Kurdish demands developed according to their or their adversary's strength. For the first time in 1958, the Kurds were formally referred to as homeland partners with Arabs in the Iraqi Provisional Constitution. In the same year, Mustafa Barzani, full of hope that the new Iraq would turn truly into a heaven for the Kurds, returned from the USSR, after staying there for almost thirteen years. However, these moments of hope soon vanished when Barzani petitioned Abdulkarim Qasim, the PM of Iraq, that the Kurds should enjoy political and administrative autonomy in the areas where they form a majority, along with other demands such as the education to be in Kurdish. These demands were considered by Qasim, then under the pressure of the Arab nationalists, as a step towards the disintegration of the Iraqi state (Marr, 1985: 177). The war broke up between the Kurds, headed by Barzani's KDP, and the Iraqi government in September 1961 and continued until Qasim was toppled in the 1963 coup d'état. In these assaults by the Iraqi Army, thousands of Kurds were killed and more injured (O'Ballance, 1996: 57). One of the consequences of this war between the Kurds and the Iraqi Army was that the KDP sided with the Baath Party and the nationalist officers to end the reign of Qasim.

After Qasim, Abdusalam Arif, an officer in the army and Qasim's comrade and first deputy, became the President of Iraq. With the hope that the new government genuinely works for the enhancement of Kurdish rights, Barzani buttressed the coup d'état of Arif and the Baathists. Barzani petitioned Arif the demands of the Kurds. The petition is well-documented and it shows that the demands of the KDP from Arif was now more organised and detailed. The petition included several points, most importantly, amending the 1963 provisional constitution to refer to autonomy for the Kurds. For achieving this end, the petition included that firstly, an administrative unit should be established from the governorates of Sulaimaniyah, Erbil, Kirkuk, and other Kurdish *Qazas* (districts) and *Nahiyas* (sub-districts) with a Kurdish majority. Secondly, this administrative unit should be run through a regional parliament that would be elected directly by the Kurds. Thirdly, the parliament of this administrative unit would have legislation powers. Fourthly, the regional government would execute the laws of central government unless they undermined the existence of such a unit. Fifthly, the Kurdish language should become official in this administrative unit. Sixthly, this administrative unit would be responsible for levying taxes under its jurisdiction and should have a proportional share of the Iraqi oil revenues. Seventhly, the Kurds should be represented in the central government with a vice president and a proportional number of ministers. Eighthly, this administrative unit should possess a military force that could defend its borders. Ninthly, any legislation that might restrict the national and democratic rights of the Kurds should be considered void. Finally, the government should work for the protection of the rights of those Kurds who dwell outside this administrative unit and several other provisions such as equal opportunity in student scholarships (Hamidi, 2004: 69-74).

Like his predecessors, Arif considered these demands as a step towards the partition of Iraq and he replied to these demands with the use of military force (McDowall, 2000: 314). The response of all Iraqi governments to such ethnic-autonomy demands by the Kurds was to consider them secession-inducing.

The rejection of these demands pushed the Kurds into armed resistance. However, whenever the Iraqi governments showed flexibility towards such demand, the Kurds were ready to negotiate instead of armed resistance. When Abdusalam Arif was killed in an air crash in 1966, his brother Abdurahman succeeded him and became the president of Iraq. Abdurahman Arif appointed Abdul-Rahman al-Bazzaz to restart negotiations with the Kurds in 1966. Al-Bazzaz seriously worked on granting autonomy to Kurds. However, he was dismissed from power (Yildiz, 2007:17). In July 1968, the Baath coup d'état took place and Revolution Command Council (RCC) became the ultimate decision maker in Iraq. A solution to the Kurdish dilemma through granting ethnic autonomy became the most prominent on the agenda of Baath.

A deal was reached after negotiations between the Kurds and the Iraqi government in March 1970. The following points are a summary of the Manifesto (Yildiz, 2007: 18, Sluglett and Sluglett, 2001: 142; Izady, 2004: 78; Ghareeb and Dougherty, 2004: 155-156; Anderson and Stansfield, 2004: 52), which was to be fully implemented in four years (Marr, 2012: 152). Firstly, a Kurdish region should be established in the areas in which they were a majority. Secondly, a census should be conducted for demarcating the exact areas in which the Kurds formed a majority. These areas could later join the Kurdish autonomous region. Thirdly, the Kurds should be proportionally represented in the central government institutions and that the vice president should be a Kurd. Fourthly, Kurdish should become an official language, besides Arabic, in areas of Kurdish majority. Fifthly, the Kurds should have a proportional share of the natural resources including Kirkuk oil fields. Finally, the government of Iraq should embark upon agricultural reform in the region and should pay the pension of the Kurdish Peshmerga (Kurdish fighters)

This autonomy arrangement passed through three stages: 1970 to mid-1971 that featured declaring the Manifesto and the initial hope of a peaceful settlement of the Kurdish question. This stage can be identified by the existence of a relatively more political stability than a decade before. The second stage started from the middle of 1971 to 1974 when mutual distrust prevailed

between both sides, and finally 1975 that marked the failure of the autonomy. Indeed, the following incidents triggered the failure of March Manifesto.

Both parties (the Iraqi Government and KDP) started to discredit each other in their media. The KDP accused the Iraqi government of arming the Kurdish KDP rival groups (Izady, 2004: 78). The Iraqi government led a campaign of Arabizing Kirkuk (Anderson and Stansfield, 2004: 53), expelled 45,000 Faily Kurds from Khanaqin to Iran, and brought in Arabs from the south (Marr, 2012: 152). Each side established relationships with different cold war blocks. Baath nationalised oil backed by the Soviet Union (Anderson and Stansfield, 2004: 54-5) and Barzani pleaded for aid from the US, Israel, and Iran (Ghareeb and Dougherty, 2004: 156; Sluglett and Sluglett, 2001: 164). The intelligence institution of the Baath carried out two failed assassination attempts in 1971 and 1972 against Barzani (Yildiz, 2007: 19). The status of the oil-rich city of Kirkuk proved to be an obstacle. Barzani insisted on putting Kirkuk under the jurisdiction of the autonomous region and the Iraqi government did not carry out the promised census (Sluglett and Sluglett, 2001: 167).

These are basically the way the Kurdish demands developed. In pre-2003 Iraq, the 1970 March Agreement was the climax of the achievements of the Kurdish attempts at attaining a territorial form of autonomy. In fact, since 1990, a more practical accomplishment of the Kurds was the establishment of the Kurdistan Regional Government (KRG) in 1992 after the Kurdish uprising in 1991 and the foundation of the no-fly zone by the international community. However, the details of this are not covered in this paper because the KRG had not resulted from negotiations between the Kurds and the Iraqi authorities. The KRG was the outcome of the no-fly zone and the withdrawal of the governmental units from Kurdistan by the Iraqi government that left an administrative vacuum ought to be filled the Kurdish political parties (Kurdish Front).

Section Two:

The response of Iraqi authorities to the Kurds' autonomy and cultural rights demands

The responses of the Iraqi authorities to the Kurdish demands for cultural and political autonomy differed from a period to another. It can generally be identified as denial of these demands, yet, in very few instances, these demands were put to negotiations. Several questions are vital to be asked in regards to the conflict between the Kurds and the authorities in Iraq such as why there existed a conflict between these two parties instead of persistent cooperation? How can ethnic differences be dealt with and responded to? How did the Iraqi authorities respond to the demands and existence of the Kurds and why? These are all significant questions that should be answered to better understand politics in Iraq and the conflicting relationship between the Kurds and the Iraqi authorities. In this section, I will try to delve into answering these questions in a short and precise manner.

Since Iraq was established in 1920, there existed a conflict between the Kurds and the Iraqi authorities on the inclusion of the Kurds in decision-making on the local and national levels. Yet, the nature of the conflict and its intensity changed from a period to another. The Kurds were excessively disappointed at the British negative attitude towards them. Two aspects of their disappointments are paramount, and in my opinion led to later grievances and dissatisfactions of Kurds. Firstly, the British broke up their promise of the establishment of a Kurdish independent state (Treaty of Sèvres, 1920: Articles 62-64). Secondly, despite the broken promise, the Kurds were subjected to those Arabs who were subjects like them (Naamani, 1966: 287). The subjects became their masters. The masters refused to acknowledge the Kurds as partners in the newly created home. The Kurds were not even treated as guests but as a pain in the body of the masters who worked for their political and identity assimilation.

Such a Kurdish disappointment at the British Mandatory officials extended to the Iraq's authorities as well. The attitudes of the Arab politicians towards to the Kurdish demands did not prove more understandable than the British. Most the Arab politicians who ruled Iraq in the monarchical and republican periods were nationalist officers who considered Iraq as the land of Arabs and were unwilling to acknowledge the demands of autonomy and cultural rights of the non-Arabs. The political elites' main fear from positively responding to these demands was that they might lead to the strengthening of the non-Arab nationalism which in turn might lead to the disintegration of the state. An example of such negative response was provided in the previous section, yet other examples are to follow.

In Iraq, there have existed three significant ethnic groups⁶: the Shia Arabs, the Sunni Arabs, and the Kurds. One reason behind creating Iraq from the amalgamation of the three previous Ottoman Vilayets of Basra, Baghdad, and Mosul was to establish a balance of the population based on their religious affiliation. Some of the British Mandatory decision makers highlighted the Sunni identity of the Kurds whom with the Sunni Arabs could counterbalance the possible hegemony of the Shia population who might constitute a few percentages more than half of Iraq's total population (Amery, 1929: c). However, what they should have considered more correctly was the national dimension of the Kurdish identity rather than religion. The Kurds are a dissimilar nation from Arabs as they have their independent culture and language. Although, being a Sunni Muslim was greatly influential in shaping the Kurdish culture and society, since the eruption of nationalist ideologies and nationalism, nationhood has become the most prominent identity for the Kurds.

This highlighted national identity of the Kurds was noticed clearly by King Faisal in his confidential memorandum to his trustees in 1933 and before him

⁶ The term ethnicity is slippery, yet for me it includes groups with linguistic, cultural, and religious differences.

in Amery's confidential dispatch about the situation in Iraq in 1929. King Faisal's confidential memorandum months before his death stated clearly that 'there is still –and I say this with a heart full of sorrow- no Iraqi people but unimaginable masses of human beings, devoid any patriotic idea, imbued with religious traditions and absurdities, connected by no common tie, giving ear to evil, prone to anarchy, and perpetually ready to rise against any government whatever. Out of these masses we want to fashion a people...' (Batatu, 1978: 25). This statement by King Faisal confirms the content of the British High Commissioner's statement four years earlier who wrote to the British Majesty that 'Iraq is still scarcely more than a geographical expression. The different races which inhabit the country have not yet been welded into a single Iraqi nation. A Kurd is still primarily a Kurd and only secondarily (if at all to his own mind) an Iraqi. The tribal confederations of the Euphrates admit no natural loyalty or allegiance to the Iraq Government. The Kurd still dislikes and despises the Arab, the Christian hates and fears the Moslem, and the Shiah distrusts the Sunni' (Amery, 1929).

The response of the Iraqi (during the monarchical and republican periods) authorities to this significant national identity of the Kurds oscillated. Theoretically, according to Brendan O'Leary (2014), ethnic and national differences are basically treated in two diverse ways: elimination or management of these differences. Elimination is the method in which the ethnic and national differences are tried to be abolished through several ways such as genocide, expulsion, territorial elimination, assimilation, or integration. Management of ethnic and national differences is to acknowledge them as part of the political process. Ethnic and national differences can be managed via several mechanisms such as power sharing, either consociation or centripetalism, arbitration, federalism, autonomy and others. The main differentiating point between the management or elimination of ethnic differences is the issue of denial or acknowledgement of such differences. Whereas, in elimination methods, ethnic differences are denied, in

management methods they are acknowledged as building blocks of the political processes.

On the ground, what proved to be haunting the minds of the politicians who ruled Iraq was that managing differences might seem from the first impression as if it would lead to the disintegration of the state and that denial of these ethnic differences would assuredly preserve the unity of the Iraqi land. The logic behind such reasoning was that if ethnic differences were acknowledged, the ethnic groups would be encouraged to work seriously for independence and that the denial of these differences would result in these groups to withdraw from secession-inducing actions. With such a logic in mind, most of the Iraqi ruling elites resorted to utilising ethnic difference elimination mechanisms (as will be detailed below). Such a logic is faulty. Hence, federal states in which ethnic groups are constitutionally acknowledged, such as Canada and Belgium, should have disintegrated by now. The reality is that some of these federal states have lasted for a considerably long time (Canada has been federal since the 1867). The reality about ethnic identities is that their denial does not necessary lead to the preservation of state integrity.

Ethnic identities, upon becoming the defining feature of politics, can be hardened and softened. They harden or soften through the design of institutions and the behaviour of the other ethnic identities. In societies divided along politicised ethnic identities, two institutional mechanisms soften them, firstly, the inclusion of the minorities in central government's decision-making and secondly letting them rule over the area in which they are a majority. In contradiction to this, as much as ethnic groups are excluded from decision-making at the level of the central government and denied self-rule, then politicised identities become more hardened. Some exclusionary central government policies contribute more to the hardening process such as forced assimilation of minorities, genocide, and demographic change. Such exclusionary practices led to the antagonism of minorities in Iraq resulted in creating political, social, and economic grievances.

Several factors stand behind the emergence of ethnicity as the defining feature of politics in Iraq such as *the Sunni Arab domination of politics, the primordialism of Arabic nationalism and its treatment of non-Arabs, the exclusion of non-Sunni Arabs from politics and central decision making*, and the design of the state based on the British majoritarian model (Hazelton, 1988: 9, *Italics are mine*). These factors produced grievances to the Kurds and non-Sunni Arab groups. These grievances could have been addressed properly through the inclusion of non-Sunni Arab groups in central decision-making and by allowing ethnic based self-rule for the Kurds, mechanisms of partial ethnofederation. These two basics of conflict management mechanisms were almost absent in the history of modern Iraq.

What prevailed upon the history of modern Iraq were three ethnic difference elimination strategies centralisation and the domination of Sunni Arabs, the maltreatment of the Kurds, and Arabisation (and Baathification since 1969). Each of these mechanisms effectively contributed to the denial of ethnic differences. The Sunni Arabs politicians controlled the state since its foundation in 1920 and imposed their hegemony on it. This automatically renders as the exclusion of other ethnic groups such as Shia Arabs and Kurds. The Sunni Arabs were only a minority of the population, yet they controlled the vital state institutions researchers attempted to detail statistically the percentages of the Sunni Arabs in the highest state positions (such as prime ministers, ministers, and high-rank army officers). Amatzia Baram (1991: 4-5) asserts that King Faisal I of Iraq had doubts about the loyalty of the Shia Arabs and mostly depended on Sunni Arabs in running the state. As a result, the Sunni Arabs outnumbered the Shia Arabs and Kurds in higher governmental institutions. In the final years of the monarchy, high-rank army officers were distributed as follows: 44% Sunni Arabs (around 20% of the population) and 33% Shia Arabs (around 55% of the population). Liora Lukitz (1995: 14) perceives that Sunni Arab domination was carried out systematically aiming at creating a homogenous society. From 1921 to 1936 only five out of 57 ministers were either Shia Arabs or Kurds and the remaining were overwhelmingly Sunni

Arabs and during the monarchy, the positions of 'prime minister and ministers of finance, interior, defense and foreign affairs were almost exclusively Sunni' (Stansfield, 2007: 47).

The centralization of the state was another mechanism of ethnic difference denial. In fact, centralization itself does not necessarily lead to the marginalisation of ethnic groups, yet in a state like Iraq where ethnicity was politicised and the Sunni Arab nationalist officers were holding power, centralization was exploited to deny autonomy and cultural rights for the Kurds and it ultimately led to the establishment of dictatorship and authoritarianism. The political system in Iraq was centralised. Iraq was a monarchy from 1921 to 1958 when a coup d'état took place that eradicated the monarchy and ruthlessly liquidated the royal family, including the young King Faisal II. The republican system replaced the monarchy, yet the political system became highly authoritarian. In both periods the autonomy demands of the Kurds were neglected, except for the March 1970 agreement. As mentioned, these demands were counted as leading to the disintegration of the state and the Kurds were rewarded with more centralization, dictatorship, authoritarianism, and military assaults on them and their towns and villages.

Although the Kurds were not properly treated and their demands were not responded to sufficiently positively under the monarchy and the republicans, during the reign of Baath, the maltreatment of the minorities reached its peak. However, under Saddam, even the non-Baath Sunni Arabs were not safe from ill-treatment. The allocation of opportunities and labour was dependent upon Baath membership. Stansfield (2007: 96) named this period as 'totalitarian' in which all the powers of the state condensed in the hands of Saddam. Several atrocities were inflicted on the Kurds from 1979 when Saddam became the president of Iraq. Besides the Iraq-Iran war (1980-1988) that left half a million of casualties, in 1988, the Iraqi military machinery inflicted three major atrocities on the Kurds. These three atrocities are first, the Anfal military

campaigns (in 1988)⁷; secondly, using internationally forbidden chemical weapons against the Kurdish towns and villages, such as Halabja, and thirdly the annihilation of about 5000 Kurdish villages.

Two other strategies followed by Baath regime in efforts to eliminate ethnic differences were Arabization and Baathification. The former targeted the Kurds, especially those in Kirkuk, and the latter targeted all the Iraqis without any ethnic distinction. These two political and ethnic difference elimination strategies were implemented intensively and systematically by Baath authorities. Arabization was a process followed by the Iraqi regimes to make Iraq a homogenous Arab society. This strategy was based on believing that homogenization, natural or imposed, leads to political stability. The first Arabization attempt was conducted by the monarchy in the 1930s through moving labour from the Arab areas and settling them in Kirkuk, where oil was exploited (Letayf, 2011: 67). However, systematic Arabization started from 1963 under the first Baath coup d'état (Anderson and Stansfield, 2004: 156). Thus, resettlement of labour was the first mechanism followed by the Iraqi regimes in homogenising Iraq. A second mechanism was redrawing the internal boundaries of the governorates. The Kurdish Qazas (districts) were detached from Kirkuk and Arab Qazas were annexed to it. For instance, in December 1976, a formal decree signed by the President of Iraq ordered the detachment of two Kurdish Qazas from Kirkuk, namely Chemchamal and Kalar. The same

⁷ The Anfal campaign was carried out against the Kurds without differentiating between civilians and armed men. According to the detailed account of Anfal by Human Rights Watch (HRW) (1994), the campaign had eight stages starting from 23rd February 1988 and ended September 6th, 1988. It covered almost the Kurdish areas from the south to the north and resulted in the mass killing of more than 100,000 of Kurds, or 182,000 Kurds according to KRG accounts. The Iraqi Army, Air Force, Republican Guards, the Popular Army, and others took part in the campaign. The detainees were taken to the deserts in the south and south-east of Iraq where they were shot and buried. A few Kurds survived to tell the horrific stories of how their parents, relatives, and friends (all civilians including children) suffered miserably.

order attached another Kifri (Kurdish Qaza) to Dyala (The Presidency of Iraq, 1976).

Baathification was an ideological tool that aimed at transforming the state and the people to think and act as Baath Party demands. Several strategies were adopted to reach the goals of Baathification (here, only two are mentioned). The first strategy was to eliminate, what the Baath thought of as, obstacles of stability starting by liquidating their comrades who took an active part in the coup d'état of 1968 but were not members in Baath (Anderson and Stansfield, 2004: 50-51). Elimination was carried out via assassinations, abdication, and expatriation. Secondly, the Baath members who were not absolutely loyal to Saddam were eradicated, individually and in groups. One of the documented incidences of this sort was when Saddam, upon becoming president in 1979, ordered the execution of a large group of high-rank Baath members accused of conspiracy against Baath (Yahia, 2012). Among the acts that deserved death penalty were a Baath member concealing his past political affiliation, dismembering in Baath Party in joining another political party, or persuading a member to leave to dismember in Baath (Zaher, 1988: 49).

Section three: What could federalism offer Iraq?

Scholars agree that a federation, the application of federalism, is made up of at least two tiers of governments that are bound together by a constitution (Elazar, 1980: 5) that cannot be unilaterally altered or amended. According to Riker, a state qualifies as federal when two levels of government ruling over the same land and people; each level with at least one area of action in which it is autonomous; and constitutionally guarantees the autonomy of each government (Riker, 1964:11). Thus, even though it satisfies the first two elements, the devolution in the UK is not considered federal because the central government can unilaterally alter the competencies of the devolved governments. Watts (1997) adds two other requirements. The first is an umpire to resort to in solving the controversies between the tiers of government, such as a Federal Supreme Court (FSC). Secondly, a set of institutions that can facilitate intergovernmental cooperation in areas where responsibilities overlap, such as the second chamber (Watts, 1999: 7). Representation of federal units should be based on territory, be they states, cantons, provinces, regions, or governorates (Smith, 1995: 7). Territorial representation is guaranteed constitutionally and the sub-national units are included in decision-making at the national (federal) level. This is one application of self-rule and shared rule in which the subunits (for example, Kurdistan Region in Iraq) practice sovereignty via ruling over a territory and enjoys the benefits (economic, security, and so forth) of being part of a larger state. Furthermore, in this way, the problem of primordial nationalism can be addressed in a world in which independence is improbable.

Comparative federalism has been advanced in two aspects, i.e. institutionally and normatively (Adeney, 2007: 7-9; Gagnon, 2010: 1). The former is concerned with the actual division of power between the diverse levels of government, i.e. federal and regional, and aims at finding unity in diversity. This diversity may include nations, ethnicities, religions, religious

sects, languages, and cultures. Out of these diverse groups, federalism endeavours to create unity of people and preserve the integrity of the state. The normative approach studies the impacts of federalism in promoting peace and managing conflicts. It seeks to answer the question of how federalism should be institutionalised as opposed to how it is institutionalised. Consequently, federalism becomes increasingly instrumental in managing ethnic conflicts. Originally, federalism, as in the US, was about producing unity among several existing states through sharing sovereignty and preserving self-rule. With this unity, several goals (Stepan, 1999: 20) were achieved, among which were maximising the security of all subunits, minimising internal threats of partition, and creating a wider space for labour mobility. Currently, federalism is also advanced as promoting the rights of minorities (Blumstein, 1994: 1253), kerbing the tyranny of the majority, and proposed as an institutional solution to post-conflict societies (Lake and Rothchild, 1996: 61).

According to this theoretical background, federalism aims at creating unity from diversity and implementing the tenets of self-rule and shared rule. It is one of the influential mechanisms of managing ethnic and national differences. One of the merits of federalism is that it generates the sense of partnership among the ethnic groups living within its boundaries as in the examples of Canada, India, and others. It is an alternative to the centralisation of a multi-ethnic and multinational state in which ethnicity is politicised such as Iraq. Federalism can sufficiently address the grievances of the minority ethnic groups who were deprived of the merits of self-rule. In genuine federal states, there is no need for ethnic difference elimination mechanisms and strategies such as expulsion, forced assimilation, genocide, administrative boundary changes, nationality correction procedures, and internal migrating. These anti-federal practices were profoundly present in the pre-2003 Iraq as an example in section two showed.

Conclusion

In Iraq, ethnicity has been politicised since its establishment. As mentioned above, the Kurds aspired and were promised to have their independent state, yet they were disappointed by the British and the international community. The Kurds were not considered as an integral part of the Iraqi state's decision-making institutions and they did not enjoy cultural rights and autonomy for most of their history in modern Iraq. More than that, in some periods, the Kurds were exposed to violent assimilatory acts such as the Anfal campaigns in 1988, the use of chemical weapons against civilians, the devastation of Kurdish villages, and other acts. These ethnic elimination difference acts could have been avoided if Iraq was to be established based on federalism's self-rule and shared-rule tenet.

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الملخص

الكورد في العراق: المشاكل و محاولات الحل

إن تأريخ الكورد في العراق حافل بالمشاكل المتعلقة بعدم تمثيلهم العادل في مؤسسات صناعة القرار في المركز و عدم إدارتهم لشؤونهم في المناطق ذات الكثافة الكوردية و ضعف تمتعهم بالحقوق الثقافية. إضافة إلى تلك المعوقات، فقد كانت المركزية في الحكم إبان الحكيمين الملكي و الجمهوري (قبل ٢٠٠٣)، قد ضعفت ثققتهم بالحكومات المتتالية و مؤسسات الدولة. و لكن المركزية لم تكن العاملة الوحيدة التي جعلت الكورد يتنافرون من نداءات الوطن الواحد التي أطلقتها الحكومات المتعاقبة، بل كانت هناك عوامل أخرى أشد تأثيراً على تأزم العلاقات بينهما. إحدى هذه العوامل هي أن الدولة العراقية، بدلا من الإستجابة الإيجابية لمطالب الكورد، إتجهت صوب تبني سياسة القوة الخشنة (Hard Power)، بنسب مختلفة، منذ منتصف عشرينيات القرن الماضي و حتى سقوطها عام ٢٠٠٣. كردة فعل على لجوء الدولة العراقية إلى القوة الخشنة للسيطرة على التحركات الكوردية القائمة من أجل ضمان حقوقها الثقافية و السياسية و الإدارية، لجأ الكورد الى إنشاء حركات سياسية في أربعينيات القرن الماضي و إلى تحركات مسلحة في مطلع الستينيات. و السؤال المهم الآن هو ماذا كان يمكن أن تفعلها الحكومات المتعاقبة تجاه الكورد من أجل تمكين الإستقرار السياسي في العراق؟

محاولة مني للجواب على هذا السؤال، سوف أقوم بتقسيم هذا البحث الى عدة فصول. ففي الفصل الأول، سوف أقوم بالرجوع الى التأريخ العراقي بغية البحث عن المطالب الكوردية و تطورها قرابة تسعة عقود. و لكن كيف إستجابت الحكومات العراقية (الملكية منها و الجمهورية) لهذه المطالب سوف تكون موضع بحث الفصل الثاني. الفصل الأخير يرتقي بالبحث الى مستوى آخر بمحاولة الجواب مختصرا على السؤال الذي مفاده ما إذا كان بإمكان الفيدرالية حل بعض هذه المشاكل المتعلقة بالتمثيل السياسي و الحقوق الثقافية للكورد قبل ٢٠٠٣. الكلمات المفتاحية: الكورد، الفيدرالية، الحكومات العراقية

بوخته

كوردەکانی عێراق: گەرفته کان و هەولەکانی چاره سەر

مێژووی کورد له عێراقدا پڕه له گەرفتی په یوه نیدیارد به وهی که به شیوهیهکی دادپهروهرا نه له دامه زراوه کانی دروستکردنی بپیرادا نوێنه رایتی نه کران و له و ناوچانه شدا که زۆرینه بوون خۆیان کاروباری خۆیان به پێوه نه بردوه، سه ره پرای ئه وهی نه یان توانیوه مافه که لتوریه کانیان به ته و اوه تیی پیاده بکه ن. سه ره پرای ئه م به ره به ستانه، حوکمی مه رکه زیی له ژێر سایه ی رژی مه کانی پاشایه تی و کۆماریییدا (تا ٢٠٠٣)، متمانه ی کورده کانی به دامه زراوه کانی ده و له ت و حکومه ته یه که له دوای یه که کان لاواز کردبوو. به لأم مه رکه زیه ت تاکه فاکته ره نه بوو که وایکرد

كوردەكان لە بانگەشەى نیشتمانىك (عێراق) بۆ هەموان دوورخستەوه، بەلكو چەندان فاكتهرى تر پەيوەندىهەكانى بەرەو ئالۆزتر برد. يەكێك لەو فاكتهرانە ئەوێهە كە دەولەتى عێراقى، لە براى وەلامدانەوه و بە دەمەوهچوونى داواكارىهەكانى كورد، هەر لە ناوہپراستى بىستەكانى سەدەى رابردووہوہ تا رووخانى رژىمى حىزبى بەعس، پە رێژەى جىاواز، پەناى بردۆتە بەر پىادەكردنى سىياسەتى زبرەهێز (Hard Power). وەك كاردانەوهیەك بەرامبەر بە پەنابردنە بەر زبرەهێزى حكومەتى عێراق و لە پیناو گارانتىكردنى مافە سىياسى و كەلتورى و ئىدارىهەكانى، كوردەكان پەنايانبردەبەر دروستكردنى بزافى سىياسى لە چلەكانى سەدەى رابردوو و پاشانىش بەر بزافى چەكدار لە شەستەكانى سەدەى رابردووہوہ. لێرەدا پرسىارى گرنگ ئەوێهە كە دەكرا حكومەتە يەكلەدواى يەكەكانى عێراق چى بكەن لە پیناو دروستكردنى سەقامگىرى سىياسىدا؟

لە هەولێ وەلامدانەوهى ئەم پرسىارەدا، ئەم توێژىنەوهى دابەشەبىتە سەر چەند بەشێك. لە بەشى يەكەمدا، بە چاوخشانندنەوهیەك بە مێژووى عێراقدا، باس لە داواكارىهەكانى كورد و چۆنىەتى گەشەكردنىان دەكرێت لە ماوہى نزىكەى ٩ دەيەدا. لە بەشى دووہمدا، باس لە چۆنىەتى وەلامدانەوه و بە دەمەوهچوونى داواكارىهەكانى كورد دەكرێت لە لاىنە حكومەتەكانى عێراقەوه. لە بەشى كۆتايىدا، هەولەدەم بە كورتى وەلامى ئەو پرسىارە بدەمەوه كە ئەكرا تەبەنى سىستەمى فىدراڵى چ رۆلێكى هەبوایە لە نوێنەراىهەتىكردنى سىياسى كورد و پىادەكردنى مافە كەلتورىهەكانىدا پيش ٢٠٠٣. كلىلەوشەكان: كورد، فىدراڵىزم، حكومەتەكانى عێراق

Abstract

Kurds in Iraq: problems and solution attempts

The Kurds' history in Iraq is fraught with problems related to their lack of fair representation in the decision-making institutions of the center, not letting them administer their affairs in Kurdish-populated areas, and not fully enjoying cultural rights. In addition to these constraints, centralization during the Monarchical and Republican regimes (before 2003) has weakened their confidence in successive governments and state institutions. Centralisation, however, was not the only factor that made Kurds disavow the calls of 'one nation to all' launched by successive governments. There were other more damaging factors to the relations between the two sides of the conflict. One of these factors is that the Iraqi state, rather than responding positively to the

demands of the Kurds, tended to adopt hard power policies relatively, from the mid-20th century until its fall in 2003. As a reaction to the Iraqi state's use of force to control Kurdish movements for guaranteeing cultural, political and administrative rights, the Kurds resorted to political movements in the 1940s and armed movements in the early 1960s. The important question now is what successive governments could have done to address the demand of Kurds and in turn creating political stability in Iraq?

Trying to answer this question, I will divide this research into several sections. In the first section, I will go back to Iraqi history in search of Kurdish demands and how they developed for nearly nine decades. However, how the Iraqi governments responded to these demands will be discussed in section two. The last section tries to briefly answer the question of whether federalism could have resolved some of these problems related to the political representation and cultural rights of Kurds before 2003.

Keywords: Kurds, Federalism, Iraqi governments