

The United Nations and the Kurds

Sir,

Given possible Kurdistan Regional Government (KRG) independence, it would be useful to briefly analyze Kurdish relations with the United Nations. The United Nations is an international organization that was established at the end of World War II to, according to UN Charter Article 1, “maintain international peace and security.” Since it is an international organization made up of sovereign independent states, however, the Kurds have no legal standing as members. Indeed the states in which the Kurds live (Turkey, Iran, Iraq, and Syria) have a vested interest in keeping the Kurdish question out of the United Nations to preserve their own respective territorial integrities. This they and others who have similar interests in keeping the lid on their own minority problems have largely done. Until the end of the first Gulf War in 1991, therefore, the United Nations had had almost nothing to do with the Kurdish question. Ironically, however, more than half the members of the United Nations who by definition have legal standing in the world organization also have populations less than that of the Kurds.

However, those who would seek an entry for the Kurdish issue onto the UN agenda might point out that UN Charter Article 1 also lists as its purposes “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples” and “to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.” In addition, UN Charter Article 14 declares that “the general assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations.”

Historically, one of very few early attempts to bring the Kurdish question to the United Nations occurred in January 1946, when Rizgari Kurd, an Iraqi Kurdish predecessor of the Kurdistan Democratic Party, unsuccessfully made a formal appeal to the world body for Kurdish self-determination and sovereignty. Following Iraq’s use of chemical warfare during the Iran-Iraq War (1980-1988) and against the Iraqi Kurds in Halabja in March 1988, UN Security Council Resolution 620, of August 26, 1988, finally condemned the Iraqi use of such weapons. At the same time, Masoud Barzani appealed to the United Nations to stop Iraq’s Anfal campaign with its use of chemical weapons against the Kurds. The overall international response, however, was largely one of deafening silence, as few wanted to offend Saddam Hussein and Iraq in those days.

The first Gulf War in 1991 partially changed this neglect. UN Security Council Resolution 688, of April 5, 1991, condemned “the repression of the Iraqi civilian population. In Kurdish populated areas” and demanded “that Iraq. Immediately end this repression.” This was by far the most important specific recognition of the Kurds that the United Nations had ever made. In the succeeding years, the United States used this Security Council Resolution to justify first its temporary creation of a safe haven for the Kurds in northern Iraq and then its enforcement of a no-fly zone over the area. Under this protection, the KRG developed after 1992 until it was recognized by the new Iraqi constitution adopted in October 2005 as a federal state within Iraq. The United Nations has also maintained a number of humanitarian programs in the region.

UN Security Council Resolution 986, of April 14, 1995, authorized Iraq to sell a limited amount of oil for food and other humanitarian needs, thus partially lifting the economic sanctions that had been imposed since the first Gulf War. After a great deal of haggling, UN Security Council Resolution 1153, of February 20, 1998, dramatically increased the permitted amount of oil sales to \$5.256 billion every 6 months. The Iraqi Kurdistan region received 13% of the funds from the sale of this oil. These oil funds from the United Nations helped immensely to develop economically the Kurdish area in northern Iraq to the point that the region

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started to become a model for the entire Middle East. Many administrative problems regarding UN projects remained, however, since the United Nations continued to take the position that it was acting on behalf of the Iraqi government when it administered its programs in the Kurdish region.

The UN Security Council did not endorse the U.S. invasion of Iraq in March 2003. After the government of Saddam Hussein was overthrown in the second Gulf War of 2003, the United Nations played only a limited role regarding Iraq and the Kurds because the United States preferred to act unilaterally. However, UN Security Council Resolution 1500 of August 14, 2003, implemented the United Nations Assistance Mission for Iraq (UNAMI) and established a Special Representative of the Secretary-General to assist the Iraqi people and government. To help accomplish this mission, the UNAMI coordinates 20 separate UN agencies and programs and has continued to operate as of 2017. However, Sergio Vieira de Mello, the highly respected UN High Commissioner for Human Rights and the Secretary-General's Special Representative in Iraq, was killed along with 20 other members of his staff in a bombing in Baghdad on August 19, 2003. This assassination discouraged further UN involvement in the area.

However, UN Security Council Resolution 1546 of June 8, 2004, did interject the world organization partially back into the equation by endorsing the formation of a sovereign interim Iraqi government and the continuing presence of U.S. troops during the transition. The Kurds, however, saw this UN resolution as being biased against their interests because it did not specifically mention the transitional administrative law that guaranteed the newly-won Kurdish rights regarding federalism.

In April 2009, the United Nations issued a lengthy study in which it urged the Iraqi Kurds not to push for a referendum on whether or not Kirkuk should become part of the KRG. This recommendation opposed the Kurdish desire to implement Article 140 of the permanent constitution of Iraq, which called for just such a referendum and was strongly

criticized by KRG president Masoud Barzani. Subsequently, however, the KRG occupied most of the contested Kirkuk area when the Iraqi armies collapsed before the onslaught of the Islamic State of Iraq and Syria (ISIS) during the summer of 2014.

The United Nations held an international conference on 18 March 2011 in Geneva, Switzerland on the legal recognition of the crimes of genocide committed against the Kurds in Iraq. A subsequent report by the United Nations concluded that the resulting murder, sexual slavery, rape, and torture ISIS perpetrated against the Yezidis constituted genocide under the terms of the Genocide Convention of 1948. Various UN agencies have been helping with the refugee and internally displaced persons problems caused by these ISIS attacks. In 2016, Rafael Ramirez, the president of the UN Security Council, said that the KRG plans for an independence referendum were a domestic Iraqi issue, but the United Nations' own principle was to respect the territorial integrity of all states. Nevertheless, the United Nations would take a neutral position on a KRG referendum for independence. However, immediate KRG membership in the United Nations might be temporarily blocked by some neighboring state such as Turkey, Iran, or Iraq that opposed KRG independence as happened earlier with Bangladesh and Vietnam, among others, when their initial membership applications to the United Nations were made. However, since the days of the Cold War compromise back in 1955 that allowed 16 states whose membership had been blocked by the United States and Soviet Union to finally join the world organization, such rejections have been rare and only very temporary.

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