

Historical Areas

The original territory occupied by Kurdistan is 503,000 km² and has been divided into four parts since 1923: 210,000 km² are in Turkey (that is 41.75% of Kurdistan and 26.90% of Turkey); 195,000 km² in Iran (38.77% of Kurdistan and 11.83 of Iran); 83,000 km² in Iraq (16.5% of Kurdistan and 18.86% of Iraq); and 15,000 km² in Syria (2.98% of Kurdistan and 8.10% of Syria).

The part of Kurdistan that is currently autonomous is in Iraq. The 16.5% of the historical territory that it represents is the only portion of Kurdistan where Kurdish people have control over their lands, which had long been the subject of confiscation and population transfer policies.

Reasons

It is important to understand why historically Kurdish territory, became so crucial for the new States that began to dominate each a part of it. Before the 20th Century, when Kurdistan was divided between the Ottoman Empire and Iran, its borders were loose. When the Ottoman Empire was dislocated at the end of WWI, the interests and ideological positions of Iran and the newly emerging States (Turkey, and Iraq and Syria, as British and French mandates) changed, at the Kurds' expense.

While the Western concept of nation-state was spreading, emerging States typically established an ethno-national identity for all

peoples within their territory. This created very centralized governmental powers, and foreclosed the nondominant ethnic group's rights over their lands. Thus, Kurdish mountains provided Iran and Iraq with a defensible frontier, but geopolitics left Kurds no room for effective control over their land.

Turkey's attitude toward its frontier is unique. Modern Turkey's founder, Mustafa Kemal Atatürk, established the Turkish State ideology affirming that the country's borders cannot be changed without threatening the foundations of the republic. Turkey's territorial integrity has acquired a mystical quality, as the Constitution itself reflects. The 24% Kurdish minority then stands as a reminder that a significant portion of its citizens are not ethnically Turkish.

The Kurdish region's valuable oil and water resources constitute an economic motivation for controlling Kurdistan within the State's border. None of the region's governments would willingly relinquish control of its oilfields in the Kurdish regions. With population growth and the increased demand for energy and more extensive irrigation, water is rapidly becoming more important than oil. These factors have lead to practices resulting in direct land confiscation.

Practices

Before the 1991 Kurdish postwar uprising, Turkey already had begun to harness some local rivers and was beginning to develop a complex of dams on the upper Tigris and Euphrates: the Southeast Anatolia Project. While every dam necessarily involves land confiscation for the construction itself, it also often means flooding numerous cities, villages and agricultural lands.

The former Iraqi regime developed other practices, like scorched-earth missions to seize control of Kurdish landed property. In July 1988, Erbil Governorate's Security Directorate ordered all security branches to burn "prohibited" harvest areas. As a matter of course, Iraq's "arabization" policy resulted in land confiscation and seizure of properties belonging to Kurdish citizens, regardless of the inhabitants' possession of land deeds issued by Saddam Husain's government.

In June 2000, the State confiscated 45,000 hectares of agricultural land belonging to Kurds and Turkomans, particularly in Kirkuk Governorate. In September, it announced the transfer of 10,000 plots of land from Kurds to Arab military officers there.

Today, at least one million internally displaced persons in Iraq are the living reminder of demographic manipulation (arabization) and dispossession policies. These repressive practices have dispossessed and alienated Kurdish and Turcoman citizens from their native lands. Part of the international efforts ongoing in Iraq (before the U.S.-led invasion) resettled many displaced persons in Iraqi Kurdistan. Secondary displacements and property restitution now pose challenges nationwide.

Seeking to repress and dilute communities of citizens not belonging to the ruling ethnic group the region's States commonly have grabbed indigenous Kurds' land and denied their land tenure. In Syria, the arbitrary practice reportedly accompanies rescinding native Kurds' citizenship. The consequences of aggravated poverty and social dislocation emphasize the importance of land as an essential need and human right.

Land Rights in International Law

Land can be considered as belonging to the resources that every human being has the right to access. This right to access to environmental goods and services is recognized in international law as one of the components of the right to adequate housing [General Comment 4 on Art. 11(1) of the Covenant on Economic, Social and Cultural Rights].

Yet, especially in the Kurdish, Palestinian, Tibetan and Western Sahara cases, and generally for all indigenous peoples, land represents much more than a resource. It is the basis of their existence as a people, and the space on which they should enjoy and practice their right to self-determination.

Besides in the texts related to Indigenous Peoples, land rights are directly referred to in many international declarations and treaties. Most recently, the 1998 *Rome Statute of the International Criminal Court* recognized the appropriation of property carried out unlawfully and wantonly as a war crime.

