

From Minority to Official Language: The Current Status of Kurdish Language after 2003

Mohamad Yahya Abdullah¹, Ahmed H. Naif²

¹ Al Buraimi University College, Al-Buraimi, Sultanate of Oman

² Universiti Sains Islam Malaysia, Nilai, Malaysia

mabdullah@buc.edu.om; farookhani7@gmail.com

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Abstract

The situation of the Kurdish language in Iraq underwent different phases of development since the formation of the first Iraqi government in 1921. This article explores the progress of the Kurdish language status in Iraq that occurred over several decades. This paper also examines the factors contributing to granting the Kurdish language its new status after the Anglo – America invasion in 2003. To accomplish the objectives of the study, official Iraqi documents on language policy were examined, and semi-structured interviews with six linguistics professors were conducted. Data analyzed quantitatively indicated that the status of the Kurdish language underwent four significant phases starting from the formation of the first Iraqi constitution in 1921 until the new Iraqi Interim Constitution in 2005. At this point, Iraqi Kurds take advantage of their good economic, political, and social standing in Iraq to grant the Kurdish language as an official language alongside the Arabic language, which is the language of the majority and the national language of Iraq. The study concluded that international law alone is not enough to promote minorities' languages unless external support exists. In Iraq, the Kurdish language went beyond the ethnic minorities and their language rights if we compared it with other countries that considered the democratic patron and maintained human rights.

I. INTRODUCTION

Iraqi society is characterized by diverse ethnic groups, such as the Arabs who occupy Iraq's central and southern areas, Kurds who mainly occupy the northern part of Iraq, and Turkmen who occupy Iraq's north and central regions. Iraqi society is "constructed as the home of a long list of other scattered or isolated smaller minorities, such as the Assyrians, Faylis and Shabak" (Visser, 2007:2). As shown in Figure 1, according to O'Leary et al. (2006), the ethnic groups are dominated by the Arabs (75%-80%), followed by the Kurdish (15%-20%), the Turkmen (3%-5%), and the Assyrian and Chaldeans (3%-5%). Arabic was the only official language till the Anglo-American invasion in 2003, which paved the way for the Kurdish to be recognized as the second official language in Iraq.

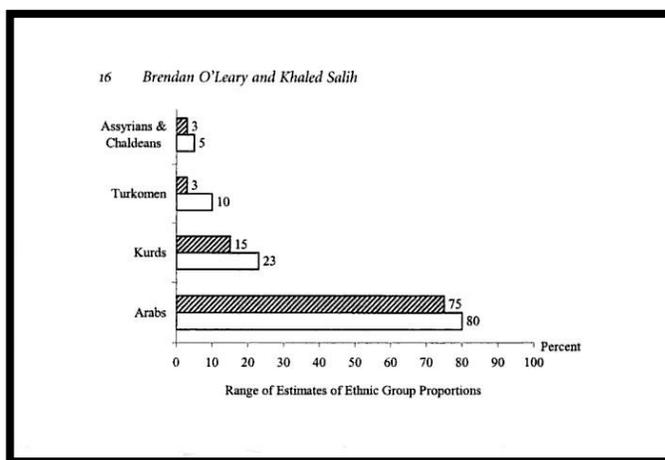


Figure 1. Range of Estimates of Ethnic Group Proportions Source (O’Leary et al. 2005)

According to Tahiri (2007:4), Kurdish is a “North-West Iranian language in the Indo-European language group.” Therefore, it is different from Turkish and Arabic but perhaps a bit similar to Farsi, the national language of Iran. The Kurds themselves often claim descent from the Medes, the ancient Persians’ northern neighbors, and imperial predecessors (Kreyenbroek & Sperl, 1992).

Kurds	Statistics
living around the world	35-40 million
living in Turkey	52% (22 million)
living in Iran	24% (10 million) 24% (10 million)
living in Iraq	18% (6 million)
living in Syria	6% (2 million)
Russia & central Asia	Approximately ‘2 million’
as ethnic group in the Middle East	4th
as ethnic minority without homeland	The largest

Table 1. Kurdish people around the world

Elis (2004) presents the statistics of Kurdish people around the world as illustrated in table 1. Table 1 shows the approximate population of Kurds living around the world and the distribution of Kurds in some countries like Turkey, Iran, and Iraq. As shown in the table, statistics show that one of the lowest Kurdish population rates is in Iraq compared with Turkey and Iran. Apparently, the highest rate is in Turkey; nevertheless, the spoken Kurdish language was banned until 1991 (Tahiri, 2007:4), and it is regarded only as a language of the ethnic minority group. The situation in Iran and Syria is the same in Turkey, where the Kurdish people are considered an ethnic minority group. However, the Kurdish regional government has been well-established in Iraq and eventually promoted the Kurdish language as a second official language.

Historically, the Kurdish language had passed several different stages during the last century and since the Iraqi government was first established in 1921. In the first Iraqi constitution and the Basic Law of 1921, Article 124, Kurds were not mentioned as one of the components of the Iraqi population, and the Kurdish language was not recognized as well. However, the 1970 interim constitution, which remained active till 2003, was an amended version of the 1968 constitution and stated that the use of the Kurdish language was permitted in the northern autonomous Kurdish area that is mainly inhabited by the Kurds.

The Anglo-American invasion of Iraq in 2003 is deemed a historic turning point for the Kurdish language. The formulation of the Iraqi new interim constitution recognized and declared the Kurdish language as the second official language in Iraq. Such declaration can be considered a significant amendment of the new constitution compared with the previous constitutions. Article 4 of the Iraqi constitution states that “the Arabic language and the Kurdish language are the two official languages of Iraq” (Iraqi Foreign Ministry 2016).

The impetus for this study is to explore the new status of the Kurdish language as a new second official language in Iraq. “In Iraq, Kurdish alongside Arabic are the official languages of the country, in other countries, Kurds’ linguistic rights are denied, specifically the access to education in their mother tongue” (Arslan, 2015:14).

Kurdish language has gained higher status and more support after the 2003 Anglo - American invasion in Iraq as the second official language and guaranteed by the latest version of the Iraqi constitution, whereas other languages did not get

any similar status. Before 2003, the Kurdish language was of low status and used only in an informal context, particularly in four countries like Turkey, Iran, Syria, and Iraq. It is worth mentioning here that in some of these countries, the Kurdish language had limited function and was not allowed to be used in public or as a newspaper or broadcasting language, Sherwani & Barlik 2020. Kurds occupy a higher percentage of the Turkish population; nevertheless, the Kurdish language has a limited function in Turkey (Cemiloglu, 2009). This brings to the question; why was the Kurdish language granted a second official language in Iraq after the 2003 Anglo – America invasion? In this study, the researchers seek to investigate how the Kurdish language has been given its new status despite being a language of a minority population in Iraq. To achieve the objectives of this study, we pose the following research questions:

1. What are the Kurdish language status progression phases from 1925 to the Anglo – America invasion in 2003?
2. What factors contributed to granting the Kurdish language its new status after the Anglo – America invasion in 2003?

2. ETHNIC MINORITIES AND LANGUAGE HUMAN RIGHTS

A substantial body of research shows that Language Policy (LP) and Minority Rights (MR) are considerably interconnected. May (2006: 255) defined Minority Rights as “the cultural, linguistic, and wider social and political rights attributable to minority-group members, usually, but not exclusively, within the context of nation-states.” Linguistics issues have a significant relationship with socioeconomic and sociopolitical influences. May (2001) reported that ethnic minorities should exercise their cultural, historical, and linguistic practices in both public and private spheres. In other words, both the mainstream and ethnic minorities should share the same rights to use their language. Therefore, ethnic minority languages should be protected by the state to preserve their culture and heritage language. This protection is appropriate at the very least in the private domain and, “where numbers warrant,” principle again extracted from international law, potentially in the public domain as well. Hence, the life chances of those minorities could be significantly progressed on both levels of individuals and groups who are presently underprivileged in their participation in most of the life aspects such as employment, education, public service, and others.

According to May (2006), Language Human Rights (LHR) states that speakers of minority languages should be awarded the same rights that the majority language speakers have, particularly those concerned with legal support and protection. LHR is also recently involved in the most academic legal discourse regarding minority groups. Similarly, Fife (2005) referred to the growing movement of LHR, which aims to establish an interdisciplinary arena through developing legal frameworks and specific programs to protect and promote the languages of minorities. For the development of LHR, which is associated with these issues of minority groupings, three principles of international law can be implemented.

The former principle encourages opportunities which allow members to show certain knowledge about the public language of the state. On another hand, the second principle indicates that it is important to stay away from language discrimination through giving the language speakers, as citizens, the permission to use their language as part of their individual rights. Moreover, these individuals should be given an authentic chance to practice their first language whenever they want to do so. Finally, the third principle sheds light on individual language preferences through the definitions of what is appropriate and what is reasonable.

A key study was conducted by Mowbray (2006) to focus on language as major component of ethnicity. This study dealt with language as a key component of culture and ethnic identity as well as being the central point for ethnic conflict. The ban on the use of Kurdish language in Turkey is dealt as a particular reference in this study, which is seen by the Kurdish minority as part of a broader project of assimilation and repression of ethnic Kurds. This study emphasizes the role of the international law in protecting the rights of the ethnic minorities such as the Kurds are represented in shielding their rights to use their first language. Mowbray argues that, the claims of minorities within the international law assured minorities certain ‘language rights. However, its conceptual framework may probably limit the ability of applying or even giving the real chance to these rights to see the light. In fact, both of identity and culture, which represent the central to the evaluation of language issues as the concepts of the state, remain more complicated than legal analysis mostly allows. Consequently, Mowbray adopted the traditional approach in international law to tackle this current issue. However, he drew the attention to the importance of encouraging protecting the ethnic and identity through the language rights which included in the international law. Mowbray’s study was conducted to experiment the status of Kurdish language in Turkey while the current study seeks to trace the situation of Kurdish language in Iraq.

Makarenko (2007) carried out a study to elucidate the public policy and historical summary of official bilingualism in Canada. More specifically, this study investigated the historical periods that bilingual politics experienced in Canada, including the current issues in the Canadian context and the nature and scope of the modern federal bilingual policy. English and French ethnicity colonized and established their strong colonies in Canada, alongside pre-existing native inhabitants. In eastern and central Canada, the British colonized Newfoundland, while the French urbanized colonies in Prince Edward Island, Nova Scotia, and New Brunswick. French and English were mentioned in section 133 of the Act as official languages of the new Canadian Parliament and the courts. Furthermore, English and French were considered the official languages of the Quebec provincial legislature and courts. In the new province of Manitoba, these same constitutional language rights

were also used when it was established in 1879; although, Manitoba had a significant French-speaking population. Based on this law, French and English were stated to be the official languages of Canada. Accordingly, all federal institutions like agencies and government departments provide their services in French or English at the customer's choice. Throughout the years, the federal government followed a language policy principally within the conception of a common bilingual community. In contrast, French and English were allowed with a high promotion all over Canada. The vision of a common bilingual community in Canada remains enhanced and prevalent throughout the country, whether for the French minorities in English-dominated areas or vice versa.

Fife (2005) examined the indigenous language rights in the United States by investigating its legal status and the legal framework for the support provided by the regime to these communities. Fife found out that the support and the awareness of language rights in America was still in its initial stage compared with Western European countries. According to Fife, these rights are still inadequate to promote language maintenance and resuscitation according to scientific principles. He also showed that the legal framework for maintaining the language rights of the indigenous minorities still has an apparent gap regarding the reality of the regime action and the supportive policy statements. He vividly criticized the scheme that the United States adopted to protect the indigenous languages because it is in the primitive stage of development yet, and it might cause elimination for these languages.

According to Saarikivi and Marten (2012), political and institutional frameworks have a significant connection with identity in determining the statuses of minorities' languages. Their descriptions about many minority language statuses in North America, Russia, and some European countries indicated that the impact of some factors on minority language revitalization and maintenance differs from one to another based on the fundamental value of the factor. Moreover, to what extent their governments are considered ready to maintain and revive these languages. Saarikivi & Marten presented many related cases; for instance, they compare the situation of Oneida in the US and Canada to show the significant impact of the political system on the minority language revitalization. Yet, the economic success of the Oneida communities did not influence positively on their language position. Saarikivi & Marten also gave an example of language discrimination by the majority. It was evident with the situation of Delaware (Native American Group).

In the Russian context, ethnopolitics play a crucial role in determining the fate of minority language. For example, the region of Khanty and Mansi communities produces over half of the Russian oil, and they have a great impact on the public economy. However, these communities have severe obstacles in transmitting their language and culture (Vorobeva et al., 2015). Not far from Siberia, and some European countries, i.e., Finland, Norway, Sweden, and Russia, the ethnolinguistic vitality is determined by the considerable effect of the political and economic backgrounds. In addition, the administrative decentralization, governmental structure, and the protection of human rights also contribute to shaping the ground of ethnolinguistics. A prominent example is the Sami people who live across the above mentioned Scandinavian countries (Saarikivi & Marten, 2012). Norway is deemed the best, where Sami people maintained their language and culture and developed significant revitalization.

3. METHODOLOGY

This study is qualitative, more specifically a case study, as it deals with a specific minority language situation. The multiple data for this study were collected from official Iraqi documents on language policy in which formal documents, including all Iraqi amended constitutions from 1921 to 2005 and governmental websites and reports, have been textually analyzed. In addition, semi-structured interviews with six linguistic professors. The primary purpose of conducting interviews is to elicit participants' views, beliefs, and experiences about a specific subject. Creswell (2012: 18) indicated that interviews enable researchers "to probe for further information, elaboration, and clarification of responses while maintaining a feeling of openness to the participants' responses." It also allows for obtaining reliable and valid data relevant to a particular phenomenon. The interviews were carried out with three Kurdish professors and three Arabic professors majoring in linguistics. Using the purposive sampling technique, the sample for the interviews involved three Kurdish participants who work as lecturers at the University of Sulaymaniyah and the Faculty of Human Development and three Arabic participants who work at Al-Mustansiriya University, Baghdad. Creswell (2014) stated that the purposeful sampling technique allows the researchers to select those who can best help the researcher to understand the problem and the research questions and provide sufficient information for the study. The data obtained from interviews was analyzed thematically.

4. RESULTS AND DISCUSSION

4.1 Kurdish language status before 2003

In Iraq, the situation of the Kurdish language underwent three significant phases of development since the formation of the first Iraqi government in 1921 until 2003. The formation of the first Iraqi constitution, the Basic Law 1921, represents the first phase of this situation, whereas the Kurdish language and its speakers were not recognized as one of the national

languages or even as one of the Iraqi population components (Khadar, 2007). The year 1931 is considered the first turning point in the history of the Kurdish language in Iraq when it was merely recognized as one of the local languages for a particular area, according to the Law of Local Languages, which was enacted at that time. Contrary to 1931, the interim constitution of 1958, Article 3 avoided mentioning the Kurdish language as one of the local languages and asserted that “Iraq is part of the Arab nation” (Kirmanj, 2013). The amended constitution in 1964 was a disappointing factual point for Iraqi Kurds because it did not acknowledge their language officially. However, Article 19 stated that the national rights of Kurds had been recognized as part of the Iraqi people within the national and brotherly unity.

The second phase of Kurdish language status was recognized and allowed by the amended interim constitution (1970), which granted the Kurds the right of self-rule, particularly in the areas inhabited by the Kurdish majority. Nevertheless, the regime’s Arabization campaign at that time deprived many Kurdish regions of the right to use their language (Khadar, 2007).

April 1991 was the starting point of the third phase when the US and its allies created a safe haven after they forced Iraqi army to withdraw from Kuwait. They promote Iraqi Kurds to emerge from the central Iraqi Government and establish their Kurdistan Regional Government (KRG). This phase is considered another significant turning point that depends on the political support of the US to the Kurdish issue. Thus, the Kurdish language has been the working language of KRG, schools, media, and administration so that Kurds no longer felt forced to learn Arabic and made no effort to master it (O’Leary et al., 2005). The main phases passed by the Kurdish language are shown in Table 2 below.

Kurdish language and the Iraq constitutions	Event
1921	Kurdish was not recognized as a national language in the First Iraqi constitution.
1931 (Turning point)	The Kurdish language was recognized as one of the local languages for a particular area.
1958	The Kurdish language was not recognized as one of the local languages in the 1985 interim constitution.
1964	Kurdish was not recognized as an official language.
1979 (turning point)	The 1970 amended interim constitution granted the Kurds the right of self-rule in the areas of the Kurdish majority.
1991	The US and its allies created a safe haven. Iraqi Kurds established their Kurdistan Regional Government and Kurdish was the formal region language.
2005	2005 Iraqi Interim Constitution recognized Kurdish as the second language in Iraq.

Table 2. Phases passed by the Kurdish language in the Iraqi constitution

4.2 Kurdistan language status after 2003

The most significant phase of the Kurdish language started after the invasion of Iraq by the coalition forces in 2003. The subsequent political changes that followed the Saddam regime opened the way to draft the new Iraqi constitution in 2005. This constitution considers Iraqi Kurdistan as a federal entity recognized by the Iraqi central government and the United Nations. It also grants the Kurdish language the status of being official in all of Iraq and the status of the only official language in Iraqi Kurdistan. The new Iraqi Amended t Constitution (2005) stated in its Article 4, which related to the Official Languages, as follows;

“The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turcoman, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines or any other language in private educational institutions, shall be guaranteed. The scope of the term ‘official language’ and the means of applying the provisions of this Article shall be defined by law and shall include:

- (1) Publication of the official gazette, in the two languages;
- (2) Speech and expression in official settings, such as the National Assembly, the Council of Ministers, courts, and official conferences, in either of the two languages;
- (3) Recognition and publication of official documents and correspondence in the two languages;
- (4) Opening schools that teach in the two languages, in accordance with educational guidelines;
- (5) Use of both languages in any other settings enjoined by the principle of equality (such as banknotes, passports, and stamps); Use of both languages in the federal institutions and agencies in the Kurdistan

region”.¹

Based on Article (4) items, the new constitution guarantees the rights of all minorities inspired from the international law of human rights. However, the Kurdish language got more privacy and interest by considering it as an official language besides Arabic. In Iraq, all official correspondences and institutions, including ministries issue publications, are Arabic and Kurdish. Moreover, the latest issue of Iraqi passport bears three languages; Arabic, Kurdish, and English. This is excellent evidence of the Kurds' harmony with their fellow citizens in the country.

4.3 Factors grant the Kurdish language its new status

A commonly-used concept in language policy is that if a language of any independent minority has been banned, their identity and even existence will be suppressed as a result (Joseph, 2004 & Edwards, 2009). By drawing on the principle of “Language is a basic means to retain a unified identity” (Sheyholislami, 2010:291), Iraqi Kurds started their long journey to state their language as an official language in a country they only represent one of its minorities to maintain their existence and national identity. After the Anglo-American invasion in 2003, Iraqi Kurds made a great effort in this regard, taking advantage of being well integrated into many aspects. In this context, the social, economic, and political factors have a broad and significant impact on Kurdish language maintenance.

In terms of the social aspect, Kurds' self-awareness of the self-determination necessity contributes to the successful collaboration of the Kurdish people in preserving their dream to have their own country, which they have never had before (Elis, 2004). Besides, the powerful social integration among the Kurds themselves, the social and political stability, and the well-designed image of Kurds as civilized and open-minded society among the coalition forces have helped Kurds establish a supported front to demand all their rights, particularly language rights. This line of thought was addressed by Kurdish professors; for example, KP1 stated that “Before that period, i.e., 2003, the Iraqi authorities worked to make Arabic the only language in Iraq and the Americans believed that this change may change the world's perspective about the invasion claiming that democracy came to Iraq after 2003.” Similarly, in their interviews, Arabic professors expressed the vital role of the Kurdish social factor in having their rights. They indicated that their good social reputation in many places they lived contributed significantly to make well-relation with different nations. Expressing this idea, AP2 mentioned, “Kurds worldwide won a good social reputation as they are peaceful, well-rapport, and open-minded.”

Concerning the economic factor, unlike the other parts of Iraq, Kurdistan Region witnessed a noticeable growth rate in the economy after 2003. The support of Kurds' representatives to the Anglo- American invasion of 2003 provided the region with authentic protection since 1991 and prompted foreign investors to invest in the main two cities of the region, Erbil, and Sulaymaniyah. Besides, being an oil-rich source gives the Kurdistan region the privilege to attract most of the coalition forces to support their aim to preserve their existence, including the language and identity, which represent the most outstanding parts. Furthermore, some luxurious hotels, shopping malls, and tourist resorts have been erected due to the new changes and scattered along with the region territory. In this respect, KP3 stated that “The absolute protection for the Kurdistan region provided by the coalition forces after 1991 made it a peaceful place, which encouraged many investors to establish many projects in Kurdistan. Also, the support of the Kurdistan people to the Anglo- American invasion of 2003 sustained the investment and strengthened the economic situation in general.”

With respect to the political factor, evidently, the speech of the Kurdish government's top representative in the USA says, “In the Middle East, we're seen as being allied with the United States, that makes us unpopular in the Arab world, but we're proud of it. We hope that alliance that friendship will be reciprocated.” (Kelley, USA TODAY, 28th June 2007). Furthermore, international law alone is not enough to promote minorities' languages unless there is external support like the USA. “Without US support, Kurdish rights would be severely jeopardized, as we see from recent history and by the place of Kurdistan within the region” (Chomsky in Kurdistani Newspaper, February 17, 2008). In the same vein, KP2 and AP1 argued that the US support for the Kurdish language promoted their allegation of bringing democracy to the region. For that, KP2 said, “the US government's role to claim that they brought democracy to Iraq.” Here it is possible to deduce that US support played a key role in granting the Kurdish language its new status. This idea was also expressed by AP1, “The excellent diplomatic relationship between the Kurds' leaders and the US government supported and strengthened Kurds' positions in the Iraqi Federal Government at Baghdad.”

5. CONCLUSION

International law guarantees the right of minorities to use their languages; nevertheless, in many countries around the world, there are minorities whose right to use their languages is confiscated by the ruling governments for political reasons. In Turkey, Kurdish is a forbidden language. According to Mowbray (2006), the Kurdish language is prohibited all over the aspects of life. The Amazigh language in Libya is also banned, “Libya as an Arab nation and Arabic as the country's only official

¹Iraqi amendment constitution (2005)

language. Consequently, Berber (Amazigh) languages are not officially recognized and cannot be used in public institutions” (Al-Rumi, 2009:4).

In most countries, the majority feels that the language of the minority is their opponent, and the majority’s existence is threatened if the minority language is mainly used. Romaine (2002) stated that any efforts to promote unrecognized minority language in new domains would face a great rejection by the dominant language speakers. For the Kurdish language in Iraq, the unprecedented status planning change raises several issues; firstly, why does the Kurdish Language ban and oppress in the surrounding countries such as Turkey, Syria, and Iran. Secondly, the timing in which the Kurdish language was promoted in Iraq after the (2003) Anglo-American invasion of Iraq. Apparently, the Kurds and their Kurdish language are fully supported by the US and deemed as local allies in the region. This fact is clearly confirmed by Massoud Barzani (2006), the president of KRG, that “Iraq’s Kurds have consistently been America’s closest allies in Iraq.” (Judish, Wall Street Journal, Eastern edition, 28th Oct. 2006). This is also echoed by Rafaat (2007), who argues that the Kurds have a significant advantage as they support the US presence in Iraq which in turn created a tremendous cooperative relationship among them.

In sum, international law alone is not enough to promote minorities’ languages unless external support exists. Nevertheless, in Iraq, the Kurdish language goes beyond the ethnic minorities and their language rights if we compare it with other countries considered the democratic patron and maintained for human rights.

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