Order Code RS22079
Updated August 5, 2008

CRS Report for Congress

The Kurds in Post-Saddam Iraq

Kenneth Katzman
Specialist in Middle Eastern Affairs
Foreign Affairs, Defense, and Trade Division

Summary

The Kurdish-inhabited region of northern Iraq is relatively peaceful and prospering economically, but the Iraqi Kurds' political autonomy and political strength in post-Saddam Iraq is causing friction with Arab leaders in Iraq, Turkey, and Iran. However the overall reduction in violence in Iraq, coupled with continued U.S. political engagement, is likely to prevent any friction from escalating into a destabilization of northern Iraq. This report will be updated. Also see CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

Pre-War Background

The Kurds, a mountain-dwelling Indo-European people, comprise the fourth largest ethnic group in the Middle East, but they have never obtained statehood. An initial peace settlement after World War I held out hopes of Kurdish independence, but under a subsequent treaty they were given minority status in their respective countries — Turkey, Iran, Iraq, and Syria — with smaller enclaves elsewhere in the region. (See dark gray area of map). Kurds now number between 20 and 25 million, with an estimated 4 to 4.5 million in Iraq, roughly 15 to 20 percent of the Iraqi population. Most are Sunni Muslims and their language is akin to Persian. Kurds have had more national rights in Iraq than in any other host country; successive Iraqi governments allowed some Kurdish language use in elementary education (1931), recognized a Kurdish nationality (1958), and implemented limited Kurdish autonomy (1974).

For the three decades that preceded the U.S.-led expulsion of Iraqi forces from Kuwait in 1991, an intermittent insurgency by Iraqi Kurdish militia ("*peshmerga*") faced increasing suppression, particularly by Saddam Hussein's regime. Kurdish dissidence in Iraq was initially led by the Barzani clan, headed by the late storied chieftain Mulla Mustafa Barzani, who founded the Kurdish Democratic Party (KDP) after World War II. He rejected Baghdad's Kurdish autonomy plan in 1974,[1] but his renewed revolt collapsed

[1] The government's so-called Law of Self-Rule (No. 33 of 1974) provided for limited governing (continued...)

in 1975 when Iran, then led by the Shah, stopped supporting it under a U.S.-supported "Algiers Accord" with Iraq. Barzani, granted asylum in the United States, died in 1979, and KDP leadership passed to his son, Masoud. Some years earlier, a younger, more urban and left-leaning group under Jalal Talabani emerged; it broke with Barzani in 1964 and, in 1975, became the rival Patriotic Union of Kurdistan (PUK). Talabani is married to Hero Ibrahim Ahmad, daughter of Ibrahim Ahmad, a founder of the KDP; she was unhurt in a May 4, 2008 bombing of her motorcade in Baghdad. The KDP and the PUK remain dominant in the Iraqi Kurdish movement; their differences have centered on leadership, control over revenue, and the degree to which to accommodate Baghdad. The KDP, generally more tribal and traditional, is strongest in the mountainous northern Kurdish areas, bordering Turkey. The PUK predominates in southern Kurdish areas, bordering Iran.

During the first few years of the 1980-1988 Iraq-Iran war, the Iraqi government tried to accommodate the Kurds in order to focus on the battlefield. In 1984, the PUK agreed to cooperate with Baghdad, but the KDP remained opposed. During 1987-1989, the height of the Iran-Iraq war and its immediate aftermath, Iraq tried to set up a "cordon sanitaire" along the border with Iran, and it reportedly forced Kurds to leave their area in a so-called "Anfal (Spoils) campaign," which some organizations, including Human Rights Watch, say killed as many as 100,000 Kurds. Iraqi forces launched at least two lethal gas attacks against Kurdish targets in 1988, including at the town of Halabja (March 16, 1988, about 5,000 killed). Iraq claimed the chemical attacks were responses to Iranian incursions in the area at that time.

In 1991, the allied campaign against Iraq following its invasion of Kuwait paved the way for the Kurds to carve out substantial autonomy. After Iraqi forces suppressed an initial post-war Kurdish uprising, U.S. and allied forces in mid-1991 instituted a "no-fly zone" over the Kurdish areas, protecting the Kurds from Iraqi forces. Later in 1991, Kurdish leaders joined the Iraqi National Congress (INC), a U.S.-backed opposition group, and allowed it a presence in Iraqi Kurdish territory from which to operate against Baghdad in the 1990s. The Iraqi Kurds set up an administration in their enclave and held elections for a 105-member provisional parliament in 1992. The KDP and the PUK each gained 50 seats; another five went to Christian groups. No candidate received a clear majority in the concurrent presidential election, and the two main factions agreed to joint rule. On October 2, 1992, the Kurdish parliament called for "the creation of a Federated State of Kurdistan in the liberated part of the country,"adding that this would not undermine Iraq's territorial integrity of Iraq. Iraq's Arab leaders feared that Kurdish demands for a federation masked a quest for full independence; a concern shared by neighboring states with large Kurdish populations (Turkey, Iran, and Syria).

In early 1994, the uneasy power-sharing arrangement between the KDP and PUK collapsed, and armed clashes broke out over territorial control and sharing of joint revenues. The nadir in PUK-KDP relations occurred in mid-1996, when the KDP briefly sought help from Saddam's regime in seizing Irbil, the seat of the regional Kurdish government, which the PUK had captured in 1994. The Kurdish regional authority effectively split into KDP and PUK entities. However, the United States spearheaded

---

[1] (...continued)
institutions in some Kurdish regions but failed to garner widespread Kurdish support.

negotiations that culminated in a September 1998 "Washington Declaration" between the two parties. It was endorsed at the first session of a reconvened Kurdish parliament on October 5, 2002, by which time the Kurds, along with other Iraqi oppositionists, were preparing for a likely Bush Administration move to overthrow Saddam Hussein militarily. In February 2003, opposition groups met in Kurdish-controlled territory in northern Iraq to form a "transition preparation committee," although these groups were disappointed by a subsequent U.S. decision to set up an occupation authority to govern Iraq after the fall of the regime, rather than immediately turn over governance to Iraqis.

The Immediate Post-Saddam Period

There was virtually no combat in northern Iraq during the major combat phase of Operation Iraqi Freedom (OIF), the U.S.-led war that toppled Saddam Hussein's regime by April 9, 2003. The Kurds entered post-Saddam national politics on an equal footing with Iraq's Arabs for the first time by participating in a U.S.-led occupation administration (Coalition Provisional Authority, CPA). Holding several seats on an advisory "Iraq Governing Council (IGC)," appointed in July 2003, were Barzani, Talabani, and three independent Kurds. In the transition government that assumed sovereignty from the CPA on June 28, 2004, a top Barzani aide, Hoshyar Zebari, formally became Foreign Minister. This government operated under a March 8, 2004 "Transitional Administrative Law" (TAL) — a provisional constitution that laid out a political transition process and citizens' rights. Over the objections of Iraq's Shiite Muslim leaders, the Kurds succeeded in inserting a provision into the TAL that allowed citizens of any three provinces to vote down, by a two-thirds majority, a permanent constitution that was put to a public referendum by October 15, 2005. The Kurds constitute an overwhelming majority in Dohuk, Irbil, and Sulaymaniyah provinces, assuring them of veto power in that referendum. The Kurds maintained their autonomous "Kurdistan Regional Government" (KRG), with the power to alter the application, in the Kurdish areas, of some Iraqi laws. Another provision allowed the Kurds' militia, the *peshmerga* ("those who face death"), numbering about 75,000, to operate. The TAL did not give the Kurds control of Kirkuk/Tamim province,[2] instead setting up a compensation process for Kurds expelled from Kirkuk by Saddam's regime.

Current Major Issues

There are several major issues of concern to the Kurds, some of which were addressed to the benefit of the Kurds in the permanent constitution, which the Kurds supported overwhelmingly in the October 15, 2005 referendum. The constitution was adopted over Iraqi Sunni Arab opposition. The constitution and post-Saddam politics – coupled with the Kurdish leaders' close relations with the United States – have given the Kurds political strength to the point where Iraq's neighbors, and Iraq's Arab leaders, both Sunni and Shiite, now see the Iraqi Kurds as asserting excessive demands.

Participation in the Central Government. Although striving for maximum autonomy, the Kurds view participation in the post-Saddam central government as enhancing key Kurdish interests. The KDP and PUK competed jointly as ("Kurdistan

---

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

Alliance") in the two parliamentary elections in 2005. In the January 30, 2005, national elections, their Alliance won about 26% of the vote, earning 75 National Assembly seats out of 275; and it won 82 seats in the 111-seat Kurdish regional assembly. On that strength, Talabani was selected President of Iraq. Opting to solidify his political base in the Kurdish region rather than participate in national politics, on June 12, 2005, the Kurdish regional assembly named Barzani "President of Kurdistan." The Alliance showing in the December 2005 elections for a full term government was not as strong (53 seats), largely because Sunni Arabs participated in the elections. In the four year government then selected, Talabani remained President; Zebari stayed Foreign Minister, and a top Talabani aide, Barham Salih (who was "Prime Minister" of the Kurdish region before Saddam's ouster) became one of two deputy prime ministers. The Kurds in the parliament and the cabinet remain generally aligned politically with the mainstream Shiite Islamist parties of Prime Minister Nuri Maliki (Da'wa Party) and his ally, the Islamic Supreme Council of Iraq (ISCI), led by Abd al-Aziz al-Hakim. The Kurds supported Maliki's decision to confront Shiite militias loyal to radical young cleric Moqtada al Sadr in Basra in March 2008, which the Kurds said demonstrated Maliki's commitment to combat outlaw elements, even if they are fellow Shiites.

At the same time, the Kurds continue to develop their regional government. The "prime minister" of the KRG is Masoud Barzani's 48 year old nephew, Nechirvan, son of the Kurdish guerrilla commander Idris who was killed in battle against Iraqi forces in 1987. As part of a power-sharing arrangement between the KDP and PUK, Nechrivan was slated to be replaced in early 2008 by a PUK official (Kosrat Rasoul), but the parties agreed to extend Nechirvan's term – in part because the Kirkuk issue remains unsettled (see below) and in part because of Rasoul's health. The *peshmerga*, as the most pro-U.S. force in Iraq, primarily remain in Kurdish areas to ensure that the insurgency in Arab Iraq does not enter the north. However, some *peshmerga* and other Kurds have joined coalition-trained national Iraqi Security Forces (ISF), serving primarily in northern cities such as Mosul and Tal Affar. Some *peshmerga*-dominated ISF units served in the 2007 "Baghdad security plan" that accompanied the U.S. "troop surge." On May 30, 2007, formal security control over the three KRG provinces were handed from the U.S.-led coalition in Iraq to ISF units composed mostly of Kurds and *peshmerga* fighters. The Kurds reportedly want the salaries of the peshmerga to be paid out of national revenues, but the government did not agree to that in the 2008 budget adopted February 13, 2008. That budget maintained the share for the KRG region at 17% of total revenue, despite Iraqi Arab attempts to cut the allocation to 13%, although the Kurds agreed to abide by a revenue share determined by a census that is to be held. The budget also allocated about $2 billion in capital investment in the KRG areas.

Autonomy and Independence. The constitution[3] not only retained substantial Kurdish autonomy but also included the Kurds insistence on "federalism" — de-facto or formal creation of "regions," each with its own regional government. The constitution recognizes the three Kurdish provinces of Dohuk, Irbil, and Sulaymaniyah as a legal "region" (Article 113) with the power to amend the application of national laws not specifically under national government purview; to maintain internal security forces; and to establish embassies abroad (Article 117). Arabic and Kurdish are official languages

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

(Article 4). Kurdish leaders — possibly at odds with mainstream Kurdish opinion — have said that, for now, they would not push for independence, substantially easing the concerns of Turkey, Iran, Syria, and Arab Iraq. However, there is concern among these parties that younger Kurds who will eventually move into key positions in the KRG might ultimately seek independence. In September 2007, the Senate endorsed the federalism concept for Iraq in an amendment to the FY2008 defense authorization bill (P.L. 110-181), a provision in the final law.

Kirkuk. The Iraqi Kurds's insistence that Kirkuk and surrounding Tamim Province be "Kurdish" and integrated into the KRG is causing significant tensions with Iraq' Arab leaders and with the Turkomen minority that live in Kirkuk. These tensions are threatening to derail the holding of provincial elections that are needed to better integrate Sunni Arabs into the post-Saddam political structure. At Kurdish insistence, the constitution provided for a process of resettling Kurds displaced from Kirkuk and the holding of a referendum, to be conducted by December 31, 2007 ("Article 140 process"), to determine whether its citizens want to formally join the Kurdistan region. To avoid instability that might result from a vote, the Bush Administration persuaded the Kurds to grudgingly accept a delay of the referendum; no date is now set for it. The Kurds did accept a temporary compromise under which the U.N. Assistance Mission-Iraq (UNAMI) is conducting analyses of whether or not to integrate some Kurdish-inhabited cities into the KRG, including Khanaqin, Sinjar, Makhmour, Akre, Hamdaniya, Tal Afar, Tilkaif, Shekhan, and Khanaqin. To position themselves for the eventual Kirkuk referendum, the Kurds are trying to strengthen their position by settling Kurds in the city and by pressuring the city's Arabs (both Sunni and Shiite) and Turkomans to leave. The Kirkuk dispute caused a presidential veto of the July 22, 2008 COR vote on an election law needed to hold provincial elections. The draft law, passed despite a Kurdish walkout from the COR, provided for equal division of power in Kirkuk (between Kurds, Arabs, and Turkomans) until its status is finally resolved, and for replacement of the *peshmerga* with the Iraqi Security Forces in the province. The vote prompted Kurdish opposition and subsequent communal strife in Kirkuk city. The COR and the major blocs subsequently held several meetings on August 3, 4, and 5 to try to reach a compromise on the election law, but no formula was found acceptable to all sides. Observers estimate it will take about four months after an election law is enacted to hold the elections, which were targeted for October 1, 2008.

The Kirkuk issue is also considered "existential" by Turkey, which fears that affiliation of Kirkuk to the KRG would give the Kurds enough economic strength to support a drive for independence. Kirkuk purportedly sits on 10% of Iraq's overall proven oil reserves of about 112 billion barrels. Turkey also supports the Turkoman minority in Kirkuk who claim a say about the city.

Control Over Oil Resources/Oil Laws. Control over oil revenues and new exploration is also a hotly debated issue between Baghdad and the KRG. Revenue earned from oil fields in the Kurdish region are deposited into the national treasury, but the Kurds want to keep control of revenues from any new discoveries in the KRG region and they want to be able to control new investment and exploration. Iraq's cabinet approved a draft version of a national hydrocarbon framework law in February 2007, but Kurdish officials withdrew support from a revised version passed by the Iraqi cabinet in July 2007 on the grounds that it, and related implementing laws, would centralize control over oil development and administration. A related draft revenue law would empower the federal

government to collect oil and gas revenue, and reserve 17% of oil revenues for the KRG. To protect its control over oil in the KRG region, the KRG passed its own oil law in August 2007 and signed development agreements with foreign partners. Iraq's Oil Minister has called the Kurdish deals and the KRG oil law "illegal." In late June 2008, there was some movement in the disputes when Baghdad and the KRG formed a panel to try to achieve compromise on the national framework oil law. To date, the KRG has signed development deals with a small Turkish firm Genel, U.S.-based Hunt Oil, UAE-based Dana Gas, Britain's BP, DNA Asa (Norway), OMV of Austria, and SK of South Korea. The Hunt Oil deal has attracted controversy because of the firms' leaders' ties to Bush Administration officials and the perception that the deal contradicted the stated U.S. commitment to the primacy of the central government on oil decisions. Press reports are mixed over whether the Administration tacitly blessed Hunt negotiations with the KRG.

Safehaven for Other Kurdish Opposition Fighters. Turkey accuses the Iraqi Kurds of providing safehaven to the Turkish Kurdish opposition Kurdistan Workers' Party (PKK); the accusation is leveled particularly at the KDP, whose strongholds border Turkey and from where PKK fighters operate. The PKK is named foreign terrorist organization (FTO) by the United States. The KRG has, at times, such as the mid 1990s, fought the PKK, but many Iraqi Kurds view them as brethren and support the PKK struggle against Turkey. In June 2007, Turkey moved about 100,000 forces to the border after Barzani warned that Iraq's Kurds could conduct attacks in Turkey's Kurdish cities if Turkey were to invade northern Iraq. During September-October 2007 when PKK guerrillas killed about 40 Turkish soldiers and captured eight (later released). Facing continuing losses, on October 17, 2007 the Turkish government obtained Turkish parliamentary approval for a major incursion into northern Iraq against the PKK — an action that brought stepped up U.S. diplomacy to head off a threat to the most stable region of Iraq to date. U.S. officials reportedly set up a center in Ankara to share intelligence with Turkey on PKK locations. U.S. support for the Turkish position on the PKK has apparently succeeded in causing Turkey to limit its intervention to continue air strikes and small incursions. A related dispute, which appears to align Iran and Turkey, is Iran's shelling of border towns in northern Iraq that Iran says are the sites where the Party for a Free Life in Kurdistan (PJAK), an Iranian Kurdish separatist group, is staging incursions into Iran.

Source: Map Resources. Adapted by CRS. 2/11/2005