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1. Massud Barsani – Vorbild nicht nur für Iraker

Fritz W. Peter, 27.10.05

Kurdenpräsident Massud Barsani stellt in einem Beitrag für die Washington Post – „A Kurdish Vision of Iraq“ – die Politikziele der kurdischen Bevölkerungsteile des Irak dar und entwickelt dabei einen politischen Verhaltenskodex, der keineswegs nur für den Irak vorbildlich sein kann.

Vor dem Hintergrund des in die Hunderttausende gehenden Völkermords an Kurden durch Saddam und das Baath-Regime und die dabei verübten unvorstellbaren Grausamkeiten erscheint es wie ein Wunder – und verdient Bewunderung –, dass von der Seite der Verfolgten und Überlebenden des Genozids trotz weiter anhaltender Anschläge aus dem sunnitischen Lager das Bemühen um Verständigung und Aussöhnung die politische Programmatik prägt.

Zukunftserwartungen, Realismus, Bereitschaft zur Aussöhnung und zur Ausgestaltung eines neuen, föderalen Staatswesens, das ein geschützteres Zusammenleben der Bevölkerungsgruppen sichern kann und die staatliche Einheit des Irak wahrt, bestimmen die Haltung Barsanis, der zu den Stützen und Architekten des bisherigen politischen Prozesses nicht nur für den kurdischen Teil, sondern den Irak insgesamt gehört.

Der *nüchtern-konstruktive* Beitrag vieler Politiker im Irak sollte nicht nur Anerkennung in der westlichen Öffentlichkeit finden, sondern unsere Öffentlichkeit und Politik zu einem ebenso *nüchtern-konstruktiven* Blick auf die Bedingungs-zusammenhänge im Irak veranlassen – auch was die Voraussetzungen der irakischen Entwicklung angeht.

Die Chancen einer Entwicklung für den kurdischen Teil und das Land insgesamt haben den alliierten Einmarsch und Sturz Saddams zur *Voraussetzung*. Auch der nachfolgende kämpferische Einsatz der Truppen war eine *Bedingung* für die Bewältigung der in Teilen des Landes eskalierenden Situation. Barsani sieht keinen Grund, den **Zusammenhang** zwischen (einerseits) militärischer Befreiung und anhaltender Unterstützung und (andererseits) den erreichten Fortschritten für die Kurden und den Irak (u.a. Parlamentswahlen, Regierungsbildung, Verfassungsgebung sowie Fortschritte im Lebensalltag der Menschen in weiten Teilen des Landes) *wegzureden oder auszublenden* – wie es in der deutschen und europäischen Öffentlichkeit weithin geschieht. **Barsani**:

„None of this would have been possible without the U.S.-led liberation of Iraq, an operation in which Kurds were proud partners. (...) The United States has never wavered in its quest to help Iraqis build a democracy that rewards compromise and consensus. (...) We all know that democracy is the only solution to political problems, the only method by which grievances can be addressed. (...)”

Nachfolgend ist sein in der **Washington Post** veröffentlichter Artikel wiedergegeben; anschließend wird eine kurze **völkerrechtliche** Betrachtung in Bezug auf den Zusammenhang *zwischen Einmarsch und der Schaffung politischer Bedingungen für die Entwicklung des Irak* angestellt. Zunächst Barsanis Artikel:

A Kurdish Vision of Iraq

By Massoud Barzani, Wednesday, October 26, 2005; A19

In recent weeks Iraq has passed three important milestones. The constitutional referendum on Oct. 15 was a powerful demonstration of Iraqis' desire to establish democracy and save a country still recovering from its disastrous history. Two days later the remains of 500 of my kinsmen were returned from a mass grave in southern Iraq for reburial in Iraqi Kurdistan. Another 7,500 of my kin are still

missing after "disappearing" from a Baathist concentration camp in 1983 in the first phase of the genocidal Anfal campaign, which caused the death of 182,000 Kurdish civilians during the 1980s. Then, on Oct. 19, Saddam Hussein finally went on trial.

None of this would have been possible without the U.S.-led liberation of Iraq, an operation in which Kurds were proud partners. After the U.S. armed forces, our *pesh merga* was the second-largest member of the coalition. Today the security forces of Iraqi Kurdistan remain highly capable and reliable allies of the United States. By consistently working with the United States and reaching out to our fellow Iraqis, we have been at the heart of a political process based on equality and inclusion, on consensus and compromise.

Above all, we have taken the path of engagement because, like the United States, we need Iraq to succeed and avoid a repetition of the horrors of the past. We have therefore been engaged in Iraqi national politics and governance. Kurds have joined the new Iraqi military in large numbers. We have made unprecedented sacrifices. Time and again we have pursued political settlements by encouraging flexibility and consensus.

And yet the Kurds have been vilified as separatists and derided for "overreaching." This stems from a belief that our aim is independence, and from the chauvinism that defines the Middle East as homogenous, that refuses to accept its inherent diversity. What those who carp at the victims in Iraq fail to understand is that Kurds, like other Iraqis, crave security -- security for the future and security from the terrors of the past. We suffered more than 80 years of discrimination and disadvantage -- suffering that culminated in anti-Kurdish ethnic cleansing and genocide.

Unlike our critics, Kurds are pragmatists and moderates. We know that we have rights, but we also understand that we have responsibilities. We are patriots, not suicidal nationalists. That moderation has translated into a commitment to

dialogue. We were pivotal in the establishment of the Iraqi Governing Council in July 2003 without any preconditions. We were under no obligation to reattach Kurdistan to Iraq. After all, the United States is not asking Kosovo to rejoin Serbia.

Our desire for security and our principles of moderation and dialogue were key factors in the proposal of all the major Iraqi political parties to create a federal, pluralistic and democratic Iraq in which power is decentralized and so less open to abuse. Iraqis of all communities recognize that only such a formula can keep Iraq intact.

In Iraqi Kurdistan we have, for the past 14 years, accepted the idea that we are a diverse society. Ethnic and religious minorities -- Assyrian and Chaldean Christians, Yazidis and Turkomans -- all serve in the Kurdistan regional government and all have the right to educate their children in their mother tongues and to broadcast in their own languages. We firmly believe that the Middle East must accommodate all of its peoples and all of their languages and religions. Nor is Kurdistan alone in this regard. In the new Iraq, the Kurds see their role as bridge builders, as a community that has every interest in an inclusive political process that gives Iraq a better future while addressing the injustices of the past.

Just as Kurds have not taken revenge on the Arab settlers who took over their land, so the moderate Sunni Arabs and Shiite Arabs of Iraq have shown similar forbearance in the face of a wave of suicide bombings that has claimed many thousands of lives. All democratic Iraqis have shown they realize that the wrongs of the past can be redressed only through agreed-on legal mechanisms and that justice cannot be selective. It is as important for Kurds to be allowed to return to Kirkuk and for Marsh Arabs to be restored to their homes as it is for Saddam Hussein to be put on trial.

The restraint of the victims, the defiance of the millions who vote -- refusing to be drawn into the civil war fantasies of the terrorists -- vindicate the courage and vision of the United States and its coalition partners. Backing this fundamentally

sound vision has been President Bush's moral understanding of the healing and dignity that democracy confers upon all men and women, an understanding that the Kurds share.

The United States has never wavered in its quest to help Iraqis build a democracy that rewards compromise and consensus. The ever-generous American people have paid a tragic price, the lives of their finest men and women, to advance the banner of freedom and democracy, a sacrifice for which we are profoundly grateful. We all know that democracy is the only solution to political problems, the only method by which grievances can be addressed. In this war and for these principles, the Kurds are true friends of the United States.

Ende des Beitrags von Massud Barsani in: *Washington Post* v. 26.10.05

2. Anschlussbetrachtung zur Völkerrechtsfrage

Fritz W. Peter, 27.10.05

Mit dem *Einmarsch* – in Barsanis Beurteilung war er notwendig und das größte Geschenk, das seinem Land von außen zuteil werden konnte – stellt sich zwangsläufig die *Völkerrechtsfrage*. Zur Erörterung der Frage, die eher ein Bündel von Fragen ist, habe ich in: „*Die Irak-Erfahrung – Lehrstunde für Völkerrechtler*“ [04/04, Teil 1, www.wadinet.de/news/dokus/Voelkerrechtsfrage_Irak_Teil-1.pdf; 08/04, Teil 2, www.wadinet.de/news/dokus/Voelkerrechtsfrage_Irak_Teil-2.pdf; 80 S.] versucht, eine Darstellung der zahlreichen Aspekte zu geben, die für eine Beurteilung des Irak-Konflikts zentral erscheinen. Ein offenes Urteil ist schon deswegen in der Völkerrechtsfrage *notwendig*, da die Tür zur Bewältigung von *fast nicht auflösbaren* Situationen im Leben der Völker niemals zugeschlagen werden darf. **Das Recht auf Entwicklung einer eingetretenen Situation zu ihrem Besseren muss Maßstab für die Beurteilung bleiben.** Ein festgeschriebener, nicht

entwicklungsfähiger, mörderischer Zustand wie unter Saddam darf nicht indirekt völkerrechtlich legitimiert werden durch pervertierte, unbegrenzte Anwendung des Souveränitätsbegriffs: Eine *verständige* Interpretation kann nicht durch ein *hohles Begriffsverständnis* getragen sein. „Geist und Buchstabe“ dürfen ihren *letztendlichen Bezug nicht hergeben.* Es entspricht nicht der Lebenswirklichkeit oder Würde eines Volkes, nur Objekt eines Rechtsbegriffes *statt Rechtssubjekt* zu sein – noch dazu eines *verfälschenden* Rechtsbegriffes. Im Irak „definieren“ die Menschen derzeit ihre Lebenswelt neu – nicht völlig „souverän“, aber souveräner als zuvor. Das zweite Mal haben freie Wahlen beeindruckenden Zuspruch gefunden, trotz der Lebensgefahr für die – *nun mit Rechten ausgestattet* – Menschen. Die Situation im Land ist noch immer *nicht beherrschbar*, aber soll das Land durch eine „Ordnung“ *beherrscht sein*, wie sie während drei Jahrzehnten bis zum Sturz Saddams 2003 bestand...?

Immer noch wärmen sich viele an dem Gedanken, dass man *im Recht* war, wenn man gegen den Einmarsch war. Viele Menschen im Irak (nicht nur als Wähler) arbeiten derweil daran, *im Recht – im Zustand des Rechts – zu sein* und erst-mals eine Ahnung erlangen zu dürfen, wie es ist, Recht und Rechte zu haben, durch die sie – im Falle weiterer Entwicklung – als Bürger eines neuen Irak dann sogar effektiv geschützt werden könnten.

Die Durchsetzung einer Verfassung kann für das Land – und den Mittleren Osten insgesamt – ein weiterer Schritt zur Herausbildung *politisch lebensfähiger Strukturen* sein. Zwar vollzog sich auch dieser Schritt nur unter dem Schutz einer „Besatzungsmacht“, doch wer – *außer jenen, die Gegner einer rechtsstaatlichen Entwicklung sind* – wollte deswegen den Wert des eingeschlagenen Wegs (als institutionelles Faktum wie auch als *Erfahrungsdatum* im Leben des irakischen Volkes) leugnen oder kleinreden!

Man kann – *auch ohne ein kurdischer Führer zu sein* – dazu stehen, dass sich im Ergebnis eines – *noch so problematischen* – damaligen Entscheidungsprozesses

und nachfolgenden Waffengangs ***Menschen nun ihrer Rechte zu bedienen beginnen!*** – Man kann auch hinnehmen, dass die, die gegen den Einmarsch waren, sich weiter am Gedanken wärmen, Recht gehabt zu haben, wenn nur jene, die kein Recht kannten, solches nun ***auch*** bekommen! –

Ein Iraker, der sein Recht so dankbar wie besonnen wahrnimmt, ist in folgender Dokumentation mein Gesprächspartner. Das Gespräch verdankt sich dem Umstand, dass es ein *world-wide-web* gibt: das Gespräch erfolgte per e-mail. Die Dokumentation trug zunächst den Titel: „*January 2005. A Recent Story*“ (engl. abgefasst, 1/2005, 22 S.), später habe ich mich zu folgender Titelformulierung entschlossen: „*From Outside the Sunni Triangle*“ (20 S.)

www.wadinet.de/news/dokus/2005-Recent_story.pdf

Es folgt hier abschließend der Hinweis auf einige Texte meines irakischen Gesprächspartners ***Nasir F. Hassan***:

„*Keine Tyrannenfeinde*“, in: *Frankf. Allgem. Sonntagszeitung*, 30.1.05. Innenseite Titelblatt; abrufbar auch unter <http://adagio.blogg.de/eintrag.php?id=33>

„*Die Wahlen im Irak*“, Febr. 2005, <http://adagio.blogg.de/eintrag.php?id=35> und www.wadinet.de/news/dokus/Die_Wahlen_im_Irak.pdf

Die Ausführungen zur Irak- und Völkerrechtsthematik (s.o.) finden sich z.T. auch in: „*Ende der Flegeljahre in der deutschen Politik*“ (10/05), s. „*Epilog*“ und Anmerk. 14/15 (zur Völkerrechtsfrage) <http://adagio.blogg.de/eintrag.php?id=70> und <http://www.wadinet.de/news/dokus/Ende-der-Flegeljahre.pdf>

Vgl. auch „*Guter und schlechter Journalismus*“ (10/05)

<http://adagio.blogg.de/eintrag.php?id=25>

Für weitere Information, s. auch die im Blick auf allgemeine Diskussionsbeiträge und ebenso politische vor-Ort-Information außerordentlich ergiebige Website der NGO-Hilfsorganisation ***WADI e.V.*** www.wadinet.de

Nachtrag,

betreffend den auf S. 2 (erster Absatz) angesprochenen Punkt „Fortschritte im Lebensalltag“

01.11.2005 | The Christian Science Monitor | Dan Murphy

An Iraqi city becomes turnaround story

Despite violence, including a nearby attack Saturday, Baquba sees improvement.

THE CHRISTIAN SCIENCE MONITOR

BAQUBA, IRAQ, 31. October - Last January, Baquba was symbol of everything going wrong in Iraq - and its neighborhood of Buhritz was a symbol for everything going wrong in Baquba.

This city just 50 miles north of Baghdad was crawling with Sunni Arab mortar teams, snipers, and bombmakers. They had made parts of the city their own, killing police when they found them and driving the rest into hiding. Their grip was so strong that only 60 percent of the region's polling places opened for Iraq's first post-Saddam election. In Buhritz, not a vote was cast; some polling sites were torched.

But today, US commanders are pointing to Baquba as a symbol of what might go right. Every polling place stayed open all day for the Oct. 15 referendum that approved Iraq's new constitution earlier this month. Violence was light, while voter turnout was high.

While Sunnis, Shiites, and ethnic Kurds of the city all have different visions of Iraq's future, and bombs like the one that killed at least 30 civilians Saturday in a town near here are still common, Baquba is a reminder that at least short-term security gains are being made in many Iraqi cities, particularly ones outside volatile Anbar Province.

Asked why, Lt. Col. Rob Risberg, commander of the 1st Battalion of the Army's 10th Field Artillery Regiment, scratches his head, then says it hasn't been rocket science. "The Iraqi Army and the Iraqi police have really come along - they can handle most of what comes their way now," says Colonel Risberg, from DeLeon Springs, Fla. "We're here to back them up, but I think we're seeing the benefits of getting cops on almost every street corner."

There have also been heavy doses of force. In June, Buhritz - a tough neighborhood where kids swim in a murky, trash-strewn irrigation canal fed from the nearby Diyala River - was almost a no-go zone for Risberg's men. They didn't come down except in force, and even then were almost certain to be shot at.

Then on June 17, Lt. Noah Harris of Dawsonville, Ga., and Cpl. William Long of Lillburn, Ga., were killed when their humvee was hit by a roadside bomb in the area, and Risberg decided he'd had enough. "That was the straw that broke the camel's back," he says, pointing to the crater left by that earlier bomb as he rolled through Buhritz with just a three-humvee convoy.

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The Army shut down the area for six weeks - basically letting no one in and no one out - and began major sweeps through the area. Risberg said the operation had a twofold objective: To capture fighters in the area and to persuade residents not to support them.

Risberg was helped by Capt. Bobby Ray Toon, from Grannies Neck, Texas, who was directly responsible for Buhritz. In the Army as an enlisted man for 18 years, he recently attended officer candidate school and was put in charge of a company of about 150 men. His experience made it easier for him to make the right calls in dealing with local civilians, problems that take as much political as military savvy.

Each time an attack originated in the area, Risberg would have a nearby palm grove shelled, sometimes as often as every 15 minutes the whole night. He'd also further restrict residents' movement. "We were trying to show them that you're going to help us clean up this area or you're going to pay the price," he explains. "I didn't care which."

When local families complained that the shelling frightened their kids, he'd tell them to help hand over insurgents - only then would the shelling stop. They also replaced the local mayor and the town council, who seemed sympathetic to the insurgency. Eventually, he and others in his battalion say, the approach got results.

On election day this month, turnout topped 60 percent as Iraqi police maintained a heavy presence. US soldiers stayed in the background.

At the same time, more Iraqi police came onboard. "A lot of progress has been made in building up the Iraqi police," says Col. Steve Salazar, Commander of the 3rd Brigade Combat team, under which Risberg's men serve. "That's the key to getting us out of here - handing more and more over to Iraqis."

Diyala Province has one of the longest-running joint command centers. "It's the cornerstone of our program here," says Major Warren. Iraqi police and soldiers mingle with their US counterparts, tracking recent insurgent tactics and making plans.

To be sure, training local forces and putting the heat on insurgents has been the US game plan across Iraq. In some places, like Baquba, it's found partial success, while in others it's generally been a failure, as in much of Anbar Province, home to Fallujah and Ramadi.

The US has a better chance of success in cities like Baquba, which grew up along a tributary of the Tigris River, than in Anbar. Anbar's population centers lie along the Euphrates River, a key transit point for trade and ideas into Iraq.

The Euphrates flows out of parts of Syria that are influenced by the austere and heavily religious Salafy school of Islam. Euphrates river towns tend to be much more religious than their Tigris neighbors. So while towns like Baquba and Tikrit, Saddam Hussein's home-town, are filled with supporters of the old regime, their relatively more secular outlooks leads to a less fanatical commitment to resistance.

How long the peace will hold in Baquba is unclear, as the city has been pacified before. Driving through Buhritz, Risberg points to the bustling Mufрак police station, a citadel-like building that was overrun by insurgents last November but had recently been reoccupied. It was the second time that had happened. In June 2004, insurgents took the station, killing 13 people, seven of them police officers.

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