# Prospects for an Independent State for the Kurds in Iraq

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# List of Abbreviations

| | |
|---|---|
| AD | Anno Domini |
| AKP | (Turkey's) Justice and Development Party |
| BC | Before Christ |
| CIA | (United States') Central Intelligence Agency |
| CPA | Coalition Provisional Authority |
| DFR | (KRG's) Department of Foreign Relations |
| EC | European Community |
| EEC | European Economic Community |
| EU | European Union |
| GOI | Government of Iraq |
| IAEA | International Atomic Energy Agency |
| ICP | Iraqi Communist Party |
| IDP | Internally Displaced People |
| IGC | Iraqi Governing Council |
| IIG | Iraqi Interim Government |
| IKF | Iraqi Kurdistan Front |
| IMK | Islamic Movement of Kurdistan |
| IR | International Relations |
| IRGCs | (Iran's) Islamic Revolutionary Guard Corps |
| ISIS | Islamic State in Iraq and Syria |
| KCC | Kurdistan's Consultative Council |
| KDP | Kurdistan Democratic Party |
| KDPI | Kurdistan Democratic Party of Iran |
| KDP-PL | Kurdistan Democratic Party-Provisional Leadership |
| KIU | Kurdistan Islamic Union |
| KNA | Kurdistan National Assembly |
| KNC | (Syrian Kurd's) Kurdish National Council |
| KRG | Kurdistan Regional Government |
| KRI | Kurdistan Region of Iraq |
| KRSO | Kurdistan Region Statistics Office |

| | |
|---|---|
| MFA | Ministry of Foreign Affairs |
| MNR | Ministry of Natural Resources |
| NATO | North Atlantic Treaty Organization |
| NGO | Non-Governmental Organization |
| PASOK | Kurdish Socialist Party |
| PJAK | Kurdistan Free Life Party |
| PKK | Kurdish Workers Party |
| PMFs | Popular Mobilization Forces |
| PUK | Patriotic Union of Kurdistan |
| PYD | (Syrian Kurd's) Democratic Union Party |
| RAF | (British) Royal Air Force |
| SFRY | Socialist Federal Republic of Yugoslavia |
| SOMO | (Iraq's) State Organization for Marketing of Oil |
| SPKI | Socialist Party of Kurdistan in Iraq |
| TAL | Transitional Administrative Law |
| U.K. | United Kingdom |
| U.S. | United States |
| UAE | United Arab Emirates |
| UAR | United Arab Republic |
| UN | United Nations |
| UNAMI | United Nations Assistance Mission for Iraq |
| UNGA | United Nations General Assembly |
| UNSC | United Nations Security Council |
| USAID | United States Agency for International Development |
| USSR | Union of Soviet Socialist Republics |
| WB | World Bank |
| WMD | weapons of mass destruction |
| WWI | World War I |
| WWII | World War II |

# Chapter 1: Introduction

The Kurds are the largest stateless ethnic group in the world. The events from the past decades positioned the Kurdish people to reshape the complex history of the Middle East, especially for the Iraqi Kurds who have struggled to curve their identity and independence since the creation of Iraq following World War I (WWI). The Kurds in Iraq are a sub-state nationalist group with features of both civic and ethnic nationalism. On the one hand, they refer to the historical existence of their distinct ethnicity and identity in line with ethnic nationalism, highlighting their right to self-determination. On the other hand, they try to appeal to the democratic and liberal principles, particularly democratization and state building, in order to give a justification for their cause. Kurdish nationalism in Iraq is associated with the creation of modern nation-states in the Middle East. The oppressive policies of these new states vis-à-vis the Kurds have motivated the rise of Kurdish nationalism. The widely spread nation-states have consolidated the Kurdish nationalism in Iraq and stimulated their aspiration to statehood.

The aftermath of the Gulf War created a situation in which the Kurds in Iraq could self-rule their people and territory, and they managed to establish a government and create the foundation of their state-like entity, called the Kurdistan Region of Iraq (KRI). After the regime change in Iraq in 2003, the Kurds rejoined Iraq, but they did not give up their right to self-determination and practiced it internally through a federal structure. The dysfunctionality of the federal system in Iraq and near failure of the state with the rise of the Islamic State in Iraq and Syria (ISIS) provided a ground for the Kurds in Iraq to push for their right to self-determination externally via secession and setting up their own state.

However, before seceding from Iraq and achieving recognition as an independent state, KRI must satisfy the criteria required for statehood. So far, KRI meets the generally accepted requirements of statehood as stipulated in the Montevideo Convention on the Rights and Duties of States. KRI has a permanent stable population of over 5 million people and a defined territory made of the three governorates of Erbil, Sulaymaniyah and Duhok. The fact that there exist territories other than the mentioned three governorates disputed between KRI and the Government of Iraq (GOI), including Kirkuk and Sinjar, among others, does not restrict KRI's claim for recognition and statehood. This is because historically, entities were

recognized as states despite having their borders in dispute. Examples of such cases include Albania, Poland and Israel. The KRI also satisfies the requirement of having a relatively effective government called Kurdistan Regional Government (KRG), which existed since 1992 as a de facto independent entity. Following the regime change in 2003, KRI went in a federal arrangement with Iraq but the Kurds kept running their de facto state and were in control of their security, economy and politics. KRI exports its oil independently, gets certain foreign investment and receives delegations just like an independent state. KRI also shows the capacity to develop bilateral relations with regional states and other members of international community. In particular, following the establishment of the Department of Foreign Relations (DFR) in 2006, the KRG enhanced bilateral relations with various countries which had opened their consulate and diplomatic offices in Erbil, including the five permanent members of UNSC, as well as Germany and the two neighboring countries of the Islamic Republic of Iran and Turkey, among others. In the meantime, the KRG had also established several representation offices worldwide, including *inter alia* in the United States, United Kingdom, France, the European Union and Iran. The Iraqi constitution of 2005 gives KRI substantial independence in managing most of its affairs and has given KRI's laws supremacy over the federal ones in case of conflict. Accordingly, the KRG maintained sovereignty over its people and territory. That is, the KRI meets other requirements of statehood not encompassed in the Montevideo Convention. KRI has most of the state characteristics and already functions semi-independently from Iraq. The only requirement KRI needs to fulfill to become a sovereign independent state is recognition. This being the case, a declaratory approach might be considered in recognizing the Kurdish state, as it is going to be recognition of an already established state.

With the KRI fulfilling the statehood criteria but lacking international recognition and looking forward to independence, it satisfies the definition of de facto states. The KRI has managed to achieve a degree of de facto statehood in terms of performing its sovereign authority over its people and territories but struggles for gaining international legal recognition. Like other de facto states, the pursuit of international legitimacy is obvious in the policies of KRI, which has – similarly to other de facto states – built its arguments for statehood and international recognition on several justifications derived from international norms. One recognition strategy the Kurds indicate in their claim for statehood is their national right to self-determination. The Kurds in Iraq likely qualify for the right of self-determination since they meet the objective and subjective criteria of a nation. They are a

distinct ethnic group with their own language, culture, history and territory, and its people have affinity among themselves and aspiration to statehood. Through the international practices beyond decolonization, it can be noted that the general view is practicing the right to self-determination internally through autonomy or federal structures. However, the denial of this right internally might provide the grounds to exercise the right externally through the establishment of an independent state, as was the case with Bangladesh and Eritrea. The other Kurdish claim for statehood was based on the injustices they have gone through, including genocide and gross violations of their human rights. The independence of Kurds in Iraq is necessitated as a remedy for their historical oppression at the hand of Iraqi governments, which included the deprivation of national and human rights, assimilation, deportation, gassing and mass murder. The international community does not favor secession since it is viewed as being contradictory to the territorial integrity of sovereign States. However, international practices demonstrate that remedial secession may be allowed in extraordinary circumstances, such as when the right to internal self-determination of a group is exasperated and if the actions of the state threaten the physical survival of its members, like in the case of Kosovo. KRI also supports its claim to recognized statehood by its relative success in the democratization and state building processes and through what is called the earned sovereignty approach. Recognition of post-Soviet and Yugoslav republics in the aftermath of the Cold War on the condition of their commitment to democratization took the attention of KRI and other de facto states to follow suit in seeking international recognition. The KRI also argues that its statehood can be justified through the application of earned sovereignty approach, as it was the case with East Timor in 2002 and South Sudan in 2011. The KRI also supports its campaign for international recognition by relating its claim to statehood with the failure of Iraq as a state, which makes the Kurdish claim more logical.

Prospects for an independent state for the Kurds in Iraq have been faced with numerous challenges that kinked the issue. The first factor complicating the independence prospects is the internal situation of the Kurds in Iraq and the disunity and rivalry between the Kurdish political parties. The second is the troublous relationship between the KRG and the GOI and the financial dependency of the former on the latter. Other hurdles encompass the intervention of the neighboring countries that have a significant population of Kurds, such as Turkey, Iran and Syria. These states fear that the newly formed Kurdish state would have implications on their Kurds and could be used as a base to launch or finance military campaigns in the region. Therefore, the regional powers stand against the independence of

Kurds in Iraq and consider it as a threat to their national security. Another impediment is presented by the attitude of the international community and their commitment to the territorial integrity of states. As such, KRI's independence prospects do not only hang upon internal Kurdish politics, and the role of the GOI and the external powers is crucial in determining KRI's statehood.

The KRI is in a sovereignty-based conflict with the state of Iraq. It is a conflict between a de facto state and its base state. The subject of de facto states has been dealt with from different standpoints by various scholars but mainly falls under a systemic perspective – examining the existence of the de facto state in the state-system – or a perspective concentrating on the development of the de facto state and its pursuit for international legitimacy. This work joins the latter perspective with the aim of further contributing to the study of legitimization strategies of de facto states. This research focuses on the establishment of the Kurdish de facto state, the KRI, and its evolution in the last three decades, underlining its commitment to a statebuilding process, adoption of international norms and constant interaction with the international society in order to induce their support, gain recognition and become fully sovereign.

## 1.1. Problem Statement

The end of WWI resulted in the birth of new states in the Middle East. Immediately after the breakup of the Ottoman Empire, the Kurds were promised statehood in territories where they composed the majority (Treaty of Sevres 1920). The Kurds, however, were deprived of gaining their own independent state (Treaty of Lausanne 1923), and their region and populations were divided among four countries: Turkey, Iran, Iraq and Syria.

The creation of new states in the Middle East motivated the Kurds to pursue their own state. After the promise of an independent Kurdistan – a state which the Kurds in Iraq would be given the choice of joining – was not realized and the Kurds in Iraq were deprived of autonomy within the newly created Iraq, the Kurds in Iraq have raised and struggled for their national rights. The promotion of nation-states and the spread of people's right to self-determination have increased the sense of nationalism and ethnicity around the world. This has accordingly led to the emergence of nationalist and secessionist movements imposing a serious threat to the territorial integrity of many states, including Iraq. Since the creation of

Iraq, the Iraqi Kurds were not integrated in their supposedly new country, and their national rights were not recognized. Furthermore, they were oppressed by the Iraqi governments and went through assimilation processes, which led to the evolution of the Kurdish national movement. The Kurdish struggle in Iraq reaped a limited autonomy in the 1970 but fell short of the expectations of the Kurds and was crippled by the insincerity of the Iraqi government and the interference of external powers. The greatest development to the Kurdish status in Iraq in the twentieth century took place in 1991, following the Gulf War and undoing the Iraqi intervention of Kuwait. The Kurds gained the opportunity to rule themselves apart from the Iraqi government and under the protection of the international community. However, following the 2003 regime change, the Kurds rejoined Iraq but kept enhancing their de facto state and were semi-independently running most of their region's affairs. In the last three decades, the Kurdish question in Iraq has undergone important phases and has been influenced by domestic and external factors. These changes played a significant role in the evolution of Kurdish demands regarding their right to self-determination, including having their independent state. Despite the evolution of the Kurdish nationalism in Iraq, the Kurds are still struggling to establish their independent state, their ultimate national goal. Although Kurds in Iraq have managed to put the foundation of their own state, they have so far failed to gain international recognition. Their entity, namely KRI, functions as a de facto state. The main research problem is to examine KRI's endeavor of gaining recognition and its prospects to become an independent state.

## 1.2. Research Questions

The purpose of this research is to investigate the independence prospects of the Kurds in Iraq and the evolution of their de facto state – KRI – since the break-out of the Gulf War in 1990. This can be done through addressing the following questions:

- What are the statehood characteristics of KRI?
- What are KRI's justifications for claiming statehood?
- To what extent does the GOI and the external factors influence KRI's quest for statehood?
- What are the obstacles in KRI's path to statehood?

## 1.3. Research Objectives

The main objective of the study is to find out the determinants of KRI's recognized statehood. This study will meet various objectives that include, first, identifying the state characteristics of KRI. Second, it will consider KRI's strategies for gaining international recognition and claiming statehood. Third, it will examine how the behavior of the Iraqi governments and the role of external actors and international environment influence the KRI's quest for independence. Finally, it will identify the internal and external impediments in KRI's path to statehood.

## 1.4. Significance of Research

The significance of this research lies in its contribution to filling the gaps in the limited literature on Kurdish independence in general and the post-ISIS era in particular. Since there are few studies that have reviewed prospects of an independent KRI, this research will help to enlighten about the quest of the Kurds in Iraq for the right to self-determination and KRI's prospects for independent statehood covering the recent development in Iraq and the region. Therefore, the research will help minimize the existing literature gap about the prospects for an independent Kurdish state.

This study will provide a detailed conceptual approach to address the problem, which is absent in many similar studies. The use of such an approach is a requirement of scientific research. This work addresses the development of Kurdish nationalism in Iraq and KRI's quest for statehood, and provides a clear analysis to the strategies adopted by KRI in its urge for recognition. The study also examines the different roles played by the Iraqi government, external actors and the international environment in promoting or discouraging this prospect. More specifically, the conceptual framework will help illustrate the complex interrelationship between KRI, the Iraqi government and the international players.

Understanding the potential ways to resolve the Kurdish issue in Iraq and their quest for the right to self-determination – including the establishment of their own independent state – would provide a potential model for addressing the issue of sub-states or ethnic groups of similar nature in other parts of the world. Furthermore, singling out KRI's policies as a de

facto state and the justifications it raises in its claim to statehood could be put to good use to study other de facto states. That is, the knowledge of KRI's independence case can be applied in other case, and the independence prospect of the Kurds in Iraq offers a perfect case study where the existing conceptual framework can be utilized to justify independence.

In addition to its contribution in academia, this work will be beneficial to the policy makers of KRI, Iraq and the regional and international stakeholders of Kurdish independence. The research will review KRI's independence prospects using the historical, present and future perspectives, thus making it more informative to the policy makers of the concerned countries. The evolution of the Kurdish national movement and their statehood prospects affect the stability and the political future of the Iraqi state. Therefore, the policymakers in Iraq need to know the current and future implications of granting independence to the Kurds. Due to the geographic importance of the KRI, located between Iran, Turkey and Syria, the development of the Kurdish prospect of independence is of high concern for the neighboring countries, as they fear their own Kurdish populations will be inspired by KRI's statehood. Because of the geopolitical importance of KRI to Iraq and other regional countries, KRI's independence is considered an influential factor for the stability of the Middle East. Thus, the policy makers of the regional states need to know how independence of the Kurds in Iraq will aid or threaten their peace. The Kurdish policy makers, on the other hand, need information about the best possible settlement that can grant the Kurds their independence without undesired repercussions in the future. This research will synthesize many aspects that can be beneficial to the policy makers regarding KRI's quest for statehood.

## 1.5. A Note on the Use of the Terms "De Facto State" and "Base State"

In this work, the researcher employs the terms "de facto state" and "base state." The term "de facto state" refers to entities relatively effective in performing their power and authority over their people and territory but struggle for their independence and international recognition (Pegg, 1998). Such entities were relatively successful in the state building process but fail to gain international recognition. The term was firstly defined by Pegg (1998) and was later adopted by many other researchers in academia, such as Bartmann (2004), Lynch (2004), Florea (2014), Voller (2014) and Toomla (2016). However, other terms have also been used in the literature of "de facto states," such as "pseudo states" (Kollosov & O'Loughlin 1998);

"contested states" (Geldenhuys, 2009); "unrecognized states" (Caspersen, 2012); "states-within-states" (Kingston & Spears, 2004); and "unrecognized quasi-states" (Kolstø, 2006), among others. The researcher chooses the term "de facto state" because it brings the attention first to the entity itself and the sovereignty and other state characteristics it has, rather than viewing the entity from the international society's perspective as the terms "contested states" or "unrecognized states" suggest. The term "base state," on the other hand, refers to the original or internationally recognized entity that the de facto state seeks to secede from. These recognized entities also claim sovereignty over the de facto state. In academic literature, the term "parent state" is widely used (Caspersen, 2012; Kolstø, 2006; Pegg, 1998; Pegg & Berg, 2016; Voller, 2014). However, a group of researchers use the term "metropolitan states" (Harzl, 2018; Lynch, 2004; Mikhelidze & Pirozzi, 2008; Relitz, 2019). The Greek term "metropolitan" means "mother city." The researcher opted not to use the terms "parent state" and "metropolitan," since the relationship between the de facto state and the host state is conflicting and not privileged as the relations with the mother or parents. As such, the term "base state" is adopted in this research.

## 1.6. Literature Review

The literature on Kurds largely includes extensive studies of the Kurds in Iraq and the development of their national identity and nationalism. Notably, most of the researchers focused on the events taking place after the 1991 uprising and the 2003 United States military intervention, witnessing Saddam Hussein's ouster. While certain researchers traced the development of Kurdish nationalism and their aspirations for statehood, others concentrated on the future of KRI and the role of external players in determining its independence. This section examines the most significant and reliable works available in a bid to understand the prospects for an independent state for the Kurds in Iraq. The literature review will compare and analyze the sources based on particular organizational themes, points presented, and conclusions reached.

The works of McDowall, Tahiri and Natali provide insights on the development of Kurdish nationalism and their struggle for an independent state. McDowall's (1996) *Modern History of the Kurds* is one of the most reliable studies of the modern political history of the Kurds and their interplay with the regional states. It provides useful analyses to the major changes

following the WWI and the denial to self-determination to the Kurds by Great Britain. It further gives insights in understanding the dynamics that moulded the emergence of Kurdish nationalism in Iraq and other modern regional states – Turkey, Syria and Iran – where the Kurds inhabit. McDowall argues that, in addition to the role of regional states, the structure of Kurdish society, as well as the internal adversaries, is to be blamed for the Kurdish helplessness to form their own state. In a similar manner, Tahiri (2007) attributes the failure of Kurds to establish their own state to external factors as well as internal factors embodied in the structure of Kurdish society. He concentrates on the internal Kurdish society and politics and argues that it was because of tribal division among the Kurdish society and their dependency on external powers that the Kurds had frittered away numerous chances to statehood. The U.S. invasion of Iraq in 2003 paved the way for the Kurdish nationalism to boost; however, a huge obstacle remained in place and the Kurdish major parties, mainly KDP and PUK, were still unable to form a united democratic government (Tahiri, 2007). According to Natali (2005), the emergence of new nation-states after WWI and the new regional order in the Middle East have prevented the Kurds from advancing their nationalism and joining forces under one movement. As a result, Kurdish nationalism, Natali (2005) indicates, has been visualized by Kurdish nationalists differently depending on the political space in each of the states they inhabit. She claimed that Kurdish nationalism was not associated with anything fixed or natural. Instead, it was a product of the formulation of nation-states in the region.

Other works of Natali, Bengio, Voller and Rafaat revolve around "quasi state" and "de facto state" approaches in exploring the development of Kurdish national movement in Iraq. Natali's (2010) book *The Kurdish Quasi-State* examines the manner in which external influence shaped the Kurdish politics, culture, and society. The book traces the resultant transformation in the Kurdish society in the post-Saddam Iraq and sheds the light on the changes in the relationship between Baghdad's government and Kurdistan region. The United States foreign policy assisted in creating and maintaining the Kurdish quasi-state. Natali (2010) defines "quasi-states" as "political entities that have internal but not external sovereignty and seek some form of autonomy or independence" (p.xxi). The source pointed out that the 2003 U.S.-led invasion of Iraq has turned the Kurdish northern region from an isolated location into an autonomous and internationally recognized region. The generous external assistance in the Kurdistan region gave it a new type of legitimacy and a voice in the

country and in the Middle East region (Natali, 2010). In a similar manner, the work of Bengio (2012) tracks down the development of Kurdish nationalism in Iraq since the establishment of the Baathist rule in 1968 until 2010. The author highlights both internal and external struggles that surrounded Kurdish nationalism, underlining the extent to which Iraqi Kurds have reached in the state-building and nation-building processes. The Gulf War in 1990 and the regime change in 2003 had resulted in the consolidation of the Kurds in Iraq on "ideological" and "practical" levels. With external support flowing into their region, the Kurds succeeded in establishing an autonomous entity with characteristics of an independent state (Bengio, 2012). As the work's title suggests, "The Kurds of Iraq: [are] building a state within a state." According to the author, the Kurds had an advantage over their Shia and Sunni neighbors in the post-Saddam Iraq because the uniformity of objectives among their diverse political factions allowed them to keep many of the gains they had achieved after the Gulf War, for example retaining the Kurdish Peshmerga forces (Bengio, 2012). As such, the Kurds were also able to play a vital role in the new Iraq and even mediating in Sunni-Shia disputes.

Voller (2014), on the other hand, investigates the metamorphosis of the Kurdish national movement from an armed guerrilla movement, which sought liberation from the Iraqi government, into a de facto state called the KRI. The author utilizes the "de facto state" approach as his theoretical framework in examining Iraqi Kurdistan Region in post-Gulf War until 2012. He defines a "de facto state" as "a political entity whose leadership has wide autonomy in both its domestic and foreign policies, has established government institutions, and which perceives itself as deserving full legal and institutional independence" (p.4). The work explained that the ascendance of the Kurdish issue in Iraq created a new kind of interaction between the Kurds and international community. After the foundation of the state attributes and relatively successfully claiming legitimacy over their region, the Kurds aimed at seeking recognition – a feature the Kurdistan Region lacked, but which has not prevented it from dealing independently with the outside world. This, consequently, had implications on the domestic politics and regional geopolitics. Rafaat's (2018) work identifies Kurdistan in Iraq as a nation-without-a-state. The author explains that KRI is an outward looking entity and the external patronage it received had transformed it into an unrecognized quasi state. His book looks into the development of the Kurdish quasi state in Iraq since the beginning of 1960s and following the surge of ISIS.

The works of Gunter, O'Leary, McGarry, and Salih, Owtram, Anderson & Stansfield, Galbraith and Entessar contemplate on the future of KRI and Iraq in the aftermath of the 2003 invasion between federalism and partition. Gunter's (2008) work prescribes federalism in Iraq a key to a solution to the Kurdish problem in the country. He gives insights on how the Kurds in Iraq are gingerly ascending. According to the author, the two recent U.S. wars – the Gulf War and the U.S.-led 2003 regime change – against Saddam Hussein had resulted in the establishment and consolidation of KRG in northern Iraq. He states that failure of post-Saddam Iraq to accommodate the Kurds under a federal, democratic and stable government might lead to creation of an independent Kurdish state. The edited work of O'Leary, McGarry, and Salih (2006) also scrutinizes the future of Kurdistan in Iraq. The work examines the consequences of the ouster of Saddam and the constitutional and political relations of the Kurds with the rest of Iraq. The U.S. invasion of Iraq paved the way for the Kurds to actively participate in the development of the new Iraq and projected their desired vision of a multi-national federation. O'Leary et al.'s edited book argues that a political system recognizing the cultural, ethnic and national distinctiveness of its communities within a "plurinational" federation is the best solution for managing the conflicts in diverse societies. Thus it contends that a Kurdistan within a federal Iraq best serves the interests of the Iraqis and the regional states (O'Leary et al., 2006). Owtram's chapter in Stansfield and Shareef's (2017) edited book predicts rather different prospects of the application of federalism. The author highlights the "paradox of federalism" and indicates that while federalism can be suitable for divided societies and for the maintenance of territorial integrity of states in the short run, it can become a stepping stone to secession in the long term. The writer additionally argues that the federal constitution has strengthened the Kurds in Iraq and assigned them with the powers to step forward in their state building project (Owtram, 2017).

Anderson & Stansfield's (2005) work provides an insightful history on the core dilemma of Iraq, a country that is divided by ethnic, religious, and political antagonisms. The authors argue that Iraq is an artificial state and its people have never shared a common identity. They ascribe the violent governance in Iraq to the British, who controlled the region following the breakup of the Ottoman Empire. The British role was embodied through their decisions to attach the Kurdish Province of Mosul to Baghdad and Basra provinces and imposing the Sunni Muslim minority over the Shia majority and the Kurds who were seeking independence. They conclude with laying out different scenarios about the future of Iraq, underlining the advantages and disadvantages of each. They argue that among "dictatorship,

democracy or division" the "managed partition" might be the best option for the fragile Iraq. Correspondingly, in his book *The End of Iraq*, Galbraith (2006) argues that the U.S.-led 2003 invasion of Iraq has disintegrated the latter into pro-Western Kurdish North, Iran-dominated Shia South and disrupted Sunni center. He contends that by removing Saddam Hussein and by dissolving the Baath Party and state institutions such as the Iraqi army and the security forces, the Iraqi state has disappeared. The author stresses on the intensity of the ethnic and religious divisions in Iraq and suggests that the U.S. should acknowledge Iraq's breakup and help the mentioned communities strengthen their entities, particularly the semi-independent Kurdish region.

Entessar's (2010) work offers an overview of the Kurdish politics and history in Turkey, Iran and Iraq, with more focus on the latter. According to Entessar, the success of the Kurdish struggle is in an inverse relationship with the strength of central governments in their countries of residence. The work further touches on the weakness of the Iraqi state and explores the impact of recent events, such as the Iran-Iraq War, the Gulf War of 1991, and the 2003 invasion of Iraq, on the Kurdish issue. In the author's opinion, Kurdish nationalism presents a challenge to the nation-state system in the Middle East. In the concluding part of his work, Entessar contemplates the future of Kurds in view of the prevailing international system, indicating that the community could end with either independence or autonomy.

The works of Phiilips, Rubin, Danilovich, and Nader, Hanauer, Allen & Scotten circle around the developments in Iraq and the region in the aftermath of the Arab Spring and the rise of ISIS, examining the opportunities and challenges it generated to the prospect of an independent state for the Kurds in Iraq. Part of Phillips' (2015) work, which explores the subjugation of the Kurds by the Persian, Ottoman, and Arab powers throughout history, is devoted to the Kurds in Iraq. According to the author, the fragility of the Iraqi state and fragmentation of its communities, mainly Shia Arabs, Sunni Arabs and Kurds, provides the latter with a fertile ground to amplify their semi-independent entity so that they can declare statehood in the event of failure and collapse of Iraq. Phillips argues that the United States has no better allies in the region than the Kurds, through whom it can achieve its security and strategic interests. By mobilizing the Kurds against Saddam's regime and later using them as a rampart against extremists and recently against the ISIS, the United States assisted in concentrating power in the Kurdistan region. The book concludes with the likelihood of independence of the Kurds in Iraq and the preconditions upon which it relies.

Rubin (2016) approaches the subject from a holistic perspective. He applies an informative strategy by answering topical questions, such as, is this Kurdistan's moment? What do the Kurds want? Through this approach, he establishes a firm foundation for comprehending the struggle of the Kurds in Iraq. He considers the position of the Kurds from the perspectives of their neighbors and the U.S. foreign policy. In his study, Rubin raises important questions regarding the challenges that the Kurds might face during and after declaring statehood. Beside the obstructions made by regional states, the challenges include "disputed borders, disunity, major gaps in defense and infrastructure, and major economic challenges" (p.123). Rubin also examines whether the Kurds would able to defend their entity diplomatically and militarily in that hostile region. He also analyzes the importance of the United States' intervention in the quest for an independent Kurdistan.

The Arab Spring that emerged in late 2010 challenging the authoritarian regimes in the Middle East provided the Kurds with a unique opportunity to rise as a formidable force in the region (Danilovich, 2016). In his edited book *Iraqi Kurdistan in the Middle Eastern Politics*, Danilovich (2016) manifests how the United States and Israel heavily rely on the Kurds to facilitate their policies towards Iraq, Turkey, Iran and Syria. Unlike the Kurds in other Middle Eastern countries, Iraqi Kurds registered a notable success in state building, and became a source of inspiration to Kurds in other regions to seek their own national rights (Danilovich, 2016). The book deals with examining Kurdish attempts at statehood, analyzing the socio-economic policies of KRI. It also provides insights on the prospect of KRI's independence in the current international system of sovereign states, elaborating on the Kurdish issue in a regional and global context. The work of Nader et al. (2016) also revolves around the regional implications of KRI's independence. The source specifically inspects the interests and possible reactions of three neighbors – Baghdad, Ankara and Tehran – if the Kurds decided to secede from the rest of Iraq. The authors propose potential scenarios regarding the independence of Iraqi Kurdistan underlining its impact on the Kurds in the neighboring states along with examining policy options for Baghdad, Ankara and Tehran.

The works of Olson, McKiernan, Lawrence, Shareef, Phillips and Rafaat come to grips with the theme of the United States as a patron for KRI. Olson (2005) continues the debate by describing how the United States contributed to the process of state formation in Iraqi Kurdistan by the invasion and occupation of Iraq in 2003. His book also manifests how regional states hosting considerable Kurdish populations – Turkey, Iran and Syria – teamed

up to restrain the state formation in Iraqi Kurdistan and to limit – albeit ineffectively – the consolidation of Kurdish nationalism. The book gives more attention to the role of Turkey by analyzing its perceptions and responses to the developments in Iraq and examining the evolution of the Turkish-Kurdish relations during a two-year period from 2003 to 2005. The source advances the viewpoint illustrated by the other researchers by showing how Turkey disliked the idea of state formation in KRI, but because of the United States' occupation in Iraq, Turkey was unable to play a major political or military role in Iraq. Instead, Turkey sought to achieve a geopolitical position by championing for trade and economic relations and participating in the implementation of policies suggested by the United States.

Additionally, McKiernan (2006) emphasizes the role of the U.S. when giving an account to the events revolving around the 1991 uprising and the 2003 regime change in Iraq. His account seeks to understand the reason for which the Kurds naturally became allies with the United States. He argues that the Kurdish national movement has evolved following the U.S. intervention and regime change in Iraq in 2003, making the prospect of independence of the Kurds in Iraq plausible. Similarly, Lawrence (2008) constructed a book around the Iraqi Kurds' relationship with the United States and how the latter was influential in determining the fate of the Kurds. His book, akin to that of McKiernan's, details how the Kurds endured betrayal and persecution throughout history, surviving only through compromises with greater powers. It further describes the bloody road the Iraqi Kurds crossed before they reached stability in the aftermath of regime change in Iraq. Lawrence demonstrates that the 2003 American invasion of Iraq was considered a huge leap towards the consistently desired goal of official statehood. After the successful invasion, the fate of the Kurds seemed to depend on the nature of foreign policies adopted by the United States.

Shareef (2014) advances Lawrence's viewpoint by describing the major elements of the U.S. Iraq policy. His book provides "a descriptive and analytical narrative of the evolution of U.S. foreign policy towards Iraq on the global, national and subnational level" (p.2). The book also provides an analysis of the U.S. policy towards Iraqi Kurds, which is enclosed within its policy towards Iraq. It covers the Kurds' relations with the U.S. since the beginning of 1960s when such a relation evolved with the Kurdistan Liberation Movement until the second decade of 21$^{st}$ century. Shareef (2014) argues that "U.S. policy towards the Iraqi Kurds has always been a dependent variable," indivisible from its policy towards Iraq and other regional states (p.183). Yet the U.S. foreign policy plays the most instrumental and influential role in shaping the prospects of Kurdish independence in Iraq.

Phillips' (2018) book sets about the United States' role in the Kurdish question in Iraq and the Middle East. It also tackles how the U.S. has betrayed the Iraqi Kurds on three occasions in spite of its reliance on them in implementing its foreign policy objectives in Iraq. The author contends that the U.S. has abandoned the Kurds by withholding support to the Kurdish revolt, which was crushed after Iraq signed the Algiers Agreement with the Shah of Iran in 1975. Two and a half decades later, the U.S. President Bush encouraged Iraqis, including the Kurds, to stand against Saddam Hussein, but turned them down and provided no assistance to them when they rose up. As a result, the Kurds were crushed inhumanely by Saddam's forces, causing a humanitarian crisis. The third occasion in which the U.S. turned its back to Iraqi Kurds was during and in the aftermath of the 2017 independence referendum. The U.S. has not backed the Kurdish referendum and has not prevented the Iranian-backed government of Iraq from regaining control over the territories disputed between them and the KRG by force. Rafaat (2018) further illustrates this patronage-client relationship between the U.S. and the Iraqi Kurds. He proclaims that external patronage has created and maintained the Kurdish quasi state in Iraq. His work inspects Iraqi Kurdistan's search for positive patronage in its plight for independence. The United States' stance to the Kurdish independence referendum and its inaction in stopping Baghdad from controlling the disputed territories shows that the U.S. patronage of Iraqi Kurds is negative and is limited to U.S. interests and priorities.

The literature review shows that the Iraqi Kurds have been struggling for liberation and national rights for more than a century. However, various struggles ended up in futility because of numerous reasons, such as internal division and betrayal from foreign allies. Their renewed effort, which emerged during Kurdish liberation movement against Saddam Hussein's repressive rule, was partly successful, as it attracted the attention of the international community who later engaged after the Gulf War. Moreover, the United States played an instrumental role in strengthening the political position of KRI. Since Iraqi Kurds were enemies with the repressive Iraqi governments for a long time, they easily created a symbiotic relationship with the United States. Through support from external forces, the Kurds were able to enjoy an advantage over Shia and Sunni communities. Equally, they were able to maintain their de facto semi-independent entity and pursue their goal of recognized statehood. The successful ouster of Saddam Hussein and the U.S. occupation of Iraq helped strengthen the Kurds. For instance, the Kurdistan Region, which had always been isolated, became important to the international community. Notably, many of the researchers concluded that the input of foreign governments assisted the Kurds to improve their prospects of independence. Although the findings indicate that the United States helped create a Kurdish de facto state, they do not indicate whether it was interested in turning it into a de jure state.

Many changes took place during the post-Saddam era. KRI rejoined Iraq in a federal arrangement but kept amplifying its own state-building project. Nearly a decade of experiencing a crippled federal system dominated by Shia-majority brought the state of Iraq to near collapse, represented by the rise of ISIS and its control over territories of the marginalized Sunni Arabs, along with KRI's independent policies which have positioned KRI at a wider distance from the GOI. In addition, in September 2017, the Kurds staged a referendum aimed to meet their century-old desire for independence. However, while the recent literature tackles KRI's referendum of independence, few sources have thoroughly focused on the strategies adopted by KRI and the justifications it counted on in its urge for recognition and statehood. Furthermore, very few studies underlined the failure of Iraq as a state and its impact on the Kurdish push for independence. This work intends to fill in these gaps in the literature.

## 1.7. Research Methods

Research methodology is developed to integrate various elements of the study. Designing such a methodology involves the selection of a research strategy to identify the type of data that is going to be collated and the techniques used for analyzing the information about the topic. This study is qualitative. That is, it focuses on collecting qualitative data in the form of language and words as opposite to quantitative data, which is in numerical or statistical form. The qualitative methodology is used in such researches where the subjective nature of the data is required. Mainly, the present study is the one where such agenda is being discussed which is not really developed in the literature so the subjective nature of information is required (Aspers, 2019). The detailed data could provide clearer aspects of the independence state for Kurds in Iraq. Using the qualitative methods technique, different directions could be explored such as the barriers and the enablers that would be hindering or supporting the decision making for the independence state of Kurds in Iraq. So, specifically, the cost and benefit analysis would be conducted using the subjective nature of information using the qualitative approach. This method was selected because it allowed new insights to develop in an area that needs to be studied further, namely prospects for KRI's statehood.

The research employs a case study approach. A case study designates empirically examining "a contemporary phenomenon with its real life context" (Yin 2003, p.13). It is characterized by being highly focused and systematic (Kumar, 2019). The research will involve a detailed case study of the KRI, analyzing all materials relating to the Kurds in Iraq. It will focus on

the feasibility of KRI's independence and statehood. It will evaluate KRI in a real-life context and place it in the current regional and international geopolitical system. This case study will focus on one case: KRI. A variety of perspectives will be collected with regard to KRI's urge for statehood. According to Yin (2013), the case study method is important because it enables the researcher to test the application of various theories and models in the real world. In addition, it is more flexible because it enables the researcher to apply different methodologies and sources when studying a particular problem (Yin, 2012). Like other methods, this approach has its advantages and its disadvantages. The case study method is criticized for its dependency on a single case, which is going to be difficult to test for validity as well as the inability to generalize its result (Tellis, 1997). Another criticism of the case study method implies its lack of rigor. Yin (1984: 21) notes that "too many times, the case study investigator has been sloppy, and has allowed equivocal evidence or biased views to influence the direction of the findings and conclusions." As the case study approach depends on personal interpretation of data, it has been accused of being too subjective. However, the case study approach will enable the researcher to identify critical aspects of the topic and have an in-depth analysis of the problem under study that cannot be achieved using other methods. Although case studies are unique in some situations, it is practicable in the case study method "to generalize from only one case if it is useful for theory-building and testing" (Vissak, 2010: p.373). Therefore, case study approach is of great usefulness, as it allows generalizing and expanding theories by incorporating the current knowledge with new empirical observation.

The two main data sources which are being used to collect the data in the research studies include primary and secondary data collection sources. The primary data is specifically collected from the respondents of the research. Mainly, the participants are accessed using a data collection tool so that the needed information could be gathered in most effective manner. The benefit of this data is consisted of the fact that it can provide latest and most accurate data to the researchers for employing in their research study (Walter, 2019). In this research, the primary data sources are applied in order to collect the latest views of the stakeholders regarding the need of independent state for Kurds in Iraq. Specifically, the primary data is used so that the updated status of Kurds could be evaluated in Iraq from the relevant authorities in context of their need for the independent state. On the other hand, the secondary data is gathered from such sources which have already collected the data and now it is available for reuse in the other research studies. It is mainly the second hand information. However, secondary data is more reliable as it has already been tested and used in the various researches so the reliability of the secondary data is even higher. In this research, data were

collected from primary sources, such as treaties, constitutions, government documents, official statements and transcripts of interviews, among other sources. Secondary resources such as journal articles, theses and dissertations, books, news articles, mass media and others have also been utilized for data collection.

## 1.8. Research Organization

The work is composed of seven chapters. The first chapter provides an introduction to the whole work, which embarks on the Kurdish struggle for independence and the evolution of such prospects among the Kurds in Iraq. It begins with the statement of the problem and sets out the research questions and objectives as well as the significance of the study. The chapter also encompasses a review of the most relevant and updated literature so as to accumulate an understating of the topic. In addition, it looks over the methodological approaches employed in the study and the means of data collection.

Chapter 2 comprises the conceptual framework, which sets out the path of the research. This chapter is allotted to introducing the concepts, proposing the relationship between them and placing them within a logical design. The key concepts that are analyzed include ethnicity and nationalism, statehood and its criteria and recognition as well as the legitimization strategies pursued by de facto states in seeking international recognition and enjoying full statehood. The recognition strategies include the right to self-determination, secession and democratization and earned sovereignty. Moreover, this study proposes a new justification on which de facto states can construct their claim to statehood, which goes around the failure of the base state. The aim of providing such a framework is to define the remedies to the problem and to present how the approach is conceptually grounded.

Chapter 3 examines the historical background of the Kurds and the evolution of national feelings among them. Understanding Iraqi Kurds' quest for independence requires a comprehensive and thorough analysis of their modern history. Therefore, in this chapter, the focus is placed on the Kurds in Iraq and their struggle to achieve national rights from 1918 – during the break-up of the Ottoman Empire and the creation of new states, including the Iraqi state – until the outbreak of the Gulf War in 1990.

Chapters 4, 5 and 6 are devoted to the examination of the political developments the Kurds in Iraq have attained since the eruption of the Gulf War and the establishment of KRG and its aftermath. Chapter 4 covers the flare-up of crucial changes to the Kurdish situation in Iraq in a time period from 1991 until the regime change in Iraq by the U.S. and its allies in 2003. The period following the overthrow of the Baath regime and the foundation of the federal Iraq until the surge of ISIS in 2014 is scrutinized in Chapter 5. Chapter 6 tackles a recent stage from the history of the Kurds in Iraq, enveloping the rise of ISIS and the near collapse of the Iraqi state, which created a new situation in Iraq that the Kurds have found a use for and conducted a referendum of independence in September 2017 in the Kurdistan Region and in the disputed territories under their control after their relations with the GOI remained in a state of deadlock. The reason for these divisions into time periods is linked to the political developments in the Kurdistan Region. The first period that starts from the beginning of 1990s represents the Kurdish de facto self-rule separated from Baghdad and under the protection of the coalition forces. The second phase (2003-2014) covers a stage in which the Kurds have reconnected their region with the rest of Iraq in a federal structure and ends with the KRG and GOI having reached a stalemate and the changes in power dynamics in Iraq. The last and most recent episode determines the new direction that the Kurds in Iraq have taken after feeling capable and losing hope in a federal Iraq.

The seventh chapter, the conclusion, reviews the whole work and presents the key findings that have emerged.

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# Chapter 2: Conceptual Framework

A conceptual framework is the structure that illustrates the development of the phenomenon under study (Camp, 2001). Otherwise stated, it is the way the problem is logically explored by the research. A conceptual framework incorporates the main concepts of the study and explains the connection between them. Such a framework usually mirrors the reasoning of the whole research and pitch in addressing the research problem (Ravitch & Carl, 2015).

The study is constructed around several concepts which can together form a framework that can help us in examining the research problem and demonstrating the relationship between the main actors, factors and variables. The first concept the work utilizes is 'nationhood.' Nations and ethnic groups resort to nationalism when their basic rights are violated. As a distinct people, these ethnic groups and nations are entitled to the right to self-determination which they seek to practice including the right to independent statehood. Nationhood and the widespread of nation-states catalyze the aspiration to 'statehood' – our second concept. The concept of 'statehood' tackles the state and examines the requirements of statehood. In addition, the creation of new states is scrutinized including the different factors that determine its creation such as effectiveness, recognition and legality of such a process. 'Claiming statehood: legitimization strategies' makes the last part of our conceptual framework. These strategies or justifications which are being adopted by the aspirant de facto states in their claim to recognized statehood include the right to external self-determination, remedial secession, democratization and earned sovereignty, and the failure of the base state.

## 2.1. Nationhood and Aspiration to Statehood

### 2.1.1. What Makes a Nation?

Due to the nearness of the meaning and ambiguity of the relationship between nations and ethnic groups, it will be on the mark to firstly theorize ethnicity. Ethnicity is derived from the Greek word *ethnos* meaning a nation or a race which is related to *ethos*, the disposition of a person, a group or a people (Partridge, 1983). *Ethnos* in its principal sense is a group "of people or animals living together and acting together" thus sharing cultural features (Smith,

1986: p.21). According to Horowitz (1985), "ethnicity" refers to "groups differentiated by color, language, and religion; it includes 'tribes,' 'races,' 'nationalities,' and 'castes'" (p.53). Ethnic groups can be defined by having distinctive characteristics such as color, language, religion, common origin, custom and culture among others, which distinguish them from others (De Vos, 1975; Eriksen, 1993; Horowitz, 1985;). So, ethnicity can be depicted as an identification and distinction process. Ethnic groups are characterized by having a common descent, ancestry or history (Roosens, 1989; Wolf, 1988). They also have a sense of solidarity of maintaining their heritage and traditions (Watts, 2002). Therefore, ethnic groups can be described as those which share the same language and similar values and are governed by the same norms and aim at preserving and promoting their interests.

The concept of 'nation' is multifaceted. It has been defined in different ways which can be drawn under the objective and the subjective approaches of the notion (Davidson, 2000; Özkirimli, 2005; Smith, 2001). The objective markers of a nation are enveloped in Stalin's (1913) definition of the term which stipulates that "[a] nation is a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture." Accordingly, the features of the nation include "language," "territory," "economy" and "culture." Stalin (1913) further stresses on the need of presenting these characteristics concurrently and highlights that "the nation ceases to be a nation" in the absence of one of the mentioned features. Within the subjective groups, Connor (1994) conceptualises a nation "as a self-differentiating ethnic group" (p.42). He argues that what makes a nation is the "awareness or belief that one's own group is unique in a most vital sense. In an absence of such a popularly held conviction, there is only an ethnic group" (Connor, 1994: p.42). On that account, it is 'self-awareness' that distinguishes nations from ethnic groups. By the same token, Seton-Watson (1977) defined a nation as "a community of people, whose members are bound together by a sense of solidarity, a common culture, [and] a national consciousness" (p.1). For Davidson (2000), a nation is "a human community that has acquired national consciousness" (p.11). In other words, awareness and personal consciousness of being part of a nation is the key ingredient of the nation.

Through considering the objective and subjective approaches, one realizes that adopting one approach and excluding the other might be of little help in dealing with the issue of non-state groups as it might lead to the eruption of ethnic conflicts. Therefore, an accurate definition of the term should include elements of both perspectives because, as Özkirimli (2005) has

argued, the objective characteristics do not make the nation, but helps generating "the feeling of commonality that gives birth to or sustains the nation" (p.18). Simply stated, the objective markers such as 'language,' 'territory,' 'culture' and 'economy' are necessary for triggering self-awareness (subjective marker). Accordingly, nations can be defined as an identified distinct group of people who are settled on a certain territory and have a sense of connection with the people they share the territory with. Based on the aforementioned reasoning, it can also be argued that a self-conscious ethnic group, which is distinct (in language and other characteristics) and has a sense of affinity between its people, and is settled on a certain historical territory or believes in its right to (claim) a (certain) territory, makes a nation.

### 2.1.2. Nationalism

Nationalism is one of the most noteworthy ideologies that have shaped the modern international system. It is the desire of a distinct people with a common historical and cultural inclination to be politically independent. Nationalism signifies mobilizing the feelings and national sensation for homeland in pursuit of collective political or national and economic objectives (McLean, 1996). According to Smith (1991b), nationalism refers to "a social and political movement to achieve the goals of the nation and realize its national will" (p.72). Gellner (1983) defines nationalism as "a political principle, which holds that the political and the national unit should be congruent" (p.1). Similarly, Hobsbawm (2012) infers that nationalism alludes to the ideology that the national unity and political inputs should coincide. Furthermore, Hobsbawm (1990) describes the development of nationalism in three phases: "[a] preliminary phase… which… is purely cultural and/or folkloric;" followed by "[a] pioneering phase wherein political campaigners begin to try and raise awareness and mobilize the nation;" and concluding with a final phase "at which nationalist movements acquire mass support, an occurrence which can come to pass before or after the birth of the state" (p.12).

#### Theories on Nationalism

There are mainly three different strands of thinking within the academic literature about the origin of nationalism: Primordialist and Perennialist, Modernist/ Instrumentalist and Ethno-Symbolist approaches.

1. Primordialist and Perennialist:

Primordial and perennial approaches are of the opinion that nations and nationalism are old phenomena. They believe that nations existed – in different forms – before the modern era and that the division into nations is historically fixed. They perceive the nation as a more developed form or a modern equivalent to the ethnic group (Armstrong, 1982; Connor, 1994). Primordialists hold that every society contains certain primordial, irrational attachments based on race, blood, religion and language among other elements (Llobera, 1999). According to Shils (1957) and Van Den Berghe (1981), nations are based on kinship and biological relatedness. They, along with (Geertz, 1973), assert that ethnic contracts are natural and fixed. Isaacs (1975) adds that each individual has a basic group identity that is attributable to being born and brought up into a certain historical duration and specific geographical and cultural environment.

2. Modernist / Instrumentalist

Modernists regard nation and nationalism as modern phenomena. Their theories relate the rise and development of nationalism with a variety of factors associated with modernity, such as communications, modern states, industrialization, political, cultural and socio-economic aspects among others.

Karl Deutsch (1953) links the growth of nations and nationalism with the transformation of the society from traditional to modern. He highlights the role of communication in the making of national communities. He argues that the processes of industrialization, urbanization, growth of literacy and mass communication have facilitated the social mobilization and the enhancement of nationalism. Benedict Anderson (1983: pp.17-26) also emphasizes on the role of social communication and the "print capitalism," which have spread all over the world, in the formation of nations. He contends that the print-language has enabled the development of nations since it has a great impact on the national awareness of people who read the same text and relate to each other. Anderson's publication "*Imagined Communities*" (1983) echoes the idea that nationalism led to the creation of nations. Anderson (2006) argues that nation and nationalism are imagined because its members do not know each other on face-to-face basis, "yet in the minds of each lives the image of their communication" (p.6). Therefore, being a member to a nation is a continuing process of identification rather than a timeless allegiance to the land and people (Nash, 2010). Even without any prior existence, Anderson (2006) denotes, nationalism creates nations.

Some academicians, like Eli Kedourie (1960) and Anthony Giddens (1981), link the emergence of nationalism with the Enlightenment era and the French Revolution. Giddens (1981) further associates nationalism with the "rise of capitalism and the nation-state" (p.191). In like manner, Breuilly (1993) contemplates nationalism as a by-product of the modern state and the international state system but also recognizes the existence of ethnic consciousness and national awareness before modern times. On his authority, nationalism can be perceived through its attachment to the "politics that arises in close association with the development of the modern state" (Breuilly, 1993: p.xii). Accordingly, the modern state has moulded nationalist politics which has been most prominent to the construction of nationalism (Llobera, 1999). Marxist thinkers, on the other hand, maintain that nations and nationalism are constructed by economic process. For instance, Wallerstein (1987) attributes significance to capitalism and the economic aspects, and describes nation as "a complex clay-like historical product of the capitalist world-economy" (p.387).

Eric Hobsbawm (2012) also emphasizes on the modern root of nations and nationalism. He holds that a nation is an altering, developing modern concept that is brought into existence by nationalism and not contrariwise. He maintains that before a nation is come into being, certain administrative, political and economic conditions are to be met. In his opinion, nations and nationalism were constructed in the 18th and 19th centuries to enhance the legitimacy of claiming authority and to strengthen the group identity. Therefore, they are not ancient and their essence is cultural, not biological (Hobsbawm & Ranger, 1983). Ernest Gellner (1964), another modernist theorist, considers nationalism as the most significant principle of political legitimacy in the modern world. His theory relates nationalism to the transition of society from an agrarian and traditional structure to one that hinge on industrialism. Gellner (1983) argues that "the specific roots of nationalism are found in the distinctive structural requirements of industrial society" (p.31). For him, the identity of individual is defined in respect of his culture, not social relations, and nationalism is the enforcement of a "high culture" on society replacing other cultures (Gellner, 1983). He considers nationalism as an outcome of either assimilation or lack of assimilation. In case all people in the set share a common language and culture, Gellner (1983) argues, the assimilation through education is possible. However, in the absence of a shared 'ethnicity,' the assimilation will fail and will lead to the exclusion of some groups. Consequently, nationalism will arise when the excluded group strives for political sovereignty (Gellner, 1983).

3. Ethno-Symbolist

In investigating the concepts of nations and nationalism, ethno-symbolists took an approach that mixes some features of the two earlier mentioned theories, namely primordialism and modernism. Ethno-symbolism emphasizes on the ethnic background and culture. It views nationalism as a modern phenomenon which has its roots in pre-modern times. Smith (1986: p.11), the main advocate of this proposition, contends that precursors "to the 'modern' idea of national identity" and "movements that appear to resemble modern nationalism" can be found in pre-modern times. He believes that the modern nation is a continuity of the medieval and ancient ethnic communities, which he calls *ethnie*. He defines "ethnie" as a "named human population with shared ancestry, myths, histories and cultures, having an association with a specific territory, and a sense of solidarity" (Smith, 1986: p.32). According to Smith (1991a), these "ethnies" are made "by lines of cultural affinity embodied in myths, memories, symbols and values retained by a given cultural unit of population," not by "physical kinship ties" (p.29). These "lines of cultural affinity" make the foundation of a national belief that can be mobilized in different societies (Smith, 1991a: p.29).

Types of Nationalism

Nationalism generally comes in two forms: civic and ethnic. The civic form of nationalism is linked to the modern ideas and values such as democracy, humanity, equality and freedom. Civic nationalism is forward-looking and reconciliatory. The concept revolves around diversity, tolerance and individual rights (Kamel, 2015). According to civic nationalism, collective identity is formed by the political culture and state institutions (Kaya, 2012). While ethnic nationalism which is also known as ethnonationalism, a term preferred by Connor (1994), is a type of nationalism which defines the nation in terms of a shared ethnicity. It spins around language, religion, identical traits, and ethnic identity. It sets the boundary on who belongs and who does not belong to the nation. This approach reasons that the nation or the community is firstly to be formed before evolving to create a state around it, and to serve it. The geographical realm develops as a unifying factor to provide service to the nation already formed (Connor, 2018).

Kohn (1929) regards ethnic nationalism more ethnic and authoritarian as compared to civic nationalism which is more liberal. Clifford Geertz (1926-2006) further argues that in ethnic approach, it is the primordial loyalty that gives people separate identities, while the civic approach focuses on citizenship as a main characteristic of modern state (quoted in Hutchinson & Smith, 2007). However, ethnic nationalism can be kindled by the exclusion of ethnic minorities in the nation-building process (Musgrave, 1997). Ethnic nationalism is either aroused by the sense of alienation or by "unfair exclusion, whether political, economic, or social" (Scheff, 1994: p.281). Ethnic groups turn to nationalism when their basic human, cultural, political and economic rights are denied and when they suffer from alienation, assimilation, oppression, discrimination, division and non-recognition (Mohammed, 2013). Thus, ethnic nationalism "connotes identification with and loyalty to one's nation. It does not refer to loyalty to one's country" (Connor, 1994: p.xi). Ethno-nationalism indicates that ethnic groups should be self-governing within a separate defined territory either as a federal/autonomous entity within a larger state or as a sovereign independent state (Gellner, 1983).

### 2.1.3. Nationhood Catalyzes Aspiration to Statehood

As previously shown, the conception of nationhood is loosely defined. For emphasis, nations are defined as groups of people who "naturally form a unit with a common past, present and, often explicitly, future," and share the things "that mark them off from other groups" (Walker, 2007: p.584). Max Weber (1864-1920) relates nations to common ancestries, myths and ethnic communities and identifies commitment to a political program as a distinct feature of nations (Hutchinson & Smith, 2007). Smith (1991a) further argues that nations are usually constructed on "a fairy well demarcated and bounded territory, with which members identify and to which they feel they belong" (p.9). That is, nations are distinct ethnic groups which have a common past and a common vision regarding their future; they are attached to a well-defined territory and have a common political goal for their future. Here one can identify two characteristics which can be linked to statehood[(1)]: "people" and "territory." The common

[(1)] Statehood is to be tackled in the following point.

political goal of a nation could be claiming the territory to which they feel they belong to and thus suggesting aspiration to statehood. Liebich (2003) makes the link between nationhood and statehood even more intimate by stating that "…the claim or aspiration to statehood is constitutive of the notion of a nation. In order to be a nation you have to want to become a state" (p.455). Weber (2009) also refers to that link and argues that "a nation is a community which normally tends to produce a state of its own" (p.176). It is common knowledge that every nation wishes to preserve its culture, language and identity and to promote its political and economic interests, and "statehood" is the best guarantee in that regard. Statehood still makes the most attractive objective for nations. Correspondingly, Smith (2009: p.61) argues that "a free nation often needs a state of its own for protection and the nurture of its culture" but, in practice, "this is not an absolute requirement" and there are still stateless nations to this day.

Nations, however, are entitled to a universal principle which has been evolved into a right in international law called "the right to self-determination."[(2)] "Self-determination" grants nations the right to preserve their unique features, run their affairs in a way they discern fit and decide their own destiny. Hence the ultimate way through which "self-determination" can be effectively exercised and achieved is "statehood." Therefore, nations have tendency and aspiration to state formation. Besides, the emergence of modern state system since the Peace of Westphalia and specifically the establishment of modern nation-states in Europe and around the world have encouraged ethnic groups and nations to pursue their own states. In 1800, there were only about 20 states. Currently, the number of states that are recognized at the international stage is about ten times more. As Wimmer and Feinstein (2010) have underlined, nationalism has been a consequential factor in the conversion of monarchical and colonial empires into new states during the 19$^{th}$ and 20$^{th}$ centuries. Therefore, ethnic groups and nations have aspiration to statehood since nation-states are perceived as the most effective structure for the protection of a nation and guaranteeing its rights.

[(2)] Self-determination is to be dealt with later within the current chapter.

## 2.2. Path to Statehood

### 2.2.1. The State and the Requirements of Statehood

The concept of 'the state' is complex in itself. Hugo Grotius (1583-1645) gave a philosophical definition to the state as "a complex association of free men, joined together for the enjoyment of rights and for their common interest" (quoted in Crawford, 2006: p.6). The state is described as groups of men who have united their forces for their mutual security and welfare. Thomas Hobbes (1588-1679) describes the state as an "artificial man" which is created by agreement of men. It is artificial because it is an abstract order made by covenant between the ruler and the ruled, for the own protection of the latter and in return of obedience (Springborg, 2007). According to Hobbes, the state is a 'social contract' between the authority and citizens. In the absence of a state or a ruler, Hobbes argues, people will find themselves in a state of war of all against all which makes life "solitary, poor, nasty, brutish, and short" (quoted in DiJohn, 2008: pp.3-4). Jean-Jacques Rousseau and John Locke argue along the line that "the role of the state is to provide a binding social contract with its citizens" (Ezrow & Frantz, 2013: pp.16-17). Therefore, citizens voluntarily make a 'social contract' with a government or an authority, giving away some of their freedoms in exchange for more important needs such as peace and security. This view is known in literature as the Hobbesian/Lockean perspective to the state.

The classic sociological definition of the state which was first introduced by Niccolò Machiavelli (1469-1527) and then developed by Max Weber (1864-1920) focuses on the use of force for the foundation of a state. Max Weber (quoted in Jackson & Rosberg, 1982) describes the state as a "…corporate group that has compulsory jurisdiction, exercises continuous organization, and claims a monopoly of force over a territory and its population including all action taking place in its jurisdiction" (p.2). Weber emphasizes on the ability of the government to use force exclusively within its territorial jurisdiction. The Weberian model is based on the classical European state and has become a model for all other modern states (Hill, 2005).

According to Montevideo Convention on the Rights and Duties of States, which came into force by the end of 1934, 'the state' is defined as an entity that demonstrates the following qualifications: (a) possessing a permanent population; (b) occupying a defined territory; (c) operating an effective government; and (d) displaying the capacity to engage in relations with

other states ("Montevideo Convention on the Rights and Duties of States," 2016). This classical legal definition of 'statehood' that has been set out in the mentioned convention is considered as "the most widely accepted formulation of the criteria of Statehood in international law" (Hobach, Leferber & Ribbelink, 2007: p.166).

## Requirements of Statehood

Based on the different perspectives provided on statehood and state practices, the study aims at examining the requirements of statehood, i. e. attempting to identify the characteristics that constitute a state.

### 1. Population

The first required criterion for statehood is a "permanent population." Brownlie (1998) argues that this requirement has to "be used in association with that of territory" and should imply "a stable community" (p.71). So, a state must have a population which is connected with a piece of territory on a more or less permanent basis.

Oppenheim defines population or "people" as "an aggregate of individuals who live together as a community, though they may belong to different races or creeds or cultures, or be of different colour" (quoted in Jennings & Watts, 2008: p.121). Aust (2010), furthermore, observes that "[t]he population does not have to be homogenous racially, ethnically, tribally, religiously, linguistically, or otherwise" (p.15). That is, there is no obligation on the population to share certain commonalities other than their link to their territory. Switzerland and Canada represent suitable examples for diverse people linked to a territory that constitutes a state. Besides, there is no specification regarding the size of the inhabitants (Shaw, 2008). The world's most populous countries by far are China and India with an estimated 1,433,783,686 and 1,366,417,754 inhabitants respectively. However, the population of tiny states such as Tuvalu and Nauru do not exceed 12,000 inhabitants (UN DESA – Population Division, 2019).

### 2. Territory

"States are territorial entities" (Crawford, 2006: p.46). Apparently, for a state to emerge, there should be a defined territory identifying the physical existence of the state. Just as a group of

people without a territory cannot establish a state, a territory without a permanent population cannot establish a state either (Vidmar, 2013). Shaw (2008) further notices that an entity may be recognized as a state even without having a precise demarcation of its borders and frontiers. What matters for the alleged state is to have a stable community within a sufficiently identifiable territory. In other words, a state can be regarded as having international legal personality despite being involved in territorial disputes with other states. For example, Albania, Poland and Israel were recognized as states even though their borders were in dispute.

In addition, there is no rule prescribing the minimal area of the territory (Crawford, 2006). States vary to a great extent in terms of the area of their territories. For example, Russia – the world's largest country in terms of territory – extends over about 17,098,242 km² occupying about 11% of the earth's area followed by Canada, China and the United States each exceeding 9,000,000 km². There are, on the other hand, very tiny states such as Tuvalu (26 km²), Nauru (21 km²) and Monaco (2 km²) (World Population Review, 2020).

3. Government

The third element of statehood is the effective control of government over population and territory (Malanczuk, 1997). At the turn of the twentieth century, the German writer Georg Jellinek developed the so-called doctrine of the three elements (*'Drei-Elementen-Lehre'*) which affirms that a state is made of three indispensable elements: territory (*Staatsgebiet*), population (*Staatsvolk*), and authority or government (*Staatsgewalt*) (Jellinek, 1914). Crawford (2006) argues that there are good grounds to consider government "as the most important single criterion of statehood, since all the others depend upon it" (p.56). The government should have the capacity to create a political organization and maintain legal order internally (Shaw, 2008). Externally, it should act independently on the international level and should not submit to the control of other states (Aust, 2010). That is, internally, the government of a state needs to have an effective control over a permanent population within a defined territory; externally, it should have the capacity to run the external affairs of the state independently of any other authority. However, Bosnia and Croatia were recognized as states despite their defective governments and lacking effective territorial control following the breakup of Yugoslavia in early 1990s. Contrarily, there are governments with effective control over their populations and territories but are still not recognized as states. De facto states like Taiwan and Somaliland among others offer clear examples for such a case.

4. Capacity to Enter into Relations with the Other States

The fourth – and last Montevideo Convention – statehood criterion, which is not generally accepted as necessary, is the capacity to enter into relations with other states. Crawford (2006) argues that the capacity to enter into relations is a consequence of statehood and it is not a criterion for the creation of statehood. Raič (2002) similarly observes that statehood does not oblige the aspirant entity to enter into relations with other states since the (non-)existence of such relations is mostly dependent on the will of the entity that is seeking to be a State. Shen (1999) adds that the capacity to exercise inter-state relations implies the legal competence of an entity to take part in international relations. Crawford (2006) further argues that an aspirant state cannot materialize its capacity to enter into relations with other states in the absence of formal international recognition. That is, this criterion hinge on international recognition, the will of the aspirant entity and the attitude of other states. It is worth highlighting that this capacity is not the exclusive entitlement of states as there are other non-state actors, such as international organizations, that can engage in relations with other states under international law (Shaw, 2008).

5. Independence and Sovereignty

The other requirements of statehood that were not featured in the Montevideo Convention as formal criteria of statehood include independence and sovereignty. Grant (1998) remarks, since 1970s, "independence" has been widely cited in the definitions of statehood, along with the four Montevideo criteria. However, this criterion is not unfamiliar to the concept of statehood and has been stressed by many scholars even before the adoption of the Westphalian system of states.[(3)] Francisco de Vitoria (1483-1546), for example, defines the state as an entity "which is not a part of another community, but has its own laws and its own council and its own magistrates…Such a state, then, or the prince thereof, has authority to

[(3)] The contemporary system of states was formalized in 1648. It replaced the dominant form of political organization of the Medieval order, known as the 'Respublica Christiana' which consisted of members of the (Christian) community united under the authority of the Emperor and Pope (Croxton, 1999). The transition from the 'Respublica Christiana' to the contemporary state system came to place when political powers in Europe signed a series of treaties in 1648 in the Westphalian cities of Osnabrück and Münster, ending the wars of religion that has swept Europe. By finalizing the Peace of Westphalia, a new system of political order was initiated in Europe based on the concept of co-existing sovereign states, later referred to as 'Westphalian sovereignty.' The new system incorporated important principles, such as sovereignty, equality between states and the principle of non-intervention, all became central to the world order and international law (Birdsall, 2009).

declare war, and no one else" (Crawford, 2006: p.7). Crawford (2006) also acknowledges the significance of independence by considering each state as "an original foundation predicated on a certain basic independence" (p.61).

An equivalent importance is given to sovereignty too as an attribute of statehood. On the grounds of the Westphalian system, Emer de Vattel (1714-1767) defines the "sovereign State" as a "Nation which governs itself, under whatever form, and which does not depend on any other Nation…" (Crawford, 2006: pp.7-8). De Vattel continues, "[t]o give a Nation the right to a definite position [statehood] in this great society it need only be truly sovereign and independent; it must govern itself by its own authority and its own laws" (Crawford, 2006: pp.7-8). More recently, the Arbitration Commission of the European Conference on Yugoslavia in 1991 declared that "the State is commonly defined as a community which consists of a territory and a population subject to an organised political authority…[and] is characterised by sovereignty" (Shaw, 2017: p.157).

There is, nevertheless, no accepted meaning of the term "sovereignty" and scholars have often dissolved the notion into internal and external elements. Internal sovereignty indicates "the state's exclusive right or competence to determine the character of its own institutions, to ensure and provide for their operation, to enact laws of its own choice and ensure their respect" (Mugerwa, 1968: p.253). The state has the supreme and exclusive authority over its people and territory and no other entity – whether national or international – can force its choice of government, laws and operations. External sovereignty, on the other hand, stipulates the state's conduct of its international relations free from any external intervention. This was more elaborated by Jackson (2007) when he defined a sovereign state as "an authority that is supreme in relation to all other authorities in the same territorial jurisdiction, and that is independent of all foreign authorities" (pp.10-11). Accordingly, a sovereign state enjoys internal and external sovereignty. It is the supreme authority internally, and is independent in relation to other states externally.

There is a kind of confusion in using the terms 'independence' and 'sovereignty' and they are sometimes used interchangeably as a criterion for statehood. Crawford (2006) argues that the two terms are recognizably different from each other; 'independence' signifies a requirement for statehood while 'sovereignty' designates a consequence or the legal privilege of statehood.

## 6. Recognition

State recognition is one of the most complex topics as it is a mixture of politics and law. It encompasses political and legal aspects and produces legal consequences (Malanczuk, 1997). Recognition of a state means a formal acknowledgement by the recognizing state that an entity possesses the qualifications for statehood. Meanwhile, it expresses the willingness of the recognizing state to establish official relations with the recognized entity. In international law, however, there is no obligation to recognize new states (Klabbers, Koskenniemi, Ribbelink, & Zimmermann, 1999).

There is an ongoing controversy over the nature of recognition mainly between the two theories of recognition, namely the declaratory and constitutive theories. The declaratory theory prescribes that an entity becomes a state for the reason that it meets all the criteria for statehood and recognition "merely establishes, confirms or provides evidence of the objective legal situation, that is, the existence of a State" (Talmon, 2004: p.105). By the way of explanation, recognition is simply the acknowledgement of already existing characteristics and it is not one of the requirements for the foundation of statehood. However, the declaratory theory does not identify who decides if an entity meets the objective criteria of statehood; consequently, the issue is left for other states to determine. According to the constitutive theory, "it is the act of recognition by other states that creates a new state and endows it with legal personality…" (Shaw, 2008: p.445). "[T]he rights and duties pertaining to statehood drive from recognition by other States" (Crawford, 2006: p.4). In other words, recognition brings the state into legal existence and not the process of independence. The constitutive theory denotes that an entity, in the absence of recognition, cannot have international personality and thus is not a state. Advocates of this theory, nonetheless, have not specified a mechanism regarding the number of recognizing states or how such recognition is to be expressed. There is also a common view associated with this theory which designates UN membership as state's 'birth certificate' (Allen, 2000). However, Switzerland, which opted to stay outside the UN until 2002 while exercising its full statehood, could stand as an exception to that rule. Based on the above mentioned arguments, it is indicated that both theories, declaratory and constitutive, are of little ascendancy and help in straightening out the topic of recognition and its practices by the states under international law (Malanczuk, 1997).

### 2.2.2. Creation of New States: Effectiveness, Recognition or Legality?

The creation of new states has been a central question in political science and international law. Understanding the creation of states remained difficult because the process is many sided and there are different views regarding the appearance of new states. Some of them see the state as a fact on the ground and underline "effectiveness" as the main criterion of statehood. Others give supremacy to the role of "recognition" in the formation of a state. In addition, the "legality or illegality" of the process of state creation has also been present in dealing with the issue of new would-be states.

#### *2.2.2.1. The State between Effectiveness and Recognition*

There is a debate on the creation of new states as whether it is dependent on effectiveness or recognition; i.e. is it a matter of fact or law? Oppenheim (1858-1919) considers it as "a matter of fact, and not of law." Similarly, the Foreign Minister of Israel argues that "the existence of a State is a question of fact and not of law. The criterion of statehood is not legitimacy but effectiveness…" (quoted in Crawford, 2006: p.3). This view emphasizes on factual criteria of statehood, namely the four features expressed in Montevideo Convention as well as independence. Accordingly, there should be an effective government which has exclusive authority over its people and territory and has the capacity to enter into relations with other states and is characterized by independence. This view goes along the line of Weber's definition of the state with both stressing on the empirical or de facto attributes of statehood rather than de jure. According to Montevideo Convention, "[t]he political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to defend its integrity and independence" ("Montevideo Convention on Rights and Duties of States," 2016: art.3). This means that recognition does not create a state. Crawford (2006) further notices that "an entity is not a State because it is recognized; it is recognized because it is a State" (p.93). This view is consistent with the declaratory theory which signifies that an entity is a state and an international subject once it demonstrates the minimum requirements of statehood mainly as per Montevideo convention. But state practices have shown that 'facts on the ground' do not automatically make a new state. For example, the proclamation of independence by Chechnya (1991) and Somaliland (1991) from Russia and Somalia respectively went unrecognized by the international community despite their relative effectiveness and the presence of factual criteria.

Effectiveness without recognition, nevertheless, can hinder the ability of the entity from taking part in international relations normally. If a state, Henry Wheaton (1785-1848) argues, "desires to enter into the great society of nations… recognition becomes essentially necessary to the complete participation of the new State in all the advantages of this society" (Wheaton, 1863). A non-recognized entity with however effective authority cannot be considered as having international personality and it usually suffers from isolation and dependence on external powers. Entities which demonstrate the factual criteria of statehood but lack international recognition are known as de facto states. Cases of effectiveness and de facto statehood with very limited or lack of recognition include among others South Ossetia whose patron state is Russia and is only recognized by Russia, Nicaragua, Venezuela, Nauru and Syria, and the Turkish Republic of Northern Cyprus which is only recognized by its patron state, Turkey. Additionally, the de facto state of Somaliland is not recognized by any state and is considered as an autonomous region of Somalia. The fact that there are such entities, which are not considered as states because of the denial of recognition despite their effectiveness, gives power to the constitutive theory of recognition.

Others, whose perspectives correspond to the constitutive theory, consider the act of recognition on the part of international community as the basic requirement of statehood. In other words, they see recognition as a pre-requisite for statehood. Statehood, as Finck (2016: p.60) highlights, "is above all a legal status" granted through international recognition. That is, once an entity is recognized, it becomes a state no matter how ineffective its government is. For example, the European Community (EC) has granted recognition to Bosnia and Herzegovina in early 1990s despite the limited control of its government over much of its territory and lack of agreement and recognition of the base state. South Sudan also had limited control over its territory when it was recognized as a sovereign state in 2011 although its case was somehow different since it involved the consent of the base state.

International practices demonstrate the significance of the role of recognition in the creation of states. Once a state is recognized, it possesses de jure independence and sovereignty and becomes endowed with international personality. International recognition can balance the ineffectiveness, weakness, fragility and even the failure of the state. The "state" status remains even if the state itself disappears (Shaw, 2008). To put it another way, even if the state disappears within the sense of political science, it still exists in the eyes of international law (Finck, 2016). Based on international practices, once the status of "state" is given, it

cannot be revoked. For example, the state of Somalia has serious issues with regard to effective control of the government and was practically a failed state since early 1990s but it still holds its title as a state. Somalia further enjoys the rights of a sovereign state within international law. Somaliland's claim to statehood in 1991 was denied recognition by the international community on the grounds of maintaining the territorial integrity of Somalia.

#### *2.2.2.2. The Legal Conditions Governing Creation of New States*

There are two views on the legality or illegality of the formation of new states. The first group, as Crawford (2006) observes, argues that "it may be that effectiveness of the emergent entity prevails, so that its illegality of origin will not impede recognition of a state" (p.140). What matters for this view is not how the entity is created but how effective the entity is. Accordingly, "an illegal act may eventually acquire legal status if, as a matter of empirical fact, it is recognized on the international plane" ("Reference re Secession of Quebec," 1998: p.146). Others uphold the view that the creation of states must be in accordance with international law. In other words, if an entity arises in the international system by the breach of international law, for example through 'the use of force,' its claim to statehood could not be maintained no matter how effective it might be (Becker, 2000).

Creation of new states has, however, been surrounded by legal conditions; that is, a new would-be state should be created in accordance with the international laws. Any breach of such rules would cause "a bar to the acquisition of statehood by an otherwise fully effective entity" (Dugard & Raič, 2006: pp.94-95). These conditions govern the international recognition and thus the creation of new states. They are called "negative legal conditions" since their violation will lead to an obligation not to recognize on the part of states and thus block the acquisition of statehood (Finck, 2016). For example, Abkhazia is recognized as an independent state only by Russia, Nicaragua, Venezuela, Nauru and Syria. It was created by Russia against the UN Charter in violation of the prohibition of the use of force in international relations (art.1 par.4 of UN charter). Accordingly, it lacks international recognition and legitimacy. Similarly, Southern Rhodesia was denied recognition and thus statehood – despite its effectiveness in controlling the territory – "because it was created in violation of the principle of self-determination, and because it denied fundamental human right to the majority of its people" (Dugard, 2013: p.163). An exception to these norms could

be the secession of East Pakistan (East Bengal) from West Pakistan creating the new state of Bangladesh. Despite the intervention of India's army into East Bengal and its role in the establishment of the state of Bangladesh by defeating the Pakistani army, which was criticized by some governments as a breach of UN Charter (Crawford, 2006), Bangladesh got international recognition and was consequently admitted to the United Nations.

#### *2.2.2.3. The State as a Legally Recognized Fact*

For the analyses of the current debates on appearing new states and the different views on the requirements of statehood, it is safe to say that the creation of a new state is a process that encompasses elements of fact and law. Factual criteria are crucial to the creation of a state and "effective control of territory and people remains the hallmark of what constitutes a state" (French, 2013: p.1). Even in the absence of recognition, empirical factors of statehood creates a state which is de facto, not de jure. As Oppenheim (2005) has stipulated, "International Law does not say that a State is not in existence as long as it isn't recognised, but it takes no notice of it before its recognition" (p.135). However, it is the act of recognition that gives the state international personality and makes it a subject of international law. So, recognition by other states is decisive for the creation of a new state. As Wheaton (1863) has pointed out, it is at the discretion of other states whether to grant recognition or reject it. It is the act of recognition that gives the state the legal capacity to take part in inter-state relations and enjoy the rights of sovereign states. Thus, the creation of a new state is a combination of facts on the ground or some effective existence complemented by recognition. The creation of a new state, moreover, should be in harmony with the rules of international law. As Finck (2016) argues, "the legal status of a state cannot be granted to an illegally created entity" (p.61). That is to say, the legality of the process of state creation is to be assessed by the members of the international community who would eventually decide on whether to deny or grant recognition to the aspirant state. In a nutshell, a de jure state is an existing fact created by legal means and recognized by other states.

## 2.3. Claiming Statehood: De Facto States and their Legitimization Strategies

De facto states are defined as the "entities that fulfill the Montevideo criteria for statehood but lack international recognition" (Toomla, 2016: p.331). These entities have managed to achieve a degree of de facto statehood in terms of performing their sovereign authority over their people and territories but struggle for gaining international legal recognition. They somehow enjoy internal sovereignty but lack external sovereignty. "An expressed (though not necessarily constant, consistent, or universally shared) interest in independence," is clearly one definitional element of these de facto states (Byman & King, 2012: p.45). Kolstø (2006) defines these de facto states as entities whose territories fall under the control of the political leadership which claims it, which have pursued but failed to gain international recognition, and which have survived in the state of non-recognition for at least two years. Two more components can be added to this definition from Pegg (1998), who holds the credit of being "[t]he first to introduce the concept of de facto statehood into the IR literature as a legitimate theoretical framework for analysis" (Voller, 2012: p.59). The first component stipulates that the political entity should be organized and should have "some form of popular support" (Pegg, 1998: p.1). The other one includes the view of the de facto state in seeing "itself as capable of entering into relations with other states" (Pegg, 1998: p.1). Caspersen (2012: p.11) argues in conformity with the mentioned definitions and identifies five characteristics of de facto states: (1) having achieved de facto independence; (2) building state institutions and demonstrating its own legitimacy; (3) having declared formal independence or manifested aspiration for independence, for example through an independence referendum; (4) lacking international recognition; and (5) having existed for at least two years.

Despite the widening scope of the participation of non-state actors including non-recognized entities such as de facto states in the international arena, recognized states continue to be the most important legal person (Shaw, 2008). Therefore, it is crucial for an entity to be a recognized state in order to be endowed with international personality thus becoming a subject of international law and an important actor on world arena. Becoming a recognized state is advantageous as it allows the entity to enjoy the rights given and meet the obligations imposed by the international law, to be entitled to make and/or enter into international agreements and to benefit from all the immunities, privileges and protection designated for it (Dixon, 2007). Crawford (1977) remarks several principles regarding legal characteristics of

states, which form the core of the concept of statehood and its position in international law. These principles include the state's competence to perform acts in the international sphere; the state's exclusive competence with regard to its internal affairs; state's protection from being forced to participate in international processes or jurisdiction without its consent; equality; and any derogation from these principles must be clearly settled and resolved by an international tribunal in case of disagreement (Crawford, 1977).

De facto states constitute "anomalies in the international system" and they "fall short of the classical view of sovereignty" (Caspersen, 2012: pp.3-5). Regardless of how much effectiveness these entities show in governing their people and territories, they do not attain international recognition. In addition to the dispossession of the rights and benefits recognized statehood confers, lack of recognition hurts de facto states in many ways. De facto states suffer from isolation which withholds their ability to enter into multilateral relations with other states and international organizations, deprives them from foreign aid and investment and causes the increase of living costs (Kaplan, 2008). These entities also have limited export and import options and there are usually restrictions on goods traded from and to de facto states (Popescu, 2010). Most importantly, de facto states usually strive for survival in a complex political environment and are seen by neighboring states as security threats and heaven for illegal activities thus imposing constraints on these entities and consequently restricting their development (Laoutides, 2014). Because of the substantial deal of significance of recognition in achieving sovereign statehood in the current international system (Florea, 2017), "recognition remains an existential issue for de facto states" (Caspersen, 2015: p.393). De facto states have a relentless thirst for legitimacy (Bartmann, 2004). They mainly aim at protecting their existence and de facto independence in a system which does not guarantee their survival, and endeavor to convince the domestic and international actors to gain international recognition (Caspersen, 2012; Hoch & Rudincovà, 2015; Palani, Khidir, Dechesne & Bakker, 2019; Richards & Smith, 2015). Correspondingly, de facto states quest after international recognition to legitimize their de facto independence, to get over the hurdles that are intimately linked to their political, economic and social development and so as to be bestowed with international personality and to enjoy full statehood. Only after being recognized as a sovereign state, the security and survival concerns of a de facto state can be evaded and the statehood privileges can be reaped.

To do so, these de facto states apply different strategies in their claims to recognized statehood and admission to the international club of states. These strategies or justifications for statehood can be grouped around three main claims: the right to external self-determination; remedial secession; democratization and earned sovereignty. This work observes an additional (fourth) justification (some of) these entities may highlight in their path towards recognized statehood: the failure of the base state. Caspersen (2012: p.68) argues that these strategies are constantly revised and coped with "in view of changes in the international norms and practice of recognition." These shifts are shaped by the need for order and stability (Williams, 1998). Following WWII and during the decolonization period, the main argument and traditional justification for independent statehood was based on the nation's right to self-determination (Pegg, 1998). In the post-decolonization process, however, de facto states have often raised a compound claim as their strategy for gaining international recognition based on their national self-determination and historical link to their territories, and their right to a remedial secession related to alleged human rights violations (Caspersen, 2009). Following the end of Cold War, the international norms regarding legitimization of statehood witnessed a transition towards seeing 'democracy' as the most legitimate form of state and, accordingly, the aspiring states placed emphasis on democratization and state-building as a means of gaining recognition and sovereignty (Broers, 2005; Caspersen, 2009; Kolstø & Blakkisrud, 2012; Paris, 2004; Popescu, 2006; Richards, 2014; Voller, 2014). The argument of these entities is related to their alleged success in establishing effective democratic entities which have earned their sovereignty and thus are worthy of recognition (Caspersen, 2012; Williams & Pecci, 2004). These entities may also underline the failure of their base states to enlist the support of international society and achieve recognized statehood.

However, the application of these strategies and their acceptance on the part of international community usually bend down to the politics and support of other states. When examining recognition behavior of the permanent members of the UNSC towards some de facto states, Özpek (2014) has found that the formers follow their national interest in their policies (non-)recognizing de facto states. For example, China's refusal to recognize de facto states is due to its own problems with Taiwan and the secessionist ethnic movement in the Xinjiang region. Similarly, Russia's recognition of Abkhazia and South Ossetia and its support for Serbia and Moldova against Kosovo and Transnistria respectively is driven by Russia's national interest in retaining its traditional area of influence. The United States' recognition of Kosovo and its support to the Georgian government against Abkhazia and South Ossetia is

related to the U.S. interest in expanding its sphere of influence and the competition between the U.S. and Russia. Therefore, despite the applicability of the recognition strategies in certain cases, recognition still remains affected by politics and the third party state usually considers its national interest in its decision as whether to recognize an aspiring state or not. As Morgenthau (1948) has argued, irrespective of their particular features, states are motivated by their national interests in making their foreign policy. Nevertheless, the de facto states keep on seeking the policies and adopting the strategies that enhance their chances of gaining international recognition and legitimacy.

### 2.3.1. The Right to External Self-Determination

Self-determination can be simply defined as the will of a people to "freely determine its own political status" (Musgrave, 1997: p.2). It refers to the right of a people to determine the political will and legal status of their territory whether by establishing a state of their own or by choosing to be part of another state (Malanczuk, 1997). Plano and Olton (1969) define it as "the right of a group of people who consider themselves separate and distinct from others to determine for themselves the state in which they will live and the form of government it will have" (p.121).

The roots of the concept of self-determination are traced to the United States Declaration of Independence (1776) and the French Revolution (1789) (Borgen, 2010). The preamble of the U.S. Declaration of Independence (1776) asserted that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" (par.2). The Declaration of the Rights of Man, on the other hand, which was approved by the National Assembly of France in 1789, proclaimed that "[t]he principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation" (art.3). In other words, people are the source of sovereignty and any authority should be derived only from people. These two aforementioned declarations had a universal impact on other countries. These documents asserted on the inviolability of all people, their equality before the law, respect for their independence and the principle of non-intervention as the foundation of the new society. They both assert that there is no divinity over the will of people which is the source of the law.

The modern principle of self-determination has its origins in the statements of the Soviet leader Vladimir Lenin (1870-1924) in the aftermath of the October Revolution in 1917[(4)] and of the U.S. President Woodrow Wilson (1856-1924) during the peace settlements of WWI (Crawford, 2006). For Lenin, self-determination was the guiding principle to the abolishment of colonialism. The communist view was that national and ethnic minorities had the right to self-determination either within a sovereign state or as an established independent state (Cassese, 1995). In 1918, Woodrow Wilson, an advocator of the principle of self-determination, presented his famous Fourteen Points, which included the right of all people to liberty, justice and sovereignty, to the Congress. Although with some vagueness, the term self-determination gained importance as a principle and later as a right in international law (McCorquodale, 2000).

The WWI ended in 1918 and the League of Nations was formed and it had created the Mandate System with the aim of stopping the cycle of war and deciding the future political arrangements of the land of the defeated powers, the Ottoman Empire and the colonies of Germany. However, self-determination was not written into the Covenant of the League of Nations. By the breakout of WWII in 1939, the League was collapsed. In 1941, the U.S. President (Roosevelt) and the Prime Minister of the U.K. (Churchill) made a joint declaration known as "the Atlantic Charter." The third point of the Atlantic Charter reads that "they [the signatories] respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them" (Yearbook of the United Nations, 1946-47). This document was considered as an important step towards the United Nations (UN) and establishing common purposes among nations. In 1942, the charter was incorporated in the Declaration of the UN and was signed by 26 allied nations. So, when the UN was established in 1945, self-determination was commonplace in the international arena in spite of the controversies about it at the early stages of its development as a right. Despite the inclusion of self-determination in the Atlantic Charter by the U.S. and the U.K., it was due to Soviet pressure that it was included in the Charter of the United Nations (Raič, 2002).

(4) The October Revolution or what is called the Russian Revolution of 1917 was one of the most violent political events of the twentieth century. The revolution marked the end of the Romanov dynasty and concluded centuries of Russian Imperial rule. During the revolution, the Bolsheviks, led by Vladimir Lenin, came to power and destroyed the tradition of Tsarist rule. The Bolsheviks would later become the Communist Party of the Soviet Union. (Wade, 2017).

Self-determination is referred twice in the UN Charter. Firstly, it is mentioned among the purposes and principles of the organization in article 1(2) which states: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace" (UN Charter, art.1(2)). The second reference to self-determination is in article 55 in the chapter concerning international economic and social cooperation reemphasizing on "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" (UN Charter, art.55). Although there was much controversy surrounding the language used and definition of the terms such as a "people," the specified articles laid down the essence of self-determination as a "principle." However, its inclusion in such an international convention was a significant step towards the development of self-determination into a "right" (Raič, 2002).

By 1960, numerous Resolutions expressing the right to self-determination were adopted by the General Assembly which led to the Declaration on Granting Independence to Colonial Countries and Peoples. The declaration stresses that "[a]ll peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (par.2). The declaration is considered as the beginning of the development of self-determination into a right in customary international law since the term "right" is used instead of the term principle as done in the UN Charter. The declaration mainly puts weight on the right to self-determination upon the colonial context and elaborates on the principles that are already found in the UN Charter (Shaw, 2014).

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966, are recognized as very important legal texts concerning human rights at the international level. The two Covenants have identical article 1 of which the first paragraph, i.e. article 1(1), is just a repetition of the provision of paragraph 2 of the Declaration on Granting Independence to Colonial Countries and Peoples 1960. While the third paragraph of the same article urges "State parties" to "promote the realization of the right of self-determination," and to "respect that right, in conformity with the provisions of the Charter of the United Nations" (ICCPR, 1966: art.1(3); ICESCR, 1966: art.1(3)). These paragraphs referred to the continuity of the exercise of the right to self-determination by all people and beyond the colonial context (Malanczuk, 1997).

Another important legal instrument concerning the right to self-determination is the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, referred to as Friendly Relations Declaration. The declaration stresses on the notion of equal rights and self-determination of peoples. It postulates that "all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development" (Friendly Relations Declaration, 1970). It further provides that "[e]very state has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples" (Friendly Relations Declaration, 1970). The declaration also mentions the means of achieving the right of self-determination which constitute "[t]he establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people" (Friendly Relations Declaration, 1970). The voiced declaration has made a balance between the right of self-determination and the principle of integrity of existing sovereign states by putting forward that "[n]othing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States." It has further stipulated that this 'safeguard clause' is provided to those states which are "conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour" (Friendly Relations Declaration, 1970). Accordingly, if a state is conducting itself in conformity with the principle of equal rights and self-determination of peoples, the right of self-determination does not justify dismemberment; conversely, it does arguably authorize dismemberment of the states that do not act in compliance with the quoted principles.

Later, in 1975, the Conference on Security and Cooperation in Europe (CSCE)[(5)] along with the U.S. and the Union of Soviet Socialist Republics (USSR) adopted the Helsinki Final Act, which reaffirmed granting the right of self-determination to peoples in accordance with the

[(5)] The CSCE was established as a medium for dialogue and negotiations between Eastern and Western countries in Europe. The CSCE, which was created in the early 1970s, aimed at easing Cold War tensions in Europe. This conference was the predecessor to today's Organization for Security and Cooperation in Europe (OSCE), a regional organization under the umbrella of the UN (OSCE, 1995).

principles of the UN Charter and other international legal norms (OSCE, 1975). Similar views of the said act were confirmed in 1990 in the Charter of Paris for a New Europe (OSCE, 1990). The World Conference on Human Rights, in 1993, which resulted in the Vienna Declaration and Programme of Action had also asserted on the importance of the status of the principle of self-determination in international law and restated what have been stipulated in the 1970 Friendly Relations Declaration (UNGA, 1993).

In doctrine and through the international practice two kinds of self-determination have been recognized: 'internal' and 'external.' The notions 'internal' and 'external' self-determination do not tend to refer to different rights, they indicate the methods of the execution of the right of self-determination. The internal dimension of the right to self-determination is to be achieved within the framework of existing states through autonomy arrangements and federal structure by giving a group of people a certain degree of independence politically, socially, culturally and so on (Mueller, 2012; "Reference re Secession of Quebec," 1998: par.126). The external aspect of the right of self-determination involves dismemberment of the established state and is realized externally by means of the establishment of an independent sovereign state ("Reference re Secession of Quebec," 1998: par.126), or via the association with or integration in another independent state. Apparently, peoples possess a right of external self-determination which can be attained through consensually dissolution of a state or unity with another state (Raič, 2002). Nevertheless, in the absence of consensus, the notion of external self-determination as a justification for the formation of an independent state or association with a new one remains controversial. However, it is safe to say the principle of self-determination has gained an indisputable role on international arena and has evolved from a political device into a legal right. The scope of its application has been expanded from achieving external self-determination of colonized and non-self-governing territories to include a right of internal self-determination for all people. Moreover, "when a people is blocked from the meaningful exercise of its right to self-determination internally, it is entitled, as a last resort, to exercise it by secession" ("Reference re Secession of Quebec," 1998: par.134). Duly, the denial of the realization of the right to self-determination internally through autonomy or federal arrangements can arguably bestow the possibility of the application of the right to self-determination externally via secession and the establishment of an independent state as it was the case with Bangladesh and Eritrea.

The creation of the states of Bangladesh and Eritrea and their recognition and admission to the UN in 1974 and 1993 respectively are thought to be a result of the exercise of external self-determination in view of denial of internal self-determination. As for Bangladesh, also called East Bengal or East Pakistan, it was a separate province and along with West Pakistan formed the state of Pakistan which has exercised its colonial self-determination and became independent in 1947. In 1970, political crisis popped up in Pakistan and East Bengal called for more self-governance. West Pakistan responded with a military campaign to subdue the political demands of East Bengal. Consequently, East Bengali people were deprived from exercising their internal right to self-determination and encountered gross violation of their human rights (Dugard & Raič, 2006). In response, thanks to the intervention of India's army, East Bengal seceded from Pakistan and established a new independent state – Bangladesh. The new state gained international recognition and was accepted to the club of sovereign states in 1974. In quite a similar manner, Eritrea seceded from Ethiopia due to deprivation of internal self-determination through the abolition of federal arrangements. In 1952, the Federation of Ethiopia and Eritrea was founded. Ever since, Eritrea demanded more self-governance and was referring to its right to self-determination. In 1962, Ethiopia had unilaterally revoked the federal arrangements and the Eritrean people embarked on insurgency against successive Ethiopian governments (Crawford, 2006). In 1991, Eritreans expelled the Ethiopian government and gained de facto control over their territory. Two years later – in 1993, Eritrean independence referendum was held in which about 99% of Eritreans voted for independence. Subsequently, independence was formally declared and international recognition and admission to the UN had followed.

### 2.3.2. Remedial Secession

Secession has been a controversial issuer for a long time. The international law does not prohibit secession from a base state; nor does it forbid the base state from disallowing the secession. Any outcome from the struggle between the base state and secessionary movement would be received by the international community as reality (Malanczuk, 1997). Secession can be "bilateral," also called "consensual," in which independence is granted by the existing state due to democratic pressure by secessionists expressing their will and through negotiations between the secessionists and the base state. If the base state opposes it or is not ready to negotiate it, secession can be made in a "unilateral" method (Kreuter, 2010: p.370).

There are several theories that give various opinions about unilateral secession. Some of these theories have failed to define the conditions under which a group has the moral right to ask for secession; others have arguably set forth some criteria regarding the conditions under which the right to secede might be practiced (Buchanan, 1997). Generally, there are three theories that have addressed the conditions under which the right to unilateral secession might be justified: "choice" or "associative" theories; "national self-determination" or "ascriptive" theories; and "remedial right only" theories (Buchanan, 1997: p.34; Dietrich, 2010: p.127).

Choice or associative group theories propose the existence of a political will by a group to warrant for secession. Even if a group is not homogenous, it can form its own state if its members share the decision to establish their own independent political entity. These theories emphasize on the "voluntary political choice of members of the group" or what is labeled as "the right of political association" (Buchanan, 1997: pp.38-39). This group of theories supports the right of individuals to have the political association they choose independent from any other characteristics. Buchanan (1998) has also referred to this theory as "the pure plebiscite theory" stating that any group that is willing to secede and can compose a majority in a certain part of the state has the right to secession. Beran (1987) defends the conception of the associative theory and adds that the group, which is in favor of secession, should be able to create and conduct the necessary resources for the establishment of a viable independent state. Wellman (1995), on the other hand, with views close to this theory, asserts that any group that form a majority in a certain portion of the state has the right to its own independent state if the newly created state can perform its legitimating functions effectively without vitiating the ability of the base state to carry out the same functions. His thesis is that "any group has a moral right to secede as long as its political divorce will leave it and the remainder state in a position to perform the requisite political functions" (Wellman, 2005: p.1).

National self-determination or ascriptive group theories focus on people's right to national self-determination. According to these theories, secession can be justified if the entity seeking to secede can be identified as a nation (Dietrich, 2010). These theories hold that people with ascriptive characteristics have the right to secession. These ascriptive characteristics include the existence of a common culture, language, history, being distinct and having common aspirations regarding own political entity (Buchanan, 1997). Margalit and Raz (1990) seem to advocate this group of theories which consider the national self-determination principle as a justification for the right to secede.

The third group of theories, known as remedial right only theories, perceives secession as a right to resistance and defense against injustices perpetrated by the state against a certain group (Buchanan, 2003; Norman, 2003). Consistently, a group has the right to secede in case it has suffered serious injustices by the state. The remedial theories view secession as a right that is similar to the right to revolution, referred to in the U.S. Declaration of Independence (1776) and proposed by John Locke (1889), as a remedy against the grave injustices. The U.S. Declaration of Independence (1776) asserts on the equality of people and highlights that the governments are formed by covenant of people for the protection of their rights. It further proclaims that "whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government…" (par.2). In his theory, John Locke (1889) similarly conveys that a people have the right to overthrow their government and "to resume their original liberty, and by the establishment of a new legislative to provide for their own safety and security, which is the end for which they are in society" if the government violates the provisions through which a people has given authority to the government and "by this breach of trust they [the government] forfeit the power the people had put into their hands" (p.307). The remedial theories differ from the revolution theories in that they appeal to a portion of a citizenry in a certain territory of a state; instead of overthrowing the government, they support the ceasing of the government's control over that certain region. Serious injustices against a particular group of people usually come as a result of selective tyranny by the government and are not perpetrated against the citizens of a country as a whole. In this case, a strong opposition that falls short of overthrowing the government but pursues detaching its group of people and the territories it dominates is justified (Buchanan, 1997).

Within the framework of remedial theories, certain criteria for secession are set forth. The Aaland Islands Case in 1921 proclaimed certain criteria which are believed to be justifiable for secession when the base state opposes it. They include "1) those wishing to secede were 'a people'; 2) they were subject to serious violations of human rights at the hands of the parent state; and 3) no other remedies were available to them" (Kreuter, 2010: p.370). Cassese (1995) explains that secession is applicable to a "religious or racial group" in exceptional circumstances upon denial of the right to internal self-determination as well as suffering from systematic violations of their rights and in the absence of any other local remedies. The possibility of secession is also implied in the Friendly Relations Declaration (1970) in case the state does not act "in compliance with the principle of equal rights and

self-determination of peoples" as outlined in the UN Charter. In 1998, the Supreme Court of Canada embraced a similar measure in its decision on the secession of the Province of Quebec. The Canadian Supreme Court differentiated between the right to internal self-determination and the right to external self-determination and argued that when a people or an entity is obstructed from "the meaningful exercise of its right to self-determination internally, it is entitled, as a last resort, to exercise it by secession" ("Reference re Secession of Quebec," 1998: par.134). Buchanan (2003) further stipulates that a group has the right to secede if it has suffered from "(1) genocide or massive violations of the most basic individual human rights; [or] (2) unjust annexation; [and/or (3)] the state's persistence in violations of intrastate autonomy agreements" (pp.351-352). Thus, it can be argued that a group has a right to secede if the state threatens the physical survival of that group and violates its basic human rights or if its territory was appropriated unjustly by the state (Buchanan, 1997). Correspondingly, a people subject to extreme persecution and genocide has the right to secede from the offending state. Secession is justified when people are unable to realize their right to self-determination internally and when there has to be no other options. Thus, secession is deemed to be last resort remedy when there is no hope for sustainable peace and security and no cooperation between central authorities and secessionists.

(Buchanan, 1997) adds more criteria and terms for a justified secession. He argues that the creation of a new state is justified if it will guarantee the peaceful existence of its citizens and protect the rights of the minority groups. Therefore, if the status quo will be better in the new state, secession can be justified. The secession must include just terms for it to go through. The just terms of secession includes the division of the national debt, provision of defense and security among others. However, the creation of new boundaries should be limited to those between the seceding part and the base state; as Shaw (1997) has specified it, "[t]he right to self-determination must not involve changes to existing frontiers at the time of independence" (p.482).

The international community does not favor secession since it is viewed as being contradictory to the territorial integrity of sovereign States. The principle of the territorial integrity provides all existing states the protection from secession. Accordingly, any secession without the consent of the base states is not allowed. However, non-violation of the territorial integrity of base states is preserved only when the state is legitimate (Buchanan, 1997). According to Friendly Relations Declaration of 1970, the political unity and territorial

integrity of sovereign independent states is preserved when they act in conformity with the principle of equal rights and self-determination of peoples. That is to say, if a state does not act in compliance with the principles of equal rights and self-determination and refutes a people its right to internal self-determination or commits serious abuses of their basic human rights or breach the autonomy or the federal agreement, it loses the protection of its territorial integrity. Consequently, the affected people might be entitled to seek their right to self-determination externally and secede as a remedy to the injustices they have suffered at the hands of the base state.

To conclude, pursuing the right to remedial secession requires the seeking group to be a "people" with a distinct identity and a clear majority over a certain territory. The people should have experienced suppression and huge human rights violations and been in a situation where their grievances could not be remedied due to their elimination from political participation as a result of the breach of internal self-determination. Secession might be referred to when the negotiations between the two parties have led to nowhere. The remedial right only theories signify that secession is the last resort protective measure from continued injustices against one group in a state.

The secession of Kosovo from the Republic of Serbia is regarded as the most well-known and recent example of a remedial secession which had gained a broad international recognition[(6)] – in the absence of consensus and recognition from the base state (Vezbergaité, 2011). Following WWII, Kosovo became an autonomous region within the Socialist Federal Republic of Yugoslavia (SFRY). The autonomy rights of Kosovo, which were accorded by the 1974 SFRY constitution, were enjoyed until the end of 1980s when the Serbian government under Milosevic did away with Kosovo's autonomy and gained direct control over the region in 1989. In the early 1990s, Albanians of Kosovo, which made over 60% of the region's population, encountered the abolition of autonomy and the human rights violations of Milosevic's government with non-violent resistance. With the escalation of Milosevic's oppressive policies and discrimination against the Albanians of Kosovo, the latter responded with a guerilla war in 1997 and the armed conflict between Kosovo Liberation Army (KLA) and the Serbian forces continued until 1999 when the North Atlantic Treaty Organization (NATO) has intervened with a military campaign to bring the gross human rights abuses of Milosevic's government – which included ethnic cleansing and

[(6)] Kosovo is currently recognized by about 114 countries including three permanent members of the UNSC (MFA-Kosovo, n.d.).

killing of Kosovo Albanian civilians, destruction of homes and villages, war crimes and crimes against humanity among others – to an end. By mid-June 1999, the UNSC established an international administration in Kosovo through its resolution 1244 to normalize the situation and facilitate "a political process designed to determine Kosovo's future status" (UNSC, 1999). With the lack of agreement between Kosovo Albanians and the government of Serbia denoting the failure of talks, in 2008 Kosovo unilaterally proclaimed independence from Serbia. The case of Kosovo for remedial secession is arguably justified with the denial of Kosovo Albanians from exercising internal self-determination since 1989 and Milosevic regime's grave human rights abuses have been carried out against them particularly during 1998-1999. For the case of Kosovo, "remedial secession was […] exercised with a delay" (Vidmar, 2009: p.817). The case was categorized within the scope of remedial secession because it was considered as the last resort due to the failure of negotiations between the conflicted parties and the absence of effective alternative remedies (Tomuschat, 2006).

### 2.3.3. Democratization and Earned Sovereignty

In the aftermath of Cold War, with the dissolution of the USSR and the secession of some regions from their base states such as the former Soviet and Yugoslav republics and their recognition by the international community, new international norms regarding legitimate statehood were emerged emphasizing on democracy and the protection of human rights among others (Paris, 2004; Ryngaert & Sobrie, 2011). The consolidation of democracy as a legitimating norm has affected aspiring de facto states to adopt a similar strategy based on democratization and state building in their claim to statehood and sovereignty (Caspersen, 2012; Voller, 2012). These aspirant states endorse democratization as a strategy for gaining recognition believing that the promotion of democracy in their entities would have implications on other states to recognize their entities and that it would consequently result in achieving statehood (Berg & Molder 2012; Broers 2005; Caspersen 2009; Kolstø & Blakkisrud, 2012; Kopeček, Hoch & Baar, 2016; Popescu 2006; Voller, 2012). As Arkadi Ghukasyan, the former President of the de facto state of Nagorno-Karabakh in 2006 stated, "people who have a very…democratic constitution…have more chances of being recognised by the international community than others" (Caspersen, 2009: pp.55-56).

This democracy-based legitimacy, however, is not unfamiliar to the international society and it was anticipated to be the de facto standard of recognition in the early twentieth century at the time of the establishment of the League of Nations when it was proposed to be named as the "League of Democracies," a notion embraced by the U.S. President Woodrow Wilson and the French government but declined by other members (Clark, 2009). After the WWII and the introduction of "international human rights instruments" such as the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights which entailed "the right to take part in the government of country" and the rights to "participate in public affairs and to free elections" respectively, democracy and the protection of human rights were linked to the practices of state formation and have functioned as criteria upon which "recognition of a new State" was evaluated as in the case of the apartheid-governed Rhodesia which was denied recognition by the international community when it had unilaterally declared independence in 1965 (Murphy, 1999: pp.552-553). Another attempt to link recognition and international legitimacy with democratization and liberalization was signing the Helsinki Final Act in 1975 by Western European states and members of the Eastern Bloc at the end of the Conference on Security and Co-operation in Europe (Voller, 2012). The Act called for the protection of "human rights and fundamental freedoms… for all without distinction as to race, sex, language or religion" as well as respecting "the right of persons belonging to such minorities to equality before the law" and securing "their legitimate interests in this sphere" (OSCE, 1975: art.VII, Clause (a), Section 1). Another important article of Helsinki Final Act focuses on equal rights and self-determination of peoples and stipulates that "all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development" (OSCE, 1975: art.VIII, Clause (a), Section 1). The Helsinki Act set the stage for the 1990 Charter of Paris for a New Europe which advocated for "steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice" and whose signatories affirmed their will to "build, consolidate and strengthen democracy as the only system of government of our nations" (OSCE, 1990). The Charter further indicated that democracy is founded on the "respect for the human person and the rule of law" and that "[d]emocratic government is based on the will of the people, expressed regularly through free and fair elections" (OSCE, 1990). The Charter was followed by the Vienna Declaration of summer 1993 which has

urged the international society to "support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world" (UNGA, 1993: part 1, par.8). According to Voller (2012: pp.44-45), the Vienna Declaration is thought to have installed democracy "as a formal standard of recognition."

The post-Cold War era with the secession of former Soviet and Yugoslav republics and their attempt to gain international recognition provided a fertile ground for the application of the already introduced principles, such as democracy and the respect of human rights among others, by "the victorious West" as a measure for recognizing new states (Voller, 2012: p.45). Correspondingly, in December 1991, the members of the European Community (EC) expressed their readiness to "recognize, subject to the normal standards of international practice, and the political realities in each case, those new states which, following the historical changes in the region, have constituted themselves on a democratic basis" ("Declaration on the Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union," 1991). The conditions constructed by the EC on the recognition of these entities encompassed among others, the "respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Final Act of Helsinki and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights" and required "guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the OSCE" ("Declaration on the 'Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union," 1991). The United States followed the footsteps of the EC and conditioned the recognition of Croatia and Slovenia – the first two Yugoslav republics seeking secession – by their "support for democracy and the rule of law, emphasizing the key role of elections in the democratic process; safeguarding of human rights…and…international law and obligations, especially adherence to the Helsinki Final Act and the Charter of Paris" (Johnson, 1991: p.42). Consequently, other new states which declared their secession from the Soviet Union, such as Lithuania, Estonia and the Baltic republics, also demonstrated their adherence to democratization and gained international recognition on the ground of that strategy. The introduction of EU accession criteria (also called Copenhagen criteria) in 1993 requiring the member states "guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" (European Commission, 1993) and the NATO intervention in Bosnia have solidified the stance of democracy and respect of human rights as a legitimating

norm of international society and a condition for recognition. This was reaffirmed in 2003 when a set of UN-endorsed standards were released for the recognition of Kosovo advocating for "Functioning Democratic Institutions," conducting "regular, transparent, free and fair" elections, "the Rule of Law," "Equal Access to Justice," "Freedom of Movement" and "the Rights of Communities and their members" (UNMIK, 2004).

In the aftermath of Cold War, the international community was heading toward considering democracy as the only acceptable form of government. As Fukuyama (1992), a leading thinker, has hinted, liberal democracy "may constitute the 'end point of mankind's ideological evolution' and the 'final form of human government'" (p.xi). This change in international norm has affected other aspiring de facto states who took account of the link between democracy and international recognition and thus undertook "a process of democratization" to legitimize their existence and receive international recognition (Caspersen, 2012: p.70). These de facto states claim that they have established viable democracies and share the democratic and pro-human rights principles with the international society and thus deserve to be recognized as states. For example, as Voller (2012) refers, democratization and liberalization is noticeable in the behavior of Somaliland since mid-1990s. The de facto state of Somaliland is striving to meet the international expectations regarding liberalization and democratization including the conduct of democratic elections, adoption of a multi-party liberal democracy and advancing liberal reforms to persuade the international community to accord recognition (Bradbury, 2008; Hoch & Rudincovà, 2015). Kosovo and other former Soviet and Yugoslav republics were granted recognition conditioned on their commitment to democratic governance and the protection of human rights, but Somaliland is yet to be recognized by the international society despite its devotion to the democratization process.

These aspiring entities or de facto states also embark on a process of "competitive democratization" against their base states in which they manifest their democratic characteristics and claim that they are more democratic than their base states (Broers, 2005: p.71). They usually call themselves as "islands of democracy in otherwise authoritarian waters" (Caspersen, 2012: p.71). Lynch (2004) argues that the failure of base states to adopt democracy and practice democratic governance has created de facto states and referred to Abkhazia and Nagorno-Karabakh as examples for such a case. Based on the democratic peace argument, which suggests that democratic regimes tend to get together with alike

regimes, de facto states believe if they proved to the democratic world that they are more democratic than their base states, they could gain their recognition and accordingly the international legitimacy. However, the liberal democracy approach is not always embraced by the international society and de facto states such as Taiwan and Somaliland are being deprived from recognition even though they are more democratic than their base states, China and Somalia respectively.

There is principally a sovereignty-based conflict between the de facto state and the base state. The latter is recognized as a de jure state and is bestowed with international personality thus enjoying what is called external sovereignty; while the de facto state enjoys internal sovereignty over its territories but lacks the external sovereignty which is embodied in the recognition of international society. The de facto state is inclined to pass around the base state and establish relations with other states in order to protect itself from the base state which is struggling against the de facto state in the domain of internal sovereignty so as to become the absolute sovereign (Özpek, 2014). It is highlighted in the literature of de facto states that there is a connection between the success of de facto states in state-building process and their interplay with the world (Caspersen, 2012; Protsyk, 2009; Tansey, 2007). De facto states claim that they were successful in state-building within their territories which gained them internal sovereignty. They manifest their internal sovereignty and claim that they are worthy of external sovereignty. Thus, it can be noted that the internal sovereignty is significant for the de facto state in its push for gaining international legitimacy. Along with their relative success in state-building and democratization processes, de facto states such as Taiwan and Somaliland point out their economic viability as entities and stress on their stabilizing role in their regions. De facto states show to the international society that they have earned their sovereignty since they have managed to create relatively viable entities and demonstrate their statehood capacity and their dedication to democracy and respect of human rights and thus they are worthy of gaining recognition and achieving statehood.

Addressing the crisis of sovereignty between the base state and the de facto state, however, which usually involves self-determination struggles, one must call attention to a conflict resolution approach called ‘earned sovereignty’ which has become an effective instrument for resolving sovereignty-based conflicts filling the gap between sovereignty and self-determination (Williams & Pecci, 2004). Earned sovereignty is prescribed for sovereignty conflicts caused by violation of internal self-determination and human right breaches (Welsh,

2006). The approach proposes the transfer of authority from a state to a sub-state entity triggering a solution which involves either an autonomy/federal arrangement or the independence of the sub-state usually under the supervision of international community (Williams & Pecci, 2004). Earned sovereignty encompasses three core elements. The first one is called 'shared sovereignty' during this period the sovereign authority is divided between the sub-state entity and the base state or the international community. The second element is 'institution building' which involves developing a political and economic structure in the sub-state entity and building the necessary institutions for the exercise of sovereignty. Once the institutions are adequately developed, the third element stands out: the 'determination of final status.' During this stage, which is often mediated or supervised by the international community, the final status of the sub-state is decided either through an agreement or a referendum (Hooper & Williams, 2002). There are additionally three supplementary 'optional' elements which might be utilized during the application of 'earned sovereignty' and include, 'phased sovereignty,' 'conditional sovereignty' and 'constrained sovereignty' (Williams & Pecci, 2004). Cases of states which achieved independence through the said approach include among others East Timor, Kosovo and South Sudan.

East Timor's path to statehood was in conformity with the 'earned sovereignty' approach. In 1974, Portugal abandoned its colony in Timor but the latter did not gain its independence because Indonesia claimed the territory and conquered it by force killing about 200,000 of people – about a quarter of the population. After 25 years of occupation, East Timorese were allowed to vote in a referendum in September 1999 as whether to join in an autonomy arrangement with Indonesia or to become independent. The majority of voters – about 78% – cast their votes for the independence. The Indonesian-backed anti-independence militias staged a violent campaign in East Timor terrorizing more than 2000 people and displacing dozens of thousands. In response, the UN intervened to end the turmoil and restore the order. The UN took over the administration in East Timor and shared the sovereignty with the East Timorese. In the meantime, it established the necessary institutions for self-government and transferred the sovereignty to the East Timorese after three years. In 2002, East Timor became an independent state and was recognized by the UN member states and was admitted to the club of nations.

Kosovo's conflict with its base state – Serbia – too is found to be solved by resorting to this approach. Kosovo was an autonomous region in Serbia. After the dissolution of the SFRY, during the 1990s, the region pushed towards independence but their demand was responded

with force by the Serbian government causing a humanitarian crisis. The U.S. and NATO stepped in to stop the ethnic cleansing of Kosovar Albanians and the UN has established an interim administration in the region. The international administration established the necessary institutions for self-governance in Kosovo and then transferred the powers and responsibilities to the Kosovars. The determination of Kosovo's final status was supposed to be decided politically between the concerned parties – Serbia and Kosovo – and under the international supervision. Besides, in line with the optional element 'conditional sovereignty,' the transfer of full sovereignty to Kosovars was conditioned on meeting certain standards which included among others the establishment of "the rule of law, functioning democratic institutions, the economy, freedom of movement, the return of internally displaced persons and refugees and contributions to regional stability" (UNSC, 2002: Report on UNMIK S/2002/436, par.54). However, although Kosovo was yet to meet the suggested standards, failure of negotiations led to the declaration of independence by the elected representatives of Kosovo on 17 February 2008. The new state has so far gained wide recognition from the members of the international society but it is yet to be admitted to the United Nations.

The Republic of South Sudan is the most recent example of a state which has made its road to statehood and gained widespread recognition. Their path to independence also encompasses some elements of 'earned sovereignty' approach. Sudan has gained its independence from Britain in 1956. Ever since, except for a decade of peace, peoples of Sudan were experiencing a civil war between their Muslim inhabitants of North and the Animists and Christians of the South. In July 2002, the government of Sudan and the southern Sudanese liberation movement signed the Machakos Protocol to end the animosity and provided the ground for reconciliation between the warring parties. In 2005, the parties signed the Comprehensive Peace Agreement which staged for the development of democratic governance, sharing the powers and the wealth and setting a timetable for a referendum of independence for the southern Sudanese people. After six years, the referendum was held in 2011 and the absolute majority of the southern Sudanese – about 99% – voted to secede from Sudan. The Republic of South Sudan was declared as an independent state and it has gained the recognition of the international society and become the youngest member in the United Nations.

### 2.3.4. Failure of the Base State: a New Strategy?

The 'failed state' is a post-Cold War concept thought to be inspired by Robert Jackson's 'quasi-states' which was introduced in 1990 to identify the states that lacked features of statehood. The notion of "failed state" is adopted to label countries facing violence, political instability, severe poverty, and threats to security and development (Caspersen, 2012; Ezrow & Frantz, 2013). In the beginning, the phenomenon was mainly related to the African continent (Zartman, 1995). Then it was regarded as the world's most pressing security threat (Helman & Ratner, 1993; Kaplan, 1994; USAID, 2005). As Fukuyama (2004) stated, "since the end of the Cold War, weak and failing states have arguably become the single-most important problem for international order." (p.92). These states are not only a source of problem to their people or regions, but to the whole international system of states. As highlighted by the U.S. National Security Strategy under President George W. Bush (2002), failing states make for a greater threat than conquering ones.

Within the discourse of 'failed state,' these entities are described as fragile, failing, weak, vulnerable, insecure, in crisis, collapsed, fragmented, suspended, broken, shadow, warlord, quasi and poorly performing states (Dorff, 2000; Jackson, 1990; Nay, 2013; Weinstein & Vaishnav, 2006). Although many of them lack the marks and merits of empirical statehood (internal sovereignty), they continue to exist and are recognized as equal actors in the world system. These states possess external sovereignty or what Jackson (1990) calls 'negative sovereignty.' They are considered failed states since they "cannot or will not safeguard minimal civil conditions for their populations: domestic peace, law and order, and good governance" (Jackson, 2000: p.296). Helman and Ratner (1993), who were among the first to use the term "failed state," describe such a state as "utterly incapable of sustaining itself as a member of the international community." They argue that a failed state would put its own citizens in danger and impose a threat on their neighboring states and to international peace and security, i.e. failed states could cause humanitarian, economic, legal, and security problems (Krasner & Pascual, 2005; Malek, 2006; Patrick, 2006). There are mainly two different approaches to state failure. The first and most salient one adopts the Weberian definition of the state and pairs state-failure with the loss of monopoly over the use of legitimate force (Ignatieff, 2002; Malek, 2006; Woodward, 2004). This view goes with the definition of the Fund for Peace (2006) which argues that "[a] state is failing when its government is losing physical control of its territory or lacks a monopoly on the legitimate

use of force." The second approach to state-failure is developed via understanding of state as a service provider which matches Hobbes' social contract notion or what is also known as the Hobbesian/Lockean perspective. According to this viewpoint, a state is failed when it cannot provide security and other services to its citizens (Gros, 1996; Rotberg, 2002; Zartman, 1995;). The Crisis States Research Center (2006) has somehow combined the two mentioned approaches and defined state failure as "a condition of state collapse, whereby the state can no longer perform its basic security and development functions and has no effective control over its territory and borders" (Ezrow & Frantz, 2013: p.19).

State failure can occur in many dimensions, such as security, economic development, political representation, income distribution and others (Rotberg, 2002). However, there are certain characteristics and indicators that are important and remarkable in identifying state failure. From the current literature on 'failed states,' five dimensions can be highlighted which include the most significant characteristics that are commonly used by scholars in distinguishing state failure. The first fundamental feature of state failure is losing the monopoly of violence. The state loses the monopoly of violence when it is weak and unable to impose its rule. In spite of preserving the legal capacity, a failed state lacks the empirical capacity to exercise its functions (Thürer, 1996). The second characteristic is the loss of control over territory. In failed states, non-state actors such as ethnic militias, secessionist groups, guerilla groups, and warlords control parts of state's territory by means of force, and the state is unable to retake the territory and disarm the groups (Ezrow & Frantz, 2013). Additionally, failed states usually witness internal conflicts which can occur in the form of revolutionary wars, ethnic wars, adverse regime changes, and genocides among others (Goldstone, Gurr, Harff, Levy, Marshall, Bates & Unger, 2000). Another indicator to state failure is the erosion of legitimacy. When a state is unable to secure the monopoly over the use of power over a defined territory and when it acts against its own citizenry, it loses legitimacy in "the eyes and hearts of its citizens" (Rotberg, 2002). The fourth main feature of failed states is their lack of ability to safeguard security and provide political goods, such as rule of law, political participation, social services, infrastructure and regulation of the economy, for the population (Rotberg, 2004; Zartman, 1995;). The final characteristic is the intervention of external actors – militarily or para-militarily – in the internal matters of the failed state (Patrick, 2006). Failed states fall short of representing the state to the international community either due to the absence of the capable institutions or because of the unreliability and misrepresentation of such bodies (Thürer, 1996).

Failure of the base state is another justification aspiring and de facto states can raise in their bid to achieve recognized statehood. As it has been mentioned earlier, there is a sovereignty based conflict between the base state and the de facto state and the latter is usually denied recognition by other states on the basis of respecting the sovereignty of the base state and protecting its integrity. However, when the base state is becoming a failed state – as the case with Somalia – the sovereignty conflict should tip in the favor of the de facto state which has or claims that it enjoys internal sovereignty but lacks external sovereignty embodied in international recognition. Failure of the base state poses a serious threat on its paired de facto independent entity. Such de facto states do not want to be part of their base states which undergo failure or are failed states and the only thing that keep them from utter collapse and disappearance is their external (or negative) sovereignty. For example, Somaliland, a de facto state which seeks the recognition of international society, demonstrates the state characteristics of its entity and its viability as a state. The de facto state does not want to be paired with its failed base state, Somalia, with a history of war and internal conflicts and whose government does not have monopoly over the use of force and lacks effectiveness and stability. This is not to mention Somalia government's inability to provide security and other political goods, poverty resulting from a dysfunctional economy, terrorism and piracy and the intervention of external actors in the internal affairs of Somalia undermining its independence and sovereignty. De facto states weight the failure of their base states and demonstrate the integrity and viability of their entities to convince the international society that they are worthy of recognition. Although there is, so far, no mechanism in the international system to decertify failed states, but because of the importance of 'failed state' phenomenon and the attention it has received internationally, the de facto states refer to the failure of their base states as another justification for their claim of recognized statehood.

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# Chapter 3: Historical Background: Iraqi Kurds and the Struggle for National Rights

## 3.1. Who are the Kurds?

The Kurds consider themselves among the indigenous people of Mesopotamia. It is conceivable that they have lived as a distinct group for more than two millenniums (McDowall, 2004). The Kurds are different from Turks, Arabs and Iranians although they share with the latter the celebration of *Newroz* (the New Year) at spring. Edmonds (1971) explains that the Kurds make up "a single nation which has occupied its present habitat for at least three thousand years" (p.88). According to Hay (1921), the Kurds are also traced to the Aryan race and are presumed to be descended from the ancient Medes, who overthrew the Assyrian Empire in 612 BC.

The Kurds have lived through the rise and fall of several empires. Hassanpour (1993) mentions some of these empires with their lifespans to include "the Seleucids (331-129 BC), the Parthians (247 BC to AD 226), the Sassaniains (AD 226-636), the Arab Caliphate (AD 636-1258), the Mongols and Turkmens (AD 1258-1501)" (p.38). The Arab/Islam conquests in the seventh century have resulted in the conversion of most of the Kurds to Islam. However, conquests of Mongol in the thirteenth century quashed the rule of Islamic caliphate over Kurdistan. During the fifteenth and sixteenth century, much of Kurdistan was ruled by state-like structured Kurdish principalities under the Ottoman Turkey and the Safavid Persian empires. Nonetheless, Kurdistan was divided between these two powerful empires in 1639 in the Treaty of Qasra Shirin (also called the Treaty of Zuhab) formalizing the boundary settlement which was concluded a century earlier in the Battle of Chaldiran in 1514 (Edmonds, 1957). The settlement remained in place until the break-up of the Ottoman Empire at the end of WWI in 1918 which resulted in parceling out Kurdistan among the newly formed states of Turkey, Iraq and Syria and Iran, as well as small parts of the Soviet Union.

The Kurds are the largest nation in the world with no independent state of its own. Although no precise figures of Kurdish population are available, their number is estimated between 25 to 35 million Kurds mainly living in the Middle East. Most of the Kurds are Sunni Muslims; nevertheless, there are also followers of other religions and faiths such as Shia Muslims,

Christians, Jews, Yezidis, Alevis and Zoroastrians, among others. The Kurds have their own independent language which is derived from the ancient "Median" language or "Proto-Kurdish." Kurdish language resides within the family of "Indo-European" languages and comprises of five major dialects, namely Northern Kurdish also known as "Kurmanjî and Badînanî," Central Kurdish also called "Soranî," Southern Kurdish also named "Pehlewanî," Dimîlî also labeled as "Zaza" and Hewramî which is also called "Gûranî." These dialects belong to the northwestern subgroup of the Indo-Iranic languages (Kurdish Academy of Language, n.d.).

Although an independent Kurdistan, i.e. a Kurdish nation state, has never been obtained, Kurdistan geographically signifies areas within modern Turkey, Iran, Iraq and Syria (Fieldhouse, 2002). Kurdistan, where the two rivers of Tigris and Euphrates originate and flow, has a great economic significance, agricultural potential and natural resources. The majority of the Kurds take up residence in mountainous areas forming a landlocked region which they call Kurdistan (land of the Kurds). Other Kurds are found in parts of the former Soviet Union (now mainly Armenia and Azerbaijan), Western Europe and the United States (Gunter, 2016).

## 3.2. Kurdish National Awakening

The ascent of the two expansionist empires, namely the Ottoman Empire and the Safavid Persian Empire, and their engagement in a destructive war in Kurdistan have motivated a new notion among the Kurdish thinkers: "a pan-Kurdish government" to rule the nation and devote to its survival and welfare (Izady, 1992: p.52). The first documented evidence of the Kurdish national feeling – recognizably different from local and tribal – dates back to the end of the sixteenth century when Sharaf Khan of Bitlis put "the first history of the Kurds" in writing – in Persian – in 1597 (Hassanpour, 1993: p.42). The work, which provides life stories of great princes and historical data about different Kurdish entities, represents the first account of Kurdish history and is considered to be of vital significance as a source of information about the Kurdish history from twelfth through sixteenth century (Bengio, 2012; Hassanpour, 1994; Eppel, 2014). In his pan-Kurdish work "Sharafname," Sharaf Khan Bitlisi moans the absence of a pan-Kurdish King and the sorrowful destiny of the Kurds despite the strategic importance of their homeland. Sharaf Khan puts the blame of the Kurdish

misfortune to a great degree on Islam and its deflecting idea of *umma*. "The Prophet Muhammad, disconcerted by the warlike and awesome looks of a Kurdish visitor," Sharaf Khan of Bitlis allegorically writes, "asked the Almighty to place a curse of disunity on the Kurds, since in unity, the Prophet feared, they will overcome the world" (Izady, 1992: p.52).

A century later, in 1694, Ahmadê Khanî wrote the epic of *Mem û Zîn* (in Kurdish-Kurmanji), which is regarded as a crucial demonstration of the Kurdish national awakening and their aspiration toward liberation and independence (Hassanpour, 1994). For Khanî, there were two requirements for statehood: the "pen," which refers to the literary conditions, and the "sword," which designates power and politics (Hassanpour, 1993: pp.42-43). In his work, Khanî blames the subordination and the miserable fate of the Kurds on the absence of a single Kurdish King who could unite them under an independent Kurdish state and protect them and their heritage. *Mem û Zîn*'s patriotic themes were depicted as the first concrete statement – together with Sharafnama – "of a pan-Kurdish national awareness, if not of nationalism in the modern sense" (Izady, 1992: pp.52-53).

The struggle between the Ottomans and Iranians was fought on the territory of Kurdistan and lasted for more than three centuries, from 1514 to the Treaty of Erzurum in 1823 (Eppel, 2014). The continuing war and devastating events on the soil of Kurdistan had, on the one hand, hindered the social and economic development in Kurdistan and subsequently inhibited the integration of the Kurds into a nation. On the other hand, it had resulted in the development of "feudal nationalism" among the Kurds, "where loyalties were primarily to family, tribe and birthplace" (Hassanpour, 1993: pp.40-42).

During the fifteenth and sixteenth centuries, many Kurdish principalities such as Hakkari, Baban, Ardalan, Bitlis and Bahdinan among others, arose and ruled over Kurdistan. These state-like entities with a "complex form of political organization" survived until the last several of them were destroyed by the Ottoman state by the mid-nineteenth century as part of its policy of administrative centralization called *Tanzimat* (Van Bruinessen, 1992: p.133). The repression and sweep of the semi-independent Kurdish principalities and the expulsion of influential Kurdish leadership brought anarchy and disturbance all over the Kurdish lands of the Ottoman Empire and created a vacuum that the Ottoman government failed to fill through the *Tanzimat* system with the aim of centralizing the administration throughout the Empire. As a result, the economic and social conditions distressed and the 1877-1878 Russo-Turkish war had even worsened the situation. Thereafter, the setting provided a suitable environment for the emergence of the Sheikhs as a new type of national leaders. The most prominent and

notable name was Sheikh Ubaydullah of Nehri under whom Sheikhs of Shamdinan controlled areas of the former Kurdish principalities of Bohtan, Bahdinan and Hakari in the Turkish Ottoman Empire and Ardalan in the Persian Qajar Empire. The Sheikhs of Barzinja arose to demand the legacies of the Baban princes and Sheikhs of Barzan attained the control of areas of the Hakari-Bahdinan principalities (Jwaideh, 2006).

Sheikh Ubaydullah is regarded as "the first and probably the greatest of the religious-secular leaders of Kurdistan" (Jwaideh, 2006: p.76). His major goal was to release the Kurds from the rule of the Turkish and Persian governments and to unite the Kurds within an independent Kurdish state (Jwaideh, 2006). Sheikh Ubaydullah expressed these nationalist aims clearly in a letter (written in July 1880) to the British Vice-Consul (Clayton), in Başkala: "[t]he Kurdish nation is a people apart… [We] all are united and agreed that matters cannot be carried on this way with the two governments [Turkish and Persian]… We want our affairs to be in our hands" (Olson, 1989: p.2). Sheikh Ubaydullah's movement signals a new era of modern Kurdish nationalism. Although Sheikh Ubaydullah was unable to accomplish his design, the notion of an independent Kurdish state lingered in the memory of the Kurds (Koohi-Kamali, 2003). The liquidation of the movement by the Ottoman and Qajar empires marked the last significant political change in Kurdistan until WWI.

In 1914, the Ottomans joined WWI on Germany's and Austria-Hungary's side. When the Ottoman Empire was defeated, the allied victors – Britain, France and Russia – divided the Ottoman Empire among themselves in the secret Sykes-Picot Agreement of 1916 and split up Kurdistan into British, French and Russian spheres of influence (Dahlman, 2002). Dismantling the Ottoman Empire and the creation of new nation states had directly affected the Kurds since the borders of these new states were not drawn to fit the historical and cultural make-up of the peoples.

Following the WWI, the Kurds were in an inferior situation as compared to the other three nations in the Middle East region: the Arabs, the Turks and the Persians. This was mainly due to the eradication of the Kurdish statehood seeds through the elimination of the Kurdish principalities in the first half of the nineteenth century and pushing away the Kurdish leadership through exile, immigration or integration into the Ottoman and Iranian states. Therefore, at the time of sketching the political map of post-WWI Middle East, the Kurds had no competent leader who could play a role analogous to those rendered by the Hashemite princes in advancing Arab nationalism or that of Mustafa Kemal Ataturk in enforcing the Turkish nationalism (Eppel, 2014).

Despite the geographic, linguistic and tribal divisions, the Kurds gained a sense of "national community" at a time that is nearly simultaneous to that of the Arabs and Turks when they started to adopt "an ethnic sense of identity" instead of the identity of the Empire or the religious community. However, the Kurds were not successful in redefining their identity in the new terms, as Turkey and Iran did, by replacing the religious identity with the 20th century sense of "nation." This disadvantage, McDowall (2004) identifies, was due to the lack of "both a civic culture and an established literature" (p.2). Thus, the Kurdish community remained divided and their loyalties lingered primarily to their tribes and religion while their sense of Kurdish nation was barely observable.

The Kurdish nationalism was set in motion through the implementation of the modern nation-state system in the region and as a result of the domination of the Turkish, Iranian and Arab nationalism after WWI (Eppel, 2014; Vali, 2003). Vali (2003) further argues that the emergence of Kurdish nationalism was a by-product of the assimilation policies these states had enforced against the Kurds. Turkey had witnessed the rise of Kemalism and the emergence of a new Turkish state in 1923 with exclusive Turkish nationalist tenets. Consonantly, the 1921 coup d'état in Iran marked a new epoch characterized by the conclusion of the Qajar rule and the ascending of the Pahlavi Dynasty with a modern state and society policy predominated by seniority of Iranian nationalism. In Iraq, the Hashemite Monarchy with Arab nationalist tendency was imposed in 1921 and the sequential regimes that followed the transformation of the state into a republic were military and with Arab nationalist precept. These developments stimulated the evolution of a modern Kurdish nationalism in the aforementioned states (Halliday, 2006). The Kurdish elites have importantly contributed in such an evolution since encouraging Kurdish nationalism and aiming at the creation of a Kurdish state was compatible with the ambitions of the Kurdish leaders and elites for obtaining more power and authority (Kaya, 2012).

## 3.3. The British Manipulation of the Kurds of Mosul Vilayet

The Kurdish areas which would later be attached to the new state of Iraq was a province of the Ottoman Empire (Mosul Vilayet) until it was dismembered by the Allied powers at the end of WWI as conceded in the 1916 Sykes-Picot Agreement. The agreement called for the division of Mosul Vilayet into French and British zones of influence, putting areas of modern day Duhok and Erbil governorates under French and areas of Sulaymaniyah and Kirkuk

under British control. Britain wanted to share Mosul Vilayet with France to have its sphere separated from that of Russia. But due to Russia's withdrawal from the region after the Bolshevik Revolution in 1917,[7] Britain found it not necessary to partake the province with France (Eskander, 2000). Thus, a few days after signing the Armistice of Mudros in October 1918, which marked the defeat of the Ottoman Empire in WWI, Britain seized the predominantly Kurdish-populated and oil-rich province of Mosul.

On December 1, 1918, Britain – through its Acting Civil Commissioner, Arnold Wilson – assembled Sheikh Mahmoud Barzinji and about sixty other Kurdish chiefs of Iraqi Kurdistan to sign an agreement, which asserted, in its opening, Britain's intention to liberate "the Eastern peoples from Turkish oppression" and to provide "assistance to them in the establishment of their independence" (McDowall, 2004: p.151). Yet the agreement carried statements which contradicted Britain's well-intention regarding liberation and independence expressed in its preamble. The agreement further included the acceptance of "the chiefs, as the representatives of the people of Kurdistan," to be "under British protection" and to be attached to Iraq. The concluding clause of the agreement stated that "[i]f H.B.M.'s [His Britannic Majesty's] Government extended its assistance and protection to them they undertook to accept H.B.M.'s orders and advice" (McDowall, 2004: pp.151-152).

Deluded by the promise of independence, the Kurds had accepted the terms of the agreement, i.e. to be annexed to Iraq and to abide themselves with Britain's rules and orders. About two months earlier, in October 1918, Britain's officers in Baghdad acknowledged that the attachment of Mosul Vilayet to Mesopotamia would strengthen the latter's political and economic future (McDowall, 2004). Therefore, Britain had found that "a single Southern Kurdistan [Iraqi Kurdistan] was not immediately feasible" due to its impoverishment, the unavailability of communications and the disagreement among the tribes (McDowall, 2004: p.153). Other equally significant reasons behind Britain's indecision regarding the promotion of a single Kurdish entity were the geographic and military significance of Southern Kurdistan for Mesopotamia and the strategic and economic interdependency between Mosul Vilayet and Baghdad and Basra (McDowall, 2004). The Allied powers' taking advantage of Iraq's oil demanded the attachment of Mosul to Iraq (Sluglett, 2007). In April 1920, Britain

[7] The Bolsheviks, founded by Vladimir Lenin and Alexander Bogdanov, came to power in Russia during the famous 'October revolution' in 1917, and established Russian Soviet Federative Socialistic Republic. They eventually became the Communist Party of the Soviet Union (Chamberlin, 2014).

decided to annex Mosul Vilayet to Mesopotamia and the Allied powers of the League of Nations affirmed the establishment of the British Mandate of Mesopotamia at the San Remo conference in Italy.

## 3.4. Treaties of Sèvres and Lausanne: The Rise and Fall of the Kurdish Dream

In August 1920, the Treaty of Sèvres was signed between the Allied powers and the defeated Ottoman government. Article 62 of the Treaty provides "a scheme of local autonomy for the predominantly Kurdish areas" (Treaty of Sèvres, 1920: Section III. Kurdistan, art.62). Article 64 of the Treaty even furnishes for a Kurdish state – subject to the agreement of the League of Nations. In this regard, two conditions were stipulated by the Council of the League of Nations:
first, independence from Turkey should express the desire of the majority of Kurdish people of these areas; second, the Council should consider these people as capable of independence. The article further set forth that Turkey would agree to execute any recommendation by the Council of the League of Nations concerning granting the independence to the Kurds, and "renounce all rights and title over these areas." It concluded with giving the Kurds living in the Mosul Vilayet the option of joining a future independent Kurdistan (Treaty of Sèvres, 1920, Section III. Kurdistan, art.64).

Presumably, the ideas of U.S. President Woodrow Wilson had an effect on this Treaty. Point 12 of Wilson's Fourteen Points conveys "that non-Turkish minorities of the Ottoman Empire should be granted the right of 'autonomous development'" (Lloyd, 1926: p.104). The Treaty was considered as "a milestone in Kurdish history" since it provided the formation of a national independent state for the Kurds (Jwaideh, 2006). For most of the Turks, however, the only valid government was that of the Grand National Assembly which was established separately by Mustafa Kemal Ataturk in Ankara in late April 1920. The Sultan in Istanbul was a "prisoner of the Allies;" thus, they considered the Treaty of Sèvres "void before the ink was dry" (McDowall, 2004: pp.136-137).

Post-WWI years until the time of negotiating the Treaty of Lausanne brought up the best opportunity for the Kurds to form their own independent state. Kendal (1993) identifies several factors that have contributed in making the environment suitable for the

establishment of a Kurdish state. In the aftermath of WWI, the Sultan's government in Istanbul became weak and the Ottoman army was fragmented. So, there was no strong central authority that could crush should the Kurds have created their own state. Other factors were relating to the influential stakeholders in the Middle East region, namely Britain, France and Russia - parties to the Sykes-Picot Treaty. Russia, which was assigned with most of Kurdistan, had fallen to the Bolsheviks (the Soviets) resulting in their temporal disappearance from the region. Britain and France, on the other hand, in return for oil concessions, would not have prevented it had a Kurdish state been established. With regard to the Persian state, the internal political changes were taking up the capacity of its army. Therefore, with reference to founding a Kurdish state, these developments had created a situation that had never existed before.

Counting on the dissatisfaction of the Turks with the Treaty of Sèvres, which they considered as "profoundly unjust and humiliating for the Turkish people" (Kendal, 1993: p.35), Ataturk led a popular military campaign from 1920 to 1922 (Neiberg, 2004). The growing power of Ataturk's government in Ankara, which had launched new offensives in western Anatolia the same day when the Treaty of Sèvres was signed, and its startling gains against the Greeks and its increasing popularity in the east had radically affected the future of Kurdistan (Jwaideh, 2006; McDowall, 2004). Even some Kurdish forces had contributed in Ataturk's territorial gains as he had called for "Muslim unity" against the threat of a Christian (the Greeks and the Armenians) takeover to persuade them to fight on the side of Turks (O'Balance, 1996: p.14). Besides, in March 1921, Kemalists had settled a Treaty of Friendship with the Bolsheviks to stand up to Western Allies from splitting up Anatolia. The Treaty marked "the first formal foreign recognition of the new Ankara government" (McDowall, 2004: p.138). These developments had empowered Ataturk to ask for a revision of the Treaty of Sèvres, which was never ratified. In 1923, the ensuing Treaty of Lausanne had superseded the terms of the former Treaty and deserted the notion of establishing a Kurdish state (Jwaideh, 2006). Through all of its 143 articles, the new Treaty failed to mention the word "Kurd" or "Kurdistan." The Treaty did away with the idea of a Kurdish state that the Kurds in Iraq could join. It also signaled a switch of Turkey from the Soviet Union towards the West and the latter started to perceive Ataturk as a potential bulwark against the threat of communism (O'Balance, 1996). The resulting situation had subsequently extremely affected the position of the Kurds in Iraq and required a re-examination of their future with the newly created Iraq (Jwaideh, 2006).

## 3.5. The Future of Mosul Vilayet

Despite Britain's de facto control over Mosul Vilayet, Ataturk kept his eye on it with great consideration and importance, not only owing to the tremendous wealth that its oilfields hold, but also because of the Kurdish issue which was of equal significance for the state he was giving birth to. Ataturk was attentive regarding the threat that the Kurdish nationalism could pose on the integrity of his state project. Therefore, a Kurdish entity in Mosul Vilayet (Southern Kurdistan) might stretch out to the Kurds in northern Kurdistan (Mango, 2010). Thus, controlling the Kurdish-dominated Mosul Vilayet would mean, for the Turks, coping with Kurdish nationalism as an internal issue without foreign involvement.

In administrating the Kurdish region, Britain had followed its old colonial habit which entails the employment of traditional leaders (O'Balance, 1996). In doing so, Britain hoped to achieve two aims. First, it could spread stability in the region and prevent disturbance by people as they would have their own traditional administration. Second, a Kurdish rule over their own region would show that the Kurds are better off apart from Turkey and make the latter waive its claim of Mosul Vilayet (Abdulla, 2012).

Therefore, in December 1918, Sheikh Mahmoud Barzinji was appointed by Britain as Governor (*hukumdar*) of Sulaymaniyah division (McDowall, 2004). Britain allowed Sheikh Mahmoud to extend his authority over the three divisions of Sulaymaniyah, Kirkuk and Erbil upon acceptance of the Kurdish groups and tribes in those divisions (Edmonds, 1957). Sheikh Mahmoud, however, overestimated his authority and started to consolidate his power over all the Kurds of Mosul Vilayet (Stansfield, 2006). Britain consequently had limited his area of administration to little more than Sulaymaniyah division leading to a rebellion (Edmonds, 1957). At the end of June 1919, Britain triumphed over Sheikh Mahmoud and sent him into exile (Stansfield, 2006). This way, Britain had put an end to the six months of Kurdish autonomy experience and brought Sulaymaniyah and the surrounding areas under Occupation Authority (Edmonds, 1957).

One year after the approval of British Mandate of Mesopotamia – later to become the state of Iraq – and precisely in August 1921, Britain imposed a monarchy on Iraq, including Mosul, and enthroned Faisal, an Arab, son of Hussein bin Ali, Sharif of Mecca, as the King

(Simon & Tejirian, 2004). Ataturk's advancement in Anatolia surfaced the British fears of Turkish interference in Mosul Vilayet. In 1922, the British recalled Sheikh Mahmoud from exile to stop any interruption or interference of Ataturk in the Mosul Vilayet (Yildiz, 2004). Sheikh Mahmoud took up the opportunity and, in November 1922, declared himself 'King of Kurdistan' and claimed his 'Kingdom' to reach down until Hamrin Mountain (Edmonds, 1957). After calling for his surrender, the British forced Sheikh Mahmoud to flee in an offensive launched by the Royal Air Force (RAF) in 1923 and eventually reoccupied Sulaymaniyah in 1924.

Initially, Britain provided that the incorporation of Mosul Vilayet was on the condition of granting the Kurds a local autonomy. They have reaffirmed such a policy of keeping the Kurdish areas separate or autonomous in the Anglo-Iraqi Declaration of December 24, 1922, which write that "His Britannic Majesty's Government and the Government of the Iraq recognize the rights of the Kurds living within the boundaries of the Iraq to set up a Kurdish Government within these boundaries…" (Jwaideh, 2006: p.196). However, there was no Kurdish leader with a capacity to represent the Kurds and discuss the formation of a Kurdish Government with the British and Iraqi governments (Edmonds, 1957). After the Treaty of Lausanne (1923), the British policy towards the Kurds had changed. Instead of supporting an independent Kurdistan, Britain began to secure peace with Ataturk and aimed to employ his state as a buffer against the Soviets in exchange for dumping the Kurdish self-determination ambitions (Olson, 1990-1991).

The future of Mosul Vilayet was decided by an International Commission set up by the League of Nations identifying the Iraqi-Turkish boundary in 1925. The Commission recognized that "five-eights" of the population residing in Mosul province compose of Kurds, which had more in common and connected with the Kurds of Turkey and Iran than Iraq's communities. Based on the ethnic argument, it concluded with the necessity of establishing an independent Kurdish State. In spite of that, it had recommended Mosul staying within Iraq. The League undertook the opinion of the Commission and awarded Mosul Vilayet to Iraq on the condition of keeping it under the League mandate for 25 more years to enforce the development of the state and to ensure that the Kurds are getting their just share in it (McDowall, 1985; Stansfield, 2006; Yildiz, 2004).

## 3.6. An Independent Kurdish State: an Opportunity Missed

In the aftermath of WWI, several new political entities had emerged from the dissolution of the Ottoman Empire in the Middle East. This period of time had also presented the Kurds with a unique opportunity to establish their own state. Nevertheless, the Kurds had missed out the moment and were divided amongst three newly created political entities – Turkey, Iraq and Syria. This was to a great extent due to several reasons that can be categorized as internal and external. Internally, the Kurds lacked a unifying strong leadership that can put them together. The Kurdish leaders, during that time, were characterized as politically incompetent and historically back-warded (Kendal, 1993). At the societal level, the Kurds were not prepared to undertake this golden chance and form their independent state. For example, by the spring of 1919, as noted by McDowall (2004), the Kurds in the Ottoman Kurdistan were divided into "pro-Turkish," "pro-Allies" and those with "a desire for complete independence from all outside interference" (p.125). The Kurds lacked organization and their tribal loyalty was stronger than their urge for nationalism. This is attributable to the rivalry amongst Kurdish tribes and the concern of their leaders to increase their personal authority rather than "uniting for a common national purpose" (O'Balance, 1996: p.13). Although "the notion of *Kurdayetî* was weak, localized, and fractured across Kurdish society" (Natali, 2005: p.34), the Kurdish nationalism in Iraq could be considered to be at a stage of development and the Kurdish revolts during the British mandate and after the independence of Iraq asserts such an evolution. The external reasons which were beyond the control of the Kurds had the greater role in their failure in obtaining their independent state. Most of the Middle East states were delineated by the imperial powers, mainly the British and the French, for their own advantages. If these powers had the interest in making a state for the Kurds, they could and would have made it (Kendal, 1993). Besides, Turkey and Iran, the two regional states that were mainly concerned and directly affected by the Kurdish issue, had also stood firmly against the Kurdish aspirations of establishing their own entity. Together with the Iraqi state, they had signed the Treaty of Saadabad in 1937 prescribing their cooperation against rebellious activities – obviously directed against the Kurds – that would occur in any of the three countries or any challenge to their boundaries (Jawad, 1981).

## 3.7. The Independent Iraq

In 1930, the British signed another treaty with Iraq with the purpose of ending its mandate and giving Iraq its sovereignty (O'Balance, 1996). The Kurds became concerned about their status in the would-be state of Iraq since the conditions that included in the League's decision to attach Mosul Vilayet to Iraq remained unfulfilled. Petitions were signed by Kurdish tribal leaders and sent to the League of Nations but were not taken into consideration. As a result, the Kurds rose in protest under the leadership of Sheikh Mahmoud who crossed the border from Iran into Iraq and called for a united Kurdistan. The protests were responded with force and Sheik Mahmoud with the tribal army was defeated at Penjwin in May 1931 (Stansfield, 2006). After being forced to surrender to the government of Baghdad, Sheikh Mahmoud was sent into exile in southern Iraq and was placed under house arrest there until his death in 1956 (Chaliand, 1994).

In 1932, the Anglo-Iraq Treaty of 1930 was implemented and Iraq attained independence from Britain and acquired membership in the League of Nations. Hence, the Kurdish national sentiment kept rising and the Kurds continued to fight for their autonomy and independence. In response to Iraq's admission in the League of Nations, revolts in Barzan region came into being. In a similar way to earlier revolts, the Barzan uprising of 1932 was stamped out with the help of RAF. As a result, the leaders of the uprising, Sheik Ahmed Barzani and his younger brother Mulla Mustafa, were sent into exile in Nasiriya in southern Iraq and later on moved to Sulaymaniyah (Abdulla, 2012; McDowall, 2004).

In 1943, after ten years of exile, Mulla Mustafa Barzani, with the help of the Hiwa (Hope) Party,[8] had succeeded to return to Barzan where he declared revolt against the government (Ghareeb, 1981). The uprising was supported by several Kurdish tribes and Kurdish nationalists (Arfa, 1966). Mulla Mustafa was an effective ruler and had gained control over large areas of Bahdinan (currently the Governorate of Duhok) and Erbil. He had won the approval of many dissatisfied tribes across Akre through Amediye to Rawanduz. He also enjoyed the support of nationalists because of "his successful embarrassment of the government" and "his proven tactical skills" (McDowall, 2004). The revolt occurred in a time

[8] The Hiwa Party was founded in 1939 (Jawad, 1981). It consisted mainly of leftist intelligentsia; most of its members were officers and professionals. In 1944, the party was diverged due to the tribal control over the leadership and taking up rightist and militarist members which had led to its eventual collapse (Ghareeb, 1981).

when WWII was still seething. Barzani hoped that the British would agree on making "a Kurdish counterweight" to Baghdad especially after the Iraqi pro-Axis coup d'état of Rashid Ali Al-Gaylani in 1941 (McDowall, 2004).

Despite the early triumph of the revolt, the government stood against Barzani with the help of Kurdish tribes which opposed him, thwarted the revolt and forced him to cross the border into Iran where he joined the Iranian Kurds and became a General in the military of Mahabad's Republic of Kurdistan (Gunter, 2016). The Kurdish Republic, which was publicly announced on 22 January 1946, was short lived since its existence was subject to the presence of the Soviet Army in Iran which left the region after the conclusion of WWII. On 17 December 1946, the Iranian Army put an end to the Kurdish Republic and arrested and hanged its leader, Qazi Mohammed (Abdulla, 2012). Subsequently, Mustafa Barzani and some of his best fighters retreated to the Soviet Union where he spent the next twelve years in exile (Gunter, 2016).

After his revolt and participation in the Republic of Kurdistan in Mahabad, Barzani acquired great fame among all Kurds and "had become the obvious charismatic leader for the Kurdish national movement" (McDowall, 2004: p.293). Mulla Mustafa Barzani also became the President (in exile) of the new Kurdish Democratic Party – later to become Kurdistan Democratic Party (KDP) – founded on August 16, 1946 in Iraq. The establishment of the KDP created a central force of the Kurdish modern national movement (Eppel, 2014). The Kurdish national movement grew in the 1940s due to their political organization and the active role of the Kurdish intelligentsia (Jawad, 1981). Founding political parties – such as Hiwa and the KDP – helped in extending Kurdish nationalism and urbanizing the Kurdish national movement (Natali, 2005).

## 3.8. The Kurds under Qasim (1958-1963)

On July 14, 1958, the Iraqi Monarchy was overthrown in a left-wing military coup d'état led by Brigadier Abdul-Karim Qasim who was at the beginning of his rule for giving the Kurds some of their national rights. His state discourse was to build Iraqi national awareness based on Arab-Kurdish brotherhood. On that account, Qasim's early gestures were promising for the Kurds. He introduced a provisional constitution which recognized Kurdish national rights

and their partnership in the state of Iraq. The third article of the constitution read: "Arab and Kurds are partners in the Homeland, and their national rights are recognised within the Iraqi entity" (Jawad, 1981: p.38). The Kurds have participated in the government, all the Kurdish political prisoners were released and the Kurdish leader Mustafa Barzani returned to Iraq on October 6, 1958. This had given a great uplift to the Kurdish national movement (Jawad, 1981; Natali, 2005).

The revolution that turned Iraq into a republic brought about favorable changes and promised hope for the Kurds. It provided the Kurds with the opportunity to demonstrate their national identity and permitted them to organize publicly after being suppressed for many years. Qasim's stance towards the Kurds engendered opposition among Arab nationalists, including his deputy, Colonel Abdul-Salam Arif, and other high-ranking military officers (Jawad, 1981). To face these challenges, Qasim was in need of a powerful tribal leader, like Mustafa Barzani, who could help him with taking the grip on the northern part of the country and support him against Arab nationalists, and against the tribal lords who had their social influence affected and their lands lost in consequence to the Agrarian Reform Law which had swept the feudal system away (Abdulla, 2012). With the support of the Kurds, the communists and a section of national democrats, Qasim began to consolidate his power and reinforce Mustafa Barzani's position as the leader of the Kurds in exchange for standing against his opponents (Jawad, 1981). In 1959, Barzani had effectively defeated the Kurdish feudal lords who resisted against Qasim's Agrarian Reform Law and assisted in putting an end to the Shawaf[(9)] military coup attempt supported by the Baath Party and the Nasserists (Abdulla, 2012; Jawad, 1981). In return, Qasim legalized the KDP and allowed the publication of several Kurdish journals and newspapers including *Khabat* (struggle), organ of the KDP (Gunter, 1992). Consequently, the Kurdish national movement was accorded legitimacy and influence in Iraq and the Kurds began to emphasize their ethno-cultural rights through manifesting their distinctiveness in terms of identity, language and ancestry as compared to that of other nations in the Middle East (Natali, 2005).

Qasim-Barzani relationship progressively deteriorated as they both had found that their final goals were irreconcilable with each other (Gunter, 1992). Worried about the increasing political and military power of Barzani in the Kurdish region and coerced by military and

[(9)] Colonel Shawaf and some Arab nationalist officers, supported by Jamal Abdul-Nasser, staged a revolt to oust Qasim and the influence of communists in Iraq. The failed attempt is also known as Shawaf Uprising or Mosul Rebellion (Smolansky, 1967).

Arab nationalists, Qasim started to keep distance between himself and the KDP and Barzani. He began with playing on the Kurdish tribal note by establishing relations with certain Baghdad-friendly tribes and lit the inter-Kurdish conflicts. The KDP, on the other hand, criticized the Iraqi government for its failure to accommodate the Kurds as partners in the state. In November 1960, Mustafa Barzani had visited Moscow to ask the Soviets to persuade Qasim to respond to the Kurdish national demands, but his effort did not come to fruition (Dann, 1969). In July 1961, Qasim rejected a KDP and Mustafa Barzani proposal demanding autonomy for Kurdistan (Gunter, 1992).

At its beginning, the majority of Iraq's communities, including the Kurds, had great expectations about the revolution but these hopes where shattered as Qasim turned to a policy of weakening all potential obstacles to his only authority. He started supporting the Kurds and the communists against Arab nationalists, and then he turned against the communists, and later against the Kurds (Jawad, 1981). Qasim broke most of his promises to the Kurds and to establishing a democratic state that accommodate Iraq's communities. Qasim had adopted a new policy of containing and assimilating the Kurds. He enacted martial law, Arabized Kurdish names and areas, bombed Kurdish villages, arrested Kurdish nationalists and ordered the closure of the Kurdish press and organizations including the KDP (Natali, 2005).

This, however, had added fuel to Kurdish nationalism which was growing and spreading owing to modernism. Many tribes – except those loyal to the government of Baghdad – as well as intellectuals gathered around Mustafa Barzani. In reaction to the government's hostilities against their people and their region, the Kurds raised in the face of the government marking the beginning of the Kurdish revolt of September 1961 also known as Shoresha Aylule (1961-1970). The objectives of the 1961 Kurdish Revolt extended between autonomy and the right of establishing an independent entity. The Kurds wanted to attain "autonomy for Kurdistan and democracy for Iraq" (Jawad, 1981: p.93). Despite the government's whip hand in terms of equipment and troops, the Kurds had resisted in their guerilla fight against the government and the revolution had not submitted to Qasim's government (Gunter, 1992). Qasim's policy of removing the Kurdish obstacle from his way demonstrated its lack of success. This was mainly due to Qasim's failure in mobilizing the Kurdish pro-government groups, which were poorly organized, against Mustafa Barzani and the KDP as well as Qasim's inability to grasp the full implications of Kurdistan's geography in defending the Kurdish identity (Jawad, 1981).

With the purpose of keeping the Kurdish revolt alive, Barzani sought the support of foreign powers. At the end of 1961, Barzani had approached the British. When his call went not heard, he asked the United States for aid in 1962 (McDowall, 2004). “Let the Americans give us military aid, openly or secretly, so that we can become truly autonomous, and we will become your [United States’] loyal partners in the Middle East” (Schmidt, 1974: p.54). Earlier, in 1959, worried about Iraq’s going into communism, the United States had stood against Qasim’s regime by supporting Arab nationalists in the Shawaf Revolt in Mosul (Natali, 2005). But, at the time of Kurdish Revolution of September 1961, the United States was interested in Turkey – its ally – and it was attentive if the revolt could spread to Turkey. The United States was mainly concerned with the Cold War and the peace and security of Turkey which had long boundaries with the Soviet Union (Abdulla, 2012). Nevertheless, it could be thought that the United States might have provided the Kurds with aid through Iran (Ghareeb, 1981). As for the Soviet Union, despite its close ties with Qasim, it had also supported the Kurds because it founded in the Kurdish revolt the potentiality of making troubles to the Turkish and Iranian governments which became members in the Baghdad Pact[10] (Ghareeb, 1981). Nonetheless, it was unwilling to lose Iraq in the interest of the Kurds (Jawad, 1981). The overthrow of monarchy in 1958 put Iraq’s move from pro-Western alliance toward the Soviets in motion. Regarding the regional countries, after the revolution of 1958, Turkey claimed having a neutral policy toward Iraq. Although the Kurdish revolt against Qasim’s government, which had good connections with the Soviet Union, might seem agreeable for Turkey, it feared from stretching out these revolts into its own territory (Ghareeb, 1981). During the eruption of the Kurdish Revolt of 1961, Turkey closed its border and refrained from giving the Kurds any kind of support. However, the Kurds of Turkey were still helping in smuggling the arms and money secretly through Turkey to the Kurdish Peshmergas[11] (Jawad, 1981). The establishment of the Republic of Iraq had surfaced the Arab nationalism and led to the increase of socialist ideas in the country. Following the fall of the Monarchy in Iraq and its rapprochement with the Soviets, Iran**,** a hostile state to Iraq due to historical border disputes and the control of Sunnis over the rule, adopted a somehow friendly policy with the Iraqi Kurds and kept its border open for the supplement of low-key aid to the Kurds in their struggle averse to the Government of Iraq (GOI) (Ghareeb, 1981).

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[10] Baghdad Pact: it was known as the Central Treaty Organization (CENTO) originally the Middle East Treaty Organization (METO). This defense organization was formed in 1955 by Britain, Iraq, Turkey, Iran and Pakistan. It was also considered as a Cold War alliance against the spread of Communism. In 1958 the U.S. joined its military committee. Iraq withdrew from the pact after its transition into a Republic in 1958 (Ashton, 1993).

[11] Peshmerga is a Kurdish term means those who face death and refer to the Kurdish fighters who become the military force of KRI.

## 3.9. The Baath Party Coup of 1963 and the Two Arifs

On February 8, 1963, the Prime Minister Qasim was overthrown in a coup –known as the Ramadan Revolution – staged by the Baath Party and the Nasserists. He was captured and killed the day after (Dann, 1969). In the aftermath of the coup, Abdul-Salam Arif, a Nasserist, who broke with Qasim four years earlier, became the President. Brigadier Ahmed Hassan al-Bakr, a prominent Baath Party member, became the Prime Minister. The Baath Party dominated and held the key positions in the government. The Kurds saluted the coup and called for the realization of Kurdish rights including an autonomy rule within Iraq. For that purposes, the Kurds have sent a delegation to discuss Kurdish demands with the new regime. Jalal Talabani, who was in Baghdad within the delegation, had accompanied the Iraqi delegation visiting Egypt to usher in Iraq's unity with the latter and to attend Unity Day[(12)] celebrations on February 22, 1963. Talabani's independent move had annoyed Mustafa Barzani and depicted the political differences among the Kurds, who were worried about the new government's initiative to join Egypt in the United Arab Republic (UAR) and feared that Kurdish nationalism would be suppressed by Arab nationalism. The Kurds have suggested that if Iraq joins the Arab federation as a state member, a type of self-government within Iraq should be concurred for the Kurds. Nonetheless, they persist, if Iraq would unite and melt into the Arab union, the Kurds should be recognized as a distinct nation and relate to the new government in a similar manner to other groups and states that join the union. On April 17, 1963, the states of Iraq, Egypt and Syria declared the formation of a Federal Arab Republic which had failed to mention the Kurds or refer to any of their rights. In May 1963, negotiations came to a standstill. Mustafa Barzani stated that the Kurds were not beseeching for their rights for which they were ready to fight until death and if the government in Baghdad was not willing to agree on the autonomy for the Kurds, they will even push for separation from Iraq. By the end of May, the Baathists broke with President Nasser and decided to recommence the war against the Kurds. The Iraqi army undertook its offensive on the beginning of June 1963. The government had also used the anti-Barzani Kurdish tribes and pro-government Arab tribes in its fight against the Kurdish national movement. Syria had sent 5000 men of its army to assist the Iraqi army in cracking down the Kurdish revolt. By October, the government forces had occupied most of the Kurdish areas. The government thought that they had crushed the Kurdish revolt while most of the Kurdish fighting forces

[(12)] The day of formation of the United Arab Republic (UAR), a political union consisting of Egypt, the Gaza Strip and Syria.

remained in the mountains unharmed. Only one month later, in November 1963, the Baathist government was toppled by President Abdul-Salam Arif and a group of officers, marking the end of nine months of the Baath Party rule (Jawad, 1981).

Arif's government was not more benevolent than that of the Baath Party toward the Kurds. Even though, on February 10, 1964, Mustafa Barzani had signed a peace agreement with President Arif. The agreement stipulated the recognition of Kurdish national rights within a unified Iraq, the release of war prisoners, restore of Kurdish property, re-establishment of the government administration in the northern part of the country and the termination of the economic siege. Barzani had signed the agreement personally rather than in his capacity as the leader of the KDP, a move that had escalated the political differences between him and other members of the KDP leadership, particularly Ibrahim Ahmed – Jalal Talabani group. As a result, the Kurdish national movement was divided into two camps: Barzani's camp which included the majority of tribal and religious leaders and Kurdish fighters and took Qaladiza as a headquarter; while Ahmed-Talabani group which embraced the KDP intelligentsia setting their headquarter in Mawat. The latter group had little chance to stand against Barzani who was depicted as the Kurdish valiant leader and the head of the Kurdish revolt. Nevertheless, they had denounced Barzani's unapproved deal with Arif. But most of the Kurds were at Barzani's side. Barzani had soon put people loyal to himself in the leadership of the KDP in the place of all of Ahmed-Talabani group. Ahmed and his group held the Sixth Congress of the KDP in April 1964 in Mawat. Three months later, in July 1964, Barzani called for repeating the Sixth Congress of the KDP in Qaladiza where a Central Committee, a Politburo, and Peshmerga and tribal leaders were installed and Mustafa Barzani was elected as the Chairman of the KDP. A few days later, Barzani had directed a large force to compel the old KDP group which had challenged his leadership – Ahmed and Talabani and their approximately 4000 followers – to cross the border into Iran (McDowall, 2004). In October 1964, Barzani demanded autonomy for the Kurdish region including Kirkuk and Khanaqin, called for giving an official status to the Kurdish language in the Kurdish region and a just share for the Kurds from the revenues of Iraq's oil (McDowall, 2004). He then established the "Council for the Command of the Revolution of Iraqi Kurdistan" which included the politburo of the KDP, Peshmerga commanders and religious and tribal leaders. As the President of the "Revolutionary Council," the KDP and Peshmerga became subordinated to Barzani who remained the undisputed leader of the Kurdish national movement ever since (Jawad, 1981). In March 1965, the war resumed and the majority of

Kurds supported Barzani and stood up for the revolt, even Ibrahim Ahmed and Talabani and their followers returned to Iraq to defend the Kurdish struggle. The recommencement of war was indecisive, with the government forces controlling many towns, villages and roads during the day, while Peshmergas taking the control over large territories by the night (McDowall, 2004).

In September 1965, Abdul-Rahman Al-Bazaz, a civilian, was appointed as Iraq's Prime Minister. He had formed an overwhelmingly civilian government. Al-Bazaz was in favor of a peaceful solution to the Kurdish problem in Iraq. For that reason, he had introduced an "Administrated Law" that confirmed "the reality of Kurdish nationalism" and the Kurdish willingness "to preserve their language and cultural heritage" (Khadduri, 1969: p.255). The new law would allow the Kurds to execute the "local activities that do not conflict with the unity of the country" and therewith would keep Iraq's territorial integrity (Khadduri, 1969: p.255). After the death of Abdul-Salam Arif in April 1966, Abdul-Rahman Arif succeeded his brother as the President of Iraq. Mustafa Barzani had declared one month ceasefire so as to give Iraq's government the required time to reconsider Kurdish demands. However, the militarists insisted on going for the final assault and crushing the Kurdish revolt. By that time, the conflict between military and civilians had intensified. The Prime Minister Al-Bazaz was pro a peaceful settlement and reconciliation with the Kurds. While, Abdul-Rahman Arif, under the pressure of the military, authorized an offensive in May 1966 on the road from Rawanduz to the Iranian border to cut the supplies the Kurds were getting from Iran and to remove the KDP and Peshmerga headquarters. In spite of the government's use of Air Force and chemical weapons, its army was painfully defeated north-east of Rawanduz near Hindarin Mountain (Jawad, 1981; McDowall, 2004). It was reported that Tsuri Saguy, an Israeli Colonel, had contributed to planning and staging the attack on the Iraqi army (Randal, 1997). The spectacular triumph of Peshmergas marked a turning point in the relations between the Kurds and the Iraqi government. On June 29, 1966, Al-Bazaz announced a 15 points offer to the Kurds, also known "29 June Declaration," recognizing Kurdish nationalism and realizing most of their demands. Despite Barzani's acceptance of the declaration as a ground for negotiating the Kurdish issue with Baghdad, al-Bazaz was pressured to step aside before he could carry out any provisions of June's declaration (Gunter, 1992).

Al-Bazaz was substituted by a military officer, Major General Naji Talib. The new Prime Minister had no intention to implement '29 June Declaration.' In spite of military's dissent, President Arif gave a visit to Kurdistan on October 26, 1966, and met with Mustafa Barzani. He expressed his compliance to '29 June Declaration' and made promises that he was unable to keep regarding the normalization of the situation in Kurdistan and making the participation of the Kurds in the Iraqi political life possible. Arif's visit – the first of its kind made by an Iraqi president – gave a moral uplift to the Kurdish national movement and strengthened Barzani's status as its leader. Barzani called for the convention of the Seventh Congress of the KDP which was held in Galala in November 1966. The congress pronounced the approval of '29 June Declaration' as a step forward to achieving their objective, autonomy. It had also issued a memorandum to the Iraqi President and Prime Minister, lamenting their failure to enact the declaration or to take the necessary action to reach a peaceful solution. Despite army's discontent, Arif went on with his policy of pacifying the Kurds until a coup, staged by the Baath Party combined with the dissatisfied army forces, brought his rule to an end on July 17, 1968 (Jawad, 1981).

The disagreement between the Kurds and the GOI was always a destabilizing factor in Iraq. The Kurds were trying very hard to get the necessary aid – regardless of its source – in order to incapacitate the state and maximize the national gains of the Kurdish movement. Therefore, some foreign powers that were interested in weakening Iraq had taken the opportunity to interfere via bolstering up the Kurdish national movement. Consequently, and due to Iraq's failure to solve the Kurdish problem, the issue procured international popularity and attracted many foreign actors (Jawad, 1981). The intervention of these actors with different ideologies, policies, and objectives had seriously complicated the situation and prevented the conflicting parties – the Kurds and the GOI – from reaching a solution. Still and all, in the face of Arab nationalism and foreign agenda in the region, it was important for the Kurds to keep their national movement standing until achieving the desired aspirations. Throughout the 1960s, Mustafa Barzani, the leader of the KDP and the Kurdish national movement in Iraq succeeded in obtaining assistance from the main U.S. allies in the Middle East region, namely Iran and Israel, both Iraq's ideological adversaries (McDowall, 2004).

Iran, which had supported the Kurds during Qasim's rule, became even friendlier with the Kurds and provided modern weaponry, money and training to them in order to combat the stream of Arab nationalism that was brought by the Baathist government, which came in the

place of Qasim, and to discourage the Kurds from reaching an agreement with the Baathists (Ghareeb, 1981). Nevertheless, it had turned against the Kurds and had allegedly cooperated with the same Baathist government as well as Turkey in suppressing the Kurdish revolt after the Baathists broke with Nasser in May 1963. Then, the accession of power by Abdul-Salam Arif, an ally of Nasser and Arab nationalist, had revived Iran's support to Iraqi Kurds. The resumption of war in the Iraqi Kurdistan and Iraq's failure in tackling the Kurdish issue had enabled Iran to handle its disputes with Iraq. Iran tried to use the Kurdish card in order to pressure Iraq agree to its demands. Iran conditioned its dumping of the Kurdish revolt in 1965 in return for Iraq's breaking up with Nasser and Arab unity aspirations while in 1966 for a reconsideration of boundaries demarcation and the Treaty of 1937 regarding the Shatt al-Arab. As Iraq rejected to contemplate a review for the mentioned issues, Iran intensified its assistance to the Kurdish revolt through supplying the Peshmergas with heavy weapons and training and even allowed them to use Iran's territory for staging attacks against Iraqi military forces (Jawad, 1981). Disregarding Iraqi protests, by 1966, Iran was supplying 20% of the arms to Mustafa Barzani (McDowall, 2004). In a visit to Tehran in March 1967, Arif was unsuccessful in inducing the Shah of Iran to end his support to the Kurdish revolt and to shut Iran's border in the face of the rebellious Kurds (Jawad, 1981).

The other U.S. ally that took the advantage of supporting the Kurdish Revolt with the aim of weakening the Iraqi state was Israel. This was mainly due to Iraq's radical stance against Israel and its existence. Israel's involvement in the Kurdish issue in Iraq was set in motion in early 1960s. Israel considered the Iraqi Kurds an ally and had supported their national rights (Jawad, 1981). Israel's Prime Minister Menachem Begin revealed that his state began to provide the Kurds with arms and funds since 1965 and had also sent military instructors to train the Peshmerga forces. It had also been disclosed that the Americans were kept informed about the operations (Times of London, 1980). Israel's objective behind supporting the Kurds was to receive intelligence and to reduce Iraq's military capacity through getting it engaged with its internal unrest as well as assisting Iraqi Jews flee to Israel (Gunter, 1992; Bengio, 2014). The Kurdish openness toward the Jews and the enmity between the Shah of Iran and the Iraqi Arab nationalist regimes had lubricated the delivery of such goals. In the aftermath of the Six Days War in 1967, Israel expanded its support to the Kurds to include the supply of anti-tank and anti-aircraft weapons through the medium of Iran (Jawad, 1981). By the end of the 1960s, Israel's Institute for Intelligence and Special Operations (Mossad) even helped out the KDP to plant its intelligence group which is called *Parastin* (Mamikonian, 2005).

The Soviet Union, although sympathetic with the Kurds, was unwilling to choose the Kurds over Baghdad. In early 1960s, it did not respond to the Kurdish efforts in exerting pressure on Qasim to recognize the Kurdish national rights. In reaction to the continuation of war in Kurdistan in June 1963 – a few months after Qasim's fall – and the oppression of the Communists, the Soviet Union declared its support to the Kurdish struggle morally and through providing advice and training to the Kurdish forces. Even though, the position of the Soviet Union insinuated contradictory principles. While it preserved good relations with the Iraqi Kurds in the period 1963-1968 and continued alluding to the Kurdish national rights with sympathy, it had constantly handed over military supplies to the governments in Baghdad. After Iraq cut off diplomatic relations with the U.S., Britain and West Germany due to their attitude against Arab states in conflict with the State of Israel in 1967, strong relations were developed between Iraq and the Soviet Union. The dependency of the Baathist regime on the Soviet arms had fortified these relations (Jawad, 1981).

Nasser's position regarding Iraqi Kurds in the aftermath of Qasim was somehow similar to that of the Soviets. In May 1963, after breaking with the Iraqi Baathists, Nasser widened his moral support for the Kurds and the Egyptian press gave importance to the Kurdish affairs and its role in the Iraqi politics. By October 1965, Nasser withdrew his support so as not to lose Iraq for the Kurds' sake (Jawad, 1981).

Turkey, on the other hand, was not friendly to Iraqi Kurds. It had collaborated with the Baathist government in its fight against the Kurds between June 1963 and February 1964 (Jawad, 1981). Turkey's relations with the Iraqi Kurds had not undergone notable developments under Arif's governments (Ghareeb, 1981). Iraq's helplessness in bringing down the Kurdish revolt and the amplification of the Kurdish nationalist activities which had even extended to Turkey – through the emergence of a KDP branch in Turkey – was perceived by the government in Ankara as an existent threat. Therefore, Turkey was also on the side of the Iraqi government (Jawad, 1981).

## 3.10. The Kurds under the Baath Party (1968-1975)

On July 17, 1968, the Baath Party held sway over the power again through a coup that overthrew Abdul-Rahman Arif and installed Ahmad Hassan al-Bakr as the President and Saddam Hussein as the Vice President of Iraq. In less than two weeks after the coup, on July 30, 1968, the Baathists dismissed its military collaborators and took on full authority over

Iraq (Jawad, 1981). The Baath Party claimed that one of its objectives was to find a peaceful solution for the Kurdish issue (McDowall, 2004). It nominated four Kurds – two from Mustafa Barzani's side, one representing Ahmed-Talabani group and an independent one – for ministerial posts (Jawad, 1981).

Talabani and Ibrahim Ahmed welcomed the Baathist regime and felt close to them thanks to their shared nationalist and socialist ideas. They had collaborated with the Baathists and got allowances for their armed groups in return. Mustafa Barzani, on the other hand, conditioned his cooperation on the government turning its back on Ahmed-Talabani group. As the condition was not met, Barzani drew out his representatives from the government. With the aim of undermining Mustafa Barzani, the Baathist government declared its willingness to put al-Bazaz's '29 June Declaration' into effect and issued several official orders for the benefit of the Kurds, which included, among others, teaching Kurdish in all schools and universities in Iraq, granting amnesty to the participants of the Kurdish revolution, making the Kurdish *Newroz* celebrations as an official holiday and acknowledging the right of Kurdish people to safeguard its nationality (McDowall, 2004).

In the meantime, the government worked on the inter-Kurdish division through mobilizing Ahmed-Talabani group against Barzani. The government had provided moral, financial as well as military support to Ahmed-Talabani group whom both hoped to take the place of Mustafa Barzani as the leader of Kurdish national movement. Following October 1968, there were constantly skirmishes taken place between Barzani and Ahmed-Talabani group forces with the government taking a stand with the latter group (Jawad, 1981). Barzani's response came in a different style. In March 1969, the Peshmerga forces attacked Kirkuk oil refineries with long range weapons. Targeting government's interests in its strongholds had embarrassed the government internally and in front of the international companies (Jawad, 1981). Iraq was knowledgeable about Iran's backing of Kurdish revolt and its provision of heavy weaponry (McDowall, 2004). Besides, Iran's announcement of abrogation of its 1937 Treaty – relating demarcation of Shatt al-Arab – with Iraq in May 1969 meant providing more Iranian support for the Kurds. On the grounds of avoiding a costly[(13)] prolonged war with the Kurds, who were backed by Iran, and fearing from the repetition of their 1963 experience when they were toppled from the government, the Baathists came to the decision of making a peaceful settlement with Barzani (Jawad, 1981).

[(13)] Between 1961 and 1968, the cost of Kurdish wars was estimated about $270 million per annum (Natali, 2005).

Consequently, the Baath Party started to create a positive atmosphere for negotiations by making its appreciation of the Kurds' struggle for their national rights public and communicating the government's will to come to agreement with the KDP and its leader, Mustafa Barzani, whom they referred to as representatives of the Kurdish people. Additionally, the founder of the Baath Party, Michel Aflaq, had announced that "the [Baath] party has no objection to the Kurds' right to have a sort of autonomy" (Jawad, 1981). On June 28, 1969, as an indicator to its earnest intentions and commitment to put negotiations forward, the government had officially proclaimed the establishment of Duhok Governorate to include the Kurdish areas that were part of Mosul Province. This was a serious move from the side of the government towards reaching a settlement as it was earlier a subject of dispute between the Kurds and the former Iraqi regimes which feared that drawing a boundary along the Kurdish areas could become a step toward their split-up from Iraq (Jawad, 1981).

The government's new policies pleased the Kurds and negotiations embarked formally in December 1969. The parties had exchanged delegations. The main tiresome point in the negotiations was Kirkuk which the Kurds wanted it to be incorporated in their autonomous region. However, the government had convinced the Kurds to agree on leaving the destiny of Kirkuk to a future census or vote. When the Kurds went to Baghdad for signing the agreement, they have found a document that did not cover all the points they had come to terms on. Thus, they had angrily returned back to Kurdistan (McDowall, 2004). As a result, Saddam Hussein wended his way to Kurdistan on March 8, 1970 and remained there until he reached an agreement with Barzani (Jawad, 1981).

## 3.11. The Autonomy Agreement (1970) and the Algiers Accord (1975)

On March 11, 1970, President al-Bakr declared that the Iraqi government and the Kurdish parties agreed on a peace accord, which granted the Kurds autonomy. The accord, which was also called "the March Agreement," recognized the Kurdish language as an official language and articulated *inter alia* the participation of the Kurds in the government, undertaking of key posts, assignment of a Kurdish Vice President, return of the Kurds to their evacuated places, formation of a Kurdish government in the autonomous region and the amendment of the constitution and the laws in a manner conforming to the Autonomy Agreement. This

prospective peaceful settlement to the Kurdish issue in Iraq marked to be the first time happening in the Middle East that a government agreed to solve its minority problems through granting them autonomy (Ghareeb, 1981).

Shortly after signing the Agreement, many of its provisions were implemented. The government included five Kurds in the cabinet and assigned Kurdish governors in Sulaymaniyah, Erbil and Duhok. By April 1970, the Kurdish language began to be used in Kurdistan, journals and newspapers came into sight and social and cultural unions were organized. In the following month, the Kurdish tribal *jash*[(14)] forces were demobilized. In July, the constitution was amended to state that "the Iraqi people is made up of two nationalities, the Arab nationality and the Kurdish nationality" (McDowall, 2004: p.328). The government had also assented to provide the salaries of about 6000 Peshmergas as Border Guards and to reconstruct the affected areas (McDowall, 2004).

Furthermore, Barzani had pardoned his hostile Kurdish rivals, Talabani and Ibrahim Ahmed, but required them to stay in the areas of the KDP stronghold. On July 1, 1970, the KDP held its eighth congress in Nawprdan village in the Erbil province under the slogan "Democracy for Iraq and Autonomy for Kurdistan" (Abdulla, 2012: p.134). During the congress, two sons of Mustafa Barzani, Idris and Masoud, were elected as members of KDP politburo.

Before the conclusion of the year, the occurrence of several incidents raised doubts about the government's intentions in carrying through the March Agreement and its commitment to a peaceful solution with the Kurds. The first remark of the disharmony between the parties was the rejection of the Baathist government of the KDP candidate, Habib Karim, a Fayli Kurd, for the post of Vice President. In December 1970, a failed assassination attempt was made on the life of Idris Barzani. The census which was decided to be conducted within a year in the contested areas that would determine the boundaries of the autonomous Kurdish region was postponed and never performed. Moreover, the Kurds blamed the government of populating Arabs in the disputed areas of Kirkuk, Khanaqin and Sinjar (McDowall, 2004).

The relations between the Kurds and the government gradually became worse. After the Baathist government had fastened its grip over the state and was no longer in need to conciliate the Kurds, it prevented putting into action the essential articles of the March

(14) "Jash" is a Kurdish defamatory term literally meaning "young donkey" and usually used to refer to pro-government militia of Kurdish descent.

Agreement including the status of Kirkuk and other disputed areas. Then, it became apparent that the Baathist government – just like the previous ones – was not sincere in embracing the Kurds as partners and it was using negotiations as delaying tactics until they were able to centralize and impose Baathist and Sunni-Arab policies on the state (Natali, 2005).

Consequently, Mustafa Barzani kept on receiving arms and equipment from Iran. In August 1971, he beseeched the U.S. to provide assistance. In September 1971, Barzani got through an attempt on his life unharmed. In March 1972, he had re-appealed to the U.S. for aid (McDowall, 2004). Meanwhile, the Baathist government was consolidating its control over the state with the aim of containing the Kurds. The Baathist government had announced the National Action Charter, which was claimed to ensure the political participation of other forces – beside the Baathists – in the decision-making process. Additionally, in April 1972, the government had committed itself to giving Iraqi companies the right to exploit the country's oil which led to nationalization of the Iraqi Petroleum Company two months later on June 1, 1972. As a result, the government gained more power and legitimacy through the support of most Iraqi forces – apart from the KDP – and became economically more independent. Internationally, the government signed the Iraqi-Soviet Treaty of Friendship and Cooperation on April 9, 1972, which served solidifying Iraq's relations with socialist, leftist, Arab and non-Arab states with adversity to the U.S. and its allies (Ghareeb, 1981).

The Iraqi-Soviet bilateral treaty had startled Iran which had consequently increased its support to the Kurds. Besides, in May 1972, the Shah of Iran asked the U.S. President Richard Nixon to assist him with his project which involved utilizing the Kurds to solve Iran's disputes with Iraq (Gunter, 1992). The U.S. gave permission to provide the Kurds with finances and the Soviet and Chinese weapons (Jawad, 1981). The KDP had disclosed, by the summer of the same year, that "[t]he central objective of our KDP and the liberation movement of our Kurdish people at the present phase is the realization and practice of self-rule… Self-rule [nonetheless] is not a substitute for the Kurdish people's right to self-determination" (Ghareeb, 1981: p.134).

Between 1972 and 1973, clashes resumed between the Kurds and the GOI. In December 1973, the Baathist government proposed a new autonomy plan which the Kurds had declined because of its consideration of the 1957 census – in contradiction with article 14 of the March Agreement, which stipulated holding a new census to decide the weight of Kurdish population – as a basis for delineating the borderlines of the Kurdish autonomous region.

Later, on March 11, 1974, the government declared its one-sidedly revised new draft of the Autonomy Agreement and gave the Kurds an ultimatum of fifteen days to respond. According to the new plan, the Kurdish autonomous region would consist of Duhok, Sulaymaniyah and Erbil – the latter was also appointed to be the capital of the Kurdish region – excluding Kirkuk and leaving the demarcation of the frontiers of the region to a future census (Entessar, 2010).

Barzani had rejected the agreement mainly because it would have left the oilfields of Kirkuk under the control of the Iraqi government. Promises of more aid for the Kurds by the United States and Iran had also contributed to the former's non-acceptance of the Baathists' proposal. As Barzani, in an interview later, stated, "[w]ithout American promises, we would not have acted the way we did. Were it not for the American promises, we would never have become trapped and involved to such an extent" (Ghareeb, 1981: p.159). Barzani had helplessly sought the U.S. involvement in the Kurdish issue to make sure that the Shah would not turn his back to the Kurds until they achieve their goals. Barzani had disclosed, in an interview in 1973, that the Kurds "do not trust the Shah. I trust America. America is too great a power to betray a small people like the Kurds" (Alvandi, 2014: p.124). As an evidence of its intention to continue supporting the Kurdish revolt, the U.S. had stationed an army team close to the Iranian-Iraqi frontier to offer advice to the Kurds in their warfare against the Baathist regime (Ghareeb, 1981). Believing in the non-guaranteed promises of the U.S. and distrusting the Baathists, the Kurds decided to continue the fight. The conflict between the Kurds and the government arrived at a stage that no party could win. Mindful of the essential role of Iran in the viability of the Kurdish Revolt, the GOI opted for a settlement with Iran. On March 6, 1975, the Shah of Iran and the Iraqi Vice President, Saddam Hussein, signed the Algiers Accord under which Iraq made concessions to Iran and recognized the middle of the Shatt al-Arab River as the border between the two countries in return for ending Iranian support for the Kurdish Revolt which had duly collapsed (Entessar, 2010; Gunter, 1992).

The role of foreign powers was imperative in the flow of events in Iraq particularly at this stage and once more in determining the Kurdish prospect of autonomy or independence. After the Baathists regained power in 1968, an alliance of states – mainly Iran, Israel and the U.S. – had supported the Kurds against the Baathist government. The most crucial part was played by Iran. The two countries (Iran and Iraq) were historically hostile to each other. Iran wanted to put pressure on the Iraqi government to solve the disputes they had in its own

favor. It kept its borders open for the Kurds and provided them with arms and training. While the Baathist government expelled Iranians living in Iraq, supported the Arabs of Ahwaz and Iran's opposition groups and gave asylum to Shah's political adversaries, the most prominent one was Ayatollah Khomeini. In retaliation for the GOI's moves, the Shah of Iran had widened his support to the Kurdish revolt and supplied the Kurds with sophisticated weaponry. The Iranian army had even coordinated and participated in some Kurdish attacks on the Iraqi army. Besides, Iran had functioned as a port for delivering the military supplies from other stakeholders to the Kurds (Ghareeb, 1981). Israel, on the other hand, making use of its friendly relations with the Shah of Iran, had kept supplying the Kurds with money and arms. It is believed that the attack on Kirkuk's oil installments in March 1969 was orchestrated by Israelis (Gunter, 1992).

The other influential actor whom the Kurds were hanging much of their hopes on was the United States. Although it is documented that the U.S. had entered into the picture in 1972 upon Shah's request, it is believed that the first U.S. aid was materialized in August 1969, in which the Kurds had received U.S. support in their struggle for autonomy in return for the Kurds fighting for toppling the Baath regime. The secret deal would have also required the Kurds to remain by the side of the U.S., not to conflict with Iran's interests, and to cut off any ties and reject cooperation with the Soviet Union (Ghareeb, 1981). The United States' intervention in the Kurdish issue was by virtue of several reasons that were directly related to the interests of the U.S. and its allies in the region. The U.S. decision to support the Kurdish revolt in Iraq came mainly as a positive response and as doing a favor to Iran, which was one of the United States' most important and loyal allies in the world (Kissinger, 1979). Another rationale for the U.S. involvement was interconnected with the Cold War. Prolongation of the Kurdish war in Iraq would undermine Iraq's strength, an ally of the Soviet Union. The fight is also aimed to keep the Iraqi army hard-pressed with its internal turmoil and to consume its capacity so as not to take part actively in the Arab-Israeli strife (Gunter, 1992). Another ground for the U.S. action was related to its oil interest in Iraq. After the nationalization of the Iraq Petroleum Company by the Baath regime in June 1972, Barzani vowed to pass on the oil fields to the U.S. once the Kurdish Revolt triumphed and Kurdistan attained independence (Ghareeb, 1981).

As for the Soviet-Kurdish relations, the year 1972 was conclusive when Iraq finalized a treaty with the Soviet Union to counterbalance Iran, a close ally of the U.S. (O'Balance, 1996). After signing the treaty, the Iraqi government became heavily dependent on the Soviet Union.

The Soviet Union had consolidated the Baathist regime through military aid (Ghareeb, 1981). After the U.S. intervened on the side of the Kurds during the summer of 1972, the Soviet severed its ties with the Kurds and stood wholly with the Iraqi government (Jawad, 1981). Other less important actors in the Kurdish issue in Iraq were Syria as well as the Gulf states which had secretly contributed to the Kurdish revolt with financial aid. These states were intimidated by the Baath Party policies of creating a strong Iraq and its ambitions of leading the Arab world (Jawad, 1981).

It is worth mentioning that the foreign support to the Kurds was planned in a way that it could not enable the latter overcome in their struggle to gain their national rights so as to keep them dependent on the U.S. and Iran and have them ready to play the role these states ask them for (Gunter, 1992). Although unintentionally stressed the Kurdish nationalism, the support was mainly aimed at prolonging hostilities between the Kurds and the Iraqi government which would result in bounding the latter's army and sapping its resources (The Village Voice, 1976). Iran and foreign powers' growing assistance to the Kurds had paralyzed the Iraqi government between two tough choices: whether to make concessions to the Kurds or to Iran. In 1970, the Iraqi government had opted for the first choice and concluded an autonomy agreement with the Kurds. Failure to fully implement the autonomy agreement along with Iran's constant involvement in the Kurdish question had compelled the Iraqi government to go for the second alternative and make concessions to Iran through Algiers Agreement (Jawad, 1981). In return, the Shah of Iran withheld his support to the Kurdish revolt which was collapsed as a result.

Immediately after Algiers Accord was signed, the foreign assistance to the Kurds had stopped. Without the aid, the survival of the Kurdish revolt was unfeasible. The Kurdish leader, Mustafa Barzani, appealed to the CIA urgently requesting them to interfere in stopping the destructive war against the Kurdish people and to meet the promises they have made to them (Gunter, 1992). Barzani had also made a plea to Kissinger – the then U.S. National Security Advisor and the Secretary of State – reminding him that "the United States has a moral and political responsibility towards our people [Iraqi Kurds] who have committed themselves to your country's policy." (quoted in Gunter, 1992: p.29). Having reached an Agreement with the Shah of Iran, the Iraqi government launched a final offensive against the Kurds knowing that Iran would not intervene. Israel expressed its unease to the U.S. over the change of Shah's position towards the Kurds. Having an eye on Iran's oil, it had also communicated its distress over Iran's new relationship with Iraq, a hostile country to Israel

(Gwertzmen, 1975). One week later, the Iraqi government proposed the Kurds a ceasefire so as to give them the necessary time either to escape to Iran or to lay down their arms and capitulate to the government. On March 23, the Kurds reached a conclusion to quit the fight. "We are alone without friends. The Americans gave us no help or refuge," Barzani remarked (Jerusalem Post, 1975). Mustafa Barzani, along with over one hundred thousand Kurdish fighters and their families, made an exit to Iran while thousands others had surrendered to the Iraqi government (McDowall, 2004). Barzani stayed in Iran for several months until he managed to leave for the United States for medical treatment (Bengio, 2012).

The Baathist government began to execute its own version of the Autonomy Law and appointed anti-Barzani and pro-government Kurds in the posts that were assigned to the Kurds in the cabinet and as the Republic's Vice President. It had also consolidated its control over the Kurdish region and formed a security belt that reached to about 30 kilometers wide alongside the Iranian and Turkish frontiers which entailed the evacuation and destruction of about 1400 villages by 1978 and deportation of hundreds of thousands Kurds to resettlement camps and to other provinces in the south of the country. The government had also transferred about one million Kurdish inhabitants from the contested territories including Kirkuk, Khanaqin and Sinjar among others and settled Egyptian and Iraqi Arabs in their places. It had also altered the administrative map of the disputed territories through detaching towns with Kurdish majority from Kirkuk and attaching them to other provinces to make sure that Arab majority prevail in these areas (McDowall, 2004). The government launched an Arabizing process in Kurdistan aimed at exterminating the Kurdish national movement and assimilating the Kurdish identity. It forbade the use of the term 'Kurdistan,' which was swapped for the terms 'the northern region' or 'the autonomous area.' It had also erased the terms 'Kurds' and 'Kurdistan' from textbooks and converted the names of important and oil-rich Kurdish areas, for example, the historic name of Kirkuk was changed to Tamim and Haj Umran was changed to al-Nasr (victory) (Bengio, 2012).

The collapse of the Kurdish revolt in March 1975 had visible consequences on the Kurdish national movement. The KDP split into factions, some of them joined the group that was cooperating with the government and others established new parties. On June 1, 1975, Jalal Talabani, a former politburo member of the KDP, declared the formation of the Patriotic Union of Kurdistan (PUK) – later to become a major party together with the KDP – from Damascus (McDowall, 2004). The party claimed to have leftist and socialist beliefs.

Barzani's two sons, Idris and Masoud, joined Sami Abdul-Rahman to set up the KDP-Provisional Leadership (KDP-PL) in November 1975 which became the controlling faction of the KDP (Bengio, 2012). The KDP followers were mainly from the Kurmanji-speaking areas of Kurdistan, i.e. Bahdinan, areas where the party had reorganized; while the PUK was concentrated in Sorani-speaking areas of Sulaymaniyah, a zone of Talabani's activities (Gunter, 1992). In 1977, Talabani moved to Kurdistan. He was holding a grudge against the KDP-PL due to the old adversary between him and the Barzanis and because the KDP factions had fought his forces when entering Iraq through Turkey in 1976 and 1977. In 1978, Talabani had sent a force of 800 men to receive a delivery of arms, transported from Syria to Turkey, and ordered them to wipe out the KDP-PL bases on their way. Consequently, clashes erupted between the two forces which had left many dead (McDowall, 2004).

The year 1979 was full of events that had a direct impact on the Kurdish national movement in Iraq. In February 1979, the Shah of Iran was toppled and Ayatollah Ruhollah Khomeini had established the Islamic Republic of Iran (Gunter, 1992). As Khomeini assumed power in Iran, he did not conceal his desire to destabilize the Baathist government and thus started to assist the Kurds to fight against the government in Baghdad. This support would be of crucial significance to the Kurdish national movement after the absence of its leader Mustafa Barzani since the defeat of March 1975 and eventually his death of a heart attack at Georgetown University Hospital in the United States on March 1, 1979 (Smith, 1979). Khomeini, with the intention to use the Kurdish card against Baghdad, forged ties with the Kurds, particularly with the KDP-PL who were in Iran as refugees. He allowed them to reorganize, establish their bases in Iran and broadcast their radio station – the Voice of Iraqi Kurdistan (Gunter, 1992; Bengio, 2012). In October 1979, the KDP-PL held party's ninth congress in Mergewer in Iran under which the party renamed itself as the KDP and Masoud Barzani was elected as the chairman of the party (KDP, n.d.).

## 3.12. The Kurds during Iran-Iraq War (1980 – 1988)

The balance of power between Iraq and Iran that was brought by the Algiers Agreement was tipped and lost when the Islamic Revolution held power in Iran in early 1979. The new 'Shia' Islamic Republic of Iran had every intention to export its ideology throughout the Middle East region and the world. The Islamic Republic perceived Iraq – a strong Arab state in the

Gulf – as a hurdle to its pursuit for regional hegemony. To eliminate the obstacle, Iran took the advantage of the presence of a majority of Shias – about 60% of Iraq's population – living under the tyranny of Sunni's rule and of the Iraqi Kurds who were striving for obtaining their national rights. Thus, Iran started moving the Shia groups and supporting the Iraqi Kurds against the Baathist government with the purpose of destabilizing and overthrowing the GOI (Karsh, 2002).

For Saddam Hussein, who had forced al-Bakr to resign and formally rose to power on July 16, 1979 as the President of Iraq and the Chairman of the Baath Party (Commins, 2014), the Islamic Revolution in Iran depicted a grave threat to his rule in Iraq. Saddam's decision to go to war with Iran could be considered pre-emptive as he found himself obliged to work for toppling the government of Iran that intend to overthrow his government. However, the main drive behind his decision was related to the Algiers Agreement and the Kurdish issue as Iran resumed its support to the Kurds. In his speech of September 17, 1980, Saddam announced the revocation of the Algiers Treaty which was signed by him and the Shah of Iran in March 1975. He indicated that Iraq was obliged to sign that treaty to protect its sovereignty, territorial integrity and security. Nevertheless, for him, the Agreement was a play for time until he could build a powerful army that could forcefully impose Iraq's sovereignty over the whole of Shatt al-Arab and neutralize the Kurdish national movement in Iraq (Bengio, 2012). He believed that the war could also personally consolidate his power as the ruler of Iraq and strengthen Iraq's position in the Arab world. Additionally, he thought that he could achieve a quick victory over Iran which had broken-off its relations with the U.S. and was facing an internal chaos in the aftermath of the Islamic Revolution (Gause III, 2002).

In September 1980, the war between Iran and Iraq broke out. At the beginning, the two main Kurdish parties, the KDP and the PUK, found the war as the right set of circumstances to giving a boost to the Kurdish national movement. The two parties were able to cope together as both were sharing the same objective: autonomy for the Kurds and democracy for Iraq. However, the Barzani and Talabani rivalry remained as a challenge. By mid-November 1980, the PUK joined forces with the Socialist Party of Kurdistan in Iraq (SPKI), the Iraqi Communist Party (ICP) and some other factions – excluding the KDP – to make an opposition front against the Baathist government. Before the end of the month, the KDP converged in another front that eliminated the PUK and included the ICP, the SPKI and the Kurdish Socialist Party (PASOK). The relations between the KDP and the PUK were going

up and down: sometimes their relations were deteriorated and reached to hostilities as in the fall of 1981; other times they were in cooperation as when they did a joint operation in Sulaymaniyah areas in August 1982 (Gunter, 1992).

During the first three years of the war, the situation in Kurdistan was somehow quiet and the Iraqi military presence was concentrated in the south. Aware of the peril of the Kurdish-Iranian cooperation, Saddam had tried to appease the Kurds. He offered amnesty to the Kurdish army-deserters and allowed them to be deployed in Kurdistan. In fact, many deported Kurds were permitted to return back to their homes in the north (McDowall, 2004). Besides, the Baathist regime underlined the already established Kurdish rights and arranged for Legislative Council elections of the Kurdish autonomous region in August 1983 which brought about a council that was more agreeable to Kurdish nationalists as compared to the earlier one assigned by the Baath Party (Gunter, 1992).

Still aiming at diminishing the Kurdish threat in the north, Saddam tried to negotiate with the Kurdish parties. He started with the KDP but they could not come to an agreement due to KDP's dense involvement with Iran as well as Saddam's unwillingness to make serious concessions in the advantage of the Kurds. When the KDP assisted Iran in its major offensive in July 1983 which led to capturing the strategic border city of Haj Umran, Saddam retaliated on the Barzanis and killed up to 8000 males including teenagers from their clan, most of whom were deported to the south in 1975 but had been moved to Qushtapa and other collective settlements south Erbil in 1980 (McDowall, 2004). The KDP's close ties with Iran and its intensified attacks with other opposition groups against the government had also created new conflicts with the PUK which had believed at that time to make a good deal with the exhausted GOI. The Iranian-KDP cooperation kept on pushing the PUK to leave its hideaways and move deeper into Iraq (Gunter, 1992). In December 1983, with the mediation of Qasimlu, the leader of the Kurdistan Democratic Party of Iran (KDPI) who was getting assistance from the Iraqi government in his struggle against the Islamic Republic of Iran, a ceasefire was declared by the government (Saddam) and the PUK (Talabani) and negotiations on Kurdish autonomy began. Talabani hoped if the negotiations would lead to a favorable end for the Kurds, he could oust Barzani and become the national hero of Kurdistan. The negotiations went on for about one year. In January 1985, the ceasefire broke down because Saddam was unwilling to compromise the fate of Kirkuk and he did not agree on the inclusion of the disputed areas of Sinjar, Khanaqin and others, or on abandoning the Kurdish

*jash* forces. There were, in addition, some external factors that had played a considerable role in the collapse of the ceasefire which included the foreign help Saddam had received from countries like the U.S., France and the Soviet Union, all anxious about repercussions of the triumph of the Islamic Republic of Iran. In addition, Turkey, which was Iraq's only oil outlet to the international market, put pressure on the government not to make an agreement with the Kurds. As a result, the PUK found itself in an indigent condition as negotiations with Saddam had cost it some of its fighters and supporters, the external support it was getting from Syria and Libya as well as the trust of the opposition parties within the KDP-led coalition which were taking up arms against Saddam (McDowall, 2004).

The isolated PUK had attempted rapprochement with Iran which was willing to expand the war front in Kurdistan in order to attract Saddam's army to Kurdistan thereby it could make advances in Basra. By 1986, both major Kurdish parties were receiving arms and financial assistance from Iran (McDowall, 2004). The Kurdish operations made more intense and the KDP held a large section of territory from Syria in the west to Rawanduz in the east. The KDP had consolidated its position in the north and concluded an alliance with the Kurdish Workers Party (PKK) in 1986 under which the latter could retain positions over the border areas of northern Iraq which were under the control of the KDP (Gunter, 1992). The KDP had also seized Mangesh village and surrounded Duhok. The PUK, on the other hand, held the mountainous areas around Rawanduz southwards to the Iranian borders. It was also involved in battles around areas of Sulaymaniyah and forced the Iraqi army to leave several villages (McDowall, 2004; Gunter, 1992).

In November 1986, the reconciliation between the two Kurdish major parties was brought about under the patronage of Iran. The Barzani brothers and Talabani met in Tehran and signed an agreement aimed at concerting their operations against the Baathist government. The agreement between the KDP and the PUK was a great stimulator for the Kurdish national movement and constituted a cornerstone for the formation of the Iraqi Kurdistan Front (IKF) that included other smaller Kurdish factions in 1987 (Entessar, 2010). Consequently, the Iranian-backed joined forces of the KDP and PUK caused substantial defeats to the Iraqi army and the PUK, side by side the Iranian troops, had captured more than 150 square kilometers of the area northeast Kirkuk (Gunter, 1992). The Kurdish forces continued advancing and after the PUK forces seized Sari Rash summer resort and a palace of Saddam in January 1988, its leader Talabani referred to the Peshmerga victories and their territorial

gains, indicating prospects for an autonomous or independent Kurdish entity. As Talabani had stated, the Kurds had stepped forward in their quest for obtaining their national rights and it was inevitable that the Kurds would gain their own entity but "whether it will be an independent or a federal part of the state of Iraq will depend on what happens in Baghdad" (Teimorian, 1988).

## 3.13. The Kurdish Genocide

In retaliation to the Kurdish advances, supported by Iran, the Iraqi forces launched the "*Anfal* Campaigns"[(15)] against the Kurds under Ali Hassan al-Majid, Saddam's cousin, who was appointed as the military governor of Iraqi Kurdistan. The campaign, in which the Kurdish pro-government *jash* forces had participated, consisted of eight stages aimed at removing the threat imposed by the Kurds and their supporters – the Iranian troops – and comprehensively destroying the Kurdish national movement. The first Anfal started in February 1988 in which the government forces bombarded the Kurdish villages in Balisan area and the Jafati valley around Sulaymaniyah (McDowall, 2004). In March, the Iranian army launched another big offensive and entered about 50 kilometers through the Iraqi territories. Accordingly, the PUK and Iranian troops seized the town of Halabja close to the Iranian border. On March 16, 1988, the Kurdish town of Halabja underwent "the most notorious gas attack since World War I," claiming the lives of nearly 5000 people most of whom were civilians (Gunter, 1992: p.44). About 7000 more were wounded, disabled, and suffered from the effects of the chemical weapons. Halabja became the symbol of the Kurdish genocide just like the Auschwitz for the Jewish Holocaust (Kelly, 2008). The second Anfal was instigated on March 22, 1988, and targeted Qara Dagh Mountain – south of Sulaymaniyah – with chemical weapons which took the lives of hundreds of people. The third Anfal was carried out in the second week of April and was directed to Garmiyan areas, south east of Kirkuk. Thousands of male adults and teenagers, women and children were taken to execution camps and exterminated. The fourth Anfal was targeting the area between Kirkuk, Erbil and Koisanjaq. The operation was executed at the beginning of May and caused death to hundreds of Kurds and led to the capture of tens of thousands, most of whom were taken to detention and death camps. The

(15) "Anfal" is an Arabic term means the spoils of war. 'Anfal campaigns' was a term used by the Iraqi government to refer to the military campaign aimed at the extermination of the Iraqi Kurds in 1988.

fifth, sixth and seventh Anfal operations were staged between mid-May until August and were oriented toward Balisan and mountains of east of Shaqlawa. During the intervening time, the economically and militarily fatigued Iran was forced out from Faw and the surroundings of Basra. By July, the Iranian troops lost their control over areas in Mawat and Sardasht in Kurdistan. Then it declared its consent to the UNSC Resolution 598 which called for the immediate ceasefire, the suspension of all military actions and pull back of all forces. The ceasefire was put into force on August 20, 1988 (McDowall, 2004). After the closure of the Iran-Iraq war, most of the army was redeployed from the south to the north in order to launch the eighth and the final stage of Anfal in Kurdistan. The operation was addressed to Bahdinan, stronghold areas of the KDP. On the evening of August 24, 1988, the Iraqi forces dropped gas bombs on the KDP headquarter at Zewa Shkan, close to the Turkish border. The day after, the operation was commenced with chemical and heavy bombardments. Mustard gas and nerve gas (Sarin) were used in the attacks (Kelly, 2008).

As a result, thousands of Kurdish Peshmergas and civilians were massacred, others were resettled or forced to seek refuge in the neighboring countries. Although accurate numbers are difficult to come by, it is estimated that the Anfal operations took the lives of 150,000 to 200,000 people. When the war came to an end, around 4000 Kurdish villages and settlements were demolished and the number of people who had been resettled with force reached 1.5 million. By the end of Anfal campaigns, about 60,000 Kurds crossed the border into Turkey while about 100,000 Kurds found their way into Iran and joined the 150,000 refugees already there (McDowall, 2004).

The gruesome behavior of the GOI towards the Kurds, Peshmergas and civilians, stressed the need for the Kurdish unity in facing the horror of the regime. In May 1988, the Iraqi Kurdistan Front (IKF) was formally declared to embrace, in addition to the KDP and the PUK, other parties such as SPKI, KPDP, PASOK, ICP – Kurdistan Branch, Assyrian Democratic Movement (ADM), and Kurdistan Toilers Party (KTP). The Kurdish front had three principal objectives which included, toppling Saddam's Baathist regime, laying the foundation of democracy in Iraq and achieving a federal status for the Kurds in Iraq. Both Masoud Barzani and Jalal Talabani, the leaders of the KDP and the PUK respectively, became co-presidents of the front. Talabani was in charge of foreign relations and was based in Damascus while Barzani was responsible for domestic matters and was based in the mountainous areas of northern Iraq (Gunter, 1992).

The international community remained silent before Saddam's atrocities and the use of chemical weapons against the Kurds in spite of the PUK's immediate plea to the United Nations afterwards. Although the GOI's use of gas against the Kurds in different occasions and in Halabja attacks was an explicit violation of the 1925 Geneva Protocol, the Western countries and the democratic world turned a blind eye to those crimes as these countries were apprehensive about Iran overcoming in the war (McDowall, 2004). It was even later revealed that Iraq's chemical weapons and the related technologies which had been used to crack down the Kurdish national movement were made available by companies in the U.S., Britain, France, Germany, Italy, Japan and Switzerland (Randal, 1997). Saddam's gassing of Kurds triggered public sympathy internationally but passed without condemnation and prevention measures because of the remunerative trade and economic relations between Iraq and the governments of these developed countries (McDowall, 2004). As for the U.S., the Ronald Reagan's administration was alerted to the Iraqi chemical strikes on Iranian forces and the Kurds through 1980s which included the use of mustard and nerve gases as in the offensive retaking Faw peninsula and the attack on the Kurdish town of Halabja both in 1988. The U.S. opted to pass over these violations and had, in some instances, even provided Iraq with intelligence about Iranian army positions, facilities and defenses which assisted in swinging the war in favor of Iraq (Harris & Aid, 2013).

During the Iran-Iraq war, the international influence was as invariably present and again was of great effect on the Kurdish issue. Earlier in mid-1980s, the U.S. along with the Soviet Union and France provided assistance to Iraq in order to prevent Iran from overcoming the war. Strengthening Iraq had an inverse relationship with the evolution of the Kurdish national movement in Iraq. The more capable Iraq was, the harder it hit the Kurds who were getting a direct support from Iran and countries such as Syria and Libya which had helped with military supplies through their Iranian ally at that time (Gunter, 1992). Turkey, the other neighboring country with a considerable Kurdish population, had always feared from the evolution of the Kurdish national movement in Iraq and viewed it as a direct threat to its national security and integrity. As the PKK started its armed struggle in Turkey in 1980s, Turkey became more involved in the Kurdish issue in Iraq. Turkey and Iraq settled an Agreement in 1981 and in 1984 stipulating that both parties could cross their common border in pursuit of Kurdish insurgents. Hence Turkey had intervened across the Iraqi border in different occasions between 1983 and 1987 to chase the Kurdish guerillas which had found sanctuary in the KDP-controlled areas. The Turkish interventions and airstrikes targeting the

PKK, along with reports about PKK's exchange of information about the KDP to Baghdad in return for arms, had impelled the KDP to reevaluate its alliance with the PKK and to terminate its support to them by the end of 1987. Turkey's warming toward Iraq was multi-aimed and incorporated the suppression of the Kurds, the protection of the strategic pipeline that carried one third of Turkey's oil need from Kirkuk and the avoidance of Iran's victory which held sway over the Kurds (Gunter, 1992).

The war came to an end and the Baathist government under Saddam's leadership stayed in power and continued its oppression of the Kurdish people. Because of the war, Iraq's economy was tumbledown; the reconstruction costs were estimated to be around $230 billion and the foreign debt amounted to approximately $80 billion (Karsh, 2014). At the end of August, Masoud Barzani drew the Kurdish revolt to a close and stated that "[e]verything has ended; the revolution is over; we cannot fight chemical weapons with bare hands; we just cannot fight chemical weapons" (quoted in Middle East Watch, 1993: p.277).

## 3.14. Conclusion

The predicament of the Kurds in Iraq for obtaining national rights which varied between autonomy and independence began after the dissolution of the Ottoman Empire and the creation of new states in the Middle East.

Following the WWI, the Kurds lacked a strong central leadership that could unite them in their quest for national rights. The Kurdish tribal leaders were rather seeking to amplify their personal authority than joining their forces for serving the Kurdish national cause. One prominent Kurdish leader who had struggled for the Kurdish rights at that time was Sheikh Mahmoud Barzinji. However, his revolts and influence were limited to the Sulaymaniyah areas. The Kurds remained internally deficient in organization. They were divided and mainly affiliated to religion and tribe at the expense of the national identity. Therefore, they were impotent to obtain national rights neither as an independent entity nor as an autonomous part of the Iraqi state.

During the 1940s, Mulla Mustafa Barzani gained popularity among the Kurdish people due to his revolts against the Iraqi military and his participation in the Republic of Kurdistan in Mahabad. He utilized his influence to organize the Iraqi Kurds and bring them together under

a single party, the Kurdistan Democratic Party (KDP). In early 1960s, the KDP garnered the support of tribes, nationalists and the intelligentsia – even with some grudges – and became a tool for the advancement of the Kurdish national movement. Despite the forcefulness of the Iraqi governments in tackling the Kurds and the collaboration of the Kurdish pro-government factions against the Kurdish revolts, Mustafa Barzani had succeeded in promoting the Kurdish national rights and consolidating his position as the Kurdish national leader. The Kurdish triumph coerced the Iraqi governments to acknowledge the Kurdish national rights as was prescribed in the Autonomy Accord of March 1970.

By the time of the application of the modern nation-state system in the region, the Kurds failed to convince the imperial powers to secure an independent Kurdish state and were even denied autonomy within the new established states. They were also unable to accumulate the support of regional powers which stoutly opposed a Kurdish entity. Moreover, the Kurds had been used by the external powers, for instance, by the Britain to impose its mandate over Iraq and by Turkey, on the other hand, to reclaim the Mosul Vilayet. After the conversion of Iraq into a republic and the return of Mustafa Barzani from the Soviet Union, the Kurds have attracted some international actors to provide them with support in their struggle against the GOI. The foreign support which had continued in the 1960s through 1970s was more of a play to exploit the Kurds rather than assisting them in achieving national goals. Iran, for instance, was supporting the Kurds because it was against the Sunni government in Baghdad and because it wanted to block the stream of Arab nationalism and to impel Iraq to reconsider its demarcation of Shatt al-Arab and border issues with Iran. Israel's aids, on the other hand, were reasoned by keeping Iraq's army involved with the internal turmoil and to help Iraqi Jews abscond to Israel. The U.S. had involved responding to its allies Iran and Israel and due to the Cold War. That is to say the relations between the Kurds and these international actors were mostly issue-based and the aids provided were limited to a short period of time until these powers had achieved their objectives. For instance, once Iran signed the Algiers Agreement with Iraq in 1975, the aid to the Kurds was halted instantly. As a consequence, the Kurdish movement faced collapse and the Kurds were unable to preserve the foreign support and attain their right to self-determination.

As a result of the fall down of the Kurdish revolt, Jalal Talabani had split from the KDP and formed the PUK. The competition between the two utmost Kurdish parties led to political and geographical segregation in the Kurdish region with the KDP having its strongholds in the

Bahdinan areas while the PUK concentrated in Sorani-speaking areas. This disunity has negatively affected the Kurdish national movement in Iraq. Yet, the Iraqi government did not differentiate between the Kurds in throwing its anger on them and having them gassed and massacred through 1980s during its war with Iran when the Kurds had collaborated with the latter and fought against the Iraqi government. By the end of 1980s, the Iraqi Kurdistan Front (IKF) was established and headed associatively by both Kurdish leaders Masoud Barzani and Jalal Talabani which would dominate the political scene of Iraqi Kurdistan for decades to come. So, alongside their internal stiffness, the Iraqi Kurds were unsuccessful to build up a working relationship with external powers – neither with the neighboring states nor with the great powers such as the U.S. or the then Soviet Union – to assist them in acquiring national rights within Iraq or achieving their ultimate goal of independence. The international actors were not only indifferent to the Kurdish plight but they were also providing the Iraqi governments with the arms and the tools which were used unhesitantly against the Kurds before the eyes of the silent international community.

# Chapter 4: The Creation of KRI: A De Facto State in the Making (1991 – 2003)

## 4.1. The Gulf War (1990-91)

The eight-year Iran-Iraq war had devastated the infrastructure and economy of Iraq and put the country in a problematic situation as the oil prices were falling and the value of the Iraqi currency was in decline. In the aftermath of the war, Saddam threatened the Gulf States, demanding them to pay for the reconstruction of Iraq and to offset the debts that Iraq had to borrow during the war, which, Saddam claimed, was for defending the Arab states and nationalism. Kuwait rejected to forgive Iraq's debts, refused to decrease the pumping of oil in the international market and had even extracted oil from Rumaila, an oil field located on the boundary between Iraq and Kuwait, which Iraq claimed. As a result, on August 2, 1990, Saddam gave the command to the Iraqi army to invade Kuwait and proclaimed that Kuwait became Iraq's governorate number nineteen.

The United States and Britain immediately expressed their opposition to the invasion, which had endangered the interests of Western states in the region. To revert back Saddam's incursion, a coalition was formed under the leadership of the U.S. to include Western countries, Saudi Arabia and Egypt. The UNSC, on the other hand, issued several resolutions denouncing the Iraqi aggression and calling for the Iraqi immediate and unconditional pull-out from Kuwait. Other UN resolutions incorporated introducing economic sanctions on Iraq (Khadduri & Ghareeb, 1997). By November 1990, the UNSC adopted a resolution authorizing any means necessary to restore peace and security in the region and to eject Iraq from Kuwait if it failed to pull back by January 15, 1991 (Anderson & Stansfield, 2005).

On January 17, 1991, the international coalition forces set Operation Desert Storm in motion. The massive U.S.-led military campaign forces carried out airstrikes on Iraqi positions in Kuwait and then the bombardment was focused on Iraqi military and infrastructure inside Iraq. Iraq faced a great defeat and was forced to retreat from Kuwait. The war cost significant loses in terms of the lives of army members and civilians, economy and infrastructure. On February 28, 1991, a cease-fire was announced by President Bush and the hostilities were halted.

## 4.2. The Kurdish Uprisings of 1991

The humiliating beating of the Iraqi army and the U.S. President's public call on the "Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein…to step aside" triggered uprisings in Iraq (Westra, 2007: p.117). On March 2, 1991, uprising against Saddam's regime began in Nasiriya and stretched out to Basra and other southern Shia-majority cities including the holy cities of Najaf and Karbala. The rebellion was carried out by the members of the Iraqi army who fled Kuwait and were joined by the war deserters and regime opponents supported by the Islamic Republic of Iran (Khadduri & Ghareeb, 1997). The Kurds, on the other hand, remembering the scores of times they have been deluded by foreign powers and the atrocities of Iraqi regimes against them, did not take part in the campaign against Saddam's army without provision of international support and guarantees. Talabani had stated that the Kurdish leadership had not even planned for the rebellion (Gunter, 1992). Barzani affirmed that the uprising came from the people and was spontaneous. However, as people reacted to the American appeal and demonstrated in the Kurdish northern region, the Peshmerga of Kurdistan Front followed the people to support them sparking the beginning of the Kurdish uprising. Encouraged by Saddam's defeat in Kuwait and rebellion in Southern Iraq, Kurdish uprisings erupted in the town of Raniya on March 4 and spread to other places within the Kurdish region. Earlier, by the end of January, the IKF had declared an amnesty for the Kurdish pro-government *jash* forces, which numbered between 100,000 and 200,000 and were recruited by parties within the IKF and largely by the KDP and the PUK. These paramilitary forces, which had earlier stood on the side of Iraqi regimes in oppressing the Kurdish national movement, played a significant role in the uprisings. By mid-March, most of the provinces of Sulaymaniyah, Erbil and Duhok were under the control of the Kurds. On March 19, the oil-rich city of Kirkuk fell to the Kurdish forces (McDowall, 2004). The swift control of most Iraqi Kurdistan areas by the Kurds had astonished the Kurdish leadership; as Barzani had expressed, "the result of 70 years of struggle … is at hand now" (Gunter, 1992: p.50).

During March of 1991, the leaders of IKF were urged by Iran and Syria to harmonize their moves with the Shia opposition groups against Saddam. They had accordingly met with the Iraqi opposition leaders in Beirut and consented to coordinate their efforts for the substitution of the Baathist regime with a federal and democratic system recognizing a broad autonomy for the Kurds (Khadduri & Ghareeb, 1997). By March 22, the Turkish Foreign Ministry met

with Kurdish leader Talabani and Barzani's representative (Mohsin Dizayi). The Kurdish leaders had assured that the Kurds would not pose any threat to Turkey and in return gained the acceptance of Turkey to a federal structure for the Kurds in northern Iraq. In the intervening time, Talabani had claimed that the Kurds did not want to break up the territorial integrity of Iraq (Gunter, 1992).

Consequently, Saddam's forces and particularly the Republican Guards subdued the Shia uprisings and regained control with a crushing force over most of the rebel towns and cities in less than three weeks (Khadduri & Ghareeb, 1997). Then the Iraqi army turned its fire to the Kurds in the north and pushed the Kurdish rebels out of Kirkuk on March 28. Other Kurdish cities of Erbil, Duhok and Zakho soon fell to the Iraqi army. Iraq put down the Kurdish rebellion and as the government forces moved forward in the Kurdish region, it seized and killed thousands of people in a brutal way. Thereupon, and fearing the government's probable use of chemical weapons, horror proliferated all around Kurdistan. The terrified population left their habitation before the wholesale slaughter reached them and left the towns and cities searching for safety. It is estimated that over 1.5 million people fled to reach the Turkish and Iranian borders (McDowall, 2004).

The Kurdish rebels thought that the U.S. and the coalition forces would not leave them at Saddam's grip. But, on the contrary, the White House stated that the U.S. did not "intend to involve…in the internal affairs of Iraq" (Khadduri & Ghareeb, 1997: p.204). Talabani had stated, "Saddam was permitted to use any kind of planes, helicopter, heavy artillery, gasoline and napalm-phosphorous bombs" to breakdown the uprisings. Barzani, at the same time, had accused the U.S. of allowing Saddam "to continue massacring Iraqi civilians" (Gunter, 1992: p.52).

In the absence of foreign support from the U.S. and the allied forces, the Kurds were unable to resist before the Iraqi heavy weaponry and airpower. The U.S. being indifferent to the onslaught of the Kurds caused a great disappointment to the Kurds. For the Kurds, history repeated itself and memories of the 1975 collapse of the revolt came back to the Kurds when the U.S. and its allies had abandoned them immediately after the Algiers Accord was signed (Khadduri & Ghareeb, 1997). After meeting the objective of getting Saddam out of Kuwait, the U.S. halted its war against Saddam. Despite Bush's call on Iraqis to rise against Saddam and to topple his regime, the U.S. and the allied powers had failed to back the Kurdish and Shia uprisings in Iraq. The U.S. feared that supporting the rebels against Saddam would put

Iraq's territorial integrity in danger, as the Kurds would be willing to establish a separate state and the Shia would seek an Iranian-style government. The U.S. had desired to overthrow Saddam but still saw him as a source of stability. Therefore, it opted not to stand behind the rebels in favor of maintaining the stability of the region (Gunter, 1992). Ousting Saddam would have meant forfeiting the unity and integrity of Iraq and would have led to the involvement of some regional actors in Iraq, namely Turkey and Iran, beside the internal ones. Also, Turkey, which had historical claims to Mosul Vilayet and Iran with religious interests in the Shia-majority south, might intervene in the event of Iraq's break-up. Furthermore, Turkey had made it public that it was in accord with Iran and Syria about not allowing any Kurdish entity to arise from the current strife (McDowall, 2004). The triple countries of Turkey, Iran and Syria were fearful of any Kurdish entity due to their own Kurdish problems, while Saudi Arabia was anxious about the emergence of an Iran-like entity in its backyard. So, in order to appease its allies (Turkey and Saudi Arabia) and Iraq's neighboring countries (Iran and Syria), the U.S. had abandoned the Kurds again.

The one and a half million Kurdish people, who were tragically refuged around the boundaries of Turkey and Iran, had created a crisis in the Middle East region. Yet, as Turkey was unwilling to open its boundaries for the exodus of Kurdish fugitives, hundreds of thousands of them sought sanctuary in the mountains. On April 1, Barzani accelerated in demanding the U.S., Britain, and France to respond to the call of Kurdish people and save them from being massacred by Saddam on one side and by exposure to severe natural circumstances uncovered in the mountains of Kurdistan on the other (Khadduri & Ghareeb, 1997). Turkey's closure of its border in the face of refugees had created a humanitarian crisis and pushed the Western countries to act and become more concerned with the Kurdish crisis (Gunter, 1992).

## 4.3. The Kurdish Safe Haven and Negotiations with Baghdad

On April 5, 1991, the UNSC issued the historic Resolution 688 in response to the Kurdish crisis. Resolution 688 convicted Saddam's suppression of civilians in the uprisings, including those in the Kurdish northern region and required Iraq to terminate these acts of repression and to undo the threat it posed to international peace and security. It further entailed Iraq to give "immediate access to international humanitarian organizations to all those in need of

assistance in all parts of Iraq" (McDowall, 2004: pp.373-375). The Resolution was of great significance to the Kurds as it was the first to directly mention them by name since the decision of annexation of Mosul Vilayet to Iraq in the mid-1920s. It was, in addition, the first time the UN had firmly emphasized the intervention in the internal affairs of a member state. By mid-April, the Coalition states felt obliged to declare a no-fly zone over north of the 36th parallel and to create a 'safe haven'(16) for the Kurds in northern Iraq to protect them from Saddam's forces. The Coalition forces gave aid to refugees through what was known as Operation Provide Comfort and by the end of April they started to transfer the Kurds into the safe haven (McDowall, 2004).

By mid-April, after regaining control over the Kurdish region, Iraq declared a cease-fire with the Kurds and called on negotiations with the Kurds. The Iraqi government made public that it intended to solve the Kurdish question by granting them autonomy on the basis of the March 1970 Manifesto and to attain democracy and pluralism in the country. The co-leaders of IKF headed the Kurdish delegations in negotiations with Baghdad. The Kurds were led by Talabani in the first round of negotiations which took place on April 18-24, while Barzani headed the Kurdish envoys in the second round on May 6-18. The negotiations addressed the relations between the Kurds and Baghdad, Kurdish national rights, Iraq's unity and democracy in Iraq which included the supremacy of a representative constitution, the separation of party and government as well as the separation between the powers, supporting political pluralism, securing elections and promoting free press. The difficult issues that the negotiators were in contention about were the international guarantees that the Kurds were asking for and the delineation of the boundaries of the autonomous Kurdistan region involving the status of Kirkuk and the Kurdish share of Iraq's oil (Gunter, 1992).

Putting the negotiation process forward cooperatively by the Kurdish leaders demonstrated progress in the intra-Kurdish reconciliation. However, disagreement between the Kurdish leaders and their views of the process did exist. While Talabani was attentive of the intentions of untrustworthy Saddam, Barzani was ardent about striking an agreement with Baghdad and went on with negotiations until June 16. When the two leaders met by late June, Talabani insisted that no deal would be reached falling short of deciding the future of Iraq that is the structure of the state and the Kurdish share in Kirkuk and Iraq's oil (Gunter, 1992).

(16) The idea of establishing a 'safe haven' in northern Iraq to convince the Kurds to get back to their homes was first suggested by the Turkish President Ozal and later promoted by the British Prime Minister John Major (Gunter, 1992: p.56).

Barzani's desire for signing an autonomy agreement with Baghdad was grounded on his belief that the Kurds could not rely on the outside support, which had continuously created disillusionment for the Kurdish people, and the Coalition's current assistance was mainly humanitarian, not political. He was convinced that the time was ripe for a deal with the government in order to end the sufferings of Kurdish people. Talabani, on the other hand, was doubtful about Saddam's goodwill and feared that the latter could turn against the Kurds once his regime recovered and gained strength. Talabani was of the opinion that a deal with Saddam would fragment the Iraqi opposition groups and give strength to Islamic and radical national groups. He was under the impression that the Kurds had already obtained the sympathy and support of the international public opinion, and this would not permit the suppression of the Kurds by Saddam's regime again (Khadduri & Ghareeb, 1997).

While the talks continued in Baghdad, the Peshmerga forces took control of Erbil and Sulaymaniyah by July 20 (McDowall, 2004). What added more complexity to the negotiations was another proposal by Saddam that incorporated several requirements that the Kurds should take on to ensure their commitment towards the 'homeland,' i.e. Iraq, which included, among other things, dismantling the Kurdish armed groups and handing over their arms, winding up any relation or cooperation with any state regionally or at international level as well as full devotion to the policy and program of the Baath Party. The majority of IKF leaders found these demands humiliating and did not accept them. Talks were going toward stalemate as no agreement was reached regarding the autonomy area, democracy, civil rights, constitution and other issues (Gunter, 1992). In September 1991, fighting erupted around Kirkuk between the Iraqi and Kurdish forces. The following month, it flared up in Kifri, Kalar and Sulaymaniyah. Both sides were testing the new status quo and the Coalition's commitment (McDowall, 2004). In the wake of the failure of negotiations between the government and the Kurds, Iraq ended its military activity in the Kurdish area and withdrew all its army and officials by the end of October (Khadduri & Ghareeb, 1997). Consequently, Saddam had created a vacuum in the Kurdish region. Meanwhile, he instructed the suspension of payments to all Kurdish employees and forced economic measures on the Kurds regarding the provision of petrol and electricity. Putting it differently, he laid down the Kurdish region under Iraq's own blockade. Under these circumstances, Saddam wanted to make the life of ordinary Kurdish people miserable so that he could pressure the Kurdish leaders to accept his terms regarding an autonomy agreement. Given that, he hoped the Kurdistan Front would fail to fill in the vacuum left by taking away all state institutions and

containing their people who suffer under the lack of basic facilities and services (McDowall, 2004). The economic siege severely affected the life of the Kurds and underlined the economic vulnerability of the Kurdish land-locked region and its reliance on the benevolence of Iraqi regimes and the neighboring states (Bengio, 2012).

It is worth pointing out that the Iraqi government was gradually mislaying authority over the Kurdish region again since the enforcement of the no-fly zone by the UNSC. The Kurds, nonetheless, mistrusting Baghdad, were always looking forward to make connections with foreign actors, be it regional or international to put their foot down. The IKF, particularly KDP and PUK, seemed to gingerly take hold over their own people and territory. The Turkish intervention in the summer of 1991 in northern Iraq in the triangle area where the borders of Turkey, Iraq and Iran meet, for instance, had the implicit consent of KDP and PUK without giving any information to the Iraqi government. Occasional Turkish attacks that had occurred during the fall were conducted in the same manner. At any rate, the unspoken relationship between Turkey and Iraqi Kurds seemed to persist and mushroom as the Turkish government expressed by the end of the year that "[n]ot being insensitive to the preservation of the Kurdish entity in Iraq is Turkey's new policy" (Gunter, 1992: pp.74-75).

The UN peacekeeping had an effective role in dealing with the Kurdish refugee crisis following the UNSC Resolution 688. The UN had introduced a "Humanitarian Programme" for Iraq that enveloped the work of several UN and non-governmental agencies with a combination of nearly 1000 international staff. On April 18, 1991, a memorandum of understanding was signed between the Iraqi authorities and the UN that prescribed the substitution of allied operations with those of the UN in the Kurdish safe haven. The following month, an agreement was concluded between both parties regarding the positioning of UN "Blue Guards," which were needed for the security of operations as well as standing as a "moral witness" between the Kurds and Iraqi forces. By June, the allied forces began to leave the ground for the UN until mid-July when their last troops were pulled out. After effectively facilitating the return of most of the over 1.5 million displaced Kurds by the end of August, the operations were focused on repatriation, sanitation and water projects and providing shelter for the affected civilians, among other operations. By October, approximately 500 UN Guards were deployed in northern Iraq. The UN peacekeeping was functional in protecting the Kurds from the anger of defeated Saddam. In addition to their virtual humanitarian help, the UN operations conveyed security and political support for the Kurds against Iraq (Gunter, 1992).

## 4.4. The Kurdish Self-Rule

The year 1992 marked the beginning of a new era in the modern history of the Kurds in Iraq. Due to Iraq's pull-out of state institutions, services and officials from the Kurdish region together with Iraq's harsh siege on their region, the Kurds had no choice to sustain themselves but to establish their own government in northern Iraq safeguarded by the allied forces and the UN. The disclosure of Saddam's crimes against the Kurdish people especially during the *Anfal* Campaign, which claimed thousands of lives, had motivated the Kurds to join their forces in creating their own entity away from the mercy of Saddam's rule (Gunter, 1992). Although Saddam's aim of these moves was to yield the Kurds to accept his conditions regarding an autonomy agreement, the outcome was opposite of what he had expected. The Kurds, on the other side, took the situation as a favorable occasion to strengthen their self-organization and form their own regime. Aware that an independent Kurdish government in northern Iraq would raise fears of insecurity among the neighboring countries (Turkey, Iran and Syria), it was necessary for the Kurds to dispel the apprehension of regional states as well as the Western states that the Kurds were and would stay within the state of Iraq. As a gesture of goodwill, the two major Kurdish parties (KDP and PUK) joined with the Iraqi opposition groups in Syria by January 1992 and worked with them to place the foundation of "an Iraqi government in exile" (McDowall, 2004: p.379). Additionally, during February and March, Masoud Barzani went to Turkey and met with the Turkish President (Turgut Ozal), Prime Minister (Suleyman Demirel) and other high officials to elucidate the Kurdish perspective, communicate the political and economic situation in Kurdistan region and to discuss the relations between the Iraqi Kurds and Turkey. Barzani paid an akin visit to France where he met with the French foreign minister (Roland Dumas) and French secretary of state for humanitarian affairs (Bernard Kouchner) and pursued to gather more support for the Kurds who were enduring agony under Iraq's blockade (Gunter, 1992).

## 4.5. Elections: the Kurdish Endorsement of Democracy

Hence, the IKF formally abandoned negotiations with Baghdad and expressed its will to hold elections to establish a parliament and a supreme leader in the Kurdish region (McDowall, 2004). Barzani hoped that elections would solve the decision-making crisis within the IKF as each party member – even a tiny one – had the power to veto any of the Front's decisions. In the meantime, it was hoped these elections would enable the Kurds to overcome corruption

that had spread out among the leaders and militia commanders within the Front due to the economic situation and poor administration. Talabani, on the other hand, wished that the vote would bring in "a legitimate, constitutional, and legal entity" that could have the capacity to decide and act for the Kurdish people (Gunter, 1992). By holding elections, the Kurdish leaders intended to gain international legitimacy for the Kurdish entity that was coming into existence in northern Iraq. Through democratic means, the Kurds could legitimize their unwelcome de facto autonomy (Stansfield, 2003). The competition for power was largely limited between KDP and PUK and between their leaders. For the election campaign, uncertain about the continuity of the Western support and cautious not to antagonize the regional states, Barzani advocated an agreement with Baghdad and promoted the "autonomy for Kurdistan, democracy for Iraq" slogan (McDowall, 2004: p.380). Talabani, notwithstanding, campaigned for the Kurdish right to self-determination in a federal Iraq. Both leaders pledged to maintain Iraq's integrity. Despite the Kurdish preference of their own independent state, the Kurdish leadership had acted pragmatically and expressed their commitment to the configuration of Iraq as Barzani had clarified that the Kurdish rights and aspirations are different from what they can attain today (Gunter, 1992).

On May 19, 1992, the multi-party elections were held in the areas under Kurdish control. The elections were historic for the Kurds since it was the first time the people of Kurdistan could freely choose their representatives. The Kurdish elections, which were declared fair and free by international independent observers, also had external effects and were considered a shot across the bows by Saddam and other regional non-democratic states. The only two parties that passed the 7% electoral threshold were the KDP and the PUK which gained 45% and 43.6% of the votes respectively. As for the elections of a leader, Barzani gained 48% of the votes followed by Talabani with 45% of the votes (McDowall, 2004). As no candidate had received a majority, another round was supposed to take place but was never held (Gunter, 1992).

## 4.6. The Establishment of State Institutions

The Kurds began to establish the necessary institutions to run their de facto state in northern Iraq. To prevail over their disagreements and avoid conflict, the leaders of the two winning parties, Barzani and Talabani, resolved to rule Kurdistan jointly with the two leaders not taking part in the official organs of the administration. Accordingly, both parties had equal

representation – 50 members each – in the Kurdistan National Assembly (KNA), which was composed of 105 seats. The other 5 seats were given to the Assyrians and Christian communities (McDowall, 2004). The KNA met for the first time on June 4, 1992, in Erbil, the capital of Kurdistan Region in Iraq, and a KDP (Jawhar Namiq Salim) was elected as the Speaker of KNA and a PUK member as his deputy. The members of KNA had sworn to protect the people and the land of Kurdistan. Exactly one month later, on July 4, a government headed by Fuad Masum – a PUK member – as the Prime Minister was declared. To ensure the effectiveness of their executive body, the two parties had incorporated only their members as well as one Christian in the Kurdish Cabinet (Gunter, 1992). By September 1992, Kurdish governors were appointed in the areas under Kurdish control, namely in Erbil, Sulaymaniyah and Duhok governorates. Two months later, a court of appeals was instituted in the Kurdish region.

Regarding the economy, it was reported that earlier in April 1992 – after Barzani's visit to Turkey – the Kurds began the exportation of oil to Turkey by trucks. It was estimated that the newly established "Kurdoil" company was handling about 20,000 – 25,000 barrels of oil daily to Turkey in exchange for refined oil and food substances. However, the trade between the Iraqi Kurds and Turkey boosted a short time later and it was revealed that Kurdish customs were raising a substantial amount of money from entering the Turkish trucks into the Kurdish region. On that account, the Kurds have put up some money to pay some salaries of the public employees (Gunter, 1992). The Kurds had made a remarkable significance on the education system and allocated about 25% of their budget to that sector. On October 31, 1992, a new university was established in Duhok. By the end of the year, more than 1000 schools – instructed in the Kurdish language – as well as three universities and a military academy were functioning in the Kurdish region (Bengio, 2012).

At this stage, the Kurdish national movement, under the leadership of Barzani and Talabani, showed signs of coherence, although short-lived. It was logical to see the Kurds stepping forward to enhance their de facto rule. During the opposition conference held in Vienna by mid-June, the Kurds called on the recognition of the right to self-determination for the Kurds and that the Kurds were voluntarily part of Iraq. The Kurdish request distressed many Iraqi opposition groups (Gunter, 1992). In September 1992, the opposition groups met again but this time in the Kurdish region. Representatives of KDP and PUK had participated in the conference. It is worth noting that the Kurdish national objective had witnessed transformation

during this time. From the September revolution of 1961 until the Gulf War, the Iraqi Kurds were fighting for autonomy. After gaining the current de facto autonomy or self-rule, their national aim was evolved into demanding federalism. In October 1992, the KNA unilaterally, formally, and unanimously adopted federalism within a democratic Iraq as its governing formula at the then current phase of their history (Bengio, 2012).

The Iraqi government condemned the Kurdish moves and accused them of attempting to divide the country (Gunter, 1992). Externally, the regional and Western states were cautious when dealing with the Iraqi Kurds. Regardless of the trade between the Iraqi Kurds and the regional countries, neither the Kurdistan National Assembly (KNA) nor Kurdistan Regional Government (KRG) got recognition from neighboring states. Moreover, in November 1992, one month after the Kurdish declaration of adopting federalism, the startled neighboring states of Syria, Turkey and Iran met and affirmed their commitment to keeping Kurdish aspirations in check and to preserve Iraq's territorial integrity (Bengio, 2012). Even the governmental and international organizations functioning in the Kurdish region abstained from working with the Kurdish government and its institutions in a way to circumvent the tacit recognition of the KRG (McDowall, 2004). Yet, the international support and recognition that the Kurds have gained could be considered as a clear improvement in the international attitude towards the Kurds. It was a big step forward for the Kurds to have their leadership received on different occasions during 1992 by the U.S. Secretary of State James Baker, the British Prime Minister John Major and the French President François Mitterrand. Still, the Western support was more humanitarian and aimed at undermining the Iraqi regime (Bengio, 2012).

## 4.7. KRI's Relations with Turkey and the PKK Factor

The 1991 Gulf War brought Turkey and Iraqi Kurds together and resulted in a dramatic change in Turkey's perception of the Kurdish question.[17] The Iraqi Kurds, encouraged by Turkey's new policy toward the Kurds, felt certain about the vital importance of Turkey to

[17] Turgut Ozal, the Turkish President, who had studied and worked in the U.S., is considered to be the first Turkish statesman to accept the Kurdish reality and to recognize the existence of Kurds in Turkey. He acknowledged that the falsity of denying and suppression policies against the Kurds had magnified the Kurdish problem and caused harm to Turkey. To put his Kurdish policy forward, he introduced a language bill and granted an amnesty to many Turkish Kurds (Gunter, 1992).

the future of Iraqi Kurdistan. The Kurds needed the protection of an external power and, at the regional level, it was Turkey rather than Iran that could sustain the Kurdish region taking into consideration Iran's disturbed relations with the West (McDowall, 2004). For the Iraqi Kurds, Turkey was the road to salvation. It was Iraqi Kurdistan's economic lifeline, its gateway to the world and the base of the allied forces that preserve the Kurds from the GOI (Gunter, 1992).

Part of Turkey's new thinking was openness towards Iraqi Kurds, whose representatives were received by the Turkish President Ozal. Turkey's support to Iraqi Kurds was grounded on several reasons, and most salient of which was that the dependency of Iraqi Kurds on Turkey would retain the former within Turkey's zone of influence and enable the latter to outwit the Iraqi Kurds from establishing their own state, something that Turkey discerned as a serious threat to the integrity of its own state. The other equally significant cause was the belief that Turkey's good relations with the Iraqi Kurds would assist the former in solving its Kurdish problem and would eschew the Iraqi Kurds from standing by the PKK, which was in an armed struggle against the state of Turkey. Meanwhile, it was crucial for Turkey to have stability at its border, especially the southern one with the Iraqi Kurds, since destabilization of the Kurdish region in Iraq conceded the possibility of more Kurdish refugees toward Turkey. The other rationale behind the Turkish attitude to the Iraqi Kurds was also related to Turkey's relations with the West. Assisting and promoting Iraqi Kurds would acquire Turkey popularity in the West in a time when Turkey was in quest of membership in the European Economic Community (EEC)[(18)]. Turkey had cooperated with coalition forces – which were stationed in Turkey – in their mission of protecting the Iraqi Kurds, in return for their silence over Turkey's Kurdish problem (Gunter, 1992).

Before long, relations between Turkey and Iraqi Kurds came into being. By the conclusion of 1991, both the KDP and PUK parties had established their representation offices in Ankara. Turkey, however, wanted to exploit the dependency of the Iraqi Kurds and to involve them in its operations against the PKK (McDowall, 2004). During his visit to Turkey by June 1992, Talabani met with the Prime Minister Demirel and appreciated the Turkish assistance and the friendship that had emerged between the Turkish government and Iraqi Kurds. Barzani, on the other hand, in a step to foster this Turkey-Iraqi Kurds relationship, had criticized the PKK for resorting to violence against the Turkish state (Gunter, 1992).

[(18)] After the formation of the European Union (EU) in 1993, the EEC was renamed as the European Community (EC). In 2009, the institutions of the EC were incorporated in the EU.

It should also be pointed out that the relations between the Iraqi Kurds and the PKK, once allies of KDP (1983-1987) and of PUK (1989-1991), were distressing. After the failure of Iraqi Kurds to convince the PKK to respond to Turkey's government and halt the armed activities, in February 1992, the IKF warned PKK of expulsion from its sanctuary in the Kurdish region in northern Iraq if it continued its armed struggle against Turkey. The PKK leader Ocalan responded by condemning both Barzani and Talabani and charged them with backing up Turkey against the PKK. He further declared "that the two leaders have signed their own death warrants" and called "for the liberation of the Kurds in Iraq" from Barzani and Talabani (Gunter, 1992). By mid-1992, fighting erupted between Iraqi Kurds and the PKK, which were covertly supported and supplied by Baghdad revenging on Turkey's collaboration with the coalition forces against Iraq during the Gulf War and its current undeclared alliance with the Iraqi Kurds. By autumn, a major offensive was staged by the Iraqi Kurds against the PKK to dispel it from the border area between Iraq, Turkey and Iran.

In spite of the strains that the Turkish-Iraqi Kurdish alliance had faced, mainly due to the Turkish military interventions and bombardments of PKK bivouacs in northern Iraq, the relationship kept on thriving. It was reported that Turkey had even provided financial assistance to the Kurdish government in Erbil. Even in the absence of a formal recognition, the working relationship between Iraqi Kurds and Turkey insinuated the Turkish approval of the Kurdish de facto government in northern Iraq (McDowall, 2004).

## 4.8. The Kurdish De Facto State on the Verge of Collapse: Intra-Kurdish Split and Civil War

The fifty-fifty formula on which the two major parties, KDP and PUK, had agreed to form the government and state institutions did not last long, and soon difficulties and disputes were in place. The competition between the two parties and the rivalry between their leaders along with the linguistic differences between Bahdinan (Kurmanji zone) and Soran (Sorani zone) had hindered the establishment of sustainable state institutions. It was the two parties – particularly their leaders – who were holding the power and the official administration was only implementing their decisions. This had resulted in paralysis of the KRG and led to the resignation of Fuad Masum from his post as Prime Minister in March 1993 in objection to the dysfunctional division of power. However, this division was not only limited to the newly

established administration in the liberated Kurdistan; even at the external level, the two Kurdish leaders did not have a common strategy and they were visiting other states independently from one another. In short, they were preoccupied with the friction between their parties (McDowall, 2004).

The contest between KDP and PUK for supremacy in Iraqi Kurdistan did not only impede the emergence of a working political organization and administration; it had hampered the organization and unity of the Kurds at the societal level too. One of the undesirable consequences was the revival of tribalism. The two parties resorted to *aghas* (tribal chieftains) and Peshmerga commanders or *jash* chiefs so as to ensure their loyalty and to get the support of people who relate to or follow them. In doing so, these parties were strengthening the patronage system which was a characteristic of Kurdish society. This had resulted in deepening the division within the Kurdish society. The KDP was predominant in Duhok while the PUK had the sway in Sulaymaniyah with Erbil's allegiance sliced up between both parties (McDowall, 2004).

While the KDP and PUK were fully engaged in the competition for hegemony, the Islamic Movement of Kurdistan (IMK), supported by Iran, seemed to be enhancing its power in Halabja areas in Sulaymaniyah constituting a threat to the newly established order in Iraqi Kurdistan. The IMK made use of the anarchic environment created due to the crippled administration and corruption of the two major parties. Perceiving the threat of IMK in areas under its sphere, the PUK found itself obliged to fight them in December 1993 until both parties reached a ceasefire with the mediation of the KDP. However, in May 1994, tensions between the KDP and PUK broke out into clashes over a land dispute near Qala Diza. The fighting spread out to Rawanduz, Shaqlawa and other places and lasted until the end of August resulting in approximately 1000 dead and about 70,000 displaced civilians. The IMK again took advantage of the opportunity and began an assault on PUK locations. By autumn 1994, with KDP's and Iran's support, the IMK drove the PUK out of large areas of Halabja, Penjiwin and Khurmal (McDowall, 2004).

Earlier in June 1994, talks were going on between the leadership of KDP and PUK to end the hostilities. Lubricated by efforts from the French government, both parties signed the Paris Agreement in July (Stansfield, 2003). Still, in December 1994, fighting between the KDP and PUK had erupted again, leaving about 500 dead and thousands fleeing their homes (McDowall, 2004). The PUK, consequently, seized the KNA and KRG institutions and got

the hold of Erbil (Stansfield, 2003). In April 1995, the U.S. worked out a ceasefire between the warring parties, only to be broken in July 1995 with another round of fighting. Then Iran, being PUK's only vent to external world, intervened with the aim to compete with the U.S. and Turkish dominance in the region. The KDP, on the other hand, held talks with Baghdad from which it had reportedly received arms. In August and September, the U.S. brokered another ceasefire at meetings in Ireland to fail again in the absence of a solution to the principal contentions, namely PUK's capture of Erbil and KDP's monopoly on Turkish border revenues (McDowall, 2004). According to a KDP representative, the miscarriage of talks was due to the taut involvement of foreign actors (Abdulla, 2012).

In the summer of 1996, clashes between the two groups continued. On August 1996, the U.S. arranged a meeting for both parties in London. However, the KDP, having agreed on a shrewd plan with Baghdad, pulled back from the talks (Stansfield, 2003). Apprehensive of Iranian close involvement with the PUK and concerned about the fall of Kurdistan region under Iranian control, the KDP made a plea to Saddam Hussein to help them in beating the PUK and the Iranian forces and push them out of Kurdistan region of Iraq. On August 31, 1996, the KDP forces supported by the Iraqi army launched an offensive and captured Erbil, Degala heights and Koisanjaq. The Iraqi regime took advantage of the presence of its forces in Erbil and detained and terminated dozens of its adversaries who earlier fled the regime. By the first week of September, the KDP had not only driven PUK out of Erbil, but it had even entered Sulaymaniyah. In the middle of October 1996, the PUK – well-aided by Iran – staged a counteroffensive and pushed the KDP out of Sulaymaniyah and other Sorani-speaking areas except for Erbil (McDowall, 2004).

By the end of October 1996, the U.S. and Western powers endeavored to make a lasting truce between the conflicting parties and to freeze the ceasefire line which was resulted from the ensuing stalemate. The U.S., U.K. and Turkey instigated the Ankara talks to sponsor reconciliation between both parties. However, the parties failed to reach a resolution regarding the revenues of the Ibrahim Khalil border gate. During the spring of 1997, the talks were interrupted to be continued again later during autumn when the parties convened for another round of talks in London. When the parties did not consent instantly on dividing the revenues, the PUK began an extensive assault on KDP positions in the middle of October 1997 and made important advances. Nevertheless, the PUK gains were reserved by mid-November when the KDP, aided by Turkish air forces, retook the areas it had lost to return the separating line between them to the previous ceasefire line at Degala-Koisanjaq (Stansfield, 2003).

Consequently, the KDP was left in ascendency in comparison to the PUK. The KDP was in complete control of the border gate with Turkey. It had working relations with Baghdad and the regional actors, namely Turkey, with whom it cooperated against the PKK and Iran with whom it concurred the opening of Haj Umran border gate. Meanwhile the PUK was in need of the revenues and became more dependent on the support of neighboring states, mainly Iran. The position of U.S., Turkey and Iran had prevented the PUK from employing the PKK and Kurdish Democratic Party of Iran (KDPI) against the KDP. In addition, the U.S. sketched out intimacy between Turkey and Israel had weakened PUK's supporters in the region, namely Iran and Syria (McDowall, 2004).

## 4.9. A Divided Administration in KRI

The intra-Kurdish hostilities resulted in dividing Iraqi Kurdistan into two regions: one under the control of KDP, which included the Governorates of Erbil and Duhok, and the other dominated by PUK and composed of the Governorate of Sulaymaniyah and portions of Erbil and Kirkuk governorates. Both parties solidified their power in their regions by evicting rival party politicians and party-members as well as placing security and crossing check-points at their frontiers. Iraqi Kurdistan became geographically and politically split up between the two parties (Stansfield, 2003).

Henceforth, each party began to establish a new administration in its own region, with both claiming jurisdiction over the whole of Iraqi Kurdistan. In September 1996, a new KDP government was announced in the KNA in Erbil, and Roj Nuri Shaways was appointed as the Prime Minister and Nechirvan Barzani as his deputy. Although KNA's decision to dissolve the previous government and form a new one was made in the absence of the 50 PUK representatives, the KDP claimed legality of their cabinet since they have kept a quorum in the Kurdish Assembly with the 50 KDP members beside the 5 quota members from Christian communities. Analogously, in late 1996, the PUK declared a government in Sulaymaniyah under the premiership of Kosrat Rasul. The PUK claimed the legality of their government based on the decision of the last session of the KNA in which representatives of both parties had attended and Kosrat Rasul was elected as Prime Minister. They argued that since Erbil had been occupied by the KDP, the legislative powers were passed on to the Premier (Stansfield, 2003).

Both governments began to focus on addressing the internal issues of their own regions. They established their ministries, security forces and media. The two governments were alike in terms of structure and had independent trade relations with neighboring states. Each region had separately instituted its liaison bureau in Turkey, Iran, the U.S. and many European countries (Abdulla, 2012). Both cabinets faced difficulties with regard to the finances, which were dependent on 13% from Iraqi oil exports allocated to the three governorates of Erbil, Sulaymaniyah and Duhok by the UN "Oil-for-Food" program and the foreign aid. In addition, they were unable to obtain international loans or to impose taxes on individuals. They were both vulnerable concerning the revenues, which were contingent on their relationships with Iraq and the regional states. Turkey had in several instances revealed such liability when it suspended the course of trade with Erbil's government through Ibrahim Khalil. In the matter of infrastructure, the PUK suffered more since it lacked an administrative structure in Sulaymaniyah unlike the KDP, which extended its administration in the already established one in Erbil (Stansfield, 2003). In both regions, considerable attention was given to rebuilding the affected villages and areas and to reorganizing the education system with the help of Western governments and international non-governmental organizations (NGOs).

The division of Iraqi Kurdistan into two regions manifested stability and facilitated the development of political systems in both regions as both dominating parties – KDP and PUK – were no longer in need of consolidating their power base versus the other. Such an environment allowed each administration to make headway in different fields away from party competition (Stansfield, 2003). Although Barzani and Talabani did not take part in the official structure of the governments, their weighty roles in the decision-making and executive processes through their party's political bureaus were irrefutable. To make a good impression among the local people and the international community, the KDP and PUK permitted the participation of smaller parties in the political life and gave them more political power in the new system. However, most of the ministers and key positions were given to members of the ruling party in each region. The rivalry between the parties over the rule moved into a competition between their regions. Both parties were seeking to develop their regions and to demonstrate that their administrations were functional, having legitimacy and providing security and other services which had relatively improved due to the presence of one source of authority instead of the previous power-sharing arrangements (Stansfield, 2003).

In the international arena, both Kurdish administrations have made advances in building ties with the outside world. The Kurdish tragic history under successive Iraqi regimes and the latter's misleading policies against the Kurds – including, but not limited to, chemical attacks on Halabja and Anfal campaigns – and toward the neighboring states through the war with Iran and invasion of Kuwait and falling under international sanctions for not complying with international rules and norms have helped the Kurds in their attempt to represent themselves and introduce their cause to the world. However, the most influential factor that has promoted the stance of the Kurds internationally was the policy of the containment of Baghdad through Iraqi Kurds adopted by many regional states as well as the United States, United Kingdom, France and Russia. Nonetheless, without Turkey's function as a gateway for Iraqi Kurds to the outside world, it would have been difficult to imagine such a change in the stance of Iraqi Kurds. Although divided into two administrations, the Iraqi Kurds sought to elevate their relations with external powers from not openly acknowledged relations until the early 1990s to semi-official ones with both Kurdish parties – KDP and PUK – having representation offices in various countries in Europe and the Middle East. The Iraqi Kurds' conduct of foreign relations independently from Baghdad gave a great stimulus to the nation building and state building processes in Kurdistan Region (Bengio, 2012).

## 4.10. Washington Agreement of 1998: Foundation of a Political Unity?

By the end of 1997, the conflicting parties – KDP and PUK – embarked on a native peace process in which the leaders of both parties – Barzani and Talabani – had exchanged letters. This was followed by meetings of both parties' delegations for the first time on February 12, 1998 in KDP-controlled Shaqlawa and later changing sites between Shaqlawa, Koisanjaq and Degala. The meetings were aimed at establishing confidence-building between the parties and stressed on the implementation of the ceasefire, halting of media war, setting the prisoners free, terminating eviction, fostering cooperation between public service ministries and forming a joint commission to safeguard the enforcement of the Security Council Resolution 986 issued in 1995 authorizing the importation of Iraq's petroleum for the provision of humanitarian needs of the Iraqi people. These practically successful meetings between both

parties indicated the ability of Iraqi Kurds to set aside their political disagreements and collectively examine the technical and services issues for the public interest (Stansfield, 2003). This could be considered as a big step forward toward the unity of Iraqi Kurds and stability of their region.

By the summer of 1998, the U.S. invited both parties to construct their talks in Washington, D.C. under the U.S. patronage. This gave the Kurds a sense of security against possible hostile interferences from the governments of Iraq and neighboring states. The talks had been fruitful and ripened with Barzani and Talabani signing the Washington Agreement on September 17, 1998 (Stansfield, 2003).

The agreement committed both parties to a comprehensive reconciliation and a normalization process to begin all over the Kurdish region. It stipulated both parties to closely cooperate with each other regarding the public services and in securing the international borders of Iraqi Kurdistan. In the agreement, both parties undertook to establish a transitional administration and parliament – based on the results of 1992 elections – by March 1999. The duty of the transitional administration and parliament was to normalize the situation in all cities within the Kurdish region to an extent that was suitable for holding free and fair elections by July 1999. The elections would subsequently result in bringing about a new unified legislative authority in the region through which a unified government could be formed in the region. According to the agreement, public funds would be transferred from KDP area to PUK area until the formation of the interim joint government, which would take the task of collecting and distributing all the revenues (Washington Agreement, 1998).

The realization of the agreement proved to be uneasy and time-requiring due to the lack of trust between the involved parties. One of the subjects that had caused controversy included *inter alia* sharing the revenues which the KDP specified – according to the agreement – as to only incorporate public service ministries. The formation of the interim Parliament was another point of disagreement as the PUK demanded it be 50:50, while the KDP required 51:49 based on the official results of the 1992 elections. So, the reconciliation process between the parties was relatively successful but somehow limited as the Kurdistan Region remained split and each party had kept its area of influence as well as its security forces (Stansfield, 2003).

## 4.11. The Build-Up to a Regime Change in Iraq

By October 1998, Iraq stopped cooperating with UN Special Commission to Oversee the Destruction of Iraq's Weapons of Mass Destruction and International Atomic Energy Agency (IAEA) teams, which had as a consequence left Iraq in the middle of December. The evacuation of UN staff was followed by the announcement of "Operation Desert Fox," which was a campaign of three days (December 16-19) of airstrikes on targets in Iraq by the U.S. and U.K. with the aim of destroying Iraq's nuclear program. The U.S. had also broadened the 'no-fly' zones in the north and south and introduced 'armor-fee' zones to contain the Iraqi forces and to execute its strategy of toppling Saddam. By the end of October 1998, the U.S. initiated the Iraq Liberation Act (ILA) aimed at backing the effort to overthrow Saddam's regime and establishing a democratic government in its place (Allawi, 2007). Saddam, on the other hand, showed his disapproval of the Washington Agreement and the Kurdish reconciliation by exerting more pressure on the Kurds; for instance, the amount of fuel crossing the Kurdish region was decreased from 10 million liters daily in 1997 to 1 million liters a day by April 1999. In addition, thousands of Kurds were displaced from the Kirkuk region due to the Arabization policies and made their way to the Kurdish region. The GOI had also assembled its armored units around the border of the Kurdish region to intimidate the Kurds from overtly backing the U.S. against Iraq (McDowall, 2004).

By October 1999, the Iraqi opposition groups, with the participation of representatives of the two Kurdish parties, KDP and PUK, met in New York. The Kurds were reassured by the opposition groups that their right to a high degree of autonomy after the overthrow of Saddam's regime would be guaranteed. Even the U.S. and U.K., while stressing on keeping the territorial integrity of Iraq, recognized that the Kurds would be organized in a federal structure within the new Iraq. The U.S. and Western countries worked out a new proposal regarding Iraq's weapons of mass destruction. However, on November 2000, Iraq showed no cooperation and rejected the return of weapons inspection teams and stopped the flow of its oil into the international markets on December after the UN dismissed an Iraqi proposal of transferring half a dollar (50 cents) on every exported oil barrel into an Iraqi bank account not under the supervision of the UN. The Bush administration, which had come to power on January 2001 – succeeding Clinton – had developed a more aggressive policy on Iraq and introduced 'smart sanctions' against Iraq. The large-scale U.S. and U.K. bombing attacks on Iraq's air defenses by February 2001 signified the U.S. policy of escalating the conflict with Iraq (Allawi, 2007).

On September 11, 2001, terrorist attacks struck the World Trade Center in New York and the Pentagon in Washington, D.C. The attackers were of a radical Islamist ideology and known to be from Saudi Arabia, Egypt, the United Arab Emirates (UAE) and Lebanon – all Arab countries – and were trained by Osama bin Laden's terrorist Al-Qaeda organization in Afghanistan. The event generated a change in the political landscape of the world. Acknowledging the serious threat on world security, the United States and its allies concluded that they had to demolish Al-Qaeda organization and its advocates in any part of the world. On October 7, 2001, the U.S. led a coalition of forces under authorization of the UN and began the invasion of Afghanistan. The coalition forces had established a new government in the place of the Taliban regime but the main terrorist leaders were still on the run. Consequently, terrorist attacks increased all over the world and encountered the U.S.-led global war on terrorism. It was perceptible that after the completion of the mission in Afghanistan, the U.S. was focusing on a regime change in Iraq, a state which the President George Bush called the 'Axis of Evil' along with Iran and North Korea (Yaphe, 2003).

In November 2001, the U.S. President commanded his government to draw up a plan for the war against Iraq. Ever since and throughout 2002, the U.S. and U.K. worked on mobilizing the Iraqi opposition groups and elaborated visions for a post-war Iraq. In spite of its military capability, the U.S. wanted to involve the internal agents inside Iraq in its military action against the Iraqi regime. The opposition groups convened in London by December 14, 2002, and established a committee of sixty-five persons reflecting the different political groups with the Kurds among the main ones. The Kurds were of crucial significance for the Iraqi opposition since they were the long-established fighters against Iraqi regimes (Yaphe, 2003), not to mention the provision of territory as well as the considerable army of the main Kurdish parties KDP and PUK which was about 80,000 Peshmerga forces altogether (Stansfield, 2003). While the war on Iraq was about to happen, the opposition groups met again on February 25, 2003, this time in Salahaddin in KRI. By the conclusion of Salahaddin conference, the opposition groups failed to establish a provisional government but finally created a six-man leadership council – with the Kurds composing one third of it – made up of Talabani, Barzani, Ahmed Chalabi, Abduleziz al-Hakim, Ayad Allawi and Pachachi (Allawi, 2007).

## 4.12. A Relationship in Transformation: Kurds, Baghdad and External Stakeholders

By the conclusion of the twentieth century, the stance of Iraqi Kurds and their relationship with Baghdad and external players have witnessed pronounced changes. Throughout 1990s, the GOI had saved no effort to bring back the Kurdistan region to its embrace but with little avail. In 1996, the Iraqi government assisted one of the Kurdish warring parties – KDP – in forcing the other party – PUK – out of Erbil governorate. Although concerned about the Kurdish unity and the empowerment of their region, the Iraqi government had also initiated a mediation process between the Kurdish factions and later called for a national dialogue to mainly decrease the foreign involvement, particularly from Iraq's enemies in the Kurdish region. Notwithstanding, the Iraqi Kurds and the government in Baghdad stayed disassociated, and the latter's treatment of Iraqi Kurds depicted an implied acknowledgement by the former that the Kurdish entity stands outside the sovereignty of the Iraqi state. But a relation of interdependence has been developed between the Iraqi government and Kurdistan Region through the latter Iraq's oil and water flow; from the other side, the Kurds were depending on Baghdad for electricity and commerce (Bengio, 2012).

The period following the de facto formation of KRI was characterized by close involvement of foreign actors in the region. The most influential actor that has always affected the fate of Iraqi Kurds is the United States. The relationship between the U.S. and Iraqi Kurds was always only serving the interest of the former. This has undergone some slight changes by the 1990s after the chemical attacks on the Halabja and Anfal campaigns as well as the Iraqi invasion of Kuwait. The U.S. policy in the region, however, was based on the dual containment of Iraq and Iran – both Unites States' and Israel's opponents. The U.S. had planned to use the Kurdistan region as a launching platform to topple Saddam's regime. It had also aimed at encompassing the Shia Crescent[(19)]. Regarding the regional stakeholders, Turkey became the major player in the Kurdistan region and its bridge to the outside world, a role earlier held by Iran. Turkey took an active role in the mediation process between the Kurdish parties, performing economic transactions as well as in the mobilization of Turkmen and the use of force against PKK in the Kurdish region (Bengio, 2012). Turkey's main

(19) The term is commonly known in German as "Schiitischer Halbmond" and refers to the Middle Eastern countries where Iran wanted to exploit their substantial Shia populations as its proxies in its play for regional hegemony. These countries include Bahrain, Iraq, Syria and Lebanon, and they, along with Iran, form the shape of a crescent.

motivation was pursuing the PKK in Northern Iraq. It aimed, at the same time, to keep the Kurdish region under its sway and to avoid its evolution into a successful independent state in its backyard. Iran, on the other hand, kept aiming at increasing its impact in the Kurdistan region and mediated between Kurdish parties following the civil war. As the two major Kurdish parties were moving towards the U.S. sphere, Iran intensified its support to the Kurdish Islamic groups and the PKK. Iran was targeting to unseat the U.S. domination in the region and to chase the Kurdish Democratic Party of Iran (KDPI) active and based in Iraqi Kurdistan. Meanwhile, it hoped, along with Syria, to prevent the U.S. from surrounding the Shia crescent through the alliance between U.S., Turkey and Israel (McDowall, 2004). Syria's incentive, nonetheless, was its animosity toward the Iraqi government and its intention to send its Kurdish problem out of its borders (Bengio, 2010). These foreign interventions impeded the Iraqi Kurds to unite under one national principle; meanwhile it was the Kurdish intra-divisions that had facilitated the intrusion of external players into the Kurdish affairs.

## 4.13. Iraqi Kurds Moving Forward in Joining Their Forces

By the turn of 21st century, the Kurdish governments in Erbil and Sulaymaniyah made progress in terms of governance and institutionalization. The two governments initiated administrative reforms and positioned more technocrats at higher levels, something that added to the legitimacy of both governments internally among their populations and externally before the international community. Nevertheless, the two Kurdish administrations took their time in resolving their differences to unify their governments. This was in the benefit of the stability of the Kurdish region, as both dominating parties were given time to work out their internal issues and their relations with each other as well as other political parties. The divided Kurdish entity had also pacified the apprehension of the neighboring states which were anxious from the development of the Kurdish region in Iraq (Stansfield, 2003).

For the Iraqi Kurds, the terrorist attacks of September 11 marked the beginning of the conclusion of another phase in their history. As the U.S. and its allies intensified their efforts in the war on terrorism and when the U.S. was gunning for a regime change in Iraq, the Iraqi Kurds had realized that the fragile circumstances that had created and kept their de facto state viable could change. This was a grave issue for the Iraqi Kurds since it would mean the end

of their international protection through the no-fly zone, losing the capacity to interact independently from Baghdad at the international level and shifting the concentration of the international community on Baghdad rather than the Kurds who would have to struggle in order to make out their status within Iraq. In the presence of the U.S. policy of keeping the territorial integrity of Iraq and the opposition of regional states, mainly Turkey and Iran, in the installation of their independent state, the Iraqi Kurds were left with little options. To compensate for the demise that both the KDP and PUK – the two main stakeholders of KRI – would confront, they decided to preserve as much as they could from what they had gained during the previous decade. Accordingly, the Iraqi Kurds had endeavored to strengthen their position within the Iraqi opposition and play an active role in sketching the political map of the post-war Iraq. Both parties took on the endorsement of federalism in determining their position in the new Iraq (Stansfield, 2003). Both Kurdish parties had realized that the Kurdish voice would only be listened if they were united. Attempts to unify the two Kurdish governments, which were initiated in the Washington Agreement of 1998, were amplified and resulted in a joint session of the KDP and PUK parliamentarians in Erbil on October 4, 2002, and their agreement on keeping the parliament functioning until holding new elections in the region. A few days later, both parties came to a decision to establish offices in each other's regions (Bengio, 2012). In March 2003, the two parties had formed a joint higher leadership under Barzani and Talabani (Dougherty & Ghareeb, 2013). In the vicinity of the war on Iraq, the Iraqi Kurds had gained a good reputation internationally and took up the role that the U.S. and Western countries had assigned to them in being the nucleus of change in Iraq and a model for democracy in the Middle East (Stansfield, 2003).

## 4.14. Conclusion

The Gulf War (1990-1991) had resulted in a situation that the Iraqi Kurds had exploited to liberate their region from the grip of the GOI. The humanitarian crises that were caused in the recapture of the Kurdish region by the Iraqi forces pressured the international community to intervene and to create a safe haven for the oppressed Kurds. Consequently, after Iraq withdrew its administration and forces and suspended the state services from the Kurdish region, the Kurds started setting up the foundation of their entity, which had become more like a de facto state, and established their judiciary, legislative and executive authorities. However, Barzani and Talabani kept dominating the politics of Iraqi Kurdistan through their

leadership of the Kurdish political parties, which had the upper hand over the matters in KRI. These developments seemed to be promising for the Kurds in stepping forward to achieve all their national goals. For the first time in their modern history, the Iraqi Kurds managed to set up a state-like entity under the protection and assistance of international community. The formation of KRG and other state institutions had initially represented a major development for the Iraqi Kurds. However, the rivalry between the two major Kurdish parties – KDP and PUK – and their leaders, which ended with a civil war between 1994 and 1997 in all over the Kurdish region, presented a serious threat to the survival of the newly emerged Kurdish entity and brought out to open the inability of Iraqi Kurds to cope with their political differences.

By the end of 1997, the Kurdish warring parties initiated a peace and reconciliation process which resulted in signing the Washington Agreement of September 1998. Nonetheless, the Kurdistan Region remained divided into two administrations each under one of the two major parties. Ever since, both Kurdish governments in Erbil and Sulaymaniyah made significant progress in terms of administration. The internal rivalry between the Kurdish major political parties, which was deepened and fueled by the interference of the Iraqi government and the regional states who were all anxious from the ascendance of a united, stable, democratic and institutionalized Kurdish region, had impeded the Kurds from working together in making their de facto state functional.

The international system, on the other hand, continued to run not in favor of the foundation of a Kurdish independent state. The international protection the Iraqi Kurds enjoyed was limited to security – not political – as well as humanitarian and economic assistance. The policy of most foreign powers towards keeping the territorial integrity of Iraq remained unchanged. With the U.S. targeting a regime change in Iraq, the Kurds had stiffened their attempts to unify their administrations and reinforce their place within the Iraqi opposition. In a system that does not tolerate the break-up of states and due to the policy of Iraq's oneness of most Western and regional states, the best option for KRI was to maintain its de facto independence in any future arrangement with Iraq. So, the Kurds had joined their forces under the leadership of Barzani and Talabani and declared their advocacy for federalism within Iraq.

Although the Kurdish internal political conflicts mingled with the external geopolitical factors thwarted KRI from becoming an independent state, the region had witnessed a notable development in which the UN had an extensive role. The UNSC Resolution 986 and the UN

Oil-For-Food program through which the Kurds were getting 13% of Iraq's food imports provided the Kurdish authorities with considerable resources to develop their administration and to supply its population with food and some of the basic services. During the 1990s, over 3000 Kurdish villages were reconstructed but there was still a high dependency on the aid and the interference of regional states in the region remained a destabilizing factor. In more than a decade of survival and in the face of the interference of the GOI and regional states, the Iraqi Kurds had somehow founded a system that exhibited stability and democratic principles that resulted from the evolution of the Kurdish national movement. Despite the administration ineffectiveness as well as the domination of political parties, the divided Kurdish governments had made the lives of their peoples better, and the two Kurdish governments sustained to endure existing in the geopolitically complex Middle East.

# Chapter 5: KRI: A Federal Region in Iraq or a De Facto State (2003 - 2014)

## 5.1. The 2003 Regime Change in Iraq: Saddam Ousted

The terrorist attacks on the United States on September 11, 2001 have altered the political scenery of the world. Part of its plan to fight international terrorism, the U.S. was targeting a regime change in Iraq. In November 2001, President Bush directed the U.S. Secretary of Defense Donald Rumsfeld to embark on war preparations. The U.S. sought to get the authorization of the UN for its planned war in Iraq aimed at removing Saddam's regime and destroying its weapons of mass destruction (WMD). On February 14, 2003, the UNSC declared that the UN teams had not detected any WMD in Iraq and thus did not grant the U.S. a war mandate. The U.S., however, continued its plan with the support of about 40 nations (Rubin, 2016), including the U.K., Australia, Spain and Poland, and began to mass a large force in the Middle East region to invade Iraq on two fronts: from the south via Kuwait and the north through Turkey. The U.S., in the meantime, was still working with Iraqi opposition groups including the Kurds to consolidate its efforts of a regime change inside Iraq. The U.S. wanted the neighboring Turkey to participate in the coalition against Iraq. Such a proposal raised deep concerns among the Kurds in Northern Iraq and resulted in anti-Turkish demonstrations across the Kurdistan Region. But on March 1, 2003, the Turkish parliament rejected a resolution to allow U.S. forces the use of Turkish soils in its war against Iraq (Allawi, 2007).

Nonetheless, the invasion of Iraq started on March 19, 2003, with the bombing of Baghdad and other cities and the U.S. ground forces has entered into Iraq from the south with the British support. The Iraqi opposition groups had been largely sidelined in the operations. The only Iraqi force which had taken a role in the operations was the Kurds. By the end of March, the U.S. had opened a northern front from the Kurdistan region by moving its Special Forces that were stationed earlier near Erbil. The Kurdish Peshmerga forces had provided significant support to the U.S. forces operating in the northern front. Unexpectedly, in a short time, the Iraqi government with its army and security forces were collapsed and melted away. The extensive operation lasted for about three weeks and concluded with the U.S. forces entering the capital city of Baghdad and bringing Saddam's statue down in a symbolic motion in

Firdaus Square on April 9, 2003. In the following days, the U.S. forces and Peshmerga forces captured the cities of Kirkuk and Mosul, and the Kurds had stretched their authority over the disputed territories including Kirkuk, parts of Mosul and areas of Diyala governorates (Gordon & Trainor, 2006).

The major communities received the changes in the post-war Iraq differently. As for the Sunnis, it was the first time in Iraq's modern history that they had lost their power, which was based on sectarian advantage, in Iraqi politics. After the regime change in Iraq, the Sunnis aimed at avoiding a political order based on identity in which it would be a minority and were mainly divided between two factions: the first had accepted the new order in Iraq and poured its efforts with those standing with liberal and democratic principles; the other faction, which was the largest and composed of former Baathists, rejected the occupation and the new terms of Iraqi politics. The Shias, on the other hand, were ascending in the post-war Iraq as the regime change had opened up new horizons for them and their position was changed from victims – especially under Saddam's rule – into a majority power having a vital role in redefining the identity of the Iraqi state. The Kurds, who have enjoyed de facto independence since the Gulf War, had welcomed the new order in Iraq and somehow kept their peculiar status. They kept administrating their region and played a prominent role in sketching the new political curriculum of the country (Allawi, 2007).

## 5.2. Iraq under Coalition Administration

The U.S. plan for the administration of post-war Iraq composed of three phases beginning with the U.S. military rule, followed by a transitional period run by a U.S. military governor along with a U.S. civil administrator and concluding with the transformation of authority to a U.S.-friendly government (Abdulla, 2012). By mid-April 2003, the U.S. State Department had organized the Nasiriyah Conference in which Jay Garner, who was appointed earlier to be the Governor of Iraq after the fall of Saddam, made his first appearance to the Iraqi public. The conference concluded with a thirteen-point Statement entailing democracy, federalism and rule of law in the new Iraq (Santora & Tyler, 2003). Garner, the Governor of Iraq, along with the leaders of major political groups and exiles exerted their efforts in forming an interim Iraqi authority. The necessity of the formation of an interim Iraqi government within a short time was underlined in the Baghdad Conference, which was held on April 28 with

participation of about 300 Iraqis chosen from different religious, ethnic and political groups (Chandrasekaran & Reel, 2003). In May, Garner declared that the leadership council, which was established earlier in February during the Salahaddin Conference in the Kurdish Region, would be the nucleus of an Iraqi government (Price, 2003). Shortly afterwards, President Bush had appointed Paul Bremer, a senior diplomat, as the top civilian administrator in Iraq and the head of the Coalition Provisional Authority (CPA). The replacement of Garner was disappointing for most members of the Iraqi leadership council as it meant hitting all their efforts with the coalition authorities in the formation of an Iraqi-led administration. This move by Washington was received with higher concerns by Kurdish leadership since it involved the substitution of their friend from the days of Operation Provide Comfort – Garner – with Bremer, who worked between 1972-1976 as an assistant of Henry Kissinger who brokered the Algiers Agreement between the Shah of Iran and Saddam Hussein in 1975 (Allawi, 2007).

By mid-May, Bremer met up with the six-man Leadership Council plus a representative from the Dawa Party added to the council. The new administrator made it clear for the convened leaders that his administration intended to widen the leadership council, asserted on the supremacy of CPA over the leadership and referred to the deferral of the formation a provisional government led by Iraqis. On May 22, 2003, the UN recognized the CPA as an occupying authority in the country and authorized it to work out an Iraqi provisional administration under the guidance of the UN (Allawi, 2007). Bremer had also initiated a de-Baathification process which called for the removal of Baath Party members from the political process and dissolved the Iraqi Army, the Intelligence and the Security Forces, leaving hundreds of thousands unemployed. This has led to an increase of insecurity and widespread militant and terrorist activities and caused chaos in the country. By July 13, he established the Iraqi Governing Council (IGC) made up of 25 members – 13 Shias, 5 Kurds, 5 Sunnis, 1 Christian and 1 Turkoman – to cooperate with CPA in administrating the country and commence with preparations for writing a new constitution. The members of the IGC were selected on the basis of religious and ethnic divisions and from the existing political parties thus resulted in strengthening the hostilities between the various groups and deepening the fragmentation of Iraq's communities. Although Saddam's government was defeated easily, governing the post-war Iraq seemed to be a challenging task. In the aftermath of war, Iraq was a collapsed state. Most of the country fell under bloody chaos except for KRI, which was self-ruled for over a decade. The economy of Iraq was devastated, there was no presence

of middle class(es) and the majority of Iraqis were suffering from poverty, unemployment and lack of services. In the absence of authority, the security had disappeared and all the governmental and public facilities were looted and the coalition forces that had occupied the country fell short in preventing such anarchy from spreading out in Iraq (Abdulla, 2012).

## 5.3. Elections: Iraq Regaining its Sovereignty

After the regime change, security incidents were increasing all over the country, even occasionally in KRI, and there were some guerilla-style attacks on the coalition forces in Iraq. Even the killing of Saddam's sons Uday and Qusay in a gun battle in July 2003 in Mosul and the capture of Saddam Hussein on December 13, 2003, in Tikrit did not terminate the armed violence. In March 2004, the IGC approved an interim Iraqi constitution, also known as the Transitional Administrative Law (TAL) for the State of Iraq. Based on the timetable laid out in the TAL, on June 28, 2004, Bremer dissolved the CPA and the IGC, and transferred the sovereign authority formally to the Iraqi Interim Government (IIG). Even with the support of coalition forces, the IIG was insufficient to overcome the chaos and terrorism that had spread out over the country and failed to end the suicide bombs and insurgent activities or to establish security. The IIG was tasked with governing Iraq until the parliamentary elections took place, scheduled to be held in January 2005 (Dobbins, Jones, Mohandas & Runkle, 2009).

Elections for choosing 275 members for the National Assembly of Iraq were held on January 30, 2005. The results of the elections showed that the United Iraqi Alliance, which was backed by Ayatollah Ali al-Sistani, came first in the poll with about 48% of the votes winning about 140 seats in the National Assembly. The Alliance of Kurdistan, which was formed by Kurdish major parties, took second place and won about 75 seats of the parliament. The Iraqi List, led by the then interim Prime Minister Ayad Allawi, came third in the poll and secured about 40 seats of the Assembly. The Arab-Sunnis, on the other hand, had boycotted the elections and the turnout in their areas was very low (Smith, 2010). The elections were described by chief UN election advisor as "extremely successful" (BBC News, 2005).

Thereafter, the Iraqi Transitional Government assumed authority and the newly elected National Assembly selected the Kurdish leader Jalal Talabani as the interim Iraqi President and Ibrahim Al-Jaafari became the new Shia Prime Minister. The Iraqi Transitional Government appointed a multi-ethnic committee to draft a new and permanent constitution for Iraq.

The new constitution was finalized in September 2005 and was ratified in a nationwide referendum on October 15, 2005. The new constitution introduced Iraq as a constitutional democracy with a federal system of government. On December 15, 2005, the Iraqis once again went to the polls to participate in the first legislative elections as laid out by the new constitution. The new constitution-based government was installed, approved and took office in May 2006. That time, Nouri Al-Maliki became the Prime Minister of Iraq and Jalal Talabani remained the President. Al-Maliki's government faced numerous crises, including the threat of terrorism and increased sectarian violence in most parts of Iraq (Baker, 2006).

## 5.4. The Kurds Confirm National Gains and Unite Administrations

After the regime change, the Iraqi Kurds were also stepping forward in the internal reconciliation process in their region. Both Kurdish major parties – KDP and PUK – were acting coherently against their domestic enemies represented by Islamists groups and vis-à-vis Baghdad. The leaders of the two Kurdish parties joined their forces together in negotiations with Coalition Provisional Authority (CPA) and the new administration. The Kurds had demanded that Iraq would be a federal, democratic and plural state. The Kurds also called for defining the territory of their region and determining the future of the oil-rich city of Kirkuk and the disputed areas and to keep their Peshmerga forces as the official army of KRI (Abdulla, 2012). The progress in the reconciliation process between the Kurdish major parties was due to the internal pressure of the Kurdish society and the changing dynamics in Iraq. Both Kurdish parties had realized the necessity of organizing themselves under one unified purpose and administration so as to be able to secure the rights of Kurdish people in the new Iraq. The several years of negotiations between the two parties came to fruition when they started sharing the legislative power after the first parliamentary elections in the Kurdistan region since the regime change in Iraq. The Kurdistan National Assembly (KNA) held its first session in June 2005 in Erbil. The merger of the executive authorities, however, was still on the table and was not yet translated into actions.

By mid-2005, the stakeholders of the new Iraq were occupied with writing a new constitution for the country, a process in which the Kurds played a major role. The unity of purpose among the Kurdish parties placed the Kurds in a relatively strong position to negotiate and pursue their rights and to confirm them in the charter of the state. Thus, it can be argued that

the Iraqi constitution, which was voted for by over 78% of the Iraqis on October 15, 2005, had brought about significant gains for the Kurds. On January 7, 2006, KDP and PUK reached an agreement to unify the two separate administrations of the KRG (Ridolfo, 2006). The two parties realized that it was necessary to join their forces in order to secure the achievements of Kurdish people as Iraq was moving through democracy and federalism. The agreement stipulated that the then President Masoud Barzani, who was sworn in on January 7, 2006 (Gunter, 2016), would maintain the presidency of the region in return for the nomination of Jalal Talabani as the only Kurdish candidate for the Iraqi presidency and the creation of a new post for the Vice President of KRI to be held by a PUK member. The post of Prime Minister was also retained by Nechirvan Barzani – a KDP member – in return for giving PUK the post of the Speaker of the KNA with a rotation of the two posts after two years. The agreement also encompassed the division of some of the ministerial posts but with no conclusive consensus on the unification of sensitive portfolios such as the Ministries of Finance, Peshmerga, and Interior (KRG Cabinet, 2006).

The united KRG took office on May 7, 2006 (Gunter, 2016). The unification of the two Kurdish administrations had consolidated the KRG internally to deal with the economic disparities in the region and the spread of Islamist movements. At the state level, a united KRG meant solidifying their autonomy and furthering their federalization of the new Iraq. At the external level, a strong unified KRG could relatively decrease the interference of neighboring states. Besides, a united KRG with a constitutional right to practice diplomacy is more potential and credible for building bilateral relations with the West, something that would assist the Kurds in developing their region and would give them support for standing for their legitimate national rights.

The Kurdish entity kept running like a state with its government, state institutions and security and armed forces. The Kurdish civil society has been developing since 1990s in the presence of international support. The civil society, alongside Iraqi Kurdish diaspora communities in Europe and the U.S., had assisted the KRG considerably in the promotion of human rights and reconstruction of Kurdistan region. The Kurds tied their national project with democracy and Western liberal ideology and underlined the effectiveness of their government and the internal sovereignty it enjoyed so as to gain the political support of the West. The Iraqi Kurds, nevertheless, succeeded in legitimizing their nationalism and turning their entity into a model for democracy in the Middle East (Natali, 2005).

## 5.5. Iraq's New Constitution and KRG – GOI Relation

The international aid and external patronage of KRI on one hand, and the weakness of the GOI in the aftermath of 2003 on the other, have complicated the relationship between the two entities and widened the gap between them. The new Iraqi constitution was unable to establish a balanced federation in the country. However, there was a working cooperation between Erbil and Baghdad in spite of the constitution's provisions that stipulated the weakness of the federal government in comparison to the regions. As a result, KRI gained more powers by the permanent constitution which the Iraqi Sunnis opposed and Shias later sought to alter (Natali, 2010).

The preamble of the Iraqi constitution (2005) refers to the oppression against the Kurdish people at the hands of the former Iraqi governments particularly in "the massacres of Halabcha, Barzan, Anfal and the Fayli Kurds." Documenting the historical sufferings of the Kurds in the state's supreme law is deemed important to avoid the repetition of such acts in the future. Article 1 of the constitution states that "[t]he Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq." The adoption of a federal democratic system of which the Kurds were the main promoters represented a major gain for the Kurds and a new beginning of a relationship between KRG and GOI. However, the lack of trust between the Kurds and Baghdad, due to the stand of successive Iraqi regimes against the Kurds whenever they were strong enough and capable of doing so, remained high and the Kurds conditioned their union with the new Iraq with compliance of the constitution as stipulated in the mentioned article and in the concluding sentence of the preamble: "The adherence to this Constitution preserves for Iraq its free union of people, of land, and of sovereignty." In the first paragraph of article 117, the new Constitution "recognize[s] the region of Kurdistan, along with its existing authorities, as a federal region." The Constitution further endorses the "legislation," "government decisions" and "court decisions and contracts" brought into effect in Kurdistan region since 1992 (art.141). The Constitution also recognizes Kurdish alongside Arabic as "the two official languages of Iraq" (art.4). Moreover, the first paragraph of article 121 gives KRI the authority "to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government," which mainly include defense, monetary, and foreign policy (art.10).

Article 115, on the other hand, explicitly states that all powers that are not exclusive competences of the federal government belong to the regions, and in case of dispute between the federal government and the regional government, supremacy will be given to regional laws over federal laws. Article 121 further leaves the responsibility of "the establishment and organization of the internal security forces for the region such as police, security forces, and guards of the region" to the Kurdish forces and permitted the Kurds to establish diplomacy with the international community through opening offices "in embassies and diplomatic missions." The Constitution has also given KRI an authority – shared with the federal government – to exploit the natural resources and revenues (art.112). Lastly and most importantly, the Kurds have insisted on solving the issue of internal borders of KRI and the disputed areas, which represented as a stumbling block between the Kurds and successive Iraqi regimes, through the Constitution. Article 140 of the Constitution addresses the issue and requires the implementation of some measures, which include "normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens." It is worth stressing that this was the first time in the history of Iraq that a constitution being ratified treated the Kurds as partners in the country and guaranteed many of their national rights.

In spite of its relative development, KRI remained strongly dependent on Iraq in terms of finances and economy and functioned as Iraq's trade center and its gateway to the outside world. KRI was receiving its annual finances from the federal budget, which was specified to be about 17%. Cultural and language ties between Kurdistan Region and rest of Iraq were still decent. Although the majority of young Kurds do not speak Arabic, the larger Kurdish community still knows the language due to political, business, religious and personal grounds. The correspondence between KRG and Baghdad is in Arabic and is later translated into Kurdish. In 2008, the KNA added Arabic to its Kurdish and English badge (Natali, 2010). After the bombing of Shia shrines in Samarra in 2006 and deterioration of security situation, thousands of families fled from south and central Iraq to KRI (USAID/IRAQ, 2008). For those who were displaced or migrated to the region along with the Chaldo-Assyrian communities in the Kurdistan region, the KRG provided schools and learning facilities in their own languages. Kurdistan Region hosted the Arab League Conference in Erbil in March 2008 (Natali, 2010). On April 14, 2008, the Kurds managed to get the Iraqi parliament to recognize Anfal campaigns against the Kurds as genocide (Kurdish Globe, 2008).

Still, the KRG-GOI relation was affected by several disputable issues: one of which was the distribution of country's wealth. The KRG was complaining about not getting its fair share from the federal budget. The Kurds were also blaming the federal government of not executing the articles of the constitution regarding the issues of high concern to the Kurds such the exploitation of natural resources (mainly oil and gas) and the future of disputed areas, including the oil-rich city of Kirkuk (Natali, 2010). The issue of Kirkuk is a very contentious one due to the involvement of many stakeholders including KRG, Baghdad, Arab and non-Kurdish groups and regional states – Turkey and Iran (Chehabi, 1997). After the fall of Saddam's regime, many Arabs left Kirkuk to return to their origins in central and southern Iraq and many Kurds, who were expelled by force, had returned to the city. This was part of the "normalization process" in Kirkuk as stipulated in article 140 of the Iraqi constitution, and accordingly over 100,000 Kurds were resettled in Kirkuk and the Arab settlers were compensated and returned to their original homes. The Kurdish major parties, namely KDP and PUK, bolstered up their impact in the city, which many Kurds consider as the "Jerusalem" of Kurdistan (Natali, 2008). The application of the provisions of the said article, which also included a "census" and a "referendum" to determine the future of Kirkuk and the disputed areas and was specified to be implemented by the end of 2007, was resisted by non-Kurdish communities. For example, Sunni Arabs consider Kirkuk and its wealth as part of the Arab Iraq, not the Kurdistan Region. Some radical Shia groups stayed present in the city to cause disruption whenever required. In mid-2008, some Arab political parties and Turkmen backed by Turkey created a front to prevent the implementation of the concerned article of the constitution and the annexation of the city to KRI (Natali, 2010).

## 5.6. The Kurds and State-Building in the New Iraq: A Twofold Project

After the U.S.-led war against Saddam Hussein, the Kurds became involved in two state-building projects: the Kurdish state-building in KRI, which had started by mid-1990s, and the state-building of the post-war Iraq (Bengio, 2012). The Kurds in Iraq continued fortifying their entity and nationalism within KRI with the KDP taking the leading role. In the meantime, they contributed to the state building process of new Iraq with the PUK taking the major role in acting in an "Iraqi" nationalist manner and promoting the Kurdish interests in Baghdad (Stansfield, 2006).

In Baghdad, the Kurds manifested a significant role in writing Iraq's constitution of 2005 as well as in the formation of the new Iraqi government. The rivalry between Iraqi groups, mainly the Shias and Sunnis, facilitated for the Kurds to play a principal role in mediating between the opponents and having a strong say in the political process in Baghdad. For example, the talks for the formation of Iraqi government in 2005 and 2010 were held in the Kurdistan Region. Moreover, the Kurds have occupied key positions in Baghdad such as the President of Iraq, deputy Prime Minister, Minister of Foreign Affairs and Chief of Army Staff among others (Bengio, 2012). The Kurds have also gained key political and administrative posts in Mosul, Kirkuk and the disputed areas (Natali, 2010).

In the aftermath of the regime change in 2003, the Kurds have taken giant steps forward in their own state-building project. By 2005, the Iraqi Kurds had succeeded in developing two loosely attached de facto states in the Kurdistan region with many attributes of nationhood and independent of the GOI. The unification of the two Kurdish administrations into one single government has no doubt elevated the sense of unity among the people and accelerated the state-building process (Bengio, 2012). However, governing KRI was not flawless. The Kurdish people felt angry about the lack of rights, services, transparency, the ongoing corruption and nepotism; thus, they demanded more freedoms and reforms as well as ending the monopolization of power by the two ruling parties (KDP and PUK). In December 2006, in protest against the ruling two-party system, Nawshirwan Mustafa, the number two person in PUK, resigned from his party and organized an opposition movement against the two-party governing system. The movement was called Goran (change) and was officially established in the beginning of 2009 to compete with the KDP, PUK and other smaller parties in the July 2009 elections of Kurdistan National Assembly (KNA), which was rebranded as Kurdistan Region Parliament (Gunter, 2016).

The KDP and PUK, on the other hand, kept getting close to each other. In June 2009, Kurdistan Region Parliament had approved a constitution for the region to be approved publically along with the elections on July 25, 2009. The constitution stipulated the abidance of Kurdistan Region to the Iraqi constitution of 2005 and granted significant powers to the President at the expense of the parliamentary rule. However, the ratification of the constitution was postponed by the Kurdish leadership to an unknown notice (Gunter, 2016).

The elections of July 25, 2009, resulted in the reelection of Masoud Barzani as KRI's President but this time in a popular vote with a majority of about 70%. Meanwhile, the Kurdistani List, which incorporated KDP and PUK, won 59 seats in the new parliament marking a decrease in the number of the seats of both parties collectively as compared to the previous elections which was 78 seats. The newly founded Goran Movement won about 25 seats mainly in Sulaymaniyah and at the expense of PUK votes. A coalition of Islamic and leftist parties had won 13 seats and the remaining 11 seats of the total 111 seats of the parliament were devoted to minorities as a fixed quota. Consequently, in accordance to the KDP-PUK agreement, the PUK candidate Barham Salih was appointed as Prime Minister of KRG, to be replaced by Nechirvan Barzani in 2012.

Economically, the situation in KRI has ameliorated significantly after 2003. The 2005 Iraqi constitution allocated KRI with 17% of the country's federal budget in the place of the 13% of Iraq's funds the region was receiving according to Oil-for-Food program defined by the UNSC Resolution 986 of April 1995. KRI's revenues have also increased dramatically due to the removal of international sanctions on Iraq. Therefore, KRI functioned as a trade and economic bridge between Iraq and the outside world (Gunter, 2016). As a result, the reconstruction process which was started in Kurdistan Region in mid-1990s was accelerated. By mid-2005, two international airports (Erbil and Sulaymaniyah) were inaugurated and domestic and international flights were operated from and to the KRI (Bengio, 2012a). In the meantime, the KRG promoted foreign investment and developed a strategy focusing on the growth of the private sector. In 2006, KRI passed an investment law, which was regarded as one of the most liberal laws in the Middle East region. Furthermore, one year later, KRI's Parliament has passed a hydrocarbons law to facilitate and organize the exploitation of the oil and gas of the region as well as the installation of pipes and contracting with international companies. Consequently, and in the presence of security and stability in KRI, international companies were attracted to participate in the development of the Kurdish oil industry and to invest in the region. By the end of 2009, the KRG negotiated and signed contracts with over 30 foreign companies for the exploration and production of oil and gas. KRI had also witnessed a boost in construction as well as rehabilitation of schools and hospitals, building of new roads, factories, hotels and restaurants and provision of water supplies and electricity (Natali, 2010).

According to article 121 of the 2005 Iraqi constitution, the Kurdish security forces and Peshmerga were given a legal status within the state's security and defense system. As for the military power of KRI, between 2003 and 2005, the U.S. have armed and provided special warfare training to over 4000 Peshmerga forces (Natali, 2010). In April 2009, KDP and PUK declared the unification of two branches of Peshmerga forces loyal to their parties under KRG's Ministry of Peshmerga but the process was not realized on the ground. By 2010, the total number of Peshmerga forces was estimated between 150,000 to 200,000 fighters (Bengio, 2012).

Since the 1990s and to a great extent at the conclusion of the intra-Kurdish war, the Kurds have been working on building up a culture of peace among the Kurdish society and consolidating the symbols of their nationalism. The Kurds had given attention to the language, education, culture, media, preservation of archeological and historical places and other tools of nation-building. The Kurdish language, which is considered as a symbol of national identity, became the official and schooling language in the Kurdistan region. The Kurdish young generation was not only schooled and instructed in Kurdish, but the textbooks were focused on Kurdish history and culture, widening the gap between them and the rest of Iraq and strengthening the Kurdish national identity. So, the Kurds have made their own school curricula advocating democracy and human rights, constructed new schools and learning facilities and used English as a second language (Natali, 2010). By 2010, there were about seven universities operating in the Kurdistan Region, among which was an American university in Sulaymaniyah. An example for the Kurds giving importance to their history is the establishment of the monument and museum of the Halabja Massacre in September 2003, which had attracted international media and more support for the Kurdish case (Bengio, 2012). Moreover, a civil society in the Kurdistan Region came into view aiming at promoting equality, human rights and combating honor killing and violence against women and children. In addition, a number of newspapers, magazines, and radio and television stations were established representing different opinions and some of them criticizing the KRG (Gunter, 2016).

The developments in KRI increased its recognition and legitimacy domestically and internationally. However, although KRI is business and investment friendly, there are obstacles to foreign investment, such as absence of insurances and transparency, dysfunctional bank system and no functioning postal system (Gunter, 2016). In that regard,

the government was unable to develop a self-sufficient economy and three quarters of KRG's budget goes to public salaries as the number of public sector employees are estimated at about 1.5 million people (USAID/IRAQ, 2008). The authorities in KRI were also criticized for the spread of nepotism, corruption and the lack of services, such as no affordable fuel and no sufficient electricity.

## 5.7. KRG's Foreign Relations

In the aftermath of 2003 and with the end of international sanctions regime on Iraq and the internal blockade on Kurdistan Region, KRG established strong economic relations with the regional states: Turkey and Iran. These neighboring countries, along with Syria, were apprehensive of the developments in KRI and its effect on their own Kurdish populations (Bengio, 2012). Business relations particularly with Turkey were reinforced. There were over 700 Turkish companies – making up two-thirds of the foreign companies – operating in the region as well as several thousands of Turkish workers. The trade was especially remunerative and there were about 1500 trucks entering daily into KRI filling the markets of the region with Turkish construction materials, food, furniture, clothes and other things. The relations have also included the educational sector and there were several Turkish schools and learning institutions running in the region. Turkey had concluded that the alliance with the KRG would serve its regional ambitions as it would function as a strategic depth against Iraq and Iran, and at the same time, it would enable Turkey to consolidate its influence in KRI and Iraq. Official dialogue between Turkey and Kurdish leaders started at the beginning of 2008. In February 2010, the Turkish government had established its consulate in Erbil (Natali, 2010). By the end of 2010, Turkey was maintaining about 1500 troops in KRI for its fight against the PKK (Shadid, 2011). Commercial and economic relations with Iran were strengthened too and mainly in the Sulaymaniyah province where Iran had a significant share of the trade market. By mid-2007, there were about 120 Iranian companies working in KRI in construction, housing, food and plastic among other industries. It is also worth mentioning that the Islamic Republic of Iran had opened two consulates in the Kurdistan Region, one in Erbil and the other in Sulaymaniyah. However, there were no such remarkable relations between the KRG and Syria. But the investment from other Arab countries such as Egypt, Kuwait, Lebanon, Jordan and UAE in the region was sound and made up half of the $15 billion U.S. dollars invested in the region in 2007-2008 (Natali, 2010).

KRG relations with regional states required the Iraqi Kurds to make political compromises for economic benefits. They sought cooperation with the regional states to ensure open space and borders, external aid and recognition. In doing so, they had to abandon pan-Kurdish nationalism and not get involved in cross-border Kurdish nationalist conflicts, namely those of PKK and PJAK (Iranian Kurdish dissident groups) against the regional states. Thus, in 2009, due to pressure from regional states, Baghdad and foreign governments, the KRG shut down PKK offices in the cities of Kurdistan Region and put the paths to Qandil Mountain – the base and stronghold of the PKK – under siege and condemned PKK activities publicly. In like manner, Sulaymaniyah officials who were mainly from PUK assured the Iranian government to control the activities of Iranian Kurdish rebels in their zone. However, both Turkey and Iran are still in control of the borders of the land-locked KRI despite their bilateral economic ties with its government (Natali, 2010). What is more, these regional states, Turkey and Iran, have military presence in Kurdistan Region (Leezenberg, 2017). Both states undertake bombing and military operations against the dissident groups who are taking sanctuary in KRI. They frequently shell the bases of these militant groups in the border areas and in the villages within KRI. Along with its recurrent air strikes, from time to time the Turkish forces launch ground offensives on the PKK militants in KRI. On some occasions, Turkey and Iran have closed their borders in order to coerce further KRG collaboration. This indicates the vulnerability of KRG in its relations with the regional states and undeniably undermines its sovereignty.

The Kurdistan Region has also become noticeable at the world stage and kept seeking and enhancing relations with the outside world. In accordance with article 121 of the Iraqi constitution of 2005, which allowed the Kurds to conduct relations with the international community, the KRG had established the Department of Foreign Relations (DFR) in September 2006 to fortify bilateral relations with various world countries and to encourage economic and institutional ties, trade and investment (DFR-KRG, 2018). Afterwards, several countries have opened their consulate general in Erbil, including the Russian Federation, France, Germany and the two neighboring countries of the Islamic Republic of Iran and Turkey, among others. From the Arab world, Egypt was the first to open a consulate in Erbil by the end of 2010. The U.K. and other countries were maintaining embassy offices in KRI while several European and other countries established commercial or liaison offices or honorary consuls. The KRG had also established several representation offices worldwide, including *inter alia* in the U.S., the U.K., France, the EU and Iran. Moreover, the construction

of the Erbil and Sulaymaniyah airports in 2005 was crucial for the Kurdish national project and assisted in broadening the external ties of KRI at the international level (Bengio, 2012). These ties benefited the Kurdish efforts in developing their entity. The U.S., for example, has encouraged international companies and NGOs to invest in the Kurdistan region (USAID/IRAQ, 2008). The foreign and governmental aids have helped in the reconstruction process in Kurdistan Region. The USAID and World Bank (WB) assisted the Kurds in capacity building projects and humanitarian reliefs especially after the recognition of Kurdistan as a federal region by the Iraqi constitution of 2005. Other areas that foreign aid targeted in KRI included governance, reforms, service-delivery and civil society, among others (Natali, 2010).

## 5.8. The U.S. Pullout and Shia Domination

In November 2008, the Iraqi government and parliament endorsed a security pact with the U.S. under which all U.S. forces were to leave Iraq by the end of 2011. Given the fragile security situation in Iraq, many believed in the necessity of the presence of the U.S. troops (Robertson & Farrell, 2008). However, handing over the control of Iraqi areas to the Iraqi government began even earlier. In September 2008, the U.S. forces returned the control of Anbar Province to the Shia-led government. Subsequently, in June 2009, six years after the invasion, the U.S. forces pulled out from all Iraqi towns and cities and formally handed over control to the new Iraqi forces in a step toward returning full sovereignty back to the Iraqi state (Independent, 2009).

At a later time, on March 7, 2010, the second Iraqi parliamentary elections since the regime change in 2003 were held. The elections' results showed the winning of Iraqiya List, a largely secular Sunni and Shia coalition headed by Iyad Allawi and backed by Saudi Arabia, Turkey and Gulf States, 91 of the parliament's 325 seats, two seats more that the State of Law Coalition, headed by al-Maliki and supported by Iran, which came second with 89 seats. By the end of the year, it was al-Maliki who had formed a coalition government not Iyad Allawi. The latter was blocked from the post of premiership despite winning the largest number of seats – placing the blame on Tehran. Al-Maliki's hold over the rule shook up Iraq's unripe democratic process and revealed the fragility of its political situation.

Before the end of 2011, the U.S. completed the withdrawal of its forces from Iraq after nearly nine years of a war that claimed the lives of about 4500 Americans and tens of thousands Iraqis, yet leaving Iraq's conflicts unsolved (Logan, 2011). Power-sharing negotiations between Shias and Sunnis and specifically on the ministerial posts of Interior and Defense resumed for months without any result. Similarly, the relations between the KRG and the GOI remained resentful with no solution in sight for their disputes. Consequently, the government of national unity could not be completed and it disarrayed, and al-Maliki held control over several important ministerial posts, something that rang alarm bells among the Sunnis and the Kurds over the re-emergence of dictatorship in the country and deepened the fragmentation of Iraq's diverse communities. Furthermore, at the turn of the year, al-Maliki began to move against the Sunni leaders and issued arrest warrants against the Vice President (Tariq al-Hashimi) and the Finance Minister (Rafi al-Isawi), charging them with involvement in terrorism, and requested the Iraqi Parliament to withdraw confidence from the Deputy Prime Minister (Saleh al-Mutlaq). As a result, the Sunnis boycotted the government and the parliament. Subsequently, sectarian violence grew rapidly as did the Sunnis' anger against the Shia-dominated government, sparking fears of a renewal of the civil war that claimed the lives of many thousands in 2006-2007.

## 5.9. KRG's Independent Economic and Financial Policy

After al-Maliki reinforced his power again and by the complete U.S. troop pullout, relations between KRG and Baghdad became gradually worse with no progress regarding their contentious issues, particularly the disputed areas including Kirkuk, the oil and the revenues. These issues have previously reached dangerous levels as for instance in 2008 in the disputed city of Khanaqin, which is located along the Iranian border within Diyala governorate, and was supposed to be settled in accordance to article 140 of the Iraqi constitution. Since 2003 and by the end of Arabization process and beginning of normalization of the situation in some of these areas, many Kurds returned to their homes in the city. In 2005, due to the inordinate decline of security, the GOI requested the Kurdish forces to assist in the provision of security to the inhabitants of Khanaqin, the majority of which were Kurds. At a later date in August 2008, the Shia-dominated GOI sent the Iraqi army to Khanaqin with the aim of controlling the Kurdish-inhabited areas in the disputed territories to diminish the political and

military influence of KRG in these territories (Mardini, 2008). Clashes between the Iraqi forces and Peshmerga forces in these areas and along the internal border between KRG and Baghdad's government continued for about a year, and the situation was close to turning into a full-blown strife if it was not firmly intervened by the Americans (Stansfield & Anderson, 2009). The Khanaqin crisis was considered to be the first dispute – since the regime change in 2003 – in which the Iraqi government took on a formal military response in dealing with the Kurds, triggering the Kurdish fears of the past attitudes of Iraqi governments against the Kurds. These developments followed the gradual withdrawal of the U.S. forces from the cities and showed the peril of the security situation in these areas, especially in the absence of a political solution between the two sides and without the enforcement of article 140 of the constitution, which was planned to be implemented completely by no later than December 31, 2007 (Mardini, 2008). The referendum on the future of Khanaqin, Kirkuk province and other disputed areas was postponed indefinitely. Afterwards, another crisis broke out between KRG and GOI in November 2012 upon the latter's formation of Dijla Operations Command to operate in the disputed territories. The tensions were again close to erupt into a full-scale conflict between both sides before they were temporarily eased after external mediations and the involvement of the Kurdish President of Iraq, Jalal Talabani, in meddling between KRG and GOI (Gunter, 2016).

Natural resources and KRI's share of Iraq's budget was the other major contentious issue between the federal and regional governments. In the aftermath of 2003, KRI was solely depending on its 17% share of Iraq's revenues and therefore was not able to develop its economy. Given a history of sour relations and mistrust with successive Iraqi governments, the Iraqi Kurds realized that relying on Iraq as its only financial source would undermine the internal sovereignty of their entity and even pose a threat to the survival and integrity of their region (KRI). Therefore, the KRG decided on developing its own economy based on the energy sector, aimed at achieving economic and financial independence from Baghdad (Rafaat, 2018). According to the Iraqi constitution (2005), the management and sketching of the strategic policies for the development of oil and gas fall within the shared competences of both governments (art.111 & art.112). Yet, Baghdad's government wished to keep the whole energy sector under its hold while the KRG aimed at reducing its economic and financial dependency on Baghdad. In 2007, in the absence of a federal petroleum law, the KRG passed its oil and gas law to develop its energy industry. On that account, the KRG provided a legal framework to exploit its oil independently from Baghdad. Henceforth, the KRG sought to

attract international companies, thus inviting oil and gas companies to explore the region. Regardless of Baghdad's threats and claims of illegality of KRG's independent policy, the KRG succeeded in signing contracts with a considerable number of international companies – 50 companies by 2013 – including the world's major ones in the field such as ExxonMobil, TOTAL and Chevron. The involvement of all these international companies was due to the fact that Kurdistan Region was non-explored, secure and investment-friendly apart from the profitable Production Sharing Contracts which the KRG was offering (Rafaat, 2018). The KRG's oil policy targeted independent export and monetization. In this manner, the KRG would be able to establish the bases of its independent economy and make its place in the world economy.

In June 2009, the KRG began crude oil exports to foreign markets for the first time. The KRG made contracts with oil companies to pump up to 100,000 barrels a day from two northern oilfields to Turkey, while the GOI had allowed the usage of its pipeline for a share of revenues (BBC News, 2009). On the other hand, the GOI rejected KRG's hydrocarbons law, refuted its contracts with foreign firms and threatened to blacklist the companies that dealt with the KRG. In April 2012, amid a scuffle over paying the international oil companies operating in Kurdistan Region, the KRG halted oil exports (Malone, 2012). Amid the swirl of the eruption of sectarian tensions in Iraq due to the policies of the Shia-led government against the Sunnis and the Kurds and the ongoing tensions between KRG and GOI, the President of KRI Masoud Barzani made an important visit to Turkey on the heels of his visit to the United States and was warmly received by the then Turkish Prime Minister Erdogan. The following month the KRG's Prime Minister Nechirvan Barzani had also journeyed to Turkey. Barzanis' meetings with the Turks resulted in cutting a pipeline deal between the KRG and Turkey on May 20, 2012, without the consent of Baghdad (Bengio, 2012a). Thereupon, the KRG, through Kurdish and Turkish companies, started building its own pipeline, with one million barrel per day capacity. The KRI's pipeline was completed in late 2013 and linked Kurdish oilfields to the unused pipe of the two parallel Iraq-Turkey pipelines, and it was tied in beyond the Iraqi government's metering system (Osgood & Van Heuvelen, 2013). In December 2013 at the Iraqi Kurdistan Oil and Gas Conference, which was held in Erbil and attended by the Turkish Energy Minister, the KRG's Natural Resources Minister Ashti Hawrami announced the completion of KRG's pipeline and the KRG-Turkish agreement to export oil via KRG's new pipeline directly to Turkey. These developments have aggravated the strains between the GOI and the KRG (Wahab, 2015).

In January 2014, the KRG made its first crude oil exports directly to the Turkish Ceyhan port through the newly constructed pipeline. Correspondingly, in February 2014, Baghdad completely cut off KRG's share of Iraq's budget (Gürbey & Yildirim, 2019). By the end of May 2014, the KRG made it public that it has attempted its first oil sale through its pipeline export with a tanker loaded with over one million barrels of KRI's crude oil leaving the Ceyhan port for Europe (MNR-KRG, 2014). However, due to Baghdad's threats against oil traders and the diplomatic pressure it exerted on other governments along with the U.S. warning potential purchasers not to accept the Kurdish disputed cargoes, the delivery of Kurdish oil was delayed but eventually sold and has arrived on June 20, 2014, at Ashkelon port in Israel where it was unloaded. The successful delivery of KRG's oil to Israel was of mutual benefits for both sides. Making the first sale of its oil from its independent pipeline was pivotal for the KRG, which was keen to bring down its financial dependency on Baghdad. Israel taking the disputed Kurdish oil was a step to strengthen ties with the Kurds that was to enlarge its network in the Middle East and to increase its energy suppliers. However, the Kurdish crude oil was not unfamiliar to Israeli refineries which have taken it earlier but in small quantities when it was exported to Turkish ports by trucks. At the end of the day, Israel was not losing anything since it has no oil contracts with Iraq given that the latter is among other Arab states boycotting Israel (Payne, 2014). Be that as it may, the KRG succeeded in bringing international oil companies to explore oil and extract it from the Kurdistan Region, and it was able to export it through its own pipeline to the international market then selling it and collecting its revenues. This was a great push toward KRG's economic and financial independence.

The oil row between KRG and GOI had gained a geopolitical dimension and involved regional and international actors. Iraq's neighbors, mainly Turkey and Iran, are the major players in the country. Turkey in particular had a great influence on the oil conflict between GOI and KRG as the oil exports of both parties go through Turkey to the international market (Wahab, 2015). After the withdrawal of U.S. forces from Iraq, both Turkey and Iran competed with each other to fill the vacuum left in the country. As the Shia-dominated GOI was close to Iran, Turkey enhanced its relations with the KRG and began to take the side of KRG in the latter's conflicts with the GOI. For example, in April 2012, while receiving KRI's President Masoud Barzani, the Turkish Prime Minister Erdogan had blamed the Iraqi Prime Minister Nuri al-Maliki for flaring up sectarian tensions in the country, something that was described by al-Maliki as a clear intrusion in Iraq's domestic matters (Gunter, 2016).

Turkey's relations with the KRG were complex as, from one hand, Turkey sought to prevent KRG from making political and diplomatic gains fearing the effect on its Kurdish population; on the other hand, it attempted to make as much economic gains as it could from the rising Kurdistan Region. Turkey's need for energy and its desire to decrease importing from Iran motivated its contribution to the development of KRI's oil industry through the establishment of oil facilities and pipelines and its openness as a gateway for KRI to the outside world and the international market. Other significant reasons behind the emergence of such relations were Turkey's AK-party's need of KRG for its internal peace process with the Kurds and its fight against the PKK, which keeps its bases in KRI. It is worth noting that the incensed civil war in Syria, which was brought by the Arab Spring and helped in toppling the "Turkish-Iranian-Syrian axis" along with the deterioration of relations between the Turkish and Iraqi governments and the economic gains, have all facilitated the amplification of Turkey-KRG ties (Bengio, 2012a).

Iran, on the other side, played a less significant role in Iraq's and KRG's oil industry due to its containment through international sanctions but it nevertheless played a major role in Iraqi politics and advocated a powerful Shia government in Baghdad. Iran has leverage over the GOI and the KRG through some political parties and aims at balancing the Turkish influence in the Kurdistan Region and the rest of Iraq. Although in small amounts, the KRG continuously exported crude oil to Iran by trucks, thus decreasing its absolute dependency on Turkey and increasing KRG's revenues. The Iraqi Prime Minister al-Maliki urged the KRG to give the share of the rest of Iraq from the oil trade with Iran (Dagher, 2010). Iran pursued procuring influence over Iraq's oil industry in a way that did not challenge its interests in Iraq and KRI. However, Iran and other regional actors like Saudi Arabia might not be happy to see Iraq as a dominant producer since it would threaten their position in the region and have negative effects on their oil-dependent economies (O'Sullivan, 2011).

The U.S., which has an interest in the stability of international oil markets, is a significant player in Iraq. Even after its pullout from Iraq in 2012, the U.S. was one of the notable buyers of Iraq's oil having imported 19% of the Iraq's oil exports (U.S. Energy Information Agency, 2013). The U.S. government along with the British government tried unsuccessfully to mediate between the GOI and KRG over the oil dispute. The U.S. advocated keeping the oil under Iraq's "federal authorities" and was discouraging oil companies from making oil deals with the KRG. Even by the end of 2013 when the KRG began the exportation of oil through

its newly built pipeline to Turkey and to the international market, a U.S. State Department spokesperson stated, “We don’t support oil exports from any part of Iraq without approval of the Iraqi federal government” (U.S. Department of State, 2013). This, nevertheless, has not prevented American oil companies such as Hunt Oil and the giant ExxonMobil from investing in the KRG’s oil industry through signing contracts with KRG (Wahab, 2015). Since the U.S. was endorsing a one-Iraq policy, it was disinclined toward KRG’s oil policy presuming that KRG’s economic independence could break down Iraq.

## 5.10. The Kurds Allude to Self-Determination

Despite the fact that the Iraqi state adopted federalism in the country’s constitution of 2005, KRI looks more like a de facto state than a federal region. At the Thirteenth KDP Congress, which was held on December 11, 2010 in Erbil, and in the presence of the then Iraqi Prime Minister designate Nuri al-Maliki, the Speaker of the Iraqi Parliament Osama al-Nujaifi and representatives of regional states including Turkey and Iran, the KDP’s and KRI’s President Masoud Barzani proclaimed that the people of Iraqi Kurdistan have the right to self-determination (Bengio, 2012). ‘Self-determination’ could signify autonomy or a federative structure, which the region already had, but it could also infer independence (Gunter, 2016).

The historical atrocities of the Iraqi governments against the Kurdish people and the separation of KRI from the rest of Iraq since the Gulf War have led to the evolution of a unique Kurdish national identity and created an antipathy toward Iraq among the Kurds. Nearly, each and every Iraqi Kurd does not want to be part of Iraq, something that is shared by their leaders if it would be realistically achievable. Back in January 2005, KRI’s parliamentary elections were accompanied by an unofficial referendum on whether KRI should be independent or remain part of Iraq. Not surprisingly the overwhelming majority of Kurdish people, without any opposition, had concertedly voted for the independence.

After the pullout of U.S. forces and Shia-domination over the GOI and its sectarian policies against the Sunnis and Kurds, the sectarian tensions intensified making the Kurdish independence ambitions sound more logical. The emergence and evolution of nationalism among Iraqi Kurds have posed a threat to Iraq’s unity since the creation of Iraq. This, however, was mainly because of the deprivation of Kurds from their national rights and the

suppressive policies of consecutive Iraqi governments vis-à-vis the Iraqi Kurds. By the withdrawal of U.S. forces in late 2011, the integrity of Iraq became seriously at stake as the U.S. Senator John McCain anticipated in January 2012 that Iraq would break up into three different states (Ekurd Daily, 2012). Amid the rising tensions in Iraq, in April 2012, KRI's President made a widely known visit to the United States, Turkey and some European countries. While in Turkey, President Barzani referred to the critical political predicament in Iraq and he had publically restated the Kurd's right to self-determination, a statement which the officials and media in Turkey shut their ears to and it went unchallenged (Bengio, 2012a). After coming back from his remarkable journey, President Barzani had again urged Shia leaders to agree on sharing power with other political rivals, i.e., Sunnis and Kurds. He added that if the government gridlock continued until September 2012, the Kurds may consider breaking away from Iraq (Jakes, 2012).

However, there are several barriers that the Kurds have to overcome in their way to secede from Iraq. The vulnerability of KRI and the Iraqi, regional and international politics require KRI to be bound to Iraq. Following the invasion of Iraq, KRI was allocated 17% of the federal budget according to the 2005 Iraqi constitution. However, the KRG had never received its whole share and the net annual budget allotted to it had not exceeded 12.5% of Iraq's total budget. For instance, in 2012, the amount allocated to KRI from Iraq's $100 billion budget was only $11 billion. These allowances composed more than 90% of KRI's budget and have substantially become greater as compared to $1.5 billion allocations in 2002 (Rafaat, 2018). Thus, KRI hinges financially on Iraq and when the GOI did not pay KRI's share in 2008, public employees and contractors went unpaid and the KRG had immediately suffered from a financial crisis. This dependency has diminished the sovereignty of KRG and hindered the evolution of the Kurdish national project as it was obliged to come to terms with Iraq in order to obtain its share of Iraq's revenues. At the meantime, KRI is benefiting from the aid regime that is facilitated for Iraq and from its function as a transit zone for the rest of Iraq. KRI has become a gateway to the larger Iraqi market (for construction, food, dealing in cars, etc.) specifically after 2003 (Natali, 2010).

To reduce its financial dependency on the GOI, the KRG started establishing its own economic structure. It sought to develop its own oil industry and achieve financial independence. However, since KRI is land-locked, the Kurds need open borders so as to continue the economic and commercial relations with the neighboring states and to secure an

outlet for the export of KRI's oil to the international market. Here again the Iraqi Kurds are compelled to compromise their national rights but this time with the regional states in order to keep the borders open for their trade and the flow of oil. Thus, for the survival of their entity, Iraqi Kurds need to cooperate with the neighboring states – mainly Turkey and Iran – and to make political concessions for economic benefits. Under these conditions, the Iraqi Kurds had to give up their pan-Kurdistan ambition, refrain from supporting Kurdish national movements across the borders, control those Kurdish anti-government groups taking refuge in KRI and prevent them from using KRI's territories for staging activities against the neighboring states (Natali, 2010). Notwithstanding, these powerful neighbors have leverage over KRI and whenever they have shut the borders, they created a crisis in the region, exposing the vulnerability of KRI. Besides, the presence of the dissident Kurdish groups in KRI – such as the PKK in the Qandil Mountains and the Kurdish Iranian anti-government groups – had affected the sovereignty of KRG and the security of KRI which was undergoing shelling and airstrikes by the two regional states as a consequence. Their presence has invited these regional powers to intervene in the region militarily and even to establish "temporary" military bases in the region as in the case of Turkey. Thus, without a strong KRG military force that can stand still in the face of these foreign forces, the Kurdish independence aspirations would be problematized (Leezenberg, 2017). In addition, the regional states and the United States emphasize on the territorial integrity of Iraq, a policy perhaps shared by the majority of states around the world. Therefore, without a powerful external patronage, the Kurdish threats to split from Iraq deem harder to achieve.

Given the dependencies and interdependencies of KRI, it becomes apparent that external forces play a key role in the political outcome and future of KRI. Additionally, there are still many hanging issues between the KRG and the GOI such as KRI's share of Iraq's revenues, the management and exploitation of natural resources – mainly oil and gas – and the delineation of the boundaries of KRI, which involves the future of the disputed territories and the city of Kirkuk. Yet, the internal situation in KRI remains disturbing. Despite the unification of the two KRG administrations, contention and rivalry between the KDP and PUK is still existent and the majority of Peshmerga forces are still under the influence of the mentioned major parties. At the social level, there is a deep anger over the monopoly of political parties over the government, economy and even society and lack of services and freedoms. People of Iraqi Kurdistan started to act upon these injustices and it can be argued

that the first wave of the "Kurdish Spring" in KRI have preceded the Arab Spring[20] when the Goran Party – founded as an anti-corruption movement – split from the PUK and won 25 parliamentary seats in July 2009 elections. Along with the public outcry in many Middle Eastern countries, on February 17, 2011, protests against KRG erupted in Sulaymaniyah and lasted for about two months (Gunter, 2016). The protestors were demonstrating against the spread of corruption, nepotism and lack of services. People were demanding greater democracy and more freedoms and there was a strong feeling of exasperation against the two Kurdish major parties – KDP and PUK – and the family domination over the government and all aspects of life in KRI (Chomani & Hess, 2011).

Nevertheless, KRI was on a steady path to development in various aspects. In March 7, 2012, according to the KDP-PUK agreement, Nechirvan Barzani had replaced Barham Salih as KRG's Prime Minister. During 2012, the KRG had taken a giant step forward in establishing and developing its own oil sector which has augmented the tensions between the GOI and KRG. In December 2012, the Kurdish Iraqi President and leader of PUK Jalal Talabani, who had mediated in easing these tensions since he was in that post in 2006, suffered a stroke and left the political scene. Talabani had a significant role in maintaining the integrity of his party (PUK) and its cooperation with the KDP, thus promoting the stability of the Kurdish internal politics. In August 2013, President Barzani secured a two-year extension to his second term of office. On September 21, 2013, parliamentary elections were held in KRI and Barzani's KDP have gained the largest number of seats (38) while Nawshirwan Mustafa's Goran Movement won 24 seats pushing Talabani's PUK into third place with 18 seats. After nine months of talks, a new broad-based cabinet was established in KRI bringing all parties into a national unity government. Accordingly, Nechirvan Barzani remained as KRG's Prime Minister and Qubad Talabani, the son of PUK Secretary General Jalal Talabani, was appointed as the Deputy Prime Minister, while the second largest party in the parliament – Goran Party – occupied the post of Parliament Speaker. The new KRG had to face serious problems that could determine the future of KRI, such as the financial crisis that was caused by the suspension of KRG's 17% share of Iraq's budget, the flood of refugees from the

[20] Arab Spring is a chain of anti-government uprisings and armed rebellions extended over the Middle East in the end of 2010 beginning with Tunisia. These protests came in response to the government's suppressive policies and poor living standards in these Middle Eastern countries. It is worth mentioning that social media had a pronounced role in the spread of these protests across the region.

neighboring Syria which was undergoing a civil war, the exodus of internally displaced people (IDPs) from the rest of Iraq escaping the terror of the so called Islamic State in Iraq and Syria (ISIS) and fighting the existential threat of ISIS, which had abruptly waged war against KRI.

## 5.11. Conclusion

The period between 2003 and 2014 is considered thriving for KRI due to the social peace, political stability and economic prosperity it had witnessed. The regime change in 2003 meant recreating Iraq with a new constitution, a new system and a new political process in which the Iraqi Kurds had an influential role. The Kurds have succeeded in having many of their national rights confirmed in the Iraqi constitution of 2005. The Iraqi constitution adopted a federal democratic system for the country and recognized KRI with its existing authorities as a federal region and approved the laws and decisions of the Kurdish government, parliament and courts and even gave their laws supremacy over the federal ones in case of conflict. The new constitution has also given the Kurdish language an official status beside Arabic and accredited the Kurds with the authority to self-rule their region in almost all matters. The Kurds, furthermore, were entitled to keep their security and defense forces (Peshmerga) and were privileged to open diplomatic offices abroad. However, not everything stipulated in the constitution has turned into reality. For example, article 140 of the constitution, which creates a mechanism for the determination of the future of Kirkuk and other territories which are disputed between GOI and KRG, was never fully implemented.

In the aftermath of 2003, the Iraqi Kurds became involved in a twofold state-building project, one in Iraq and the other within KRI. The Kurdish leadership, mainly Barzani and Talabani who were yet again in control of the politics of Iraqi Kurds, had divided these state-building tasks among themselves. The Kurdish political parties had decided to go to Baghdad under a unified purpose so as to secure the rights and demands of the Kurdish people in the new Iraq. They intended to participate actively in the Iraqi political process with Jalal Talabani's PUK taking the major role among the Kurds in the Iraqi state-building, and in the meantime, fostering Kurdish interests in Baghdad. Masoud Barzani's KDP, on the other hand, took the leading role in running the state-building project within KRI. After several years of headway in the internal reconciliation process, the two major parties (KDP and PUK) had decided to

unite their administrations under KRG. The Kurds were making progress in both projects. They had acquired a strong say in the Iraqi politics and occupied important posts in Baghdad such as the President of Iraq, which was assumed by Jalal Talabani. Under the leadership of the President Masoud Barzani and the Prime Minister Nechirvan Barzani, significant steps were taken forward in the state-building process in KRI, which led to its consolidation and further evolution of Kurdish nationalism among the people.

Economically, the regime-change in Iraq was critical to the path of KRI's development. After the termination of international sanctions regime and opening the borders, the KRG became involved in long-term infrastructure development. New roads, hospitals, schools and universities were constructed. In 2005, the KRG had officially opened two international airports (Erbil and Sulaymaniyah). As it intensified economic activities with regional states and made official trade with the outside world, KRI had become a trade transit for the rest of Iraq. Linking KRI's economy with the international market along with the urbanization and globalization had facilitated sociopolitical changes in the region. The Kurds have made use of these changes and gave attention to the development of their language, education, and culture and intent to solidify the symbols of their nationalism.

Relations between the KRG and the GOI remained complicated even after ratification of federalism in the country's new constitution. The GOI was relatively weak and the KRG had acquired more powers but continued to depend on the former as its sole financial source. There were still many thorny issues between the two governments like the exploitation of oil and the future of the disputed areas among others. The deterioration of relations between GOI and KRG had invited the involvement of regional actors particularly after the KRG committed itself to an independent policy for its energy-based economy.

At the regional level, KRI had benefited from the open borders regime and fortified its ties with the regional states, especially with Turkey, and to a lesser extent with Iran. The relations between the two undeclared allies – Turkey and KRI – were in constant progress and reached a level that Turkey somehow functioned as KRI's external patronage. Turkey had contributed to the development of KRI's energy industry and consented to the extension of a pipeline through its territories for the export of KRI's oil to the international market. The relations with Iran, with their economic activity especially concentrated in Sulaymaniyah province, had also been fortified.

At the world stage, KRI became more visible and the ratification of Iraq's constitution permitted the Kurds to open diplomatic offices abroad and to develop ties with the international community. Accordingly, the KRI had established the Department of Foreign Relations (DFR), which functions as a ministry of foreign affairs and has opened representation offices worldwide, including the U.S., U.K. and the EU. Other countries, in return, have established consulates, embassy offices or liaison offices in KRI, including the Russian Federation, France, Germany, Egypt and U.K. among many others.

The domination of Shias over the GOI and its sectarian policies against the Sunnis and the Kurds, especially after the U.S. pullout from Iraq, have pushed the Kurds to put all their efforts into their own state-building project and reduce dependency on Baghdad. The Iraqi Kurds had hinted to their right of self-determination and threatened to secede from the country if the GOI continued with its sectarian policy and did not resolve the hanging issues. However, there are many obstacles to achieving that threat, which the majority of Kurds consider as their ultimate national goal. Internally, the rivalry between the KDP and PUK is still existent. Despite the progress the KRG has made in the implementation of its independent economic policy, it is unlikely that it can achieve economic and financial independence for KRI in the short term. There is also the problem of the disputed territories and the internal boundaries which are yet to be defined. Besides, the presence of Kurdish dissident groups and military personnel from the regional states complicated the attainment of Kurdish independence aspirations. Regardless of KRG's ties and interdependencies, the regional states remain apprehensive to any Kurdish national and political development and they insist – together with the U.S. and many members of the international community – on keeping the territorial integrity of Iraq.

Notwithstanding, in the post-2003 period, KRI had gained immense power and the Iraqi Kurds had achieved significant progression in their state-building project and were on the path way to full independence. Although they entered a federal arrangement with Iraq, the Iraqi Kurds kept running their de facto state and were in control of their security, economy and politics. KRI had developed most of the state characteristics. It had managed to establish a relatively effective government over a fixed population of more than 5 million people inhabiting the three governorates of Erbil, Sulaymaniyah and Duhok. KRI has its judicial and

legislative bodies, its president, prime minister, cabinet, army (Peshmerga forces), educational system, national flag and anthem, international airports and their own passport stamp. It has developed bilateral relations with regional states and other members of the international community. KRI exports its oil independently, gets certain foreign investment and receives delegations just like an independent state.

# Chapter 6: KRI's Endeavor of Claiming Statehood (2014 - 2018)

## 6.1. ISIS[21] Surge in Iraq: An Opportunity for the Kurds to Push for Independence

The rise of ISIS in Iraq and Syria represented a potential factor in changing the political map of the Middle East. The wave of Arab Spring, which started by the end of 2010 in the Middle East and North Africa reached Syria in the Spring of 2011 and turned into a civil war between the forces of Bashar al-Assad and domestic and foreign forces opposing the Syrian government. In that region, which is troubled with the aged Shia-Sunni division, ISIS has found a good environment in those states with weak and minority dominated governments where the diverse groups of people are not accommodated if not suppressed. ISIS received domestic support in some of these areas and had obtained financial support from advocates in some regional states such as Saudi Arabia, UAE and Qatar among others (Rogin, 2014). Turkey, on the other hand, had turned a blind eye to the flow of terrorists and ammunition through its territory into Syria to fight al-Assad and the Syrian Kurds mainly the Democratic Union Party (PYD) tied with the PKK (Gunter, 2016). Turkey even contributed to the enforcement of ISIS by involving in trade with them and benefiting from the low prices of its oil sales (Sanger & Davis, 2014).

The emergence of ISIS in Iraq was a consequence of several factors. The Arab Shia-Sunni divide in the country and domination of the former on state pillars since the regime change in 2003 and the marginalization of the latter provided a fertile ground for the surge of ISIS. In addition, al-Maliki's Shia-oriented government was also in stalemate with the Kurds – the other main ethnic group in the country – over several constitutional issues, the most important of which were the disputed territories and natural resources. By early June 2014, ISIS gained control over one-third of Iraq's territory, including the cities of Mosul, Fallujah, Ramadi, and the surrounding territories, all located in the Sunni areas (Chulov, 2014). The Shia oriented policies of the GOI had deepened the fragmentation of Iraq's communities and given ISIS the chance to win the loyalty of the Sunni community. It is worth noting that most

[21] ISIS: Islamic State of Iraq and Syria, also called the Islamic State in Iraq and the Levant (ISIL) or Islamic State (IS) or "Daesh."

of the ISIS leaders were former Baathists and Iraqi intelligence and army officers who remained sidelined after the U.S. disbanded the Baath Party and the Iraqi army after the removal of Saddam Hussein in 2003 (Sly, 2015). Many of these former Baathists and Sunni extremists were in U.S. captivity in Iraq but had been released or escaped especially after the U.S. withdrawal from Iraq by the end of 2011 (Thompson & Suri, 2014). Given the collapse of the Iraqi army, ISIS seized U.S. military equipment and some finances and declared the establishment of the Islamic State (the Caliphate) in areas under its control by its leader Abu Bakir al-Baghdadi on July 4, 2014, in al-Nuri mosque in Mosul.

In view of ISIS control over a big chunk of territory adjacent to KRI and the fall of the Iraqi army, without delay, KRI had moved in its Peshmerga forces over the disputed areas outside its official borders and captured the majority of these areas, including the oil-rich city of Kirkuk. On June 27, 2014, President Barzani stated that "[a]rticle 140 of the constitution [a long-delayed article of Iraq's 2005 constitution] has been implemented and completed for us" (Ekurd Daily, 2014). The Kurds had waited patiently for the enforcement of the said article, which is concerned with the future of the areas disputed between KRG and GOI; however, the latter was reluctant to provide the environment for its application. For the Kurds, the surge of ISIS had set the scene up for the enforcement of article 140, which was supposed to be implemented by 2007 but was postponed indefinitely. Reasoning from the developments that turned Iraq into an effectively torn and failed state, in the beginning of July, KRI's President Masoud Barzani had officially announced plans for an independence referendum and asked Kurdistan Region Parliament to "set a date" for it. In the meantime, Barzani had sent a high ranking delegation to Washington, D.C. to illustrate KRG's concerns over the developments in Iraq and the region and to rationalize the Kurdish right to self-determination for the U.S. officials (Whitcomb, 2014).

## 6.2. ISIS Attacks KRI: Independence Plans Suspended

All of a sudden, on August 3, 2014, ISIS attacked several Kurdish-held areas. ISIS swept across Sinjar (Shingal) area of Northern Iraq, home to the majority of Yazidis. As the ISIS fighters moved into Sinjar, the Kurdish Peshmergas failed to thwart the assault since they were the only security force throughout the region and were outgunned in comparison to the ISIS fighters with sophisticated weaponries and Humvees seized from the Iraqi army.

As a result, the security situation collapsed and the Peshmerga forces reportedly withdrew without communicating the decision properly to the local people. ISIS had advanced with little resistance and committed unthinkable acts of savagery against the Yazidi community. Men were slaughtered and killed brutally, women and girls were held as sexual slaves and were sold in markets, children were pulled away forcibly from their families and dozens of thousands were displaced (UN Human Rights Council, 2016). Thousands of those who could not escape toward the city of Duhok were besieged on Mount Sinjar in severe conditions without shelter or access to water.

It was obvious that the Kurdish Peshmerga forces were facing difficulties in filling in the big vacuum left by the Iraqi forces without international support and with the inferior military equipment. As Jabar Yawar, a spokesman for the Peshmerga, highlighted, the border between the Kurdistan Region and the rest of Iraq is over 1000 kilometers and it is difficult for the Peshmerga forces to protect it alone. This same border was in the past patrolled by the Peshmerga forces along with 100,000 Iraqi soldiers and 20,000 U.S. soldiers (before the latter's withdrawal in December 2011) (Goodenough, 2014). It is also worth stressing that Kurdish Peshmerga forces remained underdeveloped in terms of arms and military materials. Since KRI is part of the federal state of Iraq, the KRG was not able to build up its military power without the consent of the GOI. The GOI, on the other hand, was very doubtful about allowing military assistance to the Kurds fearing their push toward independence. Even international support could only reach the Kurds through the GOI, which would make sure not to give the Kurds enough power to secede. In the absence of any international response, ISIS proceeded and conquered more Kurdish-held areas. They had even advanced to areas about 35 kilometers away from Erbil, the capital of KRI.

As ISIS was concentrating on its campaign toward Baghdad, its attack on KRI and the disputed areas under Peshmerga control had taken the latter very much by surprise. ISIS opening up a front against the Kurds in Iraq can be reasoned under different factors. The main one is associated with the ISIS ideology, which is based on Ibn Taymiyyah's (1263-1328) teachings and interpretation of Quran and Sunnah, which had a great impact on contemporary Islamic movements such as Wahhabism, Jihadism and Salafism. The ISIS thought is a mixture of the mentioned religious movements and is strongly rooted in the belief of restoration of the Islamic Caliphate. Accordingly, they believe that all Muslim populations and territories, including KRI, which has a majority Muslim population, should

join their desired Caliphate (Kolo, 2017). The group rejects the idea of nation-states. KRI's control of the disputed areas including Kirkuk in June 2014 and its plans for a referendum of independence made KRI a captivating target for the terrorist group. There were also intelligible strategic and economic factors connected with the geography (mountains), location and the wealth of Kurdistan region and the Kurdish-held areas. Other reasons are related to the Kurdish historical enmity to the Baathists and their cooperation with the U.S. and allies to overthrow Saddam Hussein's Baathist regime in 2003. The former Baathists are represented considerably in the leadership of the terrorist group and they may have wanted to revenge against the Kurds. The pro-West and pro-democracy stance of KRI and the coexistence with other minorities, among others Yazidis and Christians, compose a threat to their project of establishing an ideological empire. ISIS terrorists often name the Kurds as the friends of the U.S. and Israel and consider them "not good Muslims" or even "infidels" (Gunter, 2016).

The ISIS assault represented the first threat of its kind on the Kurdistan Region since the establishment of KRG in 1992. When the threat on KRI's cities was imminent, President Barzani made an urgent call to the U.S. and the international community for immediate aid. On August 7, U.S. President Barack Obama declared the authorization of limited airstrikes against ISIS militants in Iraq to prevent the fall of Erbil – KRI's capital – to the terrorists and to help the Yazidis beleaguered on Sinjar Mountain (The White House, 2014). The U.S. response was quick and significant; it was pivotal to gaining more support from the international community. Then, thanks to efforts exerted by France, European countries came to the rescue of KRI as well. Safeguarding the consulates and their diplomats, the economic investments and protection of minorities were the main motivators behind the intervention of Western governments. More assistance from the international community followed into KRI to help them fight the terrorists. With the international aid and U.S. jets, the Kurdish forces halted the advances of ISIS and conducted counterattacks to regain territories it had lost to the ISIS militants.

It is worth mentioning that the PKK and its affiliated PYD – a Syrian based Kurdish party – fighters have also participated in rallying against ISIS when the security of KRI was under threat. This was a first kind of military cooperation of Peshmerga forces with the PKK and its associated fighters. After breaking the siege on Erbil, Barzani had visited a PKK camp in Makhmur to thank them for their help (Jacinto, 2014). With Turkey – KRG's closest ally –

not being responsive to the attack on KRI, the latter had accepted – with appreciation – the aid provided by other actors in the region, including Iran. Turkey's passivity over events in Sinjar and ISIS advances on KDP-strongholds in the disputed territories exposed the fragility of KRI-Turkey relations. Turkey claimed to have its hands tied because of their 49 hostages seized by ISIS at the Turkish consulate in Mosul in mid-June, who were released after more than three months reportedly in exchange of a ransom and 180 ISIS militants who were in Turkey's custody (Ozay, 2014). Turkey received a lot of criticism for not taking the initiative to help KRI during the ISIS attack. A senior KRI official expressed the upset of KRI with Turkey's position and stated that it did not meet their expectations. Fuad Hussein, Chief of Staff to the KRI Presidency, further pointed out that Turkey offered words when ISIS was at Erbil's gates. "They [Turkey] said they would do so [help] after Turkey's presidential election" he indicated (Ahmed, 2014). Noticeably, Turkey was consumed by internal politics and the presidential elections of August 10, but its inaction in such a crisis raises eyebrows. Turkey did not even offer to help from its military bases in Duhok. Be that as it may, Turkey's position remained vague and its claim of refraining from intervention because of their seized consulate-staff made little sense because they had a consulate in Erbil too with hundreds of Turkish companies and thousands of workers based in KRI under a potential threat.

Iran, on the other hand, had positioned itself as a dependable military supporter of KRI, closing the gap left by the West and Turkey. Iran had found the ISIS offensive on KRI as an opportunity to penetrate through KRI. Unverified reports maintain that a convoy of Iranian forces had entered KRI the night of attack when ISIS militants reached Makhmur, Gwer and Khazir areas. The Iranian forces have also reportedly fought alongside Peshmerga forces and the PKK fighters to drive ISIS out of the Kurdish cities on the border with Iran. On a visit to Kurdistan province in Iran, on July 26, 2015, the Iranian President Hassan Rouhani gave a clue about the Iranian role in halting the ISIS assault on KRI and stated that, "Iran protects Erbil and Baghdad the same as it protects Iranian Kurdistan." "Without Iran's help," Rouhani further maintained, "Erbil and Baghdad would be in the hands of terrorist groups right now" (Rudaw, 2015a). In a joint press conference with the Iranian foreign minister Javad Zarif on August 26, 2014, in Erbil, President Barzani expressed his gratitude to the Islamic Republic of Iran and emphasized on its crucial role in helping KRI stand against the terrorist group. "We asked for weapons and Iran was the first country to provide us with weapons and ammunition," Barzani said (quoted in Coles, 2014).

Iran's swift involvement was in harmony with the ancient idea "the enemy of my enemy is my friend" and was based on the realization that if they do not fight ISIS in KRI and Iraq today, they might have to fight it tomorrow on their own soil. The limited support of Western nations and Baghdad holding up and delaying the delivery of arms to KRI, with a reluctant Turkish role, pushed the KRI closer to Iran (Berman, 2015). Iran, with about 600 kilometers border with KRI, already had influence over the PUK-dominated Sulaymaniyah province and was willing to extend its leverage over the KDP-dominated areas. Having a strong foothold in KRI would enable Iran to control the future of the Kurdistan region and Iraq and contain Iranian Kurdish opposition groups based in KRI, and give Iran more leverage over Turkey and prevent its adversaries – mainly the U.S. and Israel – from taking KRI as their buffer zone. In this way, furthering KRI-Iran relations might also be in the interest of KRI too since Iran can provide it with necessary weaponry as well as the economic benefits and access to goods. This would even give KRI some leverage in its vulnerable relationship with Turkey and remind the latter that there are alternative suppliers of arms and goods in case they turn on them (Berman, 2016).

Iran's support, nonetheless, had come at a price. In his joint conference with President Barzani in August 2014, the Iranian foreign minister had urged the Kurds to actively participate in forming an inclusive government in Baghdad and expressed the stand of his country with any deal between Baghdad and Erbil (DFR-KRG, 2014). The 'one-Iraq' policy was the common interest between the U.S. and Iran. It is true that the U.S. and Western support for the Kurdish Peshmergas to fight ISIS could strengthen the Kurds militarily and consequently their statehood aspirations, but the objective of the allied parties toward preserving Iraq's unity remained unchanged. Pressured by military aid providers, the Kurds hesitantly agreed to join Haider al-Abadi's broad-based government in Baghdad, which included Sunnis too, and was approved by the Council of Representatives of Iraq on September 8, 2014. By the end of the year, the KRG and the GOI reached an initial agreement on sharing oil and military resources, amid hopes toward the settlement of old disputes and making the Iraqi federalism work. The participation of the Kurds in the new GOI meant, in the meantime, putting off the independence referendum and coordinating with Baghdad and the Western nations in the fight against ISIS. Now, the situation became unfavorable for KRI's independence plans. In the words of an Iranian diplomat, "Barzani should end his ambition for independence. There is a legitimate government in Baghdad. The Kurds should try to benefit from their presence in Baghdad or they will lose what they have" (quoted in International Crisis Group, 2015).

## 6.3. Crisis in KRI: A Setback for the Economic and Financial Policy?

KRI's independent export of oil through its pipeline in early 2014 and its sale in the international markets by mid-2014 was considered a giant step in achieving economic and financial independence from Baghdad. However, the Kurdish delight did not last long when the entity was attacked by ISIS in the summer of the same year followed by the fall of oil prices the following year. KRG's independent oil policy faced firm reactions from the GOI, which had cut KRI's share of the federal budget and imposed an economic embargo on KRI. The fight with ISIS and the flood of a huge number of refugees fleeing the Syrian civil war and IDPs from the rest of Iraq have burdened the KRG budget. According to World Bank (2015), by early 2015, the added up number of refugees and IDPs in KRI reached about 1.5 million, 60% of which settled in Duhok governorate. What had landed KRI deeper in hot water was the significant drop in crude oil prices internationally from about $100 per barrel in 2014 to around $43-54 in the following three years (2015, 2016 & 2017). Despite the wealth of KRI whose proven oil reserves are estimated at about 45 billion barrels and natural gas reserves reckoned at 100-200 trillion feet (MNR-KRG, 2011), these grounds have made too much harm to KRI, which is dependent for about 85% of its fiscal revenues on oil (World Bank, 2016).

By 2014, KRI's economic success story came to its concluding scenes and the region witnessed a grave economic decline. After several years of economic boom, which was reflected in the increase of per capita GDP from $800 in 2002 to around $4500 in 2013, KRI found itself in difficult times (Invest in Group, 2016). In 2014, the GDP growth rate dropped to 3%, around 5% decrease as compared to 8% in 2013 (World Bank, 2015) and the unemployment rate among the youth has climbed to 16% from only 7% in 2013 (KRSO, 2015). By 2015, the initial agreement on oil between KRI and GOI was yet to be implemented. The GOI required KRG to export 400,000 bpd through Iraq's State Organization for Marketing of Oil (SOMO) while KRG had offered to export a quarter of the suggested quantity, i.e. 100,000 bpd (Al-Hassoun, 2014). As the two sides fell short of reaching a compromise, KRG continued exporting its oil independently and the GOI, on the other hand, kept on with abeyance of KRI's share of the federal budget. This disagreement between the GOI and KRG had resulted in the exhaustion of the latter's budget and left it unable to pay the salaries of its huge public sector. Since the suspension of KRI's budget by the GOI in 2014, public employees in KRI had not received their monthly payments

regularly. In the beginning of 2016, the KRG had a monthly operating deficit of over $460 million and there were several months of public employees' salaries from 2015 yet to be paid (KRG Cabinet, 2016a). To act upon these serious crises, the KRG needed additional resources. As part of the austerity measures responding to the increasing financial crisis, the KRG introduced a cut on the pay of its public employees in February 2016. The cut ranged between 15% and 75% depending on the payroll value. But even after such measures, the distribution of partial salaries was delayed and a large number of populations was affected by the crisis. By September 2016, public employees staged demonstrations all over KRI and an indefinite strike was declared mainly in Sulaymaniyah province over the cut and delays of their monthly salaries.

Despite its large sales of oil which have exceeded half a million barrels of oil per day by 2016 (MNR-KRG, 2016), the KRG failed to secure its economic and financial independence. This was mainly due to the extravagant number of employees in KRI, which composed 60% of the employed population (KRSO, 2015) as well as corruption, nepotism, and a lack of accountability which was drastically spread within KRI and consumed its resources. KRG's determination in producing and exporting oil without the consent of the GOI had not only resulted in the halt of its share from the federal revenues, but it had created other serious hurdles on its way to realizing a successful economic and financial policy. One of the obstacles was the issue of the legality of oil exports. The GOI had continuously threatened to blacklist the international oil companies that deal with KRG independently. It had also threatened to sue the parties purchasing KRI's oil. For example, in an attempt to obstruct a KRI's oil sale to an unidentified buyer, the GOI has pleaded successfully at a U.S. federal court which in September 2015 has ruled in favor of blocking the Kurdish oil sale (Stanley & Calkins, 2015). Consequently, in order to compensate its potential customers for the legal risks they might encounter, KRG had to sell its oil at a lower price in the markets (Rafaat, 2018). In addition, the nature of production sharing contracts offered by KRG designated more profit to the oil companies and contributed to bringing about fewer revenues to KRI.

The KRI's oil sector continued suffering from the challenges and legality issues raised by the GOI. In August 2016, Iraq's SOMO put three tankers engaged in transporting KRI's crude oil on a blacklist. While some international companies have temporarily suspended their operations in KRI due to delay of payments or security situation, others have limited their activity. In December 2016, the American oil giant ExxonMobil walked away from three of

its six exploration blocks across KRI. Chevron, the second-largest U.S. oil company after ExxonMobil, had also pulled out from a block in the north of Erbil after unsatisfactory searches (Reuters, 2016). However, in 2017, KRI had seen an increase in oil activity but mainly by Russian companies, signaling the Russian interest in KRI's natural resources. In February 2017, the Kremlin-backed and Russia's biggest oil company, Rosneft, announced its agreement with KRI on lending the latter hundreds of millions of U.S. dollars in requital for future oil sales over the period 2017-2019 (Rosneft, 2017). In June, Gazprom Neft – another Russian giant company – which was already operating in three projects in KRI declared its plans to enlarge its activities in the region (Astakhova, 2017). The Russian Rosneft came back in September 2017 to announce their talks with KRG over investing a natural-gas pipeline in the region. The talks, which were translated into a Gas Cooperation Agreement the following month, included funding a gas pipeline from KRI to Europe and helping the KRG develop its gas sector to become a significant gas-exporter to Turkey and Europe (Mazneva & Al Ansary, 2017). With all the efforts exerted, KRG was unable to get away from economic and financial crises. KRG's economic and financial independence policy may have reduced its dependency on the GOI, but it has on the other side increased its dependency on its hostile neighbors for the export of its crude oil and for the import of its 80-90% of food, goods and services. Beside all the hardships, these financial and economic crises saddled the KRI with over $17 billion of debt (Solomon, 2017); in the meantime, it revealed the vulnerability of KRI and added more knottiness to its internal political gridlock.

## 6.4. A Political Predicament in KRI

Along with the economic crisis which prevailed from 2014 on and the security threat brought about by the ISIS, KRI was blown up into political crisis. One of the main issues which added complexity to the political stalemate in KRI was President Barzani's term in the office. President Barzani had been in the office since 2005 and his second term should have ended by summer 2013, but the Kurdistan Region Parliament of which the KDP and PUK hold a majority of seats extended his term for another two years. This had stirred an outcry among the opposition parties, mainly Goran, which was arguing against the legality of the move. According to the presidential law, KRI's President is to be elected "in a popular vote every four years and can stand for election for a second term" (KRG, n.d.). However, because there

was no other candidates from other political parties to take the place of Barzani and due to the political parties' inability to reach a common agreement as whether to maintain the KRI's semi-presidency system or to change into a parliamentary one, President Barzani stayed longer in office.

The dispute over Barzani's presidency continued throughout 2015. In the absence of a ratified constitution, the controversy was left unsolved. Although the KRI's parliament had approved a draft constitution on June 24, 2009, the KRI failed to hold a referendum to put it into force. In May 2015, KRI's parliament has designated a 21-member committee to oversee the revision of a permanent constitution for KRI. Nevertheless, the task proved to be precarious due to disagreement between the political parties, mainly over the system of government and the terms the president should be allowed to serve. In June 2015, President Barzani asked the electoral commission to hold snap presidential elections on August 20, a day after his current term would come to an end. However, the commission stated that it would need about six months to organize and therefore no elections were scheduled. Given that there was no competent legal body to settle such disagreement, Barzani requested the opinion of Kurdistan Consultative Council (KCC) through KDP's Deputy Speaker of Parliament circumventing Goran's Speaker of Parliament (Schweitzer, 2015). On August 17, 2015, the KCC, a judicial body within KRG's Ministry of Justice tasked with resolving administrative disputes and legal disputes between government agencies, called for President Barzani's tenure to be extended for another two years – until 2017 (Martin, 2015).

Barzani's rival political parties rejected the validity of KCC's call and legality of further extension of Barzani's term. The opposition parties pointed out that KCC's decision was not legally binding. They refer to article 1 of Law number 19 of the Kurdistan Region Parliament, passed on June 30, 2013, which stipulates that the "term of the president that expires on August 20, 2013, will be extended until August 19, 2015, and cannot be extended for a second time" (Salih, 2015). While the KDP built up its argument on the principle of legal continuity, since the country was going through war and elections could not be held, the president would stay in office with his full powers. In the absence of an impartial arbiter to resolve such contradictions, the KDP insisted that any solution to the issue should be based on a political consensus between all the parties. Such a view was also supported by the U.S. Presidential Envoy McGurk, the British Ambassador to Iraq as well as the UN Special Envoy to Iraq who have managed, on the date – August 19 – when the presidential term was coming

to an end, to bring the KDP and the other four main parties – PUK, Goran, Kurdistan Islamic Union (KIU) and Islamic Group – to the table. The convened parties concluded with extending their discussions beyond August 19 and to postpone the parliament's emergency session which was orchestrated by Goran to discuss and vote on amendments to KRI's presidential law to reduce the powers of the president scheduled later that same day. However, Goran had thought that it could hurry an amendment in the parliament through the opposition's majority. Therefore, the Parliament Speaker called for holding the emergency session but failed to achieve quorum (Rudaw, 2015b). Only 53 parliamentarians showed up to the session, not enough to reach 56 members needed for legal quorum in KRI's 111-seat Parliament. Along with KDP's 38 parliamentarians and its allied parties, 5 KIU parliamentarians boycotted the session on the ground that a settlement to the presidential crisis necessitated a political consensus among all parties, including the KDP (Martin, 2015).

The five parties continued with their talks and after nine rounds of talks they seemed not to reach an agreement. Their last meeting was dismissed without giving a brief statement and without designating a time or a place for their next meeting. On October 9, the PUK block called for bringing the presidential crisis to the Parliament hinting their disappointment with the negotiations between the main political parties (PUK Media, 2015). The crisis mushroomed and angry demonstrations broke out in the cities of Sulaymaniyah, Halabja, Raniyah, Kalar and other towns. Hundreds of people protested against the delay of their salaries and the political gridlock between the political parties. While most of the protests were peaceful, some turned into violence and were reportedly used by opposition parties to move the still waters. During the violent demonstrations, several KDP offices were stormed and put on fire in different locations in the Sulaymaniyah province (Rudaw, 2015d). The KDP accused the Goran Movement for being involved in the attacks on its local offices in Sulaymaniyah. In retaliation to the attacks on its offices and Goran's attempt to hold a parliamentary session – on August 19 – to settle the dispute over presidency before reaching a political consensus and without the KDP, the latter ousted Goran from the coalition government and stated that it will not recognize the Goran affiliated Yousif Muhammed as the Speaker of Parliament. On October 12, 2015, a group of Goran's members of parliament including the Speaker were barred from entering Erbil where Parliament is located. As a result, Parliament was suspended. Furthermore, Prime Minister Nechirvan Barzani had reshuffled his government and expelled the five ministers of the Goran party including the two ministers of Peshmerga and Finances (Ahmed, 2015).

Owing to a lack of a constitution and constitutional court in KRI, even legal issues were decided by politics. President Barzani did not enjoy support only internally, but influential players such as the United States, Turkey and Iran kept tacitly advocating him to maintain his post. This was reflected in the meeting of U.S., U.K. and UN representatives with the five Kurdish major parties who were reportedly more of the opinion of putting off the changes for a further two years on the ground that the current circumstances did not allow such changes (Rudaw, 2015c). The international community and regional states went on recognizing KRI's institutions and Barzani as the President. The stability of the KRI along with keeping the fight against ISIS was a priority for them; thus, they continued the flow of assistance to the Peshmerga forces and kept diplomatic channels open and diplomatic visits in place. With such political, military and financial support, the KDP had effectively resolved the political crisis to its advantage. The KDP-led KRG had survived and Barzani remained the de facto president of KRI despite the lack of consensus between the political parties. In the absence of national elections and other acceptable alternatives, Barzani was able to retain his post. In the end of the day, he was still maintaining the support of the population and seen by the majority of them to be the only leader with sufficient experience to get KRI through the security crisis imposed by ISIS and make the dream of a Kurdish state come true.

## 6.5. International Support: The Kurds Retake Territory from ISIS

The response of the U.S., Iran, France, Germany and other members of the international community to the KRI's acute appeal in August 2014 was crucial to the survival of the Kurdish entity which came under a dire threat of the ISIS. Ever since the receipt of U.S. air cover and international assistance, the Peshmerga forces stopped the headway of ISIS toward their region and carried out an offensive to regain the disputed areas they had controlled after the giving away of the Iraqi army but later lost to ISIS. In September 2014, the Peshmerga forces had retaken about 30% of the territories they lost and continued their advances (Natali, 2015).

The international support had given the Peshmerga forces the feeling that they were an internationally recognized force fighting the terrorists on behalf of the world. The KRI leadership took the chance to extend their influence on the Syrian Kurds and somehow contribute to settling their differences. Under President Barzani's supervision and the blessings of the U.S., the two Syrian Kurdish factions, the Kurdish National Council (KNC) –

close to KRG – and the Democratic Union Party (PYD) – affiliated with the PKK –signed the Duhok Agreement on October 25, 2014. The KRI also sent its Peshmerga forces through Turkey to the northern Syrian city of Kobani to help the Syrian Kurds defend the city in the face of ISIS. After four months of the fights, the Kurdish forces, supported by coalition aid and airstrikes, cleared the borders of Kobani of ISIS presence (Letsch & Hawramy, 2015). Nevertheless, the sharing power agreement between KNC and PYD was never implemented because of their disagreement over sharing military power. The PYD did not allow the KNC's Syrian Kurdish fighters, which are also called Rojava Peshmergas – trained by KRG – to enter the Kurdish region in Syria fearing the enflame of a clash or a civil war in the presence of a second military force (Van Wilgenburg & Saadullah, 2015).

The fighting against ISIS in northern Iraq went on and the Kurdish Peshmergas kept driving the terrorists away from the disputed areas. By November 2015, backed by U.S. air power, the Peshmerga forces recaptured the town of Sinjar and operations in other areas were in full swing (Coles, 2015). In April 2016, the U.S. announced a financial aid for the Kurdish Peshmerga forces – to be used for paying their salaries and military equipment – to foster the fight against ISIS (Kajjo, 2016). The U.S. manifested the significance it gave to KRI and the Peshmerga forces in the fight against ISIS and it signed a memorandum of understanding to continue providing the Kurds with military and financial assistance. This international stand had angered the GOI and the Kurdish opposition parties since it bypassed the sovereignty of the GOI and implied the legitimacy of the KDP-led government and KRI's outgoing president (Goran, 2016). Other anti-ISIS coalition states such as Germany and Canada resumed their support to Peshmerga forces, providing them with equipment and military training. For example, since its first arms delivery in the fall of 2014[(22)] until August 2016, Germany had transferred more than 2000 tons of weapons in about 30 shipments to KRI. The arms included the famous anti-tank Milan guided missiles and rifles and ammunition among others (Winter, 2016). By October 2016, at least 90% of the disputed areas were under the control of Peshmerga forces. Then, a Peshmerga commander stated that they had executed their mission and the Kurdish forces reached close to the outskirts of Mosul and they would not advance further (Rudaw, 2016).

[(22)] This was the first time that Germany was sending lethal weapons to a war zone since the allied powers imposed arms restrictions on Germany following WWII (Ford, 2014).

## 6.6. KRI's Referendum Plans among Internal Reluctance and Baghdad's Opposition

In the beginning of 2016, President Masoud Barzani stated that "the era of Sykes-Picot [the one-century old agreement] is over," and the international community had to consider brokering a new deal to redraw the borders of the Middle East, setting the stage for a Kurdish state (Chulov, 2016). With the advances of the Peshmerga forces in regaining territory from ISIS and the international support the KRI was receiving along with the troubled relations between the KRG and the GOI, the leadership of KRI found it possible to go ahead with their referendum plans. The KRI was counting on its partnership with the U.S. and the international community who support them with arms and funds in their fight against ISIS. It was also emboldened with KRI's independent oil industry and the presence of international oil companies in the region. As President Barzani had earlier stated, the presence of ExxonMobil in KRI was "equivalent to 10 American military divisions" (Agence France-Presse, 2012). The KRI leadership was also relying on Turkey's increasing endorsement of KRI and their working relations in terms of economy and security especially with the uncertainties that may follow the ongoing events in Iraq and Syria. For Turkey, the political situation that would emerge in northern Iraq in the post-ISIS period was of much concern. The fight against ISIS had brought the PKK, Shia-militias and Iran ever closer and the Iraqi government, which was moving within Iran's orbit of influence, was even paying the salaries of the PKK fighters in Sinjar to undermine the ascendency of the KRI in that disputed region (Alaaldin, 2016). In addition to the mutual and strategic interests between Turkey and KRI, these developments had stimulated Turkey to foster its security and economic ties with KRI to keep a buffer zone against the Iranian affiliated Shia-militias and to avoid the PKK from controlling strategic places such as Sinjar.

Given the retake of almost all the disputed territories by the Peshmergas and counting on the support of KRI's military and economic patronages, mainly the U.S. and Turkey, President Barzani went on with the referendum plans. Yet, he had to organize the Kurdish house internally for the referendum step. Barzani had realized that creating the sense of ownership amongst all political parties over the Kurdish independence would help in implementing the referendum plans and also breaking the political gridlock between the political parties in KRI. At a cross-party meeting on June 7, 2017, chaired by President Barzani, the majority of KRI's political parties – except for Goran and Islamic Group – agreed and formally announced

holding a non-binding referendum on independence on September 25, 2017. The opposition parties, mainly Goran – the then second largest parliamentary bloc after the KDP – and the Islamic Group, had overtly demonstrated their disapproval to the referendum plans. They expressed their support for the referendum and independence but indicated that "it has to take place according to legal measures and within the context of the legitimate institutions and the Kurdistan Parliament" (Rudaw, 2017a), indicating the KRI's Presidency held by Barzani and the KRI's Parliament, which was disabled since the KDP's impediment of Goran's Speaker. Their objections, as they claimed, were not because of their stance against the Kurdish independence, but rather because they believed holding a referendum of independence under Barzani's leadership would strengthen the latter's position and reassure his legitimacy as the President. In August 2017, a movement called "No for Now" was declared in Sulaymaniyah and campaigned against the timing of the referendum, highlighting the security, economic and political risks of a "yes" vote. However, the movement failed to distract KRI's leadership from making preparations for the vote.

It was decided that the referendum would be held in KRI's three governorates (Erbil, Sulaymaniyah and Duhok) and the disputed areas that are under the Kurdish control, including Kirkuk, Khanaqin, Sinjar and Makhmor. In August 2017, the Kirkuk Provincial Council voted on taking part in the referendum of independence (DW, 2017). Earlier in March 2017, the Kurdish-dominated Kirkuk Provincial Council had voted in favor of raising KRI's flag alongside the Iraqi flag on the governmental and public buildings in the city. The move angered the other components of Kirkuk – mainly Arabs and Turkmen – and added to the sourness of relations between KRG and GOI (Al-Jazeera, 2017a). It was considered to be a preliminary step to annex the oil-rich city within the boundaries of the semi-independent KRI through the planned referendum. Later on, on September 15, only 10 days before the date of the referendum, it was possible to give a legal validity to the planed referendum when KRI's parliament had approved it with the votes of 65 of 68 members of the 111-seat parliament attending the session which was boycotted by Goran and the Islamic Group (Winter, 2017).

The KRG stated that it would engage in a dialogue on independence with the GOI and regional states and discuss all the technical and post-independence issues and relations with them. In an opinion in the Washington Post on June 28, 2017, Barzani wrote that "the timing and modalities of our independence will be subject to negotiation with Baghdad and

consultation with our neighbors and the wider international community" (Barzani, 2017a). That is, the vote would not result in an immediate independence. The KRG had emphasized the need to engage in a serious dialogue with the GOI and neighboring states on this matter; nevertheless, without Baghdad's consent of such dialogue it would be very difficult to step forward in that regard.

The GOI, on the other hand, refused the Kurdish independence proposal and emphasized on their partnership in the united Iraq. In August 2017, the KRI had sent a delegation from the Higher Referendum Council to Baghdad to meet with the Iraqi officials, including the Prime Minister al-Abadi and heads of other political parties as well as the representatives of foreign countries (Goran, 2017b). The delegation had however failed to open negotiations on Kurdish independence plans with Baghdad, which had officially objected such a proposal, considering it unconstitutional and an illegal move. Al-Abadi has further threatened the KRI with the consequences such an act would cause, which could undermine the security of Iraq and the region (Al-Jazeera, 2017b). Counting on the regional and international stance against the Kurdish independence plans, especially of its strong regional ally, the Islamic Republic of Iran, whose Supreme Leader Ayatollah Khamenei reportedly confirmed the opposition of the Islamic Republic of Iran to the referendum in a meeting with Prime Minister al-Abadi on 20 June in Tehran (UNSC, 2017a), the GOI stood firm in the way of the Kurdish scheme.

When the date of the referendum was approaching and KRI's leadership insisted to go on with the vote, the GOI took measures and the Iraqi parliament voted on the rejection of the pending referendum and authorized Prime Minister al-Abadi to take the necessary actions to prevent holding the referendum in the Kurdistan Region and the disputed areas. The Iraqi parliament further retaliated against the Kurdish Governor of Kirkuk, Najmaldin Karim, who had been a vocal supporter of the referendum and of holding the vote in the disputed province of Kirkuk, and voted to eliminate him from his post. The Iraq's Supreme Court had also ordered the halt of the pending referendum until it examined its constitutionality (France24, 2017a). The KRI, however, did not give up its plan and sent a multi-party delegation again to Baghdad just two days before the vote but without any progress. The KRI seemed to step forward unilaterally. That being the case, just one day before the vote, the GOI called for KRI to "hand over control of all borders, including airports, to federal authorities and for all nations to deal exclusively with Baghdad in the movement of people and goods across the borders, including oil" (Rudaw, 2017e).

## 6.7. Regional and International Attitudes vis-à-vis KRI's Referendum

Since the establishment of the Department of Foreign Relations (DFR) in 2006, KRI had developed diplomatic and formal relations with many countries in the region and worldwide, demonstrating its capacity to enter into relations with the members of international society. By 2017, there were about 36 official diplomatic representations in KRI including Consulate Generals of the five permanent members of the UNSC, the neighboring Iran and Turkey, Germany and other European nations, and some Arab countries among others. The KRG also keeps about 14 representation offices abroad (DFR-KRG, 2019). In its campaign to obtain external support for its independence plans, KRI had assured its neighbors and other regional and international actors that the referendum of independence would not go against the interest of these nations and reaffirmed its willingness and readiness to build bridges and strengthen ties in becoming a partner and ally. However, the general trend in the region and among the members of the international community seemed not to be in favor of the Kurdish push for independence.

As for the regional countries, most of them, except for Israel, opposed KRI's plans of holding a referendum of independence. A couple of weeks before the vote's due date, the Prime Minister Netanyahu had expressed the position of his government on KRI's referendum by stating that Israel "supports the legitimate efforts of the Kurdish people to attain a state of its own" (Heller, 2017). Israel was supportive of KRI's independence plans from the beginning when the Kurds had declared their intentions to hold a referendum on independence. Then – three years earlier – Netanyahu had described the Kurds as "a nation of fighters who have proved political commitment and are worthy of independence" and he has stressed that Israel "should support the Kurdish aspiration for independence" (The Guardian, 2014).

Israel's relation with Iraqi Kurds goes back to the 1960s during the Kurdish revolution against the Iraqi government. Some Kurdish nationalists see Israel as a role model for Kurdish Statehood goal as both nations, Israelis and the Kurds, are pro-democracy and besieged in the troubled Middle East (Berman, 2016). Currently the two nations share geostrategic and economic interests. The KRI needs any form of support in order to survive in its complex geopolitical location surrounded by hostile states. Israel, on the other, wants to weaken its major foe in the region – Iran – and to keep the KRI away from Iran's influence, not like the rest of Iraq. The other important aspect of the KRI-Israeli relations is economic. Israel needs crude oil to keep up its industry and the KRI needs revenues to relieve itself from

financial dependency on the GOI and to fund its war against ISIS. Israel is a major buyer of KRI's oil. Since Israel does not enjoy formal relations with Iraq, it turned a deaf ear to the threats of the GOI to the buyers of KRI's oil. KRI's first oil sales were delivered into Israeli ports. By August 2015, Israel was importing about 77% of its oil supplies from KRI through the Turkish Ceyhan port (Sheppard, Reed & Raval, 2015). This oil connection was maintained and about half of KRI's crude oil extracted in 2017 found its way to Israel, making the latter the top buyer of Kurdish oil (Atkins, 2017). For Israel, an independent Kurdish state is a potential ally in that conflicted region and also a trade partner. Future relations between Israel and Kurdistan – if the latter becomes an independent state – could be developed to include military and intelligence among others. However, this tie with Israel has made it difficult for the KRI to find support in other regional countries.

Regarding the countries bordering the landlocked KRI, all of them – Turkey, Iran and Syria – opposed the planned referendum fearing a spillover consequence on their Kurdish populations. Turkey, which the KRI was considering as a patron state and ally, appeared to be in disagreement with KRI on the pending referendum despite their multi-layer relations. Turkey's opposition to the independence of Kurdistan, in addition to the demographic composition of Turkey and the Turkish domestic politics, was due to the geography of KRI. Turkey feared that a state break up in Iraq could become a precedent for the Kurds in Syria and the two entities might unify in the future in its backyard and impose a serious threat on its own integrity. A decade after the 2003-regime change in Iraq, Turkey and KRI found themselves in an ever close relationship with each other. However, Turkey-KRI relations were not strong enough to change Turkey's outlook toward KRI's independence plans. Turkey's motivation behind its relations with KRG mainly included security, political and economic interests. As the majority of people of KRI are Sunnis and secular, it was easier for the two entities to strengthen their ties with each other. If Turkey had not endorsed KRI, it might have left it for Iran. Security wise, Turkey needed the cooperation of KRI to contain the PKK, the majority of whom were taking refuge in the mountainous border areas of KRI, such as Qandil and Makhmor among others. Security was a key factor in Turkey's relationship with KRI and by the time of the planned referendum, Turkey had more than 10 "temporary military bases" in northern Iraq (Daily Sabah, 2018).

In late 2012, Turkey's Intelligence Agency (MiT) ran peace talks with the PKK's long-imprisoned leader Ocalan to facilitate striking a deal between the Turkish state and PKK to end the Kurdish conflict in Turkey. In 2013, the talks turned into an open peace process

launched by Turkish Prime Minister Erdogan who intended to run in Turkey's first direct presidential elections to be held in the summer of 2014 (Coskun & Solaker, 2014). To put the process forward, Erdogan needed the support of Kurds, who make around one fifth of Turkey's population, and the mediation of his ally, KRG. The process which was backed by KRG, had actually brought about some outcomes; by the end of April 2013, the PKK declared the withdrawal of all its forces within Turkey into KRI (Arsu, 2013). KDP's leader and KRI's President Masoud Barzani had further supported his ally, Erdogan, leader of Justice and Development Party (AKP), and rallied with him in mid-November 2013 in Diyarbakir (Amed) to advocate the peace bid on which Erdogan's presidential hopes also hinged (Hurriyet Daily News, 2013). Erdogan's political ambitions were realized and he took the oath of office as Turkey's 12th president in August 2014, but the fragile peace process between Turkey and the PKK was pulled up and a new tide of violence rose in the summer of 2015 leading to break down of the ceasefire between Turkey and PKK, undermining KRG's role as a dependable broker (Weise & Stevenson, 2015).

Perhaps the strongest tie of Turkey-KRG relations was and is economy. Turkey has helped KRG build its infrastructure, airports and most importantly its pipeline that goes via south-east Turkey to the Mediterranean Sea carrying half a million barrels of the landlocked KRI's crude oil per day to the world market. In 2012, Turkey became the first national actor signing an energy deal with KRG. In 2013, Turkish exports to Iraq were estimated around $12 billion U.S. dollars, $8 billion of which were to KRI, ranking the latter as the third destination for Turkey's exports after Germany and the U.K. respectively (Çağaptay, Fidan, Sacikara & Baste, 2015). During the same year and before the rise of ISIS and financial crises in KRI, the number of Turkish companies operating in KRI were approximately 1500, making up 65% of all foreign companies and businesses running there (Invest in Group, 2013). In 2014, the number of flights between Turkey and the KRI reached 78 per week (Çağaptay, Fidan, Sacikara & Baste, 2015).

Turkey's demand for energy and its security and economic interests in KRI turned the former's eyes away from the economic and political benefits that KRI also gained from such a relationship. Turkey's leverage on KRI as the latter's oil outlet to the international market and the main supplier for KRI's market as well as the presence of its military bases in KRI were enough for Turkey not to be afraid of the ascendency of Iraqi Kurds, whom it had even supported in their disputes with the GOI. When President Barzani called for the referendum of independence in the summer of 2014, Turkey seemed not to oppose it at the beginning.

The multi-layered cooperation between Turkey and KRI was progressing in full swing. In late 2015, Prime Minister Nechirvan Barzani was received by Turkish Prime Minister Ahmet Davutoglu with the KRI's flag hoisted side by side with the Iraqi and Turkish flags for the first time in the history. Then, the Turkish Prime Minister emphasized fostering ties – especially business and economic relations – with KRI and described Turkey's relation with KRI as one of the most "foreign strategic relations" of Turkey (Ali, 2015). President Masoud Barzani was later received warmly by the Turkish President and Prime Minister with KRI's flag rising along with the Iraqi and Turkish ones at the airport and in the Prime Minister's offices in August 2016 and February 2017. Turkey's warm relationship with KRI could have been perceived by the Kurdish leadership that Turkey would support KRI in its independence bid.

However, in June 2017 and after the KRI set a date – September 25 – for its independence referendum, Turkey started to change its tone towards KRI. Consequently, Turkey's Ministry of Foreign Affairs expressed its concerns regarding the planned referendum and considered the move as "a grave mistake" that "would have negative consequences which will cause further instability" (MFA-Turkey, 2017). The Turkish President later said that "[s]tepping on northern Iraq's independence is a threat to Iraq's territorial integrity and it is wrong" (Daily Sabah, 2017). Although a bit late, Turkey came to the line standing against KRI's planned referendum. In July 2017, the Turkish President warned that the Kurdish referendum would divide Iraq and said that "there might be further divisions down the line." He added that Barzani and KRI's administration "aren't ready for this at this point" (Rudaw, 2017b). Turkey feared that KRI's independence could turn into a serious threat on its own security in the long-run by uniting with the Kurds in Syria who were already ascending in East and North Syria supported by the U.S. Turkey was apprehensive that KRI's independence could be a terminus a quo of a united Kurdistan exceeding the borders of Iraq. Therefore, despite all the ties with and the leverages on KRI, it seemed that Turkey could renounce its economic gains to avert the formation of a Kurdish state. When Turkey realized the insistence of its ally – KRI – on holding the referendum, it started to push harder. One week before the vote, Turkish tanks and military vehicles conducted drills near Habur border gate signaling a clear warning to KRI. Then, the Turkish Prime minister Binali Yildirim made it public that the Turkish government and army would withstand any internal or external threat to its territory (Gumrukcu & Chmaytelli, 2017). Only a few days prior to the date of referendum, Turkey's President Erdogan told the United Nations General Assembly (UNGA) that KRI's bid for independence could lead to "new crises in the region [the Middle East]… and must therefore be avoided at all costs" (Reuters, 2017b).

As for KRI's other neighbor, Iran, immediately following the capture of disputed territories by the Peshmerga forces in late June 2014 and after Barzani's statement about KRI's referendum plans, the foreign ministry reaffirmed Tehran's full support for Iraq's national sovereignty and territorial integrity and cautioned against any scheme to split the crisis-ridden Iraq (FARS News Agency, 2014). Iran's relationship with KRI was established on the grounds of geography and shared interest. There are multi-channels of cooperation between Iran and the KRI, the most important of which are security and economy with the bilateral trade between both reached close to about $4 billion annually by the summer of 2014 and their goods dominating the eastern part of KRI (Berman, 2016). Iran historically had leverage over KRI's political parties and, after the ISIS crisis and its attacks on KRI, Iran had increased its weight in KRI by standing with the latter in the face of ISIS. Iran is mindful of the significance of its relations with its neighbor KRI and is willing to beat the influence of its regional rival Turkey and its adversaries – the U.S. and Israel. Moreover, it needs to keep the stability of the region and prevent the transfer of threats into its soil. Yet, its stance on KRI's independence plans was a negative one (Mustafa, 2016).

Iran, troubled with its own integrity, is generally against the partition of any country in the region and usually stresses on keeping the territorial integrity of states. Iran opposes KRI's independence plans fearing the effect on its own Kurds and other minorities. The KRI's statehood is a very sensitive issue for Iran. It perceives it as a direct threat to its national security and believes that it would undermine its independence as a state. The independence of KRI would give rise to a state that is aligned with the U.S. and friendly to the West and Israel; thus, it would affect the independence of Iran and might lead to interventions in the internal affairs of Iran. Iran is unwilling to repeat what it has historically experienced at the end of WWII when the Soviet Union supported the secession of the Kurds and Azeris from Iran. Iran is also apprehensive about the instability the KRI's push for independence might cause and the conflict it could precipitate with its other neighbor, Iraq, which has a government pursuing policies in line with Iran.

On June 7, 2017, when the KRI had set a date for its independence referendum, Iran started to use its influence on KRI's political party to revert them from the decision to hold the vote. When a PUK delegation visited Tehran in the following month, Iranian leaders expressed their refusal of the referendum and urged them to abandon that idea and communicated to them not to expect "good things" from Iran regarding the scheduled referendum. The Iranians

had warned the Kurdish delegation that the move would have negative implications on KRI and would lead to its weakness and isolation (Rudaw, 2017c). When KRI seemed determinant on holding the vote, Iran furthered its effort to stand against the implementation of KRI's plans. In the last two weeks before the date of the vote, the Kurdish media called attention to several trips to KRI made by Qasem Soleimani, Chief of Iran's Revolutionary Guard Quds Forces, to convince the Kurdish leadership to give up or postpone the referendum. Soleimani had sent envoys and reportedly met with KRI's President Masoud Barzani just a few days before the set-date but failed to persuade him to reconsider the move (Chulov, 2017). Some sources even reported that Soleimani has threatened KRI leadership by saying he might permit the Iraqi PMFs to enter KRI if they did not waive the independence scheme (Hawramy, 2017). In the meantime, Iran's Supreme National Security Council threatened that Iran would shut its border gates with KRI, close its consulates in Erbil and Sulaymaniyah, tear down its security agreement and intervene militarily in the region if KRI moved along with its independence plans (Rudaw, 2017d). KRI, on the other hand, insisted that the referendum was a legitimate right of its people and it was only them who were entitled to have a say on that issue. One day before the historic referendum, at the request of the GOI, Iran halted air traffic from and to KRI and cancelled all flight connections and threatened to shut the border gates.

The Syrian government had also declared that it was against KRG's referendum of independence or "any procedure that leads to the fragmentation of Iraq" (Reuters, 2017d). Just like KRI's other neighbors, the Syrian government was anxious about any evolution of the Kurdish movement in the region. The evolution of Kurdish movement in Syria had stiffened the concerns of Syrian government in that regard. The Syrian Kurds had established de facto autonomous provinces in their regions under the name of 'Rojava' indicating 'Western Kurdistan.' However, Rojava was mostly controlled by PYD – affiliated with PKK – which along with its aligned forces do not enjoy good relations with KRG and Turkey and thus it is unlikely to see them join forces with KRG in the independence endeavor.

The lack of international support for the Kurdish independence project remains a hurdle that cannot be straightforwardly overcome. The international community does not support the creation of new states in the Middle East and it is advocating the regional autonomy within the existing boundaries. The U.S., Russia, U.K., Germany and other members of the international community stick to their policy of maintaining the sovereignty and territorial

integrity of Iraq and the Kurdish ambition is undermining their one-Iraq strategy. On June 12, the U.K. Foreign Secretary at the time, Boris Johnson, stated that the referendum should be agreed by the GOI and advised against "unilateral moves towards independence" which would harm the people of Kurdistan, Iraq and the stability of the wider region (U.K. Foreign & Commonwealth Office, 2017). Ten days before the date of the vote, the representatives of U.S., U.K. and UN proposed KRI to put off the referendum and offered assistance in negotiations with the GOI. The proposition was dismissed by KRI's High Referendum Council (Rudaw, 2017e). On September 19, the EU's High Representative for Foreign Affairs, Federica Mogherini, had issued a statement reassuring the support of the EU "for Iraq's unity, sovereignty and territorial integrity" and stressed on the avoidance of any unilateral step including the proposed referendum (EU External Action, 2017). The statement also recognized the need of KRG and GOI to engage in a peaceful dialogue under the provisions of the Iraqi Constitution. Reiterating its earlier calls for the GOI and the KRG to reach mutually sustainable solutions regarding their outstanding issues, on September 21, 2017, the UNSC issued a statement arguing that KRG's unilateral plans to hold a referendum could affect the fight against ISIS and the return of "over 3 million refugees and internally displaced people." The statement affirmed the council's recognition of the sovereignty, unity and territorial integrity of Iraq and the need for a resolution under the provisions of the Iraqi constitution (UNSC, 2017b). Earlier in mid-June, the UNAMI had made public that it does not support the planned referendum and that it would not play any role in it (Reuters, 2017a).

As for the United States, KRI's proposed referendum did not go in harmony with the former's priorities which included the fight against ISIS and maintaining the integrity of Iraq. When the KRI leadership explicitly communicated their independence intentions for the first time following taking over the disputed territories including Kirkuk, the then U.S. Secretary of State John Karry paid an unannounced visit to KRI to convince the Kurds to postpone their independence plans until the war against ISIS was over (Galbraith, 2018). In June 2017, when the KRI scheduled the date of independence referendum, the Trump administration barely reacted. But later when it seemed that the KRI leadership was persistent on holding the referendum, the U.S. started to press harder on the Kurds to postpone or annul the vote. On August 12, the U.S. Secretary of State Rex Tillerson called President Barzani and demanded he revise the decision to hold the referendum. Barzani's office stated that the postponement of the referendum required guarantees and alternatives for the future of the KRI people (Frantzman, 2017a). On August 22, 2017, the U.S. Secretary of Defense James Mattis

personally paid a visit to KRI's capital Erbil and urged its leadership to put off the vote on independence, warning that it could distract the fight against ISIS. President Trump's envoy to the coalition forces against ISIS, Brett H. McGurk, said earlier that day that "every member of our coalition believes that now is not the time to hold this referendum," not just the United States (Gordon, 2017).

The U.S. kept on urging KRI leadership not to hold the referendum and emphasized that the Kurds should settle their differences with Baghdad through dialogue and under the provisions of the Iraqi constitution. However, the Kurds were accusing the GOI of refusing to hold constructive talks on the hanging problems and ignoring the relevant articles of the Iraqi constitution. They, in the meantime, expect the United States to be on their side in seeking their demands regarding the future of their people since they perceived themselves and were portrayed by others as the U.S. and the West's closest ally in Iraq. But the U.S., on the other hand, warned in a statement on September 15, 2017, that holding the vote at this time and "in disputed areas is particularly provocative and destabilizing" and would be "distracting from efforts to defeat ISIS and stabilize the liberated areas" (The White House, 2017). Only two days before the referendum, the then-U.S. Secretary of State Rex Tillerson made an offer to Barzani to postpone the vote in exchange for U.S. engagement in diplomatic negotiations between KRG and GOI and promised the United States' recognition for the need of a referendum should the parties not resolve their disputes within a year's time (Galbraith, 2018). However, the U.S. statements and warnings fell on deaf ears and the Kurds insisted that in the absence of an acceptable alternative, it was the right of the people of KRI to express their opinion regarding its future.

The other influential actor in the region has been Russia. After the 2003-regime-change in Iraq and the implementation of the Iraqi 2005-constitution, Russia was among the first powers to step its foot legally in KRI and opened its accredited Consulate General in Erbil in 2007. Russia considers KRI's independence bid as an internal Iraqi issue. In December 2015, its Consulate General in KRI, Victor Simakov, stated that "[i]t's for the different Iraqi components to decide on this matter [Kurdish independence]." He further stressed that "[i]f any of the Iraqi sides – without any outside interference – decides to become independent, Russia will respect their decision" (Xalid, 2015). The Russian federation, a partner to the coalition forces against ISIS, which has provided the KRG with arms in their fight against ISIS, had not urged the KRG to postpone or cancel the referendum. Like the U.S. and other

members of the international community, Moscow stressed upon maintaining the territorial integrity of Iraq but – unlike others – it also recognized the legitimate aspirations of the Kurds for independence and highlighted the necessity of its application "within the framework of existing international legal norms" (Zhdannikov, 2017). The Russian position came in line with the enhancement of its economic ties with KRG and its massive investment in KRI, especially in 2017. It also signified an understanding by the Russian Federation of the intention of KRI in using the referendum as a card to be negotiated with the GOI. KRI's location connecting Syria, Iran and Turkey together is very appealing for Russia who is looking for more allies – beside Iran and Syria – in the Middle East, considering the increase of Russia's presence in the region following the U.S. withdrawal from Iraq by the end of 2011 and particularly since the Russian military intervention in Syria in 2015.

China, which has joined the other four UNSC permanent members and opened its consulate in Erbil by the end of 2014, enjoys friendly relations with the Kurds. Having secessionist movements on its territories, China does not support secessionist groups and independence movements in any part of the world. It will probably not support KRI's push for independence if the secession is not coordinated with the GOI and the neighboring states (Chaziza, 2017). China is a low-key player in the Middle East and its policy toward KRI is part of its policy on Iraq and the Middle East. China usually claims that it is abided by a policy of non-intervention in the internal affairs of other state. Regarding the KRI's referendum, the Chinese Foreign Ministry stated that "[t]he Chinese government supports Iraq's sovereignty, unity and territorial integrity" and underlined the need for dialogue in settling the differences and sustaining the stability of Iraq and the region (Reuters, 2017c).

## 6.8. The Logic of KRI's Independence Referendum

On Monday, September 25, 2017, the people of KRI went ahead with the referendum of independence and cast their votes on the future of their region. The vote included one question being asked in Kurdish, Arabic, Turkish and Assyrian languages: *"*Do you want the Kurdistan Region and the Kurdistani areas outside the administration of the Region to become an independent state?" *The* voters had the option of choosing either "Yes" or "No" (Rudaw, 2017e). In the ballot, in which 3,305,925 people participated out of 4,581,255 eligible voters making the turnout of voters about 72.16%, the results, which were approved

by the Kurdish Court of Appeal (Rudaw, 2017g), showed an overwhelming 92.73% of the people in KRI and the disputed areas casting "yes," in favor of seceding from Iraq. Out of 3,085,935 valid votes, 2,861,471 of the casts were for the independence, while 224,464 participants voted against secession from Iraq, making 7.2% of the votes. The figures included e-votes casted by KRI's citizens living in the diaspora (KRG Cabinet, 2017b).

KRI's independence referendum was held in the face of strong opposition from the GOI, regional states, the United States and other members of the international society. However, there were several reasons behind KRI's decision to move forward with the vote and can be noted down under moral and practical factors. The moral ones revolve around the right of the people of KRI to self-determination, including the right to having their own independent state. As Masrour Barzani, the then chancellor of the Kurdistan Region Security Council and the son of President Masoud Barzani, stated a week before the date of the referendum, the people of KRI "as a nation have every right to self-determination," and maintained that "it is the right time [for KRI] to seek independence" (Arango, 2017). Historically and since the creation of Iraq, the people of KRI have fought for their national and self-determination rights. They have been oppressed by successive Iraqi governments and their basic human, cultural and national rights have been denied. They have always been treated as less than full citizens of Iraq. Different types of atrocities and injustices have been exercised against them including the use of chemical weapons, ethnic cleansing and assimilation policies and genocide. People of KRI have been treated inhumanely particularly in 1980s during the Anfal campaign, which hunted the lives of more than 180,000 people and resulted in the destruction of about 5000 Kurdish villages. Therefore, as President Barzani (2017a) had contended, KRI's "independence is compelling" as a remedy for the injustices and grievances suffered by its people. After several years of an internal turmoil following the establishment of KRG in 1992, the people of KRI have relatively succeeded in establishing a peaceful, stable and democratic entity which has a constructive role in the post-2003 Iraq and is friendly to its neighbors Turkey, Iran and Syria. Barzani (2017a) further reiterated that the exercise of the right to self-determination by the people of KRI does not compose a threat to anyone since it will not change the boundaries of any other state. KRI demonstrated itself as a stabilizing factor in the region and enjoys friendly and good relations with the West with whom they share universal values such as democracy, coexistence, protection of minority rights and respect for human rights among others.

The decision to hold a referendum on independence by KRI in mid-2014 can be regarded as a moment of truth in the KRI-GOI relation. Underlying the practical rationale behind KRI's push for independence, a number of factors come into play. One of the most significant factors KRI has highlighted was the failure of partnership and power-sharing agreements with the GOI. As president Barzani stated on the eve of the referendum day, "[t]he partnership with Baghdad has failed and we will not return to it," emphasizing "that independence will allow us not to repeat past tragedies" (France24, 2017b). In its campaign for sovereignty, KRI indicated the failure of partnership and the power-sharing structure established in post-2003 Iraq. For an entity like KRI, a limited autonomy is not enough. "In 2003, Kurdistan was an independent state. We [Iraqi Kurds] went to Baghdad to create a democratic and federal Iraq [… but after a failed experience], we are voluntarily leaving it" (Barzani, 2017c). However, according to KRI, the Shia-dominated GOI did not fulfill the needs of its people. In June 2017, Kurdistan Region Presidency accused the GOI of practicing "exclusive policies," breaching the federal constitution and "ignoring the rights and demands of the people of Kurdistan." The GOI has failed to endorse its obligations toward KRI. For example, KRI has never received its full 17% share of the federal budget, which was withheld entirely by February 2014. This has pushed KRI to seek an independent economic policy and caused economic and financial crisis in the region. Furthermore, the GOI had refused to send the financial entitlements of KRI's Peshmerga forces and denied its designated share of arms and trainings as well as the deprivation of KRI from Iraq's international loans (KRG Cabinet, 2016a). Even "[d]uring the IS war," KRI "did not receive any economic or military assistance from Iraq" (Barzani, 2017b). Regarding the constitutional violations of the GOI, the KRG Cabinet (2017a) reported that "[n]o less than 55 of its 144 articles have been violated, and a further twelve have not been fulfilled or implemented." For instance, the GOI intentionally prevented the implementation of article 140, which stipulates a mechanism for resolving the fate of what is called the disputed territories and the issue of the internal boundary between KRI and the rest of Iraq. After 12 years of ratification of its federal constitution, Iraq is a federal state only in name. In contradiction to the provisions of the 2005 federal constitution, there is still no second chamber of the parliament representing the regions and governorates nor is there a Supreme Court specialized in resolving the constitutional conflicts between the governments. The GOI is still seeking the centralization of authorities and is unwilling to devolve authorities to regional and local governments. The Shia component dominates the GOI and they do not allow the Kurds and Sunnis to take part effectively in the decision-making processes, making the Kurdish participation in the GOI

merely symbolic (Rafaat, 2018). On the other hand, the GOI accuses KRG of being unconstitutionally in control of border gates with the neighboring Turkey, Iran and Syria and pursuing its oil policy independently from the GOI. In any event, the failure of consensus in Iraq has triggered KRI's urge for independence. As Barzani has proclaimed, "[w]e decided to become good neighbors since we failed to become true partners" (Riva, 2017).

The other motivation behind KRI's drive for independence is Iraq's failure or decline as a state. This rationale envelops a number of factors composing the main characteristics of failing or failed states. Following the 2003 regime change in Iraq, the country had become divided along ethnic lines (Kurds and Arabs) and along sectarian lines (Sunni and Shia). With the U.S. withdrawal from the country in December 2011, the Shias have dominated the politics in Iraq. There was, in the one hand, a conflict over the division of power between Sunnis – who were mainly sidelined – and Shias, and on the other hand, a resentful relation between KRG and the Shia-dominated GOI with no solution in sight for various issues including the disputed territories, the management of natural resources and KRI's share of Iraq's budget among others. The manipulation of power by the Shias had antagonized other communities and deepened the fragmentation between Iraq's diverse groups. The increase of sectarian divisions along with the weakening of the Iraqi state has negatively affected the security and stability of the country. This has reached its peaks by the summer of 2014 when the Iraqi state lost over one-third of its territory to a terrorist organization which has established its rule under the banner of ISIS in areas under its control, including the cities of Mosul, Fallujah, Ramadi, and the surrounding areas (Chulov, 2014). Losing control over a substantial part of its territory is a clear indicator of the failure of the state. Only in failed states are there other groups that control parts of the territory apart from the government, which is mainly focused in the capital (Williams, 2007). This, in the meantime, puts the state's 'monopoly of violence,' the main qualification of a functioning state, under the question.

Another motivator for KRI's urge for independence and an indicator of Iraq's failure as a state was the collapse of the Iraqi army and the emergence of Popular Mobilization Forces (PMFs). Watching the demise of the Iraqi army in the face of ISIS, which was advancing over large areas of Iraq and marching towards the capital and Shia regions in the South, the Shia religious leader Ayatollah Sistani issued a *fatwa*[23] against the ISIS jihadists on June 13,

[23] "Fatwa" is a ruling or decision issued by a recognized Islamic religious leader (Merriam-Webster, 2020).

2014, calling on the Iraqis to take up arms and defend the country (Rafaat, 2018). Sistani's fatwa provided a great opportunity for the Shia paramilitary to rise and get funds and arms from the GOI. These forces (PMFs) were made of some 60 militias and about 100,000 to 150,000 fighters. These militias are not homogenous and are loyal to Ayatollah Khamenei, Ayatollah Sistani, and Muqtada al-Sadr. The pro-Khamenei group, which holds strong relations with Iran's Islamic Revolutionary Guard Corps (IRGCs) that have been designated along with the Quds Forces by the U.S. State Department since October 2007 as supporters of terrorism (Beehner & Bruno, 2007), controls the PMFs commission which leads the forces (Mansour, 2017). The GOI has relied heavily on PMFs in its mission to liberate Iraqi territories from the ISIS terrorists and this has empowered the Shia militias, adding to the Shia domination of Iraqi politics. By the end of 2016, these forces were even recognized by the Iraqi parliament as part of the Iraqi armed forces. Despite its consideration as a security institution under the state, the GOI had little say on the PMFs, which are closely affiliated to Iran and its leading pro-Khamenei group has de facto ruled the forces and pursued their policies, which included administration, management of finances and opening fronts against ISIS, independently from the GOI (Mansour & Abdul Jabar, 2017). The empowerment of PMFs out of the control of the GOI and its function as a state-within-a-state challenges the monopoly of state over the power and Iran's intervention in almost all internal affairs of Iraq has undermined Iraq's sovereignty and legitimacy. As KRI's president Barzani stated in a BBC interview in mid-2016, "we are not responsible for its [Iraq's] fragmentation – it's the others who broke it up. We don't want to be part of the chaos and problems which surround Iraq from all sides" (Muir, 2016). The supremacy of PMFs over the GOI and their stand as an alternative for the Iraqi army is perceived by KRI as a threat. The PMFs have their loyalty to their religious establishment and Iran. They are better equipped than KRI's Peshmerga forces and, after recovering the Sunni areas from ISIS by the beginning of 2017, they came into frontlines with Peshmerga forces. This change in the military balance in favor of Shia groups has resulted in creating a sense of uncertainty about the future of KRI within Iraq and thus contributed to the KRI's push for independence.

The rise of ISIS and the collapse of the Iraqi army provided KRG with a chance to seize control of most of the contested areas, including the oil-rich city of Kirkuk. Therefore, the ISIS invasion, as Bengio (2014) indicated, became "a catalyst for Kurdish nation-building and state-building" in KRI. With seizing the disputed areas by the Peshmerga forces, KRI has enlarged up to 40% of its size. This has, consequently, led to a shift in the balance of power between the GOI and KRG in the favor of the latter and has encouraged it to declare authority

over the said territories in the absence of an Iraqi government capable of reclaiming the contested territories (Bengio, 2014; Stansfield, 2014). While still holding the disputed territories, the KRG wanted to deliver a referendum so as to establish a popular and legal legitimacy for KRG's rule over the newly controlled areas. The surge of ISIS in Iraq – and Syria – also helped KRG to foster connections with international actors independently from the GOI and to become recognized as an important partner in the fight against terrorism (Abbas Zadeh & Kirmanj, 2017). Many Western countries including the U.S. and Germany have provided funds, arms, military training and intelligence to KRI to fight ISIS. KRI was portrayed as the main partner in the fight against ISIS. The role of KRI in the fight against ISIS was highly valued by Western leaders who have visited the region or expressed their admiration in the media for the sacrifices of Peshmergas who are fighting terrorism on behalf of the free world. This has, nevertheless, raised expectations in KRI and stimulated the KRG to internationalize its disputes with the GOI to redraw its borders with Iraq and raise the flag of self-determination and statehood.

All the above mentioned factors were conducive in KRI's tenacity of holding an independence referendum. The GOI, neighboring states and the U.S., on the other hand, have showed fierce opposition to such a decision and pressed KRI's leadership to abandon or postpone the vote, arguing that the time was not convenient for such a move. This argument revolves around KRI's lack of preparedness and being built-up both internally and externally. That is, the KRG has not been able to secure the support of all internal actors, mainly the political parties, and it has not obtained the patronage of regional and global powers. However, the Kurds persisted on holding the referendum believing, as President Barzani stated, that it "would establish a legal, popular, and international legitimacy for a declaration of Kurdish independence in the future" (Soderberg & Phillips, 2015: p.15). KRI did not want to miss this opportunity to step forward in realizing independence, which is a deep national desire among almost every Kurd. Besides, the U.S. and Western countries did not offer convincing alternatives for KRI that guaranteed them an internationally recognized referendum or to negotiate KRI's independence if they failed to come up with a compromise with the GOI. KRI seemed to be convinced that there was no better timing in the horizon and they cannot hang much hopes on Iraq, and they did not believe that it was going to work with Iraq as it has not worked with it for the whole last century. The Kurds have lost hope for making any change in Iraq mainly due to their limited power and Iran's influence on Iraq. The leadership of KRI also seems tired of the promises the Western countries give and do not

keep. Therefore, as President Barzani has stated, "[t]he time has come to decide our fate, and we should not wait for other people to decide it for us" (quoted in Filkins, 2014). Furthermore, as Amberin Zaman, a veteran Kurdish analyst, has expressed, "[u]ltimately, it's never going to be a good time for the Iraqi Kurds to become independent" (Cupolo, 2017).

## 6.9. October 16: Backfiring KRI's Independence Referendum

After the referendum of independence was carried out within the designated boundaries of KRI and in the disputed areas under the control of Peshmerga forces, its blowback was immediate. The day following the vote, Iraqi Prime Minister, al-Abadi, declared the refusal of his government (GOI) to negotiate or discuss the result of the referendum and described the vote as being unconstitutional. In the meantime, the Iraqi army had conducted joint drills with the Turkish forces near the border between Iraq and Turkey (Al-Jazeera, 2017c). The day after, on September 27, 2017, the results of the vote were announced in the Kurdish media showing that the great majority of people of KRI, accounting for 92.73%, are in favor of independence. The results triggered more angry reactions from the GOI, the neighboring states and the U.S. On the day the results were broadcast, the Iraqi parliament convened – in the absence of Kurdish representatives – and authorized the GOI to take all the necessary measures to keep the country's territorial unity including the deployment of troops in the disputed areas – signaling to a restoration of the areas controlled by KRI's Peshmerga forces after the ISIS surge – and to retake the oil fields. On that same day, the GOI sent a military delegation to Iran "to coordinate military efforts" against KRI's move (Reuters, 2017e). Initially, al-Abadi seemed to adopt an economic approach to the crisis and requested the KRI to turn over oil exports, the two airports of Erbil and Sulaymaniyah and the border gates to the authority of the GOI. On September 29, 2017, Ayatollah Sistani issued a political statement against KRI's referendum in his Friday sermon in Karbala (Nordland & Zucchino, 2017) and the GOI imposed a ban on international flights from and to KRI. The ban was implemented and Turkey and Iran closed their airspaces and backed the efforts of the GOI in facing the KRI's vote for independence (Knights, 2017).

This common goal – confronting KRI's push for independence – between the GOI, Turkey and Iran was also shared by the United States. Despite its close alliance with KRI, the U.S. provided no support for KRI with regard to its urge for independence since it stands against

U.S. interests in Iraq. Four days after the referendum, the U.S. Secretary of State, Rex Tillerson, expressed the position of his country with regard to the recent referendum and the measures taken by the GOI and neighboring states. His statement read, "[t]he United States does not recognize the Kurdistan Regional Government's unilateral referendum... The vote and the results lack legitimacy and we continue to support a united, federal, democratic and prosperous Iraq." The statement further highlighted that "[w]e [the U.S.] urge Iraqi Kurdish authorities to respect the constitutionally-mandated role of the central government…" (U.S. Department of State, 2017). This meant that the U.S. was backing the GOI's efforts to restore the "federal" authority in the disputed areas. The statement was conceived by the GOI and the neighboring states as a green light to contain KRI's independence, leaving KRI to face the consequences of its unilateral step alone. Consequently, the GOI and the neighboring countries, mainly Iran and Turkey, felt encouraged by the position of the U.S. and the silence of the international community and decided on a tripartite mechanism to revoke KRI's move. In a meeting with President Erdogan on October 4, 2017, in Iran, Ayatollah Khamenei described KRI's referendum as a treasonous act that must be confronted (Rudaw, 2017f). Turkey, on the other hand, threatened to block the flow of KRI's oil via its territory and obstruct its access to the international market. Turkey's President Erdogan has further said, "[we] have the tap. The moment we close the tap, then it's done" (Bektas & Toksabay, 2017). Both states, Iran and Turkey, threatened to isolate KRI should it move forward in declaring independence. All these threats and measures were made against KRI – a main partner in the global coalition against terrorism – and the international community failed to act or come into the line and mediate a solution. The international opposition to KRI's independence referendum gave a pretext to anti-independence powers to strike KRI's move and when KRI's leadership tried to call the Western capitals, which claimed their friendship and alliance with the people of KRI, asking for support and protection, they were not reachable (Lévy, 2017).

Iran is the number one factor in the backfiring of KRI's referendum, and it has the strongest role in Iraq since the GOI is closely aligned with them, the PMFs which control the security establishment of the state report to them and some Kurdish elites and political parties lay within their sphere of influence. When Iran's persuasion and refusal policy did not alter KRG's position, it started to make measures against KRI's referendum and moved to a confrontation policy. Therefore, in addition to shutting down the airspace and some border gates, Iran began to move its hands in Iraq to miscarry KRI's independence plan. Along with

the GOI, Iran started to play on the internal divisions in KRI, mainly between the PUK – Iran's geographic neighbor and historical partner – and the KDP. The death of Jalal Talabani on October 3, 2017, and his funeral on the following week in Sulaymaniyah and Baghdad paved the way of coordination between Iran, the GOI and a faction of PUK to discuss the means of miscarrying KRI's independence (Phillips, 2018). During that time, Qasem Soleimani, who was supervising the implementation of Iran's policy in Iraq and some other countries in the region, was a regular visitor of the Talabani family. He is believed to have negotiated a deal between a faction of PUK on the one hand, and the GOI and pro-Iran PMFs on the other, providing the withdrawal of PUK forces and allowing the Iraqi forces and the PMFs enter into Kirkuk (Aldouri & Mansour, 2017/2018).

While Prime Minister al-Abadi affirmed that "[w]e [the GOI] will not use our army against our people or fight a war against our Kurdish and other citizens" (Rudaw, 2017h), plans for military operations in the disputed areas including Kirkuk were ongoing. On October 12, masses of Iraqi security forces and PMFs headed by Iranian advisors were stationed near Tuz Khurmatu, about 85 kilometers south of Kirkuk (Phillips, 2018). On the same day, Bafel, the eldest son of Jalal Talabani, proposed that KRG should disband the Council of Kirkuk, remove its governor and enter into unconditional negotiations with the GOI and resolve the tensions between KRG and the GOI (Rudaw, 2017i). On October 14, Qasem Soleimani visited the ex-Iraqi President Talabani's tomb in Sulaymaniyah and reportedly re-communicated to Talabani's family that the disputed territories would be retaken by Iraqi forces and PMFs and warned them against not withdrawing from Kirkuk. Soleimani's trip this time came to offer a last chance for KRI's decision-makers to reconsider the demands of the GOI and withdraw from Kirkuk and other territories. Soleimani has reportedly warned that "[al-]Abadi has all the regional powers and the West behind him and nothing will stop him from forcing you to return back to the mountains if he decides so" (Georgy & Rasheed, 2017). On October 15, a meeting was held between KDP and PUK in Dokan, outside Sulaymaniyah. The meeting was attended by President Barzani, his son Masrour Barzani, and other senior officials from the KDP. From the PUK, Fuad Masum, Hero Ibrahim, Bafel and other Talabanis were present. During the meeting, the KDP leaders expressed their concerns about certain statements made by some PUK leaders and asked if the PUK had changed its mind or heart or made an agreement with Baghdad. PUK leaders replied that their party had made no deal with the GOI but emphasized the need of making an agreement with the GOI and alerted that the massed forces supersede the Kurdish forces and that the IRGCs have

clear orders to force its way in if the Dokan meeting failed to reach a compromise. Barzani, on the other hand, did not take the threats of the GOI and pro-Iranian forces seriously believing that there would be no military action as along as the Kurdish forces are united (Phillips, 2018).

In early hours of October 16, 2017, the Iraqi security forces and the Iran-backed PMFs advanced from several fronts toward Kirkuk, launching a major operation to enter Kirkuk and take over the oil fields and the disputed territories, which the Kurds had controlled during the years of fighting against ISIS. The attacking forces were "using U.S. military equipment, including Abrams tanks and Humvees" (Kurdistan Region Security Council, 2017). The advance of these forces were met by the withdrawal of Peshmerga forces and consequently they seized several oilfields and K1 (Kaywan) military base without any significant resistance. The General Command of Peshmerga Forces stated that "some officials from the PUK … withdrew and surrendered sensitive areas to PMF and Iran's Quds Force without a fight" (General Command of Peshmerga Forces, 2017). The operations were organized and supervised by the Iranian commander of Quds Forces, Qasem Soleimani. A spokesperson of the GOI confirmed the presence of Soleimani in Iraq during the operations and cherished his role as a military advisor to PMFs in Iraq (Rudaw, 2017j). The withdrawal of forces loyal to the Talabani faction of the PUK caused the collapse of the Peshmerga line and led to the withdrawal of other Peshmerga forces. The forces entered into the city and leaders of PMFs such as Hadi al-Amiri and Abu Mahdi al-Muhandis celebrated the takeover of Kirkuk at the Governor's office and helped in lowering KRI's flag and raising the Iraqi flag in its place (Frantzman, 2017b).

The loss of Kirkuk created a domino effect in other areas and within 48 hours the Peshmerga forces swiftly abandoned more disputed territories such as Sinjar, Bashiqa and Makhmor (Beck, 2017). The seizure of Kirkuk and other disputed territories by Iraqi pro-Iranian forces happened before the eyes of the U.S. and the international community. Commenting on Kirkuk operations, the U.S. President Trump said, "[w]e're not taking sides, but we don't like the fact that they're clashing" (Johnson, 2017). Within four days, the Peshmerga forces withdrew to their pre-2003 positions leaving the entire disputed territories – from Sinjar on the border with Syria to Khanaqin on the border of Iran – for the Iraqi forces. Since the Iraqi security forces and Iranian-backed PMFs were taking these areas without any military resistance and in the absence of any objection from the U.S. and the international community,

they felt emboldened to advance further and occupy the whole KRI and its crossing borders with Turkey, Iran and Syria, and to re-establish the rule of the GOI over the Kurdistan Region (Rafaat, 2018). The GOI even started to use the term "Kurdistan Region Governorates" in its draft federal budget bill of 2018, allocating separate budgets to different governorates and willing to deal with governorates directly, denying KRG as a constitutional entity (KRG Cabinet, 2017d). On October 20, KRI's Peshmerga has repelled the attacks of the Iraqi security forces and PMFs and blocked their further advances toward Erbil in Altun Kupri (Pirde), about 50 kilometers south of Erbil. Only then, the U.S. Department of State raised concerns and urged "the central government to calm the situation by limiting federal forces' movements in the disputed areas to only those coordinated with the KRG," so as to prevent further clashes (Mylroie, 2017). The following week, KRI's Peshmerga forces pushed back several attacks of Iraqi security forces and PMFs in Sihela near Zummar and Rabia and blocked their advancement towards Duhok. According to Masrour Barzani, if the Peshmerga forces had not stopped the Iraqi security forces and PMFs in Pirde and Sihela, they would have taken over KRI (Phillips, 2018).

The pressure on KRI from the Iraqi forces and PMFs and the neighboring states remained very tense and the KRG found itself compelled to accept the new reality and even make some concessions to lubricate the situation so as to keep the earlier status quo. On October 24, 2017, the KRG froze the results of the referendum and requested dialogue with the GOI on the basis of the Iraqi constitution. KRG's move came "to prevent further violence and clashes between Iraqi and Peshmerga forces" because "continued fighting does not lead any side to victory, but it will drive the country towards disarray and chaos" (KRG Cabinet, 2017c). Then, in a televised address on October 29, KRI's President Masoud Barzani, the main champion of the referendum, said that he would step down and would not extend his presidential term, which was going to come to an end on November 1. Consequently, the Kurdistan Region Parliament approved passing out the presidential powers to presidential bodies of the council of minister, the parliament and the judicial council (Rudaw, 2017k). KRG's decision to freeze the results of the referendum along with President Barzani's resignation opened the door for a new dialogue with the GOI. On November 3, in a phone call between the U.S. Secretary of State Rex Tillerson and KRI's Prime Minister Nechirvan Barzani, Secretary Tillerson expressed his country's "support to the constitutional rights of the Kurdistan Region in Iraq, and hoped that both sides engage in dialogue and negotiations to address outstanding issues" (KRG Cabinet, 2017e). The call signaled the resumption of

U.S. official connections with the KRG. The suspension of independence drive and the new settings in KRI appeared to be accepted by the U.S. Although the U.S. took the side of Iraq when it chose not to take sides in the GOI-KRG's recent conflict, keeping the integrity of KRI as a federal entity within Iraq seems to be important for the U.S. policy in Iraq and in the Middle East. After the GOI reclaimed the entire disputed territories, the U.S. State Department released a statement affirming that "[t]he reassertion of federal authority over disputed areas in no way changes their status - they remain disputed until their status is resolved in accordance with the Iraqi constitution" (Mylroie, 2017). To leave no more excuses for the GOI to prolong the conflict and blockade on KRI, the KRG expressed its readiness "to hand over oil, airports and all border revenues" to the GOI if the latter provided KRI's 17% share of Iraq's budget and other financial dues (Ali, 2017). In the end, the GOI succeeded in aborting KRI's independence project, a victory which Iran has engineered and that was implemented by the Iraqi security forces and pro-Iran PMFs. In the words of Mohamadi Gulpaygani, the head of Ayatollah Khamenei's office, "[t]he instructions of the supreme leader [Ayatollah Khamenei] and the sacrifices of General Soleimani spoiled their plots [KRI's independence], and Kirkuk was liberated" (quoted in Cohen, 2017).

## 6.10. The Nemesis of KRI's Quest for Independence

The KRI's push for independence has triggered serious implications on its survival as an entity and has precipitated a regional conflict. Therefore, the KRG had to put its independence drive on hold, adapt to the new realities and relinquish to its position as a federal region within the "federal" Iraq. However, there were two main factors behind backfiring KRI's independence referendum: Kurdish disunity and the lack of external patronage from the U.S. and the international community.

The internal divisions between KRI's political parties, mainly between KDP and PUK, have been staunchly used by the opponents of KRI's independence, mainly the GOI and Iran, in restraining KRI's push for independence. After delivering the independence vote, the GOI introduced economic measures and a blockade was imposed on KRI by the GOI and some neighboring states. KRI was also suffering under a kind of diplomatic embargo imposed on it by the international society in response to its disobedience of the different requests of putting off the independence referendum. When the GOI threatened to use force in regaining the

disputed areas that were under KRI's control, the latter had nothing to rely on except for the unity of its Peshmerga forces. On October 16, the Iraqi security forces and pro-Iranian PMFs headed towards Kirkuk and some forces within the Peshmerga defense lines left their positions and let the advancing forces enter into Kirkuk, causing a breakdown of other defense lines and leading to the loss of Kirkuk and the other disputed territories for the attacking forces. This change of mind by a faction of PUK was very decisive in losing Kirkuk. The day after the loss of Kirkuk, the General Command of Peshmerga Forces (2017) released a statement that indicated some of the PUK forces had withdrawn without fight, leaving Kosrat Rasol and his forces in the process. In his resignation address, President Barzani also referred indirectly to a faction of PUK and accused them of reaching a bargain with the GOI and abandoning their positions in Kirkuk prior to the October 16 offensive (BBC News, 2017). Bafel Talabani, the son of late Iraqi President, denied such accusations and claimed that the Peshmerga forces retreated after they failed to resist and stop the attacking forces from entering Kirkuk. Talabani further described KRI's referendum as a "colossal mistake" and stated that it lacked preparedness and international support (France24, 2017c).

The rivalry between KDP and PUK goes back to the differences between KDP's founder and leader Mustafa Barzani and the party's politburo, mainly Ibrahim Ahmed and Talabani's group in the 1960s. In 1975, Jalal Talabani split from the KDP and established the PUK. In 1979, Masoud Barzani had succeeded his father Mustafa Barzani and was elected as KDP's chairman. Ever since, the two parties struggled for power in KRI and dominated its politics. After the imposition of a no-fly zone in the Kurdistan region following the Gulf War in the early 1990s, the two parties reached a concord to set up the KRG and rule KRI collectively. Tensions between the two parties over power and resources peaked in the mid-1990s and led to a civil war between the forces of both parties for more than three years only to be interrupted by international mediation. The conflict between the two parties divided Iraqi Kurdistan into two regions and two governments: KDP's 'yellow zone' in Erbil and Duhok governorates and PUK's 'green zone' in the Sulaymaniyah province. The KDP extended ties with the neighboring Turkey while the PUK forged better relations with Iran. Conceiving a regime-change in Iraq, the two parties began to take some steps in unifying their administrations and formed a joint leadership under Barzani and Talabani. However, the two parties maintained supremacy in their own zones and still have their Peshmerga forces reporting to their political parties.

The role of Talabani's family was important in the blowback of the independence referendum. Following President Jalal Talabani's sickness in 2012, PUK became fragmented. Talabani's family, mainly his wife Hero and elder son Bafel distanced themselves from KDP-led KRG and worked with other Talabanis on centralizing the powers within the PUK and fortifying relations with the GOI and Iran. Talabani's family have half-heartedly supported Barzani's independence project. Other factions of PUK, such as Kosrat Rasol and Kirkuk's Governor Najmaddin Karim, have aligned themselves with KDP and declared their full-support for the independence project. When the Talabani family realized that there is a regional and international opposition to KRI's independence and that the success of the project would increase the authority of President Barzani – the main driver behind the referendum – and the KDP-led administration in their 'green zone,' they have resisted to the change in power in KRI and reached a bargain with the GOI and withdrew from Kirkuk opening the way for the Iraqi security forces and pro-Iran PMFs to recapture Kirkuk and later other disputed territories practically without confrontation (Hiltermann & Fantappie, 2018). The understanding between the Talabanis and the GOI was brokered by Iran. Iran utilized a carrot and stick approach in convincing that faction of PUK to collaborate with Iranian-backed Iraqi forces. Iran allegedly promised to reward its allies within PUK (Talabani family) and target other factions (Kosrat Rasul, Najmaddin Karim and others). Accordingly, not only was the rival KDP going to be backfired but also the Talabani family was going to gain full control of PUK. This would, nevertheless, be in the interest of Iran too since it would not only boomerang the urge for independence on the KDP and its leaders, but it would also deepen the Kurdish division and fragmentation. One day before the advancement of Iraqi forces and PMFs towards Kirkuk, Qasem Soleimani was in Sulaymaniyah and reportedly made it clear to some PUK leaders: "withdraw or risk losing Tehran as a strategic ally" (Georgy & Rasheed, 2017).

Therefore, one can presume that if Peshmerga forces had concurrently stood against the advancing forces and if the Kurds were united and had a better strength, KRI could have been able to face the crisis that followed the referendum of independence better and stronger. If KRI resisted the challenges, they would have shown to the international community that KRI was ready for independence and they could have convinced the world to think again about their position vis-à-vis the situation. Their resistance could have, in the meantime, limited the ability of anti-independence powers, mainly the GOI and Iran, to divide and conquer and get in the way of KRI's plan. It was the Kurdish disunity and fragmentation that has been exploited by the anti-independence powers to contain the KRI's move toward independence.

The lack of support from the U.S. and other external stakeholders was another significant factor in the backfire of KRI's push for independence. Although the U.S. has communicated to KRI their opposition to an independence referendum clearly and repeatedly, the leadership in KRI insisted on moving on with the independence plan believing that the U.S., which has poured huge military, political and economic investments in KRI, would not allow Iraqi forces attack the Peshmerga and would intervene before the GOI-KRG conflict escalated to eruption point (Alaaldin, 2017). Following the ISIS surge, KRI proved to be a dependable partner in the fight against terrorism. KRI's Ministry of Peshmerga announced that in the period between 2014 and 2017, more than 1,700 Peshmergas have lost their lives and over 10,000 were injured in the fights against ISIS (Goran, 2017a). The Peshmerga forces were portrayed as having the battle on behalf of the whole free world and were receiving the material and moral support from many members of the international community. This, along with the increase of Iran's influence on Iraq and the empowerment of pro-Iranian factions in the politics of Iraq and the domination of Shia-militias on the security establishment of the state, has hoisted expectations in KRI. The KRG had ignored the threats of the GOI and the neighboring states and proceeded with its plans, counting on its "friends," mainly the U.S. and Western countries to protect the people of KRI from counter measures and to press the GOI to negotiate with KRG.

However, the U.S. did not take any action when Iran mediated a deal between the GOI and PUK to enter Kirkuk and regain control over the city and its oilfields (Hiltermann & Fantappie, 2018). In an interview with National Public Radio (NPR) on November 7, 2017, Masoud Barzani said that the Iraqi forces and Iranian-backed PMFs, which had recaptured Kirkuk on October 16 with the collusion of some PUK leaders, "were using American weapons – Abrams tanks and other things […] against the Kurdish people, and the Americans stayed silent" (Arraf, 2017). Barzani further maintained that "[w]e regard ourselves as friends of the people of the United States, as friends of the government of the United States but…" it seems that it is one-sided friendship (Arraf, 2017). In his resignation speech, President Barzani also stated that the Kurdish struggle against ISIS was not appreciated by the U.S. and the international community and reiterated that the Kurds have no friends but mountains. It appeared to be that the leadership of KRI had taken the U.S. patronage for granted. The KRI was not ready for a war following the referendum, but they were expecting the U.S. to interfere once there was a security threat on KRI. "We were expecting some kind of reaction, but we had not calculated on military attack," President Barzani had told NPR (Arraf, 2017). If KRI's leadership knew that the U.S. would not help, they could have considered other alternatives or made preparations for any possible attack.

When the GOI sent its security forces along with Iranian-allied PMFs to retake the disputed territories from Peshmergas, the Kurds thought that Israel might come and help KRI or at least convince the U.S. and bring them along the line. However, that did not happen. The Israeli Prime Minister Netanyahu did try lobbying major world powers to protect the integrity of KRI following Kirkuk offensive. The Israeli government had raised KRI's issue with the U.S., Russia, France and Germany and expressed Israel's concerns over the fate of KRI, a region in which Israel had security interests due to KRI's proximity to Israel's foes, Iran and Syria. The Israeli Intelligence minister stated that his government works for avoiding "an attack on the Kurds, extermination of the Kurds and any harm to them, their autonomy and region, something that Turkey and Iran and internal Shi'ite and other powers in Iraq and part of the Iraqi government want" (Williams, 2017). Nevertheless, Israeli support to KRI's independence was only moral and had given anti-independence powers a further excuse to strike KRI's move toward independence.

KRI's urge for independence was in opposition to the U.S. policy in Iraq and in the Middle East. KRI's independence would have antagonized the neighboring states and could have destabilized the region. Such a move would also have hindered the realization of U.S. policies and priorities in Iraq, namely the fight against ISIS, maintaining Iraq's integrity and reducing the Iranian influence in Iraq. The U.S. wanted to have all the efforts poured into the fight against ISIS. It did not want to destabilize Iraq or back a policy that could cause a fight between the GOI and the KRG. Furthermore, the U.S. was bidding on the then Prime Minister al-Abadi to decrease Iran's influence on Iraq. The U.S. wanted al-Abadi to be re-elected as Iraq's Prime Minister in the following elections (of May 2018), and it wanted KRI's representatives in the Iraqi Parliament to support him. The U.S. had spent huge amount of blood and money on Iraq, and it would not give it up easily. The Kirkuk crises revealed that the U.S. could even sacrifice KRI's interests for the sake of Iraq's integrity and unity. Accordingly, it is safe to say that, so far, the U.S. patronage of KRI has been limited to the former's interests, policies and priorities in Iraq and the region. Since the people of KRI do not share a cultural or ethnic identity with the people of the U.S., the U.S. does not have sympathy for the Kurdish struggle for independence and it does not seem to have, for the time being, a policy that seeks creating an independent state for the Kurds in Iraq (Rafaat, 2018).

## 6.11. Post-Independence-Referendum Era: Hopes for a Brighter Future

By the end of 2017, the siege on KRI was still in place. But Turkey had not closed its borders; business was uninterrupted and KRI's oil continued to flow into international markets through Turkey. KRI also kept the control over the crossing of border gates with neighboring states. After President Masoud Barzani left office, his nephew Prime Minister Nechirvan Barzani, who enjoyed good relations with Kurdish political parties and regional states, became the main executive authority in KRI. Nechirvan Barzani was tasked with reconciliation with the GOI and handling the transitional period following October offensive. By the end of November 2017, tensions around KRI started to gradually subside. State representatives of some European countries visited Erbil and met with KRG officials and KRG's diplomacy began to meet some success. Prime Minister Nechirvan Barzani and his deputy Qubad Talabani also met the U.S. ambassador to Baghdad and then flew to France. On December 2, they were received by the French President Emmanuel Macron in Paris. The visit has signaled the breaking of the diplomatic isolation of KRG and, along with KRG's initiatives and its readiness to make compromises, facilitated the removal of the blockade on KRI. President Macron called for a "constructive dialogue" between the GOI and KRG under the provisions of the Iraqi constitution and urged the GOI to solve the issue of disputed territories and to demilitarize and gradually demolish the militias including the pro-Iranian PMFs (Rose & Aboulenein, 2017). Earlier, the KRG stated that it respects the decision of the Federal Supreme Court of Iraq of November 20 considering KRI's referendum unconstitutional and called for a serious dialogue with the GOI to resolve all conflicts on the basis of the Iraqi constitution (Aldroubi, 2017).

At the beginning of 2018, officials from the GOI and KRG began to hold meetings in an attempt to sort out the many differences and disputes between the two parties. On March 15, 2018, KRI's two airports of Erbil and Sulaymaniyah were reopened for international flights (Reuters, 2018). By the end of March, after four years of interruption, the GOI transferred a portion of the salaries of KRG's public employees, leaving the rest for the KRG to cover with the revenues of its independent oil sales (Jalabi & Rasheed, 2018). Internationally, in February 2018, the Foreign Minister of France paid a visit to Erbil marking the first high-level visit to KRI following the independence referendum. Two months later, the U.S. ambassador to Baghdad declared the construction of the largest U.S. consulate complex in the world in Erbil, the capital of KRI. At a ceremony for laying the cornerstone for the new

consulate building, the U.S. ambassador stated that the project "demonstrates that the United States will stand with the people of the Iraqi Kurdistan Region, as they build a future that will be brighter than the past" (Rudaw, 2018). The U.S. and the European countries such as U.K., France and Germany demonstrated their intentions of enhancing relations with KRI. Russia has also become an important actor in KRI particularly after Russian state-owned companies signed energy contracts with KRG. Trade with Turkey was undisturbed. Despite its abandonment by the Western countries during the unpleasant fallout after the independence vote, the KRG does not have better options than fostering relations with the international community so as to survive in that complex region.

In 2018, after the parliamentary elections in Iraq and KRI, the political map of both entities had changed. The Iraqi parliamentary elections of May 12, 2018 had resulted in the empowerment of pro-Iranian blocs and the weakening of U.S. favorite Prime Minister al-Abadi whose coalition won 42 seats from Iraqi Parliament's 329 seats preceded by the historically anti-U.S. Muqtada al-Sadr, who won 54 seats, and PMFs' Conquest Alliance, which had secured 48 seats. Conquest Alliance, which is headed by al-Amiri, joined forces with al-Maliki's State of Law Coalition, which has 25 seats, while al-Sadr and al-Abadi made a counter front. The two Shia fronts reached a deadlock with regard to naming a Prime Minister. Here again, like in every Iraqi election since 2005, the Kurds – with over 50 seats altogether – became kingmakers. The U.S. feared that the al-Amiri and al-Maliki front – both closely linked to Iran – forming the new government, since it would consequently result in increasing the Iranian influence in Iraq. Therefore, the U.S. wanted to secure a second term for its preferred candidate al-Abadi who had joined with al-Sadr, who is less tied than the former leaders with Iran. In August 2018, the new U.S. Secretary of State Mike Pompeo called Masoud Barzani to ask him to back al-Abadi to stay in power for a second period to obstruct Iran-backed blocs. However, because of the attitude of the U.S. vis-à-vis KRI's independence referendum, the Kurds looked less enthusiastic in bolstering up U.S. foreign policy in Iraq (Galbraith, 2018). The Kurds held negotiations with both fronts but have not tipped the balance in favor of any front. Each of the Shia blocs claimed that it composed a majority and thus was entitled to form the new government. Their dispute was averted in early October 2018 and Adil Abdul Mahdi was selected as the compromise candidate by the two blocs. The new Iraqi Prime Minister opened a new page with KRG, sent KRI's share of the federal budget, which was suspended since early 2014, and allowed the flow of Kirkuk's oil through KRG's pipeline, a process which was interrupted since the GOI regained the disputed territories in October 2017.

On September 30, 2018, KRI had also held its parliamentary elections which had resulted in shifting the internal balance of power in KRI. The KDP has secured 45 seats in the 111-seat parliament of the Kurdistan Region while the PUK has won only 21 seats, followed by Goran with 12 seats. The KDP is becoming a majority and it does not require the cooperation of PUK for every single matter anymore. To withstand the change in balance and the domination of the KDP over KRI, the PUK has insisted on keeping the Iraqi presidency – a post which under the unofficial post-2003 political system is reserved for the Kurds – for itself. The PUK was successful in that regard and, with the backing of its ally Iran, its senior member Barham Salih was elected by Iraq's Parliament as the President of Iraq. The post-election arrangement in KRI, however, took some time. By the end of May 2019, KRI's lawmakers had elected Nechirvan Barzani as the President of the Kurdistan Region. In mid-July and after extensive negotiations with other political parties, the KDP formed a coalition government with the PUK and Goran in which Masrour Barzani became the Prime Minister and Qubad Talabani his deputy. KRI's Parliament has also elected Rewaz Fayeq, a female PUK member, as the Speaker of the Parliament. Goran's share in KRG, on the other hand, included the key ministries of Peshmerga and Finance and Economy as well as the position of KRI's Vice President among others. The new KRG Prime Minister Masrour Barzani has vowed to move KRI into a new era through addressing the internal issues such as corruption, unification of Peshmerga forces, institutionalization and reinforcing the rule of law as well as improving relations with the GOI, the neighboring states and the international community.

Since May 2018, when President Trump pulled the United States from the nuclear deal with Iran believing that the deal did not ensure the prevention of Iran from obtaining a nuclear bomb, tensions between the U.S. and Iran have escalated leaving negative implications on Iraq – the playground of the U.S.-Iran conflict. The U.S. has further imposed severe sanctions on Iran that had paralyzed the latter's oil-based economy. The U.S. aimed to block Iran from obtaining nuclear weapons and cut Iran's hands and funds in the region and to limit its interference in the affairs of Iraq and other countries in the region. The U.S. demanded Iran stop sponsoring terrorism and change its threatening behavior against neighbors (Pompeo, 2018). Contrarily, Iran continued strengthening its grip on Iraq, a state deeply under its influence and an open area for Iran to avoid the international sanctions and to fund and coordinate its regional operations. As a result, Iraqi people were suffering the most. In October 2019, thousands of Iraqis joined anti-government demonstrations across Iraq, mainly in Baghdad and other Shia-majority cities, protesting against the corruption of political elites,

lack of services and Iranian supremacy over the GOI. The Iraqi demonstrators, mainly from Shia community, called for changing the whole political system and dismantling the pro-Iranian militias. The Iraqi security forces and Iranian proxies responded with force and killed hundreds of protesters and injured thousands of them. However, the protests continued and by the end of November 2019, they had set fire to Iran's consulate in Najaf. On November 30, the Iraqi Prime Minister submitted his resignation but, in the absence of a successor, his government has become a caretaker government. For similar conditions, protests also erupted in Iran. Since mid-November 2019, Iran was witnessing unrest as people in Tehran and over 100 other cities in the country demonstrated against the fuel prices hike imposed by the Iranian regime. In like manner, Iranian security forces cracked down the demonstrations, killing hundreds of people and injuring thousands. The protests in Iran have intensified by January 2020 and thousands of people across the country were chanting against the IRGCs and demanding the Supreme Leader Khamenei to quit.

At the turn of the year 2019 into 2020, hundreds supporters and members of Iran-backed PMFs attempted to storm the U.S. embassy in Baghdad demonstrating their anger at U.S. air strikes on pro-Iran Kataib Hezbollah positions in Iraq and Syria. In retaliation to this escalation by Iran and to the frequent rocket and missile attacks on U.S. military bases in Iraq launched by Iran's proxies, President Trump ordered the extermination of Qasem Soleimani, the commander of Iran's Quds Forces who has developed a network of proxies across the Middle East (mainly in Lebanon, Syria, Iraq and Yemen) destabilizing the whole region. On January 3, 2020, a U.S. drone strike on a convoy near Baghdad airport killed Iran's top military general along with the deputy chief of PMFs, Abu Mahdi al-Muhandis, who was also a leading member of the Kataib Hezbollah militia. Consequently, Iran, through its allies – PMFs – took the opportunity to press on the United States to withdraw its troops and abandon Iraq. Iraq's Parliament, in the absence of representatives from Kurdish and Sunni-Arab communities, voted on a resolution proposed by the caretaker government calling all foreign troops – including the 5000 U.S. troops in Iraq – to leave the country. The Kurds and Sunni-Arabs boycotted the vote and stressed on the need for the presence of U.S.-led coalition forces to help Iraq fight terrorism. KRI's President Nechirvan Barzani criticized Iraqi Parliament's decision in which the Kurds and Sunni-Arabs did not participate in its making, underscoring that it is not the right time for the withdrawal of international coalition forces (Middle East Monitor, 2020). The Sunnis, on the other hand, regard the presence of U.S.-led coalition forces as a necessity to counterbalance Iran and its proxies. In retaliation to Soleimani's killing, which was a major blow for Iran, the IRGCs fired more than a dozen of

missiles on military bases housing U.S. troops in the Sunni Anbar province and near Erbil in the Kurdistan Region with no serious confirmed causalities (Atlantic Council, 2020). Then, the Iranian Foreign Minister Javad Zarif promptly stated that his country has taken and "concluded proportionate measures" against the bases from which they have been attacked – referring to the U.S. drone strike on Soleimani's convoy – and added that his country is not pursuing "escalation or war" (JZarif, 2020). However, through attacking U.S. military bases in Sunni and Kurdish areas, Iran has revenged against Soleimani's killing and, in the meantime, it has sent an implied message to Sunni-Arabs and Kurds that Iran has the capacity and will to attack their areas if they are used by the U.S. for launching attacks against Iran.

Iran's dominance over the GOI has consumed the latter's sovereignty and legitimacy. Moreover, the escalation of U.S.-Iran conflict on Iraq's territory has endangered its unity and integrity. It appeared that KRI's fears of Iran's supremacy over Iraq – which threatens the future of the latter and pushes it toward becoming a failed state – were real. The international society might now understand the concerns of the Iraqi Kurds about their future within a dysfunctional state and their rationale for holding the independence referendum. While the Shia pro-Iranian political parties stick to holding power and pursuing policies that are not in favor of their country and its diverse communities only to please their ally Iran, the Sunni-Arabs, like the Kurds, do not want to be ruled by Iran. With the deterioration of the overall situation in Iraq and the deep fragmentation between its communities, partitioning Iraq might be brought to the table again. If the U.S. is forced by the pro-Iran political parties – which compose a majority – to leave Iraq, it might consider creating a Sunni Region analogous to KRI in order to contain Iran and cut its way to the Mediterranean Sea (Al-Salhy, 2020). This would either enhance federal elements in Iraq's political system or lead to the break-up of Iraq into three entities dominated by Iraq's three major communities: Shias, Sunnis and Kurds. The quick flow of events in Iraq and the whole region indicates the beginning of a new era and revives KRI's hopes and prospects for independence.

## 6.12. Conclusion

A decade after the regime-change in 2003 and the adoption of a federal constitution in 2005, Iraq remained troubled with its dysfunctional system of governance and its divided communities. The Shias controlled the pillars of the state while the Sunnis were sidelined and the sovereignty-based conflict between the Shia-dominated GOI and KRG reached a

stalemate, leaving many of the constitutional issues and hanging disputes unsolved. The concentration of power by the pro-Iran-Shias has eroded the sovereignty and legitimacy of the GOI and resulted in the decrease of loyalty to the GOI particularly among the Sunni community and the Kurds, who are already solely occupied with running and enhancing their de facto state – KRI. These factors have set the scene for instability and the emergence of ISIS, which gained control over one-third of Iraq's territory, mainly in Sunni areas, in the summer of 2014. The ISIS surge went hand in hand with the fall of the Iraqi army and brought the Iraqi state near total failure and collapse. Witnessing the vacuum left by the Iraqi army, KRI's Peshmerga forces hurriedly took over the territories disputed between them and the GOI, including Kirkuk. In the view of Iraq's practical break-up, KRI has officially announced its plans for independence.

The ISIS had declared its Caliphate in areas under its control and showed intentions to expand their rule over the whole region. In the beginning of August 2014, it took the Peshmerga forces by surprise and captured many Kurdish-held areas. The Kurdish forces were outgunned in comparison to the ISIS fighters with sophisticated U.S. weaponries and Humvees taken from the collapsed Iraqi army; therefore, they were unable to stop the ISIS assault which was advanced to areas about 35 kilometers away from Erbil. This, along with the stark fall of oil prices on which KRG's revenues hinge, the suspension of KRI's share of Iraq's budget and hosting over 1.5 million refugees and IDPs, has deepened the crises in KRI. KRG, which was undergoing an internal political gridlock over the post of presidency and the nature of its governing system, found itself in hot waters in terms of finances, which it urgently needed to pay the salaries of its public employees, fund the war against ISIS and run its affairs.

The response of the United States, Iran, France Germany and other members of the international community to KRG's urgent call for immediate help in the wake of the ISIS surge was crucial for the survival of KRI. With the air cover of the U.S. and international assistance, Peshmerga forces stopped the advancements of ISIS and began to retake territories they have lost to the terrorist group. Thanks to the international military and financial aid to KRI, by October 2016, Peshmergas have regained more than 90% of the disputed areas from ISIS. The direct interaction of the member-states of the international society with the KRG has given the latter the space and capacity to internationalize its disputes with the GOI. Consequently, KRG felt confident to voice its independence goal.

The KDP-led KRG and particularly President Barzani was the main force behind proceeding with the independence project among internal hesitation and Baghdad's refusal. President Barzani managed to bring KRI's political parties – except for Goran and Islamic Group – together to discuss the scheme and agree on a date for the independence vote to be held in the disputed territories under Peshmerga control along with the administrative boundaries of KRI. However, the Iraqi Kurds failed to bring the GOI to the negotiating table concerning their independence plan.

The opposition and cautions of the GOI, neighboring states, the United States and the international community to holding a referendum of independence fell on deaf ears in KRI. On September 25, 2017, KRI went ahead in the independence referendum in which over 92% of its people voted "yes" to the secession of KRI from Iraq. KRI's rationale for holding the vote and push for independence was due to several moral and practical factors, which include, among others, the right of people of KRI to self-determination, historical injustices against people of KRI, failure of partnership in the "federal" Iraq, dysfunctionality and failure of Iraq as a state, the domination of Iran and its proxies over the pillars of the state, the uncertainty of the status quo, relative success of the state building process in KRI and the latter's endorsement of democracy and its alliance with the West. The leadership of KRI insisted on moving on with the independence plan, counting on the U.S. and other external powers that have huge military, economic and political interests in KRI.

Nonetheless, the abandonment of KRI by the United States and the Western powers leaving the Kurdish de facto state to its fate has emboldened the anti-independence forces (mainly the GOI, Iran and, to a lesser degree, Turkey) to rebound KRI's move. These actors have manipulated the internal divisions between KRI's political parties and came to terms with a faction of PUK to retreat and make the way for the Iraqi and pro-Iranian PMFs to enter Kirkuk, causing a domino effect in other disputed areas. Consequently, the Peshmergas have abandoned all the disputed territories and relinquished to its pre-2003 borders. Despite maintaining most of the statehood characteristics, KRI was unable to secure the support of the international community for its urge for international legitimacy and recognition. In conclusion, KRI's drive for independence was backfired due to a combination of reasons incorporated in the lack of external patronage from the U.S. and the international community and the disunity of the Kurdish political parties.

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# Chapter 7: Conclusion

As presented in this dissertation, the examination of the Kurdish struggle for national rights in Iraq since the conclusion of WWI, and particularly after the creation of a Kurdish de facto entity in 1991 known as KRI, provides significant insights into the evolution of KRI's prospects for independence and statehood. Based on this case study, this work carries a new explanation to the strategies and justifications utilized by de facto states in pursuit of legal sovereignty and recognized statehood. This explanation has taken into consideration the sovereignty-based conflict between the de facto state and the base state, and the role of external actors in the former's urge for statehood.

The plight of the Kurds in Iraq for obtaining national rights, which varied between autonomy and independence, began after the demolition of the Ottoman Empire and the creation of new states following WWI. By the time of the spread of the modern nation-state system in the Middle East, the Kurds were divided and mainly affiliated to religion and tribe, and remained internally deficient in organization. Furthermore, they lacked a strong central leadership that could unite them in their quest for national rights. In the meantime, they failed to convince the regional and imperial powers to secure an independent Kurdish state; thus, they were even denied autonomy within the newly established states. During the period between 1958 and 1990, Iraqi Kurds were represented as a dense national group focused in northern Iraq struggling for their right to self-determination. In the early 1960s, the KDP, under the leadership of Mustafa Barzani, had succeeded in advancing the Kurdish national movement in Iraq and forced the GOI to recognize the Kurdish national right for autonomy, as stipulated in March Agreement of 1970 but was never implemented sincerely by the GOI. The armed struggle of the Kurdish national movement against the GOI continued until the eruption of the Gulf War in early 1990s and the implementation of a no-fly zone on the Kurdistan region which led to establishment of KRI. Until then, the GOI was responding to Kurdish demands with force and persecution through assimilation, oppression, ethnic cleansing and genocide.

In 1991, the Kurdish national movement in Iraq experienced a sudden shift in which the Kurds of Iraq gained political and administrative autonomy from the GOI following the end of the Gulf War. Thanks to the international community's protection, the Kurds in Iraq, for the first time in their modern history, had an opportunity to self-rule their affairs without an

external challenge to their authority. To make use of this moment, the Kurdish leadership realized that they needed to secure the domestic sovereignty in their region. Prior to 1991, the Iraqi Kurds were justifying their struggle against the GOI on the basis of denial of the right to national self-determination and the past atrocities and injustices committed against the Kurdish people. The post-Cold War era witnessed a transition in international norms regarding the creation of new states, and the legitimization of the aspiring states and their recognition came to depend more on their ability to establish domestic sovereignty, adoption of democracy and liberalizing their system and contributing to regional stability. Inspired by such a transition, the Kurdish leadership started setting up the foundation of their entity, which has become more like a de facto state. They started with endorsing democracy and held elections in 1992 and established their judiciary, legislative and executive authorities. The formation of the KRG and other state institutions had initially represented a major development for the Iraqi Kurds. The KRG, then, came to relate its existence to its commitment to democracy and the ability to run its affairs independently. This change, however, had transitioned the nature of interaction between the Iraqi Kurds and the GOI, regional states and the international community. As the Kurdish national movement was previously seen by the regional and external actors as destabilizing and undermining Iraq's integrity, they now had to acknowledge the existence of the Kurdish entity and legitimize their relationship with the Kurdish authorities.

The development of the Kurdish de facto state was, nevertheless, disturbed by the rivalry between the two major Kurdish parties – KDP and PUK – which ended with a civil war between 1994 and 1997 throughout the Kurdish region, presenting a serious threat to the survival of the newly emerged Kurdish entity. The Kurdish parties, however, embarked on a reconciliation process by the end of 1997 and maintained control over the affairs of their region, which became divided into two administrative units each under one major party. The 2003 regime-change in Iraq has stimulated the two Kurdish administrations to unite their forces and re-engage in a democratization and state building process in their own region. This reinforced the position of KRI in the new Iraq and gave more legitimacy to the Kurdish entity. In a system that does not tolerate the break-up of states, and due to the policies of Western countries and regional states advocating the territorial integrity of states, the best option for KRI was to maintain its de facto independence in any future arrangement with Iraq. So, the Kurds have joined their forces under the leadership of Barzani and Talabani and declared their advocacy for federalism within Iraq.

The period between 2003 and 2014 is considered thriving for KRI due to the social peace, political stability and economic prosperity it had witnessed. The regime change in 2003 meant a recreation of Iraq with a new constitution, a new system and a new political process, in which the Iraqi Kurds had an influential role. The Kurds managed to reunify their two administrations under the KRG in 2005 and have succeeded in establishing many of their national rights in the Iraqi constitution of 2005. The Iraqi constitution adopted a federal democratic system for the country, recognized KRI with its existing authorities as a federal region, approved the laws and decisions of the Kurdish government, parliament and courts and even gave their laws supremacy over the federal ones in case of conflict. Accordingly, the Kurds were accredited with the authority to self-rule their region in almost all matters, including keeping its security forces and Peshmergas, and were even privileged to conduct diplomatic relations abroad. During this period, KRG gained more autonomy and the Iraqi Kurds became involved in a twofold state building project, one in Iraq and the other in KRI, with Jalal Talabani taking the major role in the former and Masoud Barzani in the latter. The Kurds were making progress in both projects; they have enhanced their position in the GOI and took significant steps in developing the Kurdish de facto state and consolidating nationalism among the Kurdish people. The KRG then came to relate its existence not only on the democratization process it has adopted, but also on its ability to provide security and political goods, economic progress, institutionalism, viability and its contribution to regional security.

The regime-change in Iraq was critical to the path of KRI to its economic development. After the termination of international sanctions, the KRG became involved in long-term infrastructure development, built airports, hospitals and universities and intensified economic activities and official trade with regional states and the outside world. Since the new Iraqi constitution permitted Iraqi Kurds to develop ties with the international community, the KRI has established the DFR, which functions as a ministry of foreign affairs, has opened representation offices worldwide and hosted consulates, embassy or liaison offices of other states in KRI. The KRG has made use of its relations with neighboring states, particularly Turkey, and the international community to gain more advocates in its sovereignty conflict with the GOI, which remained relatively weak and plagued with ethnic and religious divisions, deterioration of security, instability and corruption among others. With the U.S. pullout from Iraq and the domination of Shias over the GOI and its ethnic-oriented and centralized policies, the KRG put all its efforts into its own state building project and committed itself to reducing dependency on the GOI by adopting an independent policy for its energy-based economy.

During this period, as noted in Chapter 5, KRI has immensely gained power, and the Iraqi Kurds have achieved significant progression in their state building project and were on the right path of democratization and development. The international society, through UN agencies, governmental and non-governmental organizations and the Kurdish diaspora, have contributed enormously in bringing these efforts to fruition. Like many other de facto states, the KRG demonstrated its effectiveness and ability to administrate the affairs of its people and territories to the world and showed how they are worthy of international legitimacy. It has enacted reforms in its political, economic and social system and employed its international link to denote its earned sovereignty. Although in a federal arrangement with Iraq, the Iraqi Kurds kept running their de facto state semi-independently and were in control of their security, economy and politics. KRI has developed most of the state characteristics except for recognition. It has managed to establish a relatively effective government over a fixed population of more than 5 million inhabiting the three governorates of Erbil, Sulaymaniyah and Duhok. It has developed bilateral relations with regional states and other members of the international community. KRI has even started to export its oil independently and was receiving certain foreign investments and delegations just like an independent state.

In the recent period (2014-2018), Iraq and KRI have witnessed dramatic changes threatening the integrity of the former (base state) and provided prospects for the independence of the Kurdish de facto state. After more than a decade of the adoption of a federal constitution in 2005, Iraq remained troubled about its crippled federal system and its fragmented communities. The Shias have dominated the pillars of the state while the Sunnis were sidelined, and the sovereignty-based conflict between the Shia-dominated GOI and KRG reached a deadlock. This has accordingly eroded the sovereignty and legitimacy of the GOI and resulted in the decrease of loyalty to the GOI, particularly among the Sunni community and the Kurds. These factors have set the stage for instability and the emergence of ISIS, which in the summer of 2014 gained control over one-third of Iraq's territory, mainly in Sunni areas. The rise of ISIS took place in parallel to the collapse of the Iraqi army and led to the GOI's loss of monopoly over power in large territories of the country, including the areas disputed between the GOI and the KRG. In the view of the practical failure of the Iraqi state, the Peshmerga forces took over the disputed territories, and the KRG declared plans for holding a referendum on independence.

The politics of the GOI vis-à-vis KRG was instrumental in the latter's urge for independence. After ten years of the establishment of federalism in Iraq, the Shia-dominated GOI showed little willingness to implement the provisions of the federal constitutions particularly those which are of main concern to the Iraqi Kurds, such as those related to the future of KRI's internal boundaries, the management of natural resources and KRI's share of Iraq's budget. Moreover, the GOI failed to establish many elements of federalism in the state's new system, such as the higher chamber of the parliament and an impartial judiciary body to solve constitutional disputes between the regions and the "federal" government, among others. In addition, KRI remained the only federal region in Iraq and the relationship between the "federal" GOI and the KRG was determined by power politics of the two entities.

With the decline of the GOI and the near collapse experience of the Iraqi state after the surge of ISIS, KRI took the opportunity to expand and strengthen its de facto state and endeavored to gain international legitimacy through utilizing different recognition strategies. The Kurds are practicing their right to self-determination within the framework of a federal Iraq; failure of federalism and blocking the constitution would mean obstructing the Kurdish people from practicing their national right to self-determination internally, which could provide prospects to exercise this right externally through secession and the establishment of an independent state, as it was the case with Bangladesh and Eritrea. Accordingly, KRI's claim for statehood will be justified not only as a remedy of the past and present injustices perpetrated by successive Iraqi governments against its people, as in the case of Kosovo, but also due to the denial of their right to self-determination. From the point that the GOI does not respect the constitutional rights of KRI and with the absence of any other solution in the horizon and failure of agreement and talks, a remedial secession of KRI might be justified, since the Kurds in Iraq constitute a people which have been subjected to gross atrocities and genocide, particularly during 1980s, at the hands of the GOI. Just as remedial secession was exercised with a delay by Kosovo in 2008 by reasoning their denial from practicing internal self-determination since late 1980s, their suffering from grave human rights violations in late 1990s and the failure of negotiations between Kosovars and the government of Serbia, the KRI's secession might be justified in the absence of other effective alternatives.

Other justifications for KRI's urge for recognized statehood are their commitment to a democratization process and their relative success in the state building process. Since the end of the Cold War, recognition of former states of the Soviet Union and new states were

granted on a basis that new states have committed themselves to the democratic governance, rule of law and respect for human rights. For example, the United States and the European Community conditioned the recognition of the former Yugoslav republics of Croatia and Slovenia by their commitment to democracy, rule of law and insurance of human rights. The 2003 UN-endorsed standards for the recognition of Kosovo have also emphasized the promotion of democracy and institutions, rule of law and rights of all communities, among others. Noticing these rules of the game, the KRI has also shown adherence to such principles, especially after unification of the two KRG following 2005, believing that the promotion of democracy would influence the position of other democratic states regarding its recognition. Ever since, KRI was described as a model for democracy in Iraq in terms of its regular and relatively fair elections, emergence of opposition in the parliament, minority and women rights, gradual implementation of democratic principles and others. Accordingly, KRI was demonstrating its success in democratization and state building to prove to the members of the international community that it has earned its sovereignty and that it is effective and capable of functioning as an independent state. Just as the sovereignty conflicts of East Timor, Kosovo and the Republic of South Sudan in regards to their base states have been solved through the employment of the "earned sovereignty" approach, KRI has also employed similar strategies in its legitimation efforts, showing that it has secured the internal sovereignty and is worthy of gaining external sovereignty and enjoying full statehood. These positive developments in KRI, however, are by no means conclusive, and there are still many serious hurdles in the way of KRI to democracy and stability, including the presence of party affiliated security and Peshmerga forces, lack of transparency and corruption. But as compared to the situation in Iraq, against which the de facto state of KRI is in a democratization competition, KRI is by far winning the competition. Just like other de facto states, the KRI shows how it is more democratic than its base state, Iraq, so as to attract the support of democratic regimes in its legitimization urge.

During the period between 2014 and 2017, KRI has shifted to a new legitimation strategy, mainly underlining the failure of its base state – Iraq – to enlist the support of international society for its claim to recognized statehood. This argument revolves around stressing the negative aspects of the GOI rather than emphasizing the success of KRG in democratization and state building processes. Accordingly, KRI's leadership related their rationale behind holding the independence referendum to the failure of partnership with the GOI and the dysfunctionality of Iraq as a state. The Iraqi Kurds argue that they have rejoined Iraq on a

voluntary basis and on the condition of safeguarding partnership and consensus and the adoption of the federal constitution. After about a decade since the ratification of the constitution, the GOI failed to provide the constitutional rights of the people of KRI, and the Shia majority has dominated the pillars of the state and kept implementing exclusive ethnic policies disregarding other main communities, the Kurds and Sunni-Arabs. The failure of the GOI to respect its social contract with the Iraqi people, and particularly with the people of KRI, and its lack of willingness to compromise with regard to the constitutional demands of KRG pushed the latter to resort to the right of its people to self-determination through proposing independence as a solution to its conflict with the GOI. The KRI's argument, however, does not seem to be baseless because since 2003 the GOI has failed to display effectiveness in many dimensions including political, security, economy and others. It has also fallen under the control of Shia majority, which enhanced its grip over the rule and sought to centralize powers and sideline other communities they see as adversaries. As a result, the Iraqi state was in decline, and it demonstrated many characteristics of failed states, particularly following the rise of ISIS. The GOI has shown little capacity in maintaining monopoly over the use of power and providing security and other political goods to its citizens. In the summer of 2014, it had lost a significant part of its territory to ISIS before whom its army collapsed. Its inability to safeguard security and other services along with its ethnic-oriented policies has affected its legitimacy among people, especially in Sunni areas and in KRI. The supremacy of Iran over the GOI and its intervention in almost all affairs in Iraq and submission of the GOI to pro-Iranian militias and political parties have eroded the legitimacy and sovereignty of the Iraqi state. Based on that, the KRI is pursuing international support for its sovereignty-based conflict with Iraq, hoping that the failure of latter would tip the balance in its favor and influence the international society to reconsider its stance on respecting the sovereignty of Iraq and protecting its territorial integrity. Therefore, the KRI weighted the failure of its base state and manifested its integrity and viability to convince the international society that it is worthy of recognition.

KRI's strategies for claiming statehood were combined with its efforts to entice the support of regional states and great powers. Aware of the significant role external patronage plays in the rise and demise of de facto states, KRG aimed to attract the interest of great powers, believing their patronage would help KRI gain international recognition. KRG's strategy to develop its oil and gas sector independently from Baghdad has served this purpose. KRI has become one of the most attractive areas for oil and gas in the region, and through production

sharing contracts, it succeed to induce major international companies like ExxonMobil, Chevron, TOTAL, Rosneft, Gazprom Neft and DNO. Accordingly, money was pouring into the KRI, and its economic and financial independence policy was making headway. This had major political implications on KRI's independence goal. Another part of KRI's advancement in the direction of independence was the pipeline deal with Turkey and KRG's exportation of oil – independently from the GOI – through its pipeline to the Turkish ports and the international market. The involvement of international companies had enhanced KRI's position and made a perception that the latter would be supported in its sovereignty-based struggle with Iraq and protected from any measures taken by the latter or the neighboring states. The surge of ISIS was also a game changer in KRI's push for independence since it has, along with indicating the failure of Iraq, led to a shift in the balance of power in the favor of KRI and resulted in its territorial enlargement by 40% after Peshmergas' takeover of disputed territories. It has also helped KRG foster connections with international actors independently from the GOI. Many Western countries, including the U.S. and Germany, have provided funds, arms, military training and intelligence to KRI, which was portrayed as the main partner in the fight against ISIS. This has, nonetheless, raised expectations in KRI and motivated the KRG to internationalize its disputes with the GOI to redraw its borders with Iraq and raise the flag of self-determination and statehood.

On September 25, 2017, KRI went ahead in the independence referendum, in which over 92% of its people voted "yes" to the secession of KRI from Iraq. KRI's rationale behind holding the vote and its urge for independence was due to several moral and practical factors, which included, among others, the right of the people of KRI to self-determination, historical injustices against people of KRI, failure of partnership in the "federal" Iraq, dysfunctionality and failure of Iraq as a state, the domination of Iran and its proxies over the pillars of state in Iraq, the uncertainty of the status quo in Iraq and the whole region, relative success of state building process in KRI and its endorsement of democracy and its alignment with the West. The leadership in KRI insisted on moving forward with the independence plan – in spite of the opposition of the GOI, neighboring statesand other members of the international community – counting on the U.S. and other external powers – which KRG considered allies – with huge military, economic and political interests in KRI. The perception in KRI was that these stakeholders would prevent KRI from any potential repercussion generated by the GOI or the neighboring states. On the contrary, the United States and the democratic world have

abandoned the Kurdish de facto state to its fate and have allowed the forces opposing KRI's independence – mainly the GOI and Iran, and to a lesser extent Turkey – to backfire KRI's endeavor. The internal divisions between KRI's political parties was exploited by these forces, which came to terms with a faction of PUK to retreat its forces and make way for the Iraqi and pro-Iranian forces to enter Kirkuk, causing a domino effect in other disputed areas and leading to the return of KRI to its pre-2003 borders. Thereby, KRI's drive for international legitimacy and independence was miscarried due to a combination of reasons incorporated in the lack of patronage from the U.S. and the Western states and the disunity of the Kurdish political parties.

Although KRI showcases most statehood requirements or what is called the empirical characteristics of statehood including territory, population, a relatively effective government and somehow the capacity to enter into relations with other states, it still lacks recognition and can therefore be categorized as a de facto state. In seeking the recognition of the international community, KRI has adopted most of the recognition strategies derived from international norms, such as the right to self-determination externally, remedial secession and democracy and earned sovereignty on which many new states have been established. It has even resorted to a new justification to its claim to statehood, namely the failure of its base state, Iraq. The KRI's efforts to secure the support of international community for its urge for international legitimacy and recognition, however, were not fruitful. The international community is generally sensitive with regard to keeping the territorial integrity of states. The U.S. and other powers do not want to see states break up; states fear to see the current state system fall down. If they allow a state breakup in Iraq, it could probably happen somewhere else and more often. Thus, it can be observed that the employment of legitimation strategies by de facto states, without the patronage of great powers or a considerable part of the international community, usually does not lead to a successful claim of de jure statehood.

As for the factors that have an impact on KRI's quest for statehood, the KRI-GOI relation and KRI's external relations play a significant role. During the first period of the Kurdish de facto state (1991-2003), KRI remained outside the sovereignty of the GOI; but a kind of interdependency has emerged between the two with the Kurds controlling the region where Iraq's oil and water flow, while depending on Iraq for electricity and trade, given that the Kurds were receiving their share of Iraq's budget through the UN Oil for Food program. During this period, which was characterized by close involvement of foreign actors in the

Kurdistan region, the Kurds established the foundations of their de facto state, a process which was interrupted by a Kurdish intra-war. The U.S., as the most influential actor, and the neighboring Turkey, Iran and Syria, have all used KRI as a platform for executing their own agenda. This has impeded the Iraqi Kurds in uniting under one national principle and seeking statehood. During the second phase (2003-2014), the Kurds played an active role in sketching the political map of the post-war Iraq. Noticing the unchanged policy of most of Western and regional states towards keeping the territorial integrity of Iraq, the Kurds joined forces under the leadership of Barzani and Talabani and declared their advocacy for federalism within Iraq. In a system not tolerating the partition of states, the best option for KRI was to maintain as much as it could from its de facto independence in any future arrangement with Iraq. The KRG unified its two administrations and built up a working relationship with the GOI, but in the meantime kept enhancing its de facto status. The Kurdish discourse during that period was state building. Their policy placed weight on good governance and democracy, demonstrating to the world statehood features of their entity and how they have earned their sovereignty domestically and thus deserve full sovereignty. The KRG has relatively succeeded in its state building efforts. The deterioration of KRI's relation with the GOI coupled with its struggle for implementing an economic policy independent from Iraq have enhanced KRI's relations with some of the neighboring states and other members of international society. The year 2014 signaled the beginning of a new era with regard to the KRG's relation with the GOI, which had reached a stalemate particularly after Iraq's suspension of KRI's budget-share and the latter's independent oil exportation and sales. The ISIS surge has tipped the balance in favor of KRI and resulted in the latter's control over the disputed areas. The KRG developed its relations with the U.S. and international community and became a partner in the global war against terrorism. The GOI, on the other hand, went under a failing and near collapse experience and became more aligned with Iran. The weakness of GOI and the dysfunctional KRI-GOI relationship, along with KRI's external links, motivated KRI to explicitly and formally quest for recognized statehood.

The obstacles in KRI's path to statehood vary between internal and external. The domestic challenges encompass the weakness of KRG institutions, corruption and lack of transparency. Further obstacles include the KRI's vulnerable oil-dependent economy and insufficient capital as well as its unequipped and party-affiliated military forces. The main and most strenuous internal impediment to KRI's statehood is probably the disparate interests of

Kurdish political parties and the rivalry between the two major parties, KDP and PUK. This is embodied in the factionalism of Peshmerga and security forces reporting to political parties rather than KRG. Even KRG's foreign policy is affected by the agenda of the political parties, with the KDP having strong ties with Turkey while PUK is closer to Iran. This discord puts the monopoly of KRG over the legitimate use of force, as defined by Weber as the foundation of state, under question. The fragmentation of KRG was the principal reason why KRG failed to keep the disputed territories under its control following the independence referendum. Obviously, this has set the scene for the opponents of KRI's independence to intervene and perhaps have discouraged the Kurdish allies in the West from supporting KRI's independence. This brings us to the external environment and the obstacles it incorporates to KRI's statehood. One of them is the refusal of the GOI to compromise on or negotiate KRI's independence. Other external hurdles comprise the standpoint of the hostile states surrounding KRI. KRI's three neighbors other than Iraq – Iran, Turkey and Syria – are apprehensive about the evolution of KRI into an independent state. As for the stance of the U.S., Western countries and other members of international society, their support to KRI is generally conditioned on maintaining the status quo in Iraq and the Middle East. The international community remains committed to the unity and territorial integrity of Iraq, and many of its members claimed that KRI's independence could destabilize the Middle East. In general, the international society does not support the breakup of states because they do not want the current state system to fall down and due to the composition of their states and their territorial issues, particularly the permanent members of the UNSC. Without overcoming these internal and external obstacles, it would be very difficult for the Kurdish de facto state to succeed in securing recognition and becoming an independent state.

The pursuit of legitimacy has been identified in many relevant studies as a key to understanding the development of de facto states. De facto states have an endless thirst for international recognition because it determines its relations with other actors. De facto states seek international recognition to legitimize their de facto independence and get over the hurdles that are intimately linked to their political, economic and social development. International legitimacy means bestowing with international personality; it is only after being recognized as a sovereign state that the security and survival concerns of de facto states can be evaded and the statehood privileges can be reaped. Thus, these entities are observing the international norms carefully and try to employ any strategy that can possibly increase their

chances of recognition. For example, with the consolidation of "democracy" as a legitimating norm following the Cold War, many de facto states, including KRI, placed emphasis on the democratization process and showcasing their entities as "islands of democracies" in comparison to their base states to persuade the members of international community and mainly the democratic countries to recognize them. Even if these recognition strategies are less effective in the international arena, since their acceptance on the part of international community are often bend down to the support and politics of other states, the pursuit of de facto states for international legitimacy and its explicit express in their policies and conduct do have an impact on international politics. Kosovo and the newly created states did set precedents for other de facto states to try convincing the international society to reconsider their view regarding the territorial integrity of their base states and to evaluate the domestic sovereignty the de facto states enjoy and grant them recognition accordingly. Even if de facto states' endeavors for claiming recognized statehood do not bring fruition, they would influence the stand of the international community and their politics vis-à-vis the status of these aspiring states.

This study could be used as a platform for future research by scholars of political sciences and international relations. The study of the prospects of KRI's independence is of great importance for any future study of the Kurdish question in Iraq, since it deals with the evolution of KRI as a de facto state and examines its legitimization strategies and pursuit for international recognition. This work provides a diligent inspection of the evolution of KRI and its government, its interaction with the GOI, neighboring states and international community, its policies and aspirations within almost three decades of existence. Like some other studies on the subject, this work underlines the state building process in KRI and links it with the changes in the external environment and the norms of international society. The work is aimed to contribute to the study of de facto states in general, including their evolution and their legitimization strategies, and to the study of the evolution of KRI as a de facto state and the legitimization justifications it utilizes in its endeavor of claiming statehood in particular. From the case of KRI, the study observed a new recognition strategy, namely the failure of the base state – Iraq – employed by KRI in addition to other established norms. With the concept of state failure gaining considerable attention by the international society, particularly by the turn of 21$^{st}$ century following the September 11 attacks, de facto states may use the failure of their base states as an additional strategy in their urge for recognized statehood.

As for the question of whether KRI will become a recognized independent state, other questions might be raised such as: will or should the international society alter its commitment to the territorial integrity of states, especially those undergoing failure and instability? Or will the international community recognize de facto states on the grounds of their successful state building and earned sovereignty, particularly those which constitute an ethnic or national group that succeeded in meeting statehood requirements? With regard to these questions, empirical evidence so far indicates that the international community, in most cases, has shown that it has an uncompromising view regarding the territorial integrity of the states. They, in the meantime, discourage the unilateral secession of any entity and its recognition, regardless of the circumstances and whether justification for such action is based on the right to self-determination, remedial claims, or on earned sovereignty. Some states have never been effective in governing their territories or providing political goods to their people, but they are still enjoying international recognition, such as Somalia. On the other hand, some de facto states remain unrecognized no matter how much effectiveness they demonstrate in governing their territories and populations, such as in the case of Somaliland. Keeping the recognition of the failed state of Somalia intact while denying it to the relatively stable, democratic and effective de facto state of Somaliland indicates the truth that the international society tolerates state failure more than unilateral secession. The case of Kosovo, nevertheless, constituted a precedent as its unilateral secession was recognized by many other states based on the previously mentioned international norms of legitimacy.

As for the case of KRI, the conditions that might provide for its independence are strongly related to the Kurdish efforts in addressing certain issues internally and externally with the GOI, the neighboring states and international community. The Kurds should adopt an inside-out approach emphasizing on good governance, rule of law, institutional reforms, diversification and strengthening the economy, and reforms in military and security sector. The Kurds first have to create a functioning state, and then seek recognition. In other words, the independence of KRI should not depend on Iraq's failure. The KRG should not underestimate the role of the GOI in determining their future state because it has been like a norm for international society to not recognize unilateral secessions which their base states oppose. The fact that KRI is landlocked increases the significance of its neighboring states and their impact on KRI's independence. The Kurds should find an outlet via one of its hostile neighbors, for instance Turkey; however, they should not put all their eggs in Turkey's basket. There are viable prospects for an independent KRI and regional and external

powers could live with it. However, KRI's independence should be coordinated with the GOI and neighboring states, and the Iraqi Kurds should play it so well and show to the world that they deserve statehood. That is, if KRI's independence becomes a reality, it is possible that demonstrating KRI's success in state building and earned sovereignty along with adherence to international norms will play a significant role in its legitimation quest and enlisting the support of other states for its recognition.

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# Appendices

## Appendix I

### The Treaty of Sèvres (10 August 1920)
### Articles Relating to Kurdistan[*]

**Article 62**

A Commission Sitting at Constantinople and composed of three members appointed by the British, French and Italian Governments respectively shall draft within six months from the coming into force of the present Treaty a scheme of local autonomy for the predominantly Kurdish areas lying east of the Euphrates, south of the southern boundary of Armenia as it may be hereafter determined, and north of the frontier of Turkey with Syria and Mesopotamia, as defined in Article 27, II. (2) and (3). If unanimity cannot be secured on any question, it will be referred by the members of the Commission to their respective Governments. The scheme shall contain full safeguards for the protection of the Assyro-Chaldeans and other racial or religious minorities within these areas, and with this object a Commission composed of British, French, Italian, Persian and Kurdish representatives shall visit the spot to examine and decide what rectifications, if any, should be made to the Turkish frontier where, under the provisions of the present Treaty, that frontier coincides with that of Persia.

**Article 63**

The Turkish Government hereby agrees to accept and execute the decisions of both the Commissions mentioned in Article 62 within three months from their communication to the said Government.

**Article 64**

If within one year from the coming into force of the present Treaty the Kurdish peoples within the areas defined in Article 62 shall address themselves to the Council of the League of Nations in such a manner as to show that a majority of the population of these areas desires

[*] Source: McDowall, D. (2004). *A Modern History of the Kurds.* London – New York: I.B. Tauris. [PP.464-465].

independence from Turkey, and if the Council then considers that these peoples are capable of such independence and recommends that it should be granted to them, Turkey hereby agrees to execute such a recommendation, and to renounce all rights and title over these areas.

The detailed provisions for such renunciation will form the subject of a separate agreement between the Principal Allied Powers and Turkey.

If and when such renunciation takes place, no objection will be raised by the Principal Allied Powers to the voluntary adhesion to such an independent Kurdish State of the Kurds inhabiting that part of Kurdistan which has been hitherto been included in the Mosul Vilayet.

**Appendix II**

## The Text of the 11 March Agreement of 1970 between the KDP and Iraqi Government[(**)]

1. The Kurdish language shall, side by side with the Arabic language, be an official language in the areas populated by a majority of Kurds. The Kurdish language shall be the language of instruction in these areas. The Arabic language shall be taught elsewhere in Iraq as a second language within the limits prescribed by the law.
2. It has been one of the main concerns of the revolutionary government [Baghdad] to secure participation by our Kurdish brothers in Government and eliminate any discrimination between Kurds and other nationals in regard to holding public offices including sensitive and important ones as cabinet ministers, army commands, etc…
3. In view of the backwardness experienced in the past by the Kurdish nationality in the cultural and educational domains, a plan should be worked out… in regard to the language and cultural rights of the Kurdish people,… reinstating students who were dismissed or had to leave school because of former conditions of violence in the area,… building more schools in the Kurdish area, elevating the standards of education and admitting, at a fair rate, Kurdish students to universities and military colleges and grating them scholarships.
4. In the administrative units populated by a Kurdish majority, government officials shall be appointed from among Kurds or persons well versed in the Kurdish language as long as these are available. The principal Government functionaries – governor, district officer (Qaimuqam), director of police, director of security, etc. – shall be drawn from among the Kurds….
5. The Government recognizes the right of the Kurdish people to set up student, youth, women and teacher's organizations of their own. These organizations shall be affiliated in the national counterparts in Iraq.
6. … Workers, government functionaries and employees, both civilian and military [who fought on the Kurdish side during the hostilities], shall go back to service….
7. (a) A committee of specialists shall be formed to speed up the uplift of the Kurdish area in all respects and provide indemnities for the affliction of the past number of years, side by side with drawing up an adequate budget for all of this. The committee in question shall be attached to the Ministry of Northern Affairs. (b) The economic plan shall be drawn up in such a way as to ensure equal development for various parts of Iraq, with due attention to the backward conditions of the Kurdish area. (c) Pension salaries shall be made available

(**) Source: Gunter, M. M. (1992). *The Kurds of Iraq: tragedy and hope*. New York: St. Martin's Press. [PP.14-16].

to the families of members of the Kurdish armed movement who met with martyrdom in the regrettable hostilities as well as to those rendered incapacitated or disfigured…. (d) Speedy action shall be taken to bring relief to aggrieved and needy persons….

8. The inhabitation of Arab and Kurdish villages shall be repatriated to their places of habitation. As to villagers whose villages lie in areas requisitioned by the Government for public utility purposes… they shall be settled in neighbouring districts and shall be compensated for whatever loss they might have incurred as a result.
9. Steps shall be taken to speed up the implementation of the Agrarian Reform Law in the Kurdish area and have the Law amended in such a way as to ensure the liquidation of all feudalistic relationship[s], handing out appropriate plots of land to all peasants and waiving for them agricultural tax arrears for the duration of the regrettable hostilities.
10. It has been agreed to amend the Interim Constitution as follows: (a) The people of Iraq are composed of two principal nationalities: the Arab nationality and the Kurdish nationality. This Constitution recognizes the national rights of the Kurdish people and the rights of all nationalities within the framework of the Iraqi unity. (b) The following paragraph shall be added to Article (4) of the Constitution: "The Kurdish language shall be, beside the Arabic Language, an official language in the Kurdish area." (c) This all shall be confirmed in the Permanent Constitution.
11. The broadcasting station and heavy arms shall be given back to the Government – this being tied up to the implementation of the final stages of the agreement.
12. One of the Vice-Presidents of the Republic shall be a Kurd.
13. The Governorates Law shall be amended in a way conforming with the contents of this Manifesto.
14. Following the issuance of the Manifesto, necessary steps shall be taken in consultation with the High Committee supervising its enforcement to unify the governorates and administrative units populated by a Kurdish majority as shown by the official census to be carried out. The State shall endeavour to develop this administrative unity and deepen and broaden the Kurdish people's process of exercising their national rights as a measure of ensuring self-rule. Pending the realization of administrative unity, Kurdish national affairs shall be coordinated by means of periodical meetings between the High Committee and the governors of the northern area. As self-rule is to be established within the framework of the Republic of Iraq, the exploitation of the natural riches in the area shall obviously be the prerogative of the authorities of the Republic.
15. The Kurdish people shall contribute to the legislative power in proportion to their ratio of the population of Iraq.

## Appendix III

### The Washington Agreement of 1998 (17 September 1998) between the KDP and PUK[(***)]

***Reaffirmation of previous achievements***

On behalf of the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK), we thank Secretary Albright and the US government for facilitating a series of amicable and productive meetings here in Washington over the past several days. We appreciate their efforts in helping to bring us back together and to assist us in creating a framework for future cooperation. The meetings have been a major step forward towards a full and lasting reconciliation, which will provide new hope to the Kurds, Turkmen, and Assyrians and Chaldeans of the Iraqi Kurdistan region of Iraq.

Both parties also welcome the continuing engagement of the governments of Turkey and the United Kingdom in the peace and reconciliation process. We wish to recognize the irreplaceable role our separate consultations in Ankara and London played in making these talks a success.

In Washington, we have discussed ways to improve the regional administration of the three northern provinces and to settle long-standing political differences within the context of the Ankara Accords of October 1996. We have reached several important areas of agreement on how to implement those accords.

We affirm the territorial integrity and unity of Iraq. The three northern provinces of Duhok, Erbil and Sulaymaniyah are part of the Iraqi state. Both the KDP and the PUK unequivocally accept the recognized international boundaries of Iraq. Both parties are committed to preventing violations of the borders by terrorists or others. Both parties will endeavor to create a united, pluralistic, and democratic Iraq that would ensure the political and human rights of Kurdish people in Iraq and of all Iraqis on a political basis decided by all the Iraqi people. Both parties aspire that Iraq be reformed on a federative basis that would maintain the nation's unity and territorial integrity. We understand that the U.S. respects such aspirations for all the Iraqi people.

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(***) Source: Stansfield, G. R. (2003). *Iraqi Kurdistan: Political development and emergent democracy*. London and New York: Routledge. [PP.326-331].

Both parties condemn internal fighting and pledge to refrain from resorting to violence to settle differences or seeking outside intervention against each other. We will endeavor to bring to justice those who violate the peace, whatever their political affiliation *or* motivation.

Both parties also agree that Iraq must comply with all relevant UN Security Council resolutions, including the human rights provisions of Resolution 688.

To help ensure a peaceful environment for reconciliation, we will intensify our arrangements to respect the cease fire, facilitate the free movement of citizens and refrain from negative press statements.

***Transition phase***

We have agreed to enhance the Higher Coordination Committee (HCC) to ensure that the humanitarian requirements of the people of the Iraqi Kurdistan region are met and their human and political rights are fulfilled. The decisions of the HCC will be by the unanimous consent of its members.

The HCC will prepare for a full reconciliation between the parties, including normalizing the situation in Erbil, Sulaymaniyah and Duhok; re-establishing a unified administration and assembly based on the results of the 1992 elections; providing exclusive control of all revenues to the regional administration; and organizing new regional elections.

The HCC will enhance coordination and cooperation among local public service ministries that serve the needs of the people throughout the Iraqi Kurdistan region. The parties will ensure that these ministries receive adequate revenue for their operation. The KDP acknowledges that, revenue differences will require a steady flow of funds for humanitarian services from the current KDP area to the current PUK area.

The HCC will establish a process to help repatriate everyone who had to leave their homes in the three northern provinces as a result of the prior conflict between the parties, and to restore their property or compensate them for their losses.

The HCC will ensure that both parties cooperate to prevent violations of the Turkish and Iranian borders. It will establish reasonable screening procedures to control the flow of people across these borders and prohibit the movement of terrorists. Both parties, working with the HCC, will deny sanctuary to the Kurdistan Workers Party (PKK) throughout the Iraqi Kurdistan region. They will ensure that there are no PKK bases within this area. They

will prevent the PKK from destabilizing and undermining the peace or from violating the Turkish border.

The HCC will endeavor to form an interim joint regional government within the next three months to be ratified by the regional assembly.

***Unified administration***

Within three months of its re-formation, the Assembly will meet at its building in Erbil, with subsequent meetings there or in Sulaymaniyah or Duhok. The members of this interim assembly will be those individuals who were elected to the parliament in 1992.

The first meeting of the interim assembly will be within three months. After the assembly is established, it must authorize all subsequent decisions of the HCC and/or the interim regional government.

The interim assembly may decide to add additional functions to the operations of the HCC, including unifying relations with the international community.

To provide a safeguard for regional elections and to help normalize the status of Erbil, Duhok and Sulaymaniyah, the HCC and the assembly may establish a joint PUK-KDP-Turkmen-Assyrian security force. The new regional government may subsequently choose to take further measures to unify Peshmerga (militia) command structures.

After the regional elections described below, the interim assembly will be replaced by a new regional assembly. This regional assembly will form a new regional government based on the voting strength of each party in the assembly.

When the regional government has been formed, the HCC will be dissolved automatically. The term of the regional assembly, the regional government will be three years.

***Revenue sharing***

Until the new interim joint regional government is established, a steady flow of funds for public service ministries will be directed from the current KDP area into the current PUK area, due to revenue differences. The HCC, in consultation with the existing ministries of taxation and finance, is responsible for the apportionment of revenues throughout the region.

When the interim joint government is established, it will become responsible for the collection and distribution of all revenues.

After the election of a new regional assembly, a single Ministry of Revenue and Taxation will have exclusive responsibility for collecting all revenues, including taxes and customs duties. The funds collected will be at the disposal of the regional government for uses authorized by the regional assembly.

***Status of Erbil, Duhok and Sulaymaniyah***

The interim assembly and the HCC will address the normalization of Erbil, Duhok, Sulaymaniyah and other cities. The HCC may call on international mediation regarding this issue, if it deems it expedient.

The status of these cities must be normalized to a sufficient degree that free and fair elections can be held.

***Elections***

The interim assembly and the HCC will be responsible for organizing free and fair elections for a new regional assembly, to take place no later than six months after the formation of the interim assembly.

The composition of the new regional assembly will be based on the best available statistical data on the population of the three northern governorates and the distribution of ethnic and religious groups there. Seats will be set aside for the Kurdish, Turkmen, and Assyrian and Chaldean communities.

If possible, the interim assembly and the HCC, working with the international community, will conduct a census of the area in order to establish an electoral register. If international assistance is not available in time, the interim assembly and the HCC will conduct a census on their own, or – making reference to existing data – they will construct a best estimate of the population in consultation with outside experts.

The interim assembly and the HCC will also invite international election monitors to assist both in the election itself and in training local monitors.

***Situation in the Iraqi Kurdistan region***

UN Security Council Resolution 688 noted the severe repression of the Iraqi people, particularly the Kurdish people in Iraq. The potential for repression has not eased since 1991, when the resolution was passed. It is worth noting that in the past year the UN Special Rapporteur for Iraq reported finding strong evidence of hundreds of summary executions in

Iraqi prisons and a continuation by the regime of the policy of expelling Kurds and Turkmen from Kirkuk and other cities. This policy amounts to ethnic cleansing of Iraqi Kurds and Turkmen, with their lands and property appropriated by the government for disbursement to ethnic Arabs. Many of the new arrivals participate in this scheme only because of government intimidation.

In light of this continued threat, we owe a debt of thanks to the international community for assisting with our humanitarian needs and in preventing a repeat of the tragic events of 1991 and the horrific Anfal campaigns of 1987 and 1988:

The United Nations special program of "oil-for-food" for the Iraqi Kurdistan region has eased the humanitarian condition of the people. We welcome the support of the international community for the continuation of this program, with its specific allotment to the Iraqi Kurdistan region, and hope that, in the near future, a liaison office for the region can be established at ECOSOC headquarters to better coordinate the provision of the aid. We also hope that, in the event that benefits from the "oil-for-food" program are suspended due to unilateral action by the government of Iraq, the UN will address the continuing economic needs of Iraqi Kurdistan and the plight of the people there.

The United States, the Republic of Turkey and the United Kingdom through Operation Northern Watch have helped to protect the area. We call upon them and the rest of the international community to continue to exercise vigilance to protect and secure the Iraqi Kurdish region.

The many non-governmental organizations that operate in the three northern provinces have diminished our isolation and helped us in countless ways.

***Future leader-to-leader meetings***

The President of the KDP and the Secretary General of the PUK will meet at least every two months inside or outside Iraqi Kurdistan at mutually acceptable sites.

Pending the agreement of governments, we hope to hold the first such meeting in Ankara and a subsequent meeting in London.

The Ankara meeting would include discussions on our joint resolve to eliminate terrorism by establishing stronger safeguards for Iraq's borders. The London meeting may explore further details concerning the status of Erbil, Duhok and Sulaymaniyah, and help establish a mechanism for the conduct of free and fair elections.

Jalal Talabani
Patriotic Union of Kurdistan

Masoud Barzani
Kurdistan Democratic Party

Witness: C. David Welsh
Principal Deputy Assistant Secretary
Near East Affairs Bureau
Department of State, Washington DC

Washington DC,
17 September 1998

**Appendix IV**

**Independence Referendum Sample Ballot**

**(25 September 2017)**[(****)]


Ballot Question: *"Do you want the Kurdistan Region and Kurdistani areas outside of the [Kurdistan] Region to become an independent country?"*

Vote with: [*YES*] or [*NO*]

(****) Source: The Independent High Elections and Referendum Commission. Available on: http://www.khec.krd/

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