

# Constructing Kurdistan

Why shouldn't Iraq become a bi-national federation?



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*In the first of three letters, O'Leary describes his impressions of the Coalition Provisional Authority's conduct. His next letter will focus on Kirkuk; the last will focus on the nature of Kurdistan.*

## Expert Opinion

By Brendan O'Leary | **One of the purposes of Penn's Solomon Asch Center is to assist in the reduction of national and ethnic conflict, which is why I accepted the invitation to act as a constitutional advisor to the Kurdistan Regional**

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Government and the Kurdistan National Assembly. My brief is to advise on federation, power-sharing, electoral systems, the protection of minorities, and the planned transitional law.

The Kurdistan entity currently comprises four million people, mostly Kurds, but also small numbers of Turkomen, Chaldeans, Assyrians, and Arabs. It was established in strange circumstances after the 1991 Gulf War. The United States and the United Kingdom had just failed to support the Kurds' uprising against Saddam Hussein—though they had encouraged it. Saddam's bloody revenge prompted a mass Kurdish exodus from Iraq that was only halted when international public opinion forced the U.S. and the U.K. to create a "safe haven" and a "no fly zone" in what was misleadingly called "northern Iraq." The safe haven eventually led to an autonomous Kurdish government, shielded from Saddam, but without formal international recognition.

The territory of Kurdistan in Iraq is less than the full region where Kurds are—or have been—demographically dominant, and less than the unit that Saddam Hussein was willing to concede during autonomy negotiations with Kurdish leaders between 1970 and 1974.

"Actually existing Kurdistan" is also much smaller than "Greater Kurdistan." The latter is the dream of the wider Kurdish nation. It describes the entirety of "the land of the Kurds" under the Ottoman Empire that was partitioned after World War I. It was entirely digested by four consumers: Turkey, Iran, and the new inventions of Syria and Iraq (then respectively under the control of the French and British empires). European decolonization of the Middle East after World War II left the Kurds as the largest nation in the Middle East without a state of their own. Since then Kurds have been subjected to coercive assimilation and expulsion by the four governments that have attempted to digest them, and to genocidal assaults by both Turkish and Iraqi governments; and both British and American governments have betrayed commitments they gave to successive Kurdish parties, especially the Kurds of Iraq.

Erbil, the place from which I write, was a sea of tranquility by comparison with the rest of the former Iraq—until February 1 of this year, when the headquarters of the two main parties, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan, were destroyed by suicide bombers, leaving over 100 people dead. Among those killed was Sami Abudulrahman, the Deputy Prime Minister of the Regional Government and the Secretary of the KDP, a man with whom I worked, and whom I

deeply admired. The impact of these bombings on the local population has been similar to the impact of September 11 in the U.S. Our negotiating team is still recuperating from our deep losses.

“Well sir, I wouldn’t start from here,” is the response attributed to the proverbial Irishman interrogated on the right road to take. True to my national origins, that’s the first advice I would give American and British officials in the Coalition Provisional Authority (CPA) of Iraq, and their overseers in Washington and London.

The CPA is bunkered inside Saddam’s major palace, more insulated from the surrounding societies than the ousted dictator was. It rapidly dissipated the goodwill the Coalition enjoyed in liberating Iraq’s Arabs, Kurds, Chaldo-Assyrians, Turkomen, Muslims, Christians, Yazidis, and Jews from Saddam and his party, the Ba’athists.

The CPA’s officials mostly can’t speak Arabic, but their decrees are translated into Arabic. They do not even attempt to have their regulations translated into Kurdish, though it is the mother-tongue of between a fifth and a third of the former Iraq’s population. Soldiers, KRG officials, and NGO personnel tell me that the CPA’s officials spend more time signing and being lobbied for contracts than in evaluating their merits. The American Army has a counter-insurgency program in Arab regions, especially Sunni Arab dominated regions; the best that can be said of it is that it is producing more results than the search for weapons of mass destruction. Judging by their published or leaked outputs, the CPA has spent little time seriously reflecting on constitutional reconstruction or design.

British officials of the CPA play to their national stereotypes: scoffing at Americans’ alleged naïveté behind their backs, but otherwise displaying full deference towards the world’s hegemon. They think they have superior wisdom; it’s true that they are more accustomed to govern other peoples. The other members of the “coalition of the willing” play symbolic rather than substantive roles: Denmark, for example, has 200 troops in Iraq, rehabilitating buildings in Basra. The “coalition” moniker adds a veneer of internationality to what is in fact government by “the special relationship” that the British always want, to the mild embarrassment of the Americans. Yet there is nothing special about the caliber of their joint governance. The British are usually a week behind their American colleagues, holding loyal to a policy line that has often just been re-appraised, unknown to them, in Washington.

The CPA is mocked even by its own officials as *Can't Provide Anything*. It veers between the options preferred by different factions in the Republican administration in Washington: those who want a sustainable democratic and liberal reconstruction of the former Iraq, and diverse others, mainly in the State department and the CIA, who are bent on no more than achieving presentable "stability," securing America's perceived material interests, placating Turkey, a quick exit, and handing any outstanding embarrassments to that convenient scapegoat known as the United Nations.

The one achievement of American crisis management that is apparent to me is that American TV and Web-pages regularly count only the daily American military war dead—and not the daily toll of local civilians killed by all agents to the conflict.

The CPA has created a Governing Council which does not govern, and does not act as a council. Its business is conducted in Arabic. Its internal procedures are chaotic and opaque, and its resolutions are frequently vetoed by "The Administrator," as L. Paul Bremer III is officially styled. He is said often to remind the Council before it begins "deliberations," through a translator, that he has this veto power. He is said to be tough, but insensitive. Visiting Kurdistan, he asked, "Who is that?" on seeing the ubiquitous portrait of Mustafa Barzani. This would be analogous to a foreign diplomat visiting America and asking "Who is that?" on seeing a portrait of George Washington. As I write, he has not yet vetoed an outrageous resolution (passed at the end of December in the absence of representatives from Kurdistan) repealing secular marital laws that benefit women in favor of chauvinist propositions from the *Shari'a*, presumably because he does not want to hand an issue to Islamists.

There are two merits to the Governing Council. One is that it contains the embryo of an authentic collective presidency, an institutional arrangement that might serve a future federation quite well. But given its overly large composition (25 members plus 25 substitutes), and its poorly defined relationships to the CPA and 25 "ministries" in Baghdad, it does not resemble a functioning executive. The second merit is the attempt to make it representative—in the absence of the possibility of well-administered elections—of the peoples of the former Iraq. Shi'a Arabs (13 councilors) and Sunni Arabs (five) and Kurds (five) are on the council in rough approximations to their estimated demographic shares, and smaller minorities (two) are also present. But only three women were appointed by The Administrator, and one of them has been assassinated—and not replaced.

There was little evidence that the Shi'a or Sunni councilors were politically representative when they were appointed, though the perceived power of some has since grown. The most powerful Shi'a, Iranian-born Ayatollah Sistani, sits at home issuing *fatwas*—to which Governing Council members and Americans feel obliged to respond. The leaders of the two largest Kurdish parties, Massoud Barzani and Jallal Tallabani, by contrast, represent organizations that have won the lion's share of past votes in Kurdistan. The exiled politicians, Arab refugees from Saddam's rule, initially brought in to guide the CPA are seen, however unfairly, as collaborators.

The CPA's staff, in the absence of any deep knowledge of the societies they are charged to govern, and lacking any well-grounded advice from representative politicians among the Arabs, operate as if they are in America—on the presumption that a future Iraq should want to be like the America they think they know. They say that "All should be Iraqis," just as "We are all Americans." They insist that Iraq is, or at least should be, a nation, when it is just the remnants of a state. They make the standard error of students starting Political Science 001, confusing *state* and *nation* (a state is a sovereign independent territory; a nation is a community with a shared political identity). Iraq has never been a nation. The Ba'athist regime tried to make Iraq one nation, an Arab nation. Arabization included expelling Kurds from Kirkuk, moving Arab settlers from the south to the north, and genocidal poison gassing. Kurds, a different nation by history, language and dialects, customs and mores, resisted. Iraq is mainly bi-national, and no future constitution that fails to respect this reality will be feasible.

CPA officials think that Iraq should have a federation like America's, "non-ethnic" and symmetrical—that is with each region being identical in powers. They forget that in the development of America's so-called non-ethnic federation, political care was taken to ensure that each new state had a white, English-speaking majority. Trying an analogous model in the former Iraq is a recipe for armed conflict with Kurdistan. Nevertheless, Mr. Bremer proposed a model of an 18 "governorate" federation, based on the provinces of Saddam Hussein, which would effectively have abolished Kurdistan's integrity. In return, he received "a flea in his ear," as we Irish put it, from the Kurd leaders.

The largest rump of the former Iraq, demographically and territorially, was Arab Iraq. It was the site from which the worst organized racial and religious bigotry, and grossest abuse of human rights, were organized by the Ba'athists. By contrast, Kurdistan, a smaller location, was the site of the most promising experiments in democratic governance and decent

treatment of ethnic, religious, and linguistic minorities in the 1990s, though it was not without its own internal conflicts.

Given these realities, and the fact that Kurdistan's soldiers fought alongside the Coalition's forces, one would think that a top priority of CPA officials would be to protect a better-run region from an overly strong central government. But not so far. The Administrator, judging by his November-January proposals, thinks that Iraq's federation should be even more centralized than America's. Of course, his and the CPA's centralist dispositions do not just flow from misapplication of lessons from American history. Three other imperatives matter.

One stems from the management of the black gold: oil. Despite the well-validated criticism of centralized rentier-oil regimes as recipes for despotism, corruption, or both, the CPA believes that a well-managed federal government with monopoly jurisdiction over oil production and its revenues is the best administrative model available. A conservative economist willing to confirm the validity of this belief should be genetically engineered.

The ugly truth is that the attempted promotion of a centralized "federation," including the centralized control of oil and natural resources, is motivated by a second imperative: an ill-considered effort to appease both indigenous Arab Iraqi and wider Arab public opinion. That policy, so the thinking goes, will coerce Kurdistan's re-integration into Iraq—instead of letting it extend its jurisdiction, and therefore its tax-base, to Kirkuk (on which more in my next letter).

This appeasement policy creates tension within Washington. Those who want the full-scale reconstruction of Iraq as a liberal democracy know that building on Kurdistan as it is, or as it might fairly be expanded, makes the most sense; whereas those who prioritize breaking the Ba'athist resistance and the Al-Qaeda-related pan-Arab networks, or who are anxious for a quick exit, want to minimize the difficulties with Arab public opinion. Their focus is often on America's electoral clock.

Kurdish analysts of contradictions note that America does not in general appease Arab opinion in and over Palestine, but rather sides with Israel, an ethnic and religiously defined state, as its democratic ally. Yet, as the occupying power in Iraq, they think America is inclined to sell-out its democratic allies in Kurdistan. And they find it remarkable that America accuses them of trying to create an ethnic entity and seeks to calm those inclined to support Ba'athists, Shi'a fundamentalists, and the terrorists who

organized September 11.

The last imperative that inclines the CPA towards re-centralizing Iraq is its officials' deference towards Turkey, the neighboring state that still practices coercive assimilation, and still criminalizes requests for education in Kurdish. Turkey has acknowledged neither the historical genocide of the Armenians, nor its own genocidal actions against "its" Kurds—until recently officially known as "mountain Turks." Turkey is attempting to build a homogenized nation-state around a Turkish ethos and ethnos. Its officials tell you that terrorism by the PKK (the Kurdistan Workers Party of Turkey) is "the real problem," and that a federal Iraq will expand the ambition and range of Kurdish terrorists. The PKK is indeed a problem, though its existence and conduct are a predictable reaction to the state it has raged against. But the PKK is not in any manner supported by the Kurdistan Regional Government, nor by the two major parties in what Turkey calls "northern Iraq"—what we here call Kurdistan.

Turkey's external relations with its neighbors on ethnic matters are perhaps the exemplary case of national egoism in our world. Its politicians vary between demanding the recognition of its puppet protectorate, the Turkish Republic of Northern Cyprus, or insisting that any unified Cypriot federation protects its co-ethnics in their unit, with their own clear majority. But this ethnic stance on Cyprus does not stop Turkey from having the gall to protest against Kurds in the former Iraq allegedly constructing an "ethnic unit" in a future federation. The CPA defers to Turkish rhetoric, saying, in English or through Arabic translators, that it does not want an ethnic federation. Kurds reply by saying that they do not want an ethnic federation but one that recognizes nationality.

It is disappointing that the culturally blinkered predispositions of the CPA are reinforced by recent erroneous "wisdom" in American political science, one that counsels against "ethnic federations" (which is how some denigrate Belgium, Canada, Switzerland, and India). It does not follow, of course, that because some bi- or multi-national federations have failed that all must do so—just as mono-national federations like that of the U.S.A. are not guaranteed export successes (see, for example, the history of much of Latin America).

Successful multi-national or bi-national federations are the products of voluntary pacts, created by negotiation, and combine both effective self-government for nations in their territories and power-sharing for all within the federal government. What is there to be afraid of in such a vision?

At Penn I tease students by confronting them with the suggestion that the state they know least about is Canada, and by claiming that if the political-science wisdom now prevalent in America was right, then Canada should not exist. As my friend Professor John McGarry of the Queens University Ontario observes, the Canadian federation is a bi-national and bi-lingual federation; it has a distinctive society in Quebec, both in its legal system and in its ethos, but it divides up English Canada symmetrically; it permits asymmetry in the powers and policy decisions of its provinces; it leaves the provinces in charge of natural resources but has formulae for revenue-sharing; since its foundation it has had no civil war; it has survived as long as the U.S.A. has survived since its civil war.

In short, the CPA's Americans shouldn't start from an American template, and its British officials, heirs to the inventors of Iraq, would benefit from humility. They might reflect more vigorously on democracies that are not part of the coalition—for example, Belgium, Switzerland, and Canada. India too, from which the British once sought to govern Iraq, might inform intelligent thinking on the management of a postcolonial multi-ethnic state. The Administrator has sought to preclude such discussion of alternative models of federation before the creation of a transitional law—though he acknowledges that such a law will bias the eventual institutional outcomes.

By the time I write my next letter I hope he and his team will have stopped trying to tell others where to go. It is they who are here on sufferance, alienating their friends and encouraging their enemies. They say they want to go, and to return sovereignty to "Iraqis" by the summer. The hotel near where I am writing is the "northern" post of the CPA. It is completely booked by its staff for the next three years. Was that an error in the contract?■

**Look for Brendan O'Leary's future letters from Iraq in the "Gazetteer" section in May/June and July/August.**

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