The Kurds' Way

The American Conservative, August 2004

bbb@bartlebull.com

IRBIL, IRAQ—Watching the recent negotiations over the new UN resolution for Iraq was a little like watching Molière. There was something obliging and familiar in France's posturing about the chain-of-command verbiage and a cheeky good humor leavened the underlying cynicism. Just like France's greatest playwright, it was all good worldly fun and not especially meaningful.

Meanwhile, events of true importance were happening offstage. The resolution, which ignored Iraq's interim constitution and mentioned federalism in only the feeblest way, was a major victory for Shia leader Ali al-Sistani and a setback to minority hopes—most notably those of the Kurds—that participating in Iraq might be worth the trouble. Nor have things changed with Ambassador Bremer's flight from Iraq. Sistani, who in June wrote a letter to Kofi Annan forbidding any mention of the country's current constitution in the new resolution, has now turned the pressure upon his own government.

One of the first official communications Iyad Allawi received upon being chosen as Iraq's new prime minister was a "reminder" from Sistani of the Islamic obligation to see oneself as a trustee of the precious belongings of others. The notion is called amana and carries with it an obligation to sacrifice one's life in its defense. The implications for someone in a position as dangerous as Allawi's are ominous, and any tacit blessing in Sistani's communication cannot be separated from the implied threat that Shia support is not to be taken for granted.

The upshot of the last month is clear: Sistani has solidified his role as America's master in Iraq, and in return his country is a step closer to losing its only functioning administration, economy, and army. In Baghdad recently, a senior Kurdish minister told me, "We are getting sick of the assassination attempts and the Baghdad weather and the people who have no interest in a working government. We would be delighted to go home. We don't have to fight—we'll just pack up quietly and leave." Nechirvan Barzani, one of the Kurdish prime ministers, emphasized, "Iraq is a voluntary union. After 13 years of freedom, nobody is going to force us to do anything."

When Iraq's four million Kurds finally lose patience and call their leaders home to their safe green valleys, Sistani's Shias will constitute 75 percent of Iraq's remaining population, with most of the remainder accounted for by the Sunni Arabs. Such a cohabitation is almost too hideous to contemplate—a Yugoslav Republic with Tikritis instead of Montenegrins. Iraq needs the Kurds—for balance, for their experience of order and freedom, for their working economy—far more than the Kurds need Iraq.

The current chapter of this story began on March 8, when Iraq's ad hoc constitution, the Temporary Administrative Law (TAL), was signed in Baghdad. It was a big day, full of real drama as the Shias first walked away from a document to which they had agreed and then returned to the table to sign it into law. The TAL was to be Iraq's constitution until a permanent one can be drawn up by the government that will in theory be elected this coming January.

That constitution will in turn govern a new set of elections slated for the end of 2005.

Kurds in four countries greeted the signing of the TAL with dancing in the streets. Why all the jubilation? The temporary constitution not only affirms the principles of democracy and federalism but, most crucially, gives the Kurds (and anyone else who can command a two-thirds majority in at least three of Iraq's 18 provinces) a de facto veto over the permanent constitution.

Sistani, one of five Grand Ayatollahs in the Shia faith and the presumed leader of Iraq's 60 percent Shia majority, has been undermining the TAL ever since his people signed it. The Shias are a clear plurality in Iraq, and Sistani knows that any limits on straight majority rule abrogate their power—and his own. In the run-up to the recent UN signing ceremony, the Grand Ayatollah was adamant: the TAL lacked "democratic legitimacy" and was not to be mentioned in the new resolution. The Kurds responded with strenuous diplomacy and an open letter to President Bush emphasizing their special position as voluntary partners in the project of Iraqi unity and threatening to withdraw from the Baghdad government if their guarantees were abandoned in the new document.

Sistani won out—just as in Fallujah, where the coalition handed the city over to the Ba'athists leading the local insurrection, and in Karbala, Najaf, and other Shia cities where we have bought short-term quiet by ceding control to local Shia forces. The insurrections in those Shia cities have been extremely useful to Sistani, emphasizing the precariousness of the general situation and adding immediacy to the horrifying prospect of more general Shia unrest.

All of this plays to Sistani's advantage. A policy, such as the coalition's current approach, that values stability over all else will always reward those with the greatest potential to cause trouble—and in this case Sistani and his Shias are the squeakiest wheel. As a result, the management of Iraq—a multiethnic, religiously heterodox state of 20 million people—is being dictated via hand-written fatwas and words whispered in the ears of the followers of an Iranian-born 73-year-old who rarely leaves his own house.

There are many opinions about the sort of Islamic state the Grand Ayatollah desires, but most agree that it is much closer to Iran than to Turkey. He has repeatedly said that Islam must play a far greater role in Iraqi law and society. Many Middle East observers have confused Sistani's reserved tone and "quietist" approach with a benign passivity, but in fact he has been extremely active politically—in Karbala and Najaf by scuppering America's plan for nationwide caucuses rather than direct elections and now in the abandonment of Iraq's constitution.

The card Sistani ostensibly uses is "democracy," by which he means a narrow mob-rule sort of arrangement that takes no account of the assurances minorities require. In 1787, at the Constitutional Convention in Philadelphia, the fledgling United States went through similar tensions. Big states like Virginia and Massachusetts wanted power allocated according to size. Less populous states could not participate on that basis, and the Great Compromise recognized their concerns by giving them equality in the upper house of the legislature.

Sistani's definition of democracy, then, is so primitive that even Washington should be able to understand its flaws. His real leverage, of course, derives from the threat of Shia violence. Appeasing him, however, is even more likely to destroy Iraq. While the country's Sunni Arabs are leaderless and demoralized, Iraq's Kurds possess the capability and the courage to walk away from the entire project.

From the start of British mandatory rule in 1918, through the monarchy and the junta of the generals and then the Ba'athists, the Kurds have fought to be free from every incarnation of the Iraqi state. Today, 13 years after the No-Fly Zone gave them protection from Saddam, they are strong and free. Their 50,000 soldiers are the only coherent domestic armed force in Iraq. They possess a functioning administration, a bustling economy, most of Iraq's water, a strong claim over about a third of its oil, and the preponderance of the country's agriculture.

Meanwhile, another factor, also largely ignored, is contributing to the growing thunder of a cataract ahead for Iraq's leaky ship of state: increasing violence against Kurds. Last week, a few days after the minister in Baghdad told me she was growing tired of assassination attempts, a cousin of Kurdish Prime Minister Jalal Talabani was gunned down. The man had been in charge of security for Iraq's northern oil fields, centered around the oil-rich, ethnic tinderbox city of Kirkuk, where I recently visited a Kurdish neighborhood that had just been hit by a Russian-built Katyusha rocket. The previous month, three senior Kurdish officials were assassinated in separate incidents in the city. In Irbil, the Kurdish capital, a deadly nail-bomb exploded in the bazaar when I was there earlier this month. The violence goes on and on, and the Kurds are growing tired of keeping it quiet and reining in an increasingly restive population.

As the violence in Kurdistan—as elsewhere in Iraq—becomes increasingly organized and sophisticated, explanations point ever more towards Iran. While the last year has revealed no shortage of native Iraqis who would rather destroy their country than watch it rebuild under foreign guidance, it is the unelected and increasingly unpopular mullahs in Iran who have the most to lose from an Iraqi transition to democracy.

Sistani's ties to the country of his birth go far beyond religion and sympathies. He has met repeatedly with Iranian-funded groups such as the Supreme Council for Islamic Revolution in Iraq (SCIRI) and is co-operating increasingly with Shia insurrectionist Moqtada al-Sadr. Whatever he might have to say about democracy, the Grand Ayatollah has every reason to deliver a choice between a unitary Iraq that ignores the federalism and secularism enshrined in March or an Arab rump in which the Shias are even more dominant and the mullahs of Iran do not have to worry about a free neighbor. If the coalition continues to help Sistani pack the Kurdish saddlebags, then division and theocracy will be our tip.

For all their good-faith efforts to participate in the theater of unity in Baghdad, the Kurds make ideal foils for the Shia project. For 80 years they have stood up to much fiercer opponents than any who are conceivable in Iraq during the next 15 years, so when they say that they are participating in that country on a voluntary basis only, and never at the expense of what they have earned during the last decade, the world had better believe them.