



T.C

YEDİTEPE UNIVERSITY

GRADUATE INSTITUTE OF SOCIAL SCIENCES

**TRANSFORMATION PROCESS OF NORTHERN IRAQ TO
KURDISTAN REGIONAL GOVERNMENT
AFTER THE GULF WAR**

by

Başak Deniz ÖZDEMİR

**Submitted to the Graduate Institute of Social Sciences
In partial fulfillment of the requirements for the degree of
Master of
Political Science and International Relations**

ISTANBUL, 2012



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(1991-2010)

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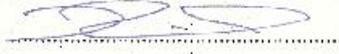
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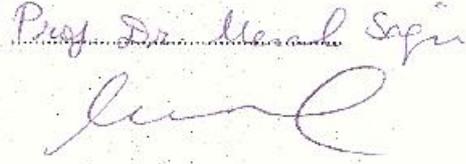
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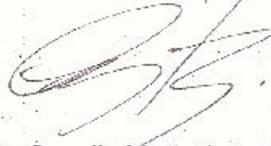
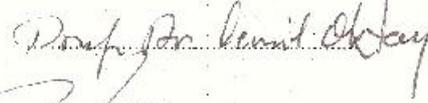
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OZET

Kuzey Irak sahip olduđu jeopolitik konum, dođal kaynaklar ve etnik-dini- kltrel yapısı sebebiyle zellikle sanayileşmenin arttığı 1. Dnya Savaşı'ndan sonraki her dönemde hegemon devletlerin odak noktası haline gelmiştir. Kuzey Irak'ta geçmişi aslında çok daha ncelere dayanan Krt unsurların etkin olduđu bir ynetim kurma amaçlı Krt ayaklanmaları 1. Dnya Savaşı sonrasında artmış ve 2. Dnya Savaşı sonrasında da çok yksek bir ivme kazanmıştır.

Ortadođu'daki nemli etnik unsurlardan biri olan Krt unsurlar 2. Dnya Savaşı sonrasında kendilerine idari bir yapı inşa etmek amacıyla başlattıkları bu sureci ađırlıklı olarak Irak toprakları zerinde yođunlaştırmışlar, dnemin en gçl devletleri ile ilişkiler kurarak dıř destek sađlayabilmışlerdir. Bu şekilde de 1991 yılında Krfez Savaşı'nın yarattığı kořullar ve sađlanan dıř destekler sayesinde kendilerine de facto bir ynetim kurabilmışlerdir. ABD'nin Irak'ı iřgali sonrasında ise Kurt unsurlar Irak'ın yeniden şekillenmesinde nemli bir rol almış ve Krt oluřum hareketi bir ivme kazanarak mevcuttaki fiili idari yapıya yasal bir nitelik kazandırmışlardır. ABD'nin Irak'ı iřgali sonrasında Irak'ın ve dolayısıyla Ortadođu'nun geleceđi konusunda son derece etkili olabilecek bir konum kazanan Iraklı Krtlerin Irak'ın kuzeyinde oluřturmuş oldukları ynetim ve bu ynetimin inşa sreci bu tezin konusunu oluřturmaktadır. Bu kapsamda bu tezin amacı, Blgesel Krt Ynetimi'nin 1.Dnya Savaşı sonrasındaki geliřme srecinin, bugnk konumunun ve Trk Dıř Politikası'ndaki konumunun aıklama, anlamlandırma ve yorumlama ařamaları ile incelenmesi olmuřtur. Blgesel Krt Ynetimi'nin oluřması surecinde geirdiđi tm ařamalar kronolojik olarak incelenmiştir. Belgelere dayalı arařtırmamızda, Trkiye ve Irak ile ilgili olarak yazılmış olan kitap, dergi, makale, gazete ve resmi belgeler ile i ve dıř basından yararlanılmış, harita ve raporlar kullanılmıştır. Ayrıca, bu amala genel ađ (internet)' daki belge ve dokmanlardan da yararlanılmıştır.

ABSTRACT

Because of its geopolitical location, natural resources and ethnic – cultural structure, Northern Iraq has always been the center of attention of hegemon countries in each period especially after World War I when industrialization started to improve. Kurdish revolts that aimed to establish an administration in which Kurdish factors were effective whose past actually were based on much more ago in Northern Iraq, increased after World War I and achieved a very large acceleration even after World War II.

Kurdish factors which were one of the most important factors in the Middle East have focused this process; they started with the purpose of establishing an administrative structure for themselves after World War II, predominantly in lands of Iraq. Consequently, they could manage to establish a de facto administration for themselves thanks to; the circumstances created following the Gulf War in 1991 and also provided external support. Kurdish factors played an important role in reshaping of Iraq following the invasion by the USA and Kurdish formation movement gained a boost and earned the current de facto administrative structure a legal nature. The administration established by Iraqi Kurds who earned such a situation that could be very effective about the future of Iraq and accordingly the Middle East after the invasion by the USA, and also the establishment process this administration present the scope of this thesis. In this context, the purpose of this thesis is to observe; development process and current situation of Regional Kurdish Administration, and its situation in Turkish Foreign Policy after World War I through definition, explanation and interpretation phases. All stages covered along the formation of Regional Kurdish Administration was observed chronologically. In our research based on documents; books, magazines, articles, newspaper and official documents about Turkey and Iraq, and domestic and foreign press have been referenced, and maps and reports have also been used. Additionally, documents present in the internet were also referenced.

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LIST OF ABBREVIATIONS

- CIA:** United States of America's Intelligence Organization
- EU:** European Union
- HCC:** High Coordination Council
- IAC:** Iraqi Administration Council
- INC:** Iraq National Congress
- MIT:** Turkey's Intelligence Organization
- MOSSAD:** Israel's Intelligence Organization
- KDP:** Kurdistan Democrat Party
- PKK:** Kurdistan Workers Party (Partiya Karkeren Kurdistan)
- NATO:** North Atlantic Treaty Organization
- NGO:** Non Governmental Organization
- PJAK:** The Party of Free Life of Kurdistan
- PUK:** Patriotic Union of Kurdistan
- SALT:** Strategic Arms Limitation Talks
- SAVAK:** Iran's Intelligence Organization
- SOFA:** Status of Forces Agreement
- TCA:** Temporary Coalition Administration
- TGNA:** Turkish Government National Assembly
- TPISAL:** Transition Period Iraq State Administration Law
- UN:** United Nation
- UNAMI:** United Nations Assistance Mission for Iraq
- UNMOVIC:** United Nations Monitoring Validation and Inspection Commission
- USA:** United States of America
- USSR:** Union of Soviet Socialist Republics

CHAPTER ONE

1. INTRODUCTION

Kurds who are in the most important and determining factors of the Middle East, formation process of Regional Kurdish Administration were handled in the context of this thesis study by taking mostly the period following Gulf War I. Kurds continued their presence with their tribal structure in the region where hegemon countries wanted to take into their area of influence. Kurdish factors who got into motion with nationalist movements periodically from time to time, could not act as a nation because of their tribal structure. Some tribes could come together and act collectively, and they could form some short term formations like the Kurdish Republic established in Iran in 1946. Following that, Kurdish factors who wanted to take advantage of chaos in Iraqi lands, started to revolt against Baghdad Administration with their request of autonomy, however as they were deprived from external support when Cold War began, they had to take a break in their movements.

As the Gulf War started after the Cold War, Kurds who had the chance to have large opportunities by the support of the USA in Iraq, established a de facto Kurdish Administration and earned a legal state in 2003 following the invasion of Iraq by the USA. In the process following the invasion, the Regional Kurdish Administration which took place in the region as the most important factor about the future of Iraq, is a subject that must be observed due to its importance.

In the first part of this thesis where Regional Kurdish Administration which is very important in the Middle East is being observed, political actions performed in the period during and after World War I by Iraqi Kurdish factors those form the basis of the Regional Kurdish Administration were observed. Reasons of determination of the Middle East and Iraq as the center of attention by the hegemon countries of the period, and negotiations during which the fate of the region was determined like Sykes Picot, San Remo and Sevres were also included. In this context, politicization actions started in this period were mentioned together with revolts after World War I and Molla Mustafa Barzani revolt which; could be evaluated as the beginning of Kurdish political movement in Iraq, and was the most important movement after Berzenci revolt were also mentioned. Conflicts among Baghdad Administration in the process until Molla Mustafa Barzani's death in 1979, revolts and accordingly Iraqi oil and situation of

Kirkuk were mentioned, and in this context the USA influence that started to be seen after World War II and also US Doctrines were also mentioned. Generally, after Molla Mustafa Barzani's death, the process until Gulf War was evaluated in the context of Iran – Iraq war.

In the second part of the thesis, the process since 1990 till today, when Regional Kurdish Administration was formed de facto which earned a legal state today was mentioned. In the period observed in the context of Gulf War I that started in the context of invasion of Kuwait by Iraq in 1990, much conflicting subjects like; legalization of Regional Administration by the effect of the USA, gains by the results of Gulf War, new condition of Kurdish Administration in Iraq's Constitution after Gulf War after the invasion of Iraq by the USA, and Kirkuk were mentioned.

In the third part of the thesis, situation of Regional Kurdish Administration in Turkish Foreign Policy was mentioned, and for the reason that Turkey followed different foreign policies in different periods, it was evaluated in two subsections as 1990's and 2000's. "Letter of March 1st" that was one of the most important factors for the determination of foreign policy in 2000's, "Strategic Depth" approach and Kirkuk were mentioned.

In the final part of the thesis which is the conclusion part, by taking the current situation of Regional Kurdish Administration's into consideration, assumptions have been made about internal conflicts in Iraq and accordingly Iraq's future, comments have been made about policies which must be followed towards Kurdish Administration within the context of Turkey's own red lines for both herself and the region.

CHAPTER TWO

2. POLITICIZATION PROCESS OF KURDISH GROUPS IN NORTH IRAQ

2.1. POST WORLD WAR I PERIOD

Before World War I; Iraqi borders which is our main topic and are called “Middle East” today were under the domination of Ottoman Empire and the empire has kept pace with the imperialist order with its weakened authority and she was struggling to survive against European Countries which were developing fast in the way of industrialization in such a period that colonization was accelerating.

Besides loss of land after World War I, with effects of Wilson Principles and also dominant countries, minorities in Ottoman Empire has started independence movements and the presence of Ottoman Empire started to lose its effect in the Middle East. Starting from the beginning of the 20th century, Greeks and Armenian living on Ottoman land have started some revolts with the help of external support however the revolt of Arabs in the Middle East supported by the British has affected the presence of Ottoman Empire very seriously. With these revolts, the Middle East has been carried towards a full chaos and this conflict period existed until today.

During World War I period, British troops has started to advance to Palestine from Egypt by the end of 1916 in order to gain domination in the Middle East, on the other hand they have entered Iraq and they have expanded their domination area towards the north. The British have conquered Baghdad and Gaza in the spring of 1917 and then they have taken the control of Jerusalem in December and they have also managed to take over Damascus in October 1918. After the World War I, the Middle East stayed under the control of prevailing countries England and France¹.

England and France have promised first autonomy and then independence to the Arab people who live in the Middle East which they have once taken control of, and these groups of people who have growed expectations hence, had great disappointment. England and France

¹ Charles Smith, “The Emergence of the Middle East”, Journal of Contemporary History, Vol. 3, No.

applied the policy of “divide and conquer” in this region, at which they are very successful. However, these two dominant countries of the period have divided the Middle East into new names and countries in stead of dividing them into new colonies. And they have established adequate regimes which are appropriate for them and in which they could maintain control in these new artificial countries. The problems caused by these countries which are far from the facts of the regions and also formed by a ruler on the map are not overcome yet today and no progress is achieved in the Middle East in terms of peace, wealth and stabilization.

The most important cause that the Middle East is indispensable in terms of periods for big forces of the world is that the rich energy resources that it bears. After the industrial revolution, the coal used for the industry was replaced with petroleum and western countries focused on the Middle East because 65 % of the known petroleum reserves and 40 % of the natural gas reserves are in the Middle East². Middle East countries those are rich in terms of petroleum and natural gas are being seen as an important market by industrialized western countries, and depending on the increasing high population speed, it is thought that the situation shall continue in the future³. For this reason, in order to prevent the petroleum resources from threats, the conflicts and disputes are not only especially followed closely but also directed by the western countries. Another reason that Middle East petroleum is valuable is the unbalanced distribution among the producer and consumer countries. In this context, while the producer countries have alternatives in order to find new countries to sell petroleum, the consumer countries do not have many alternatives to buy from. The corner stone today of the geopolitical and strategic importance of the Middle East is the rich petroleum resources and according to end of year 2008 data, 60 % of the crude oil reserves are in this region⁴.

From the point of view of the dominant countries England and France, the Middle East has been sensed as a buffer zone having a big importance, sometimes as a junction, sometimes as a base and sometimes as a central point of communication. In the mean time, the necessity of protection from any movement against current status quo which might result from the Middle East and affect other countries in the region, on the land of colonies; India for England and

² U.S. Energy Information Administration, 22 February 2011, (Online), http://www.eia.doe.gov/oil_gas/petroleum/info_glance/petroleum.html

³ Gamze Güngörmüş Kona and the others, “**Orta Doğu, Orta Asya ve Kesisen Yollar**”, 2nd Edition, Istanbul, IQ Kültür Sanat Publishing, 2004, p.46.

⁴ General Directorate of Petroleum Affairs, “**Dünya Ham Petrol ve Dogalgaz Rezervleri**”, 16 March 2011, (Online), http://www.pigm.gov.tr/dunya_ham_petrol_ve_dogalgaz_rezervleri.php

North Africa for France, and for this reason, it has been decided that Middle east countries and people had to be taken under control and these countries had not left this region.

Because of our location, in order to understand the structure of the Middle East and North Iraq, the prevailing countries of the World War I, the Ottoman Empire and the treaties made to share the Middle East by them must be analyzed. In this context, the documents shown as a base in Paris Peace Conference in which these countries have gathered after the World War I to share the region is as follows: Istanbul Treaty (1915), London Treaty (1915), Hussein – McMahon correspondence (1915 – 1916), Sykes-Picot Treaty (1916), St.Jeande Maurienne Treaty (1917), Balfour Declaration (1917), Hogarth Message (1918), Yediler Deklarasyonu (1918), English-French Declaration (1918), 14 Points Of President Of USA (1918), Four Principles (1918), Four Results (1918) and Five Features (1918)⁵. Among these documents; San Remo Conference, Sykes Picot Treaty and Sevres Treaty are mentioned below:

Sykes- Picot Treaty (May 1916):

On 9th of May in 1916, a secret treaty predicting the lands of Ottoman Empire and the Middle East was signed between England and France, has produced serious results in terms of Ottoman Empire. Possible disputes that might occur after the war have been foreseen by both English and French politicians and in order to solve these disputes, Sykes-Picot Treaty was signed between England & French-Russia. In accordance with this treaty, sharing of the Middle East has been performed on the map and it was decided that the whole coastal region beginning from Akka in Syria towards north including Beirut, Adana and Mersin would belong to France and an independent Arab country or confederation would be established in the rest of the region, and this newly established country would be ruled by an Arab ruler. Besides all, “control” and “impact” zones were established for English and French. “In the control zones” England and France have been authorized to establish a government either directly or indirectly. On the geography called “Impact zone” assigning an advisor for the Arab country or confederation, or privilege of obtaining a credit has been geographically shared by England and France. After the war, protection and securing of economical benefits of England and France in the Middle East was predicted. An treaty was made in order to prevent a third force to be effective and additionally, it was decided that armament of Arab

⁵ Paul Helmreich, Sevr Entrikaları, Istanbul, Sabah Books, 1996, p.3.

regions would be performed according to regulations by the two governments. A summary of land sharing according to the treaty which consists of 12 Articles was as follows:

- Trabzon, Erzurum, Van and Bitlis and a part of Southeast Anatolia will be given to Russia
- East Mediterranean region, Adana, Antep, Urfa, Diyarbakır, Musul and Syria coasts will be given to France
- Haifa and Akka Harbors, Baghdad and South Mesopotamia will be given to England
- A single Arab state will be established under the control of France and England or Arab states confederation will be established on the land gained by England and France,
- Alexandretta will be a free port,
- An international administration will be established in Palestine because it is a sacred residential area.

San Remo Conference (April 1920):

For the preparations of Sevres Treaty signed after World War I, England has pioneered the conference arrangements in San Remo in Italy between 19 – 26 April 1920.

Delegates of England, France, Italy, Japan, Greece and Belgium have participated in the conference and main clauses of Sevres Treaty have been arranged during this conference.

Through the San Remo Conference held in 1920; the Sykes – Picot Treaty between England and France has been revised again. Besides the main clauses arranged during the conference; San Remo Conference is important to Turkey because it forms the basis of domestic and foreign issues which concern also Turkey. The country Armenia which was pronounced for the very first time during this conference has been established by the following treaties, and with this establishment “so called Armenian Genocide” was put forth. Because of all these reasons, San Remo Conference must be analyzed in order to understand the terror actions intended for dividing Republic of Turkey.

Decisions taken during San-Remo Conference might be summarized as follows:

- Ottoman Empire shall withdraw all her rights of her land in Asia and Arab territory North Africa and an independent Armenia and an autonomous Kurdistan.

- Two “Mandate Type A” will be established on former Syrian lands of Ottoman Empire. It was decided that Syria and Lebanon shall be left to France’s and Palestine shall be left to England’s administration. In addition to these, it was decided that lands of Iraq would go under England’s mandate. The established type A mandates predicted that the said countries would be considered independent however they should stay under mandate until they reach political maturity to be able to govern themselves. Thus, the treaties made have become opposite to self determination principle. Arabs from Syria, Mesopotamia and Palestine opposed this foreign administration established by San Remo and considered these regulations as open violations of Wilson Principles.

Furthermore, a petroleum treaty has been signed between England and France. According to this treaty it was decided that, Mosul would be added to the Iraqi mandate zone of England and France would be given a 25 % share of Iraqi petroleum and additionally, France would be supplied convenience about petroleum transportation.

- During the conference at which the issues between Germany and France have been discussed, it was decided that the German army should not have expanded.

By the end of World War I, in this period, in order to complete her settlement in the Middle East and increase her effectiveness more on Caucasia, Turkey, Iran and Iraq, even though England has thought of establishing an Armenian state and a Kurdish state in this region, this idea could not have been realized. However, England has gone on serious roles in the background like revolts in Eastern Anatolia in 1925 and in Iraq in 1932, and maintained to take the rights of minorities like Iraqi Kurds under guarantee.

In the time, from this period in which the importance of the Middle East was noticed and started being shared till today, it is a fact that some countries have some thoughts about Kurdish people who live in the countries like Turkey, Iran, Syria and Azerbaijan in the region. And at the root of this fact, it is thought that Kurdish people are too far away from each other to prevent them to become one and also to maintain the aim that they would be too weak to establish a state.

Sevres Treaty: (August 10th 1920)

Relevant important clauses of Sevres Treaty about the region that is our topic which has been held after San Remo Conference are shown below, and it is noteworthy that there is a separated title as “Kurdistan”:

- In the clauses 62, 63 and 64 of the Treaty, it is mentioned that where and how this Kurdistan would be established. According to these clauses, a commission consisting of delegates from England, France and Italy shall establish a local administration order in Kurdish cities on the east of Euphrates and Ottoman Empire is rendered as obliged to execute decisions taken by the commission. One year after this treaty, Kurds administrated by the said commission, shall be able to apply to United Nations for independence, and in case the United Nations decides as such, Turkey pledges to grant them independence this very moment⁶.
- Armenia is mentioned in the clauses between 88 and 93 of the treaty; it is declared that Turkey recognizes this Armenian State. As the arbiter, president of the USA shall determine Turkish – Armenian border and in case there are lands among these area which Turkey should leave to Armenia, Turkey pledges that she will not claim any rights on the said lands⁷. The USA president Wilson, who was authorized as the arbiter, asked the cities of Trabzon, Erzurum, Van and Bitlis to be given to Armenia by his decision dated November 22nd 1920.

The Sevres Treaty which was forcibly made signed by the Ottoman Government on August 10th 1920 after San Remo Conference, was neither approved by Sultan Mehmet the 5th Vahdettin nor accepted by the Turkish Grand National Assembly in Ankara, and no western country except Greece approved the decision. Thus, the treaty never had a legal validity so it never became effective.

The conditions of the peace that will be signed with the Ottoman Empire, in other words the map of the new Middle East has started to shape beginning from June 1919 at the Paris conference. No disagreement experienced at Paris Peace Conference about the regions that will be separated from the Ottoman Empire. The proposal by England of addition of

⁶ Prof. Nihat Erim, “Devletlerarası Hukuku ve Siyasi Tarih Metinleri”, Vol 1 (Ottoman Treaties), Ankara, Turkish History Corporation Printing Office, 1953, p 29

⁷ Erim, op. cit., p.37

Kurdistan to the current proposal draft in which there were already Armenia, Syria, Mesopotamia, Palestine and Arabia was immediately accepted. England has aimed; the Kurdish state that was thought to be established and also the land between Armenia and Mesopotamia, to be separated from Turkish control. Nevertheless, Mosul which was rich in terms of petroleum was planned to go under English control⁸. In this context, Iraq's mandate was given to England in 1920. However, changes were made in the Sykes-Picot Treaty and also Mosul region was accepted to be under England's influence. And France was given a share from Mosul's petroleum. Besides, France has accepted an oil pipe line pass through Syria that would lie from Mosul to the Mediterranean Sea. Faysal, who was deposed from Syrian kingdom by the French, has been acceded to Iraqi throne and an opposition has exited against the mandate state in Iraq. England has withdrawn as the result of Arab nationalism then chose to execute her relations with Iraq through treaties and in this context the first treaty was signed on October 10th 1922. However, for the reason that this treaty gave England rights to interfere directly to Iraq's domestic and foreign affairs, the pressure by nationalists could not have been prevented. Upon this, a second treaty has been signed on December 14th 1927 which loosened the control on Iraq. And On 30th 1930, England had to recognize Iraq's independence⁹.

2.2. KURDISH REVOLTS IN THE REGION WITHIN THE PROCESS TILL WORLD WAR II

The very first revolt within the artificial Iraq state drawn by England on former Ottoman land was the one risen by Sheikh Mahmud Berzenci. Sheikh Mahmud Berzenci who was born in Sulaimaniya and was a member of one of the active congregations the Kadiri congregation, was son of Sheikh Said who died in 1909. Sheikh Mahmud Berzenci has held Ottoman Empire responsible for his father's questionable death and has taken sides with English and he earned Sulaimaniya governorship which is under British control¹⁰. Sheikh Mahmud Berzenci has not settled for the governorship he earned and then acted in order to become the king of all Kurds, and wanted to bear his cross and establish an independent Kurdish state along Wilson's principles however he countered to the mandatory country England. When he

⁸ Helmreich, op. cit., p.12.

⁹ Fahir Armaoğlu, "20. Yüzyıl Siyasi Tarihi 1914–1980", Ankara, İş Bankası Publishing, 1983, pp. 201–203.

¹⁰ Hakkı Oznur, "Cahslarin Savasi: Kuzey Irak Kurt Hareketi ve Musul-Kerkuk Meselesi", Altinkure Publishing, Ankara, April 2003, pp. 3 - 6.

declared that he established the independent Kurdish state on May 1919, he has been attacked by England and then was taken prisoner and then he was exiled to India¹¹.

Beginning from San Remo Conference, in the mandate region of England; after Sheikh Mahmud Berzenci's revolt, English has brought Faysal who is Hussein the Şesif of Mecca's son to the crown of Syria in the past was now brought to crown of Iraq in 1921. Faysal's crown was not welcome by some sections in the country. In some parts of the country, especially Kurdish tribes in the north have sided with Turks who were under control of Özdemiş Bey and some clashes have occurred. Turkish administration under the leadership of Mustafa Kemal which was experiencing trouble with English about the city of Mosul was being to become dominant against English with the help of Özdemiş Bey's active role in the region, and this dominance has succeeded until regaining the city of Sulaimaniya. As they felt restless from Kurds acting along side Turks, in order to neutralize this disadvantageous situation, English has forgiven and called Sheikh Mahmud Berzenci back whom once they exiled to India to gain benefit from his influence¹². Sheikh Mahmud Berzenci who has been exiled for he has revolted against English, performed an administration contrary to their policies, and later has been brought back to prevent the success of groups acting together and also to be a solution to these actions; believing the need for him and his influence has increased, he once again came up with an independent Kurdistan and claimed himself being the king of all Kurds.

Sheikh Mahmud Berzenci who has been brought back to the country in order to prevent the actions of Kurdish and Turkish groups who acted on the same side, has tried to maintain the support of every section in the country about the Kurdish State which he was trying to establish, and has also negotiated with Özdemiş Bey and some Arab tribes who acted against English. Sheikh Mahmud Berzenci's negotiations with opponents of English has become a turning point for England and Sulaimaniya where Sheikh Mahmud Berzenci was born and also claimed the throne was bombed by English and then the city was invaded on July 1924¹³. Sheikh Mahmud Berzenci, who has attempted and failed twice in five years under his own

¹¹ Altemur Kılıc, "Titrek Pusula: 19. Yuzyıldan Günümüze Kurdistan Hayali", 2nd Edition, Timas Publishing, Istanbul, 1999, p. 89.

¹² Wadie Jwaideh, "Kurt Milliyetçiliğinin Tarihi Kökenleri ve Gelişimi", Translators: İsmail Çekem, Alper Duman, İletişim Publishing, 2nd Edition, 1999, Istanbul, p.373.

¹³ Umit Özdağ, "Türk Ordusu'nun Kuzey Irak Operasyonları:1984'ten Bugüne", Pegasus Publishing, January 2008, Istanbul, p.28

leadership to establish an independent and Syria, centered Kurdish State, he had no more noteworthy revolt and he has been forgiven by English government in 1927. On June 30th 1930, in the treaty which has been signed between England and Iraq, and carries Iraq to an independent state position, Sheikh Mahmud Berzenci attempted to revolt one more time on the basis that the treaty did not give any privilege to Kurds, but he failed again. This attempt was Sheikh Mahmud Berzenci's final.

After elimination of Sheikh Mahmud Berzenci who was the leader of Berzenci Tribe, was one of the biggest troubles of English Administration between 1919 and 1924, from state politics, Berzenci Tribe started to standing in the front by the end of 1920s¹⁴. Barzani Tribe has revolted against both Ottoman administration and English mandate administration, and also they have sent troops to help Sheikh Mahmud Berzenci who tried to establish an independent Kurdish state¹⁵. Ahmet Barzani, the leader of Barzani Tribe and a member of Nakshibendi congregation, followed a rebellious policy and he fought against other tribes and also against English mandates administration on March 1931. During the establishment of artificial Kurdish state by English, the establishment of a political structure for the Kurdish majority who live in the north of the region was seriously considered. Here the chief object was to combine this political structure and future autonomous Kurdistan State that would be established by Sevres treaty, to form an independent Kurdistan. However, English had to cancel this object because of the reasons below:

- It became obvious that the Turkish Deliverance Movement organized under the leadership of Mustafa Kemal Pasha which wholly rejected Sevres Treaty would not let such a Kurdish formation.
- An independent Kurdish formation would cause a reaction from Turks and also Iranians and Arabs. Even though England played an active role in the region, she realized that opposing to all of the regional forces would endanger her presence in the region.
- English has realized that they could use Kurds within Iraqi borders as leverage against the central artificial Arab administration in Baghdad to keep it under control.

¹⁴ Ihsan Serif Kaymaz, “**Musul Sorunu: Petrol ve Kurt Sorunlariyla Baglantili Tarihsel ve Siyasal Bir Inceleme**”, 1.B. , Istanbul, Otopsi Publishing, 2003, pp. 101 -106, 197 -200, 313 -321, 361 -362.

¹⁵ Hakki Oznur, op. cit. , p.32.

- It was determined that separation of Kurdish region from Iraq would change the percentage of Shiites from 60 to 70 in the population and the balance between Shiites and Sunnites would go bad.
- After analyzing Kurds in terms of socio-culture and socio-economy, English have discovered that it was not possible for Kurds to establish an independent state, and it was not possible for an independent state established on their behalf to survive without continuous external support.

In 1932, the English mandate administration has ended on paper and Iraq earned her independence. Right after that, armed conflicts with English have increased in the country which has become a member of League of Nations and English forces attacked tribe villages. After the attacks, about 200 people of the tribe including tribe leaders Sheikh Ahmet Barzani and Mustafa Barzani have taken refuge in Turkey. A special permission was granted by the government of Republic of Turkey under the leadership of Mustafa Kemal on June 22nd 1932 and Sheikh Ahmet Barzani was settled to Ankara and Mustafa Barzani around Erzurum¹⁶.

After death of Faysal the King of Iraq, his son Gazi who came to the throne has declared amnesty and due to this amnesty, the tribe leaders have returned back to Iraq who has taken refuge in Turkey. However, refugees who returned back have been distributed among the country to prevent them to cause any trouble again. Increasing concentration and communication in the region were tried to prevent as such and this effort was successful to prevent Kurdish revolts in the north of the country until World War II.

The USA which became the biggest industrial power after World War I, could not play an active role in the sharing of the Middle East region which possessed important petroleum resources due to she was late to industrialize compared with other European countries. For the reason that the Middle East was shared by England and France which were two great powers of the period, USA could not set a direct contact with the countries in the region. However, in time the USA started to become increasingly interested in the region and as the regional states started earning their independence, direct relations started to be established. As the result, the political structure of the Middle East after World War I has been reshaped by England and

¹⁶ Hulusi Turgut, “**Barzani Olayi: Osmanli Imparatorlugunu ve Turkiye Cumhuriyeti’ni 19.yy.’dan Beri Mesgul Eden Bir Kurt Asiretinin Belgeseli**”, Dogan Kitap, July 2008, Istanbul, p. 394

France, and little countries were formed having artificial borders. Because of the countries formed by these artificial borders, important troubles and conflicts have been experienced along 20th century and these are still being experienced even now.

Today it is known that the roots of most of the troubles started in that period. The main reason for that is the politicians who have made these treaties that shaped the Middle East, were unaware of its own internal dynamics of the region. In this period, the politicians who have determined the borders of new forming or current states with a ruler, have made sharing just for their own benefits without getting to know the said geography and the people here, and they formed states so as to rule along these benefits.

2.3. THE REVOLUTION IN 1958 AND THE FOLLOWING PERIOD

Among the members of Barzani tribe who has returned to his country from Turkey, with effect of amnesty declared by Gazi, son of King Faysal and who was the owner of new administration in Iraq, Mustafa Barzani with the nickname Molla was standing in the front more than his brother Ahmet Barzani. Molla Mustafa Barzani who has escaped from Sulaimaniya, the city where he was exiled to, has started a revolt against Iraq in 1943. The movement started has been greatly supported by Birayeti Association, Darker Organization, Kurdistan Communist Party, Rizgari (Deliverance Party), Rerast (True Path) Organization, Hevi (Hope) Organization and Azadi (Freedom) Council which was established by Barzani, those would form the basis of future Kurdish political parties and thus could have reached large people groups¹⁷. In this period, the Kurdish groups in the north of Iraq have gone into politicizing the revolt movements and they started forming organizations by taking the advantage of the chaotic medium of World War II. Iraq administration have performed a couple of positive actions to Molla Mustafa Barzani's revolt movement, however for the reason that the sides could not have compromised, English supported Iraqi forces ended this movement under the leadership of Molla Mustafa Barzani in 1945¹⁸. After that, Molla Mustafa Barzani migrated to Mahabad region in Iran together with the members of the tribe.

¹⁷ Hakkı Oznur, *op. cit.*, p.43 -48.

¹⁸ Turan Yavuz, “**ABD'nin Kurt Kartı**”, Milliyet Publishing, Istanbul, April 1993, p. 25.

As the result of an increase in English opposition and thus Prime Minister Rashid Ali has set contact with Germany, English forces invaded Iraq for the second time in May 1941. As the result of Germany has attacked the Soviet Union, English and Soviet forces invaded Iran by putting up the argument of safety threat. Iran Kurdistan Democrat Party was established under the leadership of Kadı Muhammad in 1945 in Iran which was under invasion of England and the Soviets, and Kurds in Iran have a Kurdish Republic as Mahabad was the center in January 1946 with the support of Soviets and also getting support of Azerbaijan Autonomous Republic which was establish by the end of 1945¹⁹. In this period, Molla Mustafa Barzani has made cooperation actions with Iranian Kurds and he took his place in the armed forces with the rank of General. However, these two new formations those are located in Iran and Azerbaijan, and could stand with Soviet support, have been left support less as Soviets left the region and after Azerbaijan Autonomous Administration, the Mahabad Administration has gone under Iran's administration on December 17th in 1946. Molla Mustafa Barzani, who could not have settled a compromise with Iranian administration, migrated to USSR and lived there until the revolt in 1958 as he received a refusal to his political refugee application to USA²⁰. Molla Mustafa Barzani, who has been a model for Iran Kurdistan Democratic Party that was under the leadership of Kadı Muhammad in 1946, established Iraq Kurdistan Democratic Party²¹. This formation which was established under the leadership of Molla Mustafa Barzani on 16th of August 1946 has been the most important political structure that laid a formation that it has been effective up to date.

Molla Mustafa Barzani who has taken refuge to USSR due to forcing of the period, has not been taken seriously by the authorities of the state until Stalin's death in 1953, and through the sit-in protest he has performed in front of Kremlin Palace, he was accepted by Khrushchev²². Barzani, who could find a chance of declaring his thoughts during this meeting, he could manage to take support from Khrushchev. Molla Mustafa Barzani who continued his life in USSR between 1946 and 1958, even though he was abroad he has not broken off his connection with Iraq Kurdistan Democratic party which he has established before leaving the country, on the contrary, he continued interfering conflicts within the party.

¹⁹ Baskın Oran, "**Türk Dis Politikası 1919- 1980**", Vol:1, 9th Edition, İletişim Publishing, İstanbul, 2004, p. 649.

²⁰ Hulusi Turgut, op. cit. , p.249. , p.280.

²¹ Erol Kurubaş, "**İrak'ta Kurt Ayrılıkçılığı ve Basari Sansi**", Avrasya Dosyasi Jeopolitik Special Edition, Vol:8, No:4, Part 2002, p.129.

²² Hulusi Turgut, op. cit. , p.404- 405., Turan Yavuz, op. cit. , p.29.

BAAS movement which started in 1940s in Syria has jumped to Iraq and defending of Arab nationalism by Nasr the leader of Egypt increasingly ascended and on February 1958, United Arab Republic was established together with Syria. As a reaction to United Arab Republic, Iraq has Arab Federal Union together with Jordan on February 1958, and on July 1958 a coup was launched under the leadership of Abdulkasım, and monarchy was terminated and switched to republic regime²³. Even though the coups have been impressed by nationalism trend, they have chosen to compromise with other ethnic factors in stead of conflicting with them and among these factors, Barzani who lives in USSR and Kurds in the north of Iraq stood forward.

After the coup launched in Iraq in 1958, Iraq has departed from Baghdad Pact and the countries in the region seriously worried about Iraq slide towards the Eastern Bloc and upon that; Turkish, Iranian and Israeli secret services MIT, SAVAK and MOSSAD formed a structure called “Trident” due to a deal made²⁴. About the effect of this structure established, while the help for Barzani factors and also Iraq’s sending reinforcements to Syria and Jordan for their encounters with Israel having been prevented, Iran could have disturbed Iraq about border conflicts between them²⁵.

As Molla Mustafa Barzani was informed that the coup was launched and was successful in 1958, he returned, from USSR where he has migrated to, back to Iraq that was under Abdulkasım’s leadership. The reason for Abdulkasım responded Molla Mustafa Barzani’s return request positively was because that he wanted to derive benefits of Barzani’s armed factors against opposition forces²⁶. For this purpose, in was stated in the new Iraqi constitution that Arabs and Kurds were partners on the country of Iraq and their national rights were recognized within Iraq, and thus, Kasım’s administration has managed to get the

²³ Turel Yılmaz, “**Uluslararası Politikada Ortadoğu**”, Akcag Publishing, Ankara, 2004, pp.122- 123.

²⁴ In this context it was determined that Israel would give intelligence about spying actions of the USSR to Turkey, Turkey would give intelligence about Syria’s and Egypt’s actions to Israel, Israel would give intelligence about the USSR’s actions, and would give intelligence about progress in Egypt and Iraq, and the most important thing about the topic; Kurds in the North of Iraq would be helped by Israel-Iran cooperation. Salom Nakdimon, op. cit. , pp.56- 57. , Turan Yavuz, op. cit. , p.36.

²⁵ Salom Nakdimon, op. cit. , p.73.

²⁶ Turan Yavuz, op. cit. , p.33.

Kurds under Barzani's leadership to his side²⁷. In this context, Barzani tribe which has set warm relations with Kasım's administration has seriously served either putting down rebels or anarchic movements, and they have succeeded. However, for the reason that Abdulkirim Kasım feared Barzani would politically grow stronger, he covertly supported other Kurdish leaders, and what's more important, he performed some progress in land reform and taxing agriculture incomes. For this reason, relations between Molla Mustafa Barzani who is a tribe leader living on agriculture and cattle breeding, and Iraqi administration under the leadership of Abdulkirim Kasım started to go bad. Molla Mustafa Barzani strongly objected to land reform and taxing of agriculture income, and he first requested autonomy and upon rejection of his request he started armed struggle against the administration starting from 1961²⁸. Before the revolt he launched, Molla Mustafa Barzani has gone to USSR November 3rd 1960 for pressure application to Iraqi administration, to request autonomy given to the Kurds and also to get some advice²⁹. But the USSR administration has considered the Iraqi administration more important which; left the Baghdad Pact with Turkey's pioneer ship, signed defense treaty with the USA on March 5th 1959 and experienced troubles primarily on border issues with Iran, and did not respond to Barzani's support request after his visit. Even though the USSR did not give Barzani the support he requested, she gave Barzani troops arm assistance also by using Turkish land³⁰. Barzani's fight had a break because of another coup by Abdulselem Arif who launched the 1958 coup together with Kasım and was a strict Arab nationalist and Kasım was executed in 1963, and following that, a compromise with Abdurrahman Arif was reached in 1966 who stepped in Arif's place after Arif was killed in a helicopter crash, and Barzani's fight ended. According to this compromise, a program with 12 clauses was prepared and by this program it was decided to grant some rights like; to give Kurds a legal status, to issue an ordinance of Kurdish minority, education in Kurdish as the second language in the regions which Kurds live³¹. However, application process of these decisions was not easy because of reasons like Arab – Israeli war, changing governments. Opponents supported by BAAS followers brought down Abdurrahman Arif in mid 1968 and

²⁷ Erol Kurubas, "**Kuzey Irak'ta Olasi Bir Ayrilmanin Mesruluğu ve Self-Determinasyon Sorunu**", Ankara University Faculty Of Political Science Magazine, Vol: 59, No: 3, 2004 p. 172.

²⁸ Erol Kurubaş, "**Irak Kurt Hareketi: Ic Cekisme- Dis Destek- Ayaklanma**", Irak Krizi (2002- 2003), Compiled by: Umit Ozdag, Sedat Laciner, Serhat Erkmen, Avrasya Strategic Observations Center Publishing, Ankara, 2003, p.32

²⁹ Hakki Oznur, op. cit., p.105.

³⁰ Umit Ozdag, "**Türkiye Kuzey Irak ve PKK: Bir Gayri Nizami Savaşın Anatomisi**", Avrasya Strategic Observations Center Publishing, Ankara, 1999, p.23

³¹ Salom Nakdimon, "**Irak ve Ortadoğu'da Mossad**", Translated by: Ahmet Ekinci, Elips Kitap, Temmuz 2004, p.132

they assigned Hasan El Bekr and Saddam Hussein in his place. This new government which determined an Arabic nationalist centered understanding, has declared that the new treaty would be applied in 1966 to pull Kurds to its side, however in order to break the influence of Barzani's administration, and it managed to pull Ibrahim Ahmed and Celal Talabani to its side. Bekir and Hussein administration which had the aims of being the only voice in the region and weakening Barzani's administration has started a revolt against Barzani by supporting the Kurds under the leaderships of Ibrahim Ahmed and Celal Talabani³². For the reason that peshmergas - armed forces of Barzani - have put the Iraqi administration into trouble in the revolt period, Vice President Saddam Hussein paid a visit to the USSR which was the arm supplier of Iraq, and he was guided to compromise with Barzani's administration³³. As the result of this guidance, Saddam Hussein who gathered with Barzani reached a treaty on March 11th 1970. This treaty consisting of 15 clauses is actually an autonomy treaty which will be applied in 4 years. According to this treaty;

- Kurdish will be the official language in the regions where Kurds live
- Education will be performed in Kurdish at schools in these regions
- Kurdish regions will be governed by Kurds including Police and Security Organization
- Economical resources will be distributed fairly among Kurds
- Presence of Kurdish nation and Kurdish will be present in the constitution
- One vice president will be Kurdish
- Regions where Kurds are the majority will go under autonomous administration cover
- Autonomous regions shall have legislation and executive assemblies
- Kurds will be represented at the ratio of their population in the parliament³⁴

The fate of this treaty which was made in 1970 was just like the one's made in 1966 and it could not have been fully applied. The reason for this was; Iraqi administration nationalized Iraqi Oil Facilities in the same years and Kirkuk and Hanakin regions those were rich in oil were tried to be added into autonomous borders because of the Iraqi administration's unprivileged policies about oil income. Iraqis administration and Barzani's administration

³² Erol Kurubaş, a. mlf. , p. 33

³³ Turan Yavuz, op. cit. , p. 41.

³⁴ For important clauses of the treaty V.: Baskin Oran, "**Kalkik Horoz Cekic Guc ve Kurt Devleti**", Bilgi Publishing, 2nd Edition, Ankara, July 1998, pp.30-31.

have fallen into conflict³⁵ and Iraqi administration which did not want to lose oil income, has changed the borders of Kirkuk and regions around in order to change Kirkuk's population structure, and transformed it into an administrative structure called Ta'mim³⁶. After signing of Friendship and Cooperation treaty in 1972 between the USSR and Iraq, Barzani and Iraq conflict has become to a worse point. On March 11th 1974 when 4 years of application process of the treaty which was signed in 1970 between Barzani and Iraq that predicted privilege to Kurds; Iraqi administration made a law number 33 which weakened the treaty signed in 1970 and made the Barzani administration unhappy³⁷. Following this law, unhappy Barzani started revolting again however as he could not get enough support once more just like in his previous revolts, he ended this revolt in March 23rd 1975³⁸ and this organized structure under the leadership of Molla Mustafa Barzani has advanced to a dispersion stage.

2.3.1 Northern Iraq from point of view of USA and Doctrines of the Period

As the result of developing relations with the Middle East countries the USA has managed to control the oil flow in the region during World War II. Dominance of the USA over Japan in the Far East was predicted to be due to her control on oil. After the war, the USA appeared on the world's scene as the strongest power. Either because of relations with Middle East countries or due to political, military and economical power she possessed, she became the determining power in the Middle East and Persian Gulf. The period which started after World War II was a start of the cold war between the two global powers the USA and the USSR. Middle East and Persian Gulf had an important place in foreign policy of the USA along the cold war. Due to periods, the USA has seen the Middle East as the common point of the dipole system, and for this reason as a piece of land on which necessary resources exist to maintain the economical existence and dominance of the west block, thus which requires extraordinary care and control. Losing control on the Middle East which had such an importance meant for the USA the change of the dipole balance on the favor of the other pole. In this period, the Middle East has been the most important encounter area of the two global powers. During the cold war period, while the USA was trying to provide a strategic

³⁵ Martin van Bruinessen, "Aga Seyh Devlet", Translated by: Banu Yakut, 3rd Edition, Iletisim Publishing, Istanbul, 2004, p.53- 54.

³⁶ David Romano, "The Future of Kirkuk", Ethnopolitics, Vol.6, No.2, June 2007, p. 266.

³⁷ Baskin Oran, op. cit. , p.32.

³⁸ Peter Galbraith, "Irak'in Sonu: Ulus Devletlerin Cokusu mu?", Translated by: Mehmet Murat Inceyan, Dogan Kitap, January 2007, p.145.

dominance during the global competition with the USSR, and on the other hand she tried to take control of the internal regional balances³⁹.

Against the possibility that the impact area of the Soviet Union might have expanded and taken the Middle East under influence, the USA brought the Northern Tier plan forward. In the basis of this plan which included the countries on the north of the Middle East like Turkey, Iran, Iraq, Pakistan; there was an establishment of an ally system.

The priorities of the USA in the Middle east were; to maintain the flow of the oil from the region to western countries with a reasonable price, to prevent an internal or an external force to construct dominance in the Persian Gulf, and to provide survival and security of Israel which shall take an important place among the policies of the USA⁴⁰. Along these priorities, the USA governments have developed region oriented policies and doctrines carrying the names of the president have determined the strategies for the Middle East of the USA.

The Soviet threat which appeared right after the World War II, caused serious changes in the policies of the USA. In this context the Soviet Union; has given Turkey a note declaring rights on the straits and Eastern Anatolia, supported the communists during the civil war in Greece, and applied aggressive policies against Iran, and as the result of this, the USA President Truman declared the doctrine on March 12th 1947 which would be named after him. The president of the USA has summarized the importance of the Middle East and the situation of the region as follows: “As we turn our eyes to Near and Middle East, we meet a region which shows us very dangerous problems. There are many neutral resources in this region. The busiest land and sea paths pass through here. Thus, it has a great economical strategic importance. But, none of the nations in this region are strong enough to defend against an attack neither alone nor together. Therefore, it is not hard to estimate that near and Middle East will be a competition area for big countries from outside and this competition shall cause a sudden conflict”⁴¹.

According to this doctrine, foreign policy of the USA was focused on supporting free people against internal and external pressure, and economical and financial aid to be mandatory to

³⁹ Ahmet Davutoglu, “**Stratejik Derinlik**”, 17th Edition, İstanbul, Kure Publishing, 2004, p. 342

⁴⁰ Armaoglu, op. cit. , pp.525- 528.

⁴¹ Ucarol, op. cit. , pp.850-851.

the countries those were under totalitarian regimes. In accordance with this doctrine, protection of the countries under the threat of the USSR was aimed.

The actual aim of Truman's Doctrine was to prevent Turkey and Greece to stay under the influence of the USSR and perform military aids in order to make them stay on USA's side in this dipole system. However, at the end of the six years of the cold war period, the economies of European countries have become to extinction point and also open to communism threat. In order to prevent the balance change against her, the USA the preventing of this threat has become the very primary issue. For this purpose, the solution proposal called "the Marshall Plan" was prepared by the US Foreign Minister George Marshall. According to this plan, European Economical Development program will be determined and this program will be financially supported by the USA. Through this financial support, strengthening the economies of the European countries and making them more resistant to communism was planned⁴².

In 1957, the Eisenhower Doctrine was introduces in order to shape US policies through the Truman Doctrine. With this doctrine the Middle East policies of the USA have been updated because of establishment of the new country Israel and Israel started to become an effective power, and in relation with that rising of Arab nationalism. Besides, the Suez Canal Crisis broke out in 1956 and Egypt getting far from the Western World and closing to the USSR have been feared by the USA. The efforts of the USSR trying to get benefit from the progress and also be effective on other countries, and the Arab – Israeli War in 1956 made the USA come into action. Nevertheless, authorization was asked from the Congress for; performing economical aid to the Middle Eastern Countries those are under the scope of the Eisenhower Doctrine, and performing military aid to the Middle Eastern Countries on their demand, and using the armed forces in case of a communist attack. Thus, the concern area which was limited to Turkey and Greece has expanded and covered the whole Middle East. Nevertheless, the USA claimed that she would take England's place in the Middle East and also she claimed the Middle East her "Backyard". Thus, in case of a communist attack to the Middle East, it would be responded by all means including military power was claimed.

⁴² Armaoglu, op. cit. , pp.443- 444.

2.3.2 External Support and Its Effects in Barzani Movement

Survival of this fight that long which has gone under break up process was due to some factors' gaining aid the allies of the USA forming the Western Part of the cold war, and on the other hand also gaining aid from the leading factor of the Eastern Bloc. However, in this context, Iran was always concerned that Kurds gaining some rights in Iraq would cause some movements among the Kurds in Iran, and Iran tried to establish a balance between the Iraqi administration that is closer to the USSR and Barzani, thus Iran supported sometimes Iraqi administration and sometimes Barzani. Israel has always seen Kurds as a factor which would bring Iraq to inconsistency and she tried to keep their situation as such. Especially the agents of Israel's secret service MOSSAD have passed to Iraq through Iran and provided some support to Barzani's troops not only on military but also on other issues, thus they tried to keep the situation as such⁴³.

Molla Mustafa Barzani kept on his fight while providing aid from different countries. Until the signing of Friendship and Cooperation treaty in 1972 between Iraq and the USSR, the main aid supplier to Barzani was the USSR, but from this date on it became the USA. The USA which started to meet the Barzani's request like weapon aid and recognition in 1960s, did not provide a direct aid due to her foreign policies till that date, she started to provide confidential aid to Barzani beginning from 1970s as came on the scene in the Pike Report⁴⁴. In the following period, Barzani tried to put his movement to the USA, moreover he declared that he was ready to be the 51st state of the USA⁴⁵.

As Barzani lost the USSR's support in 1972, he gained the USA's support instead and with this power, he denied the law number 33 which was accepted by the Iraqi Administration in 1974 and he chose armed struggle again. Among the factors in switching to armed struggle, there were the supports of Israel and Iran. However, upon the solution of border issues between Iran and Iraq on March 6th 1975 in peaceful ways, and signing of Algeria Treaty which predicted border regulations against Iraq's favor and Iran's withdrawal of her support

⁴³ In accordance with that, Israil's aid reached the region on July 18th 1963. Tuncay Ozkan, "**CIA Kurtleri Kurt Devleti'nin Gizli Tarihi**", Alfa Publishing, 16th Edition, Subat 2006, p.28.

⁴⁴ Hakkı Oznur, op. cit. , pp. 230- 231.

⁴⁵ Turan Yavuz, op. cit., p .57.

to Kurds, Barzani lost his support from Iran. Within this time, Barzani who could not receive the aid he requested from the USA had to claim that he ended his armed struggle.

2.3.3 Disunion of KDP

Claiming of Molla Mustafa Barzani of ending his movement in 1975 was not accepted by some fractions in and out of KDP. Opinion differences started in the days that Barzani have migrated to the USSR started to appear more clearly since 1960 as he returned from the USSR. As different roots and different political point of views of the two groups were added to these differences, the features different the groups grew more and caused a new formation to appear after Barzani.

The Ahmed Talabani group which draws attention with opposing nature and represents the educated fraction has become a tool used against Barzani by BAAS which acquired the Iraqi administration in 1968, and even though it was not successful they performed some attacks against Barzani under all means of support by the Iraqi administration⁴⁶. As the Iraqi administration could not get the desired result from these attacks, they signed a treaty with Barzani which gives autonomy to Kurds in 1970 for the very first time in Iraq's history with the USSR's orientation⁴⁷.

After this signed treaty, following the giving of autonomy to Kurds who live in Northern Iraq, with an amnesty just like the one in 1965, Ahmed Talabani's group returned to KDP but kept their opposing nature. As Iraqi administration accepted the law number 33 which predicts the signing of 1970 Autonomy Treaty, upon failure of movement started under the leadership of Molla Mustafa Barzani and ending of this movement by Barzani, the Ahmed Talabani's opposing group in the party decided to give a new direction to the current structure where they were in⁴⁸. In this context, Celal Talabani who was Ibrahim Ahmed's son-in-law established the organization called Patriotic Union of Kurdistan (PUK) by combining; Komela which was formerly established in 1975 and General Line & Kurdistan Socialist

⁴⁶ Hakkı Oznur, op. cit. , pp.153- 155.

⁴⁷ Ofra Bengio, "Iraqi Kurds: Hour of Power?" Middle East Quarterly, Volume: X, Number: 3, Summer 2003, <http://www.meforum.org/554/iraqi-kurds-hour-of-power>, Access: 10 May 2011

⁴⁸ "A biography of Jalal Talabani", <http://www.puk.org/web/htm/about/talab3.html>, Access: 10 May 2011,

Movement in Damascus and he continued his fight not in a formation that he was a member of, but in a party where he was the leader⁴⁹.

After Molla Mustafâ Barzani claimed that he ended his fight, the KDP which underwent disunion process had attempts in order to regroup. KDP which had to struggle against PUK that was under the leadership of Celal Talabani, who displayed though opposition against KDP, has decided to continue their fight under the leadership of Mesud Barzani, son of Mustafa Barzani, in the first congress in 1979 after Molla Mustafâ Barzani's death⁵⁰.

It is seen that Kurdish tribes who live in the north of Iraq had two big political and armed factors which tried to have a voice in the region after 1975. Both formations saw themselves the only protector of Kurds within the fight and fought against Iraqi administration, and also fought against each other at the same time. The first hot contact between these two structures has occurred near Şemdinli within Turkish border in 1978 and in that armed conflict the PUK factors have been defeated by the KDP peshmergas which knew the territory much better. These two structures those are completely different than each other in terms of ideology, culture and religion have created a new disunity for Kurds who live in north Iraq, in the regions they control.

2.4. WAR BETWEEN IRAN AND IRAQ & KURDISH GROUPS

Iran and Iraq administrations those have a long history about border problems and lying back to Shatt al-Arab waterway have turned back from the start of almost a serious war and signed the Algeria Treaty. The two countries which have solved the problems between them could have solved the Shatt al-Arab waterway border by dividing it exactly into two, which was seemed to be the biggest of all other problems. As the result of the treaty, it was decided that Iran would stop his support to Kurds under the leadership of Barzani⁵¹ and Iranian administration experiencing problems with Kurds under the leadership of Barzani who live in the north of Iraq for a long time has deprived Barzani from external support. Barzani

⁴⁹ Martin van Bruniessen, "The Kurds Between Iraq and Iran", Middle East Research and Information Project Middle East Report, No:141, Hidden Wars July-August 1986, <http://www.jstor.org/stable/3011925>, s.24. , Access: 29 April 2011

⁵⁰ Congress of Kurdistan Democratic Party (1946- 1999), <http://www.kdp.se/?do=congress>, Access: 10 May 2011

⁵¹ Oral Sander, "Siyasi Tarih 1918- 1994", Imge Bookstore, 15th Edition, Subat 2007, p. 560

movement and his armed factors those were deprived from external support have become ineffective in a short time.

After signing of Friendship and Cooperation Treaty with the USSR in 1972, the Iraqi administration that has nationalized the oil company and increased its incomes during the oil crisis which broke out after the Arab – Israel war, got rid of the Barzani factor which caused a great problem. In the Iraqi administration which tried to strengthen its position in the Arab geography by getting rid of the problems which troubled it, Saddam Hussein has become the only name that was effective in the administration even though he was a vice president. During this process, Iraq hosted the Arab League in 1978 and increased her reputation in front of Egypt who was in the leader position among Arab countries. After that, following Egypt's exclusion by Arab countries because of signing Camp David treaty with Israel in 1979, Iraq increased her efforts even more to gain the leadership of Arab countries⁵². In order to find support for her aim and to develop relations with the USA that has entered the Middle East with Eisenhower Doctrine in 1957, Iraqi administration has condemned the invasion of Afghanistan by the USSR with whom she has signed the Friendship and Cooperation treaty 7 years ago, and what's more Iraq has restarted her diplomatic relations with the USA which have been cut after the Arab-Israeli war in 1967.⁵³ The leadership role which Iraq wanted to bear had a great importance on Iran Islamic Revolution which occurred on February 1979. Khomeini, who performed the revolution in Iran, called all the Shiites living in the Middle East to rebel and also his policy to export his Islamic Republic regime policy caused worry by other countries in the region⁵⁴. During this process, Saddam Hussein who was the only effective one despite he was a Vice President, has taken over Presidency from Hasan El Bekr and became the one and only man.

Saddam Hussein has claimed that he has canceled the Algeria Treaty with Islamic Republic of Iran which was signed in 1975 and solved the problems, on September 22nd 1980, and declared war against Iran. Saddam Hussein who was; thinking of taking the advantage of

⁵² Mesut Ozcan, op. cit. , p. 99.

⁵³ Turel Yilmaz, op. cit. , p. 238.

⁵⁴ Tayyar Ari, “**Irak, Iran ve ABD: Onleyici Savas, Petrol ve Hegemonya**”, Alfa Publishing, January 2004, p.357- 358

chaos process in Iran and also thinking that he could win the war due to that, was very wrong, and has started the war in which many people were killed, wounded and injured⁵⁵.

During this war, Kurdish groups living in the north of Iraq could not represent a unity like before and they could not make a united movement. In this context, some of the Kurdish tribes which were divided into 4 groups were on KDP's side which was under Molla Mustafa Barzani's sons, some of them were on Celal Talabani's side who has separated from KDP and established PUK, some tribes were on the sides of some minor tribes in the region, and supported them.

The conflict between KDP which had a voice in the region and was the biggest organized structure among Kurds and PUK, has continued during this war and for the reason that their ideas were different, they sided oppositely in this war. In this context, the KDP administration who thought that the USA support was cut and abandoned on the halfway by the USA, has sided with Islamic Republic of Iran, on the other hand PUK that was under the leadership of Celal Talabani has joined the war on Baghdad Administration's side. Joining of these structures on different sides was very useful for both Iran and Iraq, and they both comfortably used KDP and PUK in their war tactics. PUK Administration which joined the war on Iran's side went into bad terms with the Iraqi administration beginning from 1985, they started to fight against Iraq and KDP and PUK administrations that have come together after a long while, have taken control of the entire Northern Iraq except for big cities. Baghdad Administration and Saddam Hussein were not happy that they lost the control in that region and Saddam Hussein assigned his cousin Ali Hasan el Mejid aka "Ali the Chemical", and Hasan el Mejid started the Operation Enfal to solve the problem in which more than 100.000 people would be killed⁵⁶. After this operation, Iraqi troops started to hit the regions those were under the control of KDP and PUK, with biological and chemical weapons supplied from the support by the USA, and thus they started to regain control of the region.

During the war, Iran has taken the town of Halepçe that was close to Iranian border with the help of Kurdish factors, however the Iraqi Administration which was unhappy about that has performed an attack which would go down in history as "Halepçe Slaughter" in March 1988.

⁵⁵ Peter Galbraith, *op. cit.* , p.27.

⁵⁶ Peter Galbraith, *op. cit.* , pp.37 -38.

About 5000 people were killed as the result of this attack which was performed by chemical weapons. After this attack, the Iran – Iraq war which was going on for 8 years has become the hotspot for the whole world and as Iran has accepted the decision taken by the United Nations Security Council number 598, the war that was going on for 8 years and caused hundred thousands of people, ended⁵⁷.

Kurdish factors those were affected the most by the Iran – Iraq war after the Halepçe Slaughter performed by chemical weapons, tried to form a union among themselves and KDP and PUK commissioners took other small formations with them and 3 months after the slaughter in May 1980, they formed Kurdistan Front⁵⁸. Kurds have formed such a comprehensive formation for the first time; however this formation could not prevent new attacks towards Kurds within Operation Enfal of Saddam's administration who has accepted cease fire between Iran and Iraq. Because of these attacks, Kurdish factors have taken refuge to Turkey and Iran, and immigrants that were assumed to be around 50.000 have been accepted by Turkey as refugees. As Saddam's administration declared an amnesty in September 1988, about 20.000 of these refugees returned to their country⁵⁹.

2.4.1 A New Organization: PKK

During Iran – Iraq war, a new organization taking terror as basis that was in Marxist – Leninist ideology by, was established under the name of PKK (Partiya Karkeren Kurdistan – Kurdistan Workers Party) in Turkey at the end of 1970s. Its main purpose is to establish an independent and socialist Kurdish country defined as Kurdistan in; north of Iraq, northeast of Syria and northwest of Iran where Kurds live. After the military coup in 1980, this organization and its basic staff left Turkey and settled in Syria. With the attempts of the leader of Syria, Hafiz Esad who feared Saddam Hussein during Iran – Iraq war, the organization leaders who performed small actions with the current key staff under the leadership of Abdullah Ocalan who was placed into the camps in Northern Iraq, have infiltrated Turkey and started performing their actions and putting his name on the map. The main purpose of Hafiz Esad, who set connection with KDP and placed PKK into KDP camps in Northern Iraq, was to gain leverage on his behalf for the solution of the problems coming from the past by

⁵⁷ Turel Yilmaz, op. cit. , p.242

⁵⁸ Baskin Oran, op. cit. , p. 33. Erol Kurubas, a. mlf. , p.29.

⁵⁹ Umit Ozdag, op. cit. , p. 67.

disturbing both Iraq and Turkey. In this context, Hafız Esad has sided with Iran who supported him about his Lebanon Policy during Iran – Iraq war, and disturbed Iraq by supporting Iran in order to score over Iraq about regional dominancy; on the other hand he could gain a leverage against Turkey in his opinion, with whom he had conflicts coming from the past like Hatay and water issue⁶⁰.

The actions of PKK which has started to settle in the region beginning from 1980s, was being monitored by the Turkish Government. Ankara Administration has signed a Border Security and Cooperation Treaty with Iraqi Administration who was experiencing problems about border security because of the Iran – Iraq war, and by stating this treaty as the basis; they performed their first operation against PKK factors in April 1983⁶¹. After the operation based on this treaty, KDP and PKK signed the treaty called KDP-PKK Solidarity Principles in July 1983, and thus the two organizations have officialized the connection between them. After KDP administration cancelled this treaty, they tried to develop their relations with KYN in order to find support⁶², however PKK who made treaties with both Kurdish factors from time to time, could not maintain these treaties. Despite this failure, the organization which could compromise with Baghdad administration, they have left KDP and PUK ineffective and provided managed to region in which they live in assigned to them⁶³. After Saddam Hussein signed cease fire with Iran, attacked Kurds in the region and thanks to the compromise, PKK factors did not escape and continued to stay in the camps. Thus, PKK which was placed on Iraqi land by Hafız Esad thinking that he could use it against Iraq; on the contrary, started to be seen as an organization which could be a cooperative organization by Iraqi administration.

2.5. GULF WAR PERIOD

Saddam Hussein; who took over the presidency in 1979 and started a war with Iran that would continue for 8 years, defined Kuwait as the new target for himself. Kuwait has supported Iraq during the war because of Iran's regime exportation policies, however after the war, for the reasons that she acted uncompromisingly about paying the debts taken during the war and border conflicts, relations between two countries started to strain. In this period, Iraq accused

⁶⁰ Turan Yavuz, op. cit. , p. 97.

⁶¹ Umit Ozdag, op. cit. , pp.47- 48.

⁶² Erol Kurubas, a. mlf. , p. 29.

⁶³ Hakkı Oznur, op. cit. , p. 331.

Kuwait of stealing oil in Rumeyla Region, and declaring that Kuwait was one of her states⁶⁴ and invaded Kuwait on August 2nd 1990. On the day of invasion, UN Security Council took the decision number 660 to stop the invasion and following that; other decisions like embargo, maritime and aerial blockades were also taken. However, as all these could not stop the invasion, a decision with number 678 giving a deadline to Iraq until 15 January 1991 to retreat, otherwise stating that UN would interfere was accepted on November 29th 1990⁶⁵. AS Iraq did not obey the deadline and did not retreat, a war began against Iraq under the leadership of the USA and this was resulted with Iraq's defeat on February 27th 1991.

Before the war predicting removal of Iraq from Kuwait, the USA has made some calls to the Shiites and Kurds within the country to weaken Iraq, and she claimed that she supported these factors⁶⁶.

Kurdistan Front which knew that the USA has left them in the half way in the past, has revolted against Saddam administration right after the end of the war, with the support announced by the USA. Saddam Hussein who quelled the Shiite revolt with much bloodshed in the southern region of Iraq, following that he aimed to the Northern region and 2 millions of people who feared Saddam use chemical weapon again, have run to Turkish border with the aim of taking refuge. Even though some of these people were accepted by Iranian and Turkish administrations, for the reason that many of them were waiting at the border, UN Security Council came into action declared the decision number 688 predicting humanitarian aid to these people⁶⁷. Right after this decision, humanitarian aids reached the region, but as Turkish authorities informed that these aids could not be fully performed, creation of a "buffer zone" was started for discussion by UN Security Council. As the result of this discussion, the USA started the Operation Provide Comfort in the region and within this operation on April 10th, Iraq was warned; not to perform any military operations, and not to use any military plane or helicopter in the north of 36th parallel. In the context of Operation Provide Comfort, from now on a virtual "safe haven" was created in the north of 36th parallel even though it was

⁶⁴ Mesut Ozcan, op. cit. , pp. 67- 70.

⁶⁵ Turel Yilmaz, op. cit. , p. 277.

⁶⁶ Turan Yavuz, op. cit. , pp. 146- 147.

⁶⁷ Baskin Oran, op. cit. , pp. 57-58.

within Iraqi borders⁶⁸ the security of this zone started to be provided by the USA, England and France⁶⁹.

This safe haven which was created with humanitarian aid provided the people return back to their land who has escaped by fear of Saddam Hussein. This region has not only stayed within humanitarian aid, but also brought a result of some Kurdish factors and foreign forces' political benefits, reaching until today.

⁶⁸ Although this formed safe haven covers the north of 36th parallel, while the city of Sulaimaniya at the south of this line was added to that area, cities which had large Turkmen population like Mosul, Telafer, Altinköprü were excluded.

Muzaffer Aslan, **“Irak Milli Turkmen Partisi’nin Gorusleri”**, Avrasya Dosyasi Northern Iraq Special Adition, Vol: 3, No: 1, p. 221. ; Abdullah Manaz, **“Gecmisten Bugune Kuzey Irak”**, Stradigma Magazine, Number: 1, February 2003, <http://www.stradigma.com/index.php?sayfa=makale&no=106>, Access: 14 May 2011

⁶⁹ Hakkı Oznur, op. cit. , pp. 318- 319

CHAPTER THREE

3. KURDISH REGIONAL GOVERNMENT

3.1 CYCLICAL STRUCTURE THAT PROVIDED THE APPEARANCE OF THE KURDISH REGIONAL GOVERNMENT

The progress in the world and in the Middle East after the Gulf War I, caused reestablishment of balance both in international area and in the region, some actors were erased from the political stage and some were placed in the center of politics. Especially disunion of the USSR and the Eastern Bloc ended the dipole structure, and brought the USA to a position that is determining the international regional policies and active component. Besides, the Kurdish problem which was not cared much by the public opinion in the world become a hotspot and attracted close attention of every country possessing the aim of interfering the region⁷⁰. Baghdad administration that invaded Kuwait claiming as its own state by using Kuwait's attitude as an excuse for the invasion, was defeated by the coalition forces formed by the decision taken by UN Security Council which was responsible for the establishment of international peace and security, and invasion of Kuwait was ended. Following this defeat, revolts raised by Shiites in the south and Kurds in the north within Iraqi border took the advantage of the authority weakness created by the war, were quelled by Saddam Hussein's administration.

Kurds were started to be supported by the USA and her ally Iran in the region by the end of 1960s, this support suddenly disappeared as Iraq signed Friendship and Cooperation Treaty with the USSR in 1972, and Kurds were left alone with Saddam Hussein to their fate. Similarly, Kurds who have sided with Iran against Iraq during the war had nothing in exchange for their support and they were abandoned during the event known as Halepçe Slaughter. After facing similar events, Kurdish population started to escape towards Iranian and Turkish borders as fearing again from the chemical attack which were directed to them 3 years ago. Turkey who helped the people who suffered chemical attack in 1988 within Operation Enfal performed by Saddam Hussein, considered the previous difficulties and acted

⁷⁰ Tayyar Ari, "Basra Korfezi ve Ortadogu'da Guc Dengesi", Bursa, 1998, Alfa Publishing, p. 229

cautiously to help⁷¹. In this context, Turkish politicians started to imply in international media that these people could be helped by establishing a zone within Iraq just like it has been done in the past. Even after the Gulf War I, Kurds started to revolt together with other ethnic groups as the war ended because of authority vacuum and of the possibility that the USA and other allies could help. As the result of these revolts, about 20.000 troops who; was formed by the coalition forces not to bring back the people who escaped to Iran and Turkey, predicted humanitarian aid and save Kurds, and regulated the Operation Provide Comfort retreated from Iraq, and Poised Hammer positioned in Turkey stayed to prevent possible attacks to Kurds by Saddam Hussein⁷².

The USA administration has brought flight interdiction above 36th parallel on April 10th and following that in order to bring aid to the people, who massed at the border and provide their return, and formed a “safe haven” where the security was provided by the USA, England and France which was 160 km length and 50 km depth in north of Iraq, starting from Turkey, thus Operation Provide Comfort was realized⁷³. With this operation, providing aid to the people who escaped from Saddam Hussein was aimed. As a matter of fact, after reaching this goal, 14447 troops consisting of soldiers from USA, England, France, Germany, Holland, Italy, Spain and Canada have started to leave Iraqi borders slowly by the beginning of June⁷⁴. However, in order to provide the people a fully safe return that live in the region, this retreat was left to another formation under a different name. This new formation was formed as the body of troops from USA, England, France and Italy called Poised Hammer in order to securely maintain Operation Provide Comfort in mid June 1991 within Turkish and Iraqi borders⁷⁵.

Following this progress, as the result of; the conditions existed after the war between Kurdish factors and Baghdad administration and fear of chemical weapons after Operation Enfal, these Kurdish groups that fight against Iraqi administration, established the Kurdish Front in July

⁷¹ Burcu Bostanoğlu, “Türkiye – ABD İlişkilerinin Politikası”, İmge Publishing, December 1999, p.408

⁷² Ari. Op. Cit., p. 230

⁷³ Baskın Oran, **op. cit.**, p.66

⁷⁴ Baskın Oran, “Uluslararası ve İç Hukukta Çekiç Güç’un Yasal Dayanakları Sorunu”, Ankara University Magazine of Faculty of Political Science, Vol: 50, No:3, 1995, p.259.

⁷⁵ Mustafa Sıtkı Bilgi, “Türk – Irak İlişkilerinin Tarihsel Boyutu (1534- 2002)”, Irak Crisis (2002- 2003), ASAM Publishing, Ankara, 2003, p.230

1991 and claimed that they would continue their fight on a common platform⁷⁶. In this context, united Kurdish formations started negotiations with Saddam Hussein by the formation called Kurdistan Front. During the negotiations that was mainly focused on autonomy request, an agreement was reached, however realization of these agreement has not become possible. The negotiations that was mainly focused on autonomous structure and Kirkuk's condition, was changing due to several factors as a matter of conjuncture. Kurdish factors those revolted at the end of Gulf War by the effect of the USA, were left alone one again and because of this, they had to advance the process like this during the negotiations with Saddam Hussein. In spite of that, Kurdish factors those providing support from foreign troops in the region who stayed with the aim of humanitarian aid in April 1991, the date that the negations began, stayed away from compromising attitude and summarized their attitude towards Saddam as: "If we shall provide foreign aid, we shall never compromise. If we have no hope in this matter, we could not reject the agreement"⁷⁷. In July 1991, the most important two matters were on international agenda. One of them was; whether the security of Kurds who live in the safe haven in north of Iraq would be provided by the Poised Hammer located in Turkey or not, and what would its nature be, and the other one was the experienced strain because Iraq did not want to open her nuclear facilities to UN observer council. In this context, intervention to Iraq was point at issue and as a matter of fact, the period of office of Poised Hammer whose positioning was completed towards the end of July 1991, was claimed to be extended to September 30th 1991 by Turkey who did not want to lose to control the forces of Poised Hammer located on her own land. Meanwhile, as extention of the period of office of Poised Hammer for another 3 months became final, whose period of office was already extended to September 30th 1991, it was decided that the land factors of the multinational force would retreat and the air force in İncirlik would be reinforced by F-111 heavy bomber planes⁷⁸. Negotiations between Kurdish factors and Saddam Hussein have ended by August, and changes have started to be experienced in the cities where Kurds lived. In this context, Saddam Hussein administration started to apply financial, administrative and economical embargos beginning from October to the cities where Kurds live, and he especially started to isolate these regions⁷⁹. Baghdad administration could not get the

⁷⁶ Cumhuriyet Gazetesi, 7 June 1991

⁷⁷ Peter Galbraht, *op. cit.*, p.58.

⁷⁸ Hurriyet Gazetesi, 25-26 September 1991

⁷⁹ Mazin Hasan, "**Irak Kürtlerinin Bitmeyen Kavgası**", Irak Krizi (2002- 2003), ASAM Publishing, Ankara, 2003, p.65.

efficiency from their isolation application; on the contrary this was the beginning of strategic mistakes which would cause other cities in their hands to lose.

In a period in which the USSR started to disunite which formed one of the poles of the dipole system that was formed together with the cold war after World War II, troops those were the members of NATO, who made this attempt that would endanger the unity of Iraq, was commented as the sign that Iraq centered changes would occur in the following process in the Middle East. Along this process; Kurdish Factors in the north of Iraq where Poised Hammer was active, started to gain importance in the countries like Turkey, Syria and Iran.

Following the invasion of Kuwait by Iraq, Kurdish groups under the leadership of Talabani and Barzani started to negotiate with the USA beginning from August 10th 1990 to strengthen their revolt and provide success⁸⁰. Kurds, who could not gain enough support as the result of these negotiations, continued their revolts in Iraq by taking the advantage of authority vacuum in Iraq. In case these revolts succeeded; the USA that wouldn't like the nonwestern-friendly countries like Iran and Syria gain strength in Iraq's place, and did not lean towards political and military instability, with the effect that there was no alternative for Saddam Hussein's regime, she just watched Baghdad administration quell the Shiite and Kurdish revolts harshly⁸¹.

Right along with all these, isolation policy of Saddam Hussein has not worked and following that, he retreated his troops from the region predicting that Kurds would go into chaos and need Baghdad administration, in order to provide the disunity of Kurdish movement that it frequently fell in, he continued negotiations until February 1992 with Mesut Barzani, leader of KDP, however on the contrary to his expectations, this situation created an opposite impact and caused Kurds establish their own administration⁸².

⁸⁰ Celal Talabani who knew English very well and acted as if the foreign minister of Molla Mustafa Barzani, made these meeting via his close friend Peter Galbraight the member of the US Senate Foreign Affairs Committee. Peter Galbraight, op. cit. , pp.48- 49.

⁸¹ Nasuh Uslu, "Körfez Savaşı ve Amerika'nın Politikaları", Ankara University Magazine of Faculty of Political Science, Vol:54, No:3, 1999, p.188

⁸² Carole A. O'Leary, "The Kurds of Iraq: Recent History, Future Prospects", Middle East Review of International Affairs Journal, Volume: 6, No: 4, December 2002, <http://meria.idc.ac.il/journal/2002/issue4/jv6n4a5.html>, Access: 9 August 2011

3.1.1 The USA Effect

Following the Gulf War which occurred between August 1990 – April 1991, and at the end of Cold War, it was stated in the “National Security Strategy” prepared at the end of August by the USA administration that is the leader of the coalition forces that; a new period started and threats continued in this new period, the USA was the only global force that could effect the world in terms of politics, economy and military, despite that they could not be the policeman of the world however they were in such a position that countries having difficulties could ask for aid⁸³, thus the frame of the policies that would be followed were stated. By this policy, the USA is clearly aiming to become a country having a definite authority in the whole world in the period following the cold war with the USSR. After the Gulf War in 1991, the USA has become a certain and determining power in the Middle East. As Russia was shrinking to her own problems, the EU opposed to USA’s effectiveness in the region however, this reaction was not enough. While gulf countries were grateful to the USA as she saved them from the threat created by Iraq, Iraq was not only defeated but she lost control on an important part of the country. The USA started to follow a dual containment policy towards Iran and Iraq, and the USA not only could have become such powerful since the end of 1940s when she first politically entered the region, but also took great advantage of cooperation with Turkey⁸⁴.

Right after the Gulf War which was the first serious crisis of the New World Order, occurred between August 1990 – April 1991, when the USSR has not officially disappeared yet, in the National Security Strategy that was prepared, it was possible to see the increase of self-confidence and surprise together on USA⁸⁵.

In the new strategy which started with “The hard encounter which was dividing the world for two generations is over. Disappearance of Soviet control on Eastern Europe meant that the cold war was over and the most important problem was solved. We entered a new period three years ago that you can not even dream of. This new period contains great hope and uncertainties’ the uncertainty following the cold war was explained as follows:

⁸³ Çağrı Erhan, “Soğuk Savaş Sonrası ABD’nin Güvenlik Algılamaları”, Uluslararası Güvenlik Sorunları ve Türkiye, Editors: Refet Yinanç, Hakan Taşdemir, Seçkin Yayıncılık, Ankara, 2002, pp. 64- 65.

⁸⁴ Baskın Oran, “Turk Dis Politikasi 1980- 2001”, Vol:2, 9th Edition, İletişim Publishing, İstanbul, 2004, p. 254.

⁸⁵ WHITE HOUSE (1991). National Strategy of the United States. August 1991. “<http://www.fas.org/man/docs/918015-nss.htm>”, Access: 23.08.2011.

Shaping new security strategies for the new period requires the analysis of extraordinary tendencies which exist today. We must see what changed and what didn't. We should evaluate the chances brought out by the history very seriously and we mustn't ignore the ongoing threats.”

In the strategy of 1991, necessity for cautious steps about a change in military filed was highlighted. To fight diversifying and shape changing threat factors in stead of a single foe, importance of reconstruction of American army and NATO was highlighted, it was underlined that while proceeding to conventional disarmament as Soviet threat disappeared, new “enemies” could harm American benefits.

In the strategy while it was highlighted that USA was the only “super power” with the evaluation “despite the presence f new power centers rising, the USA is the only global power that could effect the world politically, economically and military in the literal sense” and on the other hand, with the expression “we can not be the policeman of the world. But, we could be the country towards whom the countries on the hook can turn their faces” it was pointed that the USA would act selectively to interfere international problems.

In this context, in the strategy in which it was highlighted that USA staying as a free and independent country was the basic security target, it was stated that below issues were given priority:

a) On military basis: To deter every kind of attack that would threat the USA and her allies; to increase stability with treaties those are appropriate to equity and auditable, develop systems that could prevent limited ballistic missile attacks and enrich necessary conventional capacity; to work on limiting armament expenses; to prevent advanced military technologies and nuclear, chemical and biological weapons captured by enemy countries or transferred to groups; to establish a more balanced partnership in which global leadership and responsibilities are shared among the USA and her allies; to provide regional military balance which would deter countries that would like to establish a regional control,

b) Economically: starting from that national security and economical power are inseparable pieces, to form a national economy that is strong, prosperous and can stand competition; to secure opening to international markets, energy and mine resources, oceans and to the space; to encourage international economy that is depending on market principles, not preventing trade and investment, owing balanced money rates, open and expanding

c) Politically: to support democratic change in the USSR; to expand free nations society that depends on democratic values and personal rights, to make international organizations more effective like UN to ensure peace and world's political, economical and economical balance; to support western Europe's political and economical integration; to provide opportunity to from European security identity under the scope of NATO; to provide development between NATO allies and Conference on Security and Cooperation in Europe (CSCE) by undertaking the aim of bringing balance, democracy and security; to focus on diplomatic solutions in order to remove regional conflicts; to make contributions to development of free and democratic institutions aimed for economical and social advancement.

d) Other fields: Eliminate new threat fields towards the USA and American citizens, especially the international terrorism; to decrease foreign production, fight smuggling and to prevent narcotics smuggling by decreasing domestic demand; to eliminate terrorism and narcotics smuggling based threats towards democratic associations⁸⁶

The reflections of the strategy prepared by the USA in August 1991 to the Middle Eastern geography and moreover to Iraq, face us as an issue that should be solved. First of all the fundamentals of the positions of the Kurds in the north of Iraq, which they earned today following the previous situation of Iraq was formed in this period. In case we made a coding action over the strategy, the nonexistence of the USSR as “the opportunities granted by the history” means that USA won't fight the USSR in the Middle Eastern geography and the USSR who was especially effective on Arab administrations. In this context, Iraq who went into tight relations with the USSR in the past, lost a powerful factor that he could set contact against the western countries who replied with a military intervention against Kuwait's invasion.

⁸⁶ Dr. Cagri Erhan, “**ABD'nin Ulusal Guvenlik Anlayisi**”, Ankara University Magazine of Faculty of Political Science , Vol:56, No:4, pp.82 -83

Syria and Iran administrations are figured which aren't especially in anything common with western powers and in the strategy which can be defined as "ongoing threats". By defining of the USA herself as the only global power that could affect the world economically, politically and military; whether pioneering to decisions in the UN Security Council against Iraq who created imbalance in the Middle Eastern⁸⁷ geography by invading Kuwait on which there are the largest oil reserves, or being in the leadership position formed against Iraq, or establishing security of Kurds and aids to Kurds in the north of Iraq apart from the UN, and being in the leader position in the military power positioned on both Iraqi and Turkish land, face us.

In addition to these, with the expression "they could not become the policeman of the world but they could be a country for the ones who are in a difficult position and turn their faces" stated in the strategy, the USA policy was defined which was applied both during and after the Gulf War. Invasion of Kuwait, who had the majority of the world's oil, was reacted violently by the USA and punished Iraq in a short time via UN Security Council's decisions. After the war, the USA helped Kurdish factors to impress some countries in the Middle East, primarily Iraq which was under the leadership of Saddam Hussein within her policies. In this way, she has helped ones those are in a difficulty as stated in the strategy document, on the other hand she aimed to create allies.

3.2 PERIOD OF ACTUAL FORMATION OF KURDISH GOVERNMENT

In the process which; started with 1.500.000 Iraqi Kurds went towards Iranian and Turkish borders after the Gulf War in April 1991, continued with the decision number 688 by the UN on April 5th 1991, and resulted with Operation Provide Comfort initiated by the USA, England and France, refugees could have returned back to their residential areas. Groups which felt a need to secure themselves against Baghdad Administration and Saddam Hussein after the operation process have met Saddam Hussein but as they could not get a result⁸⁸ then

⁸⁷ M. Vedat Gürbüz, "Petrol, Petrol Politikaları ve Ortadoğu: Global Politikaların Bölgesel Yansımaları ve Irak Savaşı", Avrasya Dosyası Enerji Special edition, Vol: 9, No: 1, 2003, p.134

⁸⁸ Erol Kurubaş, "Irak'ta Kürt Ayrılıkçılığı...", p.135.

they went to countries that provide secure media*. Kurds who could find the medium that they desired as Saddam Hussein weakened his control over the region, started actions to establish a political formation in the regions those they actually owned.

Within the current political conditions, for the reason that Baghdad administration was not effective in Northern Iraq Region and with the effect of a safe haven protected by foreign soldiers in the north of 36th parallel, Kurdish factors in the north of Iraq had a chance to establish a political authority for themselves. Kurdish factors who gathered around the same goal and other Iraqi factors opposing Saddam have gathered in Damascus the capital of Syria, and as the result of this meeting and it was decided; to hold an election in order to establish an administration in their own regions where they actually owned, and to form security units and to realize these attempts before leaving Iraq⁸⁹. Because of appearance of some technical problems about the election and also no agreement was reached either among Kurds or during negotiations with Baghdad administration, the elections were delayed a couple of times and finally realized on May 19th 1992⁹⁰.

A Kurdish political formation in Northern Iraq which was one of the most worried progresses by Turkey started to appear in this period due to security provided by Poised Hammer which was invited by Turkey. The most important phase of this was holding of elections on May 19th 1992 and establishment of a parliament⁹¹. As a result of this elections held by Iraqi Kurds on May 19th 1992, KDP under the leadership of Mesut Barzani won 50 chairs with a rate of 45, 5 % and 437.889 votes, PUK under the leadership of Celal Talabani won 50 chairs with a rate of 43, 61 % and 423.833 votes, and even though they could not pass the election threshold the Christian Kurds won 5 chairs due to the decision taken by Kurdistan Front on April 8th in the council consisting of 105 chairs⁹². Although 967.229 people voted during the election that

* The speech of “We’ll never compromise if we’ll get foreign aid. If we have no hope about that (foreign aid) we can’t reject to agree” Celal Talabani the leader of PUK is surely effective on the meetings which didn’t result with an agreement as stated in previous chapters.

⁸⁹ Erol Kurubaş, “**Irak’ta Kürt Ayrılıkçılığı...**”, p.136. ; Kıvanç Galip Över, “**Vaat edilmiş Topraklarda Ölüm Kokusu Kuzey Irak Dosyası**”, Papirüs Publishings, İstanbul, 1999, p.128,

⁹⁰ At this point, we can state that Iraqi Kurds have hesitations about how Saddam Hussein would react upon their attitudes about their future positions who draws a two headed view and these hesitations delaye the election date. Kıvanç Galip Över, **op. cit.**, p.129.

⁹¹ Baskın Oran, **a.g.e.**, p. 263

⁹² “Session Minutes, First Term 1992”,

<http://www.kurdistanparliament.org/default.aspx?page=sitecontents&c= Parliament-History1992>,
Access:1 September 2011

was claimed as illegal by Baghdad administration⁹³ Turkmens living in Iraq could not vote because of the reason “Kurdistan citizens only”⁹⁴. Since Turkmens did not vote, could be evaluated in one way as a behavior to gain Kurds legitimation in terms of support to the policy defending the land unity of Iraq by Turkey, when considered in the long term, Turcoman might be evaluated as they were excluded for the reason that they were not allowed to vote as the second largest society in Northern Iraq⁹⁵. Besides, especially not to draw Turkey’s attention, Kurdistan Freedom Party was banned from the elections which has the feature of a side corporation of PKK⁹⁶.

The first council formed after the elections on May 19th, held its first meeting on June 4th 1992 and the members started their duties following their oaths⁹⁷. On July 4th 1992, first government was established as Fuad Masum who was a PUK member and a professor in Department of Philosophy in Basra University, was the first chairman, and in accordance with the agreement made, Cevher Selim a KDP member was elected as the chairman⁹⁸. This government established by the council gathered in Erbil was a coalition and had 17 ministries, and 7 of these ministries were assigned to KDP members, 7 to PUK members, and the rest 3 seats of ministry was assigned to Proletarian Party, Democratic Asuri Party and Iraq Communist Party as 1 for each⁹⁹.

By the establishment of a government, the condition¹⁰⁰ “a political administration which is not tied to another authority” which implies one of the three factors (land, society and political administration) carrying the feature of a state among international law system, was realized from point of view of Kurds. Iraqi Kurdish factors were fulfilling the necessities to be able to become a state by taking the advantage of the opportunities granted by the current medium, on the other hand they drew an uncertain structure about what kind of a structure they had or will have. As the result, Fuad Masum the prime minister of the government established, on July 5th 1992, in the following day of the government establishment, said “The point reached

⁹³ “Session Minutes...”

⁹⁴ Michael M. Gunter, “A de facto Kurdish State in Northern Iraq”, Third World Quarterly, Vol 14, No. 2, June 1993, p. 299

⁹⁵ Mazin Hasan, “Türkmenler, Türkiye ve Irak: Körfez Savaşı’ndan Irak’ın İşgaline Türkmenlerin Durumu”, Avrasya File Special Editon of Restructuring Middle East, Vol: 9, No: 4, Winter 2003, p. 177

⁹⁶ Erol Kurubaş, *op. cit.*, p.136.

⁹⁷ Ümit Özdağ, *op. cit.*, p.100; Hakkı Öznur, *op. cit.*, p.342; Mazin Hasan, “Irak Kurtlerinin...” p.66

⁹⁸ Kıvanç Galip Över, *op. cit.*, p.132

⁹⁹ Fort he list of ministries V.: Michael M. Gunter, *a. mlf.*, p.304

¹⁰⁰ Hüseyin Pazarcı, “Uluslararası Hukuk”, Turhan Bookstore, Ankara, 2003, p.147.

is neither autonomy nor independence. We are somewhere in between. Time will show which way we shall go”¹⁰¹. This sentence, said by a name that was the prime minister of a country which is not recognized by any unit, organization or a country, showed the confused structure of Iraqi Kurdish factors of that period.

In the past periods, it was seen that the fight of Iraqi Kurdish factors against Baghdad administration was based on gaining an autonomous structure. However, as time approached the end of 20th century, changing of dynamics of international media and accordingly, as the result of appearance of different conditions, requests other than the autonomous structure started to appear as much as the conditions allowed. Despite shaping of Kurdish factors’ requests, the reason that they could not earn an independent structure is that factors that allowed autonomous structure were not consistent with Iraqi Kurds’ independence facts.

The USA administration who seems to be the biggest supporter of Iraqi Kurds, has embraced a policy of keeping Iraq’s unity during and after the Gulf War, however, she placed removal of Saddam Hussein from Iraq’s administration and forming an administration which is a pro USA and pro-western Sunnite regime, to the basic of her policy. Along her policy which USA determined in the new world order after the cold war, instead of disintegrating Iraq, she aimed to keep Iraq under her control with the support of decisions taken by UN. In the context of the role “policeman of the world” which she approved for herself, she wanted to eliminate powers like Russia, Iran and Europe which could be opposing to this role. In the following period, in order not to lose control in case of possible imbalance situations, she tried to create an impact area before Iraq and Iraq’s neighbors.

After the election they held, Iraqi Kurdish factors who drew a confused picture about the status they possess, have tried to strengthen their position under the security umbrella provided following USA’s guidance. Following the meeting held in Damascus capital of Syria, Kurds who formed Iraq National Congress (INC) with other Iraqi opposing factors in Vienna on June 16th-19th 1992¹⁰², during next meeting in the city of Selahaddin on September 23rd-27th 1992, have stated that the election performed on May 19th did not threat Iraq’s unity, and managed support their attitude of other opposite factors of Saddam in the direction of

¹⁰¹ Ümit Özdağ, **op. cit.**, p.100.

¹⁰² Hasan Yılmaz, “**Irak’ta Muhalefet ve ABD’nin Irak Politikası**”, **Avrasya File Special Edition of Iraq**, Vol: 6, No: 3, p.84

selection of Kurds' own administration along the decisions taken in Vienna¹⁰³. Iraqi Kurds declared "Kurdistan Federated Kurdish State" which they accepted as a part of a federated state in the congress building in Erbil on September 4th 1992 in order to state their own status¹⁰⁴. Such a declaration possesses no validity in terms of; Iraq that has no federation structure and also legal the structure that Kurds declared who had no right to form a federative unit juridical among Iraq which was a unitary state¹⁰⁵. With the declaration of this "federated state" which has no legal validity, Kurds living in the Northern Iraq gave up on their aim of autonomy which they fought for in the previous periods, they determined¹⁰⁶ this federation request instead that could be defined as a tactic on the way to independence.

After the election on May 19th 1992 and the federative state status they claimed 6 months later, Kurds living in Northern Iraq started to establish administrative organs fast within the security context provided by the USA against Baghdad administration as stated before. Although the economical embargo applied to Iraq in accordance with the decisions of UN and the embargo applied by Baghdad administration to the north had some effects, thanks to income provided through Habur border gate at the Turkish border and illegally provided incomes, Iraqi Kurds continued on their fight towards institutionalization without experiencing financial difficulties. Iraqi Kurdish factors claiming that the declared federated state was formed in; Dohuk at Turkish border where KDP is effective, in Sulaimaniya at Iranian border where PUK is effective, and in the states of Kirkuk that is under Iraq's influence and Erbil where Turkmens are effective and where they could not establish and both parties are also effective, have started to construct their administrative mechanisms fast except in Kirkuk, and in this context by establishing their administrative formation and assigned administrators like governor, district governor and chief of police immediately¹⁰⁷.

This federative structure claimed by Iraqi Kurds and spets taken on the way to become a state, disturbed other regions containing Kurds. Iran, Syria and Turkey where contained Kurdish

¹⁰³ Iraqi National Congress gathered again by the end of October and in order to overthrow Saddam Hussein, establishment of; a Chairmen Council formed by Mesut Barzani the leader of KDP, a former sunnite general Hasan el Nakip who lived in Syria and Muhammed Bakr el Ulum leader of Islamic Independent Party, and an Interim Iraqi Government consisting of 27 members was decided. Baskın Oran, **op. cit.**, p.171.; Kıvanç Galip Över, **op. cit.**, pp.136-140.

¹⁰⁴ Michael M. Gunter, **a. mlf.**, p.311.

¹⁰⁵ Ümit Özdağ, **op. cit.**, p.111.

¹⁰⁶ Ümit Özdağ, **op. cit.**, p.111.

¹⁰⁷ Ümit Özdağ, **op. cit.**, p.123.

factors, expressed with their meetings held together that they were opposed to state-like formation which developed fast, in the following process¹⁰⁸. The first of these meetings were held on November 14th-15th 1992 in Ankara among Hikmet Çetin Foreign Minister of Turkey, Faruk el Şara Foreign Minister of Syria and Ali Ekber Velayeti Foreign Minister of Iran, and in the announcement bearing their signatures they stated that¹⁰⁹; Iraq's political structure might change only if the whole Iraqi people used their democratic rights, they were opposed to an independent Kurdish state, and condemning terror events occurring in the region they stated also that they would be endeavoring to sustain peace and stability in their regions by fighting together against alike formations primarily against PKK which took the advantage of the vacuum in Northern Iraq. Kurdish factors which could not have a chance to officially meet any USA administration authority during their visits before and during the Gulf War, had a meeting with James Baker Foreign Ministry of the USA in Washington on July 29th 1992 with a committee formed along with the decision of Iraqi National Congress¹¹⁰. Even though it was not held with the US president, when the previous unsuccessful attempts are considered, by this meeting it is seen that Iraqi Kurdish factors are officially accepted by the USA administration. In such an attitude of the USA administration, before the presidency election which would be held in November, pressure created by Kurdish lobbies together with the support of Greek and Armenian lobbies on American public opinion that they should be more decisive in the policies towards Kurds, has been effective¹¹¹.

3.3 INTERNAL CONFLICTS AMONG IRAQI KURDISH GROUPS

After the elections held in 1992, Iraqi Kurds; have announced their federative state status, were taken under protection by the US troops against Baghdad's intervention, and started to form all kinds of administrative, economical, security, social and cultural structure. With the establishment of the congress and declaration of federative state, KDP under the leadership of Mesud Barzani and PUK under the leadership of Celal Talabani left the political conflict medium as it was in the past; however different structures of two parties carried them to a conflict medium again. Although the conflict medium of the Iraqi Kurdish factors paused

¹⁰⁸ Ofra Bengio, **a. mlf.**, p.67.

¹⁰⁹ Kıvanç Galip Över, **op. cit.**, p.141.; Baskın Oran, **op. cit.**, p.123.

¹¹⁰ Hasan Yılmaz, **a. mlf.**, p.72.

¹¹¹ Tayyar Arı, **op. cit.**, p.453.

sometimes by the compromises sustained in some periods, it covered a period reaching towards the beginning of 21st century.

Factors causing conflicts might be expressed under the following title together with their past¹¹²:

- Tribe, language, religion, religious orders differences and blood feuds appearing as the result of their reflection to political conflicts,
- Acceptance of the new formation as temporary, failure of establishment of a strong administrative and political structure, besides spending the sources for strengthening the party instead of the formation,
- Land conflicts,
- Competition about taking the possession of “Kurdish cause”,
- Unquestionable authorities of the leaders although they are political parties and thoughts of people that they should act along the ideas of these leaders,
- Competition about the formation of administrative levels after the election,
- Unhealthy recording of customs incomes to the government’s treasury,
- Basic political vision difference about the future of the region,
- Competition appearing on eliminating small political parties and including them to KDP or PUK,
- Effects of the countries of the region

Along the reasons stated above, the first conflict among Kurds living in Northern Iraq was replacement of Prime Minister Fuad Masum with Kosrad Resul who was also from PUK and a radical politician in March in 1993¹¹³. While it was expected that such a strained medium would cause a conflict between two parties, the first conflict started as Kurdistan Islamic Movement under the leadership of Hamma Hacı Mahmud a pro Iran attacked a KDP office in December 1993¹¹⁴. While KDP under the leadership of Mesud Barzani showed a soft reaction, PUK under the leadership of PUK and Peshmerga Affairs Minister Cabbar Ferman who was a

¹¹² Hasan Özmen, “Kuzey Irak’ta Kürt Partiler Arasındaki İhtilafların Nedenleri”, Avrasya File Special Editon of Northern Iraq, Vol:3, No:1, Spring 1996, pp.59-60; İdris Demir, “**The Northern Iraq 1990-2000**”, Zonguldak Kara Elmas University Magazine of Social Sciences, Vol:3, No:5, 2007, pp.202-204.

¹¹³ Ümit Özdağ, **op. cit.**, p.126.

¹¹⁴ Serhat Erkmen, “**Türkiye’nin Körfez Savaşı Sonrası Kuzey Irak Politikası**”, Irak Crisis 2002- 2003, Compiled by: Ümit Özdağ, Sedat Laçiner, Serhat Erkmen, ASAM Publishing, Ankara, 2003, s.275.

PUK member replied this attack in the same way¹¹⁵. Beside abstract differences between KDP and PUK, also action based differences by this progress strained the medium more. The event that fired the fuse between two sides was the conflict occurred as the result of a land conflict between a small group of KDP and PUK officers on May 1st 1994¹¹⁶. The conflict appeared between very small groups because of a simple problem turned into a big armed conflict in Northern Iraq between groups that they were members of. Not after a long time following the start of the conflicts, the number of people killed exceeded 600 at the beginning of June and as the result of the ongoing conflicts PUK captured the Kurdish Congress in Arbil¹¹⁷.

Armed conflicts between KDP and PUK which appeared based on deep social, economical and a lot of similar reasons, but appeared because of a small reason, caused thousands of people die. But besides, thanks to the opportunities provided by international medium to Kurds, this delayed the newly established administration in Northern Iraq becoming functional until an indefinite time. As the result, following capture of Erbil by PUK troops, as the KDP members in the congress were eliminated and two most important structures owned by Iraqi Kurds; the government and the congress became disfunctional¹¹⁸.

3.3.1 Compromising Process: Dublin Process, Iran and Ankara Negotiations

The fast process of the conflicts was monitored very closely by the countries which had policies towards the region. Before PUK captured Erbil, Turkey that was the first country affected by the progress in the region in that period, brought the conflicting sides in Silopi in June and made them compromise thus, conflicts stopped even for a short time¹¹⁹. But this lasted very short and as the result of ongoing conflicts, PUK troops captured the Kurdish congress in Erbil and removed KDP factors from Erbil.

Beside the compromise provided by Turkey, with the efforts of Kendal Nezan; who was the Paris Kurdish Institute and had close relations with Daniel Mitterrand, Mitterrand's wife who

¹¹⁵ Serhat Erkmen, **a. mlf.**, p.275.

¹¹⁶ Hasan Özmen, **a. mlf.**, p.55.

¹¹⁷ Michael M. Gunter, "The KDP-PUK Conflict in Northern Iraq", Middle East Journal, Vol:50, No:2, Spring 1996, p.233.

¹¹⁸ Sa'di Berzenci, "Irak Kürdistan'ında Mevcut Durum Hakkında Görüş", **Avrasya File Special Editon of Northern Iraq**, Vol:3, No:1, Spring 1996, p.198.

¹¹⁹ Tayyar Arı, **op. cit.**, p.465.; Ümit Özdağ, **op. cit.**, p.148.; Mazin Hasan, "Irak Kürtlerinin...", p.67.

was the president of France for 14 years, as the result of negotiations realized in Paris on July 16th-22nd, a compromise was reached but even that could not stop the conflicts between two groups for a short time¹²⁰. Besides, Ahmet Çelebi; the chairman of Iraq National Congress (INC) which was the center of hope of USA's plan to take down Saddam Hussein, and of which PUK and KDP were the members, managed the signing of a cease fire in November, but all these attempts could not stop the conflicts forever¹²¹.

Despite these compromise attempts, increasingly continuation of the conflicts triggered the USA who started to feel worried about resulting of policies with a failure in the Middle East. As the result of the elections held in 1992, Bush administration that performed the Gulf War left the duty to Bill Clinton administration. In the context of the changing politics of Martin Indyk who was responsible for National Security Congress Near East Region of Clinton Administration, "Dual Containment Policy" which would shape USA attitudes towards Iran and Iraq was declared on May 18th 1993. In this context, basic parameters shaping point of view of USA towards these two countries in the post Cold War period, started to change¹²².

The USA has supported both sides during Iran – Iraq war from time to time along her policies in the Middle East. But, in the period that conditions of cold war disappeared and as she had the voice, the USA brought the sides that were fighting to prevent Saddam Hussein grow stronger KDP and PUK officials in Dublin, capital of Ireland, because the region in Northern Iraq in the Middle East which was rich in terms of oil to an unstable condition. Besides KDP, PUK and Iraq National Congress (INC), and as observers; Turkey who arranged operations to Northern Iraq towards the terrorist organization PKK and England who was trying to increase her influence by nongovernment organizations (NGO) England joined the negotiations held in August and September 1995¹²³. As the result of negotiations held in August; principles that would solve basic conflict points like reoperation of the congress and depositing customs

¹²⁰ Although an agreement was reached during the meetings, as the result of Turkey's attempts vis diplomatic channels that did not join the meeting, an agreement text was not signed. Hakkı Öznur, **op. cit.**, pp.346-347.; Baskın Oran, **op. cit.**, p.169.

¹²¹ Hakkı Öznur, **op. cit.**, pp.347-348.

¹²² Basic elements of Dual Containment Policy can be listed as; surrounding Iran and Iraq in terms of military, weakening both countries' regimes, changing regime behaviors by applying economical sanctions to both countries and increasing synergy with the allies. Serhat Erkmen, Hasan Yılmaz, "**Ortadoğu Denklemi ve Düünden Bugüne ABD'nin Irak Politikası**", *Stratejik Analiz*, Vol:1, No:12, April 2001, p.23.

¹²³ Upon Turkey got suspicious about such organizations who passed to northern Iraq with the aim of humanitarian aid, very tight measures started to be applied beginning from mid 1995. Kıvanç Galip Över, **op. cit.**, 144.; Tuncay Özkan, **op. cit.**, pp.139-140.

incomes to a bank to the name of the government were defined¹²⁴. While it was expected that the decisions taken would be strengthened during the second meeting held in September, as the result of KDP and KYP fight again, the Dublin process resulted with a failure.

After resulting of Dublin process with failure, diplomatic efforts on Iraqi Kurds started to increase. Compromising of KDP and KYP under protection of the USA and presence of Turkey in the process disturbed PKK and they started attacks KDP in Northern Iraq which they thought KDP had better relations with Turkey¹²⁵. Attacks realized by PKK was considered positively by Baghdad administration who wanted the unstable structure to continue in Northern Iraq, and Syria and Iran who were trying to construct their own influence area, and also were supported. As a matter of fact, following the ending of Dublin process with failure, Iran started a negotiation process between Sami Abdurrahman a KDP member and Fuad Masum a PUK official, and announced that sides reached an agreement on October 11th¹²⁶.

As Iran started to play peacemaker role towards the events in the region, immediately had its reflection in the USA administration who was performing a “Dual Containment Policy” towards Iraq just like Iran, and a US committee held a couple of negotiations with KDP and PUK officials in the region with Turkey’s support in November to remove Iran from the process and regain initiative, and they announced that progress in the way of an agreement was reached¹²⁷. But, these kinds of sentences about reaching an agreement between the sides lost the meaning as Iraqi Kurdish groups continued armed fights among them. Despite negotiations realized in the presence of peacemaker countries from outside of the region between KDP and PUK, conflicts did not end, just periodic pauses took place. The cease fire medium reached by Dublin process turned into such a situation that could turn regional balances upside down by; PUK factors accepted Iran Revolutionary Guards around Sulaimaniya and upon that KDP went into cooperation with Baghdad administration and they captured first Erbil and then Sulaimaniya which was the heart of PUK¹²⁸.

¹²⁴ Baskın Oran, *op. cit.*, p.172.; Ümit Özdağ, *op. cit.*, pp.170-171.

¹²⁵ Ümit Özdağ, *op. cit.*, p. 172.

¹²⁶ Baskın Oran, *op. cit.*, pp.179-180.

¹²⁷ Sadi Berzenci, *a. mlf.*, p.200.

¹²⁸ Ümit Özdağ, *op. cit.*, pp.189-191. ; William R.Folk, *op. cit.*, pp.185-186.

While Saddam Hussein administration and Mesud Barzani administration were in conflict until a couple years ago, as the result of the new situation appeared, they started military actions together. On the other hand, PUK that was under the leadership of Celal Talabani who was looking for foreign support from the USA and who earned his position thanks to countries under the leadership of the USA, went into cooperation with Iran whom USA was trying to exclude from the international system. The USA administration who did not want Iran and PUK to become closer anymore without her control on, in order to take the initiative as she did in Dublin process and to create a balanced medium along her benefits in the region, called for a cease fire to Iraqi Kurdish factors. However, a permanent solution was not reached during the negotiations which continued until mid 1997 and went down in history as Ankara Negotiations under co-chairmanship of the USA and Turkey, only the agreement reached between the sides was cease fire¹²⁹. As different from the previous ones, the cease fire ensured with a broader range did not end current conflicts among Iraqi Kurdish groups and conflicts continued in a low rate.

3.3.2 Washington Treaty Process

Being not able to stop the conflict between KDP and PUK, considered as negative by the USA because of her long term policies in the region and for this reason the USA fully took the initiative and went into efforts to create a medium along her political benefits. With this aim, excluded Turkey from the process who; had to go into different relations with Turkmens in Iraq, Iraqi Kurds and with other countries in the region, and along this way, was trying to have a voice in the progress by applying her own politics, and then the USA invited conflicting sides to Washington for a meeting. The facts in the document called Washington Agreement; signed on September 17th 1998 with a ceremony hosted by Madeleine Albright, US Foreign Minister between Mesud Barzani and Celal Talabani who entered the agreement process since 1994 when the conflicts began, became the criteria guiding the following process¹³⁰:

- KDP and PUK are loyal to Iraq's land unity. Sulaimaniya, Erbil and Dohuk are a piece of Iraq.

¹²⁹ Erol Kurubaş, **“Irak Kürt Hareketi...”**, p.40.; Hakkı Öznur, *op. cit.*, pp.357-359

¹³⁰ Tuncay Özkan, *op. cit.*, pp.310-311.; A. Nazmi Çora, *op. cit.*, p.147.

- Both parties shall work to form a united, pluralist and democratic Iraq where human rights and political rights of Kurds will be secured.
- Both parties would like Iraq to be a federative country as Iraq's national union and land unity shall be kept.
- A High Coordination Council (HCC) will be established to; solve conflicts between sides, execute humanitarian aid works in the region, to form a government and a congress those are consistent with the election results in 1992, and regulate local elections.
- HCC shall establish cooperation between KDP and PUK to prevent violation of Iranian and Turkish borders.
- HCC shall establish a government which will be approved by the local parliament within 3 months.
- HCC will not tolerate PKK's presence in the region and PKK's violation of Turkish border to break peace and stability.
- Local congress will gather within 3 months in its building in Erbil and the members of this congress will be the ones who were elected in 1992.

In this connection, the USA administration that experienced contradiction about recognizing Iraqi Kurdish administrators during and after Gulf War, gathered both leaders in Washington and sustained these two conflicting groups in Northern Iraq reach an agreement under her supervision.

Points on which an agreement was reached in Washington treaty process predominantly and attracting attention are; keeping land unity of Iraq, determination of administration type as a federative state, and registering Kurds' situation in the possible federative state. Along this period, for the satisfaction of Turkey that was excluded from the process was only actions of the terrorist organization PKK would not be tolerated. As the seen topics are analyzed, the importance of this treaty for Iraqi Kurds becomes obvious. For this reason, Iraqi Kurdish factors have determined Iraq becoming a federative structure beginning from 1992 as the main goal, USA the protector of Kurds has declared to the whole world that she would follow such a policy along this direction and during the negotiations held in Washington the subject was signed. In this context, Iraqi Kurds went on their efforts in the direction of establishment of a federative state which was their goal by fulfilling the conditions of the treaty.

3.3.3 Progress after Washington Treaty

After the Washington Treaty in which turning Iraq into a federative structure was predicted and aimed, the USA administration continued her actions along this direction. “Law of Freeing Iraq” was made on October 31st 1998 and with this treaty, Iraqi opposing factors including Iraqi Kurds were granted an annual allowance of 98 million USD by the USA¹³¹.

As the result of compromising of conflicting groups after the treaty, a more balanced structure started to form in Northern Iraq and in this context, KDP and PUK officials gathered in Selahaddin on January 8th 1999 to establish the High Coordination Council to fulfill the clauses agreed in Washington Treaty and to sustain control¹³².

With the aim of fulfilling the requirements of Washington Treaty, sides had some gatherings from time to time. Besides, KDP that is effective on the administration of Erbil, made up a new government under prime ministry of Nechirvan Barzani who was Mesud Barzani’s nephew and possessed features like gaining support from Celal Talabani, who made his own administration in Sulaimaniya as the results of conflicts lasted for years and being the fourth government established since 1992¹³³. Celal Talabani has conveyed his support message to this new government but continued his current administration in Sulaimaniya. As the result of this, two headed administration process of Iraqi Kurdish factors which would continue till the 21st century has begun.

Together with Republican George W. Bush who took over presidency from the Democrat Party Member Bill Clinton by winning the US elections in 2000, point of view of the USA administration to the region started to change about Iraq turning into a federative state and being the protector of Iraqi Kurds. After George W. Bush won the presidency elections, Barzani and Talabani who could not have construct a union till then have sent a common letter to Bush. With this letter, both leaders have thanked USA for the aids she provided and requested strengthening of the gainings achieved. In addition to that, they requested that they would be considered in such an action process to turn Iraq and the region to a balanced,

¹³¹ Bayram Sinkaya, “II. Körfez Savaşı Sonrası Irak’ta Yönetimin Yeniden Tesisi”, *Gulf War II*, Compiled by: Mehmet Şahin, Mesut Taştekin, Platin Publishing, Ankara, 2006, p.384.

¹³² Tuncay Özkan, *op. cit.*, pp.311-312.

¹³³ Hakkı Öznur, *op. cit.*, pp.382-383.

democratic and pluralist structure by overthrowing of Saddam on the basis of a federative structure about their regions, and they expressed that they would always be in cooperation with the USA in this context¹³⁴.

Baghdad opposite Iraqi Kurdish factors has always realized their fights by leaning on a foreign support, thus they could move more comfortably. In this context, the letter written but Barzani and Talabani was prepared along these policies those were ongoing since past periods and still being applied.

Terrorist attacks were performed to World Trade Center and US Defense Ministry in New York City in USA on September 11th 2001. After the attacks which were accepted to end the 20th century, the USA administration performed “Operation Eternal Freedom” together with England on October 7th 2001 to Afghanistan where Osama bin Laden was whom USA took responsible for these attacks¹³⁵. Rumors started to be spoken by officials and non-officials that the second target of USA would be Iraq in accordance with USA’s determined foreign policies¹³⁶.

As the expectations increased in the direction that USA would intervene Iraq, the USA administration under the leadership of George W. Bush intensified their relations with opposing groups in opposing groups in Iraq. Two Kurdish groups in Northern Iraq, with the aims of; keeping their current position, strengthening their gainings in a possible intervention medium and secure their positions, have increased their relations with the USA that came to the position of their ally. In this context, KDP that was trying to legally secure them has prepared a constitution draft which contains the possibility of a federative Iraq that was their main goal¹³⁷. Following that; Iraqi Kurds, Barzani and Talabani gathered in Selahaddin on

¹³⁴ Mehmet Şahin, “**2003 Irak Savaşı ve Iraklı Kürtler**”, Gulf War II, Compiled by: Mehmet Şahin- Mesut Taştekin, Platin Publishing, Ankara, 2006, pp.284- 285.

¹³⁵ By this intervention, besides the USA administration ended the Taliban administration in Afghanistan by claiming they did not turn Osama bin Laden in, she had an excellent tool in Middle Asian geography where she can intervene the region. Sevinç Alkan Özcan, “**ABD’nin Afganistan Operasyonu ve Türk Dış Politikası**”, Avrasya Etudes, No: 27- 28, 2005, p.34.

¹³⁶ Cemalettin Taşkıran, “**Irak’a Müdahale, K.Irak ve Türkmenler**”, 2023 Magazine, No:13, 15 May 2002, p. 30.

¹³⁷ In this constitutional draft consisting of 77 clauses, it is accepted that Iraq had a federative structure, Kirkuk was the capital of the federated unit which was predicted as Kurdistan, and Turkmens, Chaldeans, Asurrians and Arabs were minorities. “**Barzani Hazırlattığı Anayasada Kerkük’ü Başkent İlan Etti**”, Zaman Gazetesi, 21.08.2002. , <http://arsiv.zaman.com.tr/2002/08/21/dis/h9.htm>; “**Kuzey Irak’ta Federasyona İlk Adım**”, Hürriyet Gazetesi, 20.08.2002, <http://webarsiv.hurriyet.com.tr/2002/08/20/169137.asp>

September 8th 2002 and took the decision for the congress to hold a meeting which became dysfunctional for a long time because of conflicts between two groups, on October 4th 2002 that was the anniversary of Kurdish Federated State declared in 1992¹³⁸. Two groups those were conflicting for a long time ended their conflicts to get gainings from the policies of the USA in the Middle East in order not to stay out of the process and increase their gains. In her Middle East policy determined by considering the basic parameters of the medium following the Cold War which was called by the USA as “New World Order”, regional countries who would like to be included for the solution were excluded by the USA. The USA has taken only the Kurd groups as respondent and in this way; Iraqi Kurdish groups came to this point with this awareness.

Kurdish factors those were aware of an intervention was inevitable, have gathered the Kurdish congress in Erbil on October 4th 2002 as decided before¹³⁹. In the reopening ceremony of the Kurdish congress, François Mitterrand’s wife Danielle Mitterrand who was defined as “Mother of Kurds” by Mesud Barzani and Celal Talabani, made a speech and by sending a message to US Foreign Minister Colin Powell and congratulated the Kurdish leaders¹⁴⁰. In the elections held following the opening ceremony that was realized after a long time; Dr. Nuri Şair a member of KDP was chosen as the Chairman, Behram Emin a PUK member was chosen as the Prime Minister in Nechirvan Barzani who was Mesud Barzani’s nephew besides, distribution of memberships of the congress was accepted as it was in 1992 elections, as stated in Washington Treaty¹⁴¹. In this way, chairmanship was given to KDP and prime ministry was given to PUK by the Kurdish Regional Government as it was in 1992. In the picture formed, Iraqi Kurdish groups showed to the whole world that they left conflicting among them before USA’s intervention to Iraq and they also declared that they fulfilled all the clauses stated in the Washington Treaty by the USA, and started USA’s intervention to Iraq just like the rest of the world.

¹³⁸ Mehmet Şahin, **a.g.m** ., p.290.

¹³⁹ “Kürt Liderler: Bağımsız Devlet Peşinde Değiliz”, Hürriyet Gazetesi, 4 October 2002, <http://webarsiv.hurriyet.com.tr/2002/10/04/189345.asp>

¹⁴⁰ Hakkı Öznur, **op. cit.**, s.399-403.; For full text of Colin Powell’s message V.: Tuncay Özkan, **op. cit.** , pp.316-317.

¹⁴¹ “6 Yıl Sonra Yeniden”, Sabah Gazetesi, 5 October 2002, <http://arsiv.sabah.com.tr/arsiv/2002/10/05/s1813.html>

3.4 PROGRESS AFTER INVASION OF IRAQ BY USA

Following the intervention of Afghanistan, in the period in which intervention to Iraq was turning out to be clearer in the context of the decision taken by the USA administration, the USA grounded the intervention on mass destruction weapons possessed by Iraq. In order to make the USA public opinion and the whole world believe in the arguments, a serious campaign was followed by the president of the USA George W. Bush, Defense Minister Donald Rumsfeld and the new conservative section (neo-con) supported by vice president Dick Cheney to make believe that; Iraq had nuclear and mass destruction weapons, also had vehicles to launch them, and Iraq was a mortal threat for the USA¹⁴². Hans Blix; the president of (UNMOVIC) United Nations Monitoring Validation and Inspection Commission that was constructed to inspect the mass destruction weapons forming the basis of the argument, who has been working in Iraq since November 2002 by the authorization given by UN Security Council, his explanations about no mass destruction weapon was found in Iraq could not convince Bush administration¹⁴³. As the result of this, the invasion process of Iraq that started with an air attack on March 20th 2003, ended on April 16th 2003 by the declaration of US president George W. Bush as Iraq was saved¹⁴⁴.

USA had some negotiations with Turkey in the process before the invasion to be able to open a front to Northern Iraq. As the result of these negotiations, official letter¹⁴⁵ prepared by the cabinet of the current Turkish government and containing clauses like; “Sending Turkish Armed Forces to foreign countries, presence of factors of foreign armed forces in Turkey within international legitimacy rules as maximum 62.000 troops, 255 planes and 65 helicopters temporarily for 6 months; positioning of foreign land, air and naval forces to be used in a possible operation which will come to Turkey with this aim; air force factors using Turkish air space only with the aim of upper flight” was not accepted in Turkish Grand National Assembly with the votes; 264 yes, 250 no and 19 abstaining¹⁴⁶. Retired Ambassador

¹⁴² Colin Powell Foreign Minister of the USA who explained these claims to UN Security Council and to the whole world via CNN on February 5th 2003, as it was revealed that the claims had nothing to do with the truth, he apologized because he misled UN Security Council and the American people in May 2004. William R. Folk, **op. cit.**, pp.187-190. ; Ramazan Gözen, **a. mlf.**, pp.56-57.

¹⁴³ William R. Folk, **op. cit.**, p.188.

¹⁴⁴ William R. Folk, **op. cit.**, p.190.

¹⁴⁵ V., Full Text of Letter of March 1st, App VI

¹⁴⁶ Mustafa Balbay, “**Irak Batakliginda Turk- Amerikan Iliskileri**”, Istanbul, 2004, p. 156

Deniz Bölükbaşı who was the letter negotiator at that time explained the content of the letter as follows¹⁴⁷:

“The USA officials gave us a short text which could not be counted even as a frame that looked like regulations made for a NATO exercise. We told them that it had to be based on a text possessing a legal binding in case they would join a military operation at that size in Turkish land and air space. Vital importance of that memorandum was about the operation. There were 3 basic topics. The first one was the regions in which Turkish troops would enter Northern Iraq and their functions. The USA officials did not want Turkish troops to enter Iraq since the very beginning. In case Turkish troops did, the USA officials wanted them to be small in number and under US command. Turkey would proceed for 20 km, it was said that that was not very important, that was the depth. Right, but that was in a bow shape reaching till Hayak Valley. All regions that PKK located on, logistics and supply depots and passes were within this bow. We negotiated being in that region and added its map. This clause was accepted.

In that period, according to their request the number of US troops to be located in Turkey was 61.412. An equivalent mass of Turkish troops were also mobile in the region. In this bow line we had about 2000 Special Forces troops. As far as I know, they do not exist today. After Sulaimaniya event, the very few left of them were also moved to Turkey.

Turkish forces would not come face to face with Iraqi forces. In case of a human migration, measures would be taken to prevent them come to Turkish border. We did not intervene about the number. But this region was such a region in which 20 – 30 thousands of Turkish troops could be located. If of a conflict between Iraqi groups in the region that was in the south, in case Turkmens are under a threat in Kirkuk, a tactical and an operational cooperation would be established with US forces and pass to the south. USA and Turkey would exchange information in time about the actions of opposite groups out of this region.

The third basis topic was the regulations about under which conditions would Turkish troops go to armed conflict. We would not go to conflict with Iraqi forces; we would not go to conflict in other regions under normal conditions. There was no problem here, but the USA

¹⁴⁷ <http://www.haber10.com/haber/75189/>, Access: 11 November 2011.

committee put an unacceptable and hard to understand clause as we would go to conflict with terrorists like PKK only in case of defending situation.”

While leaving Turkey alone in the military operation who claimed in every opportunity that she was an ally of Turkey was reacted strongly, it was reacted with joy by the Iraqi Kurds. The reason for this was, by the rejection of the letter entry of Turkish troops to Northern Iraq was prevented and as the result of this Kurdish factors became the most important for USA's Northern front. Thus, they had the opportunity to act comfortably by the support given by the USA¹⁴⁸.

Additionally, results of the rejection of the letter might be expressed as follows:

- Turkey had the chance; to be on Iraq stage and to form a buffer zone in Northern Iraq against PKK terrorism, to end PKK terrorism, to shape and construct Iraq after the war, but by the rejection of Letter of March 1st, she lost her chance.
- By the rejection of the letter, Turkey that expressed that she was an ally of the USA in every opportunity, left USA alone in this process and Iraqi Kurdish factors who took the advantage of the vacuum in the medium became the most important ally in the Northern front of Turkey.
- PKK terrorism that diminished according to the past periods started to increase again.
- The rejection of the letter shook the relations between Turkey and the USA seriously. According to the USA, rejection of the letter caused; the war to last longer, increase in financial losses and the resistance become stronger than expected.
- The USA that was left alone; looked on changing of demographic structures of the regions in which Turkmens live by bringing 700.000 Kurds from outside, and violation of human rights like pressure, cruelty, arrests without reasons, assimilation applied to Turkmens.
- Kurdish factors who became the only ally of the USA invaded Kirkuk on April 10th and Mosul on April 11th.

While reconstruction was going on in Iraq after the rejection of the letter, a period in which rate of violence increased a lot in Northern Iraq has started. With the effect of the negative and strained medium brought by the rejection of the letter, as the result that Iraqi Kurdish factors became the most important ally, a very first thing happened in Turkey on July 4th

¹⁴⁸ Mehmet Şahin, **a. mlf.**, p. 296.

2003. The USA troops raided the office in which Turkish Special Forces worked with the help of Kurdish peshmargas and with the argument that they would arrange an assassination to Kirkuk's governor, arrested Turkish soldiers consisting of 3 officers and 3 non commission officers, took them to Kirkuk and interrogated them for hours by putting a sack on their heads¹⁴⁹. This event caused a big strain between Ankara and Washington and upon that Turkey closed the border gate Habur¹⁵⁰. As the result of diplomatic efforts, Turkish soldiers were set free on July 6th 2003¹⁵¹.

3.4.1 Building Process of New Government in Iraq, Temporary Law and 2005 Elections

What would Iraq's government type be started to be negotiated following invasion of Iraq by Iraqi opposing factors and USA officials. In this context, in December 2002 in London and on February 22nd-23rd 2003 in Selahaddin, some meetings were held but no agreement was reached¹⁵². About this subject, the USA administration that wanted to govern Iraq with a civil administration, assigned retired General Jay Garner as the chairman of Reconstruction and Humanitarian Aid Office. In this context, Jay Garner met Kurdish Leaders Mesud Barzani and Celal Talabani on 22nd-23rd 2003 and asked for their support for the new administration that will be established¹⁵³. Iraqi Kurds expressed that they requested a federated Iraq just like in every documents that was signed about Iraq's structure since 1992. In the determination process of Iraq's new structure, the USA administration dismissed Jay Garner and closed down Reconstruction and Humanitarian Aid Office and established Temporary Coalition Administration (TCA)¹⁵⁴.

After Paul Bremer started his job on May 2003 following his assignment, he had some meetings with some Iraqi ethnic, religious and political groups about how Iraq's administration will be in Iraq that was under USA invasion. As the result of these meetings, Iraqi Administration Council (IAC) was established that consisted of 25 Iraqi people from Iraqi factors on July 13th, and on July 30th a presidency council consisting of 9 people

¹⁴⁹ Turan Silleli, "Buyuk Oyunda Turkiye-Irak Iliskileri", Istanbul, 2005, p.216

¹⁵⁰ <http://arsiv.ntvmsnbc.com/news/223196.asp>, Access: 11 November 2011

¹⁵¹ <http://www.milliyet.com.tr/content/dosya/almanak2003/index.asp?kategori=turkiye&Ay=7>, Access: 11 November 2011

¹⁵² Bayram Sinkaya, *a. mlf.*, pp.384- 385.

¹⁵³ Peter Galbraith, *op. cit.*, pp.115-116. ; Tayyar Arı, *op. cit.*, p.514.

¹⁵⁴ Bayram Sinkaya, *a. mlf.*, pp.388-389

including Mesud Barzani the leader of PUK and Celal Talabani the leader of PUK. On this occasion, Iraqi Kurdish factors who; were not recognized by any country and had a two headed administration, came to critical points in the new administration that is being established following the invasion of Iraq by the USA. The point that Kurds have reached by now that is even temporary has the feature of the following points that they will reach in the future.

Iraqi Kurdish factors were able to come to important positions in the new administration, because that they followed closest policies to USA before the invasion and supported Iraq's unity. In Iraq after the invasion, on November 15th 2003, in the context of a determined calendar predicted between IAC and TCA under the leadership of Celal Talabani, a treaty predicting that the administration would be fully left to Iraqis. In addition to that, on March 8th 2004 Transition Period Iraq State Administration Law (TPISAL) was signed between IAC and TCA, along this law a temporary government was established in June 2004 in which Iyad Allawi was prime minister, Berham Salih from PUK was vice prime minister responsible for security, and Hosyar Zebari from KDP was foreign minister. As pointed by the transition period law, on January 30th 2005, elections were held for Iraq National Congress with 275 chairs¹⁵⁵. In the elections which were boycotted by Sunnite groups, KDP and PUK set an alliance both for Iraqi National Congress and regional Congress, and they won 75 chairs by getting 26 % of the votes, in the regional congress they won 82 chairs out of 111 by getting 73, 8 % of the votes¹⁵⁶.

During the preparation of the interim constitution, main requests of Kurds were:

- Laws in Northern Iraq should be over federal laws,
- Acceptance of Peshmergas as a regional military force,
- Control of natural resources,
- Solution of land problems,
- Control of customs gates,
- A reasonable balance in the regulation of state and religion relations,
- Presidency, Treasury and Domestic Ministries,
- Inclusion of Kirkuk to Kurdistan Federal Region,

¹⁵⁵ Bayram Sinkaya, **a. mlf.**, pp.391-399.

¹⁵⁶ Mete Cubukcu- Taha Ozhan, "Isgal altindaki Istikrar Arayislari- 2010 Irak Secimleri", Seta Analysis, No 20, April 2010, <http://www.setav.org/ups/dosya/29476.pdf>, Access:9 November 2011, pp.13-14.

- Increasing oil share from 17 % to 25 %.

Iraqi Kurdish factors who continued their actual administration that its past goes back to 1992, with the TPISAL accepted on March 8th 2004, increased their gains and they could enter the elections on January 30th 2005. Parts and titles of TPISAL declared on March 8th are as follows:

- Part 1: “Basic Principles” (clauses 1-9),
- Part 2: “Basic Rights” (clauses 10-23)
- Part 3: “Iraq Transition Administration” (clauses 24-29)
- Part 4: “Transition Period Legislation Authorization” (clauses 30-34)
- Part 5: “Transition Period Executive Authorization” (clauses 35-42)
- Part 6: “Federal Justice Authorization” (clauses 43-47)
- Part 7: “Private Court and National Commission” (clauses 48-51)
- Part 8: “Regions, Governorships and Regional Administrations” (clauses 52-58)
- Part 9: “Transition Period” (clauses 59-62)

Main clauses of the constitution regarding out topic are as below¹⁵⁷;

Clause 1:

“Republic of Iraq is an independent and Dominant state. Administration type is republican, federal and parliamentary democracy.”

Kurdish factors in Iraq and other opposing factors reached their goal with this clause; Iraq was defined as democratic, federal and parliamentary republic, thus, its federated and autonomous structure was approved.

Clause 2:

“Official religion of the state is Islam and this is the main source of living

1. a. “No law that conflicts the unchangeable rules of Islam can be made.”

“Iraq is a country consisting of several nations, religion and denominations and is a part of Islam”

¹⁵⁷ <http://www.politikamerkezi.org.tr/tr/calismalarimiz/konferanslar/189--irak-anayasas-balamnda-bueyuek-ortadou-projesi->, Access: 11 November 2011

Official religion of the state defined is Shiite Islam and it is shown that there is a close relation between the state and religion

Clause 4:

“Official languages of Republic of Iraq are Arabic and Kurdish.

In the present context of education rules, rights of Iraqi people are secured to have their children learn Turkmen, Syrian and Armenian in state schools.”

With this clause, two official languages (Arabic and Kurdish) were stated in Iraq, thus these groups those were almost not represented in state administration and could not have their cultural rights, were given broad rights. With this clause, it can be seen that how Kurds are effective in the period after Saddam Hussein.

Clause 23:

“Private property is secured. Property owners may take the advantage of their properties within the borders of the law and they may save at will. No one’s properties may be seized unless they are given an adequate compensation for commonwealth.”

a. Iraqi people have the right to own a property on any part of Iraq. Non Iraqi citizens may not own any property except for exceptions stated in the law.

b. It is illegal to buy property to change the demographic structure.

With this clause, changing the demographic structure back in the favor of Turkmen that was previously changed in the favor of Kurds is prevented.

Clause 111:

“Oil and natural gas present in Iraq is the property of Iraqi people who live in the region and cities.”

This clause which is far away from a clear expression and also from the clearance is very important in terms of Kirkuk that the Kurdish Regional Government wanted to include to its lands. Presence of the expression “present” in the clause does not bring any clarity to the sources that will be found in the future, where in the clause that present resources are not

clear. The clause that expresses the present resource as “Iraqi people’s”, non Iraqi people is banned to own oil.

Clause 112:

1- *“Federal Government performs the concession of oil from the current reservoir by sustaining cooperation with regional governments and cities. The incomes gained from these are allocated to the whole population in justice in accordance with their population. Regions those experienced loss by the ex regime inequitably or regions which suffered loss later, are given shares to sustain their development. This topic is arranged by a law.”*

2- *“Federal Government and Regional and City Governments come together and determine the necessary strategy and policy to develop oil and natural gas reservoirs by using the current best technology to provide the best benefit to the people of Iraq.”*

Clause 112 is among the clauses that discussed the most. By using the “current oil reservoirs” in Item 1 just like in the previous Clause, the future of oil that will be found in the future is not clarified, and relevant legal regulation is not placed. For example; 40 million barrels of total 112 billion barrels in the current 80 oil resource is out of this “current” definition because that it is not in use. For this reason, The issue of; resources those are not in use and those will be found in the future are being prepared to be submitted to foreign oil companies, are one of the controversial fields of this clause. In addition to all, it is stated that regional and city governments shall confess oil by establishing cooperation or in case of conflict, it is not stated in any law that which corporations shall deal, and the topic is left pending.

In clause 2, there is uncertainty on by whom the development of oil and natural gas reservoirs shall be realized for the benefit of Iraqi people. These uncertainties cause strain between Kurdish Regional Government and the central government both in the past and now.

Clause 114:

“Administration and regulations of the customs are performed by sustaining cooperation between the federal government and the regional government.”

Just like in clause 112, besides oil and natural gas, it is stated that it will be acted with cooperation about the customs which are economically important.

Clause 115:

All authorizations those are not within the duty field of the federal authorities are given to the regions and cities those are not included in a region. In case a conflict arises about the usage of other authorizations between Federal authorities and regional and city administrations, Region and City laws are valid.

With this clause the regional administrations are authorized to make regulations out of the authorization field of the federal government, and even they are authorized to apply their own decisions in case of a conflict with the federal government's decisions. This clause gives the regional administrations very vast authorizations.

Clause 117:

1) *"After this constitution is valid, it accepts the current authorities of Kurdistan as a federal region."*

2) *"This constitution recognizes new regions those will be formed in accordance with its arbitrations."*

With this clause, Kurdish Regional Government is recognized as Federated Kurdish Region of Federated Republic of Iraq.

Clause 119:

"In case it is requested by one or more cities as stated below, it is possible to form a region with a referendum.

1. Upon the requests of 1/3 of each city congresses which want to form a region,

2. Upon the requests of 1/10 of voters who wants to form a region."

With this clause, borders of any region is brought to be possible with a referendum that would be held in neighboring cities, and with conditions 1 and 2 added, this expansion is made possible with a simple group. In this way, Kurdish Regional Government went into the effort of including the cities in which Kurds are majority and where they had the majority in city congresses.

Clause 120:

“Sphere of duties of the regional authority and a regional constitution which determines application of these are prepared in a way that they won’t from an opposition to the federal constitution.”

While this clause determines the shapes and conditions of constitutions that should be prepared by the Regional Administrations, on the other hand it accelerated the activation of the constitution which was already prepared previously by the Kurdish Regional Governments.

Clause 121:

1) *“In this constitution Regional Authorities are allowed to use their legislation, execution and judgment powers except for the topics those are definitely within the sphere of duties of the federal authority..”*

2) *“In case a conflict occurs between the federal law and the regional law, in a topic that is out of the authorizations of the federal authority, regional authorities has the right to correct the application of the federal law in the region.”*

3) *“Regional administrations are given fair shares by the federal administration those are enough to fulfill the responsibilities and duties they have undertaken in the regions. While doing this, the resource needs and the population of the region is considered.”*

4) *“In order to follow the factors about culture, sociality and development, offices will be opened in Iraqi Ambassadors and diplomatic missions for the regions and cities.”*

5) *“Regional Government is responsible for meeting all administrative needs of the region primarily starting from police, security forces and regional guards.”*

In the first and second items of this clause, Regional Administration has the right to use the 3 main powers of the state in its own region within its own initiatives and in this way, and registers its own domination. Additionally, as it was especially mentioned in clause 2, Regional Administration is placed above the federal authorities.

In the 3rd item, it is stated that the Regional Administration would be given share from the federal government’s sources beside its own economical sources.

In item 4, it is stated that Regional Administration would be enabled to be represented and recognized in foreign countries, and necessary grounds would be formed.

With item 5, Kurdish Regional Government is stated authorized to establish and organize its own armed factors and in this way, current peshmergas were sustained to stay as the security units.

Clause 140:

1) *“Judgment organ takes necessary steps to complete the application of clause 58 of TPISAL with all sub clauses.”*

2) *“Topics applied within the responsibility of the Temporary Government in clause 58 of the Transition Period Law, are maintained until all is fulfilled by the judgment organ in accordance with the constitution. These studies are continued until holding a referendum in Kirkuk and in other conflict regions for bringing to previous situation, population census and how they will be ruled (at latest 31.12.2007).”*

In Clause 140, it is pointed that Kirkuk problem and the status of the city should be solved within clause 58 of the transition period Administration Law. The content of the mentioned clause 58 is as follows; damages caused by the Arabization policy during BAAS regime will be covered, ethnic map of the cities, especially Kirkuk will be determined, negations developed towards changing the demographic structures of the cities will be removed, for this purpose immigrated people in the past by force will be returned their own regions, real estates of these people which were seized will be given back, in case they are not returned these will be compensated by the state, conflicts about the city’s administrative borders will be solved and finally a population census will be performed in the city¹⁵⁸.

With this clause, Kirkuk’s final status i.e. to which region it will be bound was left to Permanent Iraqi Constitution and 2 years after fulfilling of the requirements stated in the Transition Period Law, it was stated that Kirkuk’s final status would be determined. But Kurds used the subject to their favor and there was a dense Kurdish migration to the city. Encouraging of the Kurdish Regional Government the Kurdish migration by grounding on

¹⁵⁸ <http://www.turansam.org/makale.php?id=207>, Access: 11 November 2011

this clause, would cause Kirkuk go under Kurdish control, thus this would cause they would own oil control and strengthen their autonomy¹⁵⁹.

In this context, it is stated that a referendum should be held until the end of 2007, before that “normalization” process should be completed. In this context, the progress called “normalization process” by Northern Iraqi Kurdish groups are; sending Arabs who were located in Saddam Hussein’s era where they came from, sustaining return of Kurds who were migrated from Kirkuk by force and changing administrative borders of the city. In order to strengthen their own autonomy and economy by Kurdish Regional Government Kirkuk was turned into an encounter field since the beginning of the invasion and in the reports about Kirkuk it is claimed that the demographic structure of the city was changed by force and there was the possibility of increasing ethnic conflicts in the city day by day.

Clause 141:

“The laws made in Kurdish Region since 1992 shall be valid. Decisions taken by Kurdistan Regional Government including court decisions and trade agreements, unless they are changed, cancelled by Kurdistan Regional laws and conflicted with this constitution, they shall stay valid.”

With this clause; the Kurdish Regional Government claimed in 1992, laws made by them, court decisions taken and the whole trade agreements signed after this date earned validity, and accepted as valid and official.

Clause 143:

“Following the establishment of New Iraqi Government, Transition Period Law and documents forming annex are cancelled except for clauses 53/a and 58.”

Clause 58, mentioned in this clause, is about Kirkuk as seen in the clause above. Clause 53/a is about Kurdistan Region and is stated that “regions” might be established which may consist of maximum 3 cities except for Baghdad and Kirkuk¹⁶⁰. With this judgment Kurdish Regional Government is defined as the official government consisting of Dohuk, Erbil, Sulaimaniya,

¹⁵⁹ <http://www.milliyet.com.tr/2005/01/02/son/sondun12.html>, Access: 11 November 2011

¹⁶⁰ http://www.rizgari.com/modules.php?name=Rizgari_Niviskar&file=print&id=265, Access:11 November 2011

Kirkuk, Diyala and Nineveh (Mosul) ¹⁶¹. On the other hand, it means that Kurdish Regional Government is out of subject between the sides whose presence was a conflict topic, which was de facto established to be present in the constitution, their presence and legal validity was accepted by the other side or Kurdish Regional Government is officially recognized ¹⁶².

10 days after opening of the votes on October 15th 2005 the Interim constitution was accepted in Iraq with the votes of 78% of 10 million voters. Distribution of the votes is given below:

Governorate	Votes	% For	% Against
1 Baghdad	2.120.615	77,70%	22,30%
2 Salah ad Din	510.152	18,25%	81,75%
Claimed partly by, but not yet part of, Kurdistan Autonomous Region			
3 Diyala	476.980	51,27%	48,73%
Claimed partly by, but not yet part of, Kurdistan Autonomous Region			
4 Wasit	280.128	95,70%	4,30%
5 Maysan	254.067	97,79%	2,21%
6 Al Basrah	691.024	96,02%	3,98%
7 Dhi Qar	462.710	97,15%	2,85%
8 Al Muthanna	185.710	98,65%	1,35%
9 Al Qadisyah	297.176	96,74%	3,32%
10 Babil	543.779	94,56%	5,44%
11 Al Karbala	264.674	96,58%	3,42%
12 An Najaf	299.420	95,82%	4,18%
13 Al Anbar	259.919	3,04%	96,90%
14 Ninawa	718.758	44,92%	55,08%
Claimed partly by, but not yet part of, Kurdistan Autonomous Region			
15 Dahuk	389.198	99,13%	0,87%

¹⁶¹ Sadi Çaycı, “Kerkük’ün Hukuki Durumu”, Stratejik Analiz, Şubat 2006, p.53.

¹⁶² http://www.rizgari.com/modules.php?name=Rizgari_Niviskar&file=print&id=265, Access: 11 November 2011

16 Erbil	830.570	99,36%	0,64%
17 At Ta'min (now Kirkuk)	542.688	62,91%	37,09%
18 As Sulaimaniya	723.723	98,96%	1,04%
Total	9.851.291	78,59%	21,41%

Following the acceptance of referendum, elections were held for Iraqi National Congress on December 15th 2005, KDP and PUK entered the elections by an alliance and won 53 chairs in the congress consisting of 275 chairs. As voting performed in the accepted constitution referendum and held election, and the results are considered it can be observed how Kurdish factors will be effective about governing of Iraq.

3.4.2 2005 Elections and Process after the Acceptance of the Constitution

About 10 millions of voters voted in the constitution referendum held in 2005. Kurds who were in the position of the most important ally of the USA became the most advantageous group and privileged minority after two elections and one constitution referendum held in that year since Saddam was overthrown. With the new constitution prepared, Kurds legalized the autonomy they earned in Northern Iraq and continued their institutionalization. With the help of dominancy they had in the Kurdish congress in Northern Iraq and in provincial council, Kurdish Regional Government that continued their administration by Iraqi administration via official channels, strengthened their presence in Northern Iraq. Political gains of Kurds who became a privileged minority with this position that they strengthened, started to affect Turkey, Iran and Syria closely, where Kurds also lived. In the period where Iraqi Kurdish leaders Barzani and Talabani saw their political power and privileged status a historical opportunity in the new political system for full independence, and after Celal Talabani became the president of Iraq and Barzani became the Chairman of Kurdish Regional Government, the conflict between KDP and PUK was set aside and they officially went into a formation process again¹⁶³. Kurdish nationalism argued by Iraqi leaders in the region was accepted under protection of USA abut completely out of Turks and Arabs. Iraqi Kurdish factors could not have set aside the competition in this process where they continued their

¹⁶³ Gareth Jenkins, “**Turkey and Northern Iraq: An Overview**”, Jamestown Foundation Occasional Paper, February 2008, <http://www.jamestown.org/uploads/media/Jamestown-JenkinsTurkeyNIraq.pdf>, Access:13 November 2011 p:11

institutionalization, but in order not to miss the opportunity provided by the situation where they were in, they managed to sweep this competition under the rug.

Thanks to this success, KDP and PUK who entered the elections on December 15th 2005 with an alliance under the name of Kurdistan National Democratic List, got 89, 55 % of 1.753.919 valid votes and earned 104 chairs in Kurdish Congress consisting of 111 chairs¹⁶⁴. Negotiations were held to end the scene of the two headed administration of Kurdish Congress in Sulaimaniya and Erbil. 6 months after the elections on May 7th 2006, PUK in Sulaimaniya and KDP in Erbil combined under the same roof under Kurdish Regional Government, under prime ministry of Nechirvan Barzani a member of KDP and Mesud Barzani's nephew and vice prime ministry of Omar Fattah a member of PUK¹⁶⁵. In the new government; Ministries of Justice, Education, Health, Social Affairs, Religious Affairs, Water Sources, Transportation, Public Works, Planning and Human Rights belonged to PUK, and ministries of Treasury, Peshmerga Affairs, Higher Education, Agriculture, Martyrs, Culture, Electricity, Natural Resources, Youth-Sports, Community Affairs and Foreign Affairs belonged to KDP¹⁶⁶. When the ministry structure in this government was observed, KDP under the leadership of Mesud Barzani owned ministries like Foreign Affairs, Treasury, Natural Resources and Peshmarga Affairs, this situation might be evaluated as the effort of protection of Mesud Barzani against Celal Talabani who is the president of Iraq.

Regional Administration whose two headed situation was eliminated after the elections, made an Investment Law on July 6th 2006 as they have seen that they could place themselves on a stronger ground, in such a medium where they acted more comfortably with the officiality status provided by Iraqi Constitution compared to their situation before the invasion¹⁶⁷. According to that law, some opportunities were provided as follows; foreign companies could own 100 % of the companies in the region, they could buy properties, they would be excluded

¹⁶⁴ Iraqi Kurdistan Islamic Group won 6 chairs and independent members won 1 chair. "Session Minutes, Second Term 2005", http://www.kurdistan-parliament.org/default.aspx?page=site_contents&c=Parliament-History2005, Access:12 November 2011

¹⁶⁵ Gareth Stansfield, Robert Lowe, Hashem Ahmadzadeh, *a. mlf.*, p.5.

¹⁶⁶ Among these ministries ministers from both KDP and PUK took place in Treasury, Peshmerga Affairs, Justice and Domestic. Additionally, Turkmens and Assuris won 1 ministries each and the rest ministries were given to the lists in Kurdish regions. Hasan Yilmaz, "Kuzey Irak'ta Ortak Yönetimin Geleceği", *Stratejik Analiz*, June 2006, p.86

¹⁶⁷ For full text of Investment Law V.: http://www.krp.org/uploadedforms/_InvestmentLaw_en.pdf, Access:12 November 2011

from income tax and customs tariffs for 5 years¹⁶⁸. Nechirvan Barzani, Prime Minister of Regional Administration expressed that the private sector that was accepted as the locomotive of economical expansion in the region would strengthen their economy more within the context by the law made¹⁶⁹.

Although Iraqi Kurds had a de facto administration since 1992, they have been affected indirectly by the conflict periods and economical embargos laid on Iraq. With illegal incomes they got in the regions where they acted de facto, they could create some economical actions. Although they dominated de facto, the Regional Administration started to establish a regular economical system where they couldn't establish on their own land, by grounding on a more concrete basis in legal ways provided by Iraqi constitution. As it can be understood from the words of Nechirvan Barzani above, Regional Administration sees the private sector as the locomotive for the aimed economical system, and with the laws made, foreign investors are given priorities. In fact, until the end of 2007 on the land of Kurdish Regional Government; 1.107.500.000 USD of total 7.577.304.612 USD licensed investment was directly realized by foreign investors¹⁷⁰.

Regional Administration that was trying to construct a concrete infrastructure for a concrete base, continued to make the necessary regulations to form this infrastructure. Among these regulations, Oil and Gas Law dated August 6th 2007 was the most reacted¹⁷¹. As it was stated in the previous chapter; for the reason that it was stated in Clause 112 of Iraqi Constitution as *“Federal Government performs the concession of oil from the current reservoir by sustaining cooperation with regional governments and cities. The incomes gained from these are allocated to the whole population in justice in accordance with their population. Regions those experienced loss by the ex regime inequitably or regions which suffered loss later, are given shares to sustain their development. This topic is arranged by a law.”* Kurds took an uncompromising attitude and they prevented a regulation about natural resources. Despite

¹⁶⁸ Michael M. Gunter, **“Changing Dynamics in the Kurdistan Regional Government (KRG) of Iraq”**, Journal of South Asian and Middle Eastern Studies, Vol:XXX, No:1, Fall 2006, p.6.

¹⁶⁹ Nechirvan Barzani, **“The Kurdistan Region Invest in the Future”**, The Kurdistan Region: Invest in the Future, 2008, http://www.krg.org/uploads/documents/Invest_in_the_Future_2008.pdf, Access:12 November 2011, p.15.

¹⁷⁰ **“Kurdistan Regional Government-Iraq Board of Investment Licensed Projects”**, December 2007, <http://kurdistaninvestment.org/files/sitecontents/170208111517.pdf>, Access:12 November 2011

¹⁷¹ For full text of Oil and Gas Law V.: http://www.krg.org/uploadedforms/_OilGasLaw_en.pdf, Access:12 November 2011

that, the Regional Administration made its own oil and gas law by grounding of this clause of the constitution.

Before any relevant regulation was not made by the Central Administration, the Regional Administration¹⁷² has signed agreements with 6 companies a year before making it sown Oil and Gas Law, and such an attempt was not accepted by the Central Administration which wanted to own one oil policy and prevent off hand production¹⁷³. Among the reasons of non acceptance of the law consisting of 61 clauses by the Central Administration¹⁷⁴, it was said that there were clauses like; petrol reservoirs were separated as “current” and “future”¹⁷⁵, it was stated that a coordination would be set with the federal government about management of oil and gas confessed from the “current” reservoirs¹⁷⁶, all incomes gained from oil and gas would be accepted as the general income of the region until the things stated in item 19 of this law would be applied, and they would be bound to regional congress¹⁷⁷. In addition to that, the main reason that the Central Administration did not accept the Oil and Gas Law made by the Regional Administration resulted from the Regional Administration made its own law before such a regulation was made although it was stated in Iraqi Constitution that applications about oil and gas would be determined by a law. The Oil and Gas Law made by the Regional Administration caused an opposition to the clause in the Federal Constitution.

With the acceptance of Iraqi constitution, the red lines “sustaining Iraq’s land unity” and “Turcoman policy” strategies stood by Turkey have mainly lost their meanings. Iraqi policy that was focused on only terrorist organization PKK and especially the flexible equilibrium policy which was brought by the strain in relations of the USA and Turkey in 2005 caused Turkey become ordinary in the Middle East and lose her persuasiveness. The Regional Administration aimed different gainings for Kurds with the oil and gas law. Among these; decreasing of 17 % share due to several cuts thus compensation with this oil and gas law, and

¹⁷² “Oil for Soil: Toward A Grand Bargain On Iraq And The Kurds”, International Crisis Group Middle East Report N°80, 28 October 2008, [http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/80_oil_for_soil___toward_a_grand_bargain_on_iraq_and_the_kurds.pdf](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/80_oil_for_soil___toward_a_grand_bargain_on_iraq_and_the_kurds.pdf), Erişim:4 Kasım 2011, s.17.

¹⁷³ Henri J Barkey, “Preventing Conflict Over Kurdistan”, Carnegie Endowment for International Peace, 2009, http://carnegieendowment.org/files/preventing_conflict_kurdistan.pdf, Access: 13 November 2011, s.15.

¹⁷⁴ Oil and Gas Law, Clause 15.4.

¹⁷⁵ Oil and Gas Law, Clause 15.4.

¹⁷⁶ Oil and Gas Law, Clause 15.4.

¹⁷⁷ Oil and Gas Law, Clause 15.5.

hope for finding new protector countries to sustain stability via these companies due to oil and gas treaties those will be signed by big foreign companies¹⁷⁸, might be counted. The Regional Administration being very insistent to cover itself is a clear indication for lack of trust to the Central Administration. Besides, as the Regional Administration acted like this and tried to increase its gainings, the worries about sustaining a concrete economical structure and following that declaration of independence are valid for all surrounding factors, thus the Regional Administration is being watched carefully.

3.4.3 Kirkuk and Controversial Areas

Kirkuk was the subject that was dwelled upon the most among the fields after invasion of Iraq by the USA. Although Iraqi Kurds wanted to take Kirkuk under their dominancy and wanted to realize this with the help of the USA, Kurds could not manage that both because of internal dynamics of Iraq and surrounding countries which see this as the basic of an independent Kurdish state. Kirkuk being such important brings the obligation of observation of Kirkuk.

Kirkuk flag which is bound to Mosul city was a region where several cultures and civilizations met because it is located on an important point of the Middle East. The first written documents of human history and information formed during transition to organized society were first found in this region¹⁷⁹.

Mosul – Kirkuk region has been shown in the AL Jazeera region apart from Iraq in western sources until the end of World War I¹⁸⁰. Kirkuk which was comparably a smaller administrative structure in Ottoman times; while Mosul, Erbil and Sulaimaniya formed city of Mosul¹⁸¹, by the term the 1957 population census was made which was shown as the ground point in arguments about Kirkuk, it was turned into a city consisting of Kirkuk, Çemcemal, Kifri and Tuzhurmatu apart from Mosul¹⁸². After Iraqi coup in 1958, for the reason that

¹⁷⁸ “Oil for Soil...”, p.15-18.

¹⁷⁹ Ismet Binark, Necati Gultepe and the others, Republic Of Turkey Presidency of Ottoman Archives, Publish No:11, Archieve Documents about Mosul & Kirkuk 1525-1919, p.28.

¹⁸⁰ Bilim Arastirma Vakfi, Musul-Kerkuk ve Turkmenler icin Gercek Cozum, <http://www.kerkukturkleri.com/tarihce.html>. Access:12 November 2011

¹⁸¹ Mazin Hasan, Soran Şükür, “Kerkük Kerkük”, Strategic Analysis, Mart 2004, s.17.

¹⁸² “Report on the Administrative Changes in Kirkuk and the Disputed Regions”, Kurdistan Regional Government Ministry of Extra Regional Affairs, December 2007, Erbil, <http://perleman.org/files/articles/130508111135.pdf>, s.12. , Access:13 November 2011

military administrations saw Turkish population which has a serious share in Iraqi population as a dangerous factors that would increase Turkey's effect on Iraq, they acted an intensive, systematic and cruel assimilation policy against Turks who lived in oil regions. An autonomy treaty was signed between BAAS administration who acceded in 1968 and Baghdad opposing Iraqi Kurds under the leadership of Molla Mustafa Barzani in 1970, upon no agreement was reached with Kurds at the end of 4 years of application period of the treaty whether Kirkuk would be included in this autonomous structure, following arming of Kurds, by a law made by Baghdad administration the borders of Kirkuk city was defined again and the name was changed as Ta'amim (nationalization)¹⁸³.

Because its regime was based on Arab nationalism, the acceded BAAS regime changed population ratios within the country primarily in Kirkuk and began to arabization actions. In this context; Turkmens, Kurds and Christians who lived in Kirkuk were forced to migrate to several parts of the country and poor Shiite Arabs who lived in other parts of the country was placed¹⁸⁴ into this region with an aid of 10.000 Iraqi Dinars, and as the result of these applications Kirkuk's population structure was changed in favor of Arabs. When 1957 and 1977 population census are compared, population ratio of Arabs within city of Kirkuk is seen be increased from 28, 2 % to 44, 4 %¹⁸⁵.

Baghdad administration under the leadership of Saddam Hussein continued arabization during Iran – Iraq war. Main base of the war was determined as Kirkuk by Baghdad administration and Kirkuk's population structure was attempted to be changed with the military factors brought here

¹⁸⁶. After the Gulf War in 1991, while Iraqi land between 32nd and 34th parallels were taken under protection, in order to keep Turkey away from the oil region, 34th parallel was now being out of a line and 90 % of about 3 millions of Iraqi Turks were left out of protection. Despite that, while arguments were focusing on Kirkuk about arabization policy, Kurds could not contain Kirkuk into borders of the Federated Kurdish State declared in 1992. After the Gulf War, Kirkuk that stayed out of the safe haven constructed in northern Iraq, continued to stay administratively bound to Baghdad administration. After the regulations made in

¹⁸³ David Romano, **a. mlf.**, p.266.

¹⁸⁴ David Romano, **a. mlf.**, p.266.

¹⁸⁵ **"Report on the Administrative..."**, p.15.

¹⁸⁶ Denise Natali, „Kirkuk Conundrum“, **Ethnopolitics**, Vol:7, No:4, November 2008, p.435.

population and administrative structure, Kirkuk turned into a city with an area of 9769 km² consisting of Kirkuk, Dibis, Haveya, Dokuk and Kirkuk¹⁸⁷.

After the rejection of the letter; which meant that Turkey would open a front on her own land thus she would join the war, that was known as Letter of March 1st in 2003 during the invasion process of the USA, that made the relations between Turkey and the USA come to a deadlock, the relations between Iraqi factors and the USA developed and they became tight allies. Different from the expectations prior to the invasion, the USA got an unexpected opposing reaction from the public. The USA that could not get support from her allies because of the opposition she got and whose relations strained with Turkey by the rejection of the letter, received the support she needed from Kurds. In this context, the process that started by declaration of some countries as “axis of evil” including Iraq by the USA following the 9/11 attacks, gained a new dimension with the war that the USA started against Iraq with 70.000 armed peshmergas¹⁸⁸. Deterioration of the relations between Turkey and the USA has expanded intervention area by supplying some advantage to Iraqi Kurds and indirectly to peshmergas, and peshmergas advancing together with the USA troops started to keep settlements under control. By the two groups advancing together, invasion process of Iraq ended on April 10th 2003 which started on March 20th 2003.

Right before the invasion, Turkey has hosted; Zalmay Halilzad the US special representative, Nechirvan Barzani representing KDP, Celal Talabani leader of PUK and Sanan Ahmed Ağa the leader of Iraqi Turkmen Front in a state guest house, and during this meeting Turkey requested the control of Kirkuk and Mosul those containing Turkmen population to stay under USA and coalition forces’ control. An agreement was reached on this topic¹⁸⁹ but the progress did not advance in this direction and Kirkuk was captured by Kurds. As the result of this, Turkey declared that she was going to send troops to the region soon and especially after the Dağlıca Raid on October 21st 2007, the possibility of one way intervention but Turkey

¹⁸⁷ “Kirkuk Province in Brief”, http://www.kirkukpc.net/English/kirkuk_province_in_brief.htm, Access:12 November 2011

¹⁸⁸ Richard Andres, “ The Afghan Model in Northern Iraq”, *Journal of Strategic Studies*, Vol:29, No:3, June 2006, pp. 404- 405.

¹⁸⁹ “Kerkük ve Musul’un Güvenliği ABD ve Koalisyon Güçlerine Bırakılıyor”, Zaman Gazetesi, 19 Mart 2003, <http://arsiv.zaman.com.tr/2003/03/19/dis/h3.htm>

increased¹⁹⁰. Following Turkey's reaction that was sensitive about Turcomans and Kurds in the region could capture the oil rich region and establish an independent country; Kirkuk's control was taken from Kurds by the order of US commander David Petraeus. Following Turkey's reaction, although Kirkuk was taken from Kurds, in order to strengthen the thesis of Kirkuk was a Kurdish town, Kurds pillaged registry and population offices in Kirkuk and burned the documents, and in this way they changed the records which could affect the region's future¹⁹¹.

Clause 58 of TPISAL¹⁹², which was accepted on March 8th 2004, about Kirkuk and conflicting areas was carried on with small changes in the 140th clause of Iraq Constitution which was accepted after a plebiscite held on October 15th 2005. In item A¹⁹³ of the mentioned clause of Iraq Constitution; necessity of taking the necessary measures in order to arrange the applications of the previous administrations which caused the settlers to be lack of work and which was done to change the demographical structure of certain places and also in order to resettle the foreigners who were forced to migrate in the past was predicted by Temporary Iraq Administration and by the Solution Committee of Real-Estate Conflicts.

And in item B¹⁹⁴ of Clause 58; it is stated that; the past administration had changed the administrative borders in order to reach their political targets, that Iraq Prime Ministry Council could offer suggestions to Iraq National Congress in order to solve disagreements about administrative borders, and in case Presidency Council could not take a decision about a proposal by a plebiscite, the Council might assign an neutral referee to analyze the topic and advise, in case of still not reaching an agreement on this topic, UN General Secretary might be asked to assign a person possessing international excellency by Presidency Council.

¹⁹⁰ "Turkey and Iraqi Kurds: Conflict and Cooperation?", **International Crisis Group- Middle East Report**, No. 81, 13 November 2008.

¹⁹¹ Kurds not only took actions in Kirkuk but also in Altın Köprü, Dakuk, Tuzhurmatu and Mendeli and the US forces did not prevent these pillaging actions. Yücel Güçlü, "Who Owns Kirkuk? The Turkoman Case", **Insight Turkey**, Volume:8, Number:4, October-December 2006, p.97.

¹⁹² For full text of Transition Period Iraq State Administrative Law V.: <http://www.e-akademi.org/incele.asp?konu=2004%20IRAK%20GE%C7%DD%DE%20ANAYASASI&kimlik=1086772176&url=makaleler/aceylan-5.htm>, Access: 20 November 2011

¹⁹³ Transition Period Iraq State Administrative , Clause 58/A

¹⁹⁴ Transition Period Iraq State Administrative , Clause 58/B

And in item C¹⁹⁵ of Clause 58; it was stated that solution of lands those are matter for discussion including Kirkuk; might be delayed until measures stated in other items are completed, or a transparent population census is held and permanent constitution is completed. It was stated in second item of article 140 of permanent constitution that article 58 of Transition Period Law with all its items might be applied by the government until the latest December 31st 2007.¹⁹⁶ Despite all these clauses; the expressions present in clause 53 of Transition Period Constitution; for the reason that the expression “cities could form a region among themselves” was not transferred to the permanent constitution; Kirkuk could be a region itself or could be included in Kurdish Regional Government, provided that not exceeding 3 cities except Baghdad and Kirkuk. For the reason that constitutional regulations caused the appearance of the possibility of binding Kirkuk to Kurdish Regional Government, this caused regional countries, Sunnite and Shiite groups to approach more carefully about Kirkuk. In case Kirkuk is bound to Kurdish Regional Government, Iraqi Sunnite groups who thought that Kurds shall form a federal structure including oil rich region in the north and in the same way Shiites in the south, objected Kirkuk to be bound to Kurdish Regional Government¹⁹⁷. The Shiite factors that caused Sunnites to worry objected Kirkuk to be bound to Kurdish Regional Government because this would cause separation from economically profitable source that would be supplied from oil¹⁹⁸, and Turkmens already objected to this possibility that would limit their situation and freedom since the very beginning. Beside the attitudes of ethnic groups in Iraq; the attitudes of Syria, Iran and Turkey also affected the process. Although Syria and Iran were worried about Kirkuk’s binding to the Kurdish Regional Government, they did not react as strong as Turkey who has declared that she would intervene the region in case a result favoring Kurds occur in the referendum of Kirkuk and they determined this topic as “red line”¹⁹⁹.

The referendum that was aimed to be held until December 31st 2007 and was mentioned in the interim constitution couldn’t be realized because of fear from the reactions of different ethnic and religious groups in Iraq and regional countries about Kirkuk. Iraq’s internal and external factors’ not reaching a compromise about Kirkuk and conflicting fields, caused UN to involve

¹⁹⁵ Transition Period Iraq State Administrative , Clause 58/C

¹⁹⁶ Iraqi Constitution, Clause140/1, Clause 140/2

¹⁹⁷ David Romano, **a. mlf.**, p.273.

¹⁹⁸ David Romano, **a. mlf.**, p.273.

¹⁹⁹ Dr. Sedat Laciner, “**Kurt Devleti Turkiye’nin Kirmizi Cizgisi mi?**”, International Strategic Investigations Institution, <http://www.usak.org.tr/makale.asp?id=190>, Access: 13 November 2011

the process and United Nations Assistance Mission for Iraq (UNAMI) was established before the date of December 31st 2007 on which referendum was planned to be held. UNAMI officials published the document about how they would be involved in referendum process, what the content of referendum would be and how it should be held, on March 5th and 2 weeks before referendum Steffan de Mistura was assigned as UN Iraq Private Representative and his first action was to attempt to persuade Iraqi leaders to cancel the application of clause 140²⁰⁰.

The referendum that was planned and also repeatedly asked by Kurdish Regional Government to be held, was not realized on the predicted date and while relevant congress meetings about this subject were going on, Turkmen members of the congress proposed that; Kirkuk should not be included in the predicted selections and a congress distribution as a power share at the rates of 32 – 32 – 32 – 4 respectively among Turkmens, Kurds, Arabs and Christians. This proposal was accepted since Kurd members left the congress, but the proposal was vetoed by President of Iraq Celal Talabani and vice president Adil Abdul Mehdi and was sent back to the congress²⁰¹. After their proposal including topics about; equally distributed membership sharing and Kirkuk not being included in the upcoming elections was vetoed, the congress decided; Iraqi elections to be held on 31st January 2009 instead of September 24th 2008, elections to be held in 14 of 18 cities of Iraq, elections not to be held in Kurdish Regional Government's cities Sulaimaniya, Erbil and Dohuk, to realize the elections in these cities to be held in accordance with the law which will be made by Kurdish congress, elections not to be held in Kirkuk until its status is clarified, a committee to be established consisting of 2 Turkmens, 2 Kurds, 2 Arabs and 1 Christian to submit a proposal to Iraq national congress about Kirkuk's population structure and real estates until March 31st 2009, for City General Congress to continue its duty until realization of elections in Kirkuk, and a special election law to be constructed for Kirkuk, otherwise Iraq Presidency Council to prepare such a law with the help of UNAMI²⁰².

When it is analyzed after the USA's invasion in 2003 three elections have been held in Iraq up to now. Two of them were temporary government elections and parliament election in 2005, and the third was City Council elections in 2009. In this context, the local election held on

²⁰⁰ **Oil for Soil...**, p.8

²⁰¹ **“Oil for Soil...”**, p.3.

²⁰² **“Oil for Soil...”**, p.4.

January 31st 2009 along the decisions stated above, created a new political picture that would affect the country's future. The summary of the elections' results is as follows;

- For the first time in Iraq, Shiite Islamic parties did not join the election by making alliances in local elections. Shiite parties did not follow the same way this time in order to; give the message of union, prevent dividing of votes and to become dominant in the system. Thus Shiite parties those entered the elections with separate lists have shaped the fight for power among them in two different axes and in this way they caused their followers to divide into two. First of these axes is discussion of centralism – federalism and the second one is nationalism – Pan Islam²⁰³.

- Ex resistance groups in Iraq started to increase their efforts to return to the political stage, therefore serious internal conflicts were experienced in the regions where Sunnite Arabs lived. In order to be able to fulfill these groups' requests, the Shiites had to go into a power struggle with other Sunnite Arabs as well as Shiites in the government. It is seen that Sunnite Arabs are as divided as Shiite Arabs (except for Mosul as an example) and their vote rates are very close²⁰⁴.

- The encounter between Kurds and Sunnite Arabs became intensive. As Sunnite Arabs boycotted elections in Mosul in 2005, with the effect of the strain created by Kurds winning 31 out of 41 chairs in the city congress, as Al Hadba that was formed by the tribes' union got 50% of the votes and Kurds who made an alliance with the Christians got 25% of the votes put an end to Kurdish dominance in the city congress. Although Mosul was one of the important centers of Islamic movements between Sunnite Arabs and the Muslim Brotherhood in Iraq's recent history, it is very important that a nationalist alliance won the election. But, the most important reason for this alliance was the conflict between Kurds and Sunnite Arabs in Mosul.

²⁰³ Dr. Serhat Erkmen, Middle East Strategic Investigations Center, Agenda Analysis, "**Irak'taki Yerel Secimin Sonuclari ve Secim Sonrasi Durumun Turkiye'nin Irak Politikasina Etkileri**", http://www.orsam.org.tr/tr/trUploads/Etkinlikler/Dosyalar/2009214_g.a.1.pdf, p.6, Access: 13 November 2011

²⁰⁴ Dr. Serhat Erkmen, Middle East Strategic Investigations Center, Agenda Analysis, "**Irak'taki Yerel Secimin Sonuclari ve Secim Sonrasi Durumun Turkiye'nin Irak Politikasina Etkileri**", http://www.orsam.org.tr/tr/trUploads/Etkinlikler/Dosyalar/2009214_g.a.1.pdf, p.6, Access: 13 November 2011

- One of the most important results of the election is that, tribalism started to come into prominence. Tribes played very important roles primarily in Kerbala, Anbar and Mosul. Although tribalism showed its effects in the previous elections, its effects were felt much strongly once again because of this election was a local election. But, one other reason for this effect strongly felt was, the USA set an alliance with tribes bound to Awakening Council to quell the resistance, is an issue that must be considered. Although these tribes entered the elections for the first time and could not get what they desired because of their disorganization, it will be possible to say that the tribes shall gain more power in general elections²⁰⁵.

The city council elections held in January 2009 was the election that contained the closest results to Iraq's actual political structure. Law State Coalition led by Cause Party under the leadership of Maliki who became the president in the elections in 2006 which was held in total of 14 cities, therefore Iraq Islamic High Council lost an important amount of power. At the end of elections, Kurdish Alliance experienced probably the most power loss (in conflicting regions).

Kurds lost the cities in which they had revisionist targets like Diyala and Ninova, and also cities they could control thanks to Arabs' boycott. In the Kurdistan Regional Administration elections, they lost 25% of the congress to Change Party that appeared as an alternative to PUK among Kurdish factors. Because of delayed elections in Kirkuk, for the reason that the progress after 2003 was not as good as expected by Kurdish factors, Erbil was another disappointment. Result of every city that joined the elections can be seen in the table below and it is thought that these results are much realistic in 2005 elections.

BAGHDAD	Number of chairs(57)
Law State Coalition (Shiite-Malikite)	28
Iraq Compliance Front (Sunnite-Hashemite)	7
Independent Free Movement List (Shiite-Sadr)	5
Iraq National Front	5
Iraq National Project	4
Al-Mihrab Martyrs List (Shiite-IYYK)	3
National Reform Party	3

²⁰⁵ Dr. Serhat Erkmen, "Irak'taki Yerel Secimin..." p.8

Christians	1
Mandean	1

BASRA	Number of Chairs (35)
Law State Coalition (Shiite-Malikite)	20
Al-Mihrab Martyrs List (Shiite-IYYK)	5
Independent Free Movement List (Shiite-Sadr)	2
Justice and Union Party	2
Iraq Islamic Party	2
Iraq National List	2
Virtue Party	1
Keldanis	1

NINOVA	Number of Chairs (37)
Hadbaa Party (Sunnite Coalition)	19
Nina Brother Hood List (Kurdisch Koalition)	12
Iraq Islam Party (Sunnite-Hashemite)	3
Shaba's	1
Christians	1
Yezidis	1
DIKAR	Number of Chairs (31)
Law State Coalition (Shiite-Malikite)	13
Independent Free Movement List (Shiite-Sadr)	7
Al-Mihrab Martyrs List (Shiite-IYYK)	5
National Reform Movement	4
Virtue Party	2
KARBELA	Number of Chairs (27)
Yusuf Mecid El-Habubi (Shiite)	1
El-Rafidain List (Shiite)	9
Law State Coalition (Shiite-Malikite)	9
Independent Free Movement List	4
Al-Mihrab Martyrs List	4

KADISIYE	Number of Chairs (28)
Law State Coalition (Shiite-Malikite)	11
Al-Mihrab Martyrs List (Shiite-IYYK)	5
National Reform Movement (Secular-Jaafari)	3
Iraq National List	3
Independent Free Movement List	2
Islamic Fidelity Party	2
Virtue Party	2
SELAHADDIN	Number of Chairs (28)
Iraq Compliance Front (Sunnite-Allavi)	5
Iraq National Compliance (Sunnite-Al Hashemite)	5
National Iraq Project Society (Sunnite-Al Mutlak)	3
Iraq Dialogue Front	3
Iraq Turkmen Front	2
Law State Coalition	2
Intellectuals and Scientists Group	2
Salvation and Construction Front	2
Selahaddin Patriotic List	2
Living In Brotherhood and Peace Group	2
MAYSAN	Number of Chairs (27)
Law State Coalition	8
Al-Mihrab Martyrs List (Shiite-IYYK)	8
Independent Free Movement List	7
National Reform Movement	4
ANBAR	Number of Chairs (29)
Iraq's Awakening and Independents (Sunnite-Ebu Rişa)	8
National Iraq Project Society (Sunnite-Al Mutlak)	6
Alliance of Intellectuals and Tribes (Sunnite-Al Hashemite)	6
National Movement for Development and Reform	3
Iraq National List	2
Independent Justice Union 2	2

Independent Ansari List	2
DIYALA	Number of Chairs (29)
Iraq Compliance Front (Sunnite-Al Hashemite)	9
Iraq National Project (Sunnite-El Mutlak)	6
Kurdish Alliance (Barzani-Talabani)	6
Iraq National List	3
Law State Coalition	2
Diyala Coalition	2
National Reform Party	1
MUTANNA	Number of Chairs(26)
Law State Coalition (Shiite-Malikite)	5
Al-Mihrab Martyrs List (Shiite-IYYK)	5
Public List	3
National Reform Movement	3
Independent Free Movement List	2
Mutanna Society	2
National Independent List	2
Iraqi Professionals Society	2
Mid-Euphrates Society	2
BABİL	Number of Chairs(26)
Law State Coalition (Shiite-Malikite)	8
Al-Mihrab Martyrs List (Shiite-IYYK)	5
Independent Free Movement List (Shiite-Sadr)	3
National Reform Party	3
Civil Society List	3
Iraq National List	3
Independent Justice Union	3
Independent Ansar List	2
NECEF	Number of Chairs(26)
Law State Coalition (Shiite-Malikite)	7
Al-Mihrab Martyrs List (Shiite-IYYK)	7
Independent Free Movement List (Shiite-Sadr)	6

Necef's Loyalty	4
National Reform Party	2
Independent Necef Union	2
VASİT	Number of Chairs(28)
Law State Coalition (Shiite-Malikite)	13
Al-Mihrab Martyrs List (Shiite-İİYK)	6
Independent Free Movement List (Shiite-Sadr)	3
Iraq National List	3
Iraq Constitutional Party	3

With the autonomy declared in 1992, despite Iraqi Kurdish Factors took the USA's support, they couldn't take Kirkuk as they have claimed as the capital of Federated Kurdish State. Although there was a scene of a patriotic policy followed in Kirkuk following the invasion of Iraq, the reactions of Iraq's internal and external factors and other factors of the region, did not quite allow the following of these policies. As a matter of fact, the referendum including Kirkuk issue, which was planned to be held on December 31st 2007, could not be realized and the subject was not carried through. But, Kurdish factors that took the support of the USA and the Regional Administration that placed hundred thousands of Kurds to the region, seemed sure that Kirkuk would be included in their administration, and the previous elections and referendums held seemed to be supporting this sight. When it is analyzed in this context, the 2005 elections seemed to be supporting this sight. Out of total 41 chairs of Kirkuk congress; Kurdish members won 26, Turkmen members won 9 and 6 members won 6²⁰⁶. As we refer to the results on cities basis, it is seen that other ethnic groups except for Kurds did not form a union.

Although it is thought that 2009 elections reflected the political medium in real terms, it must be considered that the elections were held in a period in which Iraq was under invasion and corruption and lack of inspection might have reflected to election results in a negative way. As an example for that; Turkmens claimed that there has been irregularity in the elections and the results did not reflect their actual political power, and Kurdish factors and Sunnite and

²⁰⁶ "Brief on Kirkuk Provincial Council KPC", http://www.kirkukpc.net/English/brief_on_kirkuk_provincial_council%20KPC.htm, Access:13 November 2011, "Oil for Soil...", p.3.

Turkmen section protested the elections and did not join city congress meeting for some time. This boycott resulted from the Kurds' requests about the decisions about Kirkuk.

Kirkuk is in the position of hosting; Shiites who argue the land unity of Iraq and want Iraq switch to a federative administration, Sunnite groups who argue the land unity of Iraq and fight against Kurds in the north, and Turcoman who took the support of Turkey among regional countries, and for the reason that; attract foreign factors' attention with 6 oil areas and own 13, 5 billion barrels of oil²⁰⁷, it is in the position of the most dwelled on point of the region. Although solution ways are stated by constitutional regulations; being Kirkuk a small Iraq; because of its geopolitical importance, demographic structure and oil, it's not only important for Iraq but also for the Middle East. For this reason, since the invasion of Iraq by the USA, the status of Kirkuk is ambiguous. Although Kurdish Regional Government that's bound to Barzani claims that it has no intention of separation from Iraq from time to time, it must be the ambiguity of this topic is a truth which mustn't be ignored. After the USA Administration that is planning to fully retreat from Iraq, the situations of Kurdish Regional Government and Kirkuk are being watched carefully by regional countries Iran, Syria and Turkey, and these countries see a possible independent Kurdish state as a threat to their land unities. For this reason they see binding Kirkuk to Kurdish Regional Government as the first step to an independent Kurdish state. For this reason, Kirkuk having a private status seems to be the best solution for the whole Iraq except for Kurdish factors.

3.5 RELATIONS OF KURDISH REGIONAL GOVERNMENT WITH USA

After 1980s, and in the context of a political arena where conditions of the Cold War started to change and collapse of Eastern Bloc started to become clear, Kurdish factors in Northern Iraq officialized their de facto administration with constitutional regulations after the invasion of Iraq by the USA. In this context, Regional Kurdish Association took place as a de facto factor of Iraq and continued its actions. And in this context, it is in touch with a lot of countries however the USA is the most effective country with current position and future.

²⁰⁷ "Brief on Kirkuk Provincial Council KPC", http://www.kirkukpc.net/English/brief_on_kirkuk_provincial_council%20KPC.htm, Access:13 November 2011, "Oil for Soil...", p.3.

3.5.1 Relations with the USA

According to the cyclic today, Gulf War 1 and the year 1991 are turning points for Kurds and Northern Iraq. Iraqi army that attacked and invaded Kuwait in 1990 was removed from Kuwait with the intervention of a multinational force under the leadership of the USA and with the operation called “Desert Storm” Behind this operation, Kurds in the north and Shiites in the south of Iraq revolted and both revolts were quelled harshly by Saddam Hussein. 1,5 millions of Kurds who feared that these quelling operations would turn into a drama and Halepce and Enfal slaughters in 1988 would be relived, started to escape to Iranian and Turkish borders. Turkey not only accepted Kurds grouped at her border but also sustained UN Security Council take decision number 688 on April 5th 1991 with the effort of president Turgut Özal. Decision number 688 predicted formation of a safe haven (safe haven) with humanitarian reasons in north of 36th parallel where Kurds live in Iraq, and also rescue, aid and return to their homes. The draft prepared by Turkish and western diplomats and submitted by France to Security Council was accepted by 10 votes despite negative votes of Cuba, Yemen and Zimbabwe and abstaining votes of China and India, and following that, in accordance with the decision, rescue and aid works started under the name of Operation provide Comfort. In this context, the USA administration that fought against with Iraq together with many countries and saved Kuwait from Iraqi invasion, right after that formed a safe haven in northern Iraq against Baghdad Administration who advanced towards Kurds that revolted by the US supported expressions. Coalition members of the regional power which were formed by UN retreated their forces from Iraq in July 1991. They decided to locate a smaller emergency intervention force in Turkey instead. This forced was called Poised Hammer whose period of office was renewed every 3 months by Turkey for 5 years starting from September 20 1991. Beginning from 1997 the force was renamed as Operation Northern Watch, and period of office was renewed every 6 months. American, English French and Turkish planes served here; France withdrew in 1998. After that, Operation Northern Watch continued their actions by American, English and Turkish planes until 2003 when the USA intervened Iraq. More than 80 % of air factors always belonged to the USA, Turkey’s participation was generally symbolic.

Slow disappearance of the USSR beginning from the world’s political stage beginning from 1980s, affected strongly on the USA’s policies towards the Middle East. In this context, she

started to apply dual containment policy towards Iran and Iraq and aimed the regimes in these countries to be overthrown by their own citizens. In this context, Iraqi Kurds who established their de facto administration in northern Iraq in this period were the most available section for cooperation. In this cooperation which is based on mutual benefits, Kurds started to grow good relations with the USA.

The operation that was carried out with names like Poised Hammer / Operation Northern Watch, had the aim of removing Baghdad's authority from Iraq, and also targeting local Kurdish groups fill the authority vacuum. Although common goal of the USA and Kurdish factors was Saddam Hussein, the USA administration that would not want the Saddam opposing policies to fail because of conflicts between KDP and PUK, made some attempts to end these conflicts. These attempts made by the USA administration to end the conflicts between two Kurdish groups did not give desired results in a short time. In order to end the conflict between two Kurdish groups, sides met in Ankara in December 1996 by Turkey's initiation, there was no result again. This conflict medium that continued between 1994 and 1998 caused a pause in the USA's policies towards Iraq. Leaders of Kurdish groups who gathered in Washington in 1998, compromised with a treaty which was also signed by the Foreign Minister of the USA, thus Iraqi Kurdish groups became the central figure of post Saddam formation.

In the context of policies of the USA and benefits of Kurdish groups, relations between Kurdish groups turned into a different dimension and were intensified. In this context, it was clear that the USA's second target would be Iraq after 9/11 attacks and in this context the USA that sent a congratulation message to the opening of Kurdish Congress that would bring Kurds to their goals via the Foreign Minister, and showed her will about overthrowing Saddam Hussein and bringing Iraq a federal structure. With this aim, the USA administration followed a policy of attrition towards Saddam Hussein administration with the help of Iraq's internal dynamics and foreign support within 15 years whom she tried to overthrow since the Iran – Iraq war.

With the attrition policy followed, the USA administration whose aim was to overthrow Saddam Hussein, followed a dual containment policy towards Iraq in Clinton's period, with George W. Bush came to power in 2000, she changed her point of view to the region, brought

the invasion of Iraq to the agenda and therefore she approached to Iraq's internal dynamics. The USA that intervened Afghanistan in the context of Bush's Doctrine declared after 9/11 attacks; expressed that she was going to be the policeman of the world in the following process. In this context, the USA expressed that she was going to fight all terrorist factors that she will see as a threat against peace and she had the effort of dividing countries with definite lines into sides as she did in Cold War period²⁰⁸. With this aim, the USA administration added Iraq into the axis of evil that she defined them as countries which have mass destruction weapons and also developing such weapons, and with arguments like providing weapons and support to terrorist factors, she started expressing that she would intervene to Iraq after Afghanistan.

In the intervention process of the USA to Iraq, Kurdish factors and Kurdish Regional Government have stated that they would always be on the side of the USA administration, and Iraqi Kurds became the tightest ally of the USA in the invasion process that started on October 23rd 2003. After the rejection of the letter which predicted opening of a front by the USA troops in Turkey which is a neighbor of Iraq and a close ally of the USA, Kurds living in northern Iraq supported opening of a front and also they supported the operation because they knew the territory well²⁰⁹. After the Law of Saving Iraq in 1998, USA intensified her relations with Kurds and other opposing groups, tried to make her relations more functional and along this way, she tried to institutionalize the opposition. Iraqi Kurds who; accommodated fast with this process, adopted the USA as a good ally against strong regional powers like Turkey, Iran and Iraq, and left the socialist period sayings and adopted a style about "human rights, democracy and orientation to the west", came out of this process as gained strength.

After the invasion of Iraq by the USA, Kurdish Regional Government wanted to expand the area where they de facto dominated, on the other hand, they went into the effort of clarifying their legal position. Kirkuk that was defined as a small model of Iraq with several ethnic groups in it and which was very rich in oil was taken control by armed Kurdish factors peshmergas after the invasion of the USA. Kirkuk taken under control by the peshmergas was reacted strongly by Turkey and the situation ended with Kirkuk taken control by the USA. However, Kurdish Regional Government made Kurdish population transfer to even the

²⁰⁸ Tayyar Ari, *op. cit.*, p.250.

²⁰⁹ For the position of Kurdish factors in US operations V.: Richard Andres, "The Afghan Model in Northern Iraq", *The Journal of Strategic Studies*, Vol. 29, No. 3, June 2006

smallest administrative factor which contains Kurdish factors and was stated as “conflicting area”, thus tried to change conditions to their favor which could effect administrative shaping of Iraq in a medium that was condoned by the USA. Besides, in order to change the conditions to their favor, the Kurdish Regional Government has been effective on making of regulations about necessary constitutional changes about Iraq turning into a federal structure and this structure not containing solid boundaries. The USA administration who predicted that; Iran could Shiites in Iraq, Sunnite Arab world could effect Sunnite in Iraq and regional countries containing Kurds could effects Kurds in Iraq where Iraq would have a very soft structure after the invasion period, insisted on a strong central structure. But these attempts did not result as desired by the results of 2005 election results and ethnic and religious picture that formed Iraq took place in the congress. Kurdish factors stayed between Sunnite groups who stood against invasion forces and Shiites who were trying to establish a religious administration in Iraq, and they became an important factor who would like to shape Iraq along her benefits for the USA administration, this brought forward the acceptance of federal structure by the USA which Kurds wanted to establish. The prepared Iraqi constitution has many regulations in this way. Some of these regulations are summarized below as follows:

- a. Clause 4: Iraq is predicted to be a federal, democratic and multiparty Republic.
- b. Clause 9: Arabic and Kurdish are accepted as two official languages containing the cabinet, national congress and official gazette.
- c. Clause 53: Northern Iraq’s official government is recognized as Kurdistan Regional Government including Duhok, Erbil, Sulaimaniya, Kirkuk, Diyala and Mosul, and this recognition is barred backwards till March 19 2003 which is the beginning of Iraqi War.
- d. Clause 53. Item c: This clause keeps Kirkuk’s autonomy reserved and the issue of Kirkuk is proposed to be solved by a referendum that is planned to be held in 2005 – 2006.
- e. Clause 54: Kurdish government is authorized to sustain security and collect taxes.

f. Clause 58: It is predicted that People of Kirkuk who were migrated away by force during Saddam Hussein's period would be returned by special commissions that will be established or those people will be paid compensations.

g. Clause 61: The acceptance of the permanent constitution is bound to the condition of rejection of 2/3 of total population of three states.

The USA administration, by taking the effects of possible independence request and energy supply balance into consideration, is trying to sustain a balance among regional countries. In this context, by taking its effectiveness into consideration, the relations of the USA with Kurdish Regional Government may be grounded basically on the causes below²¹⁰:

- To show the whole world that she would reward who helped her.
- To be able to leave a story of success behind Iraq "Adventure"
- To be able to keep northern Iraq under control that has an important place in terms of oil reservoirs of the world.
- To create a new ally in the Middle Eastern geography besides Israel.
- To encourage regional countries to be more constructive to the policies of the USA
- The possibility of construction of a Shiite country in the south which is under Iran's control, in case of a possible independent Kurdish country
- Not to take Sunnite Arab world as an opposition
- The possibility of relations with Turkey goes bad

Except for these clauses the law predicts the combination of three cities to form a federal region, so that this clause carries no meaning other than a federation with ethnic basis which differences shall go deeper for a country like Iraq in a period when ethnic differences got more importance. When above clauses are analyzed, it will be seen that Kurds got what they wanted and they definitely got the right of autonomy which bears very large authorizations with a federation with an ethnic ground. Carrying this legal status back to the past has legalized the international treaties made by Kurds. Furthermore, Kurds who consist of maximum 1/5 of the population when western principles are taken into consideration had a

²¹⁰ Şanlı Bahadır Koç, "ABD'nin Kuzey Irak Politikası ve Türkiye'nin Çıkarları Üzerindeki Etkileri", Strategic Analysis, Haziran 2007, p.32

disproportional power like ability to veto the permanent constitution. Kirkuk problem was delayed and with the advantage of being an armed force and illegal gains, and bought time to Kurds to change demographic structure of the region and to kurdize Kirkuk before the referendum which was thought to be held.

All the factors mentioned above are seen as factors; which will determine the course of relations between the USA and Kurdish Regional Government and shape the policies those will be followed by both sides. While presidency elections were being held in the USA, the central government went into a struggle to strengthen and prove legality to rise in politicians' esteem, along this route, some strains were experienced with Regional Administrations in northern Iraq, Iraqi central government resisted during meetings about USA troops' presence in Iraq which was made between the USA and Iraq, and with this aim in order to strengthen the central government the change in the constitution came to order. On the other hand, during this period; oil law, how federalism would be applied and Kirkuk problem still preserved its actuality. In a period when these problems were in the agenda, Barack Obama took over presidency from George W. Bush on January 20th 2009 and as the calendar of 16 months for US troops retreat from Iraq was appropriate for Iraqi leaders, he started taking necessary steps. In this context, on November 17th 2008 SOFA (Status of Forces Agreement) was signed which determined the position of US troops in Iraq. According to this agreement, US troops were predicted to leave; Iraqi cities until June 2009 and entirely Iraq until the end of 2011²¹¹. The agreement was accepted by Iraqi Parliament and Iraqi Presidency Council, but with the argument that there were hidden clauses in the agreement and there were different texts, the 1 year negotiation process was very distressed. In the context of signed SOFA agreement, retreat of US troops entirely from Iraq in 2011 forms an important side of Iraqi policy of the USA. Beside the possibility of rejection of this agreement in the referendum, the plan prepared by vice president Joe Biden in 2007 and that was accepted by US Congress which accepts dividing Iraq into three and locating US troops in Northern Iraq, might be accepted²¹². Upon openness of the picture that dividing Iraq into three when the balance of The Middle East geography is considered, it won't act in favor of the USA, the possibility of positioning of US troops in Northern Iraq in other words where there is Kurdish Regional Government,

²¹¹ "Iraq-USA Security Treaty Signed", 18 November 2008, <http://www.ntvmsnbc.com/news/466142.asp>, Access: 14 November 2011

²¹² Bigay Duman, "**Barack Obama'nın Irak Politikası ve Türkiye Irak İlişkilerine Etkileri**", Middle East Analysis, Vol:1, No:1, January 2009, pp.32- 33.

shall cause Kurdish Regional Government is going to act under the influence of USA and prevent them follow a unique policy. In this context, the US Administration which tries to create a positive impact on Islamic world might ignore requests of Kurdish Regional Government that would endanger Iraq's land unity in order not to damage the positive atmosphere that the US was trying to generate on Arab world.

Today's US president Barack Obama won the elections in 2009 with the promise of taking USA out of this complicated and troublesome situation and stucked to his promises he gave during his campaign. In this context, the number of US troops in Iraq went down to 50.000 in August 2010 and 31.000 in November 2011 and it is planned that there will be no US troops by the end of 2011 according to the calendar.

The troops left in the region shall undertake functions of support; act in terms of advisor to Iraqi officials and protect American benefits in the city. American soldiers shall only continue to train Iraqi security forces and join operations against terror. What's more important is, in case nothing goes wrong with military retreat calendar, the end of 2011 means the end of American invasion in Iraq.

According to SOFA signed between USA and Iraqi government in 2008, the presence of US troops shall end by the end of 2011, but decreasing the number of troops may not mean that USA shall retreat entirely from Iraq by the end of 2011. In other words, despite a retreat in case of some other progress, delay of total retreat of USA might be the topic. Obama gave an open promise about this topic and the process continued without a problem up to now gives us important signs, and finishing the retreat by the end of 2011 has become a matter of prestige for Obama administration. Obama mentioned widely to this topic during campaign and also the reason that American people want to see some solid results, makes Obama very sensitive about this topic. In this context, a special effort is being applied to continue unless there is a strong reason and Obama who experienced serious problems already would not like to experience a similar problem about Iraq.

When it is considered that indicators of retreat calendar is working caused so much activity, it is possible to predict that end of US troops' presence in Iraq shall have effects and results. In this context, when the numbers at the beginning and the end of the invasion are compared, the

number of American soldiers is at a symbolic level. Therefore, the most important problem that will occur will be a power vacuum and also is being in the region. In this context, it is important and appropriate that the calendar predicts a gradual retreat, however, armed groups could gain power in Iraq where there is no American soldier, and Kurdish groups are seen to fight for power and ruler ship in this way.

CHAPTER FOUR

4. POSITION OF THE KURDISH REGIONAL GOVERNMENT ON TURKISH FOREIGN POLICY

The West that stated that they needed Turkey until mid 1980s because of Cold War conditions avoided openly provoking “Kurdish Problem” and tried to reach their aim with different and hidden methods. However, after it was obvious that the Eastern Bloc would collapse, it is seen that imperialist games carried out on Kurds have become more clearly played. Today, Kurdistan is de facto established and the only missing thing for its declaration of independence is international recognition which requires a process to come true.

Turkey did not make any serious efforts to prevent Kurdistan’s de facto establishment which is absolutely against Turkey’s national benefits, even on the contrary she contributed to that. Right after World War II, the foreign policy that depended on Atatürk’s “full independency” was left and Turkey made herself dependent in terms of economy, political and military on the West and then went into the orbit of global capitalism beginning from 1980. Price of followed wrong foreign policy was paid related with “Kurdish Problem” as in all areas, and in case the strategies are not changed the payments shall continue as well.

4.1 Kurdish Policy Period In the years of 1990s

After PKK threatened Turkey’s unity that increased its actions beginning from 1980s, Turkey started to be interested in Northern Iraq and pointed her foreign policy towards there. The terrorist organization PKK that wanted to take advantage of unbalanced medium and authority vacuum in Northern Iraq increased its efforts against Turkey in this period. Turkey made some agreements with Baghdad Administration, so tried to have influence on Iraqi Kurdish factors, thus tried to make PKK ineffective.

4.1.1 Gulf War Period

1991 was a turning point both in Iraq’s and Kurds’ history, however when examined from Turkey’s point of view, under the skin of terrorist organization PKK which threatens the

national security, Northern Iraq was a hot agenda item of Turkish Foreign Policy and with the situation occurred as the result of 1991 Gulf War, it started to bear a different importance. The invasion of Kuwait on August 2nd 1990 is considered as the end of Cold War and occurrence of a new world order. For the reason that invasion of Kuwait by Iraq threatened the energy benefits of the USA and some other western countries in the region, Iraq that invaded Kuwait in 1990 was removed from Kuwait with the intervention of a multinational force under the leadership of the USA. Even though Turkey was not directly in this intervention, what's more she stayed out of the war; she was one of the most affected countries by the war and its results in the region.

After the operation "Desert Storm", Kurds in the north and Shiites in the south revolted and both revolts have been harshly quelled by Saddam Hussein administration. More than 1, 5 millions of Kurds who feared that the slaughters of Halepçe and Enfal in 1988 would be repeated, escaped towards Iranian and Turkish borders. As Turkey accepted Kurds, she caused many PKK militants enter Turkey with the refugees. This brought a serious increase in terror events in Turkey in the following years. The western public opinion which did not care about the Halepçe and Enfal slaughters, carried "Kurdish Problem" to higher priorities in the agenda with intensive efforts of Israel and the "Kurdish Problem" changed its quality to a new shape that would enable external forces intervene the region by using Kurds. Unfortunately, besides Israel's efforts, the mistakes of Turkey have been determining in realization of these changes which are absolutely against Turkey's national benefits.

The most important issue for Turkey as the result of Gulf War was the Safe Haven which was formed for Kurds in Northern Iraq. The decision of UN Security Council dated April 3rd 1991 and number 687 to establish a basis for the cease fire agreement with Iraq, did not contain any regulation about the protection of Shiites and Kurds who revolted in the south and north. Under the leadership of Turgut Özal the President of the period who defended the opinion of an active foreign policy, Turkey started to seek for a solution out of her borders for thousands of people who rushed to her borders with the fear of repeat of slaughters of Halepçe and Enfal²¹³. Turkey that increased her diplomatic efforts by the UN, reached her goal and Turgut Özal managed to sustain UN Security Council with number 688 in the same day on April 5th 1991 by intensive efforts by US President George Bush. However, while it was stated that

²¹³ Serhat Erkmen, "Türkiye'nin Körfez Savaşı Sonrası...", p.278.

humanitarian aids would be supplied to these people in this decision, for the reason that it was not clearly mentioned how these people would return, the problem that Turkey was experiencing stayed unsolved. For this reason, one day after the decision, President Turgut Özal announced that Kurds should have been placed in Iraq under the protection of UN. In the following process, it was decided that a safe haven would be formed in the north of 36th parallel by humanitarian causes; decision number 688 about saving these people and providing them aid and ability to return to their homes, was prepared by Turkish and western diplomats and then transferred to UN Security Council by France, and was accepted by 10 votes against negative votes of Cuba, Yemen and Zimbabwe and abstaining votes of China and India. Following this, in accordance with the decision taken, rescue and aid actions were carried out under the name of Operation Provide Comfort. By the force provided from the decision number 688 which was realized by the efforts of Turgut Özal, the USA administration which has claimed that she had no intention to interfere with Iraq's domestic issues, declared that American, English and French troops would be located in a close position near Turkish border on April 16th 1991²¹⁴. In the first place, 16.000 soldiers of three countries positioned in the region and then the number of countries increased to 11 and the numbers of troops to 20.000. In the final situation, interference occurred to Iraq's domestic issues and the legal regulation which prepared the basis for this intervention was formed by Turkey's own efforts. However, mistakes in Turkey's foreign policy were not limited with this only.

In the context of Operation Provide Comfort, Turkey let her land be used, thus people who crowded at the border were provided to return to their homes in a short time. As the military factors violating Iraq lands started to retreat, brought the danger of Saddam Hussein attack the region again. After the coalition forces retreated their forces from Iraq in July 1991, in order to eliminate this threat, the positioning of a small urgent intervention force was sustained in Turkey. Thus, a region was formed in northern Iraq in which Kurds were protected against a possible attack that could come from Saddam Hussein and the security of this area was started to be sustained by military factors located in Turkey. The force whose term of office would be extended every 3 months along 5 years beginning from September 30th 1991 was named

²¹⁴ *Congressional Quarterly Weekly Report*, Vol. 49, No. 15 (April 13, 1991), p. 933; No. 16 (April 20, 1991), pp. 1009-1011 transferred by Tayyar Arı, *Irak, İran ve ABD: Önleyici Savaş, Petrol ve Hegemonya*, I.B., İstanbul, Alfa Publishing, 2004 , p. 447-448.

Poised Hammer. Its name was changed to Operation Northern Watch beginning from 1997 and its term of office was extended every 6 months.

The operation which was carried out under names like Poised Hammer and Operation Northern Watch, has undertaken a task of removing the authority of Baghdad Administration from Iraq, and provided Kurds who lived in northern Iraq to establish their own administration in a way that violates Iraq's dominance. As it was the case that the authority vacuum in the region was filled in by Kurdish groups after less than a year the Poised Hammer retreated, Iraqi National Congress was organized which brought all regime oppositions together in Northern Iraq and was defined as the unity display of Kurdish factors for the first time. After the first meeting held by the committee in December 1991 in Damascus, an election campaign started in Northern Iraq and along the whole campaign Kurdish leaders gave the message that they supported the land unity of Iraq. However, on May 19th 1992 parliament elections were held in Northern Iraq, 7 parties joined the elections among which there were KDP and PUK, and 105 member of parliaments were determined in the elections where a 7 % of an election threshold was applied, KDP and PUK got over 40 % votes individually and it was announced that other parties stayed under the election threshold. Despite that, Christian Assyrian Party was given 5 chairs in the congress and the remaining chairs were shared equally between KDP and PUK. After the opening of the parliament, a government was established in which KDP and PUK were represented by 6 ministries, thus Federated Kurdish State was declared in October. Turgut Özal, the president of the period tried to fill the strategic condition of Turkey that was a bargain issue with the USA and the west, with the Gulf War when Soviet Union collapsed. Upon that, Turgut Özal thought that Turkey would be gainful by joining this war and closed Kirkuk – Yumurtalık pipe line, gave permission to coalition aerial forces to use Turkish air space, closed border gates and he created the feeling that a second front could be formed by performing military movements at Iraqi border²¹⁵. President Turgut Özal; besides showing that Turkey did not lose its strategic importance by standing with the west during the crisis period, in order to sustain concrete basis for national security by establishing a balance in the region and at the same he was planning to be an effective member of the new security system of the region after taking Mosul and Kirkuk and improve economical and trade relations with Arab states in the

²¹⁵ Aylin Güney, "An Anatomy of the Transformation of the US-Turkish Alliance: From 'Cold War' to 'War on Iraq'." *Turkish Studies*, Vol:6, No:3, September 2005, p.345.

region²¹⁶. The process started by Turkey in order to provide humanitarian aid for thousands of people who grouped at Turkish border after falling into a difficult situation, was not estimated by Turkey that it could turn into an advantageous situation of Kurdish factors which would follow a separatist policy that would even aim Turkey. Upon these progresses, representatives of Turkey, Iran and Syria who came together in Ankara by the efforts of Turkey collectively declared that they did not recognize the government established in Northern Iraq and they would not let the breakdown of Iraq's land unity.

Ostensible reactions by Ankara because of progresses which are against her own national benefits and she did not show serious attitude, and even continued to contribute to the process, encouraged the USA and the west. President Turgut Özal could not satisfy his expectations and for the reason that he followed a policy that excluded other state corporations, Foreign Ministry Ali Bozer, National Defense Minister Sefa Giray and Chief of Defense Necip Torumtay resigned²¹⁷ and after the war, Turkey was left with; a small financial aid that was far from fulfilling her expenses, a closed pipe line and the most important of all, a Poised Hammer placed on her own land to protect Kurds in Northern Iraq.

Kurdistan state that was established de facto in Northern Iraq, found the opportunity to institutionalize with Turkey's help and support. Kurdish factors who took the full advantage of the conditions supplied to them by Operation Provide Comfort and Poised Hammer strengthened their status with their administration formed in 1992 and also with Federated Kurdish State declared in October of the same year. For more than 10 years, Turkish land was used as the main route for aid materials under the name of "humanitarian aid" which had very controversial content. Furthermore, in accordance with; the decision of UN Security Council taken in 1995 with number 986, and the 15 % of the profit gained from oil sales of Iraq to Kurdish groups in Northern Iraq that was conditioned and Freeing Iraq Law accepted by American Congress in 1998, the American aid of 97 million dollars were sent to the Iraqi oppositions via Turkish land to Kurdish groups in Northern Iraq.

President Turgut Özal who wanted Saddam Hussein to be overthrown during the Gulf War, and KDP and PUK representatives had meetings in Ankara; as the results of these meetings

²¹⁶ Baskın Oran, **Türk Dış Politikası 1980-2001**, Vol:2, 9.Baskı, İletişim Publishing, İstanbul, 2004, p.552.,

²¹⁷ "Torumtay acikliyor",09 Aralık 1993, <http://gazetearsivi.milliyet.com.tr/Necip%20Torumtay/>, Access: 15 November 2011

Iraqi Kurds would neutralize PKK in Northern Iraq with cooperation with Turkey, and in return Iraqi Kurdish groups would be given permission to open an office in Turkey and Kurdish leaders were given Turkish passport for free travel around the world. With these efforts, Turkey tried to prevent PKK to take advantage of an authority vacuum after the Gulf War via Iraqi Kurdish groups, and to have a voice in the region²¹⁸.

Kurdish Regional Government that was formed in May 1992 switched to federated state in October in the same year and in this context being established slowly a state-like establishment in Northern Iraq, has disturbed other regional countries like Turkey, Iran and Syria where Kurds lived in. In this context, these three countries declared in every opportunity that they opposed an independent Kurdish state and how Iraq's land unity was so important in terms of the future of the region. When observed in this context, Turkey; who would like to be a solid ally of the USA, thus tried to improve relations with the USA and took place in the Western Block, and Iran an opposition of the USA started to act along the same aim, showed that Turkey could follow a special foreign policy by taking the progress in her own region into account.

4.1.2 KDP - PUK Conflict Period

After approximately two years following the parliament elections in 1992, a conflict occurred between KDP and PUK partisans, thus parliament and government actions ended and in other words, de facto administration collapsed. In June 1994, Turkey brought sides in Silopi and tried to compromise them but no solution was reached. In August, some Peshmergas of Talabani who was supported by Iran captured Erbil where KDP administration center was and armed conflicts increased even more. As the USA wanted to be the negotiator, the negotiations started in Lisbon in July 1995 and sides who gathered in Dublin in September could not reach an agreement.

Iraqi Kurdish groups showed a two headed scene especially after Molla Mustafa Barzani in the presence of KDP and PUK. Between these two, there are deep differences based on religion, language, political vision and geography²¹⁹. Beside these differences, these two

²¹⁸ Zülfü Dağdeviren, “**Türkiye'nin Kuzey Irak Politikası: Devlet-Hükümet İlişkileri**”, Abant İzzet Baysal University Social Sciences Institute Postgraduate Thesis, Bolu, 2007, pp.121- 122

²¹⁹ For an observation of these differences V.: Hasan Özmen, “**Kuzey Irak'ta Kürt Partileri Arasındaki İhtilafların Nedenleri**”, Avrasya File Northern Iraq Special Edition, Vol:3, No:1, 1996.

groups had a conflict about sharing the customs incomes. As the result of a conflict about sharing the incomes of Habur border gate which is the biggest financial asset among Iraqi Kurdish groups who established a de facto administration especially after the Gulf War, large conflicts started between the two groups which caused many people lose their lives. Turkey who was trying to be effective in Middle Eastern geography and was trying to reach her aim to eliminate PKK terrorism with Iraqi Kurdish groups, used her own border gate as the economical support of Kurdish groups and gave permission for a trade food with Kurdish groups for oil, who were affected by the embargo applied by Saddam Hussein to the north of the country and beside the economical embargo applied by UN to Iraq. Via these attempts, Turkey tried to take KDP to her side that controlled the Habur border gate. Turkey's improvement her relations with Barzani the KDP leader caused changes of balances in Northern Iraq and as PUK approached PKK, Iran became supporting this approach²²⁰.

After no results were gained from Dublin Meetings, Iran joined the process and in 1996; in order to establish a new balance in the region and to prove how Turkish factors could play with the balances of the region when it is a matter of their benefits, approaches between KDP - Baghdad administration, and PUK – Iran occurred. In October, KDP and PUK sat around the table upon Iran's attempt, but they couldn't agree again²²¹.

The USA that noticed these closings started new meetings by the support of Turkey and although the process that was called Ankara Meetings provided a cease fire until mid 1997 did not bring a certain result, it provided removal of Iran from the process.

Turkey noticed that the chaos medium and the vacuum created by the conflict between KDP and PUK would be abused by the terrorist organization PKK as in the past, and in order to prevent the process turn against her, she started to make attempts to end the armed conflicts. While the conflicts continued, Turkey tried to compromise KDP and PUK and on the other hand tried to improve relationships with Baghdad administration. Murat Karayalçın the Foreign Minister of the period visited Baghdad on June 28th 1994 and it was decided that Habur border gate would be opened. By the end of August in the same year, by a visit of a

²²⁰ Iran that was on the same side with Turkey against the possibility of an independent Kurdish state, this time is on the same side with PUK and indirectly with PKK Teheran oppositions who settled in the north of Iraq. Burcu Bostanoğlu, Op. Cit., p.411.

²²¹ Sa'di Berzenci, "Irak Kürdistanı'nda Mevcut Durum Hakkında Görüş," *File of Avrasya*, Vol. 3., No. 1 (Spring 1996), pp. 193-216; Ümit Özdağ, "Kuzey Irak ve PKK," *File of Avrasya*, Vol. 3., No. 1 (Spring 1996), pp. 81- 104.

group of businessmen under the leadership of Yalım Erez chairman of Turkish Union of Chambers and Commodity Exchanges, a protocol was signed to sustain cooperation in trade and on September 11th Turkish Foreign Ministry made a limiting decision that who would pass to Iraq from Turkey should take visa from Iraqi authorities, in case Iraqi authorities would not give visa, the decision would be Turkish authorities'²²². These decisions taken aim to prevent conflicts between Kurdish groups, on the other hand it shows that Turkey aims the protection of land unity of Iraq.

After Turkey could not get a result from her compromising attempts, by the USA coming to action again in October 1996, a cease fire was signed between the sides and armed conflicts which caused thousands of people die could come to an end. Kurdish groups that ended conflicts between them could not get a result again although they sat at the table by Turkey's efforts in December 1996. Upon that, the USA showed up again and brought Barzani and Talabani in Washington in September 1998 and a cease fire agreement was reached. As the result of the agreement reached, besides ending the conflicts, it was decided that Kurdish congress which was left functionless would be reopened and Iraq should have a federal structure. In this way, the USA signed a document which stated that Iraq should have a federative structure and after a long while the conflict between Iraqi Kurdish groups could end. However, when the USA intervention occurred in March 2003, there were two administrations as Erbil was KDP's and Sulaimaniya was PUK's.

After a short while from signing of Washington Treaty which ended the conflict medium of Kurdish factors that was occurring since 1994, with the supports of the USA whose support was revealed and Israel, Abdullah Öcalan the leader of PKK was captured. After the capture of their leader, PKK gave a break of its actions to earn time in a medium where there was still execution sentence. As a matter of fact, in nowadays as we approached the end of retreat calendar of the USA, PKK continued its terrorist actions that's because they could not take their share from Turkey and its land, and the share that they would get is still not clarified.

Turkey that entered the 2000s as captured the leader of PKK which endangered her security and as a candidate country for EU, in a period in which Turkey tried to improve her relations with EU, intervention to Iraq became more frequently talked on the USA's side. As the result

²²² Robert Olson, "1991'deki Körfez Savaşı'ndan 1995'teki Sınır Ötesi Operasyona Kadar Olan Dönemde Kürt Sorunu ve Türk Dış Politikası", Translated by: Fırat Purtaş, File of **Avrasya Special Edition of Middle East and Terror**, Vol:3, No:2, 1996, pp.209-210.

of the strained medium created by accusing of UN weapon auditors who were in the country to audit the claims of the USA about Iraq as spies of the USA by Saddam Hussein, the USA started the Operation Desert Fox to destroy nuclear, chemical and biological weapons together with England against Iraq following the evacuation of UN employees between December 16th – 19th. The USA performing a military operation alone without the support of other western countries made the whole countries worried about a possible intervention to Iraq. Besides, Turkey a regional country and Iraq's neighbor had to watch this period as being excluded as it was in the ending of conflicts among Kurdish groups.

4.2 The Years of 2000s

When we came to 2000s which were considered as the beginning of a new period, the most important event of the period was certainly the terrorist attacks performed against the World Trade Center in New York in the USA on September 11th 2001. After these attacks' responsibility was accepted by El Qaeda whose leader was Osama bin Laden, the USA attacked Afghanistan and called all countries to support her against terror and terrorists. After these attacks, the USA oriented to Iraq by the reason that Iraq supported terror where she had oriented to overthrow Saddam Hussein administration, and the USA's intervention to Iraq was talked about again. Along this time, Turkey went into the effort of a possible war and also started not only to define strategies about this intervention but also to consider the scenarios. In defining of these scenarios and strategies, the following principles are determined: to be on the side of preserving Iraq's land unity, not letting the establishment of a state in Northern Iraq, taking necessary security measures to prevent occurrence of any threat towards Turks' lives and properties that live in Iraq were determined as the red lines.

4.2.1 Progresses in 2002 and “Strategic Depth” Opening in Foreign Policy

In 2002 when rumors increased about the USA that she would intervene Iraq, the progress occurred in Northern Iraq is considered as the main effect of the event being experienced today. In a period in which the intervention of the USA to Iraq has increased, Kurdish factors who wanted to strengthen this position in Iraq, reopened the Kurdish Congress on October 4th 2002 that was established in 1992 and then has become dysfunctional because of internal conflicts.

In Turkey, elections were held one month after the opening of Kurdish Congress and a political party acceded alone for the first time since 1990s. The new Justice and Development Party government made some attempts to prevent the USA's intervention to Iraq, and in this context Foreign Ministers of Saudi Arabia, Iran, Syria, Jordan and Egypt gathered at Çırağan Palace in İstanbul on January 23rd 2003, and issued a call to Saddam Hussein administration to cooperate with UN and International Atomic Energy Agency. But such efforts of Turkey resulted with failure and the USA started the action to invade Iraq on March 20th 2003. In determination of Turkey's foreign policy who entered the invasion period with a new government 5 months old, Professor Ahmet Davutoğlu who was on duty as the top advisor and responsible for Prime Ministry Foreign Policy played an effective role to determine Turkey's foreign policy. The book "Strategic Depth: Turkey's International Position" written by Professor Ahmet Davutoğlu in 2001 had a very great effect on Turkish Foreign Policy.

In the book which was very important in terms of Turkish Foreign Policy, Professor Ahmet Davutoğlu summarized Turkey's future oriented foreign policy strategy as rearrangement of relations with alternative ways and establishment of a hinterland in which long term cultural, economical and political bonds are strengthened. According to Davutoğlu, with this aim Turkey should ground her foreign policy strategy on three geopolitical areas to be able to open to surroundings, and these are:

- 1- Near Land Basin: the Balkans - the Middle East – Caucasus
- 2- Near Sea Basin: Black Sea – Adriatic – Eastern Mediterranean – Red Sea – Gulf – Caspian Sea
- 3- Near Continental Basin: Europe – North Africa – Southern Asia – Middle and Eastern Asia²²³

In the context of the foreign policy of prime ministry top advisor Professor Ahmet Davutoğlu that will be followed by Turkey, the lands stated in the primary impact area were former Ottoman Empire lands was strongly criticized both in domestic and foreign political media and was labeled as New Ottomanism.

²²³ Ahmet Davutoğlu, "Stratejik Derinlik: Türkiye'nin Uluslararası Konumu", Küre Publishing, 1st Edition, November 2004, p.118.

After the USA intervened Afghanistan following the 9/11 terrorist attacks Turkey; with the aim of filling the strategic vacuum in the region after the Cold War and to play an effective role as a regional power for the reconstruction of the region during the invasion of Iraq, with this foreign policy adopted, was carrying the aim of affecting the current progress in her own region. In the context of this policy, the first aim in foreign policy was adopted as “zero problems with neighbors by prime ministry top advisor Professor Ahmet Davutoğlu that was to stay away from political, economical and military risk and crisis areas. In summary, this policy aimed; to prevent occurrence of crisis by improving diplomatic and economical cooperation between Turkey and surrounding countries and on the other hand to solve current crisis.

In the context of this policy, in the first phase of this opening, the Balkans and the Caucasus and the Middle East which is our topic, take place as the “Near Land Basin”. When the Middle East that is one of the first phases of this policy is observed, the most important factors from point of view of Turkey are Iraq and Kurdish factors, is an indispensable truth for Turkey that claims Iraq’s land unity at every opportunity. That’s why; Turkey had to improve her relations with Iraqi Kurdish factors around the context of Iraq’s land unity. In the context of this policy, decision makers in Turkey had to analyze power balances well and determine a new foreign policy strategy special for Iraq by going out of the predetermined foreign policy and in this context the new acceptor of Turkish government was Kurdish and Shiite leaders who; had no state experience but had religious and local missions. For this reason, Turkish decision makers had to intensify political and diplomatic relations urgently and form a mutual medium of trust. In this context, Turkey’s new policy of Iraq should not only contain diplomatic and economical relations but also have the skill to show military threat and sanction power. While Turkey applies her power policy, she should take great care not to oppose with other countries as much as possible and move around a common agreement context. Additionally, Turkey should be open to cooperation with the USA that seems to stay a bit more in Iraq and also should be able to answer new crisis with a good crisis management. However, Kurdish Regional Government that is trying to functionalize their actions with the Kurdish congress which was reopened in October 2002, has ignored the principles of Turkey called “red lines”, thus was strongly criticized by Turkey. Unfortunately, on March 1st 2003, as the result of the letter rejected by TGNA, during the invasion period Turkey was not in Iraq, thus she could not be contained in the progress because of Iraqi

Kurdish factors that she criticized because of her “red lines” went entirely under the influence of the USA.

4.2.2 Letter of March 1st 2003 and After

Before the invasion process, the USA asked Turkey to allow her to open a second front in the north and supply her land and air bases and several roads, harbors and transportation facility on Turkish land. But Turkey requested the followings in return:

1. Turkish Army should directly and independently have operations in Northern Iraq to sustain border security
2. Weapons predicted to be distributed among peshmergas of Barzani and Talabani should be carried out under Turkey’s control and after the operation ends these weapons must be taken back again under Turkey’s control
3. The duty of American troops in Northern Iraq should be establish connection between the Turkish troops in the region and the American troops in the south of 36th parallel
4. A Turkish commander should have a duty together with the American commander in the command center in Qatar
5. A second operation center should be established in Turkey equivalent to the one in Qatar and this should have a Turkish and an American commander

As especially the first two of Turkish requests were turned down, there was no agreement. After the invasion operation started, the USA warned Turkey not to enter Northern Iraq, but she wanted Turkey open an air space for American missile and planes²²⁴

The 2003 intervention caused the autonomous Kurdish structuring that was established by Turkey’s fault in 1991 in Northern Iraq to strengthen more. Turkey that was trying to get some gaining in Iraq and during progress in Northern Iraq due to her relations with the USA, started to be punished by the USA administration after the letter of March 1st as the country that hindered an easier operation of the USA to Iraq. After completion of Iraq’s invasion on July 4th 2003, in Sulaimaniya in Northern Iraq the USA troops raided Turkish special forces office upon the claim that “some Turks would assassinate governor of Kirkuk who was od

²²⁴ Tayyar Arı, “**Irak, İnan ve ABD: Önleyici Savaş, Petrol ve Hegemonya**”, I.B., İstanbul, Alfa Publishing, 2004 , pp. 508-509.

Kurdish stock and took one major, two first lieutenants, 8 noncommissioned officers and 6 employees into custody²²⁵. As Turkish soldiers were treated as if they were terrorists, and they were handcuffed and worn sack by force the relations between two countries were strained. The reason of the actions of the USA was affected by the KDP and PUK requested Turkish troops removed from the region that was positioned during their conflict²²⁶.

After the rejection of the USA's requests by the letter of March 1st 2003, the USA started to follow policies which ignore Turkey together with Iraqi Kurdish groups in Northern Iraq and especially the Kurdish groups started to change their attitudes towards Turkey after they became a solid ally with the USA. However, if Turkey accepted the letter of March 1st and entered Iraqi lands together with the USA that has the relations at "strategic partnership" with Turkey since the Cold War period, the opposition of Turkey between Iraqi Kurds and the USA would be prevented and at the same time Turkey would have the opportunity to intervene all events around her within her "red lines". As a matter of fact, in the preparation process of the letter of March 1st, in the agreement reached within the context of the meetings held with US officials, the decisions about Turkey and her troops might be summarized as follows:

1. Turkey shall enter Iraqi land together with the USA,
2. While the US troops advanced into Iraq, Turkish troops shall position at a definite location in Northern Iraq
3. The US troops shall secure Mosul and Kirkuk; Talabani, Barzani and Turkey shall not enter these cities
4. Turkish troops shall not go into armed conflict with Iraqi troops and opposing groups, but they could use force against PKK
5. Turkish troops in Northern Iraq shall be bound to a Turkish commander²²⁷

²²⁵ "Bu Nasıl Stratejik Ortak?", Radikal Newspaper, 6 July 2003, <http://www.radikal.com.tr/haber.php?haberno=80586>

²²⁶ "Türkiye'den ABD'ye Gözaltı Öfkesi: Böyle Müttefik Tavrı Olmaz", Zaman Newspaper, 6 Temmuz 2003, <http://arsiv.zaman.com.tr/2003/07/06/dis/h1.htm>

²²⁷ Fikret Bila, "Sivil Darbe Girişimi ve Ankara'da Irak Savaşları", Ümit Publishing, Ankara, November 2003, pp.240-242.

With this letter, as Turkey did not let the USA start a fight against Iraq on her own lad, made Iraqi Kurdish factors the most important ally of the USA, and the USA and Iraqi Kurds acted together during the invasion of Iraq.

Rejection of the letter of March 1st and arrestment of Turkish soldiers by making them wear sacks on heads by force caused the relations between the USA and Turkey strained. However, for the reason that the USA could not sustain full security on Iraqi land that she has invaded, caused her to request sending of troops from Turkey, Turkey did not reject the request this time and TGNA took the decision of sending troops on October 7th 2003. However, this decision could not be realized upon the efforts of Iraqi Kurdish leaders²²⁸. The most important reason for the decision of sending troops by Turkey was the possibility of arising actions of PKK in the northern region where the USA cannot influence. Turkey that started her influence in the region after the invasion went into the effort of increasing her effect by the decision of sending troops, but as stated before this attempt resulted negatively by the attempts of Kurdish factors. In this context, the attempts of Kurdish factors by the USA and how they were successful is proven.

Iraq that was trying to be reconstructed, Kurds had a very effective position and in order to establish a new administrative structure, Iraqi Kurdish leaders were present in Temporary Administration Council. AS the result of the negotiations made with other Iraqi ethnic and religious factors in the council, Iraqi Kurdish factors were the ethnic factors whose requests were fulfilled the most in Transition Period Iraqi State Law. Iraqi Kurdish factors whose requests were fulfilled except for Kirkuk, registered their effectiveness in the region once again with the elections held in 2005 and also in the constitution voting. Turkey took the terrorist organization PKK in her relations with Iraqi Kurdish factors against the Kurdish factors whose effectiveness increased such, and she directly started to take the Kurdish Regional Government into consideration in Northern Iraq.

²²⁸ Iraqi Kurdish factors and temporary government of Iraq declared to USA that they do not want Turkish soldiers. Fikret Bila, **Op. Cit.**, 249

4.2.3 PKK Factor

After the intervention in 2003, PKK has increased their presence and actions in Iraq with the help of Iraqi groups there. Turkey that did not help the USA during the invasion was reacted, PKK members in the region strengthened their action towards Turkey and the USA reputedly supported the request by Turkey about PKK terrorism, and acted reluctantly in military basis.

Fight against PKK and the problem about terrorism it was not only enough that Turkey negotiating or dialogues with the USA, but required also the participation of other countries, this situation made the solution more difficult. Terrorist organization PKK requires the recognition of Kurds who live in Turkey, Iraq, Iran and Syria including them with the claim of being the representatives of all Kurds. Terrorist organization PKK have requests like Kurds had a state, flag, land etc. and for the reason that the establishment of an independent Kurdish state was a threat for Turkey and was therefore it was impossible, they continued murderous operations. Since Iraqi war was considered by PKK as the collapse of the nation state in the region and because of their expectations they claim that this war created a situation for their favor. For this reason, the solution of the “Kurdish Problem” in Turkey which seemed as the most dominating country of the region before the war was claimed that enables the solution in Iran and Syria, thus went into the process of provoking Kurdish followers against Turkey.

Beginning from 2003, Turkey’s policy of Iraq shaped as follows²²⁹;

- Sustaining of Iraq’s land unity and political integration,
- Preventing of Iraq’s disintegration and effort of maintaining cooperation with neighbors to provide internal balance in the country,
- Sustaining Northern Iraq not to set cooperation with PKK,
- Maintaining relation with Iraqi government but having a distant attitude due to lack of cooperation about security,
- Solving the problems resulted from conflicts with the USA about Iraq by making compensation with other regional countries.

²²⁹ Serhat Erkmen, “Cumhurbaşkanı Abdullah Gül’ün Irak’ı Ziyareti Işığında Türkiye-Irak İlişkileri”, Middle East Analysis Magazine, April 2009, Vol 1, No 4, p. 11.

In this context, Turkey aimed to make PKK ineffective as much as possible by having cooperation with the USA about PKK, and for this reason she made some requests for the elimination of PKK from the USA but the USA did not give a clear answer to these requests. Then Turkey settled for applying pressure to some EU countries about deleting financial supplies of PKK and arresting of some PKK members. Besides, in a period when PKK terrorism increased again on June 28th – 29th 2004, during the NATO summit held in İstanbul, important decisions were taken that would support Republic of Turkey at her fight against terror like; maintaining fight against terror, targeting countries which support terror, preventing occurrence of new terrorist organizations and sharing of intelligence about terror. G. Bush the President of the USA of the period, rated PKK as an international threat²³⁰ but while predicting a mutual operation with Turkey, on the other hand the news took place in the media about him that he had an agreement on PKK not to be eliminated²³¹.

After capture of Abdullah Öcalan on February 15th 1999, terrorist organization PKK that went into some changes of name and strategy, infiltrated to Turkey on October 7th and October 21st through the land those are under the control of Kurdish Regional Government, and with the attacks they performed they caused not only deaths of many Turkish soldiers but also showed that the existence of the organization went on²³². Attacks performed in a short time and their realization through the land of Kurdish Regional Government and for the determination of Kirkuk's status as stated in Iraq's constitution as to be before December 31st 2007, it bears different meanings. Attacks performed in this context are seen as attempts to remove Turkey from the process that would bring Turkey faced with; primarily groups in northern Iraq, then Iraqi central administration, Arab world and finally the USA²³³. In the period that these attacks were performed, for the reasons that Iraq was under invasion of the USA and Northern Iraq was under the control of Kurdish Regional Government, it seemed not possible that these attacks were performed without the notices of these two authorities. In this process what aimed was, removal of Turkey from the process and make her ineffective before Kirkuk's status was determined. After these attacks, Turkey started actions targeting north of Iraq and signed treaties against PKK on August 7th and September 28th 2007. In these treaties, she could not have the right of hot pursuit because of objection of the Kurdish Regional

²³⁰ “**ABD, Büyük Ortadoğu ve Türkiye**., SStrategic Analysis Magazine, August 2004, Vol 5, No 52.

²³¹ For details V. 8 October 2003, England The Guardian Newspaper Web Site.

²³² Ümit Özdağ, **Op. Cit.**, p.326.

²³³ Ahmet Davutoğlu, “Turkey's Foreign Policy Vision: An Assessment of 2007”, **Insight Turkey**, Vol:10, No:1, 2008, p.87.

Government, but as the result of the agreement made with the USA on November 5th, opportunities were gained like instantaneous intelligence sharing and opening Iraqi aerial space to Turkish planes and in this context air attacks began from December 16th. As the result, Turkey entered Iraqi land on February 21st 2008 to neutralize PKK factors with Operation Sun²³⁴. Although Nechirvan Barzani the chairman of Kurdish Regional Government claimed that PKK problem should be solved by dialogue and diplomacy not by arms; and also claimed that for this reason there should be some meeting among Ankara, Baghdad, Erbil and Washington and they wanted warm relationships with Turkey, he could not prevent this operation by the cooperation between Turkey and the USA.

In order to end the existence of PKK in Northern Iraq, Turkey had meeting with the officials of Kurdish Regional Government but as she could not get a result, she displayed a very careful military power. The military power that bears one of the tools of foreign policy of this country was applied very consistent way by evaluating all results in this period. All these military and diplomatic attempts of Turkey could not exactly end the presence of PKK in Iraq that she fought against since 1980s. For her attitude that considers the land unity of Iraq, Turkey went into closed relations of all actor of the region primarily with Iraq and tries to solve this issue. Instead of a thinking structure that saw military solutions as the only solution, now Turkish foreign policy involving political, economical and cultural factors to the process might cover distance towards the solution in PKK problem.

4.2.4 Kirkuk Problem

One of the factors that affect the most Turkey to give importance to the north of Iraq is Kirkuk. In the Interim Constitution of Iraq that was accepted in 2005, it was stated that the status of Kirkuk would be determined by the referendum that would be held before December 31st 2007²³⁵ and this caused Turkey to go into effectiveness encounter in the region where she is sensitive. The reason for Turkey is that sensitive about Kirkuk is the acceptance that Kirkuk's control that bears rich oil reservoirs is the most important path that goes to an independent Kurdish state. For the reason that an independent Kurdish state will be the most

²³⁴ "Turkey And Iraqi Kurds: Conflict Or Cooperation?", International Crisis Group Middle East Report, No:81, 13 November 2008, [http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/81Turkey%20and%20Iraqi%20Kurds%20Conflict%20or%20Cooperation.pdf](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/81Turkey%20and%20Iraqi%20Kurds%20Conflict%20or%20Cooperation.pdf), Access:15 November 2011, pp.5-10.

²³⁵ Iraqi Constitution, Clause 140/2

important factor that would threaten Iraq's land unity, it stays in Turkey's "red lines" and Turkey stated that Iraq's land unity's disintegration would cause an unbalance in the Middle East region and one of these factors causing would be Turkey herself.

After the invasion of Iraq, Kurds who tried everything to change the population structure of Kirkuk and tried to get a favoring result in the referendum about Kirkuk and also to bind Kirkuk to their own administration. Efforts of Kurds resulted with success and by the election held in January 2005 and Iraqi Constitutional voting in October, this success was seen in the results in Kirkuk²³⁶.

For the reason that Turkey was worried about the result would be along the way that the Kurdish Regional Government would prefer, she made diplomatic attempts to delay the referendum. In this context, Turkey acted together with Iran and Syria who were also worried that capture of Kirkuk would result with an independent Kurdish state, but for the reason that Syria was under pressure because of accusations about Syria supported the resistance in Iraq and Iran thought that Kurds would be hindered in a situation where Shiites acceded, Turkey played a more active role than these two countries²³⁷.

As the date of referendum in Kirkuk that was December 31st 2007 approached, in order to decrease the effectiveness of Turkey on the region, PKK increased their terrorist actions, thus Turkey went into a very difficult process and Turkey used military and diplomatic attempts together. Turkey that claimed the planned referendum would not give a healthy result due to changed population structure and that would threaten regional countries, Turkey's diplomatic attempts and all factors bearing benefits on the region agreed with Turkey, delayed the referendum. Delaying of the referendum showed that Turkey was right about the issues that she was not comfortable and her warnings were considered by all.

In such a medium that Kurdish Regional Government delayed their requests and plans about Kirkuk, Turkey made attempts to improve the conditions of Turkmens and Turkmens declared that they would join the operations of Kirkuk City Congress beginning from May 20th 2008

²³⁶ In the election held in January 2005, as the Kurdish List won 26 chairs out of 41 in Kurdish city council, Iraqi Constitution which was welcomed by Kurds with excitement for the reason that it made their gains legal in the referendum in October, the ratio of "Yes" votes was 62,9%. "Iraq And The Kurds: The Brewing Battle Over Kirkuk", **International Crisis Group Middle East Report**, No:56, 18 July 2006, <http://www.aina.org/reports/icgkirkuk.pdf>, Access:15 November 2011, p.3

²³⁷ "Iraq And The Kurds..." p.24.

that they have been boycotting since November 2006²³⁸. Thus, all factors of Iraq were sustained to participate in the reconstruction process of Iraq by the effect of Turkey. In this context, relations of Turkey with Turkmens and all other factors started to give result and despite the ending of the referendum delay, Turkmens and Arab factors had attempts in the way opposite to Kurds' as Turkey wanted. In order to maintain the continuing of the gains and right about Kirkuk, although Kurds approached negatively to the proposals about other factors would have equivalent rights in administration, for the reason that regional countries were seriously interested in Kirkuk problem, they stayed as the factors that would affect the course of events.

Involving of other factors to Kirkuk problem in the region and Turkmens, Arab and Christian factors started to become have voices about the decisions about the decisions, showed that the USA would not support unconditionally Kurds under all situations, thus Iraqi Kurdish factors started to act more carefully about the politics that they would apply, because they saw that the cooperation between the USA and Turkey endangered their advantage in the region. Besides, the actions they have taken about Kirkuk, oil law and expansion caused them fall into conflicts with other factors of the region and they started to lose the power they gained during the invasion of Iraq by the USA, thus a more balanced structure started to form in Northern Iraq towards Turkey's favor.

Turkey that was following a different policy in the region until 2008 changed her policy after that date and instead of taking the USA and Iraqi Central Administration as the acceptors, she started to take Kurdish Regional Government as the acceptor. In this context, with the aim of ending the presence of PKK in the north of Iraq, Turkey determined establishment of direct dialogue with the Regional Administration and going into active cooperation with the USA as a new opening, thus Murat Özçelik Iraqi Special Representative met Barzani.

4.2.5 Changing Benefits of the USA after the Invasion and Strategy Projection

With the start of the invasion the most important defense of the USA declared to the world common opinion was the land unity of Iraq was protected by the USA, and by the effect of the elections held in December, there have been some changes in the approach of the USA to the

²³⁸ Official website of Republic of Turkey Foreign Ministry: <http://www.mfa.gov.tr/irak-turkiye-ikili-iliskilerinde-son-donemde-meydana-gelen-gelismeler.tr.mfa>, Access:16 November 2009

region. In this change, threatening of increasing the effectiveness of radical groups was effective. Government type was voted to be a federative state in Iraq's congress, thus it can be said that the USA abstained a direct approach that would endanger Iraq's land unity in a medium that could threaten her presence and effectiveness in Iraq. Especially in case Iraq is divided, the possibility of increasing Iran's effect on Iraq is one of the most critical issues feared the USA. The conjuncture in the region, changes in domestic politics of the USA caused the USA's presence and aims in Iraq reshape. These shaping depend on the changes below:

- The primary concern of the USA is; reducing the military presence that was seen as an economical burden and separation of economical and military sources for Afghanistan,
- Prioritizing of the new US Administration to problems taken over from the republicans, and in this context shrinking of the US economy because of the global financial crisis and Obama administration focused primarily on bettering the economy,
- With basic reasons like repairing of tainted international image and reputation of the USA during Bush administration, changing of primary position of international terrorism in Bush administration,
- Reflection of Obama's personality and foreign policy vision of Democrats to new foreign policy of the USA (Democrats being more compromising, focused on diplomatic methods and the known sensitivity of Obama to minority problems would be more decisive in the upcoming US foreign policy)

When the changes above are considered, the aimed military retreats of the USA planned to be completed in 2011 should not cause the comment of her effectiveness would decrease among the country and the region. On the contrary, a military or political vacuum that could be caused by the retreat could increase the actions of terrorist organizations in the region and also involves the possibility of a civil war in Iraq. Therefore, the USA that would not like to keep warm any risk that could threaten the benefits of the USA and Israel, she would aim a construction that would render her presence continuous and secure her benefits. In the context of this construction, the alternatives below are points at issue;

- The USA may request to use the bases of the regional countries to sustain a secure retreat of her troops²³⁹
- The USA might continue her military presence or might protect her benefits by constructing bases in Iraq or regional countries²⁴⁰
- The USA might request power to sustain stability from NATO member countries²⁴¹
- In order to prevent Turkey's intervention to Northern Iraq, she may pacifies the terrorist organization PKK²⁴²
- The USA might have economical and military openings that aim the transformation of Iraqi Regional Administration to an independent political construction

Which of the ones will be followed by the USA will be determined by Iraq's internal dynamics and changes in international system.

After the invasion in 2003, Iraqi Kurds gained great advantage from Sunnite – Shiite conflict. In sustaining of this advantage, need of the USA for Kurds was a great factor. Iraqi Kurdish factors claimed that Iraq should be divided into several federative administrations and Northern Iraq Regional Administration should be one of this. The most important worry of the Northern Iraq Regional Administration is occurrence of a civil war following retreat of the USA from the region and due to that the Regional Administration could lose the gains earned since the invasion of Iraq.

When regional dynamics even in case of support by the USA and Iraq's sociological structure, and political conflict between Central Government in Iraq and Northern Iraq Regional Administration are considered, the structuring of an independent Kurdish state in the north of Iraq has a low possibility in short term. Regional countries of Syria, Iran and Turkey are seen as important obstacles in front of an independent Kurdish State. The said countries shall see the formation of a Kurdish State as a threat and the sides of the current problems in the region will be increased. For example a lot of problems like water problem, status problem of the cognates in neighboring countries and carrying of oil might take a very complex form by the declaration of independence by Kurdish Iraq Regional Administration.

²³⁹ Reşat Ödün, “ABD'nin Irak'tan Çekilmesinin Türkiye ve Orta Doğu'ya muhtemel etkileri”, **ASAM Internet website**, 6 October 2008

²⁴⁰ Reşat Ödün, **Op. Cit.**

²⁴¹ Reşat Ödün, **Op. Cit.**

²⁴² Reşat Ödün, **Op. Cit.**

However, Northern Iraq Regional Administration is making efforts to maintain the support of the USA; to secure the gains they had after the invasion by the USA, to reach their main goal which is full independence and to pass Kirkuk under the control of Regional Administration. At this point, the points where Turkey is sensitive and the common grounds of the USA and the Regional Administration form the infrastructure of future scenarios. When looked from this angle, possible scenarios are²⁴³;

- The USA might want to use Turkish land, aerial space and harbors to retreat some or all parts of her forces in Iraq. As will be remembered, upon the request by the USA during Iraq war, İncirlik base was used for the evacuation of wounded for humanitarian aims. The USA might request to use İncirlik Base for evacuation purposes. This situation may create opportunities on topics like; to make Armenian Genocide judgment paper to become out of date in the Congress, Kirkuk to be given a private status, security of Turkmens and to gain effective result in the fight against PKK. However, in such a scenario, it can be predicted that the security risks of Turkey shall increase (like becoming the target of Al Qaeda).
- On the other hand, as an alternative to Turkey, the use of airports in the north of Iraq or performing the retreat via Kuwait might come up. Uttering of this alternative may be considered as a tactic to break the bargain power with the USA in exchange for the use of Turkey's means and skills. However, the retreat of US forces via Kuwait without a problem seems difficult. When it is considered that electronic systems, multi barreled rocket launchers, weapon systems like early warning and high technology and helicopters as well as troops shall be retreated, for the reason that an open area like Kuwait may become the target of terrorist organizations like Al Qaeda; such a plan would be more risky. Besides, when ethnic structure of Kuwait is analyzed, Shiites form the 30 % of the total population²⁴⁴. Shiite militias in that region are very uncomfortable with the presence of the USA. Therefore, it is considered that Shiite militias may show a serious resistance during the retreat.
- For the reason that the USA would like to continue her presence in terms of military somehow, she may want to protect her benefits by her allies or by bases that she

²⁴³ "ABD'nin Irak'tan Çekilme Süreci ve Bölge Dinamikleri Açısından Değerlendirilmesi", Republic of Turkey University of Bahçeşehir International Security and Strategic Investigations Center,

<http://busam.bahcesehir.edu.tr/rapordosya/080109abd-iraktan-cekilme-sureci.pdf>, Access: 17 November 2011

²⁴⁴ "ABD'nin Irak'ı İşgalinin Bölge Ülkelerine Etkisi", **Köksav E-Bülten**, 27 November 2008,

http://www.koksav.org.tr/ebulten/eyl-ek-kas2008/081127_kok_hk-abeyatli.pdf, Access: 17 November 2011

would construct in Iraq. From this point of view, probability of north of Iraq is highly likely to host the USA's possible military bases. When it is considered that the USA constructs bases having permanent properties, she may use the north of Iraq in this way and the strong possibility of persistency of the USA's "neighbor id" emerges as a factor that must be considered in Turkey's regional projections.

- For the reason that the USA is planning to transfer some of her troops to Afghanistan, the vacuum that will be created by the nonexistence of the USA in Iraq may be asked to be filled by NATO. Besides, sending more troops to Afghanistan by the USA may cause her to be more persistent towards a NATO member country like Turkey.
- After the USA retreated from Iraq, as Taliban did especially in southern and eastern states²⁴⁵, Al Qaeda²⁴⁶ and similar terrorist organizations may create "rebel zones" in north of Baghdad (Tikrit, Samara and Felluca) and in Al Anbar. These zones may expand the skills of increasing/training militia numbers of terrorist organizations. Such a situation may accompany with progresses that would carry the region out of control in a wide range and hinder new opening by causing regional policies to be limited by security.
- In case the USA retreats, Kurds those have strengthened in the north of Iraq may continue to look for support from who live in Iran and Syria and Kurds in Turkey for the establishment of an independent Kurdish state. The USA shall continue being one of the sides who has a voice about the solution of Kirkuk. In this context, she may take preventive measures against occurrence of new problems by spreading the solution of Kirkuk into long term and may choose to continue her military existence and by keeping the Kirkuk card in hand, she may evaluate to continue her power of influence on Northern Iraq Regional Administration on mutual benefits basis.
- The USA may provide weapon and training support to bear an effective role in structuring Iraqi army and security forces after the retreat. This support may be performed as weapon sales and repairs of existing weapons and providing spare parts. This situation creates a market opening for American weapon sector and shall enable her to control Iraq via weapon sector. However, this progress may cause discomfort in

²⁴⁵ Sami Kohen, "Afganistan Yeni bir Irak mı oluyor?", **Milliyet Newspaper**, 29 April 2008

²⁴⁶ "Some resisting groups which had to leave Anbar and most of AL Qaeda members in Iraq are continuing their actions in Mosul Region." Serhat Erkmen, "**İşgalin Beşinci Yılındaki Irak'taki Gelişmeler**", 30 June 2008, <http://www.asam.org.tr>

the relations between Turkey and the USA²⁴⁷. Because, such a situation which shall mean armament of local forces in Iraq may go out of control and create a very dangerous situation for Turkey.

- During the retreat process, several weapons that the USA troops might leave in the north of Iraq may cause an important threat for Turkey in the future in case these weapons are captured by terrorist organization PKK/Kongra-Gel²⁴⁸. For example Baghdad government requested the USA to leave Humvee armored vehicles and Abrams tanks in Iraq. This request was considered as positive considering the high cost of bringing those weapons back and also the coefficient of wearing of these vehicles those were used for 5 years in war conditions. On the other hand, for the reason that integration of Iraqi army to US made weapons shall exclude other countries out of market, the USA may earn double gains. The USA that will have the opportunity to determine the limits of fire and operation power of Iraqi army by the weapons that she “gave/will donate/will sell”, shall add Iraq to her inventory where she could sell weapons and sustain an income for her weapon industry and will be able to make Iraq more dependent on her.
- In order to eliminate Turkey’s reasons to intervene to northern Iraq during retreat process, the USA may choose the way to pacify the terrorist organization PKK/Kongra-Gel²⁴⁹. Instead of providing shelter to a terrorist organization, supporting an ally would be it would be more advantageous for the USA both to repair her reputation tainted during Bush administration and in terms of her benefits.
- In case of occurrence of a conflict between her two allies Turkey and Iraqi Kurds, many people in Washington may use this to prove that retreat was a wrong action. For this reason the USA would like to leave Iraq by creating peace between Turkey and Iraqi Kurds²⁵⁰. Turkey contributing to problems that may occur due to vacuum created by the USA’s retreat, improving economical and trade relations with Kurdish Regional Government, and in return making PKK ineffective may come up as a new formula. Thus, relations of Ankara with Kurdish Regional Government in Iraq may have more healthy structure.

²⁴⁷ Onur Öymen, “Orta Doğu’daki Son Gelişmelerin Türk Dış Politikasında Yansımaları”, 30 March 2006, <http://www.onuroymen.com/arsiv/516>, Access: 17 November 2011

²⁴⁸ Şanlı Bahadır Koç, “Türk-Amerikan İlişkileri: İkinci Bahar mı? Sonun Başlangıcı mı?”, **Strategic Analysis**, Vol. 7, No.74, pp.17-27

²⁴⁹ Fikret Bila, “ABD’nin çekilmesi Türkiye’yi nasıl etkiler?”, **Milliyet Newspaper**, 19 November 2008

²⁵⁰ **Wall Street Journal**, 21 August 2008

4.2.6 Effects of Retreat Plans to Middle East – Turkey Axis

Current ambiguity and conflict of interests in the period following 9/11 attacks, made Turkey develop new partnerships and strengthen the current ones in her region. With the invasion by the USA in 2003 and the Iraq war, its results caused occurrence of new balances in the region and by the analysis of these new balances, new policies started to be applied. Plans of the USA to retreat her troops from the region, forms a critical period among mutual and multi relations of regional countries. In this context, while the future of the relations between Turkey and Israel were being interpreted after the retreat of the USA, the relations with Syria and Iran should not be underestimated.

By the intervention of the USA to northern Iraq, possibilities of establishment of an independent Kurdish state in the north of Iraq approached to be real the most in the history. After the invasion of Iraq, Iraqi Kurds who became the effective minority in Iraq were one of the biggest discomforts of Turkey together with the possibility of establishment of an independent Kurdish state and PKK. This situation affected Syria and Iran those involved Kurdish factors, and these three countries made the land unity of Iraq in their foreign policy and after the intervention of the USA to Iraq; Syria, Iran and Turkey got closer towards the separatist Kurdish movement. Following the capture of Abdullah Öcalan, terrorist organization PKK that aimed to unite the Kurds in 4 countries under the thesis of democratic confederalism; decided to establish PJAK in Iran, Democratic Solution Party in Iraq and Democratic Union Party in Syria. Until today, PKK that could exist politically in Iran²⁵¹ and supplied intelligence support against opposing Kurdish groups could overcome the separation²⁵² among Kurds in Iran by PJAK. With these new formations in Iran and Syria, PKK that wanted to take place in the regional search of the USA started to diverge from their

²⁵¹ Abdullah Öcalan's books were published by the approval of Ministry of Culture, a Kurdish Institute was established and attempts like establishment of a Kurdish city called Mokriyan at Iranian – Turkish border was supported in Iran. This situation is a piece of Iran's weakening policy as he sees Turkey as an opponent. Arif Keskin, "PJAK: PKK'nın Bölgedeki Yeni Misyon Arayışı", 22 January 2008, <http://www.turksam.org/tr/a1377.html>, Access: 18 November 2011

²⁵² 30 % of Kurds who lived in Iran having Shiite roots and these Shiites rejecting to cooperate with other Kurds in the region has made things easier for Iran to govern Kurds. However, PJAK could break the resistance of Shiite Kurds against union with other Kurds. Arif Keskin, "PJAK: PKK'nın Bölgedeki Yeni Misyon Arayışı", <http://www.turksam.org/tr/a1377.html>

traditional supporters Iran and Syria²⁵³. This divergence could pave the way for improvement of relations between Northern Iraq – Israel as well as the relations between PKK – the USA after the retreat of the USA from the region, and in this context it could cause straining of relations with Turkey.

4.2.7 Economical Dimension

In the final period of retreating after the invasion of Iraq by the USA, although there were some strained periods about issues like PKK and Kirkuk, economical relations that were continuing in the past started to develop. The reason for that may be the will to improve the relations politically, economically and culturally by Turkey except for the point of view of military. This opening of Turkey is a policy developed in accordance with the principle²⁵⁴ of “mutual economical dependency” which was one of the 4 principles of Davutoğlu stated in order to raise Turkey’s position in the Middle East. In this context, in the period after the invasion, 1, 5 billion USD of the volume of trade between Iraq and Turkey that was about 5 billion USD came directly from the trade relations with the Kurdish Region²⁵⁵. Besides, by September 2008, two Turkish Companies Genel Energy and Pet Oil signed an oil leasing agreement with a total project value of 4 billion USD. These kinds of agreements made by the Kurdish Regional Government is claimed as invalid by the Iraqi central administration, however, in case an agreement is reached in context of Iraq’s land unity, Turkey will be the most important path for the transportation of the oil to foreign markets.

Turkey is a factor which must be set cooperation with for the Kurdish Regional Government in the region. For this reason, Turkey shall increase her chance for the bargains on Kirkuk and PKK and Kurdish Regional Government will be forced to maintain cooperation with Turkey for the continuation of the gains earned by them. Kurdish Regional Government having a persistent attitude about Kirkuk and to break down Iraq’s land unity by putting their gains aside involves the possibility of formation of a conflicting medium that shall contain Iraqi factors and regional countries. The presence of a conflicting medium in the north of Iraq

²⁵³ Arif Keskin, a. mlf.

²⁵⁴ The other principles that arranged by Davutoğlu’ nun are safety for everyone, giving priority to dialogue while solving the problems and cultural cooperation. Ahmet Davutoğlu, a. mlf., p.85.

²⁵⁵ “Turkey and Iraqi Kurds...”, p.13

where an important part of world oil reservoirs that is the most balanced area in Iraq after the invasion, will be the last thing that would be desired to be seen by the regional countries.

CHAPTER FIVE

5. CONCLUSIONS

Kurdish factors that had the opportunity to establish an administrative mechanism along the chances provided to them, has earned legitimacy to this administrative mechanism after the invasion of Iraq and they have taken their places as a political actor in the Middle East. In their continuing fight to have an autonomous structure along the Cold War under the leadership of Molla Mustafa Barzani, Iraqi Kurdish Factors were partially successful after the invasion of Iraq by the USA and the federal structure was adopted in accordance with the new Iraqi Constitution, and also the only regional administration that was recognized was the Kurdish Regional Government.

The Kurdish Regional Government that was in the effort of adding new things by not losing the gains which they had in time, was persistent about binding Kirkuk to the Kurdish Regional Government by the reason of Kirkuk having mostly Kurds where there were huge oil reservoirs. Kurdish Regional Government claimed about some conflicting areas that there were also Kurdish majority and wanted to join these areas to the Kurdish Regional Government. In the definition of these areas those were called as conflicting regions, Kurdish factors who became the most solid ally of the USA after the invasion looked only their point of view, and in this way they ignored Arab and Turkmen factors. For the reason to their behaviors, Kurds claimed that they have migrated by force by the BAAS administration and they mostly dwelled upon Kirkuk. According to the Kurdish factors, in the elections of 1957 which was accepted as the last healthy election, although they had the majority in the region; because of changing of city limits and also settlement of Arab factors to the area by the BAAS administration, the Kurdish population decreased. When looked from these points of view, in the period of 1957 that was accepted as base, the reasons of; the political and ethnic structure of the region and changing of city limits and also settlement of Arab factors to the area needs to be investigated. When these applications are considered as decisions taken and applied within the initiative of the state administration and these decisions were taken in order to sustain domestic peace, it is revealed that the Kurdish Regional Government is not quite right.

The Kurdish Regional Government that provided hundred thousands of Kurds settle in Kirkuk under the name of “returning to own lands” in the context of legal bases after the invasion of

Iraq by the USA, requires a population based solution about the administration about where Kirkuk will be bound. However, the regional countries define binding of Kirkuk to the Kurdish Regional Government as the first step on the way to an independent state and continue to fight against the aim of Kurds together with other Iraqi factors. Today, the status of Kirkuk which is still not clarified is the most important factor that will determine the future of both the Kurdish Regional Government and the region. As a matter of fact, the Kurdish Regional Government that could not capture Kirkuk is supported by a foreign factor that would take the advantage of unbalanced structure of the region, may switch to arms again as it did in the past. Iraqi lands those are very rich in terms of energy resources, displaying an unbalanced view will not make primarily the USA and the developed western countries happy, those are in need of energy. In case this unbalanced structure brings a declaration of independence, the regional countries Syria, Iran and Turkey which will be disturbed that could affect the Kurds living in these countries, are watching the attitude of Kurdish Regional Government about Kirkuk and they are trying to affect by their policies as much as possible.

The relations between the Kurdish Regional Government and Turkey have a more healthy nature than the relations with other regional countries. In the context of her policies followed, the Republic of Turkey accepted Iraqi Kurds as Iraqi factors with whom good relations were desired as long as they did not support PKK. When thought that they were in cooperation with PKK, Turkey that did not hesitate to take military measures was supporter of Kurdish Regional Government as they stayed away from PKK. In the process during and after the invasion of Iraq, the point of view of Turkey to Iraqi Kurds started to get out of PKK circle and had different dimensions. Turkish foreign policy makers who thought that past military operations alone would not be enough to finish the terrorist organization PKK, are trying to have influence on this group by changing relations to political, economical and cultural fields with group which had a legal status in a country where they could not have influence in the past. Republic of Turkey that is trying to have influence on the Kurdish Regional Government with other arguments but not only in PKK dimension, is applying a foreign policy that cares about the regional balance which is one of the basic determining factor beside her own land unity. As a matter of fact, occurrence of a conflicting medium in the Middle East shall mean redrawing of the maps in the geography of the Middle East.

The USA that intervened Iraq on March 20th 2003 from the land, sea also with her special forces, stated that she was going to retreat from this country and Barack Obama administration started planning in this way. In order to sustain a secure retreat of the USA from Iraq; balance in the north of Iraq and support of Turkey is needed. In addition to that, strains between the Kurdish Regional Government and the central administration, and Kurdish Regional Government and Sunnite and Shiite Arabs are still going on, and the inactivity of the sides towards each other is temporary, thus retreat of the USA is being waited. During the retreat process of the USA, the Kurdish “statisch” formed in the north of Iraq should be committed to a country that has influence in the region and because of the conjuncture today, Turkey seems to be the most convenient country. However, in order to get the support of Turkey, PKK terror should be ended even partially. On the other hand, PKK terror completed its mission and damaging the “statisch” in the north. When looked from this point of view, the Kurdish Opening spoken by the current government in 2010 in Turkey is Northern Iraq Opening with one of its sides.

General elections that was being delayed for a long while in Iraq was finally held on March 7th 2010. After 9, 5 months the new government could have been established. However, establishment of the government and receiving a vote of confidence could be completed on December 21st 2010. The established government actually shaped as desired by the USA and Iraqi Kurds, Kurds had the key role and captured important administrative levels like Presidency, Foreign Ministry, Vice Prime Ministry. This situation certainly decreased the concern that Kurds would be “applied pressure by the Central Government”. In addition to that, at least 4.500 (rumored to be 5000 also) of 46.000 (mostly civilians) US forces that was being planned to be retreated from Iraq would stay to train Iraqi forces and security forces. Approximately 2000 expert personnel (agriculture, climate, technical, energy, transportation, communication, education etc.) were planned to join that and this will give USA to intervene on site in case of negativities that could be brought by “Arabian Spring” to Gulf Countries.

In this context, although the USA claims that she retreated from Iraq, about 6.000 US officials shall continue their duties in Iraq and this shows that the USA shall be effective in Iraq’s domestic politics for a process of at least 10 - 15 years. In addition to that, via the US forces left behind, the USA will be settled in Iraq and then in other gulf countries, and will have taken oil and natural gas flow from the gulf to the global economy under control.

The presence and survival of the USA by the invasion of Iraq by the USA that is very important to Israel and Israel eliminated the Iraqi threat with a “Saddam Hussein” which had a high potential of growing in the region. What’s more, the Kurdish Regional Government is matured that is seen as a second “loyal friend” and “strategic partner” which could be turned into a state that could follow a policy close to Israel as needed in the Middle East.

Today, although is largely retreating from Iraq, for the reason that the possibility of Arabian Spring taking gulf countries under control and a military intervention to Iran is an issue that is kept up to date, it is not possible to say that the USA left the Gulf Region. Besides, for the reason that the gulf countries fear from a possible intervention by Iran, they went into an armament race with the weapons provided by the USA and even though the USA retreats from Iraq, with the gulf countries those have no democracy who depend largely on the USA, she strengthened her presence in gulf countries.

The intervention of the USA to Iraq has affected Turkey the most among the regional countries. Turkish – American relations, who were strained at the end of this operation, turned Turks in the whole world into a nation that has the highest American opposition.

At the end of the intervention to Iraq that was started under the name “Freedom for Iraq”, Iraq was entirely destroyed and became ruins. As there is not political maturity that could establish a national unity in the country, the established governments still have the form of “minority government” and how these governments were successful is another issue of argument.

The most gainful ethnic group as the result of the intervention by the USA was Kurds and they captured the most important authorities in state administration. Although a federal structure was predicted in Iraq’s constitution, neither Sunnites nor Shiites are seen to be in separate federal structures. On the other hand, Iraqi Kurds have established a state in the state and they continue their independent moves both in domestic and foreign policies without consulting with the Central Government.

As the result of invasion of Iraq by the USA, Iraq’s infrastructure, social structure and stability have changed permanently. The USA Administration that invaded Iraq under the

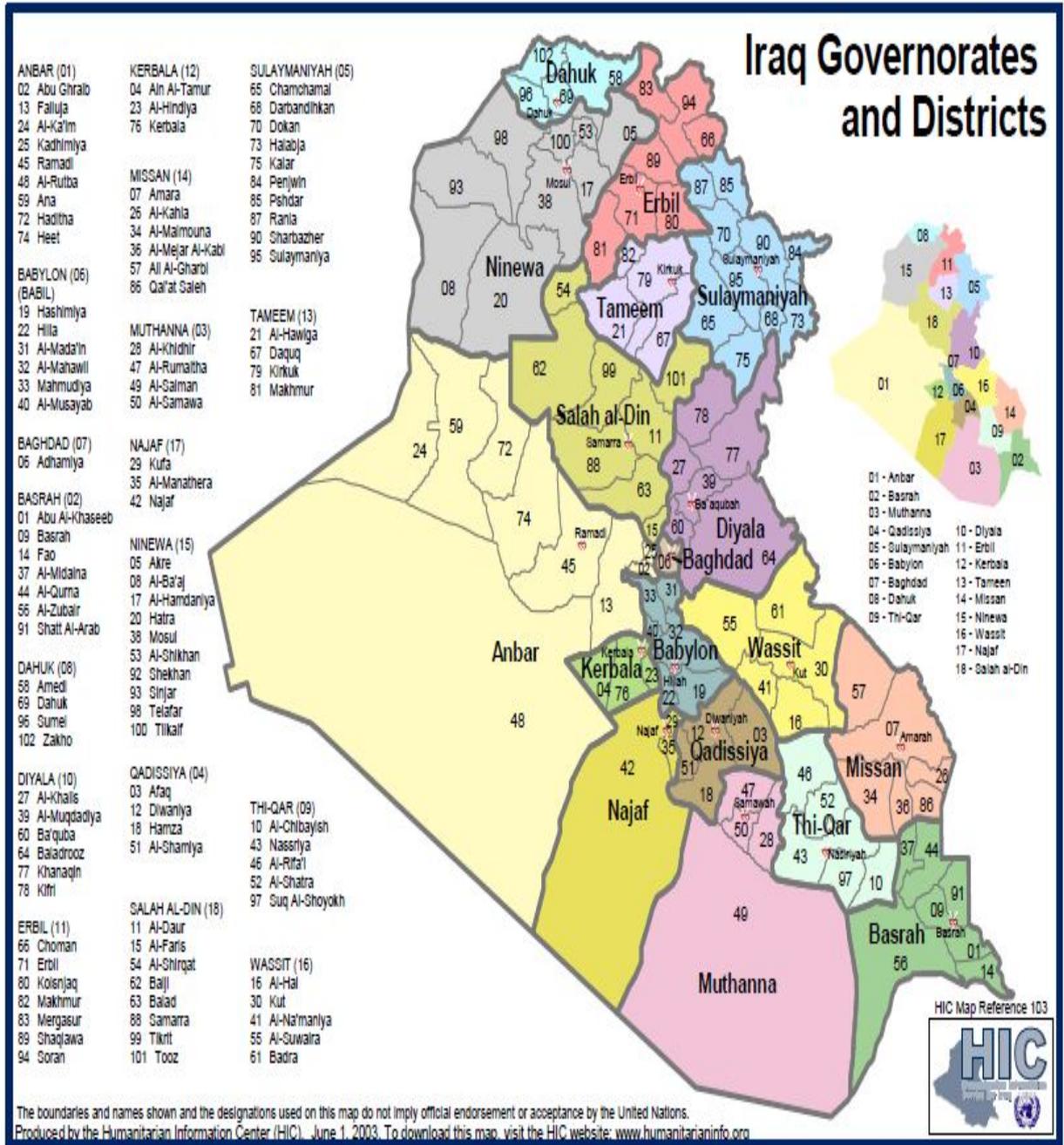
name of democracy and freedom has dragged the country into an ethnic and denominational conflict, caused instability and chaos, and left Iraqis alone in such a circumstance. In the context of SOFA negotiation signed in 2008 between USA and Iraq, USA announced that she left Iraq in December 15th 2011 by lowering USA flag in Baghdad and right after that crisis appeared among Iraqi political groups. This crisis is the appearance of internal conflicts those are being experienced about sharing Iraq and the share that will be taken from its future among the groups in Iraq. By whom the conflicts were encouraged in order to legitimate division process of Iraq was doubtlessly another large observation topic. However it can be said that the predicted division process of Iraq was supported by such conflicts. In this context the predomination conflict which is Sunnite – Shea conflict started to take place of expected Kurdish – Arab conflict in order not to lose the situation of the most important ally in Iraq in such a period as USA began to retreat from Iraq. Such dividing actions immediately started right after USA retreated from Iraq in order to realize division of Iraq into 3 regions as stated in Iraqi Constitution in 2005. With this aim, Arab concept is being tried to be eradicated and Iraq is being tried to be carried away from Arab World. With this aim since 2003, religious concepts like Sunnite – Shea started to replace Arab concept in Iraq and accordingly the only ethnic group spoken were Kurds. Today it is seen that Iraq started to be divided into 2 as Arab – Turcoman and Sunnite – Shea. In this way it can be seen that process of dividing Iraq into 3 regions as Sunnite, Shea and Kurdish regions by converting the ethnic structure into predomination structure as was aimed by the USA.

Republic of Turkey; that is in the point where Asia, Europe and Africa meet and has a very important geostrategic place, should determine; for what reasons an ethnic group that was under her influence in the past and is now under another one's influence got away from her influence and how it could be taken under influence again. Besides, Turkey should analyze her accumulation she owned in terms of political / historical / economical / religious / cultural / social angles on these lands once she used to dominate and she should implement them. When phases experienced by power centers which came to the greatest power of today are considered, it will be seen that they had authority fights in their own influence areas and then had fights against other force centers in order to be more effective. The basic policy of Turkey towards the Kurdish Regional Government should acquire a shape in this way. Besides that in the chaotic environment formed following USA retreated from Iraq, in the context of the

targets of Sunnite – Shea conflict and division of Iraq, she must determine policies towards regional countries and her situation very carefully in order to protect her own land unity.

APPENDIX A

Administrative Map of Iraq



Source: http://www.humanitarianinfo.org/imtoolbox/07_Info_Centres/Iraq_HIC/MAPS/103_A4_Laminated_Map_Governorate_District.pdf

Kurdish Regional Government and Conflicting Areas Claimed by Administration

APPENDIX B

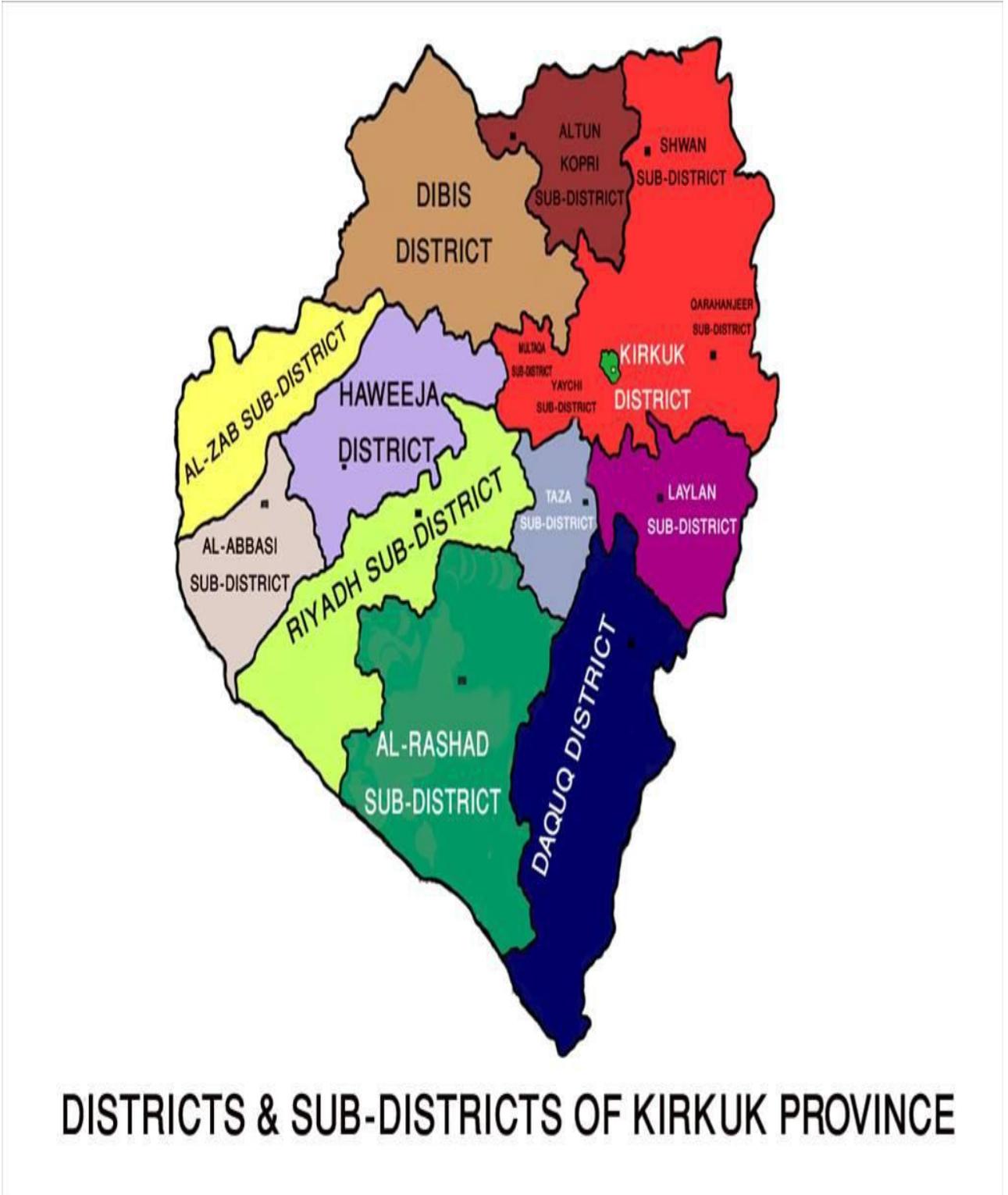
DISPUTED TERRITORIES CLAIMED BY THE KRG



This map was produced by the International Crisis Group. The location of all features is approximate.

APPENDIX D

Administrative Map of Kirkuk



Source: <http://www.kirkukpc.net/English/kirkuk%20map.htm>

APPENDIX E
Interim Constitution of Iraq (1990)

Chapter I
The Republic of Iraq

Article 1 [State Form]

Iraq is a Sovereign People's Democratic Republic. Its basic objective is the realization of one Arab State and the build-up of the socialist system.

Article 2 [Authority]

The people are the resource of authority and its legitimacy.

Article 3 [Sovereignty, Territory]

- (a) The sovereignty of Iraq is an indivisible entity.
- (b) The territory of Iraq is an indivisible entity of which no part can be ceded.

Article 4 [State Religion]

Islam is the religion of the State.

Article 5 [Nationalities]

- (a) Iraq is a part of the Arab Nation.
- (b) The Iraqi People are composed of two principal nationalisms: the Arab Nationalism and the Kurdish Nationalism.
- (c) This Constitution acknowledges the national rights of the Kurdish People and the legitimate rights of all minorities within the Iraqi unity.

Article 6 [Iraqi Nationality]

The Iraqi nationality is regulated by the law.

Article 7 [Languages]

- (a) Arabic is the official language.
- (b) The Kurdish language is official, besides Arabic, in the Kurdish Region.

Article 8 [Capital, Decentralization]

- (a) Baghdad is the Capital of the Iraqi Republic, and it can be transferred by law.
- (b) The Iraqi Republic is divided into administrative units and is organized on the basis of decentralization.

Article 9 [Flag, Emblem]

The Flag of the Iraqi Republic, its Emblem, and stipulations concerning the two, are regulated by law.

Chapter II

Social and Economic Foundations of the Iraqi Republic

Article 10 [Social Solidarity]

The social solidarity is the first foundation for the Society. Its essence is that every citizen accomplishes his duty in full, and that the Society guarantees the citizen's rights and liberties in full.

Article 11 [Family, Mothers, Children]

The family is the nucleus of the Society. The State secures its protection and support, and ensures maternal and child care.

Article 12 [Economy, Arab Unity]

The State assumes the responsibility for planning, directing and steering the national economy for the purpose of:

- (a) Establishing the socialist system on scientific and revolutionary foundations.
- (b) Realizing the economic Arab unity.

Article 13 [Public Property and Planning]

National resources and basic means of production are owned by the People. They are directly invested by the Central Authority in the Iraqi Republic, according to exigencies of the general planning of the national economy.

Article 14 [Cooperation]

The State secures, encourages, and supports all types of cooperation in production, distribution, and consumption.

Article 15 [Public Property]

Public ownership and properties of the Public Sector are inviolable. The State and all People are responsible for safeguarding, securing, and protecting it. Any sabotage to it or aggression against it, is considered as sabotage and aggression against the entity of the Society.

Article 16 [Ownership, Private Property]

- (a) Ownership is a social function, to be exercised within the objectives of the Society and the plans of the State, according to stipulations of the law.
- (b) Private ownership and economic individual liberty are guaranteed according to the law, and on the basis of not exercising them in a manner incompatible with the economic and general planning.
- (c) Private property is not expropriated except for considerations of public interest and for just compensation in accordance with the law.

(d) The maximum limit of agricultural property is prescribed by the law; the surplus is owned by the People.

Article 17 [Inheritance]

Inheritance is a guaranteed right, regulated by the law.

Article 18 [Foreigners' Property]

Immobile ownership is prohibited for non-Iraqi, except otherwise mentioned by a law.

Chapter III

Fundamental Rights and Duties

Article 19 [Equality]

(a) Citizens are equal before the law, without discrimination because of sex, blood, language, social origin, or religion.

(b) Equal opportunities are guaranteed to all citizens, according to the law.

Article 20 [Criminal Trial]

(a) An accused is presumed to be innocent, until proved guilty at a legal trial.

(b) The right of defense is sacred, in all stages of proceedings and prosecution.

(c) Courts sessions are public, unless it becomes secret by a court's decision.

Article 21 [Penalty, Punishment]

(a) Penalty is personal.

(b) There can be no crime, nor punishment, except in conformity with the law. No penalty shall be imposed, except for acts punishable by the law, while they are committed. A severer penalty than that prescribed by the law, when the act was committed, cannot be inflicted.

Article 22 [Dignity, Personal Integrity, Arrest, Home]

(a) The dignity of man is safeguarded. It is inadmissible to cause any physical or psychological harm.

(b) It is inadmissible to arrest a person, to stop him, to imprison him or to search him, except in accordance with the rules of the law.

(c) Homes have their sanctity. It is inadmissible to enter or search them, except in accordance with the rules of the law.

Article 23 [Communication]

The secrecy of means of communications by mail, telegrams, and telephones is guaranteed. It is inadmissible to disclose it, except for considerations of justice and security, in accordance with the rules prescribed by the law.

Article 24 [Right to Move]

It is inadmissible to prevent the citizen from the departure from the Country or returning to it, nor to restrict his moves or residence in the Country, except in cases laid down by the law.

Article 25 [Religion]

Freedom of religion, faith, and the exercise of religious rites, is guaranteed, in accordance with the rules of constitution and laws and in compliance with morals and public order.

Article 26 [Expression, Association]

The Constitution guarantees freedom of opinion, publication, meeting, demonstrations and formation of political parties, syndicates, and societies in accordance with the objectives of the Constitution and within the limits of the law. The State ensures the considerations necessary to exercise these liberties, which comply with the revolutionary, national, and progressive trend.

Article 27 [Education]

- (a) The State undertakes the struggle against illiteracy and guarantees the right of education, free of charge, in its primary, secondary, and university stages, for all citizens.
- (b) The State strives to make the primary education compulsory, to expand vocational and technical education in cities and rural areas, and to encourage particularly night education which enables the popular masses to combine science and work.
- (c) The State guarantees the freedom of scientific research encourages and rewards excellence and initiative in all mental, scientific, and artistic activities and all aspects of popular excellence.

Article 28 [Educational Goals]

Education has the objective of raising and developing the general educational level, promoting scientific thinking, animating the research spirit, responding to exigencies of economic and social evolution and development programs, creating a national, liberal and progressive generation, strong physically and morally, proud of his people, his homeland and heritage, aware of all his national rights, and who struggles against the capitalistic ideology, exploitation, reaction, zionism, and imperialism for the purpose of realizing the Arab unity, liberty, and socialism.

Article 29 [Progress]

The State undertakes to make available, the means of enjoying the achievements of modernization, by the popular masses and to generalize the progressive accomplishments of contemporary civilization on all citizens.

Article 30 [Public Office]

(a) Public office is a sacred confidence and a social service; its essence is the honest and conscious obligation to the interests of the masses, their rights and liberties, in accordance with the rules of the constitution and the laws.

(b) Equality in the appointment for public offices is guaranteed by the law.

Article 31 [Armed Forces]

(a) The defense of the homeland is a sacred duty and honor for the citizens; conscription is compulsory and regulated by the law.

(b) Armed Forces belong to the People and are entrusted with ensuring his security, defending his independence, protecting the safety and the integrity of the people and territory, and realizing his national and regional objectives and aspirations.

(c) The State alone establishes the Armed Forces. No other organization or group, is entitled to establish military or para-military formations.

Article 32 [Right, Honor, and Duty to Work]

(a) Work is a right, which is ensured to be available for every able citizen.

(b) Work is an honor and a sacred duty for every able citizen, and is indispensable by the necessity to participate in building the society, protecting it, and realizing its evolution and prosperity.

(c) The State undertakes to improve the conditions of work, and raise the standard of living, experience, and culture for all working citizens.

(d) The State undertakes to provide the largest scale of social securities for all citizens, in cases of sickness, disability, unemployment, or aging.

(e) The State undertakes to elaborate the plan to secure the means necessary, to enable the working citizens to pass their vacations in an atmosphere, which enables them to improve their health standard, and to promote their cultural and artistic talents.

Article 33 [Health]

The State assumes the responsibility to safeguard the public health by continually expanding free medical services, in protection, treatment, and medicine, within the scope of cities and rural areas.

Article 34 [Right to Asylum]

(a) The Iraqi Republic grants the right of political asylum for all militants, persecuted in their countries because of defending the liberal and human principles which are assumed by the Iraqi People in this Constitution.

(b) The extradition of political refugees is prohibited.

Article 35 [Taxes]

Payment of taxes is the duty of every citizen. Taxes cannot be imposed, nor modified, nor levied, except by a law.

Article 36 [Prohibited Activity]

It is prohibited to exercise any activity against the objectives of the People, stipulated in this Constitution. Every act or behavior, having for purpose to crumble the national unity of the popular masses or to provoke racial, sectarian, or regional discrimination among them, or to be hostile to their gains and progressive achievements.

Chapter IV

Institutions of the Iraqi Republic

Section I. The Revolutionary Command Council

Article 37 [Supreme Institution]

The Revolutionary Command Council is the supreme institution in the State, which on 17 July 1968, assumed the responsibility to realize the public will of the people, by removing the authority from the reactionary, individual, and corruptive regime, and returning it to the people.

Article 38 [Competencies]

The Revolutionary Command Council exercises the following competencies by a two third majority of its members:

(a) Electing a President from its members, called President of the Revolutionary Council, who is President of the Republic.

(b) Electing a Vice-President from its members, called Vice-President of the Revolutionary Command Council, who replaces the President, as qualified in the preceding paragraph, in case of his official absence or in case of the impossibility of exercising his constitutional competencies or any legitimate reason.

(c) Selecting new members for the Council, from members of the Regional Leadership of the Socialist Arab Ba'ath Party, not to exceed twelve members.

(d) Taking a decision concerning the resignation of the President, and Vice-President or any of the Council's members.

(e) Relieving any member of the Council's membership.

(f) Accusing and prosecuting members of the Revolutionary Command Council, Vice-Presidents, and Ministers.

Article 39 [Oath]

The President of the Revolutionary Command Council, the Vice-President and the members take the following oath before the Council:

"I swear by God Almighty, by my honor and by my faith to preserve the Republican system, to commit myself to its Constitution and laws, to look after the independence of the Country, its security and territorial integrity and to do my best earnestly and sincerely to realize the objectives of the Arab Nation for Unity, Freedom and Socialism."

Article 40 [Immunity]

The President of the Revolutionary Command Council, the Vice-President, and the members enjoy full immunity. No measures can be taken against any of them without a priori permission of the Council.

Article 41

(a) The President, the Vice-President, or one third of the members can call a meeting of the Revolutionary Command Council. Meetings held are presided by the President or the Vice-President and are attended by the majority of the members.

(b) Meetings and debates of the Revolutionary Command Council are closed. Disclosing it, invokes constitutional responsibility before the Council. Decisions of the Council are declared, published and communicated by the means specified in this Constitution.

(c) Laws and decisions are ratified in the Council by the majority of its members, except otherwise stipulated by the Constitution.

Article 42 [General Competencies]

The Revolutionary Command Council exercises the following competencies:

(a) Issuing laws and decrees having the force of the law.

(b) Issuing decisions indispensable for applying the rules of the enacted laws.

Article 43 [Majority Competencies]

The Revolutionary Command Council excises the following competencies by the majority its members:

- (a) Ratifying matters of the Ministry of Defense and Public Security, elaborating the laws and taking the decisions in whatever concerns them from the point of view of organization and competencies.
- (b) Declaring the public mobilization totally or partially, declaring the war, accepting the truce, and concluding the peace.
- (c) Ratifying the draft general budget of the state, independent and investment budgets annexed to it, and ratifying final accounts.
- (d) Ratifying treaties and international treaties.
- (e) Elaborating its internal rules of procedure, determining its competencies, ratifying its budget, appointing its officials, determining rewards and remunerations of the President, the Vice-President, its members and officials.
- (f) Elaborating the rules regarding the prosecution of its members, concerning the formation of the court and the procedures to be followed in it.
- (g) Vesting its President or the Vice-President with some of his competencies prescribed in this Constitution, except legislative competencies.

Article 44 [Presidential Competencies]

The President of the Revolutionary Command Council undertakes:

- (a) Presiding over the meetings of the Council, representing it, controlling its sessions, and issuing orders for expenditure.
- (b) Signing all laws and decisions issued by the Council and publishing them in the Official Gazette.
- (c) Supervising the activities of Ministries and organizations in the State, calling Ministers to discuss matters concerning their Ministries and questioning them in case of necessity, and notifying the Revolutionary Command Council regarding that.

Article 45 [Responsibility]

The President of the Revolutionary Command Council, the Vice-President, and its members, each is responsible before the Council, for violating the Constitution or for breaking the constituencies of the constitutional oath, or for any action or behavior, considered by the Council as disgracing the honor of the responsibility which he assumes.

Section II. The National Council

Article 46 [Composition]

The National Council is composed of the People's representatives from various political, economic, and social sectors. Its formation, membership, work procedures, and its jurisdiction are determined by a special law, called the National Council Law.

Article 47 [Sessions]

The National Council must be held in two ordinary sessions every year. The President can call it for an extraordinary meeting in case of necessity, and the meeting is restricted to matters which necessitated calling the meeting. Sessions of the National Council are held and dismissed by a decision of the Revolutionary Command Council.

Article 48 [Publicity]

The meetings of the Council are public, unless it is decided that some are to be held closed according to rules specified in its law.

Article 49 [Indemnity]

(a) Members of the National Council are not censured for opinions or suggestions expressed by them in the performance of their task.

(b) No member of the Council can be pursued or arrested for a crime committed during a meeting session without permission of the Council, except in the case of *flagrante delicto*.

Article 50 [Organization]

The National Council undertakes:

(a) Elaborating its internal statute, determining its competencies, deciding its budget, and appointing its employees. Rewards and remunerations of its President and members are determined by a law.

(b) Elaborating rules for accusing and prosecuting its members, in case of committing one of the actions stipulated in Article 55 of this Constitution.

Article 51 [Command Council Bills]

(1) The National Council considers the draft laws proposed by the Revolutionary Command Council within fifteen days from the date of their delivery to the office of the Presidency of the National Council. If the Council approves the draft, it is sent to the President of the Republic, to be promulgated; but if it is rejected or modified by the National Council, it is returned to the Revolutionary Command Council. If this latter approves the modification, it sends the draft to the President of the Republic, to be promulgated.

(2) If the Revolutionary Command Council insists upon its point of view, in the second reading, it is returned to the National Council, to be reviewed in a common meeting between the two Councils; the decision taken by a two-thirds majority, is considered final.

Article 52 [Presidential Bills]

The National Council considers within fifteen days the draft laws presented to it by the President of the Republic.

- (1) If the Council rejects the draft, it is returned to the President of the Republic with the reasons which justified the rejection.
- (2) If the Council approves the draft, it is sent to the Revolutionary Command Council and becomes issuable after that Council approves it.
- (3) If the National Council modifies the draft, it is sent to the Revolutionary Command Council and becomes issuable if that Council approves it.
- (4) But if the Revolutionary Command Council opposes to modifying the draft, or if it makes another modification, it is once again returned to the National Council within a week.
- (5) If the National Council approves the point of view of the evolutionary Command Council, it sends the draft to the President of the Republic for promulgating it.
- (6) But if the National Council insists, in the second reading, upon its point of view, a common meeting of the two Councils is held and the draft issued by two-thirds majority is considered definite and is sent to the President of the Republic to be promulgated.

Article 53 [National Council Bills]

The National Council considers the draft law presented by a quarter of its members, in other than military, financial matters, and public security affairs.

- (1) If the Council approves the draft law, it is sent to the Revolutionary Command Council to be considered within fifteen days from its delivery to the Council's Office.
- (2) If the Revolutionary Command Council approves it, the draft is sent to the President of the Republic to be promulgated.
- (3) If the Revolutionary Command Council rejects the draft, it is returned to the National Council.
- (4) If the Revolutionary Command Council modifies the draft, it is returned to the National Council.
- (5) If this latter insists upon its point of view, in the second reading, a common meeting for the two Councils is held, presided over by the President of the Revolutionary Command Council or the Vice-President. The draft issued by two-thirds majority is considered definite and is sent to the President of the Republic to be promulgated.

Article 54 [Debate]

(a) Vice-Presidents of the Republic, Ministers, and those at their rank, have the right to attend the meetings of the National Council and to participate in its debates.

(b) The National Council, with a permission of the President of the Republic, has the right to call Ministers for the purpose of clarification or investigation.

Article 55 [Responsibility]

The President of the National Council and every member of it, are responsible before the Council for violating the Constitution or for breaking the constituencies of the constitutional oath or for any action or behavior, considered by the National Council as disgracing the honor of the responsibility which he assumes.

Section III. President of the Republic

Article 56 [Head of State, Supreme Command]

(a) The President of the Republic is the Head of the State and the Supreme Commander of the Armed Forces, and he exercises the Executive Authority directly or by the assistance of his Deputies and Ministers, according to the rules of the Constitution.

(b) The President of the Republic issues the decrees necessary for exercising his competencies stipulated in this Constitution.

Article 57 [Competencies]

The President of the Republic exercises the following competencies:

(a) Preserving the independence of the Country, its territorial integrity, safeguarding its internal and external security, and protecting the rights and liberties of all citizens.

(b) Declaring the state of total and partial emergency and ending it according to the law.

(c) Appointing the Vice-Presidents of the Republic and relieving them of their posts.

(d) Appointing the governors, the judges, and all civil and military State employees, promoting them, terminating their services, placing them on disponibility, and granting badges of honor and military grades, according to the law.

(e) Elaborating the draft general State budget, the independent and investment budgets annexed to it, and ratifying the final accounts of these budgets and referring them to the National Council to discuss them.

(f) Preparing the general plan of the State in all economic and social affairs, elaborated by competent Ministries and referring it to the National Council.

(g) Contracting and granting loans, supervising the organization and administration of money and credit.

- (h) Supervising all the public utilities, official and quasi-official organizations and public sector organizations.
- (i) Directing and controlling the work of Ministries and public organizations and coordinating them.
- (j) Conducting negotiations and concluding treaties and international treaties.
- (k) Accepting the diplomatic and international representatives in Iraq and demanding their withdrawal.
- (l) Appointing and accrediting the Iraqi diplomatic representatives in Arab and foreign Capitals and in international conferences and organizations.
- (m) Issuing special amnesty and ratifying judgments of capital punishment.
- (n) Supervising the good enforcement of the Constitution, the laws, decisions, judicial judgments, and developmental plans in all parts of the Iraqi Republic.
- (o) Conferring some of his constitutional competencies to one or more of his deputies.

Article 58 [Control]

Vice-Presidents of the Republic and Ministers are responsible for their functions before the President of the Republic. He has the right to bring any of them to trial according to the rules of Constitution, for functional errors committed by him, for exploiting the authority, or for misusing it.

Article 59 [Oath]

Vice-President of the Republic and Ministers take the following oath before the President of the Republic, before assuming the responsibilities of their functions:

"I swear by God Almighty, by my honor and by my faith to preserve the Republican system, to commit myself to its Constitution and laws, to look after the independence of the Country, its security and territorial integrity, and to do my best earnestly and sincerely to realize the objectives of the People."

Section IV. The Judiciary

Article 60 [Independence, Recourse]

- (a) The judiciary is independent and is subject to no other authority save that of the law.
- (b) The right of litigation is ensured to all citizens.
- (c) The law determines the way of court formation, their levels, jurisdiction, and conditions for the appointment, transfer, promotion, litigation, and dismissal of judges and magistrates.

Article 61 [Prosecution]

The law determines the posts of public prosecution, its agencies and conditions for the appointment of the attorneys general, their deputies, rules of their transfer, promotion, litigation, and dismissal.

Chapter V

General Provisions

Article 62 [Revolutionary Command Council Office]

- (a) To be member of the Revolutionary Command Council or Vice-President of the Republic or Minister, a person must be Iraqi by birth, born of two Iraqi parents, by birth also.
- (b) It is inadmissible for Members of the Revolutionary Command Council and Vice-Presidents of the Republic and Ministers, during their term of office, to pursue any private professional or commercial work or to buy any State property or to sell or exchange with the State any of their own properties.

Article 63 [Permanent Constitution]

- (a) The rules of this Constitution are enforced till the Permanent Constitution is promulgated.
- (b) This Constitution cannot be modified except by the Revolutionary Command Council and by a two-thirds majority of its members.

Article 64 [Publication of Laws]

- (a) Laws are published in the Official Gazette and are put into force, effective the date of publication, unless otherwise stipulated.
- (b) Laws have no retroactive effect, unless otherwise stipulated. This exception does not include penal laws, tax laws, and fiscal fees.

Article 65 [In the Name of The People]

This Interim Constitution and all laws and judiciary judgments are promulgated and put into force, in the name of the People.

Article 66 [Continuity of Laws]

All laws and decisions of the Revolutionary Command Council, enacted prior to the promulgation of this Constitution, remain in force and cannot be modified or abolished except in accordance with the procedures prescribed in this Constitution.

Article 67 [Promulgation, Publication]

The President of the Revolutionary Command Council undertakes promulgating this Constitution and publishing it in the Official Gazette.

APPENDIX F

Letter of March 1st

To TURKISH GRAND NATIONAL ASSEMBLY

Frightening progress about Iraq proceeds very fast and the crisis medium is getting heavier. Solution of the problem by peaceful ways did not bring desired results.

58th Republic Government watched the progress since the beginning closely and with sensitivity, and made intensive efforts in order to contribute positively. With this aim, they set contact and had consultation primarily with regional countries and also with other relevant countries.

Progress about Iraq was evaluated by TGNA during a closed session on February 6th 2003 and the government was given authority to take necessary measures and to make necessary preparations. In this context TGNA decided the presence of technical and military personnel from USA for 3 months in Turkey for necessary renewal, development, construction and expansion works in military bases and facilities and harbors, and the relevant regulation to be made by the Government in accordance with Clause 92 of the Constitution.

The Government continued necessary preparations in accordance with that and Agreement Memorandum determining legal and technical frame of these actions were concluded on February 8th 2003 and infrastructure studies were started.

On the other hand, upon negative progress which caused security risks for Turkey became intensive, necessary consultations were started in the context of clause 4 of NATO treaty and NATO Defense Planning Committee decided Turkey to be given NATO support on February 19th.

In this context, for protection and monitoring of Turkish Air Space, NATO decided; positioning of NATO aerial early warning planes and NATO operational field missile defense systems in Turkey and providing protection support against chemical and biological weapons.

At the point today, possibility of turning the crisis present in the region into a conflict is continuously increasing. In view of medium and conditions getting serious, a process in which threats and risks against Turkey's security were increasing to serious dimensions is being entered.

Positioning of terrorist factors in the region those aim national integrity and land unity, forms a very important dimension of security threat against Turkey in Iraq.

In the same way, progress that could cause ethnic, religious and denominative disintegration are very serious concern.

Besides, unfortunate experiences in the past necessitate to be sensitive and ready against the possibility of mass migration movement from Northern Iraq to our country. In order to prevent possible massing in our border regions and by taking humanitarian observations into account in order to stop this migration as possible as away from our borders, it will be inevitable to take necessary measures. Preparation started on this topic still going on.

Turkey gives great importance to protection of Iraq's land unity and national integrity, and solution of the problem by peaceful ways. Using forces must be considered as the final solution. Time is decreasing continuously in order to solve the enlarging crisis before it turns into a war. It became inevitable that Iraqi Administration should fully fulfill their responsibilities stated in UN Security Council about a full and effective disarmament to prevent the war.

In order Iraq to understand the severity of the situation and pave the way for the solution, it deals great importance that international community should maintain its decisive attitude.

As it was stated in the joint declaration of the summit meeting that was held in Brussels on February 17th – 18th 2003 by the participation of; members and candidates of EU countries, and also Turkey, beside the decisiveness and solidarity that would be expressed on this topic, taking of concrete and de facto deterrence military measures, shall be a very effective agent on persuasion of Iraq on this matter.

58th Republic Government is all necessary security measures and putting them into application in order to protect Turkey's rights and benefits against all risks and possibilities that could be faced us by all these negative progress.

Permission and authorization by TGNA for positioning of foreign armed forces' factors in Turkey under the content of military deterrence against Iraq, shall act as a very important and effective function as a magnificent pressure factor in today's medium.

In the same way, in order to sustain Republic of Turkey; to move in time and fast, and to take necessary measures against the worst possibility, getting permission from TGNA about sending Turkish Armed Forces to foreign countries shall bear great importance for the government to follow an effective policy.

Using of these forces when necessary according to the courses of actions shall be according to regulations made on this matter and principles determined by the government.

With these observations; necessity, content and limit to be determined by the government,

1- Turkish Armed Forces shall be sent to foreign countries and these forces shall be used within principles that will be determined,

2- Within international legitimation rules, provided that 62.000 military personnel and as air factors 225 planes and 65 helicopters won't be exceeded, foreign armed forces' factors shall be located temporarily in Turkey for 6 months in contiguous areas determined by the government; for this purpose, necessary regulations shall be made; to complete transfer of combatant factors except for support factors of foreign land forces those will come to Turkey in the shortest time, to locate foreign air and naval forces' and special forces' factors in order to sustain their usage in a possible operation, to make necessary regulations for aerial factors of foreign armed forces in order to use Turkish air space with the aim of upper flight, to execute relevant preparations about these foreign armed forces' coming to Turkey, to make regulations about their status in Turkey and their principles and methods of cooperation with Turkish Armed Forces, in the frame of principles determined by the government,

In accordance with clause 92 of constitution, it was decided during the meeting of the Cabinet on February 2nd 2003 to be asked for permission from TGNA.

Clause of constitution on which the permission based on is as follows:

Clause 92

“Permission to declaration of war and usage of armed forces”

“The authorization of; declaration of war for the conditions that are accepted as legal and sending Turkish Armed Forces to foreign countries except for the conditions required by international treaties where Turkey is a party and required by international courtesies or allowing foreign armed forces to be present in Turkey, belongs to TGNA.

In case the country is under a sudden attack while TGNA is on vacation or in a break thus decision of using armed forces is inevitable, also the President can decide to use Turkish Armed Forces.”

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