

Responsibility to protect the Kurds

March 2003

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Introduction¹

Any attempt to build a stable Iraq and preserve its territorial integrity will need to address the Kurds' legitimate grievances. Much of the Kurdish population has come to enjoy considerable political autonomy from Baghdad as a result of the direct flow of revenue from the UN Oil-for-Food Program, and they are not about to accept a rollback of their new status. Fear of losing this status coupled with Washington's historically inconsistent record of support for the Kurds explains why many of them, though deeply hostile to the regime, also are wary of the impact of a U.S.-led regime change.²

Since the creation of the modern states in the Middle East at the beginning of 1920s, the Kurds³ have been directly affected by the political, social, economic and military changes driven by international forces, regional powers and the power struggle in Baghdad. Throughout this period, the

consequences of these changes have been, by and large, of negative character, and at times with catastrophic dimensions. With the exception of short periods of peaceful co-existence, recognition and negotiations, the violence-oriented state-building in Iraq have created 'a long history of repression' for the Kurds 'at the hands of the central government and [the Kurds] have suffered enormously under the current regime, which has successfully manipulated Arab-Kurdish as well as recurring intra-Kurdish tensions.'⁴

As part of the ongoing confrontations between the US and UK on the one hand and the regime of Saddam Hussein on the other, the Kurds seem to face yet another dramatic change in their modern history. They can either be the great losers of the ensuing changes if the American policy of regime change in Iraq goes badly wrong, and is not well-thought off and well-prepared for. The Kurds can equally turn out to be one of the great winners if president Bush's vision of a new Middle East can hold water in Iraq. In fact, as Philip H Gordon argues, 'the Bush administration does have a something of a Middle East vision base on more than domestic political considerations. At the heart of the plan is the determination to use America's unprecedented power to reshape the Middle East by supporting America's friends in the region, opposing its enemies and seeking to promote democracy and freedom.'⁵ Gained at a very high price, the considerable degree

¹ Khaled Salih is a senior lecturer and researcher at the Centre for Middle East Studies, University of Southern Denmark. This report is written after a request from the Nordic representative of the Kurdistan Regional Government in Stockholm in order to focus on the risks facing the Kurds in Iraq as direct consequences of the ongoing confrontation between Iraq and USA and UN and the looming war against the regime of Saddam Hussein. The report reflects only the opinion of the author based on his research on the ongoing development.

² Crisis International Group, *Iraq Background: What lies beneath*. ICG Middle East Report, no. 6. 1 October 2002, p. 2.

³ In order to avoid repetition, and if not otherwise indicated, the words Kurds, Kurdish and Kurdistan refer only to the Kurds in Iraq and Iraqi Kurdistan throughout this report.

⁴ Crisis International Group, *Iraq Background: What lies beneath*. ICG Middle East Report, no. 6. 1 October 2002, p. 2.

⁵ Philip H. Gordon, 2003, 'Bush's Middle East vision', *Survival*, vol. 45, no. 1, pp. 155-165.

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of democracy and freedom has transformed the Kurdish society during the period of self-rule since 1991. In this context, the Kurds seem to be at crucial crossroads where they can see either their human development and human security, and possibly their survival, threatened, as in the past decades, or protected by the international community. This report focuses on the risks the Kurds are facing in the coming months, or perhaps weeks, if not days.

On Thursday 6th March president George W Bush informed the American public (and the world by implication) that the US and the UN were 'still in the final stages of diplomacy',¹ while the military preparations seemed already to be in the final stages. The process and the related decisions as to how to solve the confrontation with Iraq have indicated that the Iraqi crisis has created several policy dilemmas for those who support and those who oppose the war option, including the Kurds. Despite that there is 'still broad international agreement about the objectives to be pursued: ensuring that Iraq does not constitute a threat, disarming it of the weapons of mass destruction it still retains (as demanded by Security Council Resolution 1441), and improving the condition of the Iraqi people (as demanded both by common decency and the Iraqi people themselves).'² The issue of improving the condition of the Iraqi people has gained considerable attention during the last months, for good and bad reasons. For

good reasons because the new and ongoing developments may provide a new and substantial ground, making it possible for the Iraqi population to live in a better future sooner rather than later. For bad reasons because it exposes the past policies of how the international community deliberately ignored the suffering of Iraqi population for almost three decades.

In a recent press conference president Bush, once again, emphasised that Saddam Hussein, while a real threat to the US, is also a real threat to the Iraqi people, therefore, he was convinced that a liberated Iraq

will be important for that trouble part of the world. The Iraqi people are plenty capable of governing themselves. Iraq is a sophisticated society. Iraq's got money. Iraq will provide a place where people can see that the Shia and the Sunni and the Kurds can get along in a federation. Iraq will serve as a catalyst for change, positive change. ... *We care about the suffering of the Iraqi people.* ... The life of the Iraqi citizen is going to dramatically improve. ... We will be changing the regime of Iraq, for the good of the Iraqi people.³

As to the mission of the US and British, or the 'coalition of the willing', president Bush declared that it was very clear; the mission was to disarm Iraq. But he added that 'in order to disarm, it would mean regime change. I'm confident we'll be

¹ President George Bush Discusses Iraq in National Press Conference, 6th March 2003, at <http://www.whitehouse.gov/news/releases/2003/03/print/20030306-8.html>

² International Crisis Group, *Iraq policy briefing: Is there an alternative to war?*, ICG Middle East report no. 9, 24 February 2003, p.1.

³ President George Bush Discusses Iraq in National Press Conference, 6th March 2003, at <http://www.whitehouse.gov/news/releases/2003/03/print/20030306-8.html>. Emphasis added.

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able to achieve that objective, in a way that *minimizes the loss of life*.¹

At the same time officials of the Bush administration have stated on the one hand that they are preparing to provide humanitarian aid to the civilians in Iraq in the event of a war,² and on the other how they plan for a post-Saddam Iraq. In a testimony before the Senate Foreign Relations Committee on 11th February, Marc Grossman, Undersecretary for Public Affairs, outlined the guiding principles behind the official thinking of the Bush administration in defining its policy towards Iraq, if a war becomes necessary. The principals are:

First, we will demonstrate to the Iraqi people and the world that the United States wants to liberate, not occupy Iraq or control Iraqis or their economic resources.

Second, we must eliminate Iraq's chemical and biological weapons, its nuclear program and its related delivery systems.

Third, we must also eliminate Iraq's terrorist infrastructure.

Fourth, safeguard the territorial unity of Iraq. The United States does not support Iraq's disintegration.

Fifth, begin the process of economic and political reconstruction, working to put Iraq on a path to become a prosperous and free country.³

¹ President George Bush Discusses Iraq in National Press Conference, 6th March 2003, at <http://www.whitehouse.gov/news/releases/2003/03/print/20030306-8.html>. Emphasis added.

² 'US, UN prepare to meet humanitarian needs in Iraq', *Washington File*, 14 February 2003, available at <http://usinfo.state.gov>

³ Marc Grossman, Under Secretary for Political Affairs, Testimony before the Senate Foreign Relations Committee, 11 February, 2003, at <http://www.state.gov/p/17616pf.htm>

In these and many other documents, press statements, interviews and congressional reports nothing is said about the particular issue of protecting the Iraqi civilians before and during the war from the possible Iraqi attacks. In particular there does not seem to be any serious public consideration about the risks the Kurds might face in the event of war, and that despite past experiences of Iraqi attacks against the Kurds. Paradoxically, though, past Iraqi attacks against the Kurds have been used during the past six months in the process of presenting Iraq as a real threat. Similar references to Iraqi use of chemical and biological weapons against the Kurds functioned as an active element in the need to drive out Iraq from Kuwait in 1990 and 1991. The fact that Iraq has used weapons of mass destruction against the Kurds reached an unprecedented level of clarity when the Colin Powell told the members of the UN Security Council that they should be deeply and continuously concerned with one subject, that of 'Saddam Hussein's violation of human rights'. Powell argued that:

Underlying all that I have said, underlying all the facts and the patterns of behavior that I have identified as Saddam Hussein's contempt for the will of this council, his contempt for the truth and most damning of all, his utter contempt for human life. Saddam Hussein's use of mustard and nerve gas against the Kurds in 1988 was one of the 20th century's most horrible atrocities; 5,000 men, women and children died.⁴

⁴ Secretary of State Addresses the U.N. Security Council Secretary Powell Addresses The United Nations, 5 February 2003, at

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Powell then told the Security Council something no other high-ranking American politician or other member state of the Council had so clearly and forcefully in that context when he mentioned Iraq's infamous Anfal campaign against the Kurds in 1980s, killing as many as 100,000 Kurds.¹ Powell pointed to Saddam Hussein's 'campaign against the Kurds from 1987 to '89 included mass summary executions, disappearances, arbitrary jailing, ethnic cleansing and the destruction of some 2,000 villages.'

Despite this graphic description of the suffering of the Kurds under Saddam Hussein's regime no official indications have been communicated out from the Bush administration as what they have in mind and prepared in order to protect the Kurds during the military confrontation with Iraq. This is more than warring because, as Dr Shafiq Qazzaz, the Kurdish minister of Humanitarian Aid and Cooperation in the Kurdistan Regional Government, has recently told journalists, the United States and Western governments have so far given no sign as if and how they plan to help the Kurds. This becomes particularly paradoxical because Kurdish officials have been telling the Americans for months what the Kurds need, 'but there has been no reaction, although they [the Americans] are equipping their own forces with gas masks and everything else they need if they are attacked with chemical

weapons.'² To this imbalanced preparation must also be added that civilians in Israel have been provided with gas masks, in addition to US protection of Israel, Jordan, Kuwait, Saudi Arabia and possibly Turkey with the help of anti-missile systems while Syria and Iran have enough military power to protect themselves.

As if this was not enough, the Kurds in Iraq seem to face an additional threat as a direct consequence of the American preparation for war against Saddam Hussein and his regime. Turkey, a country that have allowed the American and British airplanes to protect the Kurds in Iraq in more than 10 years, seems suddenly be able to materialise a policy many Kurds and outside observers have suspected, that Turkey would pursue its own agenda in Kurdistan. The Americans seem to be prepared to abandon the Kurds as a price to assure Turkish military support as part of war preparations. Kurdish leaders have discussed, under intense American pressure, allowing deployment of Turkish troops, supposedly for humanitarian relief, to enter Kurdistan, but they now sense that Turkey would change the mission and size of the troops, using them to force the Kurds to give up plans for self-government and the rearrangement plans for future Iraq in which the Kurds have agreed with the rest of the Iraqi opposition to create a democratic, pluralist and federal political system. In addition to that the Kurds fear that Turkish forces would prevent the

<http://www.whitehouse.gov/news/releases/2003/02/20030205-1.html>

¹ According to Kurdish sources around 183,000 people were killed and more than 4,000 villages destroyed in the campaign.

² 'Iraqi Kurd Envoy Seeks Aid, Gas Masks Before War', 4 March, 2003, <http://www.kurdistanobserver.com/>

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return of thousands of Kurds to Arabized regions, particularly Kirkuk.¹

How real are these threats?

President Bush and senior politicians in his administration have repeatedly talked about the dangerous aspects of Saddam Hussein's policies and his regime. At the press conference of 6th March, Bush told the press that 'we're not speculating about the nature of the man [Saddam Hussein]. We know the nature of the man.'² The main issues here are that the Iraqi regime possesses weapons of mass destruction; it has used these weapons against the Kurds; and that Saddam Hussein refuses to disarm fully, as demanded by several UN Security Council resolutions.³ Bush argued in his speech to UN General Assembly in a way most Kurds would agree with but regret the delay in the emergence of such a crucial conclusion until now. Bush told the Assembly that '[t]he history, the logic, and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume this regime's good faith is to bet the lives of millions and the peace of the world in a reckless gamble. And this is a

risk we must not take.'⁴ In a similar manner president Bush told the Americans, and the world, already in his State of the Union speech in January 2002 that the Iraqi regime has 'plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens -- leaving the bodies of mothers huddled over their dead children.'⁵ As far as the Kurds concerned, the Kurdish minister, Dr Qazzaz, expressed the fear, the danger and the risks in a clear way by saying:

You don't have to convince us that Saddam Hussein has chemical weapons. We know he has. And we fear he will lash out at us, as he has done before, as soon as he is attacked.⁶

In a rather unexpected manner president Bush told the UN General Assembly that Saddam Hussein's regime 'once ordered the killing of every person between the ages of 15 and 70 in certain Kurdish villages in northern Iraq. He has gassed many Iranians, and 40 Iraqi [Kurdish] villages.'⁷ It is not only about Iraq's possession of weapons of mass destruction, but it is equally about the Iraqi regime's treatment of the people

¹ Peter Galbraith, 'Flashback for the Kurds', *New York Times*, 19 February, 2003.

² President George Bush Discusses Iraq in National Press Conference, 6th March 2003, at <http://www.whitehouse.gov/news/releases/2003/03/print/20030306-8.html>

³ Since this report focuses on the threats to the Kurds, issues of the Iraqi regime's direct and direct support to and involvement with international terrorism, its immediate threat to international security and peace and the use of weapons of mass destruction against Iran are left out.

⁴ President's Remarks at the United Nations General Assembly, 12th September, 2002, at <http://www.whitehouse.gov/news/releases/2002/09/print/20020912-1.html>

⁵ The President's State of the Union Address, 29th January 2002, available at <http://www.whitehouse.gov/news/releases/2002/01/print/20020129-11.html>

⁶ 'Iraqi Kurd Envoy Seeks Aid, Gas Masks Before War', 4 March, 2003, <http://www.kurdistanobserver.com/>

⁷ President's Remarks at the United Nations General Assembly, 12th September, 2002, at <http://www.whitehouse.gov/news/releases/2002/09/print/20020912-1.html>

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under its control which Richard L. Armitage, Deputy Secretary of State, pregnantly called an 'impunity on a staggering scale.'¹ Past behaviour of Saddam Hussein's regime in relation to the Kurds could tell something about the regime's possible future acts against them. In that context, a report from the US State Department captures the essence of that dilemma, fear and the potential threat the Kurds might face. The report calls the regime's strategy as 'crafting tragedy' and describes it in the following words:

Based on what he has done in the past, if conflict with Iraq should occur, Saddam is almost certain to lay a trap for the world's media. He apparently believes that dead Iraqi civilians are his most powerful weapon in trying to create revulsion against any military action that might occur against Iraq.²

The strategy of crafting tragedy was exploited in its horrible form when Iraq attacked the town of Halabja in March 1988 to terrify, demoralise and confuse both the Kurdish and the Iranian forces that had entered the town. The Iraqi regime's use of chemical weapons between 1983 and 1988 in Kurdistan has created a deep sense of fear among the Kurds. The terrible effects of Iraq's use of mustard gas and nerve agents in and around Halabja still reminds the Kurds of what the Iraqi regime is capable to do without being held account by any international body, including UN Security Council.

US State Department is now using Iraq's use of chemical weapons against the Kurds in order to rally support for its campaign against the regime of Saddam Hussein. Quoting Dr Christine Gosden, a professor of medical genetics at the University of Liverpool and who researched congenital malformations, fertility and cancers in Halabja in 1998, saying that what she found far worse than anything he had suspected, the report reminds the unconvinced of what Dr Gosden had to tell:

Conditions such as infertility, congenital malformations and cancers (including skin, head, neck, respiratory system, gastrointestinal tract, breast and childhood cancers) in those who were in Halabja at the time ... are at least three to four times greater, even 10 years after the attack. An increasing number of children are dying each year of leukemias and lymphomas. The cancers tend to occur in much younger people in Halabja than elsewhere, and many people have aggressive tumours. ... The staff in the labour ward [in a hospital in Halabja] told of the very large proportion of pregnancies in which there were major malformations. In addition to fetal losses and perinatal deaths, there is also a very large number of infant deaths. The frequencies of these in the Halabjan women is more than four times greater than that in the neighboring city of Suleymania... The findings of serious congenital malformations with genetic causes occurring in children born years after the chemical attack suggest that the effects from these chemical warfare agents are transmitted to succeeding generations.³

¹ Richard L. Armitage, Deputy Secretary Of State, Remarks at the U.S. Institute of Peace, 21 January 2003,

<http://www.state.gov/s/d/rm/16784.htm>

² US State Department, 2003, *Apparatus of lies. Saddam's disinformation and propaganda*, 1990-2003, p. 6.

³ US State Department, 2003, *Apparatus of lies. Saddam's disinformation and propaganda*, 1990-2003, p. 18-19.

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The report quotes also the Chairman of the Department of Medicine of Suleymania University Dr. Fouad Baban in order to describe the effect of the mustard gas and nerve agents in relation to similar attacks. Dr. Baban has said that Halabja's congenital abnormality rates 'are four to five times greater than in the post-atomic populations of Hiroshima and Nagasaki. Rates of stillbirths and miscarriages in the town are even more alarming. Rare and aggressive cancers in adults and children are found at levels far higher than anywhere in the world.'¹

With the fresh memories of Halabja and Anfal operations, and with repeated US officials referring to what Saddam Hussein's regime may possess even now, the fear of the Kurds are far from being exaggerated. If the figures are near to any truth about the following elements of Iraq's weapons of mass destruction, the threat against the Kurds must be considered real rather than potential. Iraq has declared 8,500 litres of anthrax, but the UN estimate is 26,000 litres; Iraq has declared 19,000 litres of botulinum toxin, but the UN estimate is 38,000 litres; Iraq's 1.5 tons of VX nerve gas remains unaccounted for; Iraq's more than 30,000 munitions, shells and bombs remain unaccounted for; Iraq possesses more than 100 missiles exceeding 150 kilometres; Iraq's possession of 5,500 litres of aflatoxin (a carcinogen) and 550 artillery shells filled with mustard agent.²

¹ US State Department, 2003, Apparatus of lies. Saddam's disinformation and propaganda, 1990-2003, p. 18-19.

² *Iraq's hidden weapons: Failing to disclose and disarm*, available at www.state.gov; White House, 'Global message on Iraq', 5th March, 2003, at http://www.whitehouse.gov/infocus/iraq/global_20_030305.html

As a White House document stated in March, the 'danger posed by Saddam Hussein and his weapons cannot be ignored or wished away.'³ In that context the Kurds can hardly feel secure without being offered any real protection when they also hear president Bush saying that after 12 years UN sanctions and inspections Saddam Hussein has systematically violated all agreements and sanctions, and that:

He pursued chemical, biological, and nuclear weapons, even while inspectors were in his country. Nothing to date has restrained him from his pursuit of these weapons -- not economic sanctions, not isolation from the civilized world, not even cruise missile strikes on his military facilities.⁴

Much of what has been stated in another US State Department report could be true under the prevailing circumstances. The vulnerability of the Kurdish civilians now does not differ very much from that of the inhabitants of Halabja, or the rest of the Kurdish population for that matter, during Iraq's chemical attacks. At that time, the town of Halabja 'had the misfortune of being on the front lines of the Iran-Iraq war' says the State Department report.⁵

The inhabitants, who numbered 50,000 or more at the time, knew the hard realities of conventional war firsthand, but they had no preparation

³ White House, 'Global message on Iraq', 5th March, 2003, at http://www.whitehouse.gov/infocus/iraq/global_20_030305.html

⁴ State of the Union Address by President George W. Bush, 28th January 2003, available at <http://www.whitehouse.gov/news/releases/2003/01/print/20030128-19.html>

⁵ US State Department, December 2002, *Iraq from fear to freedom*, p. 3.

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for the nightmare that descended upon them that day — and continues to wreak havoc upon the survivors and their offspring today. ... As the gas spread and animal died and birds dropped out of tree, the panicked families, many blinded by the chemical agents, gathered up hysterical, gasping children, tried to escape downwind. ... Moreover, the methods used in the attack appear to underscore the regime's interest in using chemical agents to terrorize population centers.

The situation does not seem to defer much from the circumstance during the Iran-Iraq war. In order to justify a war, USA needs a united Iraqi opposition that has a certain degree of legitimacy and can assemble in Iraq. Only the Kurds have control over their territory, legitimacy and have administered approximately four million people throughout a period of ten years, far from the Saddam regime. Kurdistan is the only area where the opposition can meet, which automatically transforms the Kurdish population into military targets, probably an "ideal military target". Despite that the Kurds seem to be without similar protection systems provided to the US forces and the surrounding countries the US wish to protect. The Kurds have remained without any protection at the time of writing (mid-March). While a large part of the Kurdish region still lies outside the no-fly zone, large cities and refugee camps are dangerously near Iraq's frontline. Chemical attacks against "clean" Kurdish targets could therefore have unimaginable consequences, especially because of the absence of Iraqi military troops, secret intelligence forces or loyal party supporters in the region.

No wonder then that the Kurds would feel strongly about the 'cruel and persistent legacy'² of Iraqi regime's destructive policies for more than three decades, even so now after more than ten years of self-rule and freedom. The Kurds are well aware of the fact that Iraq's weapons of mass destruction, while 'inexpensive in terms of death per unit cost', have been used by the Saddam Hussein's regime 'in different combinations ... to discern their effectiveness as weapons of terror and war'.³ As long as the Kurds are not ensured by establishing a protection system against likely attacks by Iraqi forces in the event of US and UK confrontation with the Saddam Hussein's regime, the Kurds' fear, anxiety and sense of being abandoned are legitimate. If these and other issues were not taken seriously, US official talks of regime change and transition to democracy would miss a central element at a crucial juncture. While American concern about the coming transition seems to be limited to three stages of 'stabilisation', 'transition' and 'transformation', a further element of 'protection' should have been of immediate concern. The American transition concerns, formulate by Marc Grossman, are thought of in the following manner. The first stage, *stabilisation*, 'where an interim Coalition military administration will focus on security, stability and order', will be laying the ground for a *transition* (the second stage), 'where authority is progressively given to Iraqi institutions as part of the development of a democratic Iraq'. This process is meant to end with a final stage, *transformation*, which demands

¹ US State Department, December 2002, *Iraq from fear to freedom*, p. 3.

² US State Department, December 2002, *Iraq from fear to freedom*, p. 4.

³ US State Department, December 2002, *Iraq from fear to freedom*, p. 5.

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that the Iraqi population have 'drafted, debated and approved a new, democratic constitution and held free and fair elections, the only way for any future Iraqi government to be truly legitimate.'¹ Potential threats to this vision of transition and establishment of democracy and a legitimate government in Iraq are not only limited to threats from the Iraqi regime. Iraq's neighbouring states also pose direct and indirect threats to the envisioned future of Iraq, particularly if the war against Iraq and the regime change were part of a broader vision for the entire Middle East. President Bush and several other senior politicians in his administration have made reference to this broader vision. In the words of president Bush:

The current Iraqi regime has shown the power of tyranny to spread discord and violence in the Middle East. A liberated Iraq can show the power of freedom to transform that vital region, by bringing hope and progress into the lives of millions. America's interests in security, and America's belief in liberty, both lead in the same direction: to a free and peaceful Iraq.²

If 'America's interests in security, and America's belief in liberty', in fact lead in the direction of 'a free and peaceful Iraq', as president Bush withholds, American decision-makers, UN Security Council members, EU states and other members of the international community should take the Kurds' second and fast-

approaching fear earnestly, before what Kofi Annan so forcefully has expressed comes through in the coming months, weeks, or perhaps days:

Lack of political will, national interest narrowly defined, and simple indifference too often combine to ensure that nothing is done, or too little and too late.³

This fear is the Turkish factor in the context of the looming war 'discussion of Turkey's potential role in Northern Iraq raise serious human rights concerns', because if very large numbers of Turkish armed forces enter Kurdistan 'there is a risk that they will resort to the mass detention and torture, political killings, "disappearances," and village burning that they used when fighting over similar terrain in southeastern Turkey.'⁴

Turkey as potential threat

In a report to the American Congress, Carol Migdalovitz wrote already at the end of October 2002, that Turkey would likely be an important actor in any US military operation against Iraq. In the process Turkey would look after its own interests, ranging from economic consequences of a war for Turkish economy; an escalating humanitarian refugee crisis that could destabilize the Kurdish region in Turkey; regional in case PKK (now renamed KADEK) exploits the situation to start military actions against

¹ Marc Grossman, Under Secretary for Political Affairs, Testimony before the Senate Foreign Relations Committee, 11 February, 2003, at <http://www.state.gov/p/17616pf.htm>

² President discusses the future of Iraq in speech at American Enterprise Institute, 26th February, 2003, at <http://www.whitehouse.gov/news/releases/2003/02/print/20030226-11.html>

³ Secretary-General addresses International Peace Academy seminar on 'The responsibility to protect', 15/02/2002, <http://www.un.org/News/Press/docs/2002/sgsm8125.doc.htm>

⁴ Human Rights Watch, March 2003, *Turkey and war in Iraq: Avoiding past patterns of violation*, p. 1.

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Turkish forces (as it did in the aftermath of the 1991 war); the fate of the Turkomans in the future of Iraq, which some Turkish political and military forces see as a leverage to control the developments in Kurdistan; and most importantly Turkish insistence on Iraq's territorial integrity and by implication the prevention of 'the emergence of a Kurdish state'.¹ For the purpose of this report, the last concern is the most important.

Several observers have maintained that ever since the Bush administration's indications of a possible war against the regime of Saddam Hussein, Turkey has stressed its unwillingness to allow the Kurds 'to establish an independent state'² in the shadow of the changing circumstances. Tension between Kurdish political leaders and Turkey has increased remarkably during the last year on this very subject. The Kurds fear the worst-case scenario if Turkish forces were to enter Kurdistan, while Turkish authorities have used America's need to open a northern front from Turkey to influence American decision-makers to accept Turkey's own conditions and perception.

Turkish politicians, military and media have presented the developments in Kurdistan as a threat to Turkish security, Kurdish leaders have several times addressed Turkey's security concerns by reassuring Turkish officials that the Kurds will prevent PKK (KADEK) forces to attack Turkish forces from their territory

and they themselves will not embark on any political adventure that would endanger their survival as a group. Kurdish political negotiations with the Iraqi opposition leaders have, therefore, focused on the Kurds' commitment to the territorial integrity of Iraq. Despite that Turkish officials seem to be determined to block and undermine any potential development that would lead to formal recognition of the de facto existing Kurdish entity within any future arrangements for Iraq.

Despite that the Turkish government and military maintain that the Kurdish leaders would pursue their own agenda. Turkish officials cite the possibility for the Kurdish forces to capture the oil-rich city of Kirkuk, which provide the Kurds with the financial means to establish a separate Kurdish state. The Turkish foreign minister has reportedly expressed this line of thinking as late as February this year, saying

At present the Kurdish area enjoys a certain autonomy.... We do not want this to be consolidated further and to be transformed into a federal state or an independent state.³

The Turkish government opposes this consolidation on the grounds that it might provide a model that would encourage Kurdish separatism within Turkey as well. Turkish authorities have indicated that Turkey would field more troops than the US in Kurdistan and that these troops would be prepared to go into combat to prevent Kurdish forces seizing Kirkuk and the oil fields around it, but also to disarm Kurdish forces that have administered the

¹ Carol Migdalovitz, *Iraq: The Turkish Factor*. CRS Report for Congress, RS21336, Updated October 31, 2002.

² Hamit Bozarslan, 'Turkey's perception of developments in Iraqi Kurdistan', *Iraqi Kurdistan Dispatch*, November 2002, available at <http://www.ikurd.info>

³ As quoted in Human Rights Watch, March 2003, *Turkey and war in Iraq: Avoiding past patterns of violation*, p. 1.

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region since the end of the Gulf war in 1991. How real is the potential Turkish threat?

If one takes the Kurdish fear seriously, the worst-case scenario is a Turkish occupation of Kurdistan without any US control. In addition to the estimated 5,000 Turkish soldiers already in Kurdistan, press information about 60,000 to 80,000 Turkish troops planning to go deep into Kurdistan could be taken as an undisputable Turkish intention to implement its own agenda. In such a process, Turkish forces can annex the oil-rich cities of Mosul and Kirkuk, provide weapons to Turkomans, disarm Kurdish forces, undermine Kurdish infrastructure, and create division and confusion among Kurdish groups. Such a scenario would have wide-range consequences. In addition to create a situation that reminds of the Israeli tactics against the Palestinians, it also invites other regional players, most probably Iran, to be involved militarily. Such a development would also have a political and legal dimension.

While Turkey demands that the Kurds stick to the territorial integrity of Iraq, the country itself violates its international obligations to respect and uphold international law. In the vein it also creates a credible dilemma for the American policy, both in Iraq and in the Middle East. As the Kurdish minister for reconstruction and development has expressed it, the Americans using the Kurdish suffering and their attempt to establish democratic institutions in justifying the war, and at the same time punishing the Kurds by allowing Turkish forces to enter Kurdistan under the pretext of 'keeping law and order'. 'So in one week', said the minister, the

Americans use the Kurds to justify the war and the possible establishment of a democratic Iraq, and 'another they want to put us under Turkish occupation.'¹

Such an event will also create a moral dilemma. While Turkey insists on a federal solution for the Turks to solve the Cyprus question, Turkey denies, and attempts to block such a development in the case of the Kurds in Iraq. This situation is more of paradoxical because the entire Iraq opposition has already endorsed a federal solution as a future form of government in Iraq. Although not agreeing to the detailed forms of such a solution, both president Bush and several other senior politicians in his administration have publicly talked about a democratic, plural and federal Iraq they would prefer to see.

Although Turkish officials have tried to downplay this scenario, past pattern of Turkish behavior inside Turkey to solve the Kurdish problem there is alarming. This fear is well argued in a report by Human Rights Watch (HRW), in which the organization proposes several measures to be taken in advance if the past pattern of violations were to be prevented in Iraqi Kurdistan. They include arrangements to prevent past patterns of abuse; avoiding deployment of security forces with records of abuse; preventing 'scorched earth' methods; establishing an effective monitoring system in advance; channels and mechanisms established by NATO governments and other governments authorizing supply of weapons to Turkish armed forces to fully disclose the circumstances of use of their

¹ Elisabeth Rubin, 'Two front', *The New Republic*, posted 6 March 2003, at <http://www.tnr.com/doc.mhtml?i=20030317&s=rubin031703>

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lethal weapons; and protection of asylum-seekers and refugees.¹

These are crucial measures, if taken serious, Turkish presence in Kurdistan could come under international scrutiny and demands before it is too late, because, as Kofi Annan has expressed it so forcefully: 'Lack of political will, national interest narrowly defined, and simple indifference too often combine to ensure that nothing is done, or too little and too late.'² The Kurds have every reason to fear that, if not prevented in advance, Turkish forces might deal with Kurds in the same way they used to confront PKK in Turkey in the past. HRW reminds everyone concerned about democracy, human right and freedom to learn from what they call the Turkish security forces' 'reputation for systematic torture and extrajudicial killing.'

When Turkish police, gendarmes, or soldiers had difficulty in distinguishing between rural civilian populations and armed insurgents, they drove the peasantry off their land and burned down thousands of settlements to create free-fire zones in the countryside. Soldiers torched villagers' homes, destroyed their crops and orchards, and machine-gunned their livestock. No official record was kept of these operations or the destruction wrought in the course of them, and no compensation was paid.³

In a war situation, especially if the war is pursued outside of the jurisdictions of a UN Security Council resolution authorising the war, Turkish security forces would be able to repeat the above-mentioned tactics against the Kurds. Such a situation is particularly probable if the Turkish forces enter Kurdistan under a Turkish commando, rather than under a joint American-Turkish commando as proposed US officials. Although the Kurdish leaders might encourage the Kurdish population to resist such a Turkish policy in Kurdistan, the obvious imbalance in military strength and firepower allows only one conclusion: a massive civilian suffering that would destabilise the region for many years to come and a protracted conflict resembling of the ongoing Israeli-Palestinian confrontation.

Furthermore, HRW warns that in the light of 'the well-documented patterns of past abuse, no security force units with an established record of committing serious human violations should be deployed' in Kurdistan.⁴

Given the well-established record of Kurdish suffering at the hands of successive governments in Iraq, Turkish tactics to quell Kurdish resistance in Turkey would be a nightmare scenario for a civilian population that having being struggling in more than 12 years to rebuild their destructed country. The Kurdish fear for what HRW calls the Turkish strategy of 'scorched earth' would be cruel reminder of Saddam Hussein's policies until the end of 1980s. The International community (UN Security Council), the US, the European Union

¹ Human Rights Watch, March 2003, *Turkey and war in Iraq: Avoiding past patterns of violation*.

² Secretary-General addresses International Peace Academy seminar on 'The responsibility to protect', 15/02/2002, <http://www.un.org/News/Press/docs/2002/sqsm8125.doc.htm>

³ Human Rights Watch, March 2003, *Turkey and war in Iraq: Avoiding past patterns of violation*, p.3.

⁴ Human Rights Watch, March 2003, *Turkey and war in Iraq: Avoiding past patterns of violation*, p.4.

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governments and humanitarian agencies should do all they can to prevent Turkey from deploying the same strategy it used to suppress the Kurdish resistance in Turkey:

During the course of the conflict in mainly rural southeastern Turkey, security forces resorted to what amounted to a scorched earth strategy – forcibly evacuating and burning any settlements that were not prepared to put up a corps of village guards. Where there are pressing reasons of security, governments do have the right to move populations. However, what happened in southeastern Turkey was neither an orderly nor lawful resettlement program but an arbitrary and violent campaign marked by hundreds of “disappearances” and summary executions.¹

If this worst-case scenario is prevented by the international community concerned with vulnerable populations in during conflicts and wars, European Union in which Turkey wants be a member in a near future, and the Bush administration fighting a war to partly also to end the suffering the of the Iraqi people to whom the want the Kurds to belong, Turkey might become a source of stability and attraction for the Kurds. Mehmed Ali Birand, a well-known Turkish journalist, has voice this option. Birand propose the idea that Turkey should ‘protect’ the Kurds. Paradoxically, Turkey has been part of such an arrangement since the end of the Gulf war in 1991, when the anti-Iraqi coalition forces established a no-fly-zone, protecting the Kurds from possible Iraqi air attacks. Or as Birand proposes,

rather than clashing with them or declaring war on them we can link arms with them and help them in their daily lives. Rather than closing the doors and threatening to strangle them, we can, via our economy, pump life-giving oxygen into Kurds' arteries.²

Conclusions

In an address to the UN General Assembly Kofi Annan urged member states of his organisation in 1999 to think hard about the failures of the past, the missions ahead, and the delicate balance between protecting the state and its citizens. Annan's question is particularly relevant in the ongoing confrontation between US/UK/UN and Iraq. His question is crucial in the light of what have been said about the risks the Kurds facing if a war remains the only solution to disarm the Iraqi regime. Annan ask:

if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity?³

As the report by the International Commission on Intervention and State Sovereignty, initiated by the Canadian ministry for foreign affairs in order to find some credible answers to the question

¹ Human Rights Watch, March 2003, *Turkey and war in Iraq: Avoiding past patterns of violation*, p.5.

² Mehmed Ali Biran, ‘The Northern Iraq issue would push us into a war’, *Turkish Daily News*, 7 March 2003.

³ Quoted in *The responsibility to protect*. Report of the International Commission on Intervention and State Sovereignty. Ottawa: International Development Research Centre, December 2001.

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posed by Kofi Annan, demonstrates, the international community, particularly in the form of UN Security Council and the UN member states and organisations should shift the focus.

It is high time to talk about the responsibility of the international community to protect vulnerable populations instead of framing it as a case for intervention. The international community can best act to protect civilians, particularly in situations where the government of a sovereign fails to take its responsibility or becomes a threat to its population. It is more effective to protect, rather than react and rebuild, even though the international community's responsibility is also to react to gross violations of human rights and to rebuild post-conflict societies.

If the UN Security Council, the UN General Secretary, individual Security Council members, the Bush administration, the European Union member states, humanitarian organisations, democratic forces both in Europe and the United States do not wish any Kurdish names to be added to the list of failures in a near future, sharing responsibility to protect the Kurds in the coming months, weeks or perhaps days should be a first priority.

A government is ultimately responsible for the humanitarian needs of the population under its authority, including those who are internally displaced. 'Iraq has failed to fulfill its obligations in important respects, most egregiously through policies that themselves have uprooted particular populations, such as the Marsh Arabs in the south and Kurds, Turkmen and Assyrians in the north. In other contexts, Iraq has been unable to fulfill its

obligations because the international community has imposed economic sanctions, and has created two flight exclusion zones. The responsibility of the international community to help meet the needs of the Iraqi population is heightened because the Iraqi government is unable or unwilling to provide sufficient assistance and protection.'¹ If peace, justice and development are important to be taken seriously by the people of the Middle East, including the Kurds, the Kurdish self-rule and experiment with democracy should not be allowed to be undermined, neither by Turkish intervention nor by any outside power.

If human development is the process of enlarging choices, if it implies that people must influence the processes that shape their lives, and if it means the full enjoyment of human rights, then nothing stifles that noble vision of development more than subjecting a people to foreign occupation.²

¹ Human Rights Watch, February 2003, Iraqi refugees, asylum seekers, and displaced persons: Current conditions and concerns in the event of war, p. 5.

² United Nations Development Programme, *Arab human development report 2002*, UNDP: New York, 2002, p. 3.

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A publication by Kurdistan Regional Government
(KRG) Nordic representation.

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