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The Kurds in Iraq: Status, Protection, and Prospects

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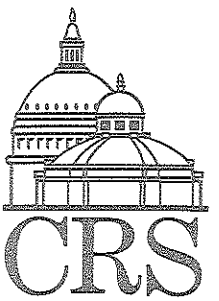

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THE KURDS IN IRAQ: STATUS, PROTECTION, AND PROSPECTS

SUMMARY

The Kurds of Iraq continue to pursue a campaign to achieve long-held national aspirations. For some Kurds, this means gaining full rights and meaningful autonomy within the existing state of Iraq. Other Iraqi Kurds seek a separate state which ultimately might include the Kurdish regions of neighboring countries as well. Since 1991, the Kurdish enclave in northeastern Iraq has enjoyed a de facto independence from Baghdad under U.N. and allied protection, but its future remains uncertain.

The protected status of the Kurdish enclave in Iraq is based primarily on the provisions of U.N. Security Council Resolution 688 of April 1, 1991, which demanded that Iraq cease repression of its citizens and called for an international relief program for the Iraqi civilian population. The resolution made specific mention of the plight of the Iraqi Kurds, and has been supplemented by two parallel mechanisms: a U.N.-sponsored relief and security program covered by a memorandum of understanding with the Iraqi Government; and a ban on Iraqi air operations over northern Iraq enforced by U.S., British, and French aircraft overflights with the cooperation of Turkey. (There is another no-fly zone in southern Iraq.)

Under this protective umbrella, the Iraqi Kurds held elections for a provisional government in 1992 and have been able to administer their affairs in their northern enclave. They continue to suffer significant privations resulting from a dual embargo: the U.N. economic sanctions against Iraq, which apply to all parts of the country (including the Kurdish-inhabited areas); and an economic blockade imposed by the Government of Iraq against the Kurdish region as well. Iraq has also massed approximately 100,000 troops and some 900 tanks along the frontier with the Kurdish enclave, and the attitudes of neighboring states (Turkey, Iran, and Syria) toward the Iraqi Kurds are ambivalent, since these countries are concerned over any manifestation of Kurdish separatism that might spread to their own Kurdish populations.

Officials of U.S. Administrations and Members of Congress have tended to sympathize with Iraqi Kurds, both as victims of oppression by the central government and as potential allies against the regime of Iraqi President Saddam Hussein. Congress, in particular, has been interested in financial assistance to the Kurds; violations of their human rights; the possibility of relaxing economic sanctions selectively to alleviate the economic plight of the Iraqi Kurds; and support for the democratic institutions they are trying to build in northern Iraq. Both the Bush and Clinton Administrations have been sympathetic to the Iraqi Kurds, but are sensitive to other regional considerations in formulating policies toward this group. Future contingencies--such as further challenges from Iraq, withdrawal of Turkish cooperation, an agreement between the Iraqi Kurds and the central government, or the loss of allied consensus in supporting the Kurds--could require further review of U.S. policies toward the Iraqi Kurdish question.

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OVERVIEW

The Kurds of Iraq continue to pursue a campaign to achieve long-held national aspirations. For some Kurds, this means gaining full rights and meaningful autonomy within the existing state of Iraq. Other Iraqi Kurds seek a separate state which ultimately might include the Kurdish regions of neighboring countries as well. Since 1991, the Kurdish enclave in northeastern Iraq has enjoyed a de facto independence from Baghdad under U.N. and allied protection, but its future remains uncertain. Officials of U.S. Administrations and Members of Congress have tended to sympathize with Iraqi Kurds, both as victims of oppression by the central government and as potential allies against the regime of Iraqi President Saddam Hussein; however, there are different views within U.S. Government circles over the scope and terms of assistance to the Kurds of Iraq.

This study summarizes the development of an internationally protected Kurdish enclave in Iraq, describes the provisional Kurdish administration in that area, examines Iraqi Kurdish relations with neighboring states and groups, and covers issues of U.S. congressional interest. [For a more detailed discussion of the historical development of the Kurds in Iraq, see Alfred B. Prados, Kurdish Separatism in Iraq: Developments and Implications for the United States, CRS Report 91-397F, May 6, 1991.]

KURDS IN IRAQ: A CAPSULE

Kurds constitute a distinct ethnic group that has lived in the Middle East since ancient times. Estimates of their numbers vary from 15 to 25 million.[1] Their social organization is tribal, although an urban class has developed during the past century. With rare exceptions they are Sunni Muslims. At present, they inhabit a roughly crescent shaped area, variously estimated from less than 100,000 to almost 200,000 square miles and covering eastern Turkey, northeastern Syria, northeastern Iraq, northwestern Iran, and small portions of the former Soviet Union. Though predominantly Kurdish, this area contains other ethnic and

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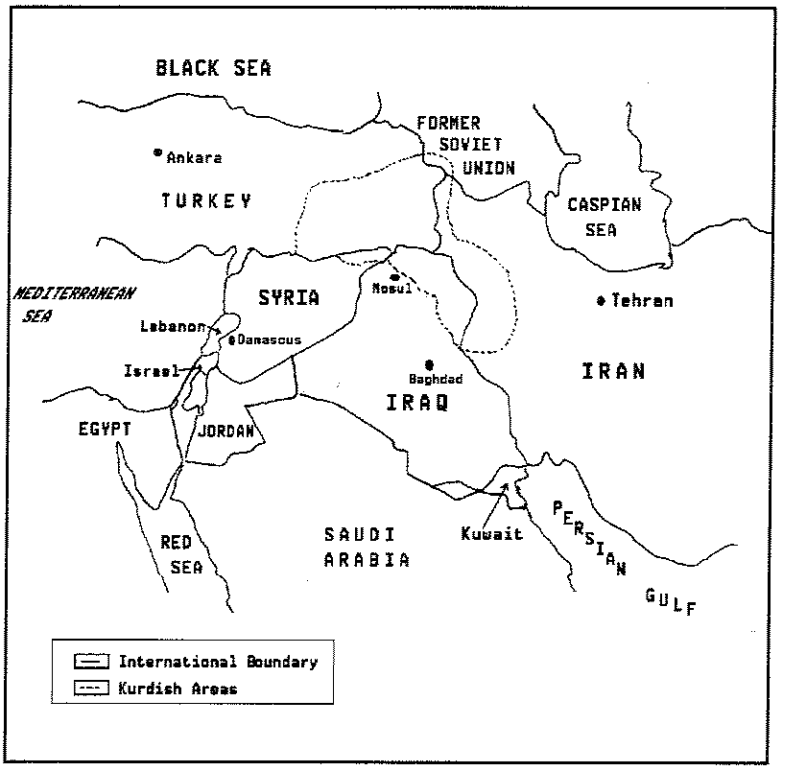
[1] A recent estimate of 20 million was cited by Murphy, Caryle and Thomas Lippman. It's Important Work. *The Washington Post*, April 15, 1994, p. A1. Some estimates are higher. Kurdish sources in 1990 claimed a total Kurdish population or 27.4 million. See Olsen, Robert. The Kurdish Question in the aftermath of the Gulf War: Geopolitical and Geostrategic Changes in the Middle East. *Third World Quarterly,* Vol. 13, No. 3, 1992. p. 475.

religious minorities including Assyrian Christians, Armenians (also Christian), and scattered groups of Turkish origin.



Kurds in Iraq number between 3 and 4 million, comprising between 15 and 20 percent of the population. In strictly legal terms, Kurds have enjoyed more national rights in Iraq than in any other host country. Successive Iraqi governments have issued a series of statements, decrees, and laws that have authorized limited use of the Kurdish language in local schooling and administration since 1931, have recognized a "Kurdish nationality" theoretically co-equal with an "Arab nationality" since 1958, and have endorsed the principle of autonomy for Kurdish areas since 1970. A limited autonomy for the Kurdish region was implemented by the Iraqi Government in 1974. By contrast, no neighboring state has endorsed autonomy for its Kurdish population. Moreover, Iran and Syria have long banned the use of the Kurdish language, while Turkey banned not only the Kurdish language but the term "Kurd" itself until early 1991. [For more information on the Kurdish situation in Turkey, see Carol Migdalovitz, Turkey's Kurdish Imbroglio and U.S. Policy, CRS Report 94-267F, Mar. 18, 1994.]

In practice, Iraqi concessions to the Kurdish minority have been more seeming than real, and Kurds have long complained of discrimination under the Arab-dominated regime in Baghdad. They maintain that only compliant Kurds willing to accept direction from Baghdad have been permitted to participate in the previous government-sponsored autonomy program. For more than three decades, an intermittent insurgency by Kurdish activist groups has been met with increasingly harsh suppression by successive Iraqi regimes. During two notable periods--following the collapse of a major Kurdish insurrection in 1975 and during the final phases and aftermath of the Iraq-Iran war in the late 1980s--government reprisals included widespread imprisonment, deportation, torture, and execution of large numbers of Kurds. There is considerable evidence that Iraqi forces launched gas attacks against the Kurds on two occasions in 1988.

The defeat of Iraq by the allied coalition in February 1991 offered the Iraqi Kurds another opportunity to challenge the central government. Almost immediately after the cease fire, the Kurds (and also the Shi'ite Muslims in southern Iraq) launched short-lived insurrections which Iraqi forces succeeded in suppressing by early April. Over 1.8 million refugees mainly from the Kurdish community fled to the Turkish and Iranian border areas under destitute conditions, creating a massive burden on the resources of both countries. Beginning in April 1991, relief and protective operations initiated by the United Nations and by the United States in cooperation with major European powers alleviated the humanitarian crisis and subsequently enabled the Kurdish refugees to return to northeastern Iraq with at least a temporary guarantee of protection from reprisals by the Iraqi regime.

HUMANITARIAN AND PROTECTIVE MEASURES

The protected status of the Kurdish region in northeastern Iraq evolved from several interlocking measures by the U.N. Security Council and the major powers. Initially, these actions were primarily humanitarian and concentrated on delivery of emergency supplies to Kurdish refugees stranded on the Turkish and Iranian borders. As it became clear that the refugees could not be accommodated within neighboring countries and that the regime of Saddam Hussein was not on the point of imminent collapse, humanitarian operations were expanded to include the creation of a safe haven for the Kurds within Iraq itself. Humanitarian and protective activities on behalf of the Iraqi Kurds are closely related and tend to overlap. Both types of activity have their origins in the same resolution enacted by the U.N. Security Council in the spring of 1991. [For further discussion, see U.S. Library of Congress. Congressional Research Service. Iraqi Compliance with Cease-fire Agreements, by Kenneth Katzman. CRS Issue Brief IB92117, updated regularly.]

U.N. SECURITY COUNCIL RESOLUTION 688

On April 1, 1991, the Security Council passed Resolution 688, in response to the humanitarian crisis brought on by the wholesale flight of refugees from northern and southern Iraq. Resolution 688 (1) condemned the repression of the Iraqi civilian population "including most recently in the Kurdish populated areas"; (2) demanded that Iraq end repression of its citizens; (3) insisted that Iraq allow immediate access by international humanitarian organizations to all persons in need of assistance; (4) requested the U.N. Secretary General to pursue humanitarian efforts in Iraq and report on the plight of the civilian population; (5) requested the Secretary General to use all resources to meet critical needs of refugees and other displaced Iraqis; and (6) appealed to all member states and to humanitarian organizations to contribute to relief efforts. Resolution 688 forms the basis for actions by the international community to provide relief and protection for Kurds, Shi'ite Muslims, and other victims of oppression or destitution in Iraq. It has been supplemented by two parallel mechanisms

negotiated, respectively, by the United Nations and the United States, and these are summarized below.

U.N. RELIEF AND SECURITY PROGRAMS

On April 18, 1991, the U.N. Coordinator in Iraq and the Iraqi Government negotiated a memorandum of understanding to carry out the terms of Resolution 688. Under the memorandum, the Iraqi Government agreed to cooperate with U.N. representatives engaged in relief activities in Iraq and assure safe passage of humanitarian supplies to all citizens in need of them. In an annex, the parties agreed on the deployment of a U.N. Guards Contingent to consist of not more than 500 security guards; other side agreements authorized up to 600 U.N. relief workers, for a total U.N. presence in Iraq of 1,100. This memorandum was extended most recently on October 22, 1992, with validity through March 31, 1993, and the number of authorized security guards was reduced from 500 to 300. Since then, there has been no formal renewal of the memorandum. The United Nations takes the position that the most recent memorandum remains legally in force as the basis for continuing cooperation with Iraq in humanitarian fields. The Government of Iraq has neither accepted nor rejected this position, but has continued to grant visas to U.N. staff and volunteer organizations, albeit for only a month at a time. As of April 15, 1994, the U.N. presence in Iraq consisted of 344 U.N. staff, 157 representatives of volunteer organizations working on U.N. relief programs, and 276 security guards. Of the latter, all but seven, or a total of 269, were located in the Kurdish region.[2]

THE NORTHERN NO-FLY ZONE

In April 1991, President George Bush, in conjunction with several European allies, ordered U.S. forces to airlift humanitarian supplies to Kurdish refugees encamped in the Turkish border area in an operation designated Provide Comfort. Subsequently, he dispatched troops into northern Iraq to establish camps and provide security for Kurds in a designated 36 by 63 mile enclave on Iraqi territory just inside the northern border. At its height, Operation Provide Comfort involved 20,000 troops from 13 nations. In July 1991, allied forces were withdrawn to southeastern Turkey except for a small allied military liaison team that remained in the northern Kurdish town of Zakho, and U.N. relief workers and security guards took over humanitarian and security functions in the enclave. During the same period, returning Kurdish militias were able to extend their control over additional Kurdish areas south and east of the original enclave, and by late September the expanded enclave included most (but not all) of the Kurdish areas in Iraq. By October, most of the refugees had returned to Iraq, although some remained homeless.

At the outset of Operation Provide Comfort, Iraq was warned not to fly either fixed wing or rotary aircraft north of the 36th parallel or to move forces into the

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[2] Data provided by the U.N. Mission in Geneva, Switzerland.

Kurdish enclave.[3] An allied force, initially including ground troops but later limited to air units, remained in Turkey to provide support to relief and security operations. The present force, based at Incirlik Air Base in Turkey, comprises U.S., U.K., and French air force units which conduct daily overflights of Iraq north of the 36th parallel to enforce the no-fly zone. Its presence is authorized by a U.S.-Turkish agreement that has been renewed every six months since it was initially concluded in the summer of 1991. Turkish cooperation with allied enforcement of the no-fly zone is not popular domestically, but the Turkish parliament has consistently approved the semi-annual extension of the agreement, albeit by shrinking majorities.[4] In December 1992, a reservation stating Turkey's sovereign right to cancel the operation at any time was included in the agreement at the request of the Turkish Government.[5]

IRAQI REACTIONS

Iraqi cooperation with the provisions of Resolution 688 has been limited and reluctant, particularly with regard to the Kurdish enclave. In June 1992, Iraq allowed the semiannual memorandum of understanding that permitted U.N. relief operations to lapse for almost four months before finally agreeing to its renewal in October, in return for a reduction in the number of relief workers and security guards in country. On several occasions, U.N. relief convoys have been bombed and some relief workers in the Kurdish areas have been killed by suspected Iraqi agents. In the spring of 1994, spokesmen from both the United Nations and the U.S. State Department cited an increase in the number of attacks on U.N. personnel and journalists in northern Iraq. According to some reports, Iraq has

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[3] The military cease-fire agreements concluded on March 3, 1991, at the end of the Gulf war, banned flights of Iraqi fixed wing aircraft to avoid threats to allied coalition forces still in southern Iraq, but permitted limited helicopter flights. Both fixed wing and rotary aircraft flights were banned north of the 36th parallel when Provide Comfort was launched in April. According to Administration officials, when coalition troops left southern Iraq in May 1991, the coalition concluded that the ban on fixed wing aircraft was no longer in force, but did not immediately inform Iraq of the relaxation. The coalition has never relaxed the ban on flights north of the 36th parallel.

[4] On December 28, 1993, Turkish media reported that the Turkish Grand National Assembly approved extension of the Provide Comfort deployments for another six months by a vote of 196 to 160. Foreign Broadcast Information Service (FBIS), Western Europe (WEU), December 29, 1993. p. 23.

[5] U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on Europe and the Middle East. Developments in the Middle East, March 1993. Hearings, 103d Cong., 1st sess. March 9, 1993. Washington, U.S. Government Printing Office, 1993. p. 63.

offered a bounty of $10,000 to anyone who murders U.N. workers or other foreigners in the Kurdish region.[6] An Iraqi spokesman has denied this charge.

Iraq has been more direct in mounting periodic challenges to the no-fly zones (both the northern no-fly zone that protects the Kurds and another no-fly zone south of the 32nd parallel proclaimed by the allies in August 1992 to protect Shi'ite Muslims in southern Iraq). Iraqi officials have refused to recognize the no-fly zones on the grounds that they were not authorized by the United Nations but imposed unilaterally by the allies.[7] Iraqi aircraft have occasionally violated the no-fly zones and Iraqi surface-to-air missiles have been deployed in a manner that appeared to threaten allied air operations over the zones. Such provocations have led to confrontations with allied aircraft and helped precipitate the airstrikes launched by allied forces against Iraqi targets in January 1993. In addition, although Iraq has not directly attacked the Kurdish enclave, it has applied both economic and military pressures against the Kurds, as discussed below.

U.S. officials cite two legal bases for enforcing the no-fly zones: (1) U.N. Security Council Resolution 688, which calls on Iraq to cease repression of its civilian population; and (2) the military cease-fire agreements concluded at Safwan at the end of the Gulf war, which prevent Iraq from interfering with allied air operations. According to the U.S. interpretation, the air exclusion zones are necessary to prevent Iraqi interference with allied overflights, which monitor compliance with the provisions of Resolution 688. Since Resolution 688 was not adopted under Chapter VII of the U.N. Charter (which deals with aggression, international peace, and security) and does not specifically authorize military action to compel compliance, some observers believe further action by the Security Council is needed to enforce the provisions of this resolution when they are challenged by Iraq.[8]

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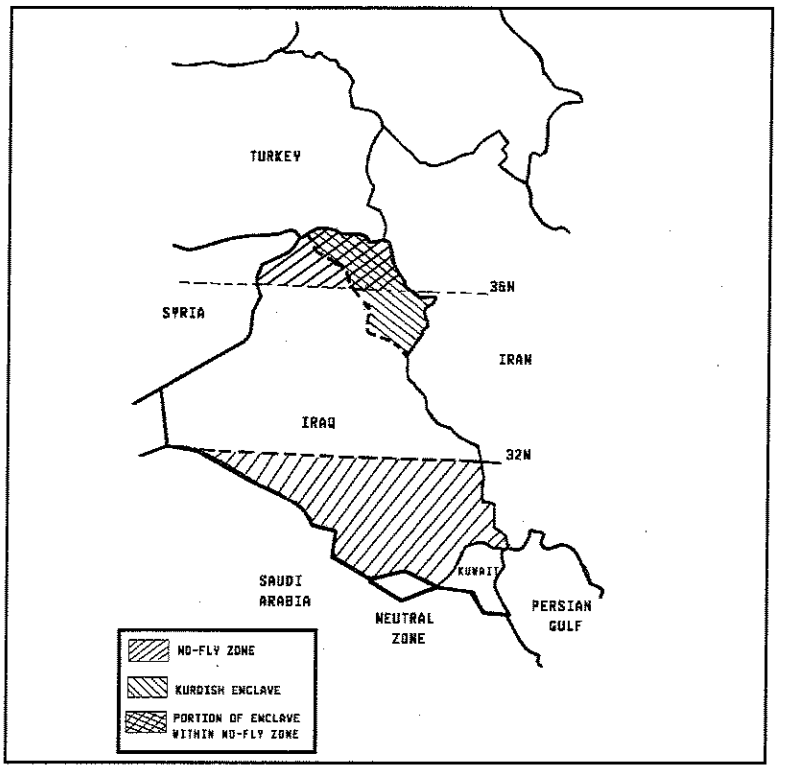
[6] Associated Press. Attacks in Iraq Condemned, *The Washington Post*, April 6, 1994, p. A9; Goodman, Anthony. U.N. Concerned over Attacks on Foreigners in N. Iraq, Reuters, April 6, 1994, 2:05PET; Murphy, Caryle, Saddam Said to Be Behind Attacks on Westerners in Kurdish Iraq, *The Washington Post*, May 12, 1994, p. A20.

[7] Iraq's Ambassador to the United Nations has stated that the no-fly zones have "nothing to do with any U.N. resolutions" and "nothing to do with international legality. It is merely the decision of the Western powers." Anthony Goodman, Iraq Hit with 48-Hour Ultimatum to Remove Missiles, Reuters, January 7, 1993, 00:30AET.

[8] In congressional testimony on July 29, 1992, the Principal Deputy Assistant Secretary of State for International Organization Affairs noted that "Resolution 688 does not have the same status as Resolution 687 ... [which] was concluded under Chapter 7 of the United Nations Charter" and expressed the view that further action to compel Iraqi compliance "would require further discussion with the coalition, with our colleagues on the Security Council, also."

THE KURDISH ENCLAVE AND PROVISIONAL REGIME



The northern no-fly zone and the Kurdish enclave overlap but are not coterminous. The no-fly zone covers all Iraqi territory north of the 36th parallel of latitude (a straight east-west boundary). The eastern part of this zone contains part of the Kurdish enclave; the western part is Arab inhabited and under Iraqi Government control. Iraqi air operations are forbidden over the entire zone, but Iraqi ground forces are stationed in the western part of the zone outside the Kurdish enclave.

The Kurdish enclave began as a small allied-protected safe haven located entirely within the no-fly zone, but subsequently expanded south of the zone to include about 80 percent of the formerly Kurdish inhabited areas of northeastern Iraq. Estimates of its size vary considerably, but it may cover as much as 36,000 square miles.[9] In practice, Iraqi ground forces have refrained from entering the Kurdish enclave, even those portions that lie outside the no-fly zone.

FACTIONS AND LEADERSHIP

In the vacuum created by the exclusion of Iraqi Government forces from the northeast, a local Iraqi Kurdish leadership has emerged in at least temporary control. There are two principal political factions among the Kurds of Iraq, based to some extent on tribal and geographic identification: the Kurdish Democratic Party (KDP) led by Massud Barzani and the Patriotic Union of Kurdistan (PUK)

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[9] Prince, James M. A Kurdish State in Iraq? Current History, January 1993. p. 17. Other estimates: 55,000 square kilometers (21,235.5 square miles): Kinsley, Susan. Kurdistranded, *The Washington Post*, June 6, 1993, p. C1; 50,000 square kilometers (19,305 square miles): Smyth, Gareth. Kurds Enjoy Taste of Freedom under Cloud of Dual Embargo, *London Financial Times*, April 2, 1993. p. 3.

led by Jalal Talabani. The KDP, generally more tribal and traditional in orientation, is strongest in the mountainous northern Kurdish areas.[10] The PUK, originally an offshoot of the KDP, is somewhat more urban in outlook, and predominates in the southern Kurdish areas. There are a number of other parties, ranging from socialist to Islamic fundamentalist, most of them quite small. In May 1988, eight Iraqi Kurdish parties, including the KDP and the PUK, formed a loose political grouping called the Iraq Kurdistan Front (IKF), to represent Kurdish interests. Although the two principal leaders have worked together in recent years, some friction exists between Barzani, leader of a prestigious Kurdish tribe and son of a legendary Kurdish nationalist figure, and Talabani, who has been more active in international circles. Clashes over an issue of land ownership occurred between the KDP and the PUK early in May 1994.

Kurdish political groups differ somewhat in their ultimate goals as reflected in their official statements. Three smaller parties within the IKF have demanded an independent Kurdish state. The two principal parties--the KDP and the PUK--publicly support a federated Iraq and downplay talk of independence. At a session of a provisional Kurdish parliament dominated by the KDP and the PUK (see below) held on October 4, 1992, delegates called for "the creation of a Federated state of Kurdistan in the liberated part of the territory" but added that "this federated state does not question the territorial integrity of Iraq...."[11] Iraqi Government officials, however, have long believed the Kurdish demands for autonomy or a federal system mask a quest for full independence, and this concern is shared by adjacent states with Kurdish populations like Turkey, Iran, and Syria.

THE 1992 ELECTIONS AND PROVISIONAL ADMINISTRATION

Freed temporarily from central governmental control, the Kurds of Iraq have set up a rudimentary administration in their enclave. On May 19, 1992, about one million voters held elections for a 105-member regional parliament and an executive authority in Kurdish-controlled areas. Despite primitive electoral facilities and a few reported irregularities, international observers from 13 countries described the elections as relatively free and fair. Only two parties qualified for representation by polling over 7 percent of the vote. The KDP with 45.3 percent slightly outpolled the PUK with 43.8 percent, but the two agreed in a "spirit of fraternity" to an even division of 50 parliamentary seats each, with 5 additional seats assigned to Christian minorities. Six women were elected. A KDP member became Speaker of parliament; with the appointment of a 16-person cabinet, a PUK member was given the post of Prime Minister. The Kurdish cabinet does not have either a Foreign Minister or a Defense Minister, to avoid accusations of secession.

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[10] At the 11th Congress of the KDP in April 1993, the KDP and four other smaller parties reportedly agreed to form an expanded party to be called the Unified Democratic Party of Kurdistan. Institut Kurde de Paris, Information and Liaison Bulletin, No. 101-102, August-September 1993. p. 6.

[11] Institut Kurde de Paris, No. 91-92, October-November 1992, p. 1.

No candidate received a clear majority in the presidential election (Barzani won 47.5 percent of the votes, Talabani 44.9 percent, the rest splintered), and a planned run-off election has yet to be held. Kurdish leaders subsequently agreed to establish an 8-member presidential council comprising members of both major parties: KDP leader Barzani; PUK leader Talabani; Prime Minister Kosrat Rassoul (PUK); Parliamentary Speaker Jawhar Namiq (KDP); two other members from the political bureau of the KDP and two from the PUK. Given the nearly even support enjoyed by Barzani and Talabani and the reluctance of Kurdish leaders to establish what might resemble a permanent government apparatus, this temporary power sharing formula may continue for some time.[12]

PRESSURES FROM IRAQ

Iraq has used political, military, and economic pressures against the Kurds in an effort to bring them back under governmental control. After the collapse of the short-lived Kurdish rebellion that followed the Gulf war in 1991, Kurdish representatives entered into exploratory negotiations with the Iraqi regime, but the two sides failed to agree on fundamental principles of autonomy and the talks broke down. Since the fall of 1991, the Iraqi regime has adopted increasingly confrontational policies toward the Kurds.

Political Pressure

Iraq repeatedly has condemned the de facto separate status of the Kurdish enclave and has threatened reprisals. The Iraqi Government reacted strongly against the May 1992 parliamentary elections and appointment of a Kurdish cabinet. The government described these steps as "contrary to the constitution," and said that "all action and decisions of this council are non-binding."[13] On December 27, 1992, Saddam Hussein told a visiting Turkish politician that Iraq hoped "to apply the rule of law in northern Iraq" when the western allies remove their air umbrella over the region.[14] Saddam denied, however, that he planned to launch offensive operations against the enclave and said he was ready for a dialog with the Iraqi Kurds.

Military Pressure

Iraq has not attacked the Kurdish enclave directly but has positioned its forces in a manner designed to create concern and tension among the Kurds.

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[12] For pertinent information, see Institut Kurde de Paris, Information and Liaison Bulletin, No. 86, May 1992, p. 2; No. 87-88, June-July 1992, p. 1-2; also, Report of Election Monitoring Delegation to Northern Iraq, May 15 to May 23, 1992, by Brian Brown, Richard Eisendorf, Michael O'Callaghan, and James Prince, June 25, 1992.

[13] Reuters, July 13, 1992, 11:43 AET.

[14] Reuters, December 27, 1992, 07:53 AET.

Since 1991, the Iraqi Government has massed troops and weapons along the 200 mile front that separates the Kurdish enclave from the rest of Iraq, and rumors of an impending Iraqi attack periodically emerge. Media reports in June 1993, quoting U.S. Defense Department sources, estimated that Iraqi forces in the north comprised over 100,000 personnel, organized in 16 divisions, with 900 tanks and 1,000 armored personnel carriers. [15] Iraqi artillery has shelled nearby Kurdish areas, particularly those under cultivation, both to keep the Kurds off balance and to disrupt farming and thus deprive the Kurds of badly needed agricultural produce. Iraq has also refused to cooperate with the United Nations in identifying and removing large numbers of land mines planted throughout the northeast during previous Iraqi campaigns against the Kurds.[16] Terrorist incidents including bombings and shootings continue to occur in Kurdish areas; the U.N. Special Rapporteur on Human Rights reports that "Some of these attacks have allegedly been carried out by persons acting under the instructions of the Iraqi authorities."[17]

Economic Pressure

The most serious form of Iraqi pressure on the Kurds has been a boycott designed to stifle economic activity in the Kurdish region. On Oct. 26, 1991, the Iraqi Government imposed a partial blockade, banning or severely curtailing movement of major food items, medicines, fuel, and other critical supplies to the Kurdish region, and ordered all Kurdish employees of the central government to leave the Kurdish enclave or lose their government salaries. Other economic reprisals have followed. On May 5, 1993, the Government withdrew the 25 dinar banknote from circulation and denied people in the Kurdish enclave the opportunity to exchange these notes; the U.N. Special Rapporteur on Human Rights has estimated that Iraqi Kurds lost one half of their wealth in Iraqi currency as a result of this step.[18] On August 5, 1993, electric power to the Kurdish province of Dohuk was cut, with resulting disruption to water supply, sewage treatment, sanitation facilities, and health care. The Iraqi Government asserts that this breakdown resulted from problems with dams, but has refused

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[15] Kinsley, Susan. Kurdistranded, *The Washington Post*, June 6, 1993, p. C1. More recently, Kurdish officials reportedly estimated as many as 280,000 Iraqi troops just south of the 36th parallel. North, Andrew. Saddam Gears Up, *The Middle East*, May 1994. p. 11.

[16] According to one estimate, "More than 10 million landmines have been scattered in Iraqi Kurdistan since 1975." Ofteringer, Ronald and Ralf Baecker, A Republic of Statelessness, Middle East Report, Special Double Issue, March-April/May-June, 1994. p. 44. See also United Nations, Economic and Social Council, Report of the Situation of Human Rights in Iraq, E/CN.4/1994/58, 25 February 1994 [hereinafter, U.N. Rept. E/CN.4/1994/58], pp. 35-36.

[17] Ibid., p. 34.

[18] United Nations, General Assembly, 48th Session, Situation of Human Rights in Iraq, A/48/600, November 18, 1993 [hereinafter, U.N. Rept. A/48/600]. p. 25.

to permit U.N. efforts to repair the damage. The United States has provided temporary generators and spare parts to preserve supply of electricity since the cutoff,[19] and Turkey is reportedly supplying additional electricity to Dohuk at no cost as a humanitarian measure.[20]

The provisional Kurdish administration continues to face major challenges: widespread destruction by previous Iraqi military campaigns; numerous homeless people including many without adequate food;[21] the need to pay an estimated 200,000 civil servants (who earn only the equivalent of $5 to $10 per month).[22] The Kurdish Prime Minister has voiced concern that his government will be unable to obtain funds to defray 1994 expenses, reportedly budgeted at $23.5 million.[23] The economic hardships suffered by the Iraqi Kurds are exacerbated by the so-called dual embargo that affects the Kurdish region. Not only are the Iraqi Kurds victims of a blockade imposed by the Iraqi regime, but U.N. sanctions against Iraq also apply to the Kurdish region inasmuch as it is located on Iraqi territory. As a result, Kurds find it difficult to obtain many of the basic elements of self-sufficiency such as seed, livestock, farm implements, and industrial machinery. The issue of exempting the Kurdish enclave from U.N. sanctions applicable to Iraq has been raised in U.S. congressional hearings [see below].

EXTERNAL PLAYERS AND RELATIONSHIPS

In addition to internal differences and formidable problems with the Iraqi Government, the Iraqi Kurds are involved in a complex web of cross relationships with other Iraqi opposition groups, with Kurdish organizations outside Iraq, and with neighboring countries. These relationships further circumscribe freedom of maneuver on the part of the Iraqi Kurdish leadership.

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[19] U.S. Congress. House. Status of Iraq. Communication from the President of the United States. February 1, 1994. House Document 103-203. 103d Cong., 2d Sess. Washington, U.S. Government Printing Office, 1994. p. 2.

[20] Reuters, April 6, 1994, 11:41AET

[21] U.N. representatives report 750,000 people in the three northern (Kurdish) provinces of Iraq as targeted beneficiaries of food assistance programs. United Nations, Office of the U.N. Coordinator in Iraq. U.N. Inter-Agency Humanitarian Programme in Iraq: Progress Report (draft), January-March 1994, dated March 27, 1994. p. 3.

[22] Waterbury, John. Strangling the Kurds, *Middle East Insight*, July-August 1993. p. 33.

[23] Murphy, Caryle, Economy Tests Kurds' Self-Rule, *The Washington Post*, May 10, 1994, p. A10.

The Iraqi Opposition

The Iraqi Kurdistan Front plays an important role in an umbrella organization called the Iraqi National Congress (INC), which comprises a number of organizations opposed to the Iraqi regime. The INC, founded in 1992, is headed by a three-member Leadership Council composed of a Kurd (Massud Barzani), a Sunni Muslim Arab, and a Shi'ite Muslim Arab. At a meeting of the INC's 300-member general assembly on October 27-31, 1992, delegates adopted "the principle of a constitutional system that is parliamentary, democratic, federal and pluralist after the fall of Saddam Hussein."[24] Despite the wording of this agreement, some Shi'ite members of the INC have questioned the viability of federalism in Iraq, and non-Kurdish members are not fully comfortable with Kurdish demands for autonomy. [For more information on the INC, see U.S. Library of Congress. Congressional Research Service. Iraq's Opposition, by Kenneth Katzman. CRS Report 93-422F, April 19, 1993.]

Non-Iraqi Kurdish Groups

Iraqi Kurds face a chronic dilemma in dealing with Kurdish organizations from neighboring states, notably the Kurdish Workers Party (PKK) in Turkey and the Kurdish Democratic Party of Iran (KDPI). Iraqi Kurdish leaders have had to balance their basic sympathy for fellow Kurds with the need to avoid antagonizing neighboring governments, who suppress their own Kurdish populations and fear any manifestation of Kurdish separatism. This is particularly true in the case of the PKK, which has been locked in conflict with the Turkish Government since 1984. Dependent on Turkish cooperation to maintain supply lines and the allied protective umbrella over northern Iraq, the Iraqi Kurdish leadership has had to curtail the activities of PKK guerrillas who have sought safe haven in northern Iraq, clashing with them occasionally and tolerating Turkish raids on PKK bases. Under an agreement between the Iraqi Kurdish leadership and the PKK reached on October 5, 1992, PKK members are allowed to remain in Kurdish areas of Iraq but not to use Iraqi Kurdish territory as a base of military operations against Turkey.[25] This agreement has not been fully observed. Iran, too, has launched reprisal raids against KDPI groups seeking shelter in the Iraqi Kurdish enclave.

Foreign Countries

Turkey, Iran, and Syria have substantial Kurdish minorities, and their governments share a basic concern that steps toward Kurdish self-determination

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[24] Institute Kurde de Paris, Information and Liaison Bulletin, No. 91-92, October-November 1992. p. 2.

[25] Ibid., p. 4. At the height of tension between the PKK and Iraqi Kurdish leadership in September 1992, PKK guerrillas interdicted supplies en route from Turkey to northern Iraq, thereby subjecting the Iraqi Kurdish region to a "triple embargo." Ibid., p. 5. In April 1994, the PKK reportedly cut electricity supplied by Turkey to northern Iraq.

in Iraq could fuel separatist movements among Kurds in their own countries. Turkey and Iran, in particular, are anxious to forestall use of the Iraqi Kurdish enclave as a safe haven or launching area for attacks by dissident Turkish or Iranian Kurdish groups. During five tripartite meetings since 1991, foreign ministers of the three neighboring countries have issued communiques opposing any efforts to divide Iraq. At the fifth such meeting, held in Istanbul on February 5, 1994, the ministers agreed that "the statements and activities promoting partition [of Iraq] in some Western states are unacceptable, and must be halted."[26] They did, however, urge the Iraqi Government to remove restrictions against the population in the north and called for Iraqi compliance with terms of cease-fire agreements concluded after the Gulf war. Moreover, all three governments have entered into tactical alliances at one time or another with Iraqi Kurdish factions to put pressure on the Government of Iraq.

Most other Middle East states, even those unfriendly to the present Iraq regime, oppose any steps toward separatism or partition which they believe could establish precedents elsewhere in the region. Although sympathy for the Kurds on humanitarian grounds is strong in Western European countries, their support is limited to varying degrees by Turkish and other Middle East sensitivities. Like the United States, several European countries and some other donors have contributed toward U.N. relief operations in Iraq.[27] Elsewhere in the international community the Iraqi Kurdish issue has attracted less interest, and some Third World countries are dubious over what they perceive as western intervention in northern Iraq. In this connection, three members of the U.N. Security Council (Cuba, Yemen, and Zimbabwe) voted against Resolution 688, which condemned Iraqi repression of its civilian population including Kurds, and two (China and India) abstained.

CONGRESSIONAL INTEREST IN THE IRAQI KURDISH QUESTION

To a considerable extent, U.S. interest in the Iraqi Kurds is humanitarian in nature and is a by-product of the war with Iraq. The Kurds of Iraq have enjoyed some sympathy in the United States in the past because of their rugged individualism, their perseverance in seeking national rights, and their struggle against what is widely perceived as a series of oppressive regimes in Baghdad. Increased U.S. interest in the Iraqi Kurds since the Gulf war seems due to the suddenness and magnitude of the Kurdish refugee crisis in 1991, the perception that it resulted indirectly from the U.S.-led campaign against Iraq, and the role

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[26] FBIS-Western Europe (WEU), February 7, 1994. p. 42.

[27] There is very little available information on amounts of aid provided to the Iraqi Kurdish relief by other countries, except for the United States (see below). U.N. reports summarize aid to Iraq as a whole but do not disaggregate amounts for the Kurdish region. For the period from April 1, 1993 to January 15, 1994, approximately $202.3 million was donated or pledged to U.N. operations in Iraq. United Nations, Department of Humanitarian Affairs (Geneva), Humanitarian Cooperation Programme for Iraq, January 15, 1994.

of the Kurds in the Iraqi National Congress, which seeks to replace the regime of Saddam Hussein.

For similar reasons, Congress has shown considerable interest in the Iraqi Kurdish question in recent years. Since the Gulf war, Members of Congress and key committees have been prominent in pressing for actions to alleviate the plight of the Kurds and guarantee them protection. An amendment by Senator Pell to the Defense authorization bill for 1991, enacted as Section 1096 of P.L. 102-190, supported the use of all necessary means to protect Iraq's Kurdish minority, consistent with relevant U.N. resolutions and authorities contained in previous legislation authorizing the Gulf war. The Pell amendment provided legislative underpinning for a series of appropriations and measures to protect and assist the Iraqi Kurds and other victims of the crisis (see below). More recently, Section 508 of the Foreign Relations Authorization Act for FY1994-1995 (P.L. 103-236, April 30, 1994) calls on the President "to take steps to encourage the United Nations Security Council to reaffirm support for the protection of all Iraqi Kurdish and other minorities pursuant to Security Council Resolution 688."

Some differences have appeared periodically between congressional and Administration approaches to the Iraqi Kurdish question. The two branches have been in agreement on general principles: maintaining the territorial integrity of Iraq, while assuring protection for the Kurdish region as long as Kurds remain at risk of oppression by the central government. In the past, there was a feeling in some congressional quarters that the Bush Administration was willing to sacrifice the welfare of the Kurds to avert the fragmentation of Iraq and avoid upsetting Turkey and other Middle East allies opposed to a Kurdish state. Although such criticism has become more muted, some Members have sought to prod the Clinton Administration as well into increasing U.S. support for the Iraqi Kurds. Officials of both Administrations have emphasized their commitment to protecting the Kurds and other Iraqi victims of government oppression, but point out that U.S. Middle East policy must take additional factors into consideration: limited financial and military assets, sensitivities of regional allies, and the unpredictable consequences of any steps that might lead to the dismemberment of Iraq.

Four issues in U.S. policy toward the Iraqi Kurdish question have been of particular interest to Congress.

FINANCIAL ASSISTANCE

Congress has continued to provide funds to support international relief and protection for Kurds and other Iraqi citizens at risk. After the refugee crisis erupted in the spring of 1991, Congress appropriated funds for a massive initial aid package consisting of $320.5 million for Defense costs and $251.5 million for additional costs incurred by the State Department and U.S. Agency for International Development (USAID) in the relief effort. Since then, Congress has appropriated smaller amounts to cover military operations to enforce the no-fly zone, food delivery, health care, and water supply. A portion of the FY1993

appropriation was allocated to purchase part of the Kurdish grown wheat crop, because Kurdish farmers were finding it necessary to sell their produce to the Government of Iraq in the absence of other customers.

The appendix shows amounts of aid appropriated for Kurdish relief and protective activities since 1991. As the table indicates, most of these appropriations have gone to the Department of Defense, because of the close interrelationship between protective and humanitarian operations in northern Iraq. The Department of Defense, in turn, has an agreement with the State Department's Office of Foreign Disaster Assistance (OFDA) to implement some humanitarian phases of the aid program. (Defense Department funds cannot go directly to the United Nations, although they can be used to accomplish project objectives identified by United Nations.) The possibility of shifting those appropriations that cover humanitarian assistance to the State Department and USAID was raised during congressional hearings in April 1994.[28]

Some of the impetus for U.S. aid to the Kurds of Iraq has come from Congress. At the outset of the Kurdish relief operations in April 1991, Congress began considering legislation to authorize aid even before the Administration submitted its request to Congress for the requisite funding. More recently, in discussions with Administration officials, Members have criticized the Administration for not taking the initiative in seeking additional aid for the Kurds. In October 1993, House Foreign Affairs Committee Chairman Lee Hamilton pointed out that the Administration had not requested funds for humanitarian assistance to the Kurds and that FY1993 funds available for this purpose had been put into the budget by Congress.[29] Although the Administration did request $15 million in humanitarian aid for the Kurds for FY1995, Rep. Hamilton noted that the amount requested is significantly lower than previous annual appropriations for this purpose. State Department witnesses took the position that funds requested reflect some reduction in the needs of the people of northern Iraq as estimated by the Administration.[30]

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[28] See comments by House Foreign Affairs Committee Chairman Lee Hamilton during hearings before the Subcommittee on Europe and the Middle East. Carried by Reuters newswire, April 13, 1994, 4:14PET.

[29] U.S. Congress. House. Committee on Foreign Affairs, Subcommittee on Europe and the Middle East. Current Developments in the Middle East. S. Hrg. 103-307, October 15, 1993. Hearings, 103d Cong., 1st Sess. Washington, U.S. Government Printing Office. p. 28-29.

[30] See comments by House Foreign Affairs Committee Chairman Lee Hamilton during hearings before the Subcommittee on Europe and the Middle East. Carried by Reuters newswire, April 13, 1994, 4:14PET.

HUMAN RIGHTS ISSUES

Members of Congress have been influential in keeping the spotlight on atrocities committed by the Iraqi Government against the Kurdish population prior to the Gulf war. Estimates vary, but a body of evidence indicates that large numbers of Iraqi Kurds were deported, were killed, or "disappeared" during earlier Iraqi campaigns to subdue the Kurdish inhabited areas. Government repression was particularly brutal during a series of punitive government operations code named "al-Anfal" carried out in the late 1980s, partly in retaliation for Kurdish support for Iran during the Iraq-Iran war of 1980-1988.[31] Kurdish leaders initially estimated the death toll of al-Anfal at between 50,000 and 182,000;[32] however, with the subsequent exploitation of captured documents, estimates have moved toward the higher end of this scale. In 1992, Senator Pell estimated that at least 180,000 people died in the al-Anfal campaign, noting that this represented five percent of the population of Iraqi Kurdistan.[33]

Hearings held by the Senate Foreign Relations Committee in March 1992 provided a forum for representatives of charitable and human rights organizations who described torture and mass killing of Kurds and destruction of Kurdish villages since 1988. Meanwhile, on a previous trip to Iraqi Kurdistan, a member of the Committee staff had learned of the existence of Iraqi secret police documents

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[31] The term "al-Anfal" is taken from a reference in the Koran which, according to some interpretations, permits Muslim warriors to plunder the possessions and dependents of infidels. The U.N. Special Rapporteur for Human Rights notes that the Iraqi Government's general policy against the Kurds dates from 1985, but the specific events of al-Anfal occurred between February 23 and September 6, 1988. This period saw at least three chemical attacks, notably on March 16, 1988, against the Kurdish town of Halabja, which according to the Rapporteur's estimates killed between 3,200 and 5,000 residents. U.N. Commission on Human Rights, Fiftieth Session, Report on the situation of human rights in Iraq, E/CN.4/1994/58, February 25, 1994, p. 37. (Media reports at the time noted that Iran, to a lesser extent, had also carried out gas attacks against Halabja, and some commentators believe the use of chemical weapons was not specifically aimed at the Kurds.)

[32] U.S. Congress. Senate. Committee on Foreign Relations. Kurdistan in the Time of Saddam Hussein. S. Prt. 102-56, November 1991. 102d Cong., 1st Sess. Washington, U.S. Government Printing Office. p. 21.

[33] U.S. Congress. Senate. Committee on Foreign Relations. Mass Killings in Iraq. S. Hearing 102-652, March 19, 1992. 102d Cong., 2d sess. Washington, U.S. Government Printing Office, 1992. p. 1. Also in 1992, a representative of the human rights organization Middle East Watch described it as "an incontrovertible fact that at least 100,000, and possibly 300,000 Kurdish men, women and children disappeared during the past decade and remain to be accounted for." U.S. Congress. Senate. Committee on Foreign Relations. Kurdistan in the Time of Saddam Hussein. S. Prt. 102-56, November 1991. 102d Cong., 1st sess. Washington, U.S. Government Printing Office, 1991. p. 21.

which had been obtained by Kurdish militia during their short-lived revolt in March 1991. Some Members of Congress, such as then Senator Albert Gore, felt that the Administration did not respond with sufficient urgency to requests for assistance in removing the documents from Iraq, where they remained at risk from the elements and from Iraqi military action. By April 1992, however, the Committee had acquired 14 tons of these documents, which provide detailed descriptions of Iraqi atrocities against Kurds over the 1987-1990 period. The Committee subsequently arranged for these documents to be stored in the National Archives "as files of the Senate Foreign Relations Committee and for official use in possible criminal prosecutions."[34]

RELAXING ECONOMIC SANCTIONS

Members of Congress have been active in an ongoing debate over the issue of lifting sanctions against Iraq selectively to permit trade with the Kurdish region. Advocates of this position, including some Members, point out that the combination of international sanctions against Iraq and the Iraqi Government's economic blockade of the Kurdish enclave creates undue hardships which the U.N. Security Council never intended to impose on the Kurdish population. Moreover, they argue that this dual embargo increases the cost to the international community of Kurdish relief operations. At hearings before the Subcommittee on Europe and the Middle East of the House Foreign Affairs Committee in February 1994, Representative Robert G. Torricelli noted that the U.N. embargo prevents the Kurds from obtaining spare parts and machinery they need to rebuild their infrastructure and restore agriculture, and thus "prolongs dependence on the United States and other sources of international aid."[35] Administration officials fear that creating exceptions for one part of Iraq could erode the entire sanctions regime. They have emphasized the Administration's concern over the hardships suffered by the people of northern Iraq and its continuing efforts to provide relief consistent with pertinent U.N. resolutions.[36]

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[34] Congressional Quarterly, Vol. 50, No. 22, May 30, 1992. p. 1546. According to a Senate report, "Ownership will be retained by the Kurdish political parties providing the documents, and copies will be made for use by researchers. Until the documents can be catalogued and copied, access will be limited." U.S. Congress. Senate. Committee on Foreign Relations. Saddam's Documents. Senate Print 102-111, May 1992. Washington, U.S. Government Printing Office, 1992. p. VI. See also Miller, Judith. Iraq Accused: A Case of Genocide, *The New York Times*, January 3, 1993, p. 12 ff.

[35] Testimony of Honorable Robert G. Torricelli before the House Foreign Affairs Committee, Subcommittee on Europe and the Middle East, February 23, 1994.

[36] U.S. Congress. House. Committee on Foreign Relations, Subcommittee on Europe and the Middle East. Developments in the Middle East, March 1993. Hearings, 103d Cong., 1st sess. March 9, 1993. Washington, U.S. Government Printing Office, 1991. p. 62.

A Kurdish proposal to bring a mobile oil refinery to northern Iraq, allegedly at a cost of $10 million, to help meet their fuel needs has aroused interest in Congress. Members have questioned why the U.N. Sanctions Committee is willing to consider oil sales by Iraq under certain circumstances while the Kurds are unable to exploit oil in their own areas because they lack refineries. According to Administration officials, no formal proposal for an oil refinery in northern Iraq has been submitted to the U.N. Sanctions Committee. They have expressed reservations, however, regarding the efficiency, environmental impact, and funding of such a project and the ability of the Kurds to maintain it. They have suggested that a refinery would be vulnerable to attack and might require large infusions of foreign aid. According to a State Department official, a study commissioned by the British Government cast doubt on the feasibility of obtaining a mobile refinery for the Kurds. Also, they are concerned that such a project could undermine the sanctions regime.[37]

Critics of U.S. unwillingness to relax sanctions to permit trade with the Kurdish enclave believe current U.S. policy increases the cost of humanitarian operations and actually contributes to other violations of the sanctions regime. They cite the case of the mobile oil refinery as an example. In hearings on April 13, 1994, Representative Hamilton alluded to a GAO report that the United States is buying oil from Iraq and providing it to the northern Kurdish area. These purchases from the Government of Iraq, he felt, are contrary to the sanctions regime. At the same time, he noted, the Administration opposes permitting the Kurds in northern Iraq to develop their own internal capabilities to meet their fuel needs, although they could do it at a lower cost than the United States incurs through the present arrangement. According to Administration officials, oil purchases by the United States for northern Iraq are made through middlemen rather than from the Government of Iraq, although these officials acknowledge that there may be some trickle of dollars to Baghdad as a result of the current oil transactions.

Section 507 of the Foreign Relations Authorization Act for FY1994-1995 calls on the President to encourage the U.N. Security Council "to consider lifting selectively the United Nations embargo on the areas under the administration of the democratically-elected leadership of Iraqi Kurdistan" subject to verifiable conditions: that inhabitants of such areas do not trade with the Iraqi regime and that partial lifting of the embargo will not materially assist the Iraqi regime.

DEALING WITH KURDISH LEADERSHIP

The debate over the application of economic sanctions to the Kurdish enclave is related to a broader issue: what is the proper relationship between the U.S. Government and the provisional leadership of the Iraqi Kurdish region? In

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[37] U.S. Congress. House. Committee on Foreign Relations, Subcommittee on Europe and the Middle East. Developments in the Middle East, October 1993. Hearings, 103d Cong., 1st sess. October 21, 1993. Washington, U.S. Government Printing Office, 1993. p. 66.

practice, the U.S. Government has dealt with the Kurdish leadership through several channels since the refugee crisis erupted in 1991. For example, U.S. representatives assist in the U.N.-sponsored relief effort for the Kurds and other inhabitants of northern Iraq. U.S. military personnel in the allied coalition's Military Coordination Center based in the town of Zakho in the Kurdish enclave maintain regular contact with Kurdish leaders on matters related to relief and protection (and were on such a mission when their helicopters were shot down in a tragic mistake by U.S. fighters enforcing the no-fly zone on April 14, 1994). Both the Bush and Clinton Administrations have met with leaders of the opposition INC, in which Kurds have played an important and at times predominant role.[38]

On the other hand, both Administrations have been committed to the territorial integrity of Iraq and have avoided actions that could constitute recognition of a separate regime in the northern part of that country. Consequently, the Administrations have structured their dealings with the Kurds not in terms of a U.S.-Kurdish interface but under an international umbrella or in a broader context: for example, in the course of Provide Comfort activities or within the framework of a dialog with the opposition INC group. In responding to congressional queries regarding the Iraqi Kurdish situation, Administration officials usually use ethnic-neutral terms: they speak of "northern Iraq" rather than "the Kurdish enclave" or some similar formulation. By contrast, congressional documents have gone so far as to use the term "Iraqi Kurdistan."[39]

Members of Congress have argued for a more direct relationship with the Iraqi Kurdish leadership. At various times, they have questioned the reluctance of the Administration to approve projects designed to help the Iraqi Kurds, such as the mobile oil refinery mentioned above; purchasing wheat directly from Kurdish farmers instead of through middle men; and a proposal by Freedom House to establish a policy institute for democratic education at the university in the provisional Kurdish capital of Irbil. Views of congressional advocates of closer U.S.-Kurdish contacts were summed up in the following interrogatory submitted by the House Foreign Affairs Committee: "Given our stated interest in promoting democracy in the region, why are we in a situation today where we meet directly with Iraqi officials in the context of UNSCOM [the U.N. Special Commission on destruction of Iraqi mass destruction weapons] and other efforts, but we are

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[38] Former Secretary of State James A. Baker met INC figures in July 1992, and President Clinton praised INC goals in a recent report to Congress. U.S. Congress. House. Status of Iraq. Communication from the President of the United States. House Document 103-203, February 1, 1994. 103d Cong., 2d sess. Washington, U.S. Government Printing Office, 1994. p. 3.

[39] This term is used several times in Section 507 of the Foreign Relations Authorization Act for FY1994-1995 (P.L. 103-236, April 30, 1994).

unwilling to deal directly with the democratically elected officials in northern Iraq?"[40]

State Department officials have responded that the Administration favors democracy throughout Iraq, but does not favor Kurdish separatism or "projects that show preference for a particular ethnic group."[41] They have explained that northern Iraq includes several ethnic or sectarian minorities besides the Kurds, such as Turcomans, Assyrians, and Chaldeans, and have expressed the view that projects in northern Iraq should reflect this diversity in the population. They point out that, in addition to its leading role in humanitarian and protective activities, the U.S. Government has approved other projects in northern Iraq, including a support facility to document human rights abuses. They emphasize that the "relief effort in northern Iraq is deliberately non-political. This is a humanitarian mission carried out within the context of maintaining the territorial integrity of Iraq."[42]

A noteworthy case that illustrated respective concerns of the Administration and some Members of Congress involved the Kurdish elections in May 1992. Members of Congress from both parties hailed the step as a manifestation of democracy and expressed the hope that the U.S. Government would encourage Kurdish efforts to achieve self-determination; the Administration "welcomed those elections in the context of Kurdish statements that they did not challenge Iraqi territorial unity."[43] Representative Hamilton favored a positive response to a Kurdish request for U.S. and other international observers to help assure that elections took place in a democratic atmosphere without undue external interference. The State Department opposed sending a U.S. delegation, citing the ban imposed by the U.S. Government on travel to Iraq and the potential risk to U.S. citizens visiting that country.[44] In the end, four private U.S. observers participated under the auspices of the National Endowment for Democracy and the Iraq Foundation in a larger British-sponsored group comprising 43 individuals from 13 countries.

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[40] U.S. Congress. House. Committee on Foreign Affairs, Subcommittee on Europe and the Middle East. Developments in the Middle East, October 1993. October 21, 1993. Hearings, 103d Cong., 1st sess. Washington, U.S. Government Printing Office, 1993. p. 68.

[41] Ibid., p. 69.

[42] Ibid., p. 68.

[43] U.S. Congress. House. Committee on Foreign Affairs, Subcommittee on Europe and the Middle East. Developments in the Middle East. Hearings, 102d Cong., 2d sess. June 24 and 30, 1992. Washington, U.S. Government Printing Office, 1992. p. 18.

[44] See discussion and correspondence between Representative Hamilton and the Department of State. Ibid., p. 136-137.

Representative Hamilton, in addressing the unwillingness of the U.S. Government to send election monitors, raised the question: "What message are we sending those who seek to promote democracy in difficult regions of the world with this type of policy?" He commented that U.S. delegations had monitored elections in other areas of instability, such as Panama, Nicaragua, Haiti, Armenia, Namibia, and Albania. State Department officials maintained that intensified allied military operations to enforce the no-fly zone over northern Iraq and U.S. warnings to the Iraqi Government not to disturb the elections were significant signals of U.S. support for the Kurdish electoral process.[45]

POSSIBLE CONTINGENCIES

Several questions may confront the Administration and Congress in formulating and implementing future policies toward the Iraqi Kurds. Costs of relief operations, risks to U.S. personnel, and attitudes of allies and other external players could affect the U.S. role in northern Iraq. The accidental shoot-down of two U.S. helicopters on a Provide Comfort mission by U.S. fighters enforcing the no-fly zone on April 14, 1994, illustrated that the dangers inherent in these operations are not all due to action by hostile forces. Mounting demands on U.S. forces to participate in other peacekeeping missions will require trade-offs in force commitments. The views of former members of the allied coalition in the Gulf war may impose political, operational, and logistical limits on the extent of U.S. support for the Kurds. Four contingencies, in particular, could create dilemmas for U.S. policy makers.

CHALLENGE BY IRAQ

A decision by the regime of Saddam Hussein to mount a challenge to the Provide Comfort force would face the United States with the choice of reducing its commitment or risking renewal of hostilities. Although a large-scale Iraqi attack on the enclave is possible, an Iraq challenge would be more likely to begin with indirect or measured steps to disrupt on-going humanitarian and protective activities: increased harassment of U.N. relief and security personnel; abrogation of the Iraq-U.N. memorandum of understanding that covers their presence in Iraq; deployment of air defense forces in a manner designed to threaten Provide Comfort forces; shelling of Kurdish areas; and limited ground probes into the southern part of the Kurdish enclave outside the no-fly zone. Friendly fire accidents like the one in April 1994 could embolden Saddam to increase pressure on the allied protective force on the assumption that U.S. responses would be restrained in an effort to avoid a replay of the helicopter catastrophe.

U.S. policy makers may need to determine a threshold of actions by Iraq that would trigger various levels of retaliation. For example, Iraqi ground action in the southern part of the Kurdish enclave would not in itself challenge the allied-proclaimed no-fly zone, but it might be construed as a violation of the provisions

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[45] Ibid.

of U.N. Security Council Resolution 688, which enjoins Iraq not to oppress its population. Decisions on responses to Iraqi provocations in the north may be linked to broader questions involving long term disposition of the Kurdish areas of Iraq. In an interview shortly after the April helicopter incident, House Foreign Affairs Committee Chairman Hamilton said "I have detected in testimony before my committee in very recent days some lack of precision, some confusion about what our policy actually is." He expressed the view the "the whole policy in Iraq needs urgent review."[46]

WITHDRAWAL OF TURKISH SUPPORT

Turkey plays a crucial role in enabling allied forces to carry out Provide Comfort operations. Without a Turkish staging area, it would be impossible to continue allied overflights over northern Iraq, and U.N. relief operations would be impaired. Since the inception of Provide Comfort, there has been significant public opposition within Turkey to hosting the allied protective force, and mounting challenges by Turkey's own dissident Kurdish group, the PKK, have fed this opposition. Although the Turkish leadership has been willing to brave influential segments of public opinion so far, a more vocal and widespread opposition could force Ankara to rethink its policies toward protection of the Iraqi Kurds. On the other hand, some Turkish leaders probably recognize that cooperation with Provide Comfort is a means of avoiding another influx of Iraqi Kurdish refugees which overwhelmed Turkish security and logistical capabilities in the spring of 1991.

In the past, Congress has weighed in with the Administration to urge Turkey to maintain its role in facilitating Provide Comfort operations. On one occasion, both Houses passed a resolution (H.Con.Res. 299, June 1992) calling upon Turkey to extend the time that bases can be used for overflight of the Kurdish area, and Chairman of the Senate Appropriations Committee Robert C. Byrd expressed the committee's hopes that "the Government of Turkey will renew, for as long as is necessary, the authorization for the United States to conduct relief operations from Turkey."[47] In the future, both the Administration and Congress may have to consider added enticements to retain crucial Turkish support, possibly in the form of U.S. support for international lending; greater support for Turkey's counter-terrorist campaign; and reduced criticism of excesses by Turkish security forces.

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[46] McLaughlin Group interview, carried by Reuters newswire, April 18, 1994, 11:08AET.

[47] U.S. Congress. Senate. Committee on Appropriations. Supplemental Appropriations, Transfers, and Rescissions Bill, 1992. September 10, 1992. Report 102-395. Washington, U.S. Government Printing Office, 1992. p. 20-21.

A KURDISH-IRAQI DEAL

Continued economic privation, pressures from their discontented populace, and fears that allied protection ultimately may terminate could impel Kurdish leaders to abandon their present attempts to remain free from Saddam's clutches and seek the best terms they can get from the central government. As noted earlier, protracted negotiations between Baghdad and the Kurdish leadership during the summer of 1991 ultimately collapsed when the two sides failed to agree. (In a reversal of previous positions, Barzani, doubting the durability of western commitments, was more anxious to reach agreement with Baghdad, while Talabani was more skeptical that the Kurds could obtain any meaningful concessions from the Iraqi Government.) Since then there have been periodic reports of feelers on the part of Kurdish groups to ascertain the possibilities of a deal with Baghdad, although it is unlikely that Kurdish leaders are under any illusions that they would receive beneficent treatment from Saddam's regime.[48]

Such a development would bring about the collapse of the present allied protective program, and without the allied umbrella, the U.N. security presence would be ineffective in protecting the Kurds from likely governmental reprisals and repression. Although this scenario does not seem imminent, a situation could develop in which the Administration and Congress would have to consider additional aid and assurances to the Iraqi Kurds to forestall a move on their part to abandon their current experiment in democracy and a degree of self-determination.

LOSS OF WIDER CONSENSUS

Although the United States plays a paramount role, the protective and humanitarian operations in support of the Iraqi Kurds represent a multilateral effort. This effort is based on varying degrees of support or acquiescence within the international community and is justified by U.N. Security Council resolutions (notably 688) and other post-Gulf War arrangements. This limited consensus has held up as long as the allied role in northern Iraq remains relative unobtrusive and involves minimal use of force. Many countries, including several members of the Security Council and key regional players, are dubious about the legal basis for allied enforcement of Resolution 688 and are visibly uncomfortable with periodic allied reprisals against Iraq.

Further confrontations with Iraq along the lines of the retaliatory raids in January and June 1993 or mishaps like the April 1994 shoot-down of U.S. helicopters (in which U.S., French, British, Turkish, and Iraqi Kurdish lives were lost) could erode international support for the U.S.-led campaign to protect the Kurds. There are signs that even U.S. allies are beginning to question the duration of current military commitments in northern Iraq. The United States may have to consider its options in the event of a withdrawal of allied support

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[48] See Randal, Jonathan C. Desperate Kurds Consider Turning Once More to Saddam, *The Washington Post*, June 23, 1993, p. A13.

for these operations or an upsurge in international opposition: to continue an apparently open-ended commitment with shrinking support from other nations, or to terminate its role with the strong likelihood that the Iraqi Government would quickly reestablish control over the Kurdish region.

APPENDIX

ALLOCATIONS FOR U.S. SUPPORT FOR KURDS OF IRAQ			
Fiscal Year	**Amount (in million $)**	**Legislation**	**Expense**
1991	572.0	Dire Emergency Supplemental Appropriation, PL 102-55, 06/13/91	Initial relief operations incurred by Dept. of Defense (DOD)--$320.5 million and Dept. of State and related agencies--$251.5 million
1992	15.0	Sec. 105(b), Dire Emergency Supplemental Appropriation, PL 102-229, 12/12/91	Kurdish and other Iraq-related humanitarian operations by DOD
1991-1993	100.0	Sec. 103, Dire Emergency Supplemental Appropriation, PL 102-229, 12/12/91[49]	Military operations in support of protective regime for Kurds (no-fly zone), initially appropriated for FY1991-1992, but extended to FY1992-1993 by Sec. 201, PL 102-368
1993	40.0	Sec. 202, Appropriations, Transfers, Rescissions, PL 102-368, 09/23/92	DOD relief activities including food delivery, health care, water supply, mine clearing
1993	3.0	Title II, PL 102-396, 10/06/92, Defense Appropriation Act[50]	General DOD humanitarian aid

[49]Sec. 105(a), PL 102-229 provided that $15 million of this amount may be made available for prepositioning of relief supplies to meet emergency Kurdish and other Iraq-related needs and related transportation costs.

[50] According to the conference committee report, $3 million from a total worldwide appropriation of $28 million was to be made available for Kurdish relief operations.

ALLOCATIONS FOR U.S. SUPPORT FOR KURDS OF IRAQ			
Fiscal Year	**Amount (in million $)**	**Legislation**	**Expense**
1993	5.0	Sec. 599F, PL 102-391, 10/06/92, Foreign Assistance Appropriation Act	Urgent humanitarian aid
1993	23.0	Ch. III, PL 103-50, 07/02/93, Supplemental Appropriation	General DOD humanitarian aid, including $10 million to buy part of Kurdish-grown wheat crop
1993	201.2	Ch. III, PL 103-50 and other DOD funds[51]	DOD activities related to Provide Comfort
1994	30.0	Title II, PL 103-139, 11/11/93, Defense Appropriation Act FY1994	General DOD humanitarian aid, including $15 million in winter relief
1994	110.3	Sec. 302, PL 103-211, 02/12/94, Supplemental Appropriation	Enforcement of northern no-fly zone and related supply, maintenance, and personnel costs
1995	15.0	(Administration request, for inclusion in Defense Appropriation bill for FY1995)	General DOD humanitarian aid
Total	1,114.50	(Some additional costs probably were absorbed by individual departments.)	

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[51] According to the Office of Comptroller, Department of Defense (DOD), the Defense Department spent $201.2 million on incremental costs of Provide Comfort during FY1993. Of this amount, $24 million was covered under the FY1993 supplemental appropriation (PL 103-50). (The $24 million was derived as follows: Chapter III of PL 103-50 appropriated $266.4 million for Air Force operations and maintenance, of which $100 million was allocated to operations in Southwest Asia. Out of this $100 million, $24 million was pro-rated to Provide Comfort.) Remaining incremental costs of $177.2 million came from excess Desert Shield/Storm funds or were absorbed by the Air Force.