

# **From Victims to Victors to... Perpetrators?**

Place of Ethno-Religious Minorities in Peace Building  
Processes; Case of the Kurdish Peshmerga Militias in  
the Syria-Iraqi Peace Building Process

Jansje Catharina-Tina Visscher

S2528509

Supervisor: Dr. J. (Joram) Tarusarira

Second assessor: Dr. K.E. (Kim) Knibbe

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Faculty of Theology and Religious Studies

University of Groningen

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Contact:

Jansje Catharina-Tina Visscher

Doeveslag 47

8325 AH Vollenhove

The Netherlands

[j.c.t.visscher@gmail.com](mailto:j.c.t.visscher@gmail.com)

(+31) 6 234 371 75

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*In the name of God, the Compassionate, the Merciful*

In honor and memory of my beloved pug Moppie, who died at the way too young age of 4,5 years from the effects of lymph node cancer.



\* December 14, 2012  
† July 2, 2017

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# Abstract

Recent research in the field of religious studies, international relations, and in particular peace building processes focus on the role of “winners” and “losers” of war in peace building processes; making their voices heard. However, these two sides of the war and/or conflict are not the only ones involved. Often, small religious actors play a crucial role in ending armed conflicts, although they are not taken into account in peace building processes and are made invisible. Indeed, it is quite hard to make the voices of every person or party involved heard; however, must we then silence them for the sake of merely a piece of paper with a peace agreement on it signed by the major actors, instead of transforming the conflict at stake, gaining stable, lasting peace for the entire community and societal change? This thesis, zooming in on the current civil war in Syria-Iraq, the associated peace talks, and the involvement of the Kurdish Peshmerga militias in ending the armed conflict, will focus on the role of the Kurds, a minority group in the Middle-East with a love-hate relationship with Baghdad and surrounding countries, but nevertheless played a great role in liberating parts of Syria and Iraq despite their own agenda.

Key words: ethnic minority groups, peace building processes, conflict transformation, Peshmerga militias, Iraqi Kurds, Kurdistan, state building

# List of abbreviations

IDP	Internally displaced people
ISIL	Islamic State in Iraq and the Levant
KDP	Kurdish Democratic Party
KDPI	Kurdish Democratic Party of Iran
KRG	Kurdish Regional Government
KRI	Kurdistan Region of Iraq
KSDP	Kurdistan Socialist Democratic Party
PDKI	Democratic Party of Iranian Kurdistan
PKK	Kurdistan Workers' Party
PUK	Patriotic Union of Kurdistan
PYD	Democratic Union Party
RSII coalition	Russia-Syria-Iran-Iraq coalition
SAA	Syrian Arab Army
UN	United Nations
UNSC	United Nations Security Council
UNSCR 688	United Nations Security Council Resolution 688
YPG	People's Protection Units

# Introduction: the flaw in peace building processes

June 2014, Iraq. Militants of the fundamentalist Salafi jihadist terrorist organization and unrecognized state Islamic State of Iraq and the Levant (ISIL) enter Iraq from neighboring country Syria and take control over large parts of Iraq, driving away the retreating and barely resisting Iraqi government forces out of key cities in ISIL's Western Iraq offensive, capturing Mosul, the third largest city in Iraq, and causing the Sinjar massacre, the genocidal killing and abduction of thousands of Yezidi men, women, and children. Whereas the Iraqi army is forbidden by Iraqi law from entering Iraqi Kurdistan, the Peshmerga are responsible for the security of the regions in Iraqi Kurdistan and thus parts of the border with Syria. Nearly immediately, the Kurdish Peshmerga forces failed the power void and seized control over many disputed parts of northern Iraq. After an unexpectedly large-scale offensive of ISIL against Iraqi Kurdistan in August 2014, the Peshmerga and Kurdish troops from neighboring countries, backed-up by international military interventions, are waging a total war against ISIL in both Iraq and Syria. On December 9, 2017, Iraq declared victory in the fight against ISIL, since ISIL was mainly territorially defeated. Not only have the Peshmerga militias played an important role in the territorial defeat of ISIL; although little attention is paid to their role, these forces have contributed a great deal in various missions in recent years, such as in capturing Saddam Hussein during the 2003 Iraq War. Oppressed, disadvantaged people or groups need to make their voices heard, because they have suppressed feelings as well that must be expressed once, and to make another sounds heard in society. Although the Iraqi Kurds are oppressed by different countries, coalitions, and groups, even among themselves, they have fought against ISIL and co-liberated Iraq and Syria.

Recent studies focus more and more on the distinctions between the different terms that are in the peace building and conflict discourse, such as conflict transformation and increasingly the alleged relationship between religion and violence, war, and peace.<sup>1</sup> Religious traditions espouse different and sometimes conflicting world views, beliefs, doctrines, and theologies which sometimes lead to conflict when they entangle with socio-economic and political issues. However, religion could not only be deployed for violence and conflict, but could also be deployed for peace and reconciliation. One thing stands out when talking about these concepts and discourses: we often talk about the proponents and opponents of conflict, and we often take the story of the victors as true, and not of the guilty. As Winston Churchill once famously said, "history is written by the victors." However, this is also changing when dealing with peace building.

It has long been an article of faith that one does not talk to "terrorists" that engage in dialogue with groups that are against or in conflict with the established order, as it would tacitly acknowledge their status as legitimate political actors. And although the Kurds and the Kurdish Peshmerga militias are not often referred to as terrorists, - disregarding Ankara, Baghdad, and the governments of countries in which a part of the geo-cultural region wherein the Kurdish people form a prominent majority population and wherein Kurdish culture and identity have historically been based - they are considered as such by various actors in the international arena of (geo-) (international) politics. In the absence of dialogue, we tend to lump rebelling ethnic minorities such as the Kurds together with actual terrorist organizations such as al Qaeda as part of a monolithic

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<sup>1</sup> See, for example, O. Ramsbotham, T. Woodhouse, and H. Miall, *Contemporary Conflict Resolution: The Prevention, Management, and Transformation of Deadly Conflicts* (2nd press; Cambridge 2005), A. Omer, 'Religious Peacebuilding: The Exotic, the Good, and the Theatrical,' in R. Scott Appleby, A. Omer, and D. Little eds., *The Oxford Handbook of Religion, Conflict, and Peacebuilding* (1st press; Oxford 2015) 3-32, R. Scott Appleby, 'Religious Violence: The Strong, the Weak, and the Pathological,' in: R. Scott Appleby, A. Omer, and D. Little eds., *The Oxford Handbook of Religion, Conflict, and Peacebuilding* (1st press; Oxford 2015) 33-60, and M. Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence* (3rd press; Berkeley 2003).



enemy defined by either hatred or non-contiguosness of Western or national values. Iraqi Kurds hold deep grievances about national Iraqi and Western foreign policies; yet, in reality, instead of feeding these grievances, it is better to discuss them in order to create mutual understanding and to come to a solution to transform the existing conflict at its fundamental, underlying causes, and opt for societal change. Talking to “terrorists” may be the best way to end our pathway of thinking.

Inspired by Jonathan Powell’s *Talking to Terrorists* in which Powell argues that, drawing on his experiences of conflict resolution, we waste much blood and time in failing to recognize the need to talk to terrorists at a much earlier stage,<sup>2</sup> I would like to take ending armed conflicts and peace building processes one step further by involving ethno-religious actors which play a crucial role in ending armed conflicts. *The role (ethno-religious) minority groups (should) play in peace building processes is missing in current literature on peace building, a void that needs to be filled. It would be contributive and a valuable asset to include (ethno-religious) minority groups in peace building processes, since taking into account forgotten parties with important stakes in conflict leads to conflict transformation and eventually sustainable peace for all parties involved.* Right now, ethno-religious minorities are invisible in the eyes of the world in terms of rights. Because no matter how we look at it and no matter how the saying goes, there are no two sides of the same coin; we must take into account the never-ending edge of the coin as well, engraved with ‘God be with us’,<sup>3</sup> that connects the two sides. A beautiful illustration of how religion can be seen as a connecting factor instead of a reason or cause of conflict.

This thesis seeks to answer the following research question: ‘*What is or should be the role of (religious) minority groups in peace building processes?*’ The objective of the research is to obtain knowledge and insights in the field of religious minority groups and their position in peace building processes, with reference to the Kurdish Peshmerga militias in the current Syria-Iraqi peace building process. Little is known about the role of religious minority groups in peace building processes, whether or not they actually play a crucial role, and if, how, and in what form religious minority groups could contribute to conflict transformation and societal change resulting from the peace building process. The aim of this thesis is to contribute to the ongoing study of minority groups and peace building processes in general and to enrich our understanding of the Peshmerga militias, their contribution to the anti-ISIL coalition, and how minority groups could contribute to sustainable and lasting peace. This research will be embedded in the academic fields of and will new perspectives to the study of ethno-religious minority groups and peace building processes within religious studies, international relations, conflict transformation, and peace building. In order to answer the research question, I will discuss the following sub-questions related to the main question: ‘*What do we understand with the concepts conflict, violence, the variations on conflict transformation and peace building, and ethnic minority groups?*’, ‘*What is the social- and historical history of the Iraqi Kurds?*’, ‘*What is the current role of the different parties at stake in the Syrian peace talks?*’, and ‘*What are the advantages and disadvantages of minority groups in peace building processes, relating to the inevitable circumstances with regard to the Peshmerga militias and/or Iraqi Kurds in the Syria-Iraqi peace building process?*’.

In answering the research question and sub-questions stemming from the main question, I have chosen to particularly make use of *existing literature* on minorities and peace building processes, and I will take into account *empirical studies on the Kurds and peace building processes in Iraq in general as methodology* for this thesis, although little is known about the role of (religious) minorities in peace building processes. For the best understanding of this particular case, it is best to combine multiple methodologies of research, and I am aware of that, especially since there are two

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<sup>2</sup> J. Powell, *Talking to Terrorists: How to End Armed Conflicts* (1st press; London 2014).

<sup>3</sup> Before the Euro was introduced on January 1, 2002, the Dutch guilder was the legal currency in the Netherlands from the Middle Ages onward. The biblical motto ‘God be with us’ was formerly written on the edge of the guilder, and today on 2-euro Dutch coins. The proverb phrase is derived from Romans 8:31, ‘if God is with us, who shall be against us?’.

(if not more) sides of the same coin that need to be addressed properly. Although solely focusing on existing literature and empirical studies may result in some flaws in this thesis, there are a few reasons why this choice is the best option at this point. At the moment of writing, it is still not safe in northern Iraq, creating an unsafe situation for either doing ethnographic fieldwork research, or conducting interviews among the members of the Peshmerga themselves. Also, finding anyone willing to cooperate through contacting members in northern Iraq via various channels such as social media, or family members residing in the Netherlands or Europe, as well as members, Kurds and non-Kurds, who went to northern Iraq to fight alongside the Peshmerga but went back home was a barren search, mainly because of the socio-political commitment the subject entails and the associated potential hazards, as Iraqi Kurds are demonized as a minority by both Baghdad and the international community.<sup>4</sup> In answering the research question, I will make use of *the concepts 'conflict', 'violence', 'ethnic minority groups', and 'peace building' as my theoretical framework.*

Through the following chapters, I will shed some light on the role of religious minority groups in peace building processes. In the first chapter, I will set out my theoretical framework and place this thesis in line with other research done on religious minority groups and peace building processes. In the second chapter, I will provide a historical overview of the Kurds and Peshmerga militias in northern Iraq, its tense relation with national government of Iraq, and the uprising of ISIL. The third chapter will provide some insights in the current Syrian peace talks, setting out the role of Iraq, ISIL, and the (Iraqi) Kurds, explaining why the peace talks should be a Syria-Iraqi peace building process, thus including Iraq, ISIL and the Iraqi Kurds despite the Peshmerga militias being wardens of northern Iraq. The fourth and last chapter will link and analyze all chapters, focusing on involving the Iraqi Kurds as a whole or solely the Peshmerga militias, the biggest issue during such Syria-Iraqi peace building process: independency and the establishment of an inclusive, democratic Iraq, and the applicability to other ethno-religious groups in peace building processes.

In the following chapter, I will provide a short overview of the ongoing discussion on conflicts and wars, violence, peace building, and ethnic minority groups.

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<sup>4</sup> K. Salib, 'Demonizing a Minority: The Case of the Kurds in Iraq' in: K.E. Schulze, M. Stokes, and C. Campbell eds., *Nationalism, Minorities and Diasporas: Identities and Rights in the Middle East* (1st press; London/New York 1996) 81-94, there 81.

# Chapter 1: Theoretical framework

This chapter will provide a short overview of the existing discussion on conflict, violence, conflict transformation, and ethnic minorities in order to outline the area of discourse in which this thesis is embedded and use this as a framework for the rest of the thesis, so it is clear to what field the main argument of this thesis contributes to. Before exploring the question in-depth it is important to develop an understanding of what exactly is meant by the various concepts used. It is important to note beforehand, however, that politics in this thesis refers to power relations.

## 1.1. Conflicts, violence, and wars

Conflict is often referred to as a disagreement between opposing forces, positions, and points of departure. Others take conflict a step further, calling it a universal feature of human society, originating from economic differentiation, social change, cultural formation, psychological development, and political organization - which are inherently conflictual - and becoming overt through the formation of conflict parties, which have or perceive to have mutually incompatible goals.<sup>5</sup> War, on the other hand, is often used interchangeably with conflict and is often referred to as military conflict, as it is a state of armed conflict between nation-states or societies, characterized by extreme violence using military forces.<sup>6</sup> In the realm of politics as a power entity, a conflict turns into a war when the conflict at hand is long and protracted and compromises more than a thousand officially registered casualties. War also involves a formal declaration between states or parties to a conflict; though, this is not always the case. An undeclared war as a term is often used to include any conflict. In this thesis, the concepts conflict and war will be used interchangeably.

### 1.1.1. Conflicts: contradiction, attitude, and behavior

There are three elements that are central to conflict: contradiction, attitude, and behavior.<sup>7</sup> Contradiction, in this sense, is the underlying conflict situation, the root of the conflict, in which ideas are contradictory and cause the issue at stake.<sup>8</sup> Behavior are the actions that are taken and involves cooperation or coercion, gestures signifying conciliation and destructive attacks.<sup>9</sup> Attitude includes the conflict parties' perception and misperception of each other and themselves.<sup>10</sup> On the one hand, it is the discriminative perception of the other, representing the outgroup, and seeing the other as less worthy, which includes negative psychological feelings as anger, hatred, and fear, and corresponding repertoire of "we versus them". On the other hand, there is the creation of victimhood.<sup>11</sup> In this case, the 'we' represent the ingroup which seeks to find ways to justify its identity and actions. In order to do so, the ingroup first has a positive view on themselves, yet this

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<sup>5</sup> O. Ramsbotham, T. Woodhouse, and H. Miall, *Contemporary Conflict Resolution: The Prevention, Management, and Transformation of Deadly Conflicts* (2nd press; Cambridge 2005) 7-8.

<sup>6</sup> M. Brecher, 'Introduction: Crisis, Conflict, War - State of the Discipline,' *International Political Science Review* 17 (1996) 127-139, there 127.

<sup>7</sup> J. Galtung, 'Introduction: Peace by peaceful conflict transformation - the TRANSCEND approach' in: C. Webel and J. Galtung eds., *Handbook of Peace and Conflict Studies* (1st press; London/New York 2007) 14-34, there 22.

<sup>8</sup> Ramsbotham, Woodhouse, and Miall, *Contemporary Conflict Resolution*, 9-11.

<sup>9</sup> Idem.

<sup>10</sup> Idem.

<sup>11</sup> T.A. Jacoby, 'A Theory of Victimhood: Politics, Conflict, and the Construction of Victim-based Identity,' *Millennium: Journal of International Studies* 43 (2015) 511-530, there 527-530.

rapidly changes when the ingroup comes to defend itself against the outgroup. By calling themselves the victim in a conflict, they have a point of reference and a point to solidify themselves. Victimhood thus creates a position of identity and justifies actions.

In case of the Iraqi Kurds, ideas of the future of northern Iraq are contradictory to those of Baghdad; Iraqi Kurds want independence or secession, whereas Iraq wants to remain one united state of Iraq. Baghdad views the Iraqi Kurds as rebels, whereas the Iraqi Kurds view Baghdad as a repressive dictatorial power. In order to gain independence, and to remain a unity, both parties use violence.

### 1.1.2. Varieties of violence: Galtung's conflict triangle

When one thinks of violence, one often comes up with the purely physical and visible characteristics of violence. However, according to Galtung, violence is the impairment of human life;<sup>12</sup> the state in which human beings are prevented from achieving their full potential, making violence not purely physical. He argues that violence is built into unequal, unjust, and unrepresentative social structures, defining violence as avoidable insults to basic human needs, lowering the real levels of needs satisfaction below what is potentially possible.<sup>13</sup> According to Galtung, there are three varieties of violence: direct, structural, and cultural violence.<sup>14 15</sup> Firstly, structural violence is exploitation and injustice built into the social system.<sup>16</sup> Structures of the social system, both physically and organizationally, do not allow the satisfaction of basic human needs, such as survival, identity, and freedom; for example, dying of hunger caused by poverty. Although its effects are not directly visible, it is seen as the worst of the three kinds of violence because of its origin and since it affects more people. One can think of privileging ethnicities, genders, and nationalities, institutionalizing unequal opportunities for education and resources. And often, it is not even intentional, causing that reasons of structural violence are not clearly visible and difficult to deal with.

Secondly, cultural violence is attitudes and beliefs that justify and legitimize structural violence, making the violence feel normal, and to inhibit or suppress the response of the victims.<sup>17</sup> For the beliefs to feel natural, it is expressed in media and other instruments of transmission and reproduction of culture, take for example religion, ideology, art, and education.<sup>18</sup> Basically, it is whatever blinds us to what is happening, whatever justifies the violence, and not being able to see what is actually happening. Perceptions of superiority/inferiority based on class, race, sex, religion, and nationality are inculcated in people from the day they are born, which shape our assumptions and convince us this is the only true way things are and have to be.<sup>19</sup>

Lastly, direct violence is the kind of violence we physically perceive, such as murder, assaults, and verbal attacks. However, hate, trauma, or the emergence of concepts such as "enemy"

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<sup>12</sup> K. Ho, 'Structural Violence as a Human Rights Violation,' *Essex Human Rights Review* 4 (2007) 1-17, there 3.

<sup>13</sup> J. Galtung, *Peace by Peaceful Means: Peace and Conflict, Development, and Civilization* (2nd press; London 1996) 197.

<sup>14</sup> J. Galtung, 'Violence, War, and Their Impact: On Visible and Invisible Effects of Violence,' *Forum for Intercultural Philosophy* 5 (2004) 6, accessed April 5, 2018 via <https://them.polylog.org/5/fgi-en.htm>.

<sup>15</sup> J. Galtung, 'Cultural Violence,' *Journal of Peace Research* 27 (1990) 291-305, there 292 and 294.

<sup>16</sup> J. Galtung, 'Violence, Peace, and Peace Research,' *Journal of Peace Research* 6 (1969) 167-191, there 171-186.

<sup>17</sup> Galtung, 'Cultural Violence,' 291-292.

<sup>18</sup> J. Demmers, *Theories of Violent Conflict: An Introduction, Revisited and Updated Second Edition* (1st press; London/New York 2017) 61-64.

<sup>19</sup> Galtung, 'Cultural Violence,' 296-301.

are often not seen, while they are equally serious effects. Direct violence is rooted in and manifests out of conditions created by structural and cultural violence; it is needed and strengthened by them. Since it is the most obvious and worst kind of violence, and since it is easiest to identify for its visibility, it is the most easiest one to combat. Structural and direct violence are highly interdependent, as structural violence is the main cause of behavioral violence.<sup>20</sup>

All three forces interact as a triad and act as a threatening vicious cycle; cultural and structural violence cause direct violence, direct violence reinforces structural and cultural violence. The causes of direct violence are related to structural violence and justified by cultural violence. These varieties of violence have a similar structure to that of the iceberg principle, in which there is always a small visible part, which Galtung calls direct violence, and a enormous hidden part of the iceberg, the structural and cultural violence.

The Iraqi Kurds face all three forms of violence: structural violence in the form of privileging Iraqi Arabs, creating unequal opportunities; cultural violence in the form of all Arabs being hostile towards Iraqi Kurds; and direct violence in the form of all forms of physical and non-physical violence which the Iraqi Kurds have been subjected to, as will be explained in the second chapter.

Galtung's model of conflict, violence, and peace				
Behavior	Direct violence	Changing conflict behavior	Peace keeping	Negative peace
Contradictions	Structural violence	Removing structural contradictions and injustices	Peace building	Positive peace
Attitudes	Cultural violence	Changing attitudes	Peacemaking	

### 1.1.3. Negative and positive peace dichotomy

There are different conceptions of peace, of which Galtung mentions three: peace as a synonym for stability, referring to the internal states of human beings;<sup>21</sup> peace as the absence of organized collective violence between major human groups, particularly nations, but also classes, racial and ethnic groups;<sup>22</sup> and peace as a synonym for all good things in the world community, particularly cooperation and integration between human groups, with less emphasis on the absence of violence.<sup>23</sup> The last two varieties of peace symbolize Galtung's distinction between negative and positive peace, in which negative peace refers to the absence of direct violence and the conservation of structural and cultural violence, and positive peace to the overcoming of structural and cultural violence.<sup>24</sup> Peace, in this sense, means the absence of all different forms of violence and the unfolding of conflict in a constructive way. If direct violence ceases but structural and cultural violence remain, positive peace has not been achieved. What is happening right now is that we tend to focus on direct violence instead of looking at structural and cultural violence.

To understand the differences between peacekeeping, peace building, and peacemaking, one needs to look at the three stages of a conflict first. The pre-conflict phase is when tensions are building up, but there is no sign of direct violence. The conflict phase is when tensions reach the point of outbreaks of violence. The post-conflict phase is when the conflict has ended, either

<sup>20</sup> J. Gilligan, *Violence: Reflections on a National Epidemic* (2nd press; New York 1997) 196.

<sup>21</sup> J. Galtung, *Theories of Peace: A Synthetic Approach to Peace Thinking* (press unknown; Oslo 1967) 12, accessed February 26, 2018 via [https://www.transcend.org/files/Galtung\\_Book\\_unpub\\_Theories\\_of\\_Peace\\_-\\_A\\_Synthetic\\_Approach\\_to\\_Peace\\_Thinking\\_1967.pdf](https://www.transcend.org/files/Galtung_Book_unpub_Theories_of_Peace_-_A_Synthetic_Approach_to_Peace_Thinking_1967.pdf).

<sup>22</sup> Galtung, *Theories of Peace*, 12.

<sup>23</sup> *Ibid.*, 14.

<sup>24</sup> J. Galtung, 'An Editorial,' *Journal of Peace Research* 1 (1964) 1-4, there 2.

through surrender of one of the parties involved or with a ceasefire; violence has ceased, yet the underlying causes are still intact. Peace building occurs before direct violence becomes visible.<sup>25</sup> Peacemaking occurs during fighting, often through an external force who brings an end to the conflict.<sup>26</sup> Peacekeeping occurs after the cessation of violence, often carried out by the United Nations (UN) or a regional organization through the threat and sometimes use of force.<sup>27</sup> However, it is important to note that the three forms are not mutually exclusive and occur in a variety of ways, interchangeably. Obviously, the most effective way to deal with conflict is through peace building, although this view is not shared with the international community. One does not care about a situation when there is no sign of heavy direct violence, even though post-conflict societies are fragile and apt to relapse into conflict. In short, the three elements of conflict are related to the three forms of violence and the three forms of peace; behaviors to direct violence and peacekeeping, contradictions to structural violence and peace building, and attitude to cultural violence and peacemaking.

Nowadays, when one thinks of conflicts, violence, and wars, one immediately comes up with religion, "because all of war can be traced back to religion." Fox argues there is considerable empirical proof that a relationship between religion and violence exists, as well as a relation between religion and tolerance. It has to do with religious institutions' suitability for political mobilization, including conflict, and its ability to provide a cover as well.<sup>28</sup> Besides, while religion is not the only justification for violence, it is a classic one. Juergensmeyer, on the other hand, argues that religious groups share a perception that their communities are under attack and that the world is a violent, dangerous place, corresponding to the creation of victimhood, and thereby producing cultures of violence.<sup>29</sup> Also, religious violence is committed in order to achieve symbolic objectives rather than to gain specific political goals.<sup>30</sup> In this perspective, he disagrees with Von Clausewitz, just as Fox, whereas he argues that a few cases of religious violence are violence for the sake of violence; religious violence is almost always instrumental - designed to attain a goal - though the goal itself is often inspired by religious ideology, even though there are a few rare exceptions.

In case of the Iraqi Kurds, peace building would be the most effective way to deal with conflict, because it deals with contradictions and thus structural violence, addressing the root of the conflict, in which ideas are contradictory and cause the issue at stake, and the resulting violence. This way, positive peace will finally be reached after years of continuous violence. Violence is not committed in the name of religion, although it could be argued the few religious differences between the Iraqi Kurds and Iraqi Arabs are used as an instrument to attain independence.

#### **1.1.4. Ethnic and civil conflicts**

An ethnic conflict or war is a conflict between two or more contending ethnic groups. It is different from other forms of conflict due to the criterion that actors must expressly fight for the ethnic group's position within society regardless of the source of the conflict.<sup>31</sup> Ethnic conflicts are not necessarily violent, although the confrontation must be either directly or symbolically linked to an

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<sup>25</sup> J. Galtung, 'Three Approaches to Peace: Peace Keeping, Peace Making, and Peace Building' in: J. Galtung ed., *Essays in Peace Research Vol. II: Peace, War, and Defense* (1st press; Copenhagen 1976 282-304, there 297-304.

<sup>26</sup> J. Galtung, 'Three Approaches to Peace,' 290-297.

<sup>27</sup> *Ibid.*, 282-290.

<sup>28</sup> J. Fox, *An Introduction to Religion and Politics, Theory and Practice* (1st press; London/New York 2013) 122.

<sup>29</sup> Juergensmeyer, *Terror in the Mind of God*, 4.

<sup>30</sup> *Ibid.*, 144.

<sup>31</sup> S.J. Kaufman, *Modern Hatreds: The Symbolic Politics of Ethnic War* (1st press; New York 2001) 17.

ethnic group.<sup>32</sup> Nowadays, small conflicts are features of plural democracies, such as the struggle for distribution of resources among the various groups.<sup>33</sup> Usually, these conflicts are institutionalized, ensuring the peaceful manner of articulating ethnic groups' demands and reducing or preventing the conflict flaring up into violence, resembling negative peace. Some ethnic conflicts may eventually take steps towards separatist nationalism.<sup>34</sup>

Moreover, there is a thin line between ethnic and civil conflicts. A civil conflict or intrastate war is an armed conflict or war between organized groups within the same state or country, often the government and a non-state challenger, aiming to seize control of the country or region within a country with the intention to achieve independence or change government policies.<sup>35</sup> There are three prominent explanations for civil war: greed-based, grievance-based, and opportunity-based explanations.<sup>36</sup> Grievance-based accounts view civil conflict as a reaction from people, whether that be defined in terms of ethnicity, religion, or any other social affiliation, to political and/or socio-economic injustice; civil wars begin because of issues of identity, especially in cases of ethnic dominance in which the largest ethnic group comprises a majority of the population.<sup>37</sup> Greed-based accounts, in contrast, explain the emergence of civil war in terms of desiring to maximize individuals' or groups' profits.<sup>38</sup> <sup>39</sup> Lastly, opportunities-based accounts argue that motives and ethno-religious diversity are less important, but circumstances or occasions such as poverty and political instability enable actors to engage in conflict.<sup>40</sup> Again, these explanatory patterns blend into each other.

In case of the Iraqi Kurds, one could argue in favor of both an ethnic and civil conflict, since the Kurds expressly fight for their position within society, the conflict is institutionalized by Baghdad, and sometimes, at least for some people, it takes steps towards separatist nationalism; at the same time, the Kurds have aimed and still aim, with and without the use of violence, to seize control over Iraqi-Kurdistan and gain independence for that particular region of Iraq due to political- and socioeconomic injustice based on issues of identity.

## 1.2. Conflict management, conflict resolution, and conflict transformation

Conflict resolution, conflict management, and conflict transformation are concepts designed to reframe the way in which peace building initiatives are discussed and pursued. Unfortunately,

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<sup>32</sup> A. Varshney, 'Ethnicity and Ethnic Conflict' in: C. Boix and S.C. Stokes, *The Oxford Handbook of Comparative Politics* (1st press; Oxford 2009) 274-294, there 278-279.

<sup>33</sup> S. Olzak, *Dynamics of Ethnic Competition and Conflict* (1st press; Stanford 1992) 6.

<sup>34</sup> Varshney, 'Ethnicity and Ethnic Conflict,' 278.

<sup>35</sup> J.D. Fearon, 'Iraq's Civil War,' *Foreign Affairs* 86 (2007) 2-15, there 4.

<sup>36</sup> L.E. Cederman and M. Vogt, 'Dynamics and Logics of Civil War,' *Journal of Conflict Resolution* 61 (2017) 1992-2016, there 1995.

<sup>37</sup> P. Collier, A. Hoeffler, and N. Sambanis, 'The Collier-Hoeffler Model of Civil War Onset and the Case Study Project Research Design' in: P. Collier and N. Sambanis eds., *Understanding Civil War: Evidence and Analysis Vol. I: Africa* (1st press; Washington 2005) 1-34, there 18.

<sup>38</sup> Collier, Hoeffler, and Sambanis, 'The Collier-Hoeffler Model of Civil War Onset and the Case Study Project Research Design,' 13.

<sup>39</sup> A. Hironaka, *Neverending Wars: The International Community, Weak States, and the Perpetuation of Civil War* (1st press; Cambridge 2005) 9-10.

<sup>40</sup> J.D. Fearon and D. David, 'Ethnicity, Insurgency, and Civil War,' *The American Political Science Review* 97 (2003) 75-90, there 75.

without nullifying or negating them, the emphasis has been on conflict resolution and conflict management approaches throughout history, which focus on the reduction of hostility, whereas conflict transformation, in contrast, addresses the underlying factors which give rise to conflict, preferably in advance of hostility and thus closely linked to peace building, ensuring a sustainable peace. The approaches mentioned differ from each other, but blend into each other in practice. Conflict management is the process of limiting the negative aspects of conflict, the visible direct violence, and enhancing learning and group outcomes.<sup>41</sup> Central to this process are the positive benefits of conflict: it promotes the positive outcomes of conflict with the goal of improving learning. As the term itself already reveals, conflict management seeks to merely manage and contain conflict. Conflict management correctly assumes conflicts are long term processes that can not be solved quickly. However, the notion of management suggests that people can be directed or controlled. And as with conflict resolution, the main goal is to reduce violence instead of dealing with the actual source of conflict. Conflict resolution, on the other hand, seeks to move conflict parties involved away from hopeless zero-sum positions towards positive outcomes, often with the help of external actors.<sup>42</sup> Conflict resolution implies that conflict is bad and should be ended, assuming that conflict is a short term phenomenon and could be resolved permanently through intervention processes.

The discipline of conflict transformation became an established field in the late 1980s and 1990s, having a distinctive theory, concepts, tools, and models, rooting in and drawing on the concepts of conflict management and conflict resolution. Whereas conflict management or conflict resolution respectively seek to manage conflict and resolve conflict out of zero-sum positions, conflict transformation involves transforming the relationships that support violence, mainly invisible violence. Conflict transformation is relevant to most contemporary violent conflicts, since they are asymmetric, protracted, and complex. Therefore, conflicts require more than than 'simply' reframing of positions and identification of outcomes. It requires the process of engaging with and transforming the structure of parties and relationships, including the variety of actors. Conflict transformation addresses the underlying factors which give rise to conflict, the structural and cultural violence which occur well in advance of any outbreaks of hostility. Through peace building, conflict transformation ensures a sustainable peace through explicitly addressing the current social structures and dynamics behind the conflict, and subsequently reshaping these; therefore, conflict transformation is a process of engaging with and transforming the relationships, interests, discourses, and, if necessary, the constitution of society that supports the continuation of conflict.<sup>43</sup> Theorists of conflict transformation draw on a variety of building blocks, representing various schools of thought, reflecting both differing paradigms and different types of intervenors.

In the early days of conflict transformation, Simmel and Coser both stressed the positive social function of conflict.<sup>44</sup> Coser argued that conflict serves to maintain established social relationships.<sup>45</sup> Besides, he contended that conflict breaks people out of dysfunctional habits.<sup>46</sup> According to Sharp, conflict is not only inevitable, it is desirable as well. When there are

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<sup>41</sup> M.A. Rahim, 'Toward a Theory of Managing Organizational Conflict,' *The International Journal of Conflict Management* 13 (2002) 206-235, there 208.

<sup>42</sup> H. Miall, *Conflict Transformation: A Multi-Dimensional Task* (2nd press; Berlin 2004), 4.

<sup>43</sup> Miall, *Conflict Transformation*, 4.

<sup>44</sup> G. Simmel, *Conflict and the Web of Group Affiliations* (1st press; New York 1955) 139-151.

<sup>45</sup> L.A. Coser, *The Functions of Social Conflict: An Examination of the Concept of Social Conflict and Its Use in Empirical Sociological Research* (1st press; London 1968) 47-48.

<sup>46</sup> L.A. Coser, 'Social Conflict and Social Change,' *British Journal of Sociology* 8 (1957) 197-207, there 198.



fundamental issues at stake, he proposes the use of nonviolent resistance or action: protest and persuasion, non-cooperation, and nonviolent intervention.<sup>47</sup>

According to Curle, conflict moves along a continuum from an unpeaceful to a peaceful relationship. In the conflict progression model, Curle compares two elements: the level of power between the parties of and the level of awareness about the conflict. This matrix helps to locate where the conflict is situated; consequently, it demonstrates what might be the appropriate approaches to peace building.<sup>48</sup>

		Unpeaceful <— relationship —> peaceful		
		Static	Unstable	Dynamic
Power	Balanced		3. Negotiation	4. Sustainable peace
	Unbalanced	1. Education Latent conflict	2. Confrontation Overt conflict	
		Low <—————> high		
		Awareness of conflict		

However, progression is seldom linear, as some might never reach the stage of negotiation and get caught in a vicious cycle, or negotiations fail because the parties seldom articulate their needs and values. Here lies the challenge to reach the final stage of sustainable peace. Development is the key to Curle’s idea of sustainable peace, involving the restructuring of a relationship so that the conflict or alienation that had previously rendered it unpeaceful is eliminated and replaced by a collaboration that prevents it from recurring.<sup>49</sup>

Northrup, on the other hand, argues that conflict resolution is based on the following four assumptions: the parties to conflict are rational; the cause of conflict is composed of misperception; conflict resolution principles are applicable despite varying social settings; and peaceful resolution is the final goal.<sup>50</sup> She rejects these assumptions, arguing that rationality may vary across different cultural contexts. Misperception on the other hand fails to explain deeply rooted conflicts, as well as it is not powerful enough to deal with drastic differences in world views. Thirdly, the various stages of conflict may demand a different treatment at different points of time. Lastly, peaceful resolution may not be the final goal at all, since many parties may be interested in the continuation of violence rather than peace.<sup>51</sup>

Azar developed the highly influential concept on conflict transformation theory of protracted social conflict. Through this theory, Azar suggests how patterns of protracted conflict interact with the historical context, the denial of basic human needs, identity and security, the adequacy of political, military and economic institutions, the choices made and the roles played by the state, and

<sup>47</sup> G. Sharp, *There are Realistic Alternatives* (2nd press; Boston 2003) 1-4, 34-38.

<sup>48</sup> A. Curle, *Making Peace* (1st press; London 1971) 19.

<sup>49</sup> Curle, *Making Peace*, 259.

<sup>50</sup> T.A. Northrup, ‘The Dynamic of Identity in Personal and Social Conflict’ in: L. Kriesberg, T.A. Northrup and S.J. Thorson eds., *Intractable Conflicts and Their Transformation* (1st press; New York 1989) 55-82, there 55-58.

<sup>51</sup> Northrup, ‘The Dynamic of Identity in Personal and Social Conflict,’ 58-63.

how different options can lead to benign or malignant spirals of conflict.<sup>52</sup> Vayrynen, on the other hand, argued for an analytical conflict theory, stressing the importance of dynamic terms in understanding how conflicts are transformed, as features of conflict change over time as a consequence of the social, economic, and political dynamics of societies.<sup>53</sup> Augsburg suggested to look at different cultures to see what objectives they have concerning conflict transformation;<sup>54</sup> consequently, conflict transformation requires a metamorphosis of three elements: attitudes, behavior, and the way the conflict is structured.<sup>55</sup> He further cautions that without understanding the cultural roots, no real conflict transformation can take place.

Nowadays, conflict transformation is associated with Johan Galtung and John Paul Lederach. According to Galtung, conflict transformation is inspired by and based upon basic premises from world religions. Whereas could be argued religion causes violence, one could thus also argue religion is an important factor in peace building and conflict transformation. Conflict transformation comprises twelve elements, of which in this thesis bringing in forgotten parties with important stakes in conflict is the most important one.<sup>56</sup> Lederach defines conflict transformation as to envision and respond to the ebb and flow of social conflict as life-giving opportunities for creating constructive change processes that reduce violence, increase justice in direct interaction and social structures, and respond to real-life problems in human relationships.<sup>57</sup> In order to achieve this, he pleads for looking at the underlying causes and forces of the conflict instead of the immediate presenting problems. He suggests three lenses to create a bigger map: to see the immediate situation (the content); to see the deeper relational patterns (the context); and to see the conceptual framework that connects the immediate situation with the deeper relational patterns (the structure of relationships). Peace building is the long-term transformation of a system in which the personal, structural, relational, and cultural aspects of conflict are key dimensions of this process of change, articulated in the form of a pyramid.<sup>58</sup> The peak of the pyramid represents the top leaders; the middle-range leadership comprises individuals representing NGOs and organizations; on the grassroots-level, there are people who are directly affected by the conflict and for whom issues of livelihood are crucial. Each level of this pyramid must use different approaches to contribute to the process of conflict transformation. Whereas top-level peace building comprises peace missions and high-level negotiations, middle-level peace building comprises problem-solving workshops, trainings in conflict transformation, and peace commissions, and grassroots peace building includes psychosocial work in postwar trauma, grassroots training, prejudice reduction, and local peace commissions.<sup>59</sup>

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<sup>52</sup> E.E. Azar, *The Management of Protracted Social Conflict: Theory and Cases* (1st press; Aldershot 1990) 7-16.

<sup>53</sup> R. Vayrynen, 'To Settle or to Transform? Perspectives on the Resolution of National and International Conflicts' in: R. Vayrynen ed., *New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation* (1st press; London 1991) 1-25, there 1-3.

<sup>54</sup> D.W. Augsburg, *Conflict Mediation Across Cultures: Pathways & Patterns* (1st press; Louisville/London 1992) 11.

<sup>55</sup> Augsburg, *Conflict Mediation Across Cultures*, 143-163.

<sup>56</sup> J. Galtung, *Conflict Transformation by Peaceful Means (The Transcend Method)* (press unknown; place unknown 2000) 5, accessed March 2, 2018 via [https://www.transcend.org/pctrcluj2004/TRANSCEND\\_manual.pdf](https://www.transcend.org/pctrcluj2004/TRANSCEND_manual.pdf).

<sup>57</sup> J.P. Lederach, *The Little Book of Conflict Transformation* (1st press; New York 2003) 14.

<sup>58</sup> J.P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (1st press; New York 1997) 39.

<sup>59</sup> T. Paffenholz, 'International Peacebuilding Goes Local: Analysing Lederach's Conflict Transformation Theory and Its Ambivalent Encounter with 20 Years of Practice,' *Peacebuilding* 2 (2014) 11-27, there 16.

This thesis will draw heavily on the theories of Galtung and Lederach, since both focus on a long-term transformation of the conflict, including the top leaders and the grass-roots level, taking into consideration the situation at hand, the deeper context, and the structure of relationships, looking at the underlying causes and forces of the conflict instead of the immediate presenting problems, and bringing in forgotten parties with important stakes as is the case with the Iraqi Kurds.

### 1.3. Ethnic minority groups

A minority group refers to a category of differentiated people, based on for example ethnicity, religion, disability, or gender, who do not belong to the social majority who hold social power in a society; or, as sociologist Wirth defined the term, a group of people who, because of their physical or cultural characteristics, are singled out from the others in society in which they live for differential and unequal treatment, and who therefore regard themselves as objects of collective discrimination.<sup>60</sup> In social and cultural sciences, the term is used to describe power relations between groups.<sup>61</sup> Individuals may simultaneously occupy both a majority identity, such as religion; being Muslim in Iraq, and a minority identity, such as sexual preference; being homosexual, depending on the intersection of social categories.<sup>62</sup> Since minority groups are prone to discrimination and other, non-desirable treatment in societies in which they live, the term often occurs alongside the discourse of human rights and more closely minority rights.

To understand the difference between religious and ethnic minority groups, it is important to explore the term ethnicity first. According to Horowitz, ethnicity as a term designates a sense of collective belonging, based on common descent, language, history, culture, race, religion, or a combination of these.<sup>63</sup> Others, however, leave religion from this list, stating ethnicity is a social category of people based on perceptions of shared social experience or ancestors' experiences, sharing distinguishing cultural traditions and history;<sup>64</sup> yet, religion becomes critical when ethnicity and religion clash, as was the case in the Northern Ireland conflict with Irish Protestants and Catholics, and still nowadays is with white and black American Christians.

The term minority is quite controversial. Whereas in academia the term refers to power relations among groups, in colloquial usage it refers rather to the numerical relations or population size among groups. According to Feagin, a minority group has five characteristics; suffering from discrimination and/or subordination; isolating physical and/or cultural traits; a shared sense of collective identity and common burdens; socially shared rules about membership and determination of the minority status; and tendency to marry within the group.<sup>65</sup> In international law, a national minority is theoretically, yet not legally, defined as a group of people within a given nation state which is numerically smaller compared to the rest of the population within the given (part of the) state; not in a dominant position; has distinctive features, such as culture, language, or religion; have a long-term presence on the given territory; whose members have a strong sense of preserving

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<sup>60</sup> L. Wirth, 'The Problem of Minority Groups' in: R. Linton ed., *The Science of Man in the World Crisis* (1st press; New York 1945) 347-372, there 347.

<sup>61</sup> T. Laurie and R. Khan, 'The Concept of Minority for the Study of Culture,' *Continuum: Journal for Media and Cultural Studies* 31 (2017) 1-12, there 2-4.

<sup>62</sup> Laurie and Khan, 'The Concept of Minority for the Study of Culture,' 3.

<sup>63</sup> D.L. Horowitz, *Ethnic Groups in Conflict* (1st press; Berkeley 1985) 55-94.

<sup>64</sup> J. People and G. Bailey, *Humanity: An Introduction to Cultural Anthropology* (9th press; Boston 2010) 389.

<sup>65</sup> J.R. Feagin, *Racial and Ethnic Relations* (2nd press; Prentice-Hall 1984) 10.

their specificity; and whose members are citizens of the state where they have the status of a minority.<sup>66</sup>

However, there is no legal definition of ethnic nor religious minorities in international law. As one can tell from the terms themselves, members of religious minorities believe in a faith which is different from that held by the majority and members of ethnic minorities have a different ethnic background from that held by the majority. The terms are, again, fluid; ethnic minorities may include faith in a religion which is a minority religion in the specific country and vice versa, although this is not necessary. However, because ethnic and religious distinctions often do not coincide, it is useful also to consider ethnicity and religion as separate axes, generating their own possibilities and tensions.

In case of the Kurds, they are both an ethnic and religious minority in Iraq - yet not in Iraqi Kurdistan where they are considered to be the majority - since they are ethnically most closely related to Iranians, descending from the ancient Corduene. Also, the majority of the Kurds are Sunni Muslims, with some Shia and Alevi Muslim minorities, and some adherents to native Kurdish/Iranian religions as Yarsanism, whereas the majority religion in Iraq is Shia Islam. The latter will be further explained in the next chapter in depth. In this thesis, they are considered to be an ethnic minority.

Having set out the theoretical framework, it is now important to consider the history and associated tensions of the Iraqi Kurds, the Peshmerga militias, and the uprising of ISIL.

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<sup>66</sup> D. Smihula, 'Definition of National Minorities in International Law,' *Journal of US-China Public Administration* 6 (2009) 45-51, there 45-46.

# Chapter 2: Historical overview of the Iraqi Kurds

This chapter will provide a historical and social overview of the Kurds and Peshmerga militias in northern Iraq, its tense relation with national government of Iraq, the Peshmerga militias and the uprising of ISIL. Also, I will briefly discuss the Kurds' not-so undeclared, individual objective, the establishment of the autonomous state of Kurdistan, which may be in conflict with the ultimate goal of defeating ISIL in both Iraq and Syria. It is important to look specifically at the development of the treatment of Iraq's largest minority group and its contribution in the fight against ISIL, since it is part of the background and the motives of the Kurds in the Syria-Iraqi peace process.

## 2.1. The Kurds

The Kurds are an ethnic minority group in the Middle East and one of the largest ethnic groups in the world that do not have a state of their own,<sup>67</sup> mainly inhabiting a contiguous area spanning adjacent parts of southeastern Turkey, northern Syria, northern Iraq, and northwest Iran.<sup>68</sup> This is also known as Kurdistan, a roughly defined geo-cultural region wherein the Kurdish people form a prominent majority population and wherein Kurdish culture and identity have historically been based. A precise number of Kurds is impossible to calculate, since none of the countries in which they reside wants to fully recognize them,<sup>69</sup> except for Iraq.<sup>70</sup> The Kurds are culturally, historically, and linguistically classified as belonging to the Iranian peoples and descend from various ethnic groups, including the Medes, the Guti, and the Carduchi, forming a significant minority group in Turkey, Iran, and Syria, while the Kurds are the majority population in the semi-autonomous region of Iraqi Kurdistan.

### 2.1.1. The diverse ethno-religious landscape in Iraq

The Iraqi population is extremely diverse in terms of ethnicity and religion. Kurds, Shi'a Arabs, and Sunni Arabs are the three largest groups, in addition to communities of Armenians, Baha'is, Black Iraqis, Chaldo-Assyrians, Circassians, Fali Kurds, Jews, Kaka'i, Palestinians, Roma, Sabian Mandaeans, Shabaks, Turkmen, and Yezidis,<sup>71</sup> although it is disputed whether Yezidis are ethnically Kurds or form a distinct ethnic group, both within the Yezidi community itself as well as among Kurds.<sup>72 73 74</sup> Up to 80% of Iraq's people are Arabs, the remainder are mostly Kurds;<sup>75</sup> the largest

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<sup>67</sup> M.A. Aziz, *The Kurds of Iraq: Nationalism and Identity in Iraqi Kurdistan* (1st press; London/New York 2011) 33.

<sup>68</sup> J. Ciment, *The Kurds: State and Minority in Turkey, Iraq, and Iran* (1st press; New York 1996) 1.

<sup>69</sup> Q. Lawrence, *Invisible Nation: How the Kurds' Quest for Statehood is Shaping Iraq and the Middle East* (1st press; New York 2008) iii.

<sup>70</sup> Salib, 'Demonizing a Minority,' 85.

<sup>71</sup> M. Lalani, *Still Targeted: Continued Persecution of Iraq's Minorities* (1st press; London 2010) 5.

<sup>72</sup> P. Taneja, *Assimilation, Exodus, Eradication: Iraq's Minority Communities Since 2003* (1st press; London 2007) 13-14.

<sup>73</sup> B. Açıkyıldız, *The Yezidis: The History of a Community, Culture, and Religion* (1st press; London 2014) 48.

<sup>74</sup> R. Foltz, *Religions of Iran: From Prehistory to the Present* (1st press; London 2013) 219.

<sup>75</sup> Y. Ghai, M. Lattimer, and Y. Said, *Building Democracy in Iraq* (1st press; London 2003) 5.

ethnic minority in Iraq, comprising between 15% and 22% of Iraq's population, which comes down to approximately four to five million inhabitants.<sup>76</sup> Iraqi Kurds developed as a subgroup of the Kurdish people after the Asia Minor Agreement, commonly known as the Sykes-Picot Agreement, of World War I.<sup>77</sup>

When it comes to religion, Iraq has a religiously diverse population. The dominant majority of Iraqi people are Muslim by religion, split between Sunni and Shi'i Arabs with the latter in the majority constituting about 55% of the population. Despite being in the majority, they have historically been marginalized in terms of political and military influence and suffer from discrimination. As a result, as a dominant minority making up approximately 17% of the population, the Sunni Arabs have constituted most of Iraq's ruling class and dominate the government, the ruling Ba'ath party, and the armed forces.<sup>78</sup> The Turkomans make up about 3% to 4% of Iraq's population, and are split between Sunni and Shi'i Muslims. Assyrians and other Christian minorities constitute another 3% to 4% of Iraqis. Jews have nearly all left or been forced out due to a major exodus in the 1960s and 1970s, leaving a small community of only a few hundred people in Baghdad and in the north.<sup>79</sup>

Religion in Iraqi Kurdistan is just as diverse as in Iraq itself. The Kurds themselves are nearly all Sunni Muslims, comprising approximately between 66% and 75% of the population of Iraqi Kurdistan.<sup>80</sup> <sup>81</sup> A big difference between the Sunni Kurds and the Sunni Arabs, which was marked by some Kurds as part of their ethnic identity and is often emphasized, is the former following the Shafi'i *madhhab*, one of the four schools of thought within *fiqh* - Islamic jurisprudence in Sunni Islam.<sup>82</sup> This distinguishes them from the Sunni Arabs who are generally Hanafi, the *fiqh* with the largest number of followers among Sunni Muslims which became predominant in the countries that were once part of the Ottoman Empire, Mughal Empire and Sultanates of Turkic rulers. Although all *madhhabs* make use of four primary sources, consisting of the Qur'an; the *hadiths*, based on the sayings, customs, and practices of the Prophet Muhammad; the *ijma*, consensus or agreement on religious issues within the *Sahabah*, the community of Muhammad's companions; *ijtihad*, or the individual's opinion from the *Sahabah*; and *qiyas*, the process of deductive analogy, the differences often depend on which of the four components they place the most emphasis on. One of the many differences between the Shafi'i and Hanafi schools is that the Shafi'i school does not consider *istihsan*, juristic preference and *istislah*, public interest as acceptable sources for admitting religious laws that had no textual basis in either the Qur'an or *hadiths* and thus relied on subjective human opinions, allowing the rulers of the aforementioned empires flexibility in interpreting the religious law to their administrative preferences, potentially leading to corruption and adjustment to political

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<sup>76</sup> CIA World Factbook, 'Iraq: People and Society', accessed March 30, 2018 via <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html#People>. However, data is a 1987 government estimate and no recent reliable numbers are available.

<sup>77</sup> M. Gunter, *The Kurds Ascending* (1st press; New York 2008) 11.

<sup>78</sup> Ghai, Lattimer, and Said, *Building Democracy in Iraq*, 6.

<sup>79</sup> *Idem*.

<sup>80</sup> M. van Bruinessen, 'Religion in Kurdistan,' *Kurdish Times* 4 (1991) 5-27, there 5-7.

<sup>81</sup> D. McDowall, *A Modern History of the Kurds* (1st press; London 1997) 10.

<sup>82</sup> Van Bruinessen, 'Religion in Kurdistan,' 19-23.

context and time.<sup>83 84</sup> The small remaining population of Feili Kurds are Twelver Shi'a Muslims, living in Baghdad and the south-east of Iraq.<sup>85</sup>

In addition to Muslims, a number of other religions reside in Iraqi Kurdistan. One of them is Yezidism, which combines aspects of the three monotheistic Abrahamic religions with Zoroastrianism and the religions of ancient Mesopotamia.<sup>86</sup> Other religions found in Iraqi Kurdistan are Yarsanism, Zoroastrianism, a religion which combines cosmogonic dualism and eschatological monotheism, officially recognized in solely Iraqi Kurdistan and Iran, a tiny ethno-religious community of Mandaean, and Assyrian Christians. Despite being a Western principle, Kurdish politics began adopting secularism as a political principle in the twenty-first century, often referred to as a form of secular nationalism.<sup>87</sup> In 2012, the Kurdistan Regional Government of Iraq (KRG) declared that public schools had to be religiously neutral and that all religions had to be taught on an equal basis. In short, society must be secular, deriving from the Kurds' way of dealing with and overcoming the past, since the religious divide between Shia and Sunnis prevented society from reconciliation, a democratic political system based on respect for minorities.<sup>88</sup>

### 2.1.2. The Kurdish Region of Iraq

The autonomous Kurdish/Kurdistan Region of Iraq (KRI), also known as Iraqi Kurdistan and frequently referred to as Southern Kurdistan as it is considered to be part of Greater Kurdistan, is a federally recognized semi-autonomous region in northeastern Iraq, comprised of the four governorates of Duhok, Erbil, Sulaymaniyah, and Halabja. The region was established in 1992 and was de facto independent, de jure part of Iraq<sup>89</sup> until the recognition of the new Constitution of Iraq in 2005, which defines the KRI as a federal entity of Iraq. Ever since, it has been a federally recognized area, and also the only recognized Kurdish political entity in the world. Officially, the region is governed by the Kurdistan Regional Government (KRG), being a parliamentary democracy with its own regional Parliament consisting of 111 seats located in the region's capital Erbil. A whole history precedes the establishment of the KRI. Due to issues of relevance, this thesis will focus on the period from the March 1970 autonomy agreement and further.

After the First Iraqi-Kurdish War, the Iraqi government and the Kurds reached an agreement for the creation of an autonomous region and representation in government bodies, also known as the Iraqi-Kurdish Autonomy Agreement of 1970.<sup>90</sup> However, the agreement failed due to the Ba'athist Arabization policy. At the end of the Gulf War, clashes between Iraqi forces and the Peshmerga continued, resulting in the withdrawal of Iraqi government militias in northern Iraq, leaving Iraqi Kurdistan de facto independently.<sup>91</sup> In 1992, the KDP and PUK established the

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<sup>83</sup> L. Ridgeon, *Major World Religions: From Their Origins to the Present* (1st press; New York 2003) 259-262.

<sup>84</sup> W.B. Hallaq, *Shari'a: Theory, Practice, Transformations* (1st press; Cambridge 2009) 58-71.

<sup>85</sup> Ghai, Lattimer, and Said, *Building Democracy in Iraq*, 6.

<sup>86</sup> R.H.W. Empson, *The Cult of the Peacock Angel* (1st press; London 1928) 184.

<sup>87</sup> M. Leezenberg, 'Religion Among the Kurds: Between Naqshbandi Sufism and IS Salafism' in: G. Stansfield and M. Shareef eds., *The Kurdish Question Revisited* (1st press; New York 2017) 33-46, there 37.

<sup>88</sup> M. Ihsan, 'Arabization as Genocide: The Case of the Disputed Territories of Iraq' in: G. Stansfield and M. Shareef eds., *The Kurdish Question Revisited* (1st press; New York 2017) 375-392, there 378-388.

<sup>89</sup> D. Natali, *The Kurds and the State: Evolving National Identity in Iraq, Turkey, and Iran* (1st press; New York 2005) 26-47.

<sup>90</sup> G.S. Harris, 'Ethnic Conflict and the Kurds,' *The Annals of the American Academy of Political and Social Science* 433 (1977) 112-124, there 118-120.

<sup>91</sup> H.J. Barkey and E. Laipson, 'Iraqi Kurds and Iraq's Future,' *Middle East Policy* 12 (2005) 66-76, there 67.

Kurdistan Regional Government (KRG). During the Iraq war, the Peshmerga played an important role in the overthrow of the Iraqi government. The invasion and subsequent political changes led to the ratification of a new constitution which was established in 2005, recognizing the KRI. Following the United States withdrawal from Iraq, tensions between the KRI and the central Iraqi government returned, with a peak between 2011-2012 on the issues of power sharing and territorial control and in 2014 on the issue of claiming disputed territories in northern Iraq. An independence referendum for Iraqi Kurdistan was held in September 2017; however, the referendum would be non-binding and its legality was rejected by the central government of Iraq, although it could trigger the start of state building and negotiations with Iraq.

## 2.2. The Peshmerga Militias

The Peshmerga are the military forces of the federal region of Iraqi Kurdistan. The name itself means ‘those who face death’; it is a combination of the two Kurdish words *pesh*, meaning to confront or face, and the word *merg* which means death. The term, however, is primarily used by Sorani speaking Kurds to refer to the Kurdish forces in Iraq. The term *gerîla*, similar to guerrilla, is used to refer to the armed Kurdish forces in the surrounding countries in which Kurds live, such as Turkey, Iran, and Syria. The term Peshmerga was introduced in the mid-20th century by either the Kurdish political refugee to Great Britain, writer, and former Secretary General of the KDP Ibrahim Ahmad or Qazi Muhammad, the Iranian Kurdish separatist leader who headed the Republic of Mahabad, the short-lived Kurdish republic in north-west Iran which existed between 1946 and 1947 under Soviet protection, and founder of the PDKI.<sup>92</sup>

Although it is assumed the Peshmerga have been active from the early 1920s until present, some scholars argue that the Peshmerga started out as a tribal pseudo-military border guard during the control of the Ottoman Empire and Safavid dynasty, thus predating the Republic of Iraq, into a guerrilla force in the nineteenth century.<sup>93</sup> Valentine disagrees with this vision. Kurdish tribal fighters existed in the nineteenth century; however, at that time, they were not a guerrilla force. According to him, the Peshmerga first emerged as a guerrilla force during the Kurdish-Iraqi wars between 1963 and 1975.<sup>94</sup>

The formal head of the Peshmerga militias is the president of Iraqi Kurdistan, yet more directly the Kurdish Regional Government’s Ministry of Peshmerga Affairs. Just as with the Kurds themselves, although the Peshmerga is spoken of as a homogeneous force, they are largely divided and not unified. This is due to forces of the Peshmerga units being loyal to the various parties of the Kurdish National Assembly and them controlling the militias separately: mainly the two main political parties in Iraqi-Kurdistan DPK and PUK, and minor Kurdish parties such as the Kurdistan Socialist Democratic Party (KSDP). As a result, there is no central command center in charge of the entire force. Despite attempts being made to unify and integrate the Peshmerga, the forces remain divided due to factionalism.<sup>95</sup> This factionalism causes units to be nontransparent with the Iraqi

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<sup>92</sup> S.R. Valentine, *Peshmerga ‘Those Who Face Death’: The Kurdish Army: Its History, Development, and the Fight Against ISIS* (1st press; place unknown 2018) 12.

<sup>93</sup> M.G. Lortz, ‘Willing to Face Death: A History of Kurdish Military Forces - The Peshmerga - From the Ottoman Empire to Present-Day Iraq,’ 108, accessed April 3, 2018 via <https://fsu.digital.flvc.org/islandora/object/fsu:175614/datastream/PDF/view>.

<sup>94</sup> Valentine, *Peshmerga ‘Those Who Face Death,’* 12.

<sup>95</sup> W. van Wilgenburg and M. Fumerton, ‘Kurdistan’s Political Armies: The Challenge of Unifying the Peshmerga Forces,’ *Carnegie Middle East Center: Civil-Military Relations in Arab States* (2015) 1-10, there 1.



government or media about neither the composition of their forces, nor the number of Peshmerga fighters.<sup>96</sup>

## 2.3. The tense relation with Baghdad: ethnic conflict

It is important to note beforehand that ethnically or religiously homogeneous states are rare, and homogeneous states are not better established or resistant to violence and conflict compared to those who are not. However, the ethnic and religious diversity of Iraq has led to a past, present, and future of ethnic conflict.<sup>97</sup> Most violations were targeted at specific ethnic or religious groups, particularly the Kurds. The Kurds have faced a long history of persecution and have become direct targets of political, economical, and religious-based violence, and they are still specifically targeted for atrocities, assimilation, and displacement within Iraq and outside its borders.<sup>98</sup> The Kurds' struggles against Baghdad range across the social, economic, cultural, and political spectrums; they are seen as rebels against the state, aspire independence, and hold oil rich disputed areas against Baghdad's will.<sup>99</sup> In the years before the approval of the UN Security Council Resolution 688 (UNSCR 688), little to no attention had been paid to a series of violations of the rights of minorities that had taken place, despite the protection of ethnic minority identities in Article 27 of the International Covenant on Civil and Political Rights.

The tense relation with Baghdad is often called the Iraqi-Kurdish conflict, consisting of a series of wars and rebellions by the Kurds against the central government of Iraq between roughly the defeat of the Ottoman Empire in World War I and the United States invasion of Iraq in 2003; however, these marking points of the conflict are debated. Whereas some put the beginning of the conflict to Barzanji's insurrections attempts from the Kingdom of Iraq under British Administration<sup>100</sup> and his short-lived establishment of the Kingdom of Kurdistan,<sup>101</sup> others link the beginning to the rebellion of the Barzani-brothers against the British Mandatory of Iraq from the 1920s until the 1960s, leading to the First Iraqi-Kurdish War.<sup>102</sup> Some of the campaigns during the Iraqi-Kurdish conflict will be further highlighted in the next sections.

### 2.3.1. The First and Second Iraqi-Kurdish War

Returning from exile to Iran in 1958, Mustafa Barzani began negotiating over Kurdish autonomy in north Iraq with the new Iraqi administration led by president Abdul Karim Qasim, who put an end to the Iraqi monarchy by means of a military coup in the same year. In return for Barzani's support for his policies, Qasim promised regional autonomy. During the arrangements, Barzani was appointed head of the Kurdistan Democratic Party (KDP) in 1960. The negotiations failed, as it

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<sup>96</sup> S. Helfont, 'Getting Peshmerga Reform Right: Helping the Iraqi Kurds to Help Themselves in Post-ISIS Iraq,' *Foreign Policy Research Institute* (2017) 1-8, there 3.

<sup>97</sup> See, for example, P. Taneja, *Iraq's Minorities: Participation in Public Life* (1st press; London 2011) 11-22, Lalani, *Still Targeted*, 10-27, and Taneja, *Assimilation, Exodus, Eradication*, 5-29.

<sup>98</sup> Ciment, *The Kurds*, 135-154.

<sup>99</sup> *Ibid.*, 7-14.

<sup>100</sup> J.M. Prince, 'A Kurdish State in Iraq?,' *Current History* 92 (1993) 17-22, there 17.

<sup>101</sup> McDowall, *A Modern History of the Kurds*, 155-163, 194-196.

<sup>102</sup> CIA, 'The Kurdish Minority Problem ORE 71-48,' 11, accessed April 3, 2018 via [https://www.cia.gov/library/readingroom/docs/DOC\\_0000258376.pdf](https://www.cia.gov/library/readingroom/docs/DOC_0000258376.pdf).

became apparent that Qasim would not keep his part of the bargain, resulting in the eruption of the First Iraqi-Kurdish War or Barzani Rebellion in 1961.<sup>103 104</sup>

Initially, the war started as an uprising, but it escalated into a long war. Dissent among the Kurds grew as well as Barzani's power, causing Qasim to instigate hostile tribes leading to intertribal warfare among the Kurds in the early 1960s. As a countermeasure, after he defeated the pro-government tribes, Barzani ordered his forces to occupy Kurdish territory and expel government officials, resulting in back and forth tug-of-war over the control of the region. In response to an Iraqi army column ambushed by a group of Kurds, Qasim ordered the Iraqi Air Force to bomb Kurdish villages. Until 1970, the Iraqi government, backed by supplied munitions consisting napalm bombs by the United States and the United Kingdom,<sup>105</sup> fought the Kurds, receiving material support from Iran and Israel who respectively wished to strengthen its own political and military position in the region and to weaken Iraq because of its role in the 1948 Arab invasion of Israel. Meanwhile, Qasim's reign was overthrown during the Ramadan Revolution in 1963, a military coup by the Ba'ath party.<sup>106</sup> In 1970, the Iraqi government and the Kurds reached an agreement called the Iraqi-Kurdish Autonomy Agreement of 1970, ending the First Iraqi-Kurdish War, providing Kurds representation in government bodies, and officially providing the Kurds with a recognized, regional autonomous region; Iraqi Kurdistan.<sup>107</sup> Nevertheless, the Iraqi government under the reign of the Ba'ath party began an Arabization program in the large oil rich fields in the regions of Kirkuk, the first incentives to the Al Anfal campaign in 1988.<sup>108</sup>

However, the peace agreement collapsed in 1974, resuming the hostilities during the Second Iraqi-Kurdish War.<sup>109</sup> As the war progressed, Iraq and Iran signed the 1975 Algiers Accord, in which Iran agreed to quit supplying the Iraqi Kurds and, in return, Iraq agreed to transfer Iraqi territory including half the width of the economically attractive Shatt al-Arab river to Iran, which was subject of the Iran-Iraq border dispute since 1968. Besides, this prevented the continuation of Israeli aid to the Kurds, since Israeli material support was transported through Iran. Barzani, yet again, fled to Iran; as a result, the Kurdish Peshmerga militias collapsed due to lacking advanced and heavy weaponry and the reconquest of northern Iraq by Iraqi government troops. Due to this defeat and discontent within the KDP, Jalal Talabani and others founded the Patriotic Union of Kurdistan (PUK).<sup>110</sup>

### **2.3.2. Ba'athist Arabization campaigns: the al Anfal genocide**

Following the defeat of the KDP in the Second Iraqi-Kurdish War, a low-level rebellion campaign arose by the PUK against the Ba'athist regime of Iraq in late 1975, also known as the PUK

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<sup>103</sup> J.E. Strakes, 'Iraq (1961-1975 and 1988-1994)' in: K.R. DeRouen and U. Heo eds., *Civil Wars of the World: Major Conflicts since World War II Vol. II* (1st press; Oxford 2007) 443-458, there 445.

<sup>104</sup> Lortz, 'Willing to Face Death,' 39-42.

<sup>105</sup> B.R. Wolfe-Hunnicut, *The End of the Concessionary Regime: Oil and American Power in Iraq, 1959-1972* (1st press; Stanford 2011) 118.

<sup>106</sup> B.R. Gibson, *Sold Out? US Foreign Policy, Iraq, the Kurds, and the Cold War* (1st press; New York 2015) 59-60, 77.

<sup>107</sup> G.S. Harris, 'Ethnic Conflict and the Kurds,' 118-120.

<sup>108</sup> Human Rights Watch, *Genocide in Iraq: The Anfal Campaign Against the Kurds* (1st press; New York 1993) 3-20.

<sup>109</sup> Lortz, 'Willing to Face Death,' 48.

<sup>110</sup> McDowall, *A Modern History of the Kurds*, 317.

insurgency.<sup>111 112</sup> At the same time, intra-Kurdish clashes between KDP groups and PUK fighters took place from 1976 until 1977.<sup>113</sup> The feuding and splitting and lack of foreign support, however, caused the guerrillas to only be able to operate in the mountains.<sup>114</sup> Despite regaining control over parts of Iraqi Kurdistan and despite the ceasefire between Iran and Iraq coming into effect, the forces were crushed by the results of the Ba'ath Arabization policies,<sup>115</sup> sometimes referred to as internal colonialism,<sup>116</sup> involving forced displacement and cultural Arabization, the policy of contesting or colonizing a non-Arab area and growing Arab influence on non-Arab populations causing the adoption of and/or incorporation of Arab culture and identity, prominently being enforced by Arab nationalist regimes.<sup>117</sup> These policies targeted all ethnic and religious minorities, but mainly the Kurds, from the 1960s to the early 2000s, conducted in order to consolidate government control over the valuable oil resources and arable lands located in northern Iraq.<sup>118</sup> Not only were these ethnic groups replaced by Arab families; they were also pressured to identify as Arabs and restrictions were imposed on amongst others language and other expressions of cultural self-identification. From the 1975 onwards, the situation deteriorated, when the Ba'ath party-led regime now under Saddam Hussein continued the initiated program around Kirkuk and Mosul with village destruction and deportation,<sup>119</sup> following the 1974 unilateral declaration by the Iraqi government of a Kurdistan Autonomous Region, including only half of the land inhabited by Iraqi Kurds and excluding the oil-rich lands.<sup>120</sup> Meanwhile, during the Iran-Iraq war in the 1980s, another Kurdish rebellion erupted initiated with Iranian support, including the Halabja chemical attack which is considered to be the beginning of the Anfal genocide by Saddam Hussein.<sup>121</sup>

In 1988, the Iraqi government launched a genocidal campaign against the Kurds during the final stages of the Iran-Iraq War of 1980-1988, known as the Anfal genocide or Al Anfal campaign, deriving from Sura 8 in the Qur'an, roughly translated as 'the spoils of war,' describing the military campaign of extermination and looting<sup>122</sup> commanded by Secretary General of the Northern Bureau of the Ba'ath Party Ali Hassan al-Majid, and also a cousin of Saddam Hussein, killing between 50.000 and 182.000 Kurds and destructing three-quarters of Kurdish villages, equating the campaign to ethnic cleansing and genocide.<sup>123</sup> Al Anfal was being used as a code name for a series

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<sup>111</sup> Lortz, 'Willing to Face Death,' 67.

<sup>112</sup> Ihsan, 'Arabization as Genocide,' 376.

<sup>113</sup> McDowall, *A Modern History of the Kurds*, 344.

<sup>114</sup> Ibid., 346.

<sup>115</sup> Natali, *The Kurds and the State*, 57-61.

<sup>116</sup> F. Ahmad, 'Colonialism and Neocolonialism: Impact of Decolonization' in: R. Basu ed., *International Politics: Concepts, Theories and Issues* (1st press; London 2012) 97-121, there 103.

<sup>117</sup> Human Rights Watch, *Iraq, Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq* (1st press; New York 2004) 7-9.

<sup>118</sup> Human Rights Watch, *Iraq, Claims in Conflict*, 7-9.

<sup>119</sup> Harris, 'Ethnic Conflict and the Kurds,' 121.

<sup>120</sup> Human Rights Watch, *Iraq, Claims in Conflict*, 8.

<sup>121</sup> N.F. Watts, 'Re-Claiming Halabja' in: G. Stansfield and M. Shareef eds., *The Kurdish Question Revisited* (1st press; New York 2017) 481-496, there 481.

<sup>122</sup> J.C. Randal, *After Such Knowledge, What Forgiveness? My Encounters with Kurdistan* (1st press; New York 1998) 231.

<sup>123</sup> Ghai, Lattimer, and Said, *Building Democracy in Iraq*, 7.

of systematic attacks against the Peshmerga in northern Iraq between 1986 and 1989 during the Iraqi Arabization campaign by the Ba'athist Iraqi government, with the Anfal genocide being the peak of the campaign. Without going into further stark details, the campaign included multiple poison gas attacks, transportation of Kurdish populations to concentration camps upon capturing, forced disappearances, mass executions and extermination,<sup>124</sup> mass displacements to Iran as well as internally displaced people (IDP's), and deaths due to starvation, exposure, and willful neglect.<sup>125</sup> The Arabization campaign continued until the fall of the Ba'ath regime in 2003.

### 2.3.3. The 1991 Gulf War and the Kurdish Civil War

Due to its oil reserves, Saddam Hussein launched a military invasion and annexation onto Kuwait in 1990 during the Gulf War, a war waged by coalition forces led by the United States against Iraq in response to Saddam Hussein's actions.<sup>126</sup> The Emire of Kuwait fled; however, an international coalition of American, British, and Saudi troops liberated Kuwait during Operation Desert Storm. After a call to stage an uprising against Saddam Hussein by United States President Bush in 1991, a series of uprisings followed. The Kurds in northern Iraq staged their own KDP- and PUK-led insurgency for autonomy. The Peshmerga infiltrated the *jash*, government-recruited Kurdish home guard militias, and took control of northern Iraq, except for Kirkuk and Mosul, captured and killed Ba'athist officials, and captured government documents related to the Anfal genocide. However, the Kurdish uprising collapsed. Government forces ousted the Peshmerga from various cities, forcing the rebels to retreat in the mountains.

On April 5, 1991, the government announced the complete crushing of acts of sedition, sabotage, and rioting in towns of Iraq,<sup>127</sup> leading to the exodus of nearly two million Iraqis, of which 1.5 million of them Kurds, and a refugee crisis in neighboring countries.<sup>128</sup> On the very same day, the UN Security Council (UNSC) approved Resolution 688 as a direct reaction to the Iraqi government's measures to quash a Kurdish rebellion in which, among other things, the UNSCR expressed its concerns at the repression of the Iraqi civilian population in many parts of Iraq, including Kurdish populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions, which threatens international peace and security in the region. Fighting continued until October, when the Kurdistan Regional Government (KRG) was established and a Kurdish Autonomous Republic in three provinces of northern Iraq was created.

Beginning in 1994, the Iraqi Kurdish Civil War took place between the Iraqi Kurdish factions PUK and KDP. Kurdish factions from neighboring countries Iran and Turkey were drawn into the civil war, as well as forces from the United States as part of a planned assassination of Saddam Hussein; however, the plan was compromised, leading to the arrest and execution of Iraqi Army officers and the withdrawal of Kurdish troops. A ceasefire between PUK and KDP was held until mid-1996, but was broken due to a dispute between the PUK and KDP over the beneficiaries of Kurdish imports and exports through the smuggling route of the Khabur River, the largest perennial

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<sup>124</sup> Human Rights Watch, *Iraq's Crime of Genocide: The Anfal Campaign Against the Kurds* (1st press; New York 1995) 143–145.

<sup>125</sup> Human Rights Watch, *Iraq's Crime of Genocide*, 191.

<sup>126</sup> M. Legrenzi and F.G. Gause III, 'The International Politics of the Gulf' in: L. Fawcett ed., *International Relations of the Middle East* (4th press; Oxford 2016) 304-323, there 304-315.

<sup>127</sup> Human Rights Watch, *Endless Torment: The 1991 Uprising in Iraq and its Aftermath* (1st press; New York 1992) 30.

<sup>128</sup> S. Peterson, 'Kurds say Iraq's attacks serve as a warning,' *The Christian Science Monitor*, accessed April 18, 2018 via <https://www.csmonitor.com/2002/0513/p08s01-wome.html>.

tributary to the Euphrates.<sup>129</sup> Talabani, on his turn, established an alliance with Iran, allowing them to conduct a military raid against the Kurdish Democratic Party of Iran (KDPI). Barzani, afraid of what could possibly happen for the KDP, asked for assistance from Saddam Hussein, who accepted the request with pleasure given the prospect to retake northern Iraq. On August 31, 1996, the Battle of Erbil took place, in which Iraqi troops captured the PUK-held city of Erbil. Fearing Saddam intended to launch a genocidal campaign against the Kurds similar to the Al Anfal campaign, and since Saddam violated UNSCR 688 with this move, the United States started a counter reaction, codenamed Operation Desert Strike.<sup>130</sup> The fighting continued between the KDP and PUK, however. Although it initially led to casualties, the meddling of Kurdish factions from Iran and Turkey led to a new ceasefire in September 1997, to be broken again two months later.<sup>131</sup> A year later, both Barzani and Talabani signed the Washington Agreement, mediated by the United States, in which the United States pledged to use military force to protect the Kurds against Saddam Hussein, and both parties to share power and revenue, and not to allow Iraqi troops into Iraqi Kurdistan.<sup>132</sup> Later that year, United States President Clinton signed the Iraq Liberation Act, providing for military assistance to Iraqi opposition groups, including Kurdish factions. Both the Agreement and the Act made Iraqi Kurdistan a relatively peaceful region until 2001 with the entrance of the terrorist group Ansar al-Islam, a Sunni Muslim insurgent group in Iraq and Syria, established in Iraqi Kurdistan by former al-Qaeda members as a Salafist Islamist movement, composed by Kurdish recruits and Arab veterans of the war in Afghanistan.<sup>133</sup>

### 2.3.4. The 2003 invasion of Iraq and the 2017 Iraqi Kurdistan referendum

From 2001 to 2003, the Kurds fought against Ansar al-Islam in the context of a counterterrorism mission. Together the Kurdish Peshmerga forces of PUK and KDP, the CIA, and Special Forces soldiers started Operation Viking Hammer.<sup>134</sup> The CIA's true mission, however, was to acquire intelligence about the Iraqi government and military, but changed plans after PUK militias were used to destroy key rail lines and buildings. On March 20, 2003, the United States invaded Iraq. In two days, from March 28 to March 30, 2003, the Americans and Kurds forced the Ansar al-Islam forces towards the Iranian border.<sup>135</sup> Some fled across the border, yet got arrested and sent back by the Iranians, although some fighters were said to be harbored by Iran.<sup>136</sup> Ansar al-Islam later re-emerged as a group involved in the Iraqi insurgency as ISIL.

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<sup>129</sup> K.M. Pollack, *The Case for Invading Iraq: An Excerpt from The Threatening Storm with a New Introduction by the Author* (1st press; New York 2003) 81.

<sup>130</sup> J. Pike, 'Operation Desert Strike,' *Global Security*, accessed April 30, 2018 via [https://www.globalsecurity.org/military/ops/desert\\_strike.htm](https://www.globalsecurity.org/military/ops/desert_strike.htm).

<sup>131</sup> J. Pike, 'Patriotic Union of Kurdistan (PUK),' *Global Security*, accessed April 30, 2018 via <https://www.globalsecurity.org/military/world/para/puk.htm>.

<sup>132</sup> A. Makovsky, 'Kurdish Agreement Signals New U.S. Commitment,' *The Washington Institute*, accessed April 30, 2018 via <http://www.washingtoninstitute.org/policy-analysis/view/kurdish-agreement-signals-new-u.s.-commitment>.

<sup>133</sup> L. Robinson, *Masters of Chaos: The Secret History of the Special Forces* (1st press; New York 2009) 7.

<sup>134</sup> L. Neville, *Special Forces in the War on Terror* (1st press; New York 2015) 98-100.

<sup>135</sup> Neville, *Special Forces in the War on Terror*, 101.

<sup>136</sup> S. Peterson, 'The Rise and Fall of Ansar Al-Islam,' *The Christian Science Monitor*, accessed April 30, 2018 via <https://www.csmonitor.com/2003/1016/p12s01-woiq.html>.

As well as the marking point of the conflict, the official end of the conflict is debated. Although the conflict officially lasted until the US invasion of Iraq, tensions between the Kurds and Baghdad have continued until present day with a peak in 2011-2012 on the issues of power and territorial control. As is the case with the escalated conflict deriving from a diplomatic crisis between Baghdad and the KRG that arose shortly after the Iraqi Kurdistan referendum in 2017, in which Barzani wanted to inaugurate once-disputed territories retaken from ISIL, including Kirkuk, Sinjar, and parts of Nineveh governorate, and perhaps vote on independence for the region.<sup>137</sup> The Prime Minister of Iraq Al-Abadi ordered a campaign to return disputed areas to government control. In October 2017, Iraq began to move its forces into areas seized by the KRG and the disputed areas outside the Kurdish Region and retook control, beginning with the oil-rich city of Kirkuk,<sup>138</sup> and later most of the other disputed areas. In an attempt to resolve the crisis, Iraqi and Peshmerga commanders held talks,<sup>139</sup> directing to a two-state solution.<sup>140</sup> Except for a few agreements, the talks have not ended yet.

Ever since the invasion of Iraq and the end of the rule of Saddam Hussein's Ba'ath party in 2003, the various ethno-religious minority groups in Iraq are victims to the difficulties of creating a stable infrastructure led by a democratic government; discrimination is everyday's business.<sup>141</sup>

## 2.4. The uprising of ISIL

By 2010, there was a period of relative peace in Iraq, despite underlying political tensions between the Shia, Sunnis, and Kurds. As already mentioned, there was a peak in 2011-2012 on the issues of power and territorial control, the very same period in which the final building blocks of the eruption of ISIL were laid.<sup>142</sup> By that time, Maliki replaced Prime Minister al Ja'afari, an Iraqi national-populist leader who refused to embrace the implementation of Article 140 of the Constitution of Iraq, which required that before the Kirkuk status referendum on the disputed territories of northern Iraq should become part of the Iraqi Kurdistan region, measures had to be taken to reverse the Arabization policy employed by the Saddam Hussein administration,<sup>143</sup> leading to the use of military forces by both Maliki and Barzani.<sup>144</sup> At the same time, Maliki showed his sectarian colors against the Sunni Arab community, which began to reorganize under the banner of Islamic State of Iraq (ISI) under al Baghdadi. The Kurds were withhold the transfer of funds from Baghdad; as a result, the ability of the KRG to govern was inhibited and the economy of the KRI damaged.

In July and August 2014 during the northern Iraq offensive, ISIL expanded across central and northern Iraq, conquering Iraq's major northern city of Mosul. Caused by ISIL's expansion, the number of refugees and IDP's who took refuge in the KRI were high. In 2015 alone, around 1.5

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<sup>137</sup> G. Stansfield, 'The Kurdish Experience in Post-Saddam Iraq' in: G. Stansfield and M. Shareef eds., *The Kurdish Question Revisited* (1st press; New York 2017) 355-374, there 356.

<sup>138</sup> BBC News, 'Iraqi Forces Enter Kirkuk as Kurds Flee,' accessed April 30, 2018 via <http://www.bbc.com/news/world-middle-east-41641563>.

<sup>139</sup> Gulf Times, 'Iraqi Kurdish Commanders Hold Talks on Disputed Areas,' accessed April 30, 2018 via <http://www.gulf-times.com/story/569139/Iraqi-Kurdish-commanders-hold-talks-on-disputed-ar>.

<sup>140</sup> P.W. Galbraith, *The End of Iraq: How American Incompetence Created a War Without End* (1st press; New York/London 2006) 238.

<sup>141</sup> Taneja, *Assimilation, Exodus, Eradication* 5.

<sup>142</sup> Stansfield, 'The Kurdish Experience in Post-Saddam Iraq,' 366.

<sup>143</sup> B. Isakhan, 'The Iraqi Kurdish Response to the "Islamic State": Political Leverage in Times of Crisis' in: G. Stansfield and M. Shareef eds., *The Kurdish Question Revisited* (1st press; New York 2017) 437-448, there 439-440.

<sup>144</sup> Stansfield, 'The Kurdish Experience in Post-Saddam Iraq,' 366-367.

million sought sanctuary in the KRI, constituting 28% of the KRI's population.<sup>145</sup> The rise of ISIL did not come as a surprise, however. ISIL originated as the militant jihadist group Jama'at al Tawhid wal Jihad in the 1990s, engaged with and pledged allegiance to al Qaeda, and participated in the Iraqi insurgency after the 2003 invasion of Iraq under the title Ansar al-Islam. From 2012, ISIL transformed as a result from Iraq's marginalizing and intimidating policy on the Sunni Arab community from the remnants of the failed insurgency of Ansar al Islam to a new, ferocious group.<sup>146</sup> According to Leezenberg, ISIL reproduces existing sectarian, ethnic, and national fault lines; the superimposition of and the mutual reinforcement of existing distinctions.<sup>147</sup> In 2014, the Iraqi Civil War began after escalation of the Iraqi insurgency.

After taking Mosul, ISIL moved to the city of Kirkuk. Once again, the Kurds came into action in their confrontation with ISIL, in particular with its offensives against Sinjar in northern Iraq and Kobani on the Syrian-Turkish border. Both the KDP and the PUK deployed the Peshmerga forces, taking control of Kirkuk as a countermove, and moving into the disputed or liberated territories of Nineveh and Diyala.<sup>148</sup> ISIL thus provided the golden opportunity to the Kurds to implement Article 140,<sup>149</sup> fostering the Iraqi Kurds aspirations of independence. ISIL did not stop its expansion: ISIL invaded Erbil and unleashed a wave of attacks on the KRI, targeting in particular Christians and Yezidis in the context of Arabization. With the help of PUK forces, Syria's Kurdish militia the People's Protection Units (YPG), the Turkish branch of the Kurdistan Workers' Party (PKK), and even forces led by Maliki, the city of Erbil was defended. Next to the already existing economical crisis, which has even become worse with ISILs arrival, and the new security crisis, the political crisis entered its next stage due to the replacement of President Barzani, since his term of office was due in August 2015.<sup>150</sup> Because of this, the relationship between the KDP and PUK deteriorated, and the political crisis remained unresolved until today; the position is still vacant.

In August 2014, ISIL defeated the Peshmerga with three significant victories: Sinjar, Erbil, and Mosul.<sup>151</sup> This showed the military incompetency of the Peshmerga, who were relatively poorly trained by the United States. Not without reason; the United States oppose Kurdish independence, because of its One Iraq policy insisting that the different factions in Iraq must work as a cohesive unity, hereby protecting the legacy of the 2003 invasion of Iraq, and because of concerns of inflaming the region and antagonizing neighboring states with Kurdish populations.<sup>152</sup> However, the United States supplied weapons and training to the Peshmerga, and carried out airstrikes on various ISIL targets around northern Iraq, ultimately breaking the siege of Sinjar, Erbil, and Kirkuk.<sup>153</sup> Up to November 2017, there were reconquests back and forth, until ISIL controlled merely any territory.

Through this overview of the development of conflicts between the central Iraqi government and the Kurds, as well as a social- and historical overview of the Kurds and the Peshmerga and the uprising of ISIL, I have portrayed the particular context in which the question is placed. In light of

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<sup>145</sup> Stansfield, 'The Kurdish Experience in Post-Saddam Iraq,' 357.

<sup>146</sup> Ibid., 369.

<sup>147</sup> Leezenberg, 'Religion Among the Kurds,' 45.

<sup>148</sup> Isakhan, 'The Iraqi Kurdish Response to the "Islamic State,'" 438.

<sup>149</sup> G. Stansfield, 'The Islamic State, the Kurdistan Region, and the Future of Iraq: An Assessment of UK Policy Options,' *International Affairs* 90 (2014) 1329-1350, there 1340-1345.

<sup>150</sup> Stansfield, 'The Kurdish Experience in Post-Saddam Iraq,' 371.

<sup>151</sup> Isakhan, 'The Iraqi Kurdish Response to the "Islamic State,'" 443.

<sup>152</sup> Ibid., 443-444.

<sup>153</sup> Ibid., 445-448.

the Syria-Iraqi peace building process, the background and the motives of the Kurds must be kept in mind. In the next chapter, I will go into the events and struggles of the Syria peace talks until the moment of writing, advocating for a Syria-Iraqi peace building process, and discuss whether or not Iraq, ISIL, and the Iraqi Kurds should be included.



# Chapter 3: The Syria-Iraqi peace building process

Peace agreements seek a compromise between the interests and positions of the conflicting parties with the goal of widespread acceptance and sustainability.<sup>154</sup> In some cases, peace agreements are at the heart of the peace process, depending on the nature of the agreement, the negotiation process, and limitations imposed by the parties involved.<sup>155</sup> Peace agreements can be divided in three categories: pre-negotiation agreements as stage-setting for peace negotiations, substantive agreements brokered at inclusive peace talks to create a framework for resolving the conflict, and implementation agreements serving as final legislation.<sup>156</sup>

In order to bring the war in Syria and Iraq to an end and find a lasting solution for the two countries, a number of steps must be taken. Measures taken cover both the military and political dimension. This chapter will look into the current Syrian peace talks, explaining why both the Iraqi Kurds and ISIL should be involved, and cover some of the encounters and difficulties during the current peacemaking process, thereby pleading for a Syria-Iraqi peace building process.

## 3.1. The Syrian peace talks: flaws, encounters, difficulties

The Syrian peace process started in November 2011, when the Arab League (AL) initiated pre-negotiation peace plans to resolve the Syrian Civil War and bring stability to the Levantine area of the Middle East. However, since the first protests during the Arab Spring, the Syrian Civil War has been both a proxy war for the for the major Middle Eastern powers Turkey and Iran, and a launching point for a wider regional war. This happened in 2013, when ISIL established itself in Syria and later, with the escalation of the Iraqi insurgency, combined with the Iraqi Civil War in 2014. This is also known as the Arab Winter, a term for the resurgence of authoritarianism and Islamic extremism evolving in the aftermath of the Arab Spring, characterized by the emergence of multiple regional civil wars, regional instability, and ethno-religious sectarian strife, thereby mainly referring to the events including the Syrian Civil War, the Iraqi insurgency, and the following Iraqi Civil War.<sup>157</sup>

Without going into further detail on the further course of the peace talks, I will provide a brief overview of the most important events to date. After the two late 2011 AL-initiated initiatives failed, Russia suggested talks to be held in Moscow between the Assad-government and opposition in January 2012 and November 2013. In March 2012, the United Nations and the Arab League coordinated by the former UN Secretary-General Kofi Annan made up a plan, known as the Kofi Annan Peace Plan, intended to commit both the Syrian regime and opposition to cease fire and to

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<sup>154</sup> C. Chinkin, 'Gender, Human Rights, and Peace Agreements,' *Ohio State Journal of Dispute Resolution* 18 (2003) 867-886, there 868.

<sup>155</sup> T.L. Putnam, 'Human Rights and Sustainable Peace' in: D. Rothchild, S.J. Stedman, and E.M. Cousens eds., *Ending Civil Wars: The Implementation of Peace Agreements* (1st press; London 2002) 237-272, there 237-239.

<sup>156</sup> C.R. Mitchell, *The Structure of International Conflict* (1st press; London 1981) 206-216.

<sup>157</sup> S. Khallaf, 'Displacement in the Middle East and North Africa: Between an Arab Winter and the Arab Spring,' *Issam Fares Institute for Public Policy and International Affairs* (2013) 4-5, accessed April 29, 2018 via [http://website.aub.edu.lb/ifi/international\\_affairs/Documents/working\\_paper\\_series/20130828\\_IA\\_WP\\_AUB\\_Paper\\_on\\_Displacement\\_in\\_Arab\\_Spring.pdf](http://website.aub.edu.lb/ifi/international_affairs/Documents/working_paper_series/20130828_IA_WP_AUB_Paper_on_Displacement_in_Arab_Spring.pdf).

engage in long and careful debate on their aspirations and concerns;<sup>158</sup> however, both parties violated the plan within two months. Many conferences, initiatives, and agreements followed, involving various countries as the United States, members of the European Union, China, and regional actors as Saudi Arabia, Egypt, Turkey, and Iran. From March 2017 until now, peace talks continued in Astana, Kazakhstan.

Before going into the more serious matters, the current course of the Syrian peace talks has a number of 'regular' difficulties. First of all, as is the case with most peace talks, the parties involved have different interpretations of the situation, different goals, and different relationships with the main protagonists; therefore, they do not speak for those parties at stake, deliberately leaving out the some points of view. This has serious consequences for the course and development of the peace talks.

Secondly, the Syrian peace talks have solely focused on peacemaking between the Syrian government and the opposition, and still focus on peacemaking since the warfare against the terrorist group. Although it is understandable that in the first place the change in attitude of the Assad regime and the opposition is addressed, it is necessary to look at the other underlying factors as well as explained in the first chapter. The presence of direct violence is already being addressed by military intervention, but it is because of peace building that structural contradictions and injustices are being removed. Only by combining peace keeping, peace making and peace building, there will finally be positive, lasting peace, which is ultimately the goal of the Syrian peace talks.

Thirdly, necessary stakeholders have been deliberately kept away from the negotiations framework. The Democratic Union Party (PYD), the dominant Syrian Kurdish political party, as well as its military YPG-forces, have been excluded from the Syrian peace talks.<sup>159</sup> Although ministers discussed the possibility of Kurdish groups being invited to the talks, this plan was always sharply rejected at the insistence of Turkey; as a dealbreaker and being one of the major Middle Eastern powers, Turkey would only show up at the talks if the Kurds would be banned from it. As a matter of fact, Turkey begun attacking Kurdish forces in Syria and Iraq, and realigned itself with Russia on anti-ISIL bombing raids in which Kurds were also targeted, since the Kurds began asserting greater territorial control and could pose a possible threat to Turkey, which also has a conflictual relationship with its Kurdish population. In other words, the Syrian Kurds are not represented in the current Syrian peace talks, although the anti-ISIL coalition has relied heavily on these Kurdish forces in their common fight against ISIL.

Several of the most important parties at stake taking part in the fighting, other than the Syrian Kurds, were not and will not be present or represented. Here we stumble upon three major problems with the current Syrian peace talks in creating a stable, lasting peace in the countries torn apart by ISIL: Iraq is not included, ISIL is not included, and the Kurds are not included.

## **3.2. Towards a Syria-Iraqi peace building process: involving Iraq**

As stated earlier, the Syrian Civil War has been a launching point for a wider regional war, including the ongoing Iraqi Civil War as a spillover.<sup>160</sup> As briefly mentioned in the third chapter, the Iraqi Civil

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<sup>158</sup> UN, 'In Presidential Statement, Security Council Gives Full Support to Efforts of Joint Special Envoy of United Nations, Arab League to End Violence in Syria,' accessed April 30, 2018 via <https://www.un.org/press/en/2012/sc10583.doc.htm>.

<sup>159</sup> A. Masi, 'Syria Talks: Rebel Negotiations in Saudi Arabia Exclude Key Players in Syrian Opposition,' accessed May 3, 2018 via <http://www.ibtimes.com/syria-talks-rebel-negotiations-saudi-arabia-exclude-key-players-syrian-opposition-2223287>.

<sup>160</sup> C. Bennett, 'Planning Ahead for a Postconflict Syria: Lessons from Iraq, Lebanon, and Yemen,' *International Peace Institute* (2013) 2, accessed May 16, 2018 via [https://www.ipinst.org/wp-content/uploads/publications/ipi\\_epub\\_postconflictsyria.pdf](https://www.ipinst.org/wp-content/uploads/publications/ipi_epub_postconflictsyria.pdf).

War began after escalation of the Iraqi insurgency with the conquest of major cities and areas of northern Iraq by ISIL in 2014, including Mosul and the Anbar Province.<sup>161</sup> As a result of this conquest, among other things, airstrikes were launched by the United States and Iraqi Prime Minister Nouri al-Maliki had to resign. Right now, ISIL expelled from all strongholds by November 2017, after which the end of ISIL control was announced in December 2017 by Prime Minister Haider al-Abadi,<sup>162</sup> although some expect ISIL to carry on fighting via an insurgency.<sup>163</sup>

One major problem of the current Syria peace talks is that they are solely about Syria, though the war is taking place in mainly both Syria and Iraq. Consider this: ISIL confronts the two regimes of Syria and Iraq, enunciating both as deserters because they represent the Shiite branch of Islam; however, Shia Islam solely forms the majority in Iraq, and are the minority in Syria. Also, both countries closely cooperated in the warfare against ISIL: Iraqi militia have fought on behalf of the Syrian government, while Iraqi Kurds have supported Syrian Kurds and vice versa.<sup>164</sup> On top of that, there are strong Iraq-Syria relations because of the long-shared cultural and political links and former regional rivalry. From 2016 onwards, Iraqi militia fighters have been fighting alongside the Syrian Arab Army (SAA) to combat ISIL and to reinforce the Assad regime's siege of rebels, as Iraq declared support for Assad. Likewise, the two countries are part of the Russian-Syria-Iraq coalition (RSII coalition), a joint intelligence-sharing cooperation between opponents of ISIL, formed in order to collect information about ISIL with a view to combatting its advances.<sup>165</sup>

As one can imagine, as long as the conflict continues in one country, it has the potential to remain a breeding ground or safe haven for radical, fundamentalistic groups in the other. In Iraq, post-ISIL efforts are made to address the risk of renewed post-ISIL conflict, including humanitarian aid and reconstruction; however, these efforts lack long-term perspective and do not address the root causes of the conflict. In Syria, on the other hand, there is not even a basis for a post-ISIL strategy. Thus, the short-term military success against ISIL may easily lead to new post-ISIL conflicts in the long term.<sup>166</sup> Through focussing on peace building instead of peace making or peace keeping, and by including Iraq since on it starred the second geographical half of the conflict, root causes could be better addressed and could offer a better perspective since it highlights the entire conflict, and not just half of it with the risk of re-eruption of the conflict. In short, the focus should be on a Syria-Iraqi peace building process.

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<sup>161</sup> Z.K. Gulmohamad, 'The Rise and Fall of the Islamic State of Iraq and Al-Sham (Levant) ISIS,' *Global Security Studies* 5 (2014) 1-11, there 4, accessed March 15, 2018 via <http://www.globalsecuritystudies.com/Gulmonhamad%20ISIS%20AG.pdf>.

<sup>162</sup> N. Mostafa, 'Iraq announces end of war against IS, liberation of borders with Syria: Abadi,' accessed May 15, 2018 via <https://www.iraqinews.com/iraq-war/iraq-announces-end-war-liberation-borders-syria-abadi/>.

<sup>163</sup> A. Aboulenein, 'Iraq holds victory parade after defeating Islamic State,' accessed May 15, 2018 via <http://www.dailymail.co.uk/wires/reuters/article-5164179/Iraq-holds-military-parade-celebrating-victory-Islamic-State.html>.

<sup>164</sup> K. Katzman, 'Iraq: Politics, Governance, and Human Rights,' *Congressional Research Service* (2014), accessed June 1, 2018 via <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=131012>.

<sup>165</sup> M.R. Gordon, 'Russia Surprises U.S. With Accord on Battling ISIS,' accessed May 10, 2018 via [https://www.nytimes.com/2015/09/28/world/middleeast/iraq-agrees-to-share-intelligence-on-isis-with-russia-syria-and-iran.html?\\_r=0](https://www.nytimes.com/2015/09/28/world/middleeast/iraq-agrees-to-share-intelligence-on-isis-with-russia-syria-and-iran.html?_r=0).

<sup>166</sup> PAX, 'Post-ISIS Peacebuilding Strategy for Syria and Iraq' (2016) 1, accessed May 13, 2018 via <https://www.google.nl/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwiPpqmZksnbAhVLIiAKHeORBKIQFggzMAE&url=https%3A%2F%2Fwww.paxforpeace.nl%2Fmedia%2Ffiles%2Fpax-after-isis-alert-july-4th-2016.pdf&usq=AOvVaw3QH2sfqpuUGfEARA9iypEb>.

Others argue, however, to leave the Syrian peace talks plain Syrian, as one of the critical lessons of the Iraq War has been summarized as ‘don’t listen to ambitious exiles’, as the import of foreign influence into a fragile state can be a source of instability.<sup>167</sup> This is aimed at Western influence, but it could be interpreted differently, within the meaning of not mixing in Iraq in the Syrian peace talks, leaving it specifically focused on resolving the Syrian Civil War. However, since the Iraqi Civil War as a spillover of the Syrian Civil War, both should be addressed at simultaneously, and not as separate units; they are two sides of the same coin.

### **3.3. Talking to terrorists: involving ISIL**

All participating parties in the Syrian peace talks agree these Islamist militants are to be targeted militarily and not negotiated with; therefore, ISIL will not be represented at the Syrian peace talks. Also, they themselves have not engaged in any contacts on or attempted to move towards peaceful resolution to the conflict. On top of that, ISIL is considered to be far too radical to have any part in Syria’s or Iraq’s future.

This thesis is not inspired by Powell for nothing. Indeed, ISIL is radical and ISIL as a militant group has no part in Syria’s or Iraq’s future. But it is people we are talking about, and however radical their vision of the future of Syria or Iraq is, their vision must also be included in peace talks. We waste time in regarding terrorists groups as irreconcilable and beyond the pale before belatedly decide to talk. As Powell clearly points out, the problem is not talking to terrorists, it is giving in to them.<sup>168</sup> It is important to bring the matter out into the open and to discuss the underlying frustrations, tensions, and grievances in order for the peace to last and, hopefully, to quell the rise other radical militant groups, as was the case with ISIL. As explained in chapter three, ISIL originated as the militant jihadist group Jama’at al-Tawhid wal-Jihad in the 1990s and continued to wander through Iraqi history to this day. Groups as ISIL with a measure of popular support are almost never defeated by military action alone, but requires a period of negotiation.<sup>169</sup>

Although Powell sometimes does not take into consideration the context-relatedness - some movements are fundamentally different than others - he nevertheless concludes that negotiating with terrorists is the only way to bring peace. Although it is not the ‘only’ way to come to peace, who are we to give it no chance? The exclusion of ISIL, in any case, does not contribute to achieving positive peace.

### **3.4. Backs against the wall: involving the Iraqi Kurds**

To date, despite major territorial loss, ISIL is still in control of small pieces of territory in Syria and Iraq, and are fighting multiple fronts against the anti-ISIL coalition including the Kurds. In this conflict, the Iraqi Kurds remained one of the few ethnic groups able to withstand the ISIL onslaught. It is only logical to expect that a reasonable and viable political solution will also involve the Iraqi Kurds; however, this is not the case. Here we see that the Iraqi Kurds stand with their backs against the wall: despite their major contribution to eliminating ISIL, they are not included in the peace talks, as is also the case with their Syrian counterpart. Hence, both countries closely cooperated in the warfare against ISIL: Iraqi militia have fought on behalf of the Syrian government, while Iraqi Kurds have supported Syrian Kurds and vice versa.<sup>170</sup> However, in the context of obtaining sustainable peace, militias, including the Peshmerga, are perceived by some Iraqis as a threat similar

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<sup>167</sup> M. Freear, ‘Syrian Stabilization and Reconstruction: Lessons Learned for a Post-Conflict Syria,’ *American Security Project* (2016) 11, accessed June 11, 2018 via <https://www.americansecurityproject.org/wp-content/uploads/2016/06/Ref-0197-Syrian-Stabilization-and-Reconstruction.pdf>.

<sup>168</sup> Powell, *Talking to Terrorists*, 15-42.

<sup>169</sup> *Ibid.*, 167-278.

<sup>170</sup> K. Katzman, ‘Iraq: Politics, Governance, and Human Rights.’

to ISIL.<sup>171</sup> Not necessarily because they are militias, but more dangerous for Baghdad and neighboring countries is the Kurdish aspiration for independence. The strategy of leveraging the ISIL advance and seizing disputed territories improved Kurdish standing in Iraq and the aforementioned aspiration on the one hand; on the other, it could lead to new tensions with Baghdad,<sup>172</sup> whether or not they are included in the peace talks or peace building process. This raises serious concerns about involving the Kurds in the peace process, regardless of their efforts.

Peace building processes stemming from ethnic wars are about power sharing and autonomy, addressing the fundamental issue of powerlessness of the aggrieved minority.<sup>173</sup> Ethnic wars present more constraints and offer fewer opportunities for peace; power determines the outcome of peace processes.<sup>174</sup> Substantive peace agreements must be inclusive in order to create a framework for resolving, or rather transforming the conflict. In this, representation of all parties at stake is key. Representation is a red line for the Iraqi Kurds, and their rights should be ensured within the Syrian peace talks, or rather the Syrian-Iraqi peace building process as argued, to find any appearance of peace and stability. But, because of their ethnic origin different from the Iraqis, and their impetuous history and relation with Baghdad, the Kurds have never felt, and the chance is there they probably never will feel, included in an essentially Arab Iraq.<sup>175</sup>

The current course of the Syrian peace talks has a number of 'regular' difficulties next to three major problems: the exclusion of Iraq, ISIL, and the Iraqi Kurds. In this chapter, I have explained why these actors should be involved, thereby pleading for a Syria-Iraqi peace building process. As a guarantee for creating a framework for transforming the conflict, substantive peace agreements must be focussed on inclusiveness. The maintenance of peace and security and the preservation of minority culture are the most important goals. Having set out the framework of the Syria-Iraqi peace building process, I will link the concepts used in the first chapter together with the background of the Kurds and the Syria-Iraqi peace building process in the next chapter, analyzing the role of minority groups in peace building processes, the possibility of independency or autonomy within an inclusive Iraq, and the applicability to other ethno-religious minority groups.

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<sup>171</sup> PAX, 'Post-ISIL Peacebuilding Strategy for Syria and Iraq' (2016) 1.

<sup>172</sup> Isakhan, 'The Iraqi Kurdish Response to the "Islamic State,"' 448.

<sup>173</sup> P. Sahadevan, 'Negotiating Peace in Ethnic Wars,' *International Studies* 43 (2006) 239-266, there 261.

<sup>174</sup> Sahadevan, 'Negotiating Peace in Ethnic Wars,' 263.

<sup>175</sup> Binder, *Ethnic Conflict and International Politics in the Middle East*, 75.

# Chapter 4: Analysis

The transformation from conflict to peace, as well as the associated peace building processes, is different for every country. As shown, Iraq has a history of systematic discrimination and violent repression targeted at ethnic and religious groups on the one hand; and it has been a relatively well-integrated society on the other. This chapter will deal with analyzing the role of minority groups in peace building processes, in particular the Iraqi Kurds and the Peshmerga militias, the possibility of independency or autonomy within an inclusive Iraq, and the applicability to other ethno-religious minority groups.

## 4.1. The role of minority groups in peace building processes

When it comes to peace building in general in Iraq, there is a gap in the literature. Some activities concerning mediation and negotiation have been carried out on the national level, yet none of these activities were implemented at the local level nor addressed the underlying tensions among the various ethnic and religious minorities Iraq is abundant with, and in particular the Iraqi Kurds.<sup>176</sup> International organization PAX expressed its concerns about the lack of a peace building strategy to compliment the military operations against ISIL, stating that without such a strategy, there would be a serious risk of gross human rights violations, revenge operations, and further ethnic cleansing if the province and city of Mosul are recaptured, laying the ground for further conflict.<sup>177</sup> Iraq will not become stable and secure if the underlying tensions are not addressed, despite ISIL's defeat.<sup>178</sup>

Conflict transformation strategies require a political space that recognizes the distinct Kurdish ethnic identity, provides real political equality, and opportunities to express the distinct ethnic identity within the state.<sup>179</sup> Dealing effectively and efficiently with minorities and their problems in the aftermath of (ethnic) conflict is crucial for durable and stable peace.<sup>180</sup> In order to do so, Iraq's diverse religious and ethnic communities must be represented through religious leaders, political figures, international actors, and civil society organizations.<sup>181</sup>

However, involving minorities in peace building processes can be both an obstacle and benefit for the process. The Iraqi Kurds are perceived by some Iraqis as a threat due to their aspiration for independence and their strong Peshmerga militias who, as one of the few parties, managed to keep their heads above water in fighting ISIL. The Iraqi Kurds may be seen as victims, both of the central government of Baghdad and of neighboring countries, and as an agent

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<sup>176</sup> See, for example, EPLO, 'Armed violence and capacities for peace in Iraq: Actors, causes, impact, and EU responses' (2014) 2, accessed June 1, 2018 via [http://www.eplo.org/assets/files/2.%20Activities/Civil%20Society%20Dialogue%20Network/Geographic%20Meetings/Iraq-2014/CSDN\\_Iraq\\_-\\_Background\\_paper.pdf](http://www.eplo.org/assets/files/2.%20Activities/Civil%20Society%20Dialogue%20Network/Geographic%20Meetings/Iraq-2014/CSDN_Iraq_-_Background_paper.pdf).

<sup>177</sup> PAX, 'Iraq Alert I - Recapturing Ninewa and Mosul: the need for post-ISIS peacebuilding,' (2015) 1, accessed June 1, 2018 via <http://www.paxforpeace.nl/media/files/iraq-%20alert-i-%20final.pdf>.

<sup>178</sup> A.H. Cordesman, 'Iraqi Stability and the "ISIS War",' *Center for Strategic & International Studies* (2015) 1-2, accessed June 1, 2018 via [http://csis.org/files/publication/150812\\_Iraq\\_Stability\\_and\\_the\\_War\\_on\\_ISIS.pdf](http://csis.org/files/publication/150812_Iraq_Stability_and_the_War_on_ISIS.pdf).

<sup>179</sup> D. Natali, *The Kurds and the State*, 184.

<sup>180</sup> T.K. Reuter, 'Including Minority Rights in Peace Agreements: A Benefit or Obstacle to Peace Processes after Ethnic Conflicts?,' *International Journal on Minority and Group Rights* 19 (2012) 359-397, there 359.

<sup>181</sup> B. Rohwerder, 'Conflict dynamics and potential for peace building in Iraq,' *GSDRC Applied Knowledge Services* (2015) 11-12, accessed May 30, 2018 via <https://assets.publishing.service.gov.uk/media/57a08967e5274a27b200007d/HDQ1263.pdf>.

provocateur, acting as proxy forces for states opposed to the incumbent Iraqi regime.<sup>182</sup> This, as argued, raises serious concerns about the Kurds in particular in peace building processes, regardless of their efforts. Also, whereas protection and participation is ensured by minority rights, they focus at the same time on the ethnic dimension, which could prevent reconciliation and impedes the implementation of human rights, of which minority rights are an integral part.<sup>183</sup> However, in substantive peace agreements, representation of all parties at stake, or in other words inclusiveness, must be guaranteed in order to transform the conflict.

Other voices suggest to only include the Peshmerga militias in a peace building process. The Kurds rely heavily on the Peshmerga militias to protect them from threats, as they constitute part of Kurdish identity due to their revered status within Kurdish society.<sup>184</sup> When the central government of Iraq has been weak, it has made concessions to the Kurds; but when strong, it has sought to reassert itself against them with brutal intent; thus, the Kurds would never disband the Peshmerga units.<sup>185</sup>

But would it be 'fair' to include the Peshmerga alone in peace building processes, excluding the 'ordinary' Iraqi Kurds? On the one hand, no. The Peshmerga compose only a part of the Iraqi Kurds, and although the Kurds themselves as well as the Peshmerga are not homogeneous, non-Kurds also compete with the Peshmerga, such as Westerners who want to support the armed militias in their fight against ISIL. Once the war is over, they will return to their homeland to leave the Kurds alone again in Iraq. What, then, is their share in the peace process? Or in the reconstruction of an inclusive Iraq? None, if you would ask me. By all means, they have contributed to the fight, but there is no role for them in the future of Iraq. Given the history that the Iraqi Kurds have had, this serious and probably only promising opportunity to throw their grievances on the table, and to gain recognition as a (semi)-autonomous federal state, I would not make it more difficult to mix non-Iraqi (Kurdish) Peshmerga militias in the process. Yes, they have contributed to expelling ISIL, but do not share the same history and suffering as the ethnic minority. And although the Peshmerga as the armed forces have dealt the hardest blows, it is always the 'ordinary' population who have to contend with a lot of difficulties and suffering, both physically and mentally, which must at all costs be addressed in peace building processes. On the other hand, yes. Iraqi Kurdish identity became the flesh by means of the Peshmerga by vastly improving the position of the Iraqi Kurds in the international arena, as I will explain in the next session.

## **4.2. Independency, state building: establishment of an inclusive democracy?**

The Iraqi Kurds' role leads to one of the major concerns that must and will be addressed in future peace building process of Iraq, and will certainly a bottleneck: the establishment of an inclusive, democratic Iraq, and the possibilities of full independency of the KRI. The success of a future Syria-Iraqi peace building process stands or falls with this issue, and to make it even more difficult to deal with, Iraq is one of the most complex countries due to the contradicting problems and dilemmas in terms of state-building. If Iraq were a mono-ethnic and mono-religious state, it would simplify matters; with these religious and ethnic divisions and the Kurdish issue, Iraq has a very intricate

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<sup>182</sup> L. Anderson and G. Stansfield, *The Future of Iraq: Dictatorship, Democracy, or Division?* (1st press; New York 2004) 155.

<sup>183</sup> Reuter, 'Including Minority Rights in Peace Agreements,' 394.

<sup>184</sup> F. Owtram, 'The Kurdistan Region of Iraq and the Federal Constitution: A Perimeter Plinth of State Territorial Integrity or a Stepping Stone to Secession?' in: G. Stansfield and M. Shareef eds., *The Kurdish Question Revisited* (1st press; New York 2017) 521-532, there 527.

<sup>185</sup> Owtram, 'The Kurdistan Region of Iraq and the Federal Constitution,' 527.

state structure.<sup>186</sup> The Iraqi Kurds have suffered and are still suffering from the complicated situation on the road to an inclusive democracy in Iraq today. Some argue that minorities whose status is threatened are less likely to be supportive of democratic transitions.<sup>187</sup> This is, however, not the case for the Iraqi Kurds; the KRI is pro-democracy, pro-Western, and secular.<sup>188</sup> Effective statehood is obtained when the population and international actors perceive the governmental entity, in this case the KRI and KRG, as legitimate, stemming its legitimacy from the construction of an imagined community. Linz argues that state-building precedes nation-building and that in spite of the saliency of the idea of the nation, the reality of statehood is still dominant.<sup>189</sup> For the sake of convenience, we now look at two scenarios for the future of Iraq, while taking into account relative proportions of the KRI, KRG, and Baghdad, international relations, and recent history, as history shows that nations are constructed or destroyed through geopolitics and international affairs: reconfiguring a democratic unitary Iraqi state in which the ethnic groups will be included, federalism, or secession of the KRI.

The sense of Iraqi Kurds' sense of nationhood has been acknowledged by the outside world in the twentieth century, as early as 1920 with the Treaty of Sèvres which called for the establishment of a separate and independent Kurdish political entity.<sup>190</sup> The 2003 invasion of Iraq, the destruction of Saddam Hussein's regime, and the collapse that followed left the KRI as the only fully functioning part of Iraq.<sup>191</sup> The stability and autonomy that the Iraqi Kurds have enjoyed since these events has presented the Iraqi Kurds with a tremendous opportunity. Also, the invasion and its aftermath made clear that occupation of a multi-ethnic, multi-religious state and favoring of one ethnic or religious group over another is a powerful instrument of state formation. Within the United States, there was no consensus on Iraq's suggested unity. Joseph Biden, for instance, concluded that Iraq was never meant to be one country, concluding that a loose confederation of Sunni, Shi'ite, and Kurdish areas, a three-state solution or soft partition, was the only path to peace.<sup>192</sup> United States policies resulted in contributing to the processes of state formation among the Kurds: one process involved the inclusion of the Kurds that it favored in strategies to solidify them into a semi-autonomous state, while at the same time trying to incorporate the Kurds into a unified multi-religious and multi-ethnic state. Such a state could only hold together with the strong military and political presence of the United States accompanied by the commitment of the various ethnic and religious peoples in the state.<sup>193</sup> However, Biden's soft partition could act as the perfect springboard to independence,<sup>194</sup> and with the United States' withdrawal, Iraq consequently lost a mediating power.

Most Kurds agree that an independent and sovereign Iraqi Kurdistan is an exercise on wishful thinking.<sup>195</sup> Kurdish autonomy, let alone secession, has no allies or sponsors; on the

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<sup>186</sup> Ghai, Lattimer, and Said, *Building Democracy in Iraq*, 8.

<sup>187</sup> C. Belge and E. Karakoç, 'Minorities in the Middle East: Ethnicity, Religion, and Support for Authoritarianism,' *Political Research Quarterly* 68 (2015) 280-292, there 288-290.

<sup>188</sup> Lawrence, *Invisible Nation*, vi.

<sup>189</sup> J.J. Linz, 'State Building and Nation Building,' *European Review* 1 (1993) 355-369, there 358.

<sup>190</sup> L. Binder, *Ethnic Conflict and International Politics in the Middle East* (1st press; Gainesville 1999) 64.

<sup>191</sup> Lawrence, *Invisible Nation*, iv-v.

<sup>192</sup> *Ibid.*, 321.

<sup>193</sup> R.W. Olson, *The Goat and the Butcher: Nationalism and State Formation in Kurdistan-Iraq since the Iraqi War* (1st press; Costa Mesa 2005) 277-278.

<sup>194</sup> Lawrence, *Invisible Nation*, 321.

<sup>195</sup> Ciment, *The Kurds*, 135.



contrary, it has a lot of adversaries.<sup>196</sup> The Kurds' position in Iraq is bolstered by the fact that northern Iraq includes oil-rich regions, stimulating economic growth and levels of prosperity that exceed what has been achieved in Arab provinces of Iraq.<sup>197</sup> Iraq is most certainly not going to give this part of its territory up as it could fragment the Iraqi state even more and leave it weakened,<sup>198</sup> since it is dependent on northern Iraq's economics, infrastructure, and demographics.<sup>199</sup> On the other hand, the mountainous territory is the Kurds' worst enemy, since the mountains isolate them and keep them ignorant of political, economic, and social developments in the Middle East, and keep them landlocked into hostile and mutually suspicious factions.<sup>200</sup> Thus, it leaves the Kurds dependent on either their host state Iraq or hostile neighboring countries or foreign relations for physical access to the outside world and to distance itself from Baghdad.<sup>201</sup> The KRG used foreign affairs with mainly the United States as a tool to prove international actors they are a legitimate entity.<sup>202</sup> Although the United States-Kurdistan partnership significantly changed in a positive sense, the Kurds are still vulnerable: they are valuable when needed, but insignificant when redundant. Overall, the KRI is emerging and establishing itself as an valuable and strategic asset and partner in the Middle East to the United States.<sup>203</sup>

In international relations, a sub-state like the KRI often struggles to open doors.<sup>204</sup> Despite being a mere sub-state of Iraq, the KRI persistently engaged in foreign affairs and diplomacy to develop the capacities of statehood in order to defend its borders and to control the use of violence in society. Through intensifying its diplomatic engagement with the United States, the KRI ensured protection against ISIL, and seized it as an opportunity to develop independency as well.<sup>205</sup> The deployment of the Peshmerga was another state-building step, since the United States supported the Peshmerga as they were willing to fight in close combat, unmatched by any other militia in the region. Also, the KRI sought to legitimize its security forces to help with state-building, convincing that the Peshmerga was not some sort of paramilitary; as a result, the Peshmerga were recognized as a legitimate entity, authorized to invade other states to fight in a war.<sup>206</sup>

As Shareef argues, United States-Kurdistan relations gradually changed after the 2003 invasion of Iraq, especially when the relations evolved into an institutionalized relationship based on mutual respect and interests through an official but undeclared United States-Kurdish policy after ratification of the 2005 Iraqi constitution, allowing the KRI to be officially recognized as a

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<sup>196</sup> W.W. Harris, *Quicksilver War: Syria, Iraq, and the Spiral of Conflict* (1st press; Oxford/New York 2018) 105.

<sup>197</sup> T.D. Mason, 'Democracy, Civil War, and the Kurdish People Divided between Them' in: D. Romano and M. Gurses eds., *Conflict, Democratization, and the Kurds in the Middle East: Turkey, Iran, Iraq, and Syria* (1st press; New York 2014) 111-128, there 124.

<sup>198</sup> A. Tucker-Jones, 'Cracking Fallujah,' *Intersec: The Journal of International Security* (2014) 16, accessed June 2, 2018 via <http://www.intersecmag.co.uk/wp-content/uploads/2014/03/Iraq-March14.pdf>.

<sup>199</sup> Cordesman, 'Iraqi Stability and the "ISIS War,"' 15.

<sup>200</sup> Ciment, *The Kurds*, 1-3.

<sup>201</sup> Harris, *Quicksilver War*, 105.

<sup>202</sup> R. Mansour, 'In Pursuit of Friends: The Kurdistan Region's Foreign Affairs and Diplomacy' in: G. Stansfield and M. Shareef eds., *The Kurdish Question Revisited* (1st press; New York 2017) 449-461, there 459.

<sup>203</sup> M. Shareef, 'A Paradigm Shift in US-Kurdistan Region Relations Post-2014: The Evolution to a Strategic Partnership' in: G. Stansfield and M. Shareef eds., *The Kurdish Question Revisited* (1st press; New York 2017) 463-479, there 476.

<sup>204</sup> Mansour, 'In Pursuit of Friends,' 449.

<sup>205</sup> *Ibid.*, 454-455.

<sup>206</sup> *Ibid.*, 456.

formal legal semi-autonomous entity and the United States greater freedom in the Middle East.<sup>207</sup> However, there was no actual change in policy - finding a political solution within Iraq's national boundaries through a mutually satisfactory agreement, non-contemplating a policy towards Kurdish independence - since it was not the intention of the United States to breach the sovereignty of Baghdad. This strategy of prioritizing a successful democratically governed Arab Iraq over Kurdistan as an example to the rest of the region was a big mistake. In the first place, Iraq lost a mediating power with the United States' withdrawal. Secondly, the United States overlooked the insurgency and the Iraqi's perception that the United States was an occupier instead of a liberator, creating opportunities to destabilize Iraq. When the United States also mismanaged the Kurds, putting KDP and PUK on the terrorist list after the 11 September 2001 al Qaeda attacks and thereby unintentionally labeling them as terrorists, they tremendously damaged the United States-Kurdistan relations.<sup>208</sup> The United States wanted to return stability to Iraq and the Middle East by means of its gradual withdrawal; however, the rise of ISIL was deemed an obstruction to this policy objective, as the United States reconsidered its disengagement from Iraq after the ISIL invasion and occupation of Mosul.<sup>209</sup> Kurdish withdrawal from the political process would spark a negative trend in Iraq and the wider region and would be a set-back in the formation of a new, inclusive government in Baghdad. ISIL's conquest of northern Iraq in August 2014 and other major defeats, crushing the Kurdish aspirations for independence at first, sparked the West to protect the KRI, thereby neutralizing the Kurdish call for independence. The West came to realize it would be not in their interest to lose the pro-Western and secular KRI.<sup>210</sup> Whereas the Peshmerga seemed to have no particular strategic importance for the United States in its Middle East policy, the Kurds and in particular the Peshmerga became the West's reliable strategic and vital military partner against ISIL.

The war against ISIL served two sides. On the one hand, international support to the Peshmerga has been assessed as favoring the Kurds in the Disputed International Boundaries.<sup>211</sup> This is not only polarizing the situation and Iraq's stability,<sup>212</sup> <sup>213</sup> according to some it accelerated the Kurdish polity's fragmentation and increased tensions.<sup>214</sup> In other words, international support to the Kurdish Peshmerga has upset the relationship among the Iraqi Kurds, between the Iraqi Kurds and Iraqi non-Kurds, and between the Iraqi Kurds and Baghdad, thereby weakening Iraq's unity. On the other hand, it served the KRG to hold the population compliant, despite ongoing violence.<sup>215</sup> This is also the case with the seized disputed territories. On the one hand, the strategy of leveraging the ISIL advance and seizing disputed territories improved Kurdish standing in Iraq and the Kurdish

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<sup>207</sup> Shareef, 'A Paradigm Shift in US-Kurdistan Region Relations Post-2014,' 463-464.

<sup>208</sup> Ibid., 468.

<sup>209</sup> Ibid., 471.

<sup>210</sup> Idem.

<sup>211</sup> B. Rohwerder, 'Conflict dynamics and potential for peace building in Iraq,' 6.

<sup>212</sup> PAX, 'After ISIS: Perspectives of displaced communities from Ninewa on return to Iraq's disputed territory (2015) 12, accessed June 1, 2018 via <http://www.paxvoorvrede.nl/media/files/pa%20x-iraq-report--after-%20isis.pdf>.

<sup>213</sup> ICG, 'Arming Iraq's Kurds: Fighting iS, Inviting Conflict,' *Middle East/North Africa Report No.158* (2015) 23-25, accessed June 1, 2018 via [http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Leb%20anon/Iraq/158-arming-iraq-s-kurds-fighting-is-inviting-conflict.pdf](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Leb%20anon/Iraq/158-arming-iraq-s-kurds-fighting-is-inviting-conflict.pdf).

<sup>214</sup> ICG, 'Arming Iraq's Kurds,' i.

<sup>215</sup> A. Fischer-Tahir, 'Media, Political Culture, and the Shadows of the Militia War in Iraqi Kurdistan' in: G. Stansfield and M. Shareef eds., *The Kurdish Question Revisited* (1st press; New York 2017) 497-508, there 508.

aspiration of independence; on the other, it would leave the Kurds with a revolt in the disputed territories, escalating tensions with Baghdad, and the withdrawal of international support.<sup>216</sup>

Also, the Kurds themselves provided another option, linked to secession. The Kurds' experience of repression under Baghdad caused them to be very open to the possibilities of federalism, a form of government in which sovereignty is shared between the central government and autonomous regions, or even independency, strengthened in recent years as a result of the 2003 invasion of Iraq, the 2005 Iraqi constitution when federalism was introduced, and subsequent rise of ISIL.<sup>217</sup> Paradoxically, federalism lead in the short term to social tensions, while it lowers the costs of secession in the longer term, thereby being secession constraining and secession inducing.<sup>218</sup> Others argue that, given their unfortunate history, and their position as the largest ethnic group in the world without a country of their own, the Iraqi Kurds have a compelling case for statehood.<sup>219</sup> Hadji provides an earned sovereignty approach, defined as entailing the conditional and progressive devolution of sovereign powers and authority from a state to a sub-state entity under international supervision,<sup>220</sup> facilitated by a gradual transition of power. The KRI already enjoys considerable shared sovereignty and are just one step away from full sovereignty: a recognized referendum.<sup>221</sup> This is plausible, in the first place because of the violence dominating Iraq, and secondly, Iraqi Kurdistan could serve as a role model for the region,<sup>222</sup> as was one of the objectives of the United States. Others provide the possibility of autonomy arrangements at the district level, as they would be particularly pertinent to Kurds since they are concentrated in northern Iraq.<sup>223</sup> Unfortunately, up and to this day, their own political infighting and fragmentation has prevented them from translating their battlefield prowess into lasting autonomy or independence.<sup>224</sup>

In addition, there are voices who argue in favor of an inclusive, democratic Iraq, stating that Iraq must be reorganized, reconstituting a unitary Iraqi state in which the ethnic groups will be included, of which the most important one the Kurds, permitting stable and effective governmental structures; however, Iraq cannot be knit back together as a unitary state because of the lack of sharing a common identity. Polling by IIASS in Iraq between June and September 2014 suggests that Iraqis do see themselves as sharing a common identity and nationality; however, the different groups approach the idea of being Iraqi differently, dismantling the idea of being inclusive.<sup>225</sup> Religion played only a minor rule in unifying the Kurds and Arabs in Iraq, although the Kurds mostly belong to the dominant religious prevalent, Sunni Islam.<sup>226</sup> And because of their different

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<sup>216</sup> Isakhan, 'The Iraqi Kurdish Response to the "Islamic State,"' 448.

<sup>217</sup> Owtram, 'The Kurdistan Region of Iraq and the Federal Constitution,' 524.

<sup>218</sup> Ibid., 525.

<sup>219</sup> P.S. Hadji, 'The Case for Kurdish Statehood in Iraq,' *Case Western Journal of International Law* 41 (2009) 513-541, there 514.

<sup>220</sup> P.R. Williams and F.J. Pecci, 'Earned Sovereignty: Bridging the Gap between Sovereignty and Self-Determination,' *Stanford Journal of International Law* 40 (2004) 347-386, there 347, 350-354.

<sup>221</sup> Hadji, 'The Case for Kurdish Statehood in Iraq,' 541.

<sup>222</sup> J. Castellino and K.A. Cavanaugh, *Minority Rights in the Middle East* (1st press; Oxford 2003) 245.

<sup>223</sup> Lalani, *Still Targeted*, 28.

<sup>224</sup> Harris, *Quicksilver War*, 103-132.

<sup>225</sup> B. Rohwerder, 'Conflict dynamics and potential for peace building in Iraq,' 10-11.

<sup>226</sup> M. Gunter, 'The Kurdish Minority Identity in Iraq' in: M. Shatzmiller ed., *Nationalism and Minority Identities in Islamic Societies* (1st press; London 2005) 263-282, there 266.

ethnic origin, the Kurds have never felt, and probably will never feel, included in an essentially Arab Iraq. Consequently, it is unlikely that the Kurds will ever give up on their aspiration of establishing an independent Iraqi Kurdistan.<sup>227</sup> There is no chance of actual victory over ISIL unless the new Iraqi government can bring Iraq's religious and ethnic minorities, including the Kurds, back together as some form of functioning state.<sup>228</sup> The central government of Iraq should emphasize ethnic diversity within decentralized political systems that guarantee protection of minority group rights.<sup>229</sup>

The new intervention in Iraq led by the United States can be utilized to resume an effective state-building process that takes into account the mistakes of the first attempt, which lasted from 2003 to 2011<sup>230</sup> in which peace building was not an integral part of the American state-building mission, but merely a reactionary policy to counter the unintended consequences of implementing an ill-advised state-building mission; a tactic instead of a goal.<sup>231</sup> Also, the new strategy may incorporate the paradigms of both state-building and peace building, thereby pushing the Iraqi political structure in an inclusive government, ensuring the participation of all components in the political process, to maintain stability and security in case of a reoccurring conflict. After the 2003 invasion of Iraq, the United States wanted to leave Iraq as soon as possible, leaving the country without real legitimacy and without an inclusive political structure, which was doomed to fail due to the historical grievances of the three distinct populations of Iraq: Sunnis, Shiites, and the Kurds.<sup>232</sup> A future secession of Iraqi Kurdistan will probably fuel unrest among the Arab Sunni population, and increase tensions. The Kurds aspired to independence, the Sunnis to semi-autonomous federal regions, and the Shia to a strong and centralized Iraq.<sup>233</sup> However, the United States rejected these aspirations, as it would imply the break-up of Iraq and breach the sovereignty of Baghdad. In September 2014, a new, more inclusive government was formed and tried addressing underlying Sunni grievances;<sup>234</sup> however, Sunnis continued to mistrust the central government and policies intended to win back Sunni support caused turmoil among his Shia base.<sup>235</sup> In 2015, new reforms were proposed aimed at underlying grievances of the population.<sup>236</sup> In February 2016, Barzani called for an end to the Sykes-Picot era and announced preparations for a referendum of independence for the KRI, to be eventually held in 2017.<sup>237</sup> Even the Kurds themselves take the option for an inclusive Iraq seriously. Since the overthrow of Saddam Hussein in

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<sup>227</sup> Binder, *Ethnic Conflict and International Politics in the Middle East*, 75.

<sup>228</sup> A.H. Cordesman, 'The Real Center of Gravity in the War Against the Islamic State,' *Center for Strategic and International Studies* (2014) 1, accessed June 2, 2018 via <http://csis.org/publication/real-center-gravity-war-against-islamic-state>.

<sup>229</sup> Natali, *The Kurds and the State*, 185.

<sup>230</sup> S.A. Kli, 'The On-Again, Off-Again State-Building Cycles in Iraq,' *The Fletcher Forum of World Affairs* 39 (2015) 133-148, there 133.

<sup>231</sup> Kli, 'The On-Again, Off-Again State-Building Cycles in Iraq,' 146.

<sup>232</sup> *Ibid.*, 138.

<sup>233</sup> M.A. Salih, 'US Military Aid Bills Highlight Iraq's Deep Divisions,' accessed May 27, 2018 via <http://www.aljazeera.com/news/2015/05/150509084945317.html>.

<sup>234</sup> K. Katzman and C.E. Humud, 'Iraq: Politics and Governance,' *Congressional Research Service* (2016) 26, accessed June 2, 2018 via <https://fas.org/sgp/crs/mideast/RS21968.pdf>.

<sup>235</sup> Katzman and Humud, 'Iraq,' 26-27.

<sup>236</sup> Cordesman, 'Iraqi Stability and the "ISIS War,"' 9.

<sup>237</sup> Owtram, 'The Kurdistan Region of Iraq and the Federal Constitution,' 531.

2003, the Iraqi Kurds have stressed three requisites to stay within the confines of the national borders of Iraq: democratic rule by means of a nationally ratified permanent Iraqi constitution and national consensus; an Iraqi state without violence and war; and equal Arab-Kurd partnership in Iraq's governance.<sup>238</sup> If these conditions are not met, the Kurds will ultimately secede.

Romano argues the 2005 Iraqi constitution must be given a chance for Iraq's democracy.<sup>239</sup> Iraqi history offers no reason, especially the Kurds, to place faith in an imagined Iraqi political system that respects human rights and eschewed sectarian politics and conflict. An Iraq for all Iraqis needs to emerge via a voluntary union of its constituent parts, power sharing, and the compromises that permeate a diffuse political arena.<sup>240</sup> Others, as Bennett, argue that the power structures of the regime must be broken up in an early transition phase to change the public narrative from fear to opportunity.<sup>241</sup>

Others, however, state new borders are not the solution, as it would be better for Iraq to co-exist in an European Union-like way where there are different ethnic groups, but fundamental rights and freedoms for everyone, and the rule of law.<sup>242</sup> In addition, according to Stansfield, both the options to secede and muddling through are too complex, because the dynamics, whether political, security, or economic, are not sustainable; the interim position would be to find a way to renegotiate the KRI's position in Iraq.<sup>243</sup>

The Iraqi Kurds, together with their aspirations for independence, have put themselves high on the international agenda and became a household issue in many foreign capitals. For the KRG, it is important to remain strong foreign relations, since it is the key to remaining relevant on the international stage. The Kurdish issue is most likely to continue after ISIL's destruction. Both options presented are plausible, although both have advantages and disadvantages. Negotiating Kurdish autonomy requires recognition of distinct disputed Kurdish territories, especially Kirkuk. The government of Iraq must officially recognize the al Anfal genocide of the Kurds and compensate victimized Kurds and their families accordingly.<sup>244</sup> The Kurds, on their turn, have to respect the rights of the non-Kurdish population living in the area without the use of military force, thereby not resembling the Arabization policy. In the short term, the KRI will remain part of Iraq; in the longer term, however, the ISIL-related events have increased the likelihood of the secession of the KRI and the declaration of an independent state.<sup>245</sup> Whatever happens, the situation will remain precarious. At best, Kurdistan has to be accorded autonomy within a confederal structure.

### 4.3. Applicability to other ethno-religious minority groups

There are limits, however, to involving minority groups in peace building processes. To choose the Iraqi Kurds as case study was an obvious choice, because of the few, but still slightly attention they

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<sup>238</sup> Shareef, 'A Paradigm Shift in US-Kurdistan Region Relations Post-2014,' 476.

<sup>239</sup> D. Romano, 'The Iraqi Kurdish View on Federalism: Not Just for the Kurds' in: D. Romano and M. Gurses eds., *Conflict, Democratization, and the Kurds in the Middle East: Turkey, Iran, Iraq, and Syria* (1st press; New York 2014) 189-210, there 203.

<sup>240</sup> Romano, 'The Iraqi Kurdish View on Federalism,' 205.

<sup>241</sup> Bennett, 'Planning Ahead for a Postconflict Syria,' 6.

<sup>242</sup> C. Canham, 'Syria and Iraq: Ending the Conflict,' accessed June 1, 2018 via <https://www.weforum.org/agenda/2017/01/syria-and-iraq-ending-the-conflict/>.

<sup>243</sup> Stansfield, 'The Kurdish Experience in Post-Saddam Iraq,' 373-374.

<sup>244</sup> Natali, *The Kurds and the State*, 186.

<sup>245</sup> Owtram, 'The Kurdistan Region of Iraq and the Federal Constitution,' 521, 532.

received in the media for their role in combating ISIL, and steps had already been taken, however small, for an independent Iraqi Kurdistan. Yet, I have long doubted to take the Iraqi Yezidis as case study instead of the Kurds, and in fact I have written a not-so-exuberant shadow thesis on the Yezidis next to this one, only to see which case study would be more interesting and most satisfying. And, finally, to answer this question.

As has been highlighted many times before during this thesis, the Kurds as a whole are the largest minority group without a state of their own. The Iraqi Kurds, in turn, are crying out loud, loudest of all the Kurds of Greater Kurdistan, for independence. And prove them wrong: they are the largest population group in northern Iraq, and were large enough to be able to deliver a share in combating ISIL, thanks to their own militias; therefore, they are of a significant size to be able to participate in peace building processes.

But then again: what is significant when it comes to people? It is easiest to go after the loudest screaming group and not taking other minorities into consideration. In fairness, the Yezidis and other ethno-religious minority groups have a voice too that can and must be heard. They too have suffered from the terrible crimes and acts at the hands of Baghdad and ISIL. They too have a share in building an inclusive Iraq, since they have been living there for centuries.

On top of that, we have to take their position into account, considering what they have contributed to the conflict and the resolution or transformation thereof, both good and badly. And truth be told, and maybe this is the Yezidi identity, despite the fact that some Yezidis have joined the Peshmerga to fight against ISIL and partly Baghdad, they have contributed relatively little to resolving or transforming the conflict and wish to be defined by their victimhood. They do not have the strength in numbers as the Iraqi Kurds do, nor the same identity that the Kurds have acquired through their ethnic identity and the abuses they have suffered as a result. In spite of everything, even though I have no hard evidence for this due to a gap in the literature, it is certainly wise to include every party at stake, including all minority groups whether ethnic or religious minorities, in peace building processes. They have a share in re-creating or transforming the future for the country in which they reside. However, further research is needed.

This last chapter has shown that there is no simple answer to the question what should be the role of minority groups in peace building processes. Dealing with minorities in peace building processes is crucial for achieving durable and stable peace, as they are people on the grassroots-level who are directly affected by the conflict, although involving minorities can be both an obstacle and benefit for the process. In case of Iraq, one of the major concerns during such a peace building process is either the establishment of an inclusive, democratic Iraq, or secession of the KRI. Both are plausible options, although the situation will remain precarious.

# Conclusion

“All animals are equal, but some animals are more equal than others;” a quotation from *Animal Farm*, an allegorical novella by George Orwell, which depicts the situation in which minority groups find themselves, and in particular the Iraqi Kurds. In this thesis, I have set out the Kurds as victims of the Iraqi regime, victors for their part in the war against ISIL, and as perpetrators now the end of the war is near, in which they stand up for their hopes, desires and place in Iraqi society - in particular to find equal treatment, and how the intra- and international community responds to this request.

In current literature on peace building, *the role (ethno-religious) minority groups (should) play in peace building processes is a void that needs to be filled. It would be contributive and a valuable asset to include (ethno-religious) minority groups in peace building processes, since taking into account forgotten parties with important stakes in conflict leads to conflict transformation and eventually sustainable peace for all parties involved.* I hope to have filled this gap by means of this thesis. This thesis sought to answer the following research question: ‘*What is or should be the role of (religious) minority groups in peace building processes?*’ The objective of the research is to obtain knowledge and insights in the field of religious minority groups and their position in peace building processes, with reference to the Kurdish Peshmerga militias in the current Syria-Iraqi peace building process. Little is known about the role of religious minority groups in peace building processes, whether or not they actually play a crucial role, and if, how, and in what form religious minority groups could contribute to conflict transformation and societal change resulting from the peace building process. The aim of this thesis is to contribute to the ongoing study of minority groups and peace building processes in general and to enrich our understanding of the Peshmerga militias, their contribution to the anti-ISIL coalition, and how minority groups could contribute to sustainable and lasting peace. This research will be embedded in the academic fields of and will new perspectives to the study of ethno-religious minority groups and peace building processes within religious studies, international relations, conflict transformation, and peace building. In order to answer the research question, I have discussed the following sub-questions: ‘*What do we understand with the concepts conflict, violence, the variations on conflict transformation and peace building, and ethnic minority groups?*’, ‘*What is the social- and historical history of the Iraqi Kurds?*’, ‘*What is the current role of the different parties at stake in the Syrian peace talks?*’, and ‘*What are the advantages and disadvantages of minority groups in peace building processes, relating to the inevitable circumstances with regard to the Peshmerga militias and/or Iraqi Kurds in the Syria-Iraqi peace building process?*’. As methodology, I have made use of *existing literature and empirical studies on the Kurds and peace building processes in Iraq in general.*

First, I explored the concepts used in this thesis, including ethnic minorities and the various concepts surrounding conflict, stressing the importance that peace building processes and conflict transformation involves bringing in forgotten parties with important stakes in conflict. Secondly, I provided a historical and social overview of the Kurds and Peshmerga militias in northern Iraq, its tense relation with the national government of Iraq, and uprising of ISIL, the latter because it is part of the background and the motives of the Kurds in the Syria-Iraqi peace process. In this, I focussed on the series of wars and rebellions by the Kurds against Baghdad in the Iraqi-Kurdish conflict, demonstrating that the ethnic and religious diversity of Iraq has led to a past, present, and future of ethnic conflict, in particular targeting the Kurds, becoming the target of atrocities, assimilation, and displacement within Iraq and outside its borders. In the third chapter, I have argued why Iraq, ISIL, and in particular the Iraqi Kurds should be involved in the Syrian peace talks and we thus should speak of the Syria-Iraqi peace building process. Lastly, the analysis has shown that there is no simple answer to the question what should be the role of minority groups in peace building processes. Dealing with minorities in peace building processes is crucial for achieving durable and stable peace, as Galtung already argued by stating that conflict transformation and thus peace building

processes involves bringing in forgotten parties with important stakes in conflict, and Lederach by stating that top-leaders and people on the grassroots-level who are directly affected by the conflict should all be involved, although involving minorities can be both an obstacle and benefit for the process. In case of Iraq, one of the major inevitable concerns during such a peace building process is either the establishment of an inclusive, democratic Iraq, or secession of the KRI. Both are plausible options, although the situation will remain precarious.

This thesis has two pitfalls, summarized by the terms non-homogeneous and context. The Kurds, as well as the Peshmerga militias, are not a homogeneous group, and whereas the various factions within the groups are hostile towards each other, it makes it difficult to speak of “the Kurds” or “the Peshmerga.” As they have said before, they are planning to settle three wars: first against ISIL, then against the Arabs, and finally against themselves, meaning the various factions. This makes it also difficult to hear them in the Syria-Iraqi peace building process, because despite their apparent unity they also have different points of view. On top of that, the answer of this thesis is context-bound. Due to the fact that little research has been done into the role of minority groups in peace building processes, it is difficult to say whether the situation I have outlined for the Kurds is also applicable to other minority groups due to the specific socio-economic-political-geographical context.

I am aware of the fact that I have not been able to address all aspects in full depth; various factors are completely disregarded. This was first and foremost a conscious choice, since I am limited to the boundaries of this master’s thesis. I am also limited by the fact that little to no research has been done into the role of minority groups in peace building processes, which made analysis difficult since I did not have any comparative material. This, on the other hand, has given me the opportunity to elaborate on my ideas, hoping that follow-up research can build on this, and especially criticize it, hoping this thesis may be a source of inspiration for others to focus on the forgotten and oppressed voices in society - which are, I cannot emphasize it enough, also important to listen to, especially when it comes to conflict transformation and peace building. This, however, leaves plenty of space and opportunity for follow-up research. For example, I have not succeeded in thoroughly highlighting human rights and especially minority rights in the outlined framework of the Kurds and especially in the light of the peace process. Further research could also be done into the role of mediation and reconciliation and identity development. It would also be interesting to compare the Peshmerga with the Revolutionary Armed Forces of Colombia (FARC), especially the period from the 2012 peace talks and end of the armed conflict in comparison to the current peace process in Syria-Iraq. The use of female forces in both militias is also an interesting topic to explore, as well as their explicit role in the peace talks.

The main point in this thesis that I wanted to make is that (ethno-religious) minority groups play a significant role in peace building processes, since taking into account forgotten parties with important stakes in conflict leads to conflict transformation and effective peace building. Therefore, this case is significant for the study of religious studies as well as political sciences/international relations and globalization studies. It is impossible to put all aspects of the Kurds within the borders of this master’s thesis, because, what I found out during the writing process, the situation of the Iraqi Kurds is enormously complex. It encompasses so many aspects, including their history full of conflicts, their imbalanced relationship with Baghdad, and deep-rooted desire for independence, that this thesis may do injustice to the Iraqi Kurds. But I hope, if only even a few, that eyes will be opened for involving minority groups with important stakes in peace processes, however small their share has been. During the process of writing this thesis, I had to think quite often of the next quote by Bill Bennot: “how we walk with the broken speaks louder than how we sit with the great”. It contains a kernel of truth we all can learn from, and we certainly cannot dismiss.



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وَلَا تَسْتَوِي الْحَسَنَةُ وَلَا السَّيِّئَةُ ادْفَعْ بِالَّتِي  
هِيَ أَحْسَنُ فَإِذَا الَّذِي بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ  
كَأَنَّهُ وَلي حَمِيمٌ

*And not equal are the good deed and the bad. Repel evil by that deed which is better; and thereupon the one whom between you and him is enmity will become as though he was a devoted friend.*

Sūrat Fussilat, Explained in Detail (Q41:34)