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CHAPTER 12

BEYOND THE DICHOTOMY OF ACCOMMODATION VERSUS RESISTANCE: THE KURDISH MINORITY IN IRAQ AND SYRIA IN LONG-TERM AND COMPARATIVE PERSPECTIVES, 1920-2015[1]

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Introduction

Traditionally, scholars and observers have studied the evolution of the Kurdish issue in the respective countries through the lenses of the dichotomy of accommodation versus resistance, while neglecting a wide range of individual and collective strategies that warrant further attention. In this sense, one should avoid the over-determination of oppositional logics and the assumption of situations of competition. Some segments of a given "minority"[2] might accept their current situation or even take advantage

[1] This chapter is a part of a larger research project entitled *States, Minorities and Conflicts in the Middle East: A Comparative Study of the Durability of States and Regimes and Dissident Movements in Egypt, Iraq, and Turkey, 1948–2003*. I am grateful to the Swiss National Science Foundation, which provides the grant to support this four-year research project launched in 2010. However, the views expressed herein are mine, and do not necessarily reflect those of the Foundation.

[2] "A national minority is not simply a group that is given by the facts of ethnic demography. It is a dynamic political stance, or, more precisely, a family of related yet mutually competing stances, not a static ethnodemographic condition." R. Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996), p. 60.

of the existing political system. In connection to this, if the articulation of identities and interests is indeed necessary in order to analyze ethnic movements and some of their features such as political violence,[3] scholars should also consider subjective perceptions of social relations (present experience, collective memories, etc.),[4] which may lead states and non-state actors alike to choose a strategy which might be perceived as "unbelievable" from the "outside".

Hence, for the purpose of an initial assessment and in order to better grasp the relations between majorities and minorities in the Middle East, researchers should approach this issue from an interactive perspective that encapsulates three key principles. First, majority and minority groups are not always and everywhere opposed. In that sense, a long-term perspective allows us to identify periods in which minority members participate in the economic and political life of a given society, cooperate with other political forces (both within the government and the opposition) on the one hand, and, on the other hand, periods of extreme state violence against a given minority.

Second, as a consequence, the relationship between majorities and minorities is a part of a dynamic process in which both continuity and change must be taken into account. Minority populations are constantly negotiating their individual and collective identities—ethnic and religious boundaries, relations in each social space etc.—with the state and other social groups. Therefore, ethnic identities can be "activated" or "deactivated" within the political field depending on the context, the needs, and the subjectivity of the actors involved.

Finally, although regimes and minority groups project an *image* of homogeneity to the outside world, the actual practice or routine performance of state actors and agencies in various are-

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[3] D. Eickelman, "Changing Interpretations of Islamic Movements", in *Islam and the Political Economy of Meaning*, in W.R. Roff, ed., (London: Croom Helm, 1987), pp. 13-30; J. Leca, "La rationalité de la violence politique", in *Le phénomène de la violence politique: perspectives comparatistes et paradigme égyptien*, in B. Dupret, ed., (Cairo: CEDEJ, 1994), pp. 17-42.

[4] R. Koselleck, *Le Future passé: contribution à la sémantique des temps historiques* (Paris: Editions de l'EHESS), 1990.

nas, as well as the contradictions minorities undergo, often counter this *image*.[5] In some cases, segments of the state ally themselves with minority segments in order to overcome the deficiencies of the state or, occasionally, they place themselves in opposition, in defense of particular interests, to certain strategies put forth by the regime itself, producing a "fragmented tyranny".[6] Similarly, and in spite of ethnic movements' claims, groups and communities they seek to represent, are not entirely homogenous or cohesive. Thus, ethnic movements must struggle to impose their values on the society as they attempt to exert their influence in different arenas where other actors are already present. Furthermore, while actors within an ethnic movement may define the "we-group" against their "enemy", other dissident groups or individuals whom their advocates seek to define as members of the "we-group" may redefine themselves against it. Thus ethnic movements are, like states, merely participants in a "fray of ideological competitors, and its activists must contend with many other collectivities seeking the right to establish their own internal norms and external boundaries".[7]

Taking these principles into consideration, this chapter aims to probe the relationship between the Syrian and Iraqi states with their respective Kurdish minorities beyond the dichotomy of accommodation versus resistance or rebellion, in both comparative and long-term perspectives. In the first part, I shall discuss the constitutional arrangements Syria and Iraq chose to deal with their respective minorities. I shall argue that the choice of gov-

[5] In Migdal's definition, the image of the state is of a dominant, integrated, autonomous entity that controls, in a given territory, all rule making, either directly through its own agencies or indirectly by sanctioning other authorized organizations to make certain circumscribed rules. J.S. Migdal, *State in Society. Studying How States and Societies Transform and Constitute One Another* (Cambridge: Cambridge University Press, 2001), p. 16.

[6] C. Tilly, *The Politics of Collective Violence* (Cambridge: Cambridge University Press), p. 2003.

[7] N.F. Watts, "Institutionalizing Virtual Kurdistan West: Transnational Networks and Ethnic Contention in International Affairs", in *Boundaries and Belonging. States and Societies in the Struggle to Shape Identities and Local Practices*, in J.S. Migdal, ed., (Cambridge: Cambridge University Press, 2008) p. 147.

ernment majority does not necessarily account for the actual relationship between those states and their minority groups over time. Factors, such as political stability and regional dynamics, might affect state-minority relations and lead regimes to "betray" their official ideologies to secure their durability.

In the second part, I shall highlight the similarities and differences not only between state policies, but also between the strategies of Kurdish groups. A brief historical survey will allow me to identify periods of peaceful coexistence, as well as episodes of widespread state violence against the Kurds. Consequently, in the last part, I shall argue that the dilemma the Kurds face in Syria and Iraq is not a choice between accommodation and rebellion, but one of guaranteeing their collective rights within legal systems, while pushing for further de-centralization or even asymmetrical federalism. In that respect, the Kurdish case can be inscribed in a broader trend: the increasing number of ethno-national communities that exercise self-determination without constituting separate states, using instead mechanisms of devolution or other political arrangements.[8] At the same time, and contrary to what state and opposition elites believe, for most Kurdish groups, incorporation of federalism and de-centralization principles into a constitution is actually a starting point, not an end game. Real willingness of the central government to implement legal arrangements and peaceful co-existence will thus by and large determine the actual Kurdish attachment to the state framework.

Dealing with Minorities

Minority claims were neither the "natural" outcome of a historic conflict between religious and ethnic groups, nor the consequence of imperialist designs in the Middle East. "Minority" and "majority" groups, international as well as transnational actors, interplayed for more than 40 years in a triangular relationship leading up to the First World War and the collapse of the age of

[8] E. Nimni, "Stateless Nations in a World of Nation-states", in *Routledge Handbook of Ethnic Conflict*, in K. Cordell and S. Wolff, eds., (London and New York: Routledge, 2011), pp. 55-66.

multi-ethnic and multi-religious empires.[9] Thereafter, historically, two diverging constitutional choices have shaped state–society relations in a different way in each country in the post-colonial Middle East: either the choice of government representing the demographic majority (i.e. Syria, Turkey, Egypt, Israel, Iran, Iraq, etc.), or the choice of "consensus democracy" (i.e. Lebanon, and Iraq since 2005). The former came to dominate the political engineering in the Middle East whilst minority rights' fervor diminished in the aftermath of the Second World War, both among the international community and the indigenous elites. The end of the Cold War, which had put minority politics into a deep freeze, as well as the effects of the globalization process affecting every state without exception, paved the way for a new identity crisis in the Middle East. In so doing, old problems such as the Kurdish issue re-emerged in new form.

In theory, in the so-called Tocquevillian model, which was the choice made by the vast majority of Middle Eastern elites including Syria and Iraq, the party or the leader who secures the numerical plurality of votes in electoral processes enjoys the legitimate right to govern and impose upon state and society their own identity and cultural preferences. However, as Elizabeth Picard puts it, in the newly-established Middle Eastern states, the rationale for this model was somehow different. "In order to strengthen their new and often fragile power, the rulers held a discourse of unanimity, either in support of a charismatic or traditional leader, or based on a nationalist ideology."[10] As the di-

[9] V. Tatchjian, *La France en Cilicie et en Haute-Mésopotamie. Aux confins de la Turquie, de la Syrie et de l'Irak* (Paris: Karthala, 2004); B T. White, *The Emergence of Minorities in the Middle East: The Politics of Community in French Mandate Syria* (Edinburgh, 2011); and L. Banko, "The Creation of Palestinian Citizenship under an International Mandate: Legislation, Discourses and Practices, 1918-1925", *Citizenship Studies*, Vol. 16: 5-6 (2012), pp. 641-655.

[10] E. Picard, "Nation-building and Minority Rights in the Middle East", in *Religious Minorities in the Middle East: Domination, Self-Empowerment, Accommodation*, in A. N. Longva and A. S. Roald, eds., (Leiden and Boston: Brill, 2012), p. 329.

verse projects of "bourgeois democracy"[11] faded away in the postcolonial Middle East, authoritarian leaders and parties "were prone to deny cultural pluralism, suppress minority claims, and even eradicate minority movements in the name of a shared national identity."[12] Yet, as anthropologists and historians remind us, every modern state formation has a specific history.[13]

In Syria, this process started in 1951 when Colonel Shishakli not only banished all references to confessional affiliations in the official data, but also encouraged the stigmatization of minorities in the political debate in Syria. His increasingly chauvinistic notion of Arab nationalism was predicated on the denial that "minorities" even existed in Syria. In the early 1950s, the Druzes were the main victims of defamation, for Shishakli accused the entire community of treason, going so far as to claim that they were agents of the British and Hashimites (rulers in Jordan and Iraq, both under British influence), and that they were fighting for Israel against the Arabs.[14] At the time of the United Arab Republic (1958-1961), however, the emphasis was placed on the Pan-Arab discourse of the state. Consequently, the Kurds became the other major scapegoat of Arab nationalism and became part of the *shuubiyyun* or, in other words, people who would not accept to be Arabized. The Kurds in Syria were never promised a special status within the Syrian state under the French Mandate,[15] but until the UAR period, Arab nationalists

[11] N. Méouchy and P. Sluglett, eds., *The British and French Mandates in Comparative Perspectives/Les mandats français et britannique dans une perspective comparative* (Leiden: Brill, 2004).

[12] E. Picard, "Nation-building and Minority rights in the Middle East", p. 329.

[13] C. Kroon-Hansen and K. Nested, *State Formation. Anthropological Perspectives* (London: Pluto Press, 2005); and A. Sharma and A. Gupta, *The Anthropology of the State: A Reader* (Malden and Oxford: Blackwell, 2006).

[14] J. Landis, "Shishakli and the Druzes: Integration and Intransigence", in *The Syrian Land: Processes of Integration and Fragmentation*, in Philipp and B. Schäbler, eds., (Stuttgart: Franz Steiner Verlag, 1998), pp. 369-396

[15] See J. Tejel, *Le mouvement kurde de Turquie en exil: Continuités et discontinuités du nationalisme kurde sous le mandat français en Syrie et au Liban (1925-1946)* (Bern: Peter Lang, 2007).

had not directly threatened the Kurdish *group* either. Thereafter, diverse Ba'thist constitutions incorporated Pan-Arabism and "Arab socialism" principles in the constitution, thereby denying the very existence of national or ethnic groups others than the Arabs.

In Iraq, the relations between the Kurds and the Arabs followed a different pattern. According to the Treaty of Sèvres (1920) and in particular Article 64, the Kurdish peoples of present-day Turkey had the opportunity to address the Council of the League of Nations to show that a majority of the population in those areas desired independence from Turkey. Ultimately, the Kurds inhabiting the former Ottoman vilayet of Mosul would be allowed to adhere to such an independent Kurdish state. Yet, diverse international, regional and local dynamics, such as the Kemalist revolt, divisions among the Kurds in Turkey and the increasing tensions between France and Great Britain, made the Treaty of Sèvres pointless. In 1922, a joint Anglo-Iraqi statement recognized the right of the Kurds living within the boundaries of Iraq to set up a Kurdish government (*hukumet*). However, the promise made by the British was never implemented and by 1926, when control of the Kurdish regions seemed more assured, the Iraqi government and the British dismissed any possibility of establishing an autonomous region in northern Iraq.[16] Like in Syria, the Ba'thist party inscribed Arab socialism and the search for Arab unity as the two main ideological principles of the regime into the 1970 Iraqi constitution.

Therefore, in spite of some hints made at particular junctures by state elites in order to recognize the rights of religious and ethnic minorities, national identity in Syria and Iraq was built on the false premises of cultural homogeneity insofar as regimes could hardly acknowledge pluralism without delegitimizing themselves. In this sense, Syrian and Iraqi nation-building experience, as in many other cases in the Global South, were reminiscent of what Benedict Anderson has called official nationalism, "a process by which states create fictions of national identity by disseminating the cultural characteristics of the elite

[16] J. Tejel, "Urban Mobilization in Iraqi Kurdistan during the British Mandate: Sulaimaniya, 1918-1930", *Middle Eastern Studies*, Vol. 44, No. 4 (2008), pp. 537-552.

to the citizenry, and reciprocally, by proclaiming the ethnicity of the elites as prototypically national."[17] In the Arab leaders' eyes, the nation and the state were the same and they were both sovereign and indivisible. In so doing, Arab nationalism became a compulsory aspect of Syrian and Iraqi civic life, whereas the exclusion of Kurdishness became part of the official doctrine of the state.

However, as Anderson points out, official nationalism is a *fiction*, an *image* for Joel S. Migdal, which is more often than not challenged by its own contradictions. Beside the fact that Iraq and Syria have always been plural societies from an ethnic and religious viewpoint, power struggle and strategies to secure the durability of the ruling elites have brought about unexpected outcomes and practices in both countries. On the one hand, Syrian and Iraqi rulers imposed a ruling majority at odds with its demographic and social weight. Thus, Syria has been governed by members of the Alawi sect (11 per cent of the nation's population) since 1970, whereas Iraq was ruled by a limited group of Sunni Arabs through their clannish Tikriti networks from 1968 to 2003. At the same time, Syrian and Iraqi regimes had to tone down their official ideology in order to be socially viable. It was within this framework that Hafiz al-Asad in Syria, and Saddam Hussein in Iraq, opted for a more pragmatic strategy regarding the Kurds and other groups (e.g. Muslim Brotherhood in Syria and Shia clerics in Iraq) which had been excluded from the official ideology. Consequently, Kurdish religious, tribal and political leaders were at times co-opted by the central governments in order to ensure the balance between different social groups, thereby fostering regional, ethnic and sectarian lines.

On the other hand, while both regimes vowed to fight "ethnic chauvinism" (meaning "minority" nationalism) and sectarianism for the sake of the (Arab) nation, the actual practices of the state apparatus contradicted official discourse. As a matter of fact, archival research reveals that the administrative and intelligence services systematically categorized Syrian and Iraqi citi-

[17] Anderson cited in D. Kaspin, "Tribes, Regions, and Nationalism in Democratic Malawi", in *Ethnicity and Group Rights*, in I. Shapiro and W. Kymlicka, eds., (New York and London: New York University Press, 1997), p. 469.

zens along ethnic and sectarian lines. In Iraq, for example, the forms given to job applicants assessed the political leanings of citizens as well as their "nationality" ("Kurd"/"Arab") and religion ("Muslim"/"Christian"). Furthermore, the intelligence apparatus or *mukhabarat* developed special forms for "criminals", "traitors" and "saboteurs" (e.g. Kurdish activists) in which choices of "nationality" and "religion" were further expanded.[18] Intelligence enquiries about student activists at Iraqi universities followed similar patterns.[19] Likewise, in Syria, the *mukhabarat* systematically reported on the ethnic and religious background of citizens being arrested or interrogated.

Minorities' Contradictions and Mimesis Effects

Syrian and Iraqi Kurds, because of their diverse geographic origin and history, different lifestyle (nomadic/sedentary), and their settlement in various environments, did not constitute a homogeneous group in the first half of the 20th century. On the contrary, the populations designated as Kurds were characterized by their segmented nature, a trait that was further reinforced in some cases during the Mandatory Period. However, as mentioned in the introduction, minority groups, and in particular nationalist movements, responded to states' discourse with similar *fictions* of national identity. To Hamit Bozarslan, a process of mimesis between the ruling group (the state) and the opposition took place over time as minority groups borrowed nationalism and other ideological tools for nation-building from their rulers and adapted them in order to dominate their own society.[20] This process of mimesis was, however, open to third-party influences and dynamics.

In Iraq, conflicting visions over citizenship and national identity were nourished by external factors. As mentioned earlier, the 1922 Anglo-Iraqi statement and the League of Nations provisions had explicitly recognized the Kurds in Iraq and their claims to special rights as a *group* on a specific territory, namely

[18] NIDS, "Subject of Crime", PUK 011, Box 045 (070019).
[19] NIDS, "University of Mosul", Box 058 (877125); "Protestors: Barzani Group Broadcasts", Box 2107 (223158).
[20] H. Bozarslan, *La question kurde: Etats et minorités au Moyen-Orient* (Paris: Presses de Sciences Po, 1997).

the former vilayet of Mosul. Further, as Mark Mazower puts it, the League of Nations and the leading powers within it established a system that was a source of tension from its inception because on the one hand, they accepted the nation-state as the norm of international relations and, on the other, accepted "minorities" as collective entities.[21] As a matter of fact, from 1919 onwards, diverse Kurdish leaders and forces used "minority rights" as a master frame for mobilization and claimed their *collective* rights to some kind of self-rule within the boundaries of the ex-Ottoman province. Although in terms of minorities' protection, the UN Charter represented a definite step backwards from the League, the anti-colonialist struggle in vast regions of the Global South throughout the 1950s and 1960s provided the Kurds with a new discourse that "legitimated" their struggle for national rights and political autonomy.

Like the official state discourse, the Kurdish "national identity fiction" often reflected contradictions within the "minority group". Thus, hegemonic ambitions of Kurdish nationalist leaders over the whole Kurdish province in northern Iraq were challenged by local identities, as well as by linguistic and religious cleavages. After the establishment of a Kurdish "government" in Sulaimaniyya district led by Sheikh Mahmud in 1922, Kurdish opposition blocs emerged, not only in Sulaimaniyya but also in Kirkuk where local leaders did not recognize Sheikh Mahmud as the "King of Kurdistan".[22] Over the years, these dynamics were repeated in different contexts and regions of northern Iraq. Thus, Mustafa Barzani rose against the Iraqi government in the 1940s but was unable to attract military support from the neighboring tribes, which became allies of Baghdad. During the "Long Revolt" (1961-1970), divergent views about war strategies, as well as ideological disagreements, brought about a significant split within the Kurdistan Democratic Party (KDP) in 1964. Subsequently, the dissident branch of the KDP established in 1975 a competing bloc made up of "progressive forces", the Patriotic Union of Kurdistan (PUK). Even nowadays, the autonomous

[21] M. Mazower, "Minorities and the League of Nation in Interwar Europe", *Daedalus,* Vol. 126, No. 2 (1997), p. 51.

[22] J. Tejel, "Urban Mobilization in Iraqi Kurdistan during the British Mandate: Sulaimaniya, 1918-1930", pp. 537-552.

Kurdish region is divided into two well-established regions, one dominated by the KDP, and the other by the PUK along political, clannish, linguistic and regional lines, despite the apparent unity Kurdish leaders have intended to imprint on the Kurdish Regional Government since 1992.[23]

In Syria, Kurdish claims have been traditionally rooted in cultural rather than territorial domain. During the French Mandate (1920-1946), French representatives did not encourage territorial autonomy, except for a brief period between 1936-1939 in Upper Jazira. Instead, French administrators asked Kurdish leaders to focus their activities on the cultural field. After the establishment of the first modern Kurdish political party in Syria in 1957, the Kurdish Democratic Party of Syria, Kurdish activists kept loyal to this low profile. Yet, after more than 120,000 Kurds in 1962 were stripped of Syrian citizenship, Kurdish parties added a new political demand, namely the revocation of the decree.[24] However, due to the re-politicization of Kurdish identity from the 1980s onwards, which I shall analyze later in this chapter, new parties have started to use the expression "Syrian Kurdistan" overtly and thus asked for territorial autonomy or at least political de-centralization within Syrian borders. They overlooked the fact that the three Kurdish enclaves in northern Syria (Kurd Dagh, Kobane and Upper Jazira) are geographically disconnected and that historically Kurd Dagh and Upper Jazira have followed different economic, social and political patterns.[25] Current events in Syria have opened the door to further political demands by the majority of Kurdish political parties. What is more,

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[23] M. van Bruinessen, "Kurdish Paths to Nation", in *The Kurds. Nationalism and Politics*, in F.A. Jabar and H. Dawod, eds., (London: Saqi Books, 2006), pp. 21-48.

[24] On August 23, 1962, the central government issued a decree (no. 93) authorizing a special census of the population in Jazira, which was conducted in November of the same year. Following the results, 120,000 Kurds were stripped of their Syrian citizenship. The reasoning put forth for this action was that only 60 percent of the Kurds found in Syria were "true" Syrians. The others, the government claimed, had illegally infiltrated Syria, coming from Turkey and Iraq.

[25] J. Tejel, "Syria's Kurds: Troubled Past, Uncertain Future", *Carnegie Middle East Center*, 2012. Available online: http://carnegie-mec.org/publications/?fa=49703&solr_hilite=Tejel+Jordi

the latter made their participation in the armed struggle against the Ba'thist regime conditional upon the acceptance by the formal mainstream Syrian opposition of federalism as a principle to be incorporated in the new Syrian constitution. This Kurdish demand has not been met yet.

Regardless of the contradictions present in both nationalist discourses, the process of mimesis between the discourse and the repertoire used by ruling groups and the Kurdish opposition has had profound and long-term impact on the relationship between the Arabs and the Kurds. Since both sides have framed their "we-groups" as homogeneous and "naturally" subjects of collective rights in the name of international law and universal values, the acceptance, recognition and incorporation of various ethnic and religious groups into a more inclusive "national identity" by the ruling group has turned out to be rather complex at the very least.

Two States, "Two Minorities"?

A historical observation of the relationship between states and Kurdish groups throughout the second half of the 20th century shows that the actual progress made by Kurdish communities in Syria and Iraq has been the result of political opportunities (e.g. regional tensions, foreign interventions) and shifting power relations (e.g. between 1958 and 1970 in Iraq, and between 2004-2008 and since 2011 in Syria) rather than the outcome of a genuine search for a new social contract. At the same time, it also allows researchers to identify periods of peaceful coexistence, episodes of widespread state violence against the Kurds, of active involvement in national politics as well as political ruptures. Clearly, in times of acute conflicts, including the widespread use of violence, minorities' margin of action is severely reduced due to their lack of organizational resources when compared to central governments.

However, throughout the 20th century minorities proved their ability to mobilize internal and external resources to meet these challenges, as well as to invest the national arena in order to create a context of relatively peaceful existence, and even to become a main broker in national power relations (e.g. Kurds in

Iraq since 2005 and increasingly important in Syria since 2011).[26] Hence, minorities must be analyzed from a dynamic perspective for they are not passive victims much of the literature on majority/minority relations has put forward. Furthermore, the Kurdish case shows that after all, political claims on behalf of minorities have frequently been claims not for separation, but for more liberal politics, and with implications for the majority as well, provided that the Kurds were not obliged to choose between the former and the latter. A popular Kurdish slogan "democracy for Iraq, autonomy for Kurdistan", first used in Iraq in the 1960s and later on adopted by the Kurds in Syria and Iran, perfectly encapsulates this view.

The Long Quest for Autonomy in Iraq

Despite the participation of some Kurdish representatives in the Iraqi parliament as well as in several Iraqi cabinets throughout the Monarchist Period, it was not until the First Republic (1958-1963), led by Abd al-Karim Qasim, that the Iraqi constitution recognized Kurdish "national rights", as Article 23 of the Provisional Constitution reads:[27] "Iraqi society is based on complete co-operation between all its citizens, on respect for their rights and liberties. Arabs and Kurds are partners within this nation; the constitution guarantees their national rights within the framework of the Iraqi Republic."[28] Threatened both by the Ba'thist party in Iraq and the increasing regional ambitions of Gamal Abdel Nasser, Qasim sought to secure the stability of his government thanks to communist and Kurdish support. Consequently, many Kurds were appointed to high offices, and Mustafa Barzani, leader of the KDP in exile since 1945, was able to come

[26] A.N. Longva, "Domination, Self-empowerment, Accommodation" in *Religious Minorities in the Middle East,* p. 3.

[27] For example, the Kurdish Students' Society in Europe issued a communiqué during its 4th Congress held in Vienna in 1959 stating that the KSSE "supports, unhesitatingly, the Iraqi Republic, its democratic system, and the leadership of Prime Minister Abd al-Karim Qasim." It called on "the Iraqi government to continue pursuing a policy opposed to imperialism and reaction, based on Arab-Kurd solidarity and respect for the right of nationalities", KSSE, *Kurdistan* 5 (1959), p. 19.

[28] Cited in I.C. Vanly, *Le Kurdistan irakien: entité nationale* (Neuchâtel: Les editions de la Baconnière, 1970), p. 150.

back to Iraq. By the same token, Kurdish activities increased under Qasim. Kurdish publications were freely circulated (*Khabat, Jin, Azadi, Hewa, Rojy Nwi*), there was a special Kurdish section in broadcasting and television services, and many Kurdish intellectuals joined the Iraqi Communist Party, Qasim's main ally, or cooperated with it.

However, relations between Qasim and the Kurds rapidly deteriorated. Neither Qasim nor his government was willing to give the Kurds the administrative self-rule they aspired to. In July 1961, Barzani submitted a memorandum to the government, demanding a substantial degree of autonomy for the Kurdish region. The government, afraid that such plan might induce the Shia to demand a similar status, rejected it, and the relations with the KDP worsened to the extent that a nine-year war, albeit with some brief interruptions, started between the central government and the Kurds. Taking advantage of the alliance with Iran (backed by Israel and the United States), Barzani was able to challenge militarily the Iraqi forces and severely weaken the state's stability. Hence, the Ba'thist party in power since 1968 negotiated an autonomy agreement with the Kurds. By 1973, the relations deteriorated once again and the Iraqi government reneged on its commitments; in turn, the Kurds resumed their insurgency. In a dramatic turning point of the conflict, the Shah of Iran suddenly signed a treaty with Baghdad settling the Shatt al-Arab border dispute and withdrew his support to the rebels in 1975. Without Iranian complicity, Kurdish resistance collapsed and Barzani was forced into exile, first to Iran and then to the United States where he died in 1979.

Despite some tactical contacts made by the two camps throughout the 1980s, the 1970-1973 talks were the last true negotiations between the central government and the Kurds on self-government within the Iraqi state. Furthermore, within the context of the Iran-Iraq war, the Ba'thist regime launched a massive coercive campaign against Kurdish rebels. Probably the most famous of these reprisals was the attack on the town of Halabja in March 1988, in which 5,000 civilians were killed when Iraqi warplanes dropped mustard gas and other chemical weapons on the inhabitants. The Halabja attack was nevertheless the peak of

a broader military campaign aiming at the annihilation of the Kurdish guerilla as well as of its local support.[29]

The effective self-government the Kurds have enjoyed in northern Iraq since 1992 was the result of Saddam Husain's decision to invade Kuwait, triggering a broad international military campaign to drive his forces out. Although the US forces did not help the Kurds to take the three main Kurdish provinces, the American government established a "safe haven" and a no-fly zone in northern Iraq. In October 1991, Iraqi forces and state employees unilaterally withdrew from Kurdistan, thereby allowing the two main political parties to organize free elections and set up a regional government. The US invasion of Iraq in 2003 reinforced Kurdish autonomy and the role of the Kurdish parties within the Iraqi political arena in the aftermath of the war.

As a matter of fact, the fall of Saddam's regime opened the door to negotiations between the Kurds, Sunni Arabs and Shiite Arabs about a new constitution. As Joost Hiltermann puts it, from 2003 onwards, the Kurds have succeeded in "Kurdifying Iraqi politics to the extent that no decision can be taken without Kurdish input or, more, without the threat of a Kurdish veto."[30] Significantly, Article 117 of the 2005 Iraqi Constitution recognizes the region of Kurdistan, along with its authorities, as a federal region, thus enshrining the principle of federalism in the country's basic law. Iraqi federalism is, however, asymmetrical. On the one hand, the Iraqi Constitution establishes a federal system based on four levels of government: decentralized capital, regions, governorates and local administrations. Region-formation is deferred to legislation, but the constitution states that one or more governorates have the right to form a region. By defining those general guidelines for the emergence of federalism in Iraq, the constitution rejects both the models of purely ethnic and purely territorial federalism. But, on the other hand, Article 117 acknowledges the existence of a separate entity for a large number of Iraqi Kurds.

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[29] J. Hiltermann, *A Poisonous Affair: America, Iraq, and the Gassing of Halabja* (Cambridge: Cambridge University Press, 2007).

[30] J. Hiltermann, "To Protect or to Project? Iraqi Kurds and Their Future", *MERIP*, No. 247 (2008). Available online: http://www.merip.org/mer/mer247/protect-or-project

From Cultural to Political Claims in Syria

A dialectic approach based on the evolution of the Syrian state and that of Kurdish communities can provide some explanation for the present Kurdish predicament. At the end of the Mandate, the Syrian state and the elites who succeeded one another until 1963 possessed neither an unanimous ideology, nor a sufficiently coercive powerbase to pose a serious threat to Kurdish identity. State authority was more of an illusion than a reality, especially in the countryside where real sovereignty lay in the hands of two rivals, prominent citizens and landowners "who did little to encourage any feelings of national identity."[31] In this context, by the early 1950s and according to reports of the French Legation in Damascus:

> The old Kurdish colonists, the majority of whom can be found in Jazira, live in harmony with the Syrians. They continue to speak their national language and wear typical Kurdish clothing, but as long as the government does not force the issue of taxes, and closes its eyes to the lucrative smuggling of illegal goods, an activity in which Kurds in border areas engage with such pride, there is no Kurdish problem to speak of in Syria, where numerous functionaries and high-level officers belong to this community.[32]

If the rise to power of the Ba'ath led to the imposition of an unanimous ideology on the Syrian population, the new regime suffered from internal divisions, which prevented it from ever establishing viable official institutions or even a myth of national integration, which would have given it some legitimacy. It was not until Hafiz al-Asad came to power in 1970 that a dominant power structure was finally established. In reality, behind the official unanimous ideology (e.g. socialism and Pan-Arabism),

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[31] V. Perthes, *The Political Economy of Syria under Asad* (London: I.B. Tauris, 2002), pp. 91-92.

[32] CADN, *Fonds Ankara, Ambassade, No. 104*. M. J. Emile, the French Minister in Damascus to his Excellency the Minister of Foreign Affairs, No. 1434/AL, Damascus, December 5, 1951.

significant splits, exacerbated by the foundation of the regime's political culture, continued to exist at the margins of the Syrian legal political system. While the government in Damascus cultivated the loyalty of its Kurdish "clients," the majority of Kurds opted for a strategy of "dissimulation".[33] This concept, which is similar to the religious term *taqiyya*, means that under certain adverse socio-political conditions, individuals or a given group disguise their differences or distinguishing features in order to challenge the official unanimous ideology at its deepest roots. But when the conditions improve it, this formerly hidden group ceases to play the game of conformity and insists on being visible and exposing its differences.

Like in the Iraqi case, the international context provided Syria's Kurds with political opportunities from the 1970s and thereafter. By 1968, tensions between Syria and Iraq manifested themselves primarily in the struggle for Ba'thist ideological legitimacy. Damascus showed unabashed support for those in political opposition to the Baghdad regime. Thus Jalal Talabani, leader of the PUK, was able to open a permanent office in Damascus. In 1979, Idris Barzani formalized relations between Syria and the KDP. More importantly, during the Iran-Iraq war, Syria worked on reconciliation of the PUK and the KDP, which was accomplished in 1987 and reinforced by the establishment of a Kurdish United Front.

It was, nevertheless, the alliance between the Syrian government and the Kurdistan Workers Party (PKK) that brought about further consequences into the Syrian-Kurdish arena. In the 1980s, external pressure compelled Hafiz al-Asad to take an interest in the Kurdish nationalist movement in Turkey. The conflict between Turkey and Syria was rooted in the transfer of sovereignty from the sanjak of Alexendretta in 1939 during the French Mandate which benefited Turkey. Besides this territorial dispute, Turkish dams on the Euphrates threatened Syria's water

[33] See J. Tejel, "Les Kurdes de Syrie, de la 'dissimulation' à la 'visibilité'?", *Revue des Mondes Musulmans et de la Méditerranée* Nos. 115-116 (December 2006), pp. 117-133.

supply.[34] A connection between these two issues emerged when Turkey proposed an agreement to Syria on sharing the Euphrates' waters in exchange for the recognition of its borders. Syria, however, refused to integrate the border question into the negotiations, preferring to exert pressure on Turkey by allowing the PKK to establish bases on its territory, from which Kurdish fighters launched military operations against the Turkish army.[35] Thanks to the cooperation of the Asad regime, northern Syria became a breeding ground for PKK militants during the 1980s and 1990s.[36] According to David McDowall, by 1987, the PKK had offices in Damascus and in the main northern cities.[37] Furthermore, six candidates from Kurd Dagh, overtly declaring themselves as representatives of the PKK, ran for office in the Syrian elections in May 1990.

However, resorting to "parallel diplomacy" led to increased pressure and caused collateral damage to Syria. Thus, while using the Kurdish movement against Iraq and Turkey, Hafiz al-Asad's regime had to accept the strengthening of cross-border relations between the Syrian Kurds and the Kurds in neighboring countries. By the same token, Syria relinquished a part of its sovereignty, particularly in its relations with the PKK. Therefore, the PKK's militants took de facto control over a few small por-

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[34] The Southeast Anatolia project (GAP—*Guneydogu Anadolu Projesi),* aimed at exploiting the hydraulic resources of the Euphrates' and Tigris' basins. Covering nine provinces with a total area of 74,000 square kilometers, the US $32 billion project became the largest development project ever undertaken in Turkey, and one of the largest of its kind in the world. When completed, a total of 22 dams and 19 power plants would have been built on the two river basins. The newly irrigated land would increase the area under irrigation in Turkey by 40 percent. However, Syria and Iraq claimed that the GAP project could cost Syria 40 percent and Iraq 90 percent of the Euphrates flow. J. Bulloch and A. Darwish, *Water Wars* (London: Rowland, 1993), p. 60.

[35] M. van Bruinessen, "Between Guerrilla War and Political Murder: the PKK", *MERIP*, No. 153 (1988), p. 44.

[36] H. Montgomery, *The Kurds of Syria: An Existence Denied* (Berlin: EZKS, 2005), p. 134.

[37] D. McDowall, *The Kurds of Syria* (London: KHRP, 1998), p. 65.

tions of Syrian territory, notably in Kurd Dagh, and managed to replace the state in the minds of some young Kurds. In order to attract followers, the PKK, thanks to its relative freedom of action, started sponsoring literacy programs and very quickly succeeded in steering Kurdish culture away from the private sphere towards the public arena. On the other hand, the increasing visibility of the Kurdish ethnic identity led to the establishment of new political parties that, for the first time, asked for political autonomy within the Syrian framework; the Yekîtî, for example, was to play a relevant role in the Qamishli revolt of 2004.[38]

Due to space constraint, I shall only point out that in the aftermath of the Qamishli revolt, Syrian Kurdish parties sought to establish a new balance both with the regime and the Kurdish movement in Syria. In the middle, situated between "dissimulation" and revolt, the Syrian regime would be more likely to allow a flexible approach with respect to public expressions of Kurdish identity (language, music, cultural festivals, publications), while the Kurdish movement would not embrace, for the time being, the goal of overturning the government of Bashar al-Asad. This new equilibrium between the regime and the Kurdish movement did not, however, imply an absence of conflict. Arrests of Kurdish leaders, often short in duration, continued, as did the repression of certain gatherings organized by the PYD (founded in 2003 as an offshoot of the PKK) and by the Yekîtî. Although the

[38] Media sources reported that on 12 March 2004, during a football match in the town of Qamishli between the local team and Dayr al-Zur, the insults between the fans of the two sides escalated into a riot that spilled out into the streets. Rumors of a real massacre quickly circulated and thousands of people demonstrated in the main Kurdish towns, and even in Arab cities with a strong concentration of Kurds, like Aleppo and Damascus. The reaction of the security forces between 12 and 25 March, was surprising in its brutality. For a comprehensive analysis of these events see J. Tejel, *Syria's Kurds: History, Politics and Society* (London: Routledge, 2009), pp. 115-16; M. Gunter, *Out of Nowhere: The Kurds of Syria in Peace and War* (London: Hurst and Company, 2014), pp. 93-95; and H. Allsopp, *The Kurds of Syria: Political Parties and Identity in the Middle East* (London and New York: I.B. Tauris, 2014), pp. 34-37.

majority of Kurdish parties opted for the return to the "peaceful struggle" in 2005, the Syrian uprising of March 2011 paved the way for a new surge of Kurdish mobilization and the actual control of the northern enclaves by the PYD's militias.

Searching for a Solution to the Kurdish Issue

It is a commonplace of much research on identities that the ethnic and sectarian categories should not be considered essential; in other words, they are fluid and sometimes a product of constant construction by political actors as well as by scholars. Yet, the fluidity of sectarian and ethnic boundaries does not imply that they are void of meaning. As mentioned earlier, within certain contexts (e.g. war, massive violence, harsh dictatorship), they may become salient and determine the collective feeling of belonging by individuals or groups, and, eventually, their political commitment. Cultural traits, such as symbols and language, acquire special significance in periods of crisis because they can be transformed to serve strategic ends, defining new ways of being.[39] Therefore, instead of accepting or rejecting the validity of works focused on power, clan, ethnicity and sectarianism as grids of analysis, it seems more appropriate to multiply the sites of observation and levels of analysis (between local, regional and global, between internal and external), so that our perspective on the issues of majority/minority relations can be renewed.

By the same token, although researchers should avoid studying Kurdish minority claims as the "natural" outcome of a deep-rooted primordial identity, scholars cannot overlook the fact that the search for recognition of Kurds as a "national" group within aforementioned states is an old and widespread claim. Thus, the dilemma the Kurds face in Syria and Iraq is not a choice between accommodation and rebellion, but one of guaranteeing their collective rights within the legal system while pushing for further de-centralization, or even for an asymmetrical form of federalism.

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[39]H. Johnston and B. Klandermans, "The Cultural Analysis of Social Movements", in *Social Movements and Culture*, in H. Johnston and B. Klandermans, eds., (Minneapolis: University of Minnesota Press, 1995), p. 8.

Federalism is perceived both by the Kurds and some scholars as a tool for accommodating conflicting ideas, whilst preserving territorial cohesion and permitting self-government for minority groups. In addition to enhanced autonomy, federalism is supposed to increase personal liberties, recognize group rights, improve governance through increased accountability and local ownership, contribute to nation-building and finally, enable peaceful co-existence.[40] Yet, there are divergent views about the actual impact of federalism in the long run. Hence, to some researchers and very often to political leaders representing the "majority", federalism fosters existing divisions through the hardening of identities, eventually fueling secessionist movements.[41]

Either way, the federal paradox—that federalism contributes to stability in some cases and to disintegration in others—suggests that the research on federalism and the political and legal arrangements between minority/majority groups should concern the conditions under which those arrangements operate, in particular within countries such as Iraq and Syria, both lacking democratic culture. Therefore, in the long run, the emergence of a federal arrangement which would be considered legitimate and effective both by the population and the elite, will depend on the interaction of institutional provisions with several contextual elements which simply cannot be produced by a specific agreement. This does not mean that institutional design is irrelevant, but that it might be less important in managing the conflict than generally stated by the scholars. In other words, the emergence of federalism as an instrument of peaceful co-existence between territorial ethnic groups and a given "majority" needs to go hand

[40] K. Bakke and E. Wibbels, "Diversity, Disparity, and Civil Conflict in Federal States", *World Politics*, Vol. 59, No. 1 (2006), pp. 1-50; and L. Anderson, "The Non-Ethnic Model of Federalism: Some Comparative Perspectives", in *An Iraq of its Regions: Cornerstones of a Federal Democracy?* R. Visser and G. Stansfield, eds., (New York: Columbia University Press, 2008), pp. 205-55.

[41] D. Brancati, "Decentralization: Fueling the Fire or Dampening the Flames of Ethnic Conflict and Secessionism?" *International Organization*, Vol. 60, No. 3, (2006), pp. 651-685; and V. Bunce, *Subversive Institutions: The Design and the Destruction of Socialism and the State* (Cambridge: Cambridge University Press, 1999).

in hand with other developments, namely the emergence of trust between the elites and the willingness to solve conflicts peacefully, the commitment to democratic institutions and processes, and the rule of law.

Yet if, as stated earlier in this chapter, the actual progress of the Kurds in Syria and Iraq is directly related to periods of crisis and the subsequent weakness of the central government, one can expect that the willingness of the state elites to accept and implement federal provisions will also depend on the power relations between the "minority" and the "majority", as well as on regional dynamics. In that respect, the lack of trust, as well as the authoritarian drift of the Maliki cabinet, have undermined potential benefits of federalism in Iraq up to 2014.[42] In addition, the 2005 Constitution is often imprecise or contradictory, in particular regarding the division of competences and sharing of revenue, which is likely to exacerbate tensions between the central and regional government. The issue of Kirkuk is another example of the obstacles federalism meets within the context of Iraq.[43] Despite the fact that Article 140 foresees the return of the Kurds expelled by the former regime from the 1970s onwards and the organization of a referendum in 2007 in which Kirkukis would decide whether they want to join the Kurdistan region or not, the referendum has not taken place and, more importantly, the central government along with the local Arab and Turkmen leaders intend to delay the implementation of Article 140.

In Syria, in spite of some conciliatory statements made by diverse opposition leaders about the cultural rights Kurds should enjoy in the post-Asad Syria, few, if any, representatives of the mainstream Syrian parties seem to be eager to accept the principle of federalism or even territorial de-centralization within the future Syrian constitution. Religious, military and civilian leaders such as the head of the Syrian National Council, consider that Kurds should not demand autonomy nor should they insist on

[42]T. Dodge, *Iraq: From War to a New Authoritarianism* (London: IISS, 2012), pp. 147-179.

[43] By the 1970s, the Ba'thist regime had expelled thousands of Kurds from the city of Kirkuk and its surroundings and settled Arab populations in order to change the ethnic balance of a region with important oil resources.

future rights as a condition for joining the resistance: "We are all equal citizens of this country. . . . We all have to present one thing . . . a democratic constitution based on the rights of citizenship and establishing a civilian government that will be strengthen by law."[44]

Although, in theory, this stance might have positive resonances, the Kurds in Syria are well aware that a "constitution based on the rights of citizenship" has not secured basic cultural rights for the Kurds in Turkey. The definition of what "citizenship" actually encapsulates depends on who defines it and, therefore, on the power relations between the "majority" and "minority". Furthermore, as the main Kurdish parties have so far rejected joining the Free Syrian Army to topple the Syrian regime, the former are increasingly being perceived as the allies of Damascus. Thus, it is not clear what the position of the Syrian opposition with regards to the Kurdish issue will be in case the rebels succeed in overthrowing Bashar al-Asad. Despite these uncertainties, and in keeping with historical continuity, none of the more than 15 Kurdish parties in Syria is officially seeking an independent or a trans-state political entity.

Conclusion

How can we account for this "continuity"? On the one hand, proponents of the Arab state durability would seem to be correct as most of the Middle Eastern states created after World War I, including Syria and Iraq, have succeeded in firmly establishing themselves as viable entities and in becoming a reality (physically and symbolically) in the eyes of their citizens.[45] Yet, on the other hand, I would suggest that present conditions might also allow us to account for the Kurdish attachment to the existing international borders. As I have put forward, international dynamics have at once offered political opportunities and brought about significant constraints for the Kurds. Thus, for example,

[44] Dilxwaz Bahlawi, "Syrian Kurds Should not Demand Guarantees or Autonomy", *Rudaw*. January 13, 2013. Available online: http://www.rudaw.net/english/news/syria/5653.html.

[45] A. Dawisha and W. Zartman, eds., *Beyond Coercion: The Durability of the Arab State* (London: Croom Helm, 1988); and G. Luciani, *The Arab State* (London: Routledge, 1990).

the Kurds in Iraq allied themselves with Iran throughout the 1960s and 1970s, allowing them to challenge the Iraqi army and oblige the central government to open negotiations in 1970 on Kurdish autonomy. However, Kurdish links with Iran triggered dramatic consequences when the shah withdrew his support to the KDP. Seemingly, the renewal of relations between the Kurdish parties with Tehran within the context of the Iran-Iraq war ended up with the chemical attacks on Kurdish civilians between 1987 and 1988. The American-led invasion of 2003 and the Syrian uprising in 2011 have paved the way for new opportunities for the Kurds, but also for new constraints.

The Kurdistan Regional Government (KRG), at odds with the central government over the last seven years, has become increasingly dependent on its economic and diplomatic relations with Turkey and Iran, which, whilst fostering trade cooperation with Iraqi Kurdistan, will not hesitate to destabilize the KRG if its leadership seeks to establish an independent state.[46] Likewise, although the PYD militias became masters of northern Syria in July 2012, the Kurds are increasingly being put under pressure. Firstly, Turkey has helped Islamist militias in Syria, triggering Arab-Kurdish clashes on a regular basis. Secondly, the "victory" of the PYD has opened the door to inner tensions in the Kurdish arena, hindering any attempt to establish a genuine, united Kurdish front (the Supreme Kurdish Council) beyond official agreements and statements.[47]

To sum up, although the idea of an independent and united Kurdistan may remain a "dream" deep down in Kurdish hearts, regional constraints, internal divisions, new threats and the traditional attachment to the respective states might lead the Kurds to

[46] For an Iranian statement on this possibility, see Hamzeh Hadad on Twitter: "RT@PhillipSmyth, "Iran Tells Iraq's Kurds: Don't Think about Independence or Closer Ties with Turkey", *Rudaw*, February 13, 2013. Available online: http://www.rudaw.net/english/kurds/5732.html

[47] See International Crisis Group, *Syria's Kurds: A Struggle within a Struggle*, Middle East Report, No. 136, January 22, 2013. Available online: http://www.crisisgroup.org/en/regions/middle-east-north-africa/egypt-syria-lebanon/syria/136-syrias-kurds-a-struggle-within-a-struggle.aspx.

keep on vowing their willingness to present solutions to the "minority" issue within the existing international borders.