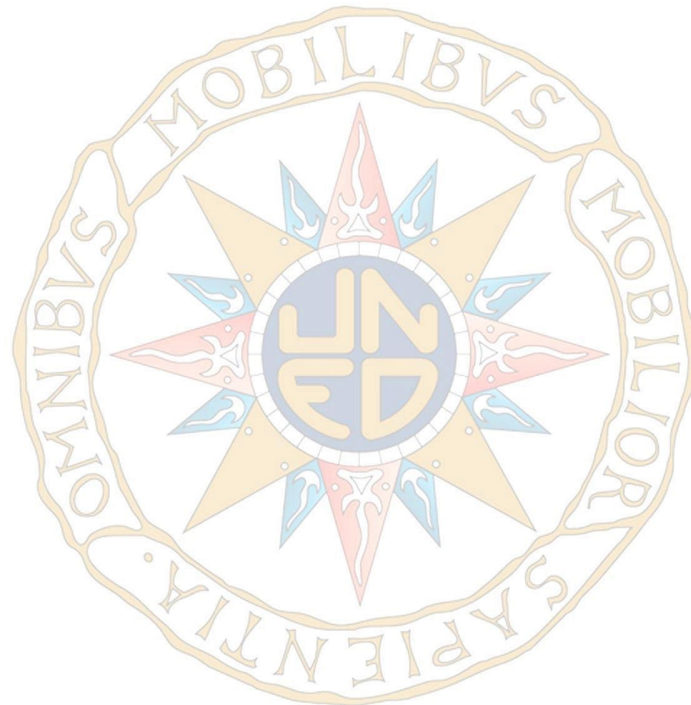


Demanding Independence: The case of the Kurdistan Region Independence Referendum

: Political Party Dynamics and Timing



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## **Abstract**

This compilation of various research articles focuses on the timing and sequence of decisions made during the years 2005-2017 that placed the Kurdistan Region of Iraq on the trajectory towards an independence referendum. This dissertation dwells on the rivalry and changing balance of power between the two major political parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), as well as the implications from the Goran Party, the War on the Islamic State (IS), and the change in access to oil revenue. I present a process approach that builds upon the intersection of these processes over time resulting in the Iraqi Kurdistan independence referendum. Timing has been an aspect of referenda and secessionist movements that has not been given enough acknowledgement and consideration, and my research seeks to understand these phenomena through timing of decisions and events. The opportunities presented to the Kurdish political actors in 2017 were not present before the arrival of IS and the independence referendum's timing was due to the interaction and intersection of decisions made by the KDP and PUK on specific events.

The purpose of this research is to determine why the Kurdish political actors decided upon an independence referendum in 2017, this is done through analyzing the rivalry between the KDP and PUK, the relationship between Erbil and Baghdad regarding the oil industry, constitutional discrepancies, diplomacy, and the impact of IS. As more groups within states across the world are aspiring towards self-determination and secessionist movements are arising, the Kurdish question is being renewed and has become an important aspect of politics in the Middle East.

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## **Dedication**

To my brother, Raybin (2000-2020), I know he would have been very proud of me.

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# 1. Introduction

## Background of Research Question

The Kurdistan Region of Iraq (KRI) is the Iraqi states only constitutionally recognized region which consists of its own functioning government and institutions. The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have been the two reigning political parties in the Kurdistan Region of Iraq and their competition over power, resources, and political influence in the region has defined their relationship for decades. I argue that this competition between the two parties has influenced major events in the KRI and continues to influence the politics, economics, and society in the region today. In 2005, the two parties settled some differences between them when they split up their ruling areas, meaning that Masoud Barzani was the President of the Kurdistan Region and influenced cities like the capital Erbil while Jalal Talabani became the President of Iraq and influenced cities like Sulaymaniyah (Gunter, 1996). This split is not only in territory, but also in armed forces, resources, positions in the government, dialect, and culture.

The Kurds in Iraq struggled for decades to achieve an autonomous region, ultimately succeeding in attaining a constitutionally recognized regional government in the aftermath of the US invasion of Iraq in 2005. The KRI is a democratic parliamentary republic with a President elected by the 111 seat Parliament, A Prime Minister, and a Deputy Prime Minister. The two former positions are held by the KDP, while the Deputy Prime Minister position is held by the PUK.

On September 25th, 2017, the Kurdish government organized a referendum on independence. The common argument for why the Kurds did not push for independence before the 2017 referendum is that due to the power and influence granted to both

parties, they were able to settle for being a part of Iraq as a federal region and cooperate in the region (Rogg and Rimscha 2007). The following articles of research have a common underlying argument in that the competition between the KDP and the PUK, the PUK's vulnerability, and the weakness of the Iraqi state had been a major catalyst in launching the 2017 referendum. The competition between the political parties highly influenced the launching of the 2017 referendum, however, the timing of the referendum was also influenced by their rivalry and other factors leading up to it, such as the battle against the self-proclaimed "Islamic State" (IS), the change in access to oil revenue, elections, and the historic relationship between the two parties and the Iraqi government in Baghdad.

The questions under consideration in this compilation of research are: What are the driving factors behind the timing of the independence referendum? To what extent does the political party rivalry influence decision-making in the KRI? What are the political mechanisms that played a role in the adoption of the independence referendum? The aim is to place the parties' rivalry and balance of power into context and establish the intersection between their relationship and how this influenced the timing of the referendum. My research uses using a method of process tracing as a tool of causal inference as well as path dependency to corroborate the importance of timing in the adoption of referendum on independence. This will provide the empirical support necessary to substantiate the role of party dynamics political parties' role in the timing of the referendum.

## The Kurds

There are nearly 30 million Kurds across the world, constituting one of the largest ethnic communities without a state. Kurdish history goes as far back as the second

century BCE. The Kurds have had their identity, land, and culture denied by others repeatedly and for extended periods of time (Vali 1998). With the fall of the Ottoman Empire, the Kurds were separated between several states: Iran, Turkey, Syria, Iraq, and Armenia. In most of these states, the areas where the Kurds reside are some of the poorest and underdeveloped parts of the state. This is not the case in Iraq, where the Kurds' socioeconomic status is quite high in comparison to other Kurdish territories. The Kurdistan Region makes up 20% of the population in Iraq and while Iraq has a Gross Domestic Product (GDP) worth 167.22 billion United States Dollar (USD), the most updated data on the KRI estimates its GDP to be worth 26.5 billion USD ("Iraq GDP" 2021). In the span of 10 years, from 2006 to 2015 there was 41 billion USD worth of capital investments in the KRI (Muramalla & Gurram 2021). There is no data on the Kurdish populated regions of other states, yet it is argued to be significantly underdeveloped compared to the KRI's socioeconomic status in Iraq (Al & Tugdar 2018). In addition, the Kurds in Iraq have constitutionally recognized borders and powers. When faced with the 'Kurdish Question' of why the Kurds have been denied a state, Fuller (1993), answers that it simply has not been convenient. This has been the history of the Kurds who reside in different countries in the Middle East. Any alteration in autonomy or independence would drastically alter the politics of their host states, especially in a region as volatile as the Middle East.

This research does not aim to answer why the Kurds want to separate from Iraq but specifying the context of the relations between them is needed to understand the general reasoning behind Kurdish political decisions. The political history between Iraq and the Kurdistan region is one of conflict, instability, and animosity. The political relationship began in 1918 when the Kurds first sought independence from Baghdad. Since then, dozens of clashes occurred over political autonomy, resources, and territory in 1919,



1922, 1931, 1943, and 1958 (McDowall 2003). In 1951, a branch of the Ba'ath Party was founded in Iraq, leading to violence against the Kurds and other ethnic minorities in the region. After the first and second Iraqi-Kurdish wars in 1961 and 1974, the Ba'athist party began large-scale Arabization attempts in Kurdish areas (Ibid). Kurdish political figures were prosecuted, sanctions were placed on the Kurdish region, civilians were massacred and displaced from their towns and villages, and genocide was committed against the population of Kurdistan (Van Bruinessen 2018).

The central Iraqi government and the Kurds collaborated on numerous occasions with other states for the purpose of gaining power over one another, during the Iran-Iraq war and the American Invasion of Iraq. In 2003, Iraq and the Kurds were liberated from the Ba'athist party and Saddam Hussein's rule. This did not become the solution to the hostile relationship between Iraq and the Kurdistan region, especially when power-sharing and oil exportation issues were brought up. Ba'athism and previous Iraqi dictators strained the political relationship between Iraq and the Kurds. To date, it is the debate over resources in disputed areas, the inability to compromise, and the Kurds push for economic and political independence in terms of the oil industry and diplomacy that strains the Erbil-Baghdad relations (Gunter 2011; Machlis 2021; Palani et al. 2021).

The relationship between the two main parties in the KRI is the main focus of this research due to the importance to the timing of the referendum. Their relationship of constant breaking away and coming back together when it benefits them since 1975, produced different agendas with respect to the future of the KRG in Iraq. One of the major disagreements to date has been on whether the KRG should be a presidential or parliamentary system, to which the KDP prefers the former and the PUK prefers a parliamentary government (Abdullah 2018). In 2005, the KDP and PUK signed a power-sharing agreement (Hama 2020b). This agreement specified that both parties

would participate in parliamentary and provincial elections on a single list and all government and senior positions would be divided equally between them. From this agreement stemmed the policy that the PUK would have the Iraqi Presidency, while the KDP would have the Regional Presidency.

Kurdish party politics is also influenced by tribal allegiances, as well as the differences in religion, language, and culture (Harris, 1977). Generally, the Kurmanji speaking tribes' side with the KDP while the Sorani side with the PUK, but it is much more complex than this and depends more on the area of Kurdistan they come from. Kurmanji and Sorani are Kurdish dialects. Kurmanji is mostly spoken in the northern parts of Kurdistan, while Sorani is spoken in the southern parts. Map (1) shows the major tribes in the Kurdistan Region; the northern tribes mainly support the KDP, while the southern tribes support the PUK. While Kurmanji and Sorani are the major dialects of Kurdish, dozens of other dialects exist in the region, depending on the group. For example, minorities who live in peaceful co-existence in the region such as the Assyrians, Chaldeans, Syriacs, Yazidis, Alevis, and others all speak a distinct language from Kurdish, while Kurds in Syria, Turkey, and Iran also have their dialects, and other tribes in the Kurdistan region also have different dialects depending on the area they live in (Ibid).



Map (1), image retrieved from <https://kurdistan-source.com/>

The Barzani tribe, from the Kurmanji area, had led the Kurdish liberation movement in the 1940's against the Iraqi Britain mandate, Iraqi Monarchy, and centralized constitutional Iraqi regimes until the collapse of the movement in 1975 (Waisy et al. 2014). The 'father of Kurdish nationalism', Mustafa Barzani, founded the first formal political party known as the Kurdistan Democratic Party in 1946. The PUK had initially been a faction of the KDP and broke away in the 1970's to form its own separate party. Due to the power and influence granted to both parties they were able to settle for being a part of Iraq as a federal region, in 2005, and both parties received enough power and autonomy to lower the incentive for independence.

Many authors argue that the reason the Kurdistan Region is not independent and has not sought self-determination earlier after being constitutionally recognized as an autonomous region in 2005 is due to its neighbours (Romano 2006; Berwari&Ambrosio 2008; Mansour 2014; Danilovich 2016). These neighbours include Turkey, Iran, Syria

and the central Iraqi government, and their basis for their continuous negative reactions to an independent Kurdistan comes from the idea that it would harm these states internally. Turkey, Syria and Iran have quite a significant number of Kurds within their borders as a result of the treaties after World War I that drew the borders of those regions; and Iraq suffers from deep ethnic and religious divisions between groups that would also react to the Kurdish population becoming independent. Other authors who do not look specifically at the Kurdish case argue that if host states accepted the secession of one group, other groups within that state would also rise to the occasion, causing issues between power-sharing and secession (Lustick et al. 2004; Hale 2004).

### The Kurdish Case for independence

The Kurdish case is an interesting one precisely because it does not follow the common steps towards self-determination, international recognition and then state-building. The Kurds developed their regional government, *de facto* state first, and sought international recognition later (Romano, 2010; Mansour, 2014). The case of the Kurdistan region is taken due to its unique history of struggle for independence, and its geographical significance in the Middle East. It is also one of the most recent cases of an independence referendum. The data collected and used for this research mainly come from theoretical literature, allowing an analysis of aspects of secession that are relevant to the KRI.

In the same year of the Kurdistan independence referendum, the Catalan government in Spain also held a referendum on independence. Recent moves towards independence including the Kurdistan Region, Catalonia, and Scotland, have shown that acts of self-determination lead to instability, violence, and disruption within the state (Griffiths 2021). The literature on referenda has made inferences about the connections between

causes and outcomes and has considered different or common factors between cases of populations who opt for independence referenda (Horton and Thompson, 1962; Marques and Smith, 1984; Walker, 2003; Qvortrup and Qvortrup, 2005; Cortés Rivera, 2020). Rather than joining this wide-ranging literature, this research emphasizes the importance of a single case study to answer questions for a singular event, the Kurdistan independence referendum. This form of research is advantageous in terms of the operationalization of qualitative variables, identification of new variables or hypotheses, analysis of causal mechanisms, and historical explanations (Collier, 1993; Roberts, 1996; Levy, 2001; Bennett and Elman, 2006; Mahoney and Goertz, 2006; Johnson et al, 2020). Process tracing refers to case studies that explore mechanisms and empirically trace them and is also defined as “tracing the decision process by which various initial conditions are translated in outcomes” (George and McKeown, 1985, 35). Process tracing case studies usually consist of a single case study due to the amount of information required to trace a causal mechanism and to show that other explanations from other case studies do not account for the same outcome (Mahoney, 2012; Johnson et al., 2020). Merton (1967), in his development of middle range theories (MRT) emphasizes that such a theory is used to guide empirical inquiry. This can justify the use of a single case study as the middle range theory focuses on developing inquiries of limited conceptual range, rather than aiming for the complete conceptual structure. MRT creates a base for prediction which can be considered more secure than empirical deductions gathered from former observed data (Ibid, 152). However, one MRT does not fulfill the same explanatory task as another MRT, instead, they all fill a semi-independent space in the middle ground and be worked and reworked to cover infinite possibilities of causal explanation (Ibid 41-67; Elster, 1989; Pawson, 2000; Hedtsrom and Udehn, 2009). Merton simply explains MRT as, “limited sets of assumptions from

which specific hypotheses are logically derived and confirmed by empirical investigation” (Ibid, 68). By applying theory building techniques to empirical research, MRT is generally used, and by means of a single case study rather than a broad comparative analysis I am able to account for all the dynamics surrounding the KRI and the independence referendum. Before comparing the Kurdistan independence referendum to other referenda, this research seeks to explore a single case study and create the necessary data required for comparative analysis in future research.

This research aims at considering the reasons for why the Kurdistan independence referendum took place in 2017. I argue that the referendum took place then due to the convergence of three intersecting factors, aided by a fourth factor. The three intersecting factors consist of the interests of the main two political parties in Kurdistan, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), the Kurdistan region's position in the international community as the frontline fighters against the IS, the Kurdish regional governments' access to oil revenue, and finally the PUK and Goran Party interference in KDP politics that aided the push towards the referendum. Rather than regarding only one major event that led to the referendum, I maintain that the referendum could not have happened without the convergence of these major events interacting together. My work mainly aims to explain the politicization of secession by the Kurdish political actors and how the combination of many drivers working together in the political processes, and not separately, allowed them to hold the referendum at the time that they did. Most of the previous literature does not explicitly explain the political parties influence and contribution to the silence in the period before the referendum rhetoric began.

Each of these factors contributed to the launching of the independence referendum in 2017. The shock of IS invasion of Iraq provided the impetus to the referendum in two

distinctive ways. First, as IS overtook Iraq's oil fields, the revenue that the Iraqi government was supposed to forward to the KRG dried up, creating an internal socio-economic and political crisis. Baghdad had significantly reduced central transfers to the KRI from 14.3 trillion Iraqi Dinars in 2013 to 1.1 trillion Iraqi Dinars in 2014 (Esposti, 2021, 2324). This provided an incentive for KDP to try to address an internal political crisis by channelling internal displeasure toward independence. Second, Iraqi Kurds' role as the frontline fighters in the battle against IS increased their international standing, or so the Kurdish leadership believed. President of Kurdistan, Masoud Barzani, acted on this belief by promoting Kurdish aspirations for independence.

Lastly, a fourth factor aided in grounding the KDP's decision to hold a referendum, this is the PUK and Goran party interference in KDP's political agenda. The Goran Party gained tremendous momentum in 2009, formed by Nawshirwan Mustafa, the previous Deputy Secretary-General of the PUK (Hama 2020b; Irwin 2015). The party was formed in response to the PUK-KDP governance system and the established balance of power, for the purpose of ending the monopoly of power by the KDP and PUK. Since this separation, the PUK's zone of influence was also divided now, the party significantly undermined, and the PUK continuously found itself weakening. In 2013, regional elections were held in the KRI, and the PUK took its first loss as it had won 18 seats out of 111 available seats, while the Goran party had won 24 seats (Yoshioka, 2015). This changed the balance of power significantly in favor of the KDP who had won 38 seats. This position of the KDP only solidified over the years, as both the PUK and the Goran party suffered losses. In 2017, both the leaders of the PUK and the Goran Party, Jalal Talabani and Nawshirwan Mustafa, passed away and left their respective parties disorganized and destabilized. Both these leaders had played significant decision-making roles in their parties, and with their passing both parties lost the

general direction of their parties and were in no position to compete with the KDP (Hama, 2020b).

The two causal layers, the change in access to oil revenue, and the legitimacy that the Kurdish political actors gained in fighting against IS, are two inputs that intersected with the dynamics of conflict between Kurdish party politics, jointly causing the referendum to take place in 2017. President at the time, Masoud Barzani and the KDP found an opportunity to raise the question of independence. The fact that the PUK and the Goran Party was weak at this point removed important internal opponents to the KDPs' referendum plans. This plan was founded by the KDP and had only come into fruition after the involvement of the Peshmerga Kurdish forces in the IS battle, the socioeconomic crises from central revenue budget cuts, and the already mentioned weakening of the PUK.

With Iraq's weakened position due to the threat of the Islamic State, the KDP sought an opportunity to extract gains with the threat of a referendum. Iraq has shown its willingness to comply with the Kurds since 2005 to keep Iraqi federalism and the United States' one-Iraq policy. Also, the ascendance of KDP relative to PUK allowed for the KDP position and agenda to rise, and with it the question of independence. By including the interests and power-position of the two main Kurdish parties in the answer to the question 'Why Now?', this research draws from the literature on secession, referenda, critical junctures, and party politics. Previous literature on secessionism and independence referendums focuses on the reasons for secessions happening or the advantages and disadvantages of being independent for that particular state. What the literature does not clearly answer or focus on is the issue of timing. There are two different research agendas based on two distinct research questions. With the three main aforementioned causal layers, it is possible to examine how these layers interact and



intersect at one crucial point in time resulting in the output, the 2017 referendum on independence.

## 1.1. The 2017 Independence Referendum

The independence referendum was scheduled in 2014, after the onslaught of ISIS, however, it occurred several years later on September 25<sup>th</sup>, 2017. The question given to eligible voters, in Kurdish, Arabic, Turkmen, and Assyrian, was:

‘Do you want the Kurdistan Region and the Kurdistan areas outside the administration of the Region to become an independent state?’

The Kurdistan Independent High Elections and Referendum Commission (KHEC) had been in control of the organization of the referendum. The KHEC is unaffiliated to the political parties and independent of any bias, however, the positions of Chair and Deputy Chair are divided between the KDP and PUK, respectively. The referendum had been organized inside the cities of the KRI, including oil-rich disputed territories such as Kirkuk whose disputed status is recognized in Article 140 of the Iraqi constitution, as well as online for diaspora Kurds. The KHEC had published the results after the voting based on 4,581,255 eligible voters. Turnout had been calculated at 72.16%, and the valid votes had been 92.73% voted yes and 7.27% voted no (Park et. al, 2017).

Although the 2017 referendum was an independence referendum, Barzani explicitly stated that he had no plans for immediate declarations of statehood after the referendum, but instead would begin talks with Baghdad to solve different issues. Barzani emphasized that the aim of the Kurdish referendum was to grant the future generations a better opportunity for self-determination and that the referendum would not serve any political agenda but would simply express the will of the Kurdish nation (Barzani,

2020). Esposti (2021) refers to the KDP's aggressive nationalism as a means to reduce strong opposition from other parties, as the campaign focused significantly on Kurdish nationalism.

The campaign before the referendum is usually a decisive process in defining the issue at hand and developing public opinion towards it, specifically in the way that the referendum question is formulated and how the issue is framed during its campaign is important to the outcome of the referendum in general (Semetko and De Vreese, 2004). The formulation of the question, and the campaign speeches focused on three main elements: the Kurdish identity, the historic denial of a nation-state for the Kurds, and the failure of the Iraqi state (Ibid, 20). Walker argues that "referendums can determine the outcome of a policy or political debate by granting legitimacy to a position or politician" (2003, 12). Referendums can also be susceptible to manipulation through the formulation and wording of the referendum question, the subject matter, whether the referendum is held or not, the interpretation of results, and the timing of the referendum itself.

The referendums success or failure has been discussed throughout the literature (Park et al., 2017; Kaplan, 2018; Palani et al., 2019; O'Driscoll and Baser, 2019:2020; Cortes Rivera, 2020). The referendum had been a failure in terms of gaining independence from Iraq, however, it had been a success in terms of the voting outcome. The referendum had also failed to gain leverage over Baghdad and maintain disputed territories under KRG control. Nevertheless, it had successfully shown the KRI, the rest of Iraq, and the international community that 92% of those that voted were not satisfied in Iraq and favored change.

The timing of the 2017 referendum is explained by the convergence of internal and external factors. The fight against IS did not start out as a KRG problem, but the

moment Iraq showed its incapability to defend its own borders, the KRG took it upon itself to prove the capability of its own nation and the weakness of the Iraqi state. The KDP has received considerable support from the United States in the fight against IS, which is argued to have strengthened the KDP and allowed it to discount internal political competition from the PUK and the Goran Party (Rubin, 2016). Another push towards the independence referendum is the change in access to oil revenue. In fact, it is precisely elite decision-making made over time that paved the way for the referendum to take place. The budget cut from Baghdad and the decreasing oil prices quickened the pace towards the independence referendum.

## 1.2. Scholarly Literature: Terminology, Theories, and Concepts

### Literature on Secession and Political Parties

Secession can be defined as the "...formal withdrawal from an established, internationally recognized state by a constituent unit to create a new sovereign state." (Griffiths 2014, 559). In order to understand the dynamics of secession, three different types of data are usually collected and analysed: data on the territorial population's preference toward secession, the socioeconomic composition of the population, and the host state's cost/benefit analysis regarding secession (Hechter, 1992). Socioeconomic factors are considered one of the most prominent reasons for populations move towards secession (Ibid; Smith, 1993; Tiryakian, 1998; Lecours, 2000; Lehning, 2005; Collier and Hoeffler, 2006; Brown, 2010). Hechter (1992), argues that there are few cases where the decision-making process of the political actors and leaders are taken into consideration. Moreover, the literature that considers the data on socioeconomic factors does not take into consideration that regions like the KRI have experienced conflicts

and corruption and lacks accurate data on the socioeconomic composition of its population.

Other streams of secession in the literature delve into why nations decide to secede with a focus on autonomy (Ghai 2000, Cornell 2002, Hannum 2004, Walter 2006, Siroky and Cuffe 2015). Some authors argue that those groups that lose their autonomy and suffer the most under central governments are most prone to seeking self-determination (Buchanan 2005, Hechter 2000, Hale 2008, Siroky and Cuffe 2015). This also includes the arguments for when these groups living standards deteriorate the more likely it is to seek self-determination, and opportunities for secession arise when the central government is vulnerable and weak (Horowitz 1985, McGarry and O'Leary 1993, Hale 2000). Another strand of literature focuses on the preconditions for secession. Wood (1981) points out the existence of separable territory, ethnic cleavages, and unevenly distributed resources as some preconditions for secession.

This research takes this argument into consideration but adds that the time at which a group loses autonomy is a significant consideration. In the KRI, the subject of independence had been considered in 2014. When the region lost its access to oil revenue and had been offered a lower budget from Baghdad in 2015, plans for an independence referendum were conducted. This change in access to oil revenue and budget is not a loss of autonomy, but a loss of resources and power. At this stage, the KDP had taken control of oil-rich disputed territories which had created the image of succeeding economically if the region were to secede. This is a common theme in regions with resources and wealth to express secessionist inclinations (Madies et al., 2018).

The literature on referendums focuses on grouping together and comparing independence referendums. There have been more than 50 referendums on

independence since the end of World War II and these referendums mostly take place in non-democratic states (Qvortrup 2014). From 1980 to 2014 only one referendum had been successful in gaining independence, Montenegro in 2006 (Ibid). The literature on these referendums is based in comparative studies, through comparing the catalysts for secession, arguments given by populations justifying their position, and popular support both domestically and internationally (Norman 2003, Lynch 2012, Connolly 2013, Qvortrup 2014, Lineira and Cetra 2015, Tierney 2015, Fabry 2017). The similarities and differences between groups holding referendums are analysed, as well as the referendum process and models. Lineira and Cetra (2015), maintain that it is national identity, party politics, and economy that result in referendums. This refers to how nationalism, domestic politics, and the economic position of the population can lead to a need for better conditions. The general framework for previous literature and current literature is situated around researching the relationship between ethnic groups, host states, and the international community with a focus on either normative or empirical questions concerning autonomy, self-determination, and secession. Understanding secessionist dynamics through causal mechanisms has been insufficiently portrayed within literature, despite the effectiveness causal mechanisms have in discerning the temporal aspects of moves toward secession. Rarely does the literature consider that there are cases where layers of events happening over a period of time result in an intersection and can bring about a move towards secession. This is the gap in the literature this research seeks to contribute to, specifically by taking the extensive literature on secession and adding to it a temporal aspect along with a new perspective through causal layers.

Anderson and Erk (2009) ask whether self-rule accommodates or exacerbates ethnic divisions within a state. This raises a common argument in which populations given as

much autonomy and self-rule as in Kurdistan would inevitably bring up secession at a certain point. This argument has been carved out of the literature on federalism and how some federal arrangements, including the Iraq-Kurdistan region arrangement, can be detrimental to federalism as it can lead to secessionist movements (Craven 1991, Buchanan 1995, Adeney 2004, Mohammed 2013, Billon 2015, Mohammed 2013). A few of these authors note that the way Iraqi federalism was established, and the autonomous powers granted to Kurdistan paved the way for a resulting secessionist movement (Dawoody 2006, Moore 2006, Stansfield&Anderson 2009, Mohammed 2013, Le Billon 2015).

While studies have been conducted on secessionist parties and their success, it does not explain why political parties turn to secession despite not being secessionist in nature (Hechter, 1992; Sorens, 2004; Gehring and Schneider, 2020). Duverger (1972), emphasizes that, in general, a political party's goal is either an acquisition of power or a share in the exercise of power. This is done by means of winning elections, having deputies and ministers, managing resources, and aiming to take control of the government. Once this occurs, the elitist doctrine expounds the notion that, "there may exist in any society, a minority of the population which takes the major decisions in the society." (Parry, 1969, 31). These elite, or political actors, have the potential to exploit their power and positions for the purpose of preserving their own, or their party's domination.

Other studies have clearly outlined political party structures, with a focus on ethnoregionalist parties, territorial politics, and autonomist parties (Duverger 1963; Tilly, 1991; Tursan, 1998; De Winter and Gomez-Reino, 2002; De Winter, Gomez Reino, and Lynch, 2006; Tavits, 2007). Such studies have a focus on European politics and do not consider the tribal politics and influence of political parties in the Middle

East. However, these studies are brilliant in assessing the general structure of these parties and can be used to build further on ethnoregionalist political parties. Duverger's law dictates that elections favour the two-party system, in a pluralistic party system where two parties can coexist without superiority over the other (Duverger, 1972; Riker 1982). Such a law is directly reflected in the KRI's political system regarding the KDP and the PUK, with interference of smaller parties like the Goran Movement. Duverger states that smaller political parties that enter the system can affect it greatly, "if one happens to be in a position to shift the balance between the two major parties." (1972, 20).

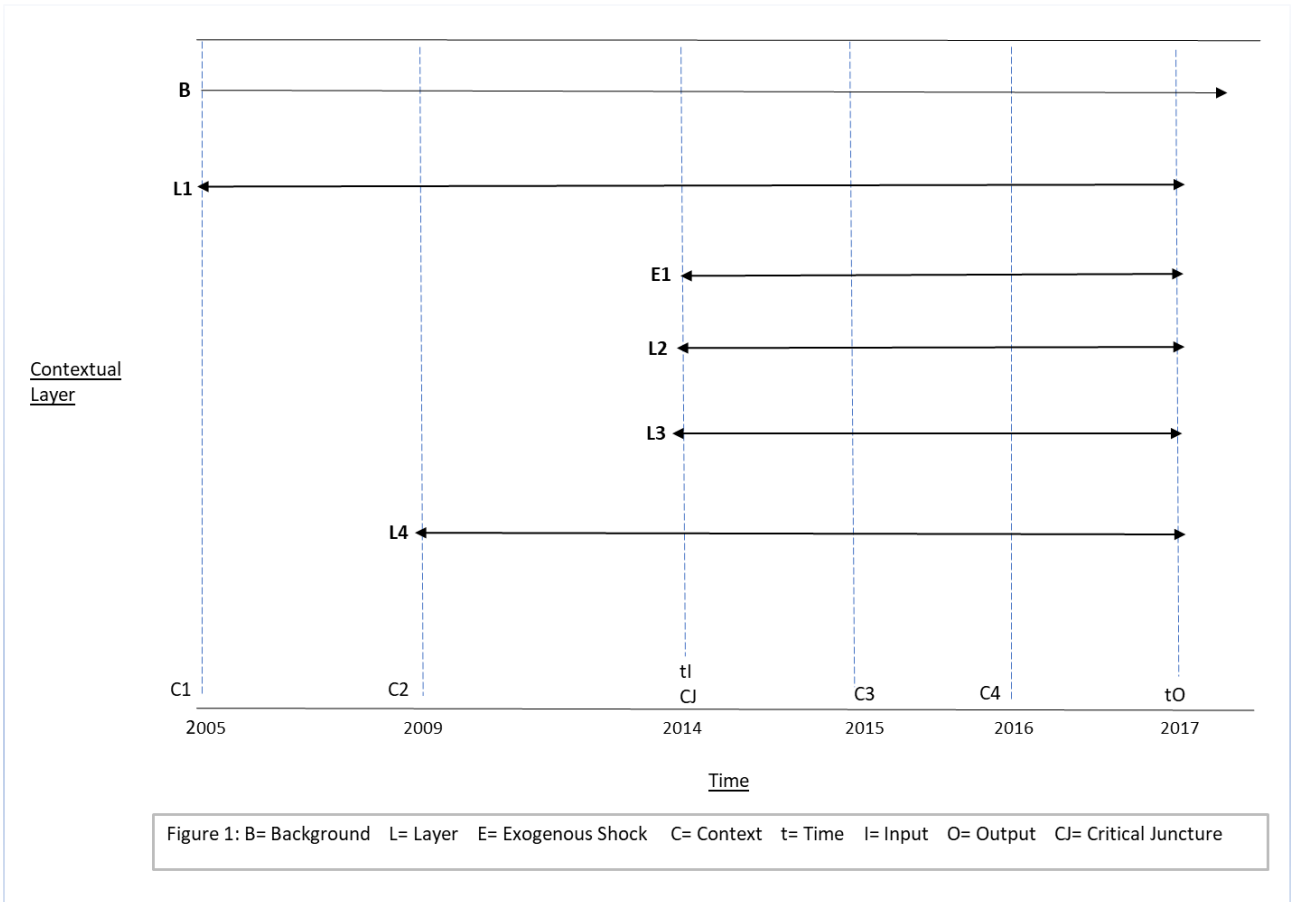
#### Critical Juncture as a Result of Overlapping Causal Layers

Rather than focusing solely on the regional structural factors to explain secession, this research focuses on timing and the sequence of processes. Drawing from Pierson (2004), this compilation of research illustrates how particular events and background processes lead to an eventual outcome. *Figure 1*, inspired by Falleti and Lynch (2009, 1158), has illustrated through contextual layers, time, inputs and outputs, as a visual aid in answering the question 'why now?'. Using multiple contextual layers, the inputs are established and proceed to the eventual output over the length of time and various interactions of layers. A critical juncture is represented as the beginning of a period for the events leading up to the 2017 referendum. Critical junctures are defined as brief phases of institutional flux in which decisions made at this time trigger a path dependent process leading to the outcome (Capoccia and Keleman, 2007, 341; Falleti and Lynch, 2009, 1154; Slater and Simmons, 2010). My research takes a historical institutionalist approach to the study of the adoption of a referendum and timing is given significant importance throughout this study. History is thus used as an analytical tool to argue for why, the independence referendum took place *when* it did and *how* it

did. Historical institutionalism focuses on why particular choices were made and why particular outcomes developed from these choices (Steinmo, 2008, 126). To take it a step further, my research heavily focuses on the choices made by the two main political parties, how these choices are shaped by their competition, and the extent to which these choices led to the timing of the outcome, the 2017 independence referendum.

To underline the importance of the political party competition dynamic for power, in the region, the historical narrative of the political parties in the Kurdistan region has been stressed and a timeline of events has been sequenced. Timing and sequence arguments rely heavily on path dependence as the order of events matters greatly to the final outcome (Grzymala-Busse, 2011). Sequencing generally alludes to when particular events happen. Below is the empirical support for my argument illustrated in the model provided in *Figure 1*, that will causally explain each variable, placing an importance on the temporal aspect of the political actors' decisions during 2014-2017 as well as how the rivalry between the parties influenced the referendum. Falletti and Lynch's study on causal mechanisms has been used as an analytical framework which describe causal layers as being links between inputs and outputs, therefore allowing for the many elements to be analyzed and serve as mechanisms, explaining how these 'inputs' have led to the referendum, the 'output'.





2005-2009 are the years grouped together as 2005 is the year the KRI was constitutionally recognized and up until 2009, when the Goran Party was formed, the political party rivalry had been between the KDP and the PUK. A skip in the timeline places the main events on a trajectory starting in 2014 and ending in 2017 with the independence referendum being the final outcome. The background process B, in this figure, represents the ongoing struggle between the two main political parties with the most power in the Kurdistan Region, the KDP and the PUK, with eruptions of interference from smaller political parties. This illustrates the tensions and clashes between the two parties that prevented any referendum movements until 2017; this process starts at 2005 even though the struggle has been going on since the early 70's, this is because it was during 2005 when the parties settled their differences officially and publicly. The background process represents a struggle that has been going on since

the early 70s, a series of clashes, violent conflict, and opposing interests. The influence the political party competition has on the referendum is tremendous and that is why L1 thus becomes a causal layer representing the KDP agenda, hindered by the PUK. The PUKs adamant policies on a united Iraq along with their rivalry with the KDP, prevented the KDP from pursuing independence in the past. PUK's close relationship with the central government of Iraq prevented the KDP from garnering extra concessions or disputed territories in the past. The KDP's subtle loss of support from the public and a sharp decline in the economy from the war with IS, also influenced the KDP to pursue a referendum, especially with the PUK's weakened position in the competition between them. The first layer is crucial to the referendum, as the weakening of the PUK right before the defeat of IS was largely in the KDPs' favor. Without the competition between the two parties, there would not have been an opportunity for a referendum.

The emergence of IS is the exogenous shock E1, which coincides with the second layer L2 as they relate to the same IS fight where the Kurds took on the role of frontline fighters in 2014. This shock is the catalyst for the next couple of years leading up to the referendum, and the second layer illustrates how the fight against IS established the opportunity structures allowing the Kurdistan region a larger role in the international arena. Because of the shock E1, L2 is the Kurdish fight against it and the leverage it gave to the Kurdish political actors in the international arena as frontline fighters against IS. The position of the Kurds in the fight against IS resulted in internal repercussions within the Kurdistan region including the closing of parliament, tension within and between the political parties, and a drastic decline in the economic and social welfare of the region. The KDP did not know how long the PUKs' weakness would last, nor how

long the international communities' attention would last. Therefore, the referendum preparations had been conducted quickly with significant media attention.

The third layer, L3, represents an oil revenue crisis which becomes another catalyst towards the timing of the referendum. As IS took over several oil fields, it had placed a strain on the Iraqi state, and the KRI was prevented from selling its own oil independent from Baghdad. In 2014, the Prime Minister as the time, Nuri Al-Maliki placed a halt on the KRI's portion of the federal budget which caused an economic crisis in the region (Hama, 2020, 2-4). Civilian's salaries were not being given, an oil price crash had occurred and the battle against IS had been placing financial strains on the KRI. It was clear that the region was struggling with deep financial issues all coming from Baghdad's decisions. In the summer of 2014, the Peshmerga forces were able to have a significant presence in the disputed oil-rich city of Kirkuk. Kirkuk makes up about 20% of Iraq's total reserves and has always been considered a Kurdish city with a strong PUK influence (Ibid, 6-8). In 2014, the KDP forces were able to exert their own influence in Kirkuk when the Iraqi army collapsed, and this was a strategic move on Barzani's part as Kirkuk would be crucial to the economic survival of the Kurdistan region. KDP forces in Kirkuk directly challenged the weakening PUK and showed the weakness of the Iraqi state.

In 2015, in the middle of the fight against IS, the financial crisis, and political party struggle, Barzani's presidency was set to end. The political parties and members of parliament could not come to any agreement on this, and the clash resulted in the closing down of parliament while Barzani remained President. The two main arguments for keeping this system had been that the situation the KRI had been in required an experienced and strong executive while at the same time, there had been no alternative to Barzani who had as much public support as he did (Abdullah and Hama, 2020).

Following this event, the Goran Party and the PUK had signed a political agreement the next year, pledging to establish a coalition block in parliament and combining their parliamentary seats which directly threatened the KDP majority in parliament (Hama, 2020, 9). For this reason, L4 in Figure 1, becomes the layer depicting the PUK and Goran Party interference. This interference continues until 2017, when Goran Party members were ousted from their positions, blocked from participating in the political arena, and lost the public support they had had. At this point, with the Goran Party out of KDP's way and the PUK weakened significantly to the point that they had no other alternative but to support the referendum decision, the KDP found the window of opportunity to establish the independence referendum, which had been an amalgamation of events or inputs starting from the year 2014. Operationalizing political opportunity structures is difficult, however, in this research the window of opportunity will be shown as the intersecting line in which all the layers converge, to create the opportunity structure that led to the referendum at the time that it did.

This can be seen as the first point in which all the layers intersect, therefore coming together at  $t_I$  representing the combination of inputs. The final point in which the layers intersect is at the time output,  $t_O$ , in 2017 where the result of the inputs is the referendum. These multiple layers present how the outcome is generated and by using the above Figure 1, this research puts into perspective the events surrounding the Kurdistan region before the referendum.

### 1.3. Organization

This dissertation is structured in article and chapter format, in which each article relates directly to the questions on the referendum and its timing. The first article introduces the overall framework and contextualizes the referendum in Kurdistan through the

various layers. The second chapter accounts for the role of the new Kurdistan High Elections Council and the referendum campaign and also describes the changing political party dynamics described in the first chapter. The third chapter uses a method of process tracing as a tool of causal inference as well as path dependency to corroborate the importance of timing in the Kurdish referendum. It also introduces the PUK-Goran interference in the years leading up to the referendum. This will provide the empirical support necessary to substantiate the political parties' role in the timing of the referendum. The fourth and fifth chapters focus respectively on paradiplomacy practiced by the KRI as an alternative to referendum, and the influence of the oil industry on the relations between the KRG and Baghdad. Lastly, the final chapter will show how each article connects and accounts for why the Kurdistan independence referendum happened in 2017, as well as the repercussions post-referendum.

## 2. Iraqi Kurdistan independence referendum: political parties, opportunity, and timing

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### **Introduction**

There are nearly 30 million Kurds globally, constituting one of the largest ethnic communities without a state (Gunter, 2010, 1). The Kurds have had their identity, land, and culture denied by the states they live in repeatedly and for extended periods of time. They struggled for decades to achieve some level of recognition, ultimately succeeding in attaining a constitutionally recognized regional government in the aftermath of the U.S. invasion of Iraq (Soderberg and Philips, 2015). On September 25th, 2017, the Kurdistan Regional Government (KRG) organized a referendum on independence. This paper explains the timing behind this decision. The existing comparative literature on secession largely avoids the issue of timing of referenda. This is the key theoretical contribution that my paper makes to the scholarship.

Since the establishment of the constitution in 2005 until September 2017 there have not been official declarations for self-determination by the two ruling political parties of the KRG, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). This research will show the importance of timing in relation to Kurdistan's referendum of 2017, specifically asking: Why have the Kurds not attempted an independence referendum or voiced their aspirations for independence since 2005 and decided to do so in 2017? Previous studies on referenda fail to consider the timing of these events, or the internal processes that led up to the timing of the referendum held

by the KRG in Iraq. For this reason, the case of Iraqi-Kurdistan is an opportunity to account for these gaps.

It can be argued that the referendum took place during that particular time due to the convergence of three intersecting factors. The three intersecting factors consist of the interests of the main two political parties in Kurdistan, the KDP and the PUK, the Peshmerga's position in the international community as the front-line fighters against the self-proclaimed "Islamic State" (IS), and finally the Kurdish regional government's access to oil revenue.<sup>1</sup>

The shock of the IS invasion of Iraq provided the impetus for the referendum in two distinctive ways. First, as IS overtook Iraq's oil fields, the revenue that the Iraqi government was supposed to forward to the KRG took a drastic plummet, creating an internal socio-economic and political crisis.<sup>2</sup> Since the fight began in 2014, the Kurdish population had their salaries cut by 70% because of the government's inability to pay the salaries of around 1.4 million employees (Anaid, 2019). This provided an incentive for the KDP to try to address an internal political crisis by channelling internal displeasure toward independence.<sup>3</sup> Second, the Peshmerga's role as the frontline fighters in the battle against IS increased their international standing, or so the Kurdish leadership believed. The former president of the Kurdistan region, Masoud Barzani, acted on this belief by promoting Kurdish aspirations for independence.<sup>4</sup> Barzani began

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<sup>1</sup> Peshmerga is translated in English to 'Those who stand before death'. The Peshmerga are formally known as the military forces of the Kurdistan Region. However, the Peshmerga forces are divided between the KDP and the PUK and controlled separately. The parties have not been able to unify these forces since their establishment.

<sup>2</sup> The central Iraqi government halted the monthly revenue to the KRG after the KRG proposed a deal to increase it. With IS taking control of some oil fields and the KRG asking for an increase in their revenue, the central Iraqi government took drastic measures to pressure the KRG.

<sup>3</sup> The KRG had asked for an increase in their revenue by double the amount, to which the central Iraqi government opposed. Barzani and the KDP had taken advantage of Iraq's displeasure towards an independent Kurdistan and used this to forward their own agenda to resolve the internal political crisis within the Kurdistan Region.

<sup>4</sup> Masoud Barzani had been President of the Kurdistan Region from 2005-2013. The KDP and PUK both agreed to a two-year extension in 2013; however, in 2015 another extension became problematic within parliament. The notion that Barzani's motive behind the referendum had been personal gain does not stand as he refused to extend his term

developing firmer foreign relations with the United States, Israel, Russia and other states, while playing on Iraq's failure to defend its territories (Sleiman-Haider et al. 2018; Palani et al. 2019). Moreover, as they fought off IS, the Kurdish Peshmerga took control of the disputed oil fields in the oil-rich city of Kirkuk. This was a significant step for the Kurds as this city and its resources would be crucial to their success if the Kurdistan region becomes independent.

These two causal layers, the change in access to oil revenue, and the legitimacy that the Kurdish political actors perceived to have gained in fighting against IS, are two inputs that intersected with the Kurdish party politics, jointly causing the referendum to take place in 2017. The more independence minded Barzani and the KDP found an opportunity to once again raise the question of independence, whereas the traditionally pro-Iraqi PUK have been disorganized and divided since Talabani's disengagement from politics (Berglund, 2017, 3).<sup>5</sup> The fact that the PUK was weak at this point removed an important internal opponent to the KDP referendum agenda (KRG Official, Personal Communication, January 8, 2018). With Iraq's weakened position, the KDP sought an opportunity to extract gains with the threat of a referendum. Iraq has shown its willingness to comply with the Kurds on political and economic matters since 2005 to keep Iraqi federalism intact as well as adhere to the United States' *One Iraq* policy.<sup>6</sup> Also, the ascendance of the KDP relative to the PUK allowed for the KDP position and agenda to strengthen, and with it the question of independence. The 2017 referendum had been pursued to gain more concessions for the region that included disputed oil

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and stepped down in 2017. If this decision had been for personal gain, Barzani would have allowed for another extension and attempted to push forward the independence agenda once more.

<sup>5</sup> There have been numerous cases in which the PUK has been more supportive of Iraq than the Kurdish cause. In 1975, Talabani disagreed with the KDPs resistance to Baghdad thus co-founding the PUK. Since its establishment, the PUK has always clashed with the KDP regarding the central Iraqi government. PUK policies show that it is more inclined to work with Iraq and accommodate to the federal ties, especially as the President of Iraq had been Talabani and is now Barham Salih, both prominent PUK figures.

<sup>6</sup> After the liberation of Iraq from Saddam Hussein's regime, in 2003, The United States developed a '*One Iraq* policy'. This policy pursues a federal Iraq and intervenes to keep the central Iraqi government and the KRG united under one Iraq.



fields, a higher budget for the region, and economic independence from Iraq. By including the interests and power-position of the two main Kurdish parties in the answer to the question 'Why Now?', this research will provide a new perspective by drawing from literature on power-sharing arrangements, secession, ethno-politics, critical junctures, party politics and opportunity structures.

The rest of this paper is structured in the following way to present a clear trajectory of the events leading up to the referendum. Firstly, this paper will show that the literature on secession does not help to determine the temporal aspect of the Kurdish referendum. The rest of the paper provides evidence in support of the framework. Each succeeding section is dedicated to one of the three independent variables, political party competition, the front-line argument, and the oil revenue crisis, and show how these three factors intersect.

### **Secession and the Iraqi Kurdistan Case**

The scholarly research on secession is a broad-ranging one; however, it does not sufficiently address the issue of timing of secession referenda, including the one in the Kurdistan region in 2017. Secession can be defined as the, "...formal withdrawal from an established, internationally recognized state by a constituent unit to create a new sovereign state" (Griffiths, 2014, 559). Most of the literature focusing on secession comes in the form of questions: Why do some secession movements succeed while others fail? Which nations have the right to secede and which do not? Under what conditions are populations prone to secession? (Buchanan, 1991; Hechter, 1992; Miller, 1997; Saideman, 1997; Horowitz, 2003). Scholarly research on secession covers all major aspects of politics and international relations, but it reflects the lack of attention to temporality noticeable in other subfields of political science (Pierson, 2011). The

literature does not pay attention to when these groups decide to advocate for self-determination and what prevented them from doing so before that particular time.

### *The Case of Iraqi Kurdistan*

The literature on secessionism in the Kurdistan region itself presents a similar problem from the perspective of this paper as it does not address issues of timing. The existing literature on the 2017 referendum focuses *not* on why the Kurds decided to go through with a referendum at that particular time against all odds, but on why a referendum would be advantageous or disadvantageous to the Kurds in Iraq and its neighbouring states. The literature falls into three broad categories: discussing why the Kurds are not ready for independence, lessons that can be learned from the 2017 referendum, and finally that this was a political move by the Kurdish officials (Natali, 2015; Dorsey, 2018). The recent literature from 2014 onward, focuses on the next step for the Kurds, why the referendum did not work to their favour and the international response. The Kurdish case is an interesting one precisely due to the fact that it does not follow the common steps towards self-determination, international recognition, and then state-building. The Kurds developed their *de facto* autonomy first and sought international recognition later (Romano, 2010; Mansour, 2014, 1182).

A number of authors argue that the reason the Kurdistan region is not independent and has not sought self-determination is because of its neighbours (Ibid). These neighbours include Turkey, Iran and Syria, and their basis for their continuous negative reactions to an independent Kurdistan comes from the idea that it would harm them internally. Turkey, Syria, and Iran both have quite a significant number of Kurds within their borders as a result of the treaties after World War I that drew the borders of those regions; and Iraq suffers from deep ethnic and religious divisions between groups that would also react to the Kurdish population becoming independent.

The Kurdistan region and Iraq were pulled together into a federal, unitary state in 2005 under conditions of conflict and external influences. When it came to determining the power-sharing structure with the United States' influential presence, rather than the Kurdish political actors declaring independence then and refusing the federal arrangement, a federal, democratic, *One Iraq* policy had been a safer option in 2005 (Romano, 2006; Gunter, 2011, 93). The leading hypothesis in trying to explain why the Kurds have not pursued their independence after decades of struggle, rests within the argument that it is due to external factors. This external factor is the response, or lack thereof, of the international community as well as the states surrounding the Kurds. From the literature referenced throughout this paper, it is evident that in general scholars look to the external factors, the influence of other states, and the issues with the host state rather than looking at the internal dynamics and deeper issues of the minority population. This is not to say that the former is not just as important, but factoring both external and internal factors is crucial to understanding each case. One of the most influential actors in the region is the United States, predominantly due to its role in Iraq since 2003. As Romano et. al point out, the United States has not supported Kurdish independence and has never supported moves made by the Kurds without the central Iraqi government even before the invasion of IS. During the beginning of the war with IS, the British and Germans had sent weapons directly to the Kurds when it became obvious sending them to Baghdad was inefficient (Romano et al. 2017, 186). However, the United States made it a point to emphasize its *One Iraq* policy, continued sending weapons to Baghdad and referred to 'Iraqi forces' to group the Kurdish Peshmerga together with the Iraqi military (Carter and Dempsey, 2015). This denial of recognition by the United States is said to be one of the biggest obstacles to the Kurds lack of self-determination.

While most of the literature does not address the issue of timing, there are several scholars who do. The referendum becomes linked to the IS war argument, in which the Kurds played the role of the defenders of all states by taking up the front-line position against terrorists (Strachota and Lang, 2017). Some contend that the Kurds were confident that their position in the war would grant them both recognition and a better playing hand in negotiations, both internationally and domestically. Others argue that the catalyst for the referendum were the issues with the budget and oil fields (Stansfield, 2014; Sumer and Joseph, 2018). Once the IS invasion began, many oil companies had backed out of Kurdistan fearing security and long-term business. This resulted in less income coming in and the KRG faced difficulties in delivering payments (Ibid). After the KRG forwarded a deal on the revenue from Baghdad, and the central government decided to implement pressure on the KRG and cut the budget given to the KRG. Rather than allowing the KRG to handle the resources within the region, the central Iraqi government insisted on doing so themselves and when the central government failed to protect its oilfields, the KRG used this failure as a justification for independence. Gailan (2017), has done similar research on the 2017 referendum and the reasons for it taking place when it did. However, he does not explicitly explain the influence of the KDP and the PUK and their contribution to quiescence before 2017. My paper, by contrast, addresses this question head-on.

### **The Independence Referendum Unraveled**

The focus of this research is on explaining the timing of the Kurdish referendum of 2017. While building upon some of the work specific to the Iraqi-Kurdish case, departing from it allows a contribution to the understudied literature on the temporal aspect of secession, referenda, and political opportunities. Drawing from Pierson, the argument will illustrate how particular events and background processes lead to an

eventual outcome (Pierson, 2011). I develop my argument on the basis of Falleti and Lynch's work on causal layers. I will term the relevant processes that have led to the referendum as 'layers', outline how each layer operated, and how they interacted to produce the eventual outcome. Here the first layer is the clash between the two main political parties in Kurdistan, the KDP and the PUK. While this competition has lasted for several decades, I foreground its dynamic since 2005. The second and third layers - the battle with IS and the oil revenue problem respectively - begin at different moments, but their influence on the two political parties intersected at one crucial moment in time that produced the eventual outcome, the independence referendum on September 25th, 2017. Building on the critical juncture model of layers, I take the three aforementioned inputs as my starting points and show how the combination of the independent variables or inputs are what eventually led to the output.

#### *Critical Juncture as a Result of Overlapping Causal Layers*

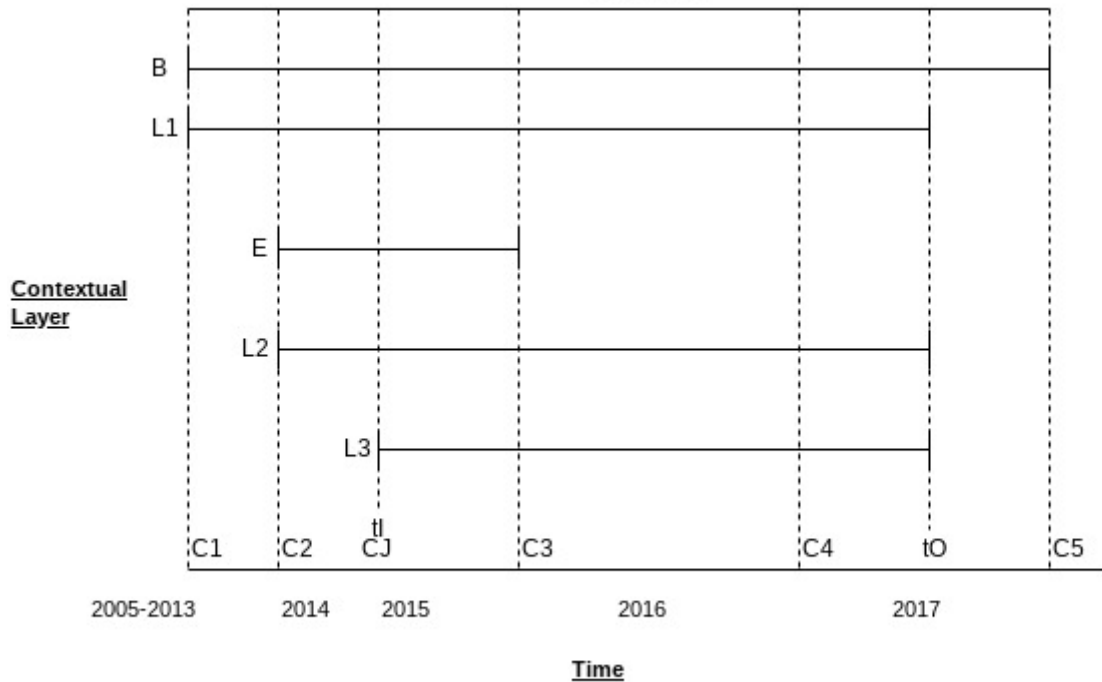
The structure of this argument builds upon the work of Falleti and Lynch (2009) who have set the foundations for the assessment of interacting factors over time through various causal layers and mechanisms that can explain political outcomes. Causal mechanisms are portrayed as the links between inputs and outputs, which in this case are the independent variables, political party competition, the battle against IS and change in access to oil revenue, and the dependent variable which is the 2017 referendum. The reason for holding a referendum in 2017 does not have a clear starting point. Therefore, with the use of critical junctures I can anchor the timing of each of the processes so that they become causally relevant to the referendum.

Miller highlights the over-reliance on referenda that make moves towards self-determination and secession seem more democratic in practice (Miller, 2002, 601). A referendum can be defined as a method of measuring peoples' direct votes and these

votes can either bind or prevent a government from enacting a law, however, in the context of self-determination this definition simply becomes, "an important measure submitted to the direct vote of the people" (Boyer, 1982, 13). In Kurdistan, the referendum was justified as necessary at a time when, according to the Kurdish political actors, Baghdad had been failing to meet the responsibilities it had to the KRG and the constitution (KRG Official, Personal Communication, January 18, 2018). Operationalizing political opportunity structures is difficult, however, in this research the window of opportunity will be shown as the intersecting line in which the three processes, the competition between political parties, IS battle, and oil revenues converge to create the opportunity structure that led to the referendum at the time that it did.

To demonstrate how this research considers the causal layers, Figure 1 below provides a visual illustration. Using multiple layers of context, the inputs are established and proceed to the eventual output over the length of time and context or events. A critical juncture is introduced when all inputs intersect, defined as brief phases of institutional flux in which decisions made at a fixed point in time trigger a path-dependent process leading to the outcome (Capoccia and Kelemen, 2007). A critical juncture is necessary to depict the moment the layers connect and together, lead to the referendum. The figure below builds upon a similar structure from the work of Falleti and Lynch (2009).

**Figure 1**



Note: B = Background L = Layer E = Exogenous Shock C = Context t = Time I = Input O = Output CJ = Critical Juncture

The background process B in Figure 1 represents the ongoing influence of external factors on the Kurdistan region. For example, the way the KRG was pulled into the international arena through either conflicts in the region or economic agreements, continues to exert influence in the background on decisions made by the KRG (Mohammed and Owtram, 2014). The first layer (L1) represents the ongoing struggle between the two main political parties with the most power in the Kurdistan region, the KDP and the PUK. This layer illustrates the tensions and clashes between the two parties that prevented any referendum movements before 2017. The influence the political party competition has on the outcome is tremendous. Without the competition between the two parties, there would not have been an opportunity for a referendum. The PUK's adamancy in opposing the KDP, prevented the KDP from pursuing

independence in the past<sup>7</sup>. The PUK's close relationship with the central government of Iraq also prevented the KDP from garnering extra concessions in the disputed territories.

The political party competition is depicted as the KDP vs. the PUK, but the leaders of these two parties, Barzani and Talabani's decisions had set the trajectory for Kurdish politics. If Barzani did not agree with Talabani and vice versa, their policies and resources focused on preventing the other's agenda and pursuing antagonistic policies. Therefore, when one of them is significantly weakened the other can make decisions with little opposition. This was the case with the 2017 referendum. The first layer is crucial to the referendum, as the weakening of the PUK right before the defeat of IS was largely in the KDPs' favour. The PUK was unable to prevent a referendum as the defeat of IS was imminent, the international community's attention was on Iraq in 2017, and a majority of the Kurdish people themselves supported the referendum. Thus, the KDPs' opportunity presented itself. Barzani spoke of referendum plans in 2015, however, it was only when the competition was significantly weakened later that was he able to pursue the referendum officially. The passing of Talabani in 2017 marks the end of one era of the KDP and the PUK competition, aligned with the independence referendum but this does not mark the end of their rivalry.

The emergence of IS is the external shock that became the catalyst for a series of decisions and events leading up to the referendum. This exogenous shock is represented by E, signifying the starting point at which a change in the political party's agenda and interests changed. The shock had two seemingly contradictory effects that pointed in the same direction. On the one hand, it made life in Iraqi Kurdistan more difficult, thus

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<sup>7</sup> PUK's policies have largely been centered on opposing Barzani and the KDP. This was shown in the 2016 Agreement with the Goran Party to ultimately remove him from office and lower KDP influence in the region: see in Dlawer Ala'Aldeen. "State-Building in a Fragmented Kurdistan Region of Iraq." *MERI Policy Brief* 3, no. 13 (2016).



weakening the domestic political position of the KDP<sup>8</sup>. On the other hand, it strengthened the hand of the KDP on an international level, giving the KDP confidence that a political move would be in their favour as the international community would be more inclined to come to their aid. The exogenous shock depicts the duration of the intense fighting against IS that had the most effect on decisions made by the political actors. As a consequence of the shock E, L2 is the Kurdish fight against it and the leverage it gave to the Kurdish political actors in the international arena as front-line fighters against IS. The position of the Kurds in the fight against IS resulted in internal repercussions within the Kurdistan region including the closing of parliament, tension within and between the political parties, and a drastic decline in the economic and social welfare of the region. The KDP did not know how long the PUK would be weakened, nor how long the international community's attention on the Kurdistan Region would last. Therefore, the referendum preparations had been conducted quickly with significant media attention.

The third layer (L3), is the last layer which depicts a change in access to oil revenue and becomes the final trigger in Barzani's decision to pursue a referendum. The start of L3 is the first point in which all the layers intersect at point tI. The year 2016 is significantly broader in size within Figure 1, as it indicates the importance of the year right before the referendum and outlines the most vital decisions placing the KRG on the track towards the referendum.

The emergence of IS and the Peshmerga's role in the battle against them became the opportunity both parties took advantage of to reach the international arena. However, as the president of the KRG, Barzani and his party had won the support of the West. The

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<sup>8</sup> Life was made more difficult for the citizens of the Kurdistan region with the combination of a halt on the budget payment, flood of refugees, and military expenses placing the region in debt. 1.3 million employees were not getting their salaries on time which affected their day-to-day living

change in oil revenue access was a result of the Kurdish position in the fight with IS. Not only did the central Iraqi government cut the KRG's budget, but IS had also taken control over prominent oil fields around Iraq. Layers 2 and 3 would not be as crucial to the outcome if not for L1. It is the intersection of these three layers, pushed forward by the exogenous shock that established the critical juncture (CJ). Falleti and Lynch describe a critical juncture as the starting point of a path-dependent causal process that results in an outcome, known here as the 2017 referendum (2009, 1155). The final point in which the layers intersect is at the time output,  $tO$ , at 2017 where the result of the inputs is the referendum. The output is referred to as the September 2017 referendum.

The referendum would not have been the outcome of these events if each layer had worked independently of the other layers. In the absence of any layer, the other two would not have produced a referendum. Without the legitimacy presumed to have been achieved by the Peshmerga's role in the fight against IS, the KDP would not have been confident in pursuing the referendum. The change in access to oil revenue convinced the KDP that a move against the central government of Iraq was the only way to gain back their access to oil and gain more concessions. This worked in the negotiations for the 2005 constitution, and the notion that it could work again is not too farfetched (Berwari and Ambrosio, 2008). The PUK's weakened position at this time due to its disunity and factionalized state, gave the KDP the freedom to pursue its own agenda. Although the 2017 referendum was an independence referendum, Barzani explicitly stated that he had no plans for immediate declarations of statehood after the referendum, but instead would begin talks with Baghdad to solve any issues (Ali, 2017). The Prime Minister, Nechirvan Barzani, has also stated that, "[t]he outcome does not mean we will immediately embark (on independence) but it will show the international community what the population wants." (Rudaw News, 2017). It was noticeably KDP officials that

led the referendum and without the leverage of all three layers working together, the referendum would not have been the final output.

### **KDP-PUK Relations: History and Struggle**

The first layer (L1) in Figure 1 addresses the relationship between the two main parties in Iraqi Kurdistan. Their relationship of constant breaking away and coming back together when it benefits them since 1975, produced different agendas with respect to the subject of independence. The KDP has been pro-independence when pushed by the central Iraqi government while the PUK has been more hesitant to pursue aspirations for independence (Moraru and Sulaiman, 2018). In 2005 the two parties settled certain differences between them when they split up their ruling areas, meaning that Barzani (KDP) was the President of the Kurdistan Region and influenced cities like the capital Erbil while and Talabani (PUK) became the President of Iraq and influenced cities near the Iranian border like Suleimani (Van Bruinessen, 1986, 22). Due to the power and influence granted to both parties, they were able to settle for being a part of Iraq as a federal region. Both parties received enough power and autonomy to lower the incentive for independence. Iraq was ready to grant these concessions, and the KDP and PUK were in a peaceful state of coexistence which allowed for them to accept the concessions and live in an autonomous Kurdistan region.

#### *Political Relationship between Iraq and the Kurdistan Region*

The political history between Iraq and the Kurdistan region is one of conflict, instability, and animosity. Dozens of clashes occurred over autonomy, resources, and territory in 1919, 1922, 1931, 1943, and 1958 (McDowall, 2003). In 1951, a branch of the Ba'ath Party<sup>9</sup> was founded in Iraq. After the first and second Iraqi-Kurdish wars in

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<sup>9</sup> Ba'athism in Iraq was an ideology that emphasized secular Arab nationalism and socialism.

1961 and 1974, the Ba'athist party began its large-scale Arabization attempts in Kurdish areas (McDowall, 2003). Kurdish political figures were prosecuted, sanctions were placed on the Kurdish region, and civilians were massacred and displaced from their towns and villages.

Historically, the relationship between the political actors in Iraq and the Kurdistan region consisted of mutual hostility. The central Iraqi government and the Kurds fought against each other on numerous occasions for the purpose of gaining power over one another. In 2003, Iraq and the Kurds were liberated from the Ba'athist party and Saddam Hussein's rule. This did not stop the relationship between Iraq and the Kurdistan region from becoming more strained over power-sharing and oil exportation issues. It was Ba'athism and previous Iraqi dictators that strained the political relationship between Iraq and the Kurds. However, it has been power, resources, the Iraqi governments unwillingness for compromise, and the Kurds continuous efforts for more autonomy that continue to strain the political relationship between them. For the purpose of this research, Kurdish party politics is given more importance to the timing of the referendum over Iraqi-Kurdish relations.

#### *Historical Background between KDP and PUK*

Mustafa Barzani, founded the first formal political party known as the Kurdistan Democratic Party in 1946. The KDP's program for Kurdistan was unclear when it was first established. However, it addressed the nationalist goals of the Kurds and the need for a state of their own. A leftist faction of the KDP, with significant support, was headed by Jalal Talabani and Ibrahim Ahmad, Talabani's father-in-law. In 1961, the KDP led by Mustafa Barzani revolted against the Iraqi government in the first Iraqi-Kurdish War that lasted for almost 9 years. This was the first Kurdish struggle for

independence led by a legal party and an important achievement, because until that point the Kurds were banned from practicing Kurdayati.<sup>10</sup>

The relationship between the Barzani and Talabani factions has always been one full of tension and agreements made without consulting each other. In 1975, a new party was formed by Talabani called the Patriotic Union of Kurdistan (PUK). The KDP and the newly founded PUK clashed several times in 1976, 1978, 1981 and 1983 over territory, weapons, and power until they joined forces in 1986. The Iran-Iraq war occurred in the 1980's and both the KDP and the PUK saw the opportunity to forward their agendas at this time when Baghdad was occupied with the Iranian conflict.

The destruction of Kurdish villages and deaths of more than thousands of civilians caused both parties to support Iran in the Iran-Iraq war. At some points during the war, the KDP and PUK would be on opposite sides aiding Iran and dealing with Baghdad in negotiations for Kurdish autonomy. When genocide, mass execution, mass murder and anti-Kurdish politics became the norm in Iraq, the KDP and PUK joined forces and came together under the common interest of defending Kurds in general. Iraq once more took up arms against Kuwait in the invasion and the Kurds sought another opportunity to revolt when Baghdad had been weakened by two wars, especially when coaxed by the Americans to rise up against Iraq. This shows a pattern established by Kurdish officials in gathering support and leading the Kurds into battle for freedom and independence during specific points in time. When reinforcements came to the Kurd's aid from the West, it had placed confidence in the parties once more, leading to the establishment of the Kurdistan Regional Government (KRG) officially in 1992.

For a brief moment, it seemed the Kurdish dreams of self-determination would be granted, they had their autonomous region, the West's support and Iraq's weakening

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<sup>10</sup> The Kurdish term for everything that represents the Kurds. Language, culture, holidays, and nationalism.

state to their advantage. At times the Iraqi state was weakened, the Kurds would come together and strike at every opportunity when they were not at odds internally. A civil war broke out between the two parties in 1995 until 1998 when the United States intervened and had the two parties sign the Washington Peace Accord.<sup>11</sup> However, the damage had been done, the region had been divided into two, and the Kurdish political system became separated. It was in 2003 when the Kurds were really pulled into the international arena as America's ally and as a non-state actor, due to Turkey. After 9/11, the Bush doctrine's first task was ridding Iraq and the world of Saddam Hussein and his alleged weapons of mass destruction. To get into Iraq, however, the United States needed to get in through Turkey and when Turkey refused to allow this, the Kurds once again became the United States' ally (Tucker and Faddis, 2010). The Kurdish Peshmerga had also aided in the Iraqi invasion as the only fighting force in Iraq that secured the American force's entry. This American invasion gave the Kurdish parties hope once more and the KDP and the PUK had set aside their differences to aid the Americans together and prepare for the opportunities arising with American support and success. The KDP and the PUK fought side by side with the American forces, confident that this time their American ally would aid them in their long struggle for self-determination. This was not the case. The Americans emphasized a *One Iraq* policy and needed the Kurds to stay part of Iraq to keep the stability, especially after discovering how much oil existed within the Kurdistan region (Ibid). Instead, Jalal Talabani was voted the President of Iraq and Masoud Barzani remained in the region as its President assured by the Americans that their position would be safe.

The 2005 constitution, established quickly under the United States close guidance, allowed the Kurds legal rights to more freedom within their own region and granted

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<sup>11</sup> In the Kurdish language and among the Kurdish people, this civil war is known as 'the killing of brothers'.

them rights to fly their own flag, exploit their own natural resources, have their own government and presidency, the Peshmerga were also recognized under the constitution and Kurdish became the official second language (Gailan, 2017) It was not the self-determination the Kurds had fought for but it was an opportunity to freely work on more strategic plans and develop their region for another opportunity to rise. The position of both the KDP and the PUK had also been established; the KDP had become a symbol and promoter of Kurdish rights, the PUK became the party dedicated to the *One Iraq* policy (Stansfield, 2014).

### *Political Party Competition*

It is the relationship between the KDP and the PUK that shapes the political trajectory of the Kurdistan region, as they essentially monopolize the political space. Therefore, the first layer as depicted in this research is of the Kurdish political parties, the KDP and the PUK and their role in the timing of the referendum. The decisions made by either party heavily influence the political and economic arena, directing policies towards their own agenda and clashing at times when their agendas cannot coincide. As portrayed in the previous section, the KDP and the PUK have had a long history of breaking apart and coming back together when it suits their needs or when the opportunity for gains presents itself. This, therefore, elucidates the impression that movements toward Kurdish independence may have been hindered by the disunity of the two parties and the clashing of their separate agendas for the region.

Constraints were present at every point in time the Kurds fought for independence, they existed during the 2017 referendum, and will continue to be present in the region. The most common argument is that the surrounding states influence political party decisions (Mansour, 2014, 1182). Regardless of the threats surrounding them, the Kurds have not proved the argument that it is these surrounding states who are profoundly influencing

political party decisions. The Kurds being used as proxies by the West, Iran and Turkey, pulled the Kurdistan region into international affairs allowing them the opportunity to practice para-diplomacy<sup>12</sup> and develop their international relations. There are a number of reasons why inter-party relations did not lead to the decision to hold a referendum prior to 2017. Firstly, neither party was in control of the prominent oilfields in Kirkuk that would guarantee economic security. Secondly, they could not come to an agreement on the politics of an independent Kurdistan, as both parties would not give up their position, resources, and power in the government. The parties also did not have the support of any other state. A window of opportunity to show that Iraq was not stable enough to accommodate federalism also did not present itself until 2014-2017, despite having been enumerated many times before by the Kurdish political actors. During these years Iraq failed to keep its own borders safe from the threat of IS and could not provide resources for its citizens forced to evacuate their towns and cities.

For a decade after 2005, the Kurdistan Region attempted to advance its economic sector and aim for economic independence. Such independence would mean that Kurdistan would receive oil revenue directly rather than the revenue going through the government of Iraq first. Its dependence on oil and a lack of expertise in managerial and technological aspects of the oil industry, hindered this domestic development. Independent of the central Iraqi government, the KRG since the early 2000's, has signed various contracts with oil companies including Chevron, ExxonMobil, Total, and Gazprom (Anaid and Tugdar, 2019). By 2013 the Kurdistan region had developed relations with almost 50 different oil companies investing in the region and many more companies across the rest of its economic sector. After arriving at constitutionally recognized autonomy in 2005, the KRG began developing the region to meet

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<sup>12</sup> The involvement of regional governments in the international scene is termed para-diplomacy. It creates opportunities for regions like Kurdistan to act as international actors.



international standards<sup>13</sup>. These efforts were mainly conducted by the KDP, specifically President Barzani and the Prime Minister Nechirvan Barzani. The PUK remained in the areas closer to Iran and focused on infrastructural development there.

In 2016, President Barzani had announced plans for independence resulting in opposition from the PUK, Iraq and the United States. Even with the initial opposition to Barzani's referendum plans, the independence referendum happened regardless, suggesting that a change in politics between the PUK and the KDP must have changed to allow for this. Barzani's extended two-year term ended in 2015 but had been given another two-year extension considering the circumstances and his role in the battle against IS.

The organization and funding of the referendum had been largely done by the KDP and the Independent High Elections and Referendum Commission (Rzepka, 2017). Opposition from the PUK was not voiced. Blatant opposition from the PUK would only verify the rumours among society that the PUK worked for the benefit of Iraq and Iran. Therefore, right before the referendum took place some factions within the PUK, desperate for support and legitimacy, decided to get on board with Kurdish independence and the will of the people. At this point in time, Talabani had been very ill and his party only voiced its support towards Kurdish freedom but made no move to help in the referendum or spread awareness as much as the KDP. The KDP came out as the party in control of the KRG, and there was officially no resistance to Barzani's independence plans from the political actors (KRG Official, Personal Communication, March 15, 2018).

To partly answer the question 'why now and not then?', regarding the political arena, it is generally the political parties who had a large role in this. From 2005-2014, the KRG

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<sup>13</sup> These developments were more centered on infrastructure in the capital city of Erbil.

flourished and the KDP and the PUK enjoyed the relative gains they received and positions they held. Jalal Talabani as the President of Iraq had also played a large role in keeping Kurdish independence and nationalist movements off the KRG agenda. Without Talabani as a buffer, the KDP were able to move forward with their own agenda. It is the political-party competition that prevented the independence referendum from happening before 2017. It is crucial to point out that a move such as the independence referendum would never have happened if both parties retained their power, positions and resources. However, with the PUK struggling internally, the KDP's minor loss of power, and Iraq's provocation, the referendum's timing was to be expected in 2017.

### **Battle Against IS**

The interests of the KDP and the PUK had been in developing the Kurdistan region. However, in 2014 the relationship between the two became strained with the events following the arrival of IS in Iraq. The battle with IS brought significant security and economic issues. This provided a window of opportunity for Barzani and KDP officials to gain support and raise awareness in the international sphere to the Kurdish position in Iraq. Both the exogenous shock (E) and the second layer (L2) in Figure 1, begin in 2014 and share similar characteristics. The shock is depicted as the catalyst or the eruption of IS, while the second layer of the figure is the series of events following the shock. More specifically, the KDP leadership perceived an increase in legitimacy that the Kurdish political actors gained in fighting against IS, that was then used to justify the referendum.

#### *Exogenous Shock*

The exogenous shock (E), Figure 1, lasts from 2014 to 2016. The shock remains at this particular length for the purpose of depicting the time it took from the eruption of the shock in 2014 to the point in 2016 when the referendum was officially taken into consideration by the KDP. The exogenous shock begins specifically at the moment when IS seized control of Mosul city in June 2014 and it was when IS attacked Mount Sinjar and came close to the capital city of Kurdistan, Erbil, in which the Kurds were pulled into the battle. The Iraqi army has received training, weapons, and foreign support (Bandeira, 2019). However, the moment IS stormed the city of Mosul, the Iraqi army fled the city and left their American weapons behind (Danilovich, 2018). This scenario revealed to the international community the corruption and ineffectiveness of the Iraqi Army. In light of this fact, the Kurdish Peshmerga took on the role of the frontline fighters and became a force fighting IS on behalf of the international community.

#### *Front-line Argument*

The political parties' role in the fight against IS is also a major element to the referendum's timing and furthered opportunity for the Kurds to become recognized internationally. The Peshmerga were receiving weapons, training, and aid in the battle against IS from the international community at the time. This was the window of opportunity previously unavailable to the KRG, and the KDP was more than willing to take advantage of it. Political opportunities here is, "...consistent but not necessarily formal, permanent, or national signals to social or political actors which either encourage or discourage them to use their internal resources to form social movements." (Tarrow, 1998, 54). True to this definition, Barzani took advantage of the calm between the political parties and the Iraqi army's failure as an opportunity to assert that it was time for an independence referendum.

The second layer (L2) signifies the second major argument for why the referendum occurred in September 2017 and not before. From 2005 until 2014 there was no reason for the Kurds to declare their aspirations for independence, nor was there a window of opportunity until the Kurds became involved in the battle against IS. From 2014 to 2017, the Kurds were able to achieve a great deal of foreign assistance and support. They also managed to expand their control to more cities, and stationed Peshmerga in oil-rich cities like the disputed Kirkuk area as well as other oilfields. In the earlier months of 2017, the defeat of IS became likely, and with the Pentagon's declaration of a speedier process towards ridding Iraq of IS (Daniels, 2017). The opportunity presenting itself here had been testing the *One Iraq* policy the United States had been emphasizing since 2005. The fear had been whether the lands and territories under Kurdish occupation would remain under the KRG after the battle with IS was over. An independence referendum to pressure Iraq and the United States to accommodate the Kurds had been the route Barzani took. Barzani did this assuming that the U.S. and Iraq would rather stay true to their *One Iraq* policy and give in to the Kurds demands for extra concessions than risk an independence referendum.

Just as in the past, the moment the Iraqi central government is weakened and in a vulnerable state, the Kurds see this as their opportunity. At this point in time, the entirety of the international community had been keeping a watch on the events in Iraq and this was the perfect moment for the Kurds to show the dysfunctional relationship between the KRG and central Iraq. It is crucial to emphasize at this time that this opportunity for Barzani came about significantly because of the lack of Kurdish opposition, especially from the PUK. This is the specific point where the two layers L1 and L2 meet, when the considerably weakened position of the PUK in Kurdish party politics and in the fight against IS gave rise to an opportunity Barzani took to further

KDP pro-independence agenda. Even though opportunities presented itself in the past, the conflict between the two political parties and disunity between them has always prevented any considerable steps towards independence taking place. The timing of this particular referendum was for the purpose of extracting gains from Iraq in its position of weakness.

The legitimacy that the Kurdish political actors gained in fighting against IS becomes the second causal layer in the image depicting the referendum's timing. The series of events happening from 2014-2017 with the arrival of IS allowed the opportunity for the KRG to practice para-diplomacy more broadly in the international arena. The KDP had also become the undisputed party in charge of the KRG after Barzani renewed his presidency for another two years. Without Talabani as the Iraqi President, this paved the way for KDP politics to run its course with little opposition. During 2017, with IS's demise within reach and the KRG suffering economically, politically, and even socially it became the most opportune time to elicit the demands Barzani drew forth. The appearance of IS, however devastating and damaging, became the catalyst for KDP agenda to take shape. The final process to push the independence referendum is the change in access to oil revenue.

### **Access to Oil Revenue**

The third layer (L3) accounting for the timing of the 2017 referendum, is depicted as the change in access to oil revenue, encompassing the economic issues the KRG faced when IS moved to take control of several oil fields in Iraq. It was during this time that Baghdad failed to give the KRG a percentage of the oil revenue it is constitutionally owed every year. In 2015, Kurdish officials were forced to cut salaries by 50-70 percent and employees started receiving their salaries once every couple of months, instead of every month. With money going into the fight against IS, supporting almost 1.8 million

refugees, and the loss of certain oil fields, the KRG faced a major economic crisis due to economic mismanagement (Sumer and Joseph, 2018). This crisis was not only an opportunity to prove once more that Iraq was a weak state, incapable of providing for its own citizens, but also an opportunity for KRG officials to pursue economic independence leading up to an independent state in the future.

The process of gaining concessions from Iraq has always followed the same couple of steps by the KRG, namely in Iraq's moments of weakness or moments when the Kurds have the upper hand, they manage to have their demands met. The oil revenue argument refers to the same process in 2017. Iraq's failure to provide revenue and in turn creating an economic crisis for the KRG created the opportunity for the Kurdish political actors to begin plans for an independent economy and ways to further divide itself from Iraq. Mansour has blatantly stated that "Independence is used as a bargaining tool, and ultimately a veto play, to negotiate a list of demands that make the KRG a *de facto* independent entity" (Mansour, 2014, 1194). Therefore, elucidating that recognized economic independence would only be possible with the support of the West and Iraq's lack of opposition, in this case the threat of separation would have garnered the opportunity the KRG needed to become economically independent.

In 2014, Kurdish Peshmerga were able to take control of Kirkuk. Control over Kirkuk would guarantee economic success if Kurdistan were ever to become independent. Shortly after this, the United States backed the government of Iraq in their decision to prevent the KRG from independently selling oil in 2015. This prevention stems from the *One Iraq* policy that sees the government in Baghdad as the main actor in all Iraqi economic decisions. The turning point came in 2017 before the referendum date had been announced, when Russia publicly announced its investment in the KRG oil sector. Rosneft, a major energy company in Russia had shown interest in the Kurdistan region's

main pipeline and invested 1.8 billion dollars into the project (Danilovich, 2018). With Russia's investment and support in 2017 right before IS's likely defeat, it is probable that Barzani took this as an opportunity not only to use the oil revenue argument in justifying the independence referendum at the time but also to use Russia as a buffer against the United States. The United States has always tried to prevent Russia's influence and Barzani thought that U.S. support would be guaranteed even if only to stop Russia. In light of the fact that the KRG had developed strong economic ties with foreign oil companies and the states that surround it, support was thought to be secured by the Kurdish political actors. To protect all the foreign companies' economic gains and business, it seemed likely other states would be inclined to help the KRG extract gains from the Iraqi government.

The citizens of the Kurdistan region were more invested in this economic crisis than the politics of the region, as is expected, especially as the 2.4 billion dollars used by the KRG to supply electricity, water and agriculture had diminished. In 2017, the economy started to stabilize only slightly, but it was enough to pay largely cut salaries monthly. This crisis, partly due to the central government refusing to pay the oil revenue due to the KRG, only strengthened Barzani's determination to act and prevent another economic crisis from happening. The reasoning behind this being that if Barzani insisted on a referendum, the government of Iraq would pay the KRG its oil revenue and agree to any other economic and political demands.

With Kirkuk and other oil fields under Peshmerga control, the economy slowly stabilizing, and the defeat of IS within reach, Barzani's decision for a September referendum was fixed with no chance of postponement. Barzani used the oil revenue argument as one last push towards justifying Kurdish independence and the Kurdish citizens, tired of no salaries and amenities, supported the referendum. If Barzani had not

pursued the referendum at that time, the KDP would have lost the support of the people and would not have fared well in any upcoming elections. Large rallies in support of the referendum erupted in several cities around the Kurdistan region as well as in foreign countries by the diaspora Kurds. The previous sections discussed the role of the political parties and the battle of IS, and finally, the remaining point is the economic factor that played into all of this. Due to the mass support by citizens to the referendum, the PUK could not publicly oppose the referendum and instead was forced to show unity. If there was ever an opportunity to have the Kurds united and all eyes of the international community on them, it was September 2017. Thus, the change in access to oil revenue becomes the third layer (L3) of Figure 1 depicted also as the critical juncture, an institutional flux in which decisions made during this time by Barzani, set the trajectory for the referendum.

### **Bringing It All Together**

My conclusion, therefore, is that the reason both parties could not agree on a referendum prior to 2017 is because they had few incentives to pursue an independence referendum. The parties were satisfied with the power and influential positions they had within Iraq and the KRG and were content in developing the Kurdistan Region further. This is a factor in the quiescence on the subject of independence between 2005-2017. The 2017 independence referendum was intended to gain extra concessions from Iraq and although the referendum was carried out successfully, it failed in its purpose. The weakening power of the PUK allowed the KDP freedom in moving forward with their own agenda. However, it is also the weakening power of the KDP and the threat of losing the citizens' support that pushed the KDP towards an independence referendum with the PUK out of the way.



Without the history of political party competition, the events following the emergence of IS may not have led to a referendum. However, it is because of the KDP's Kurdish independence agenda and the competition between the two parties for power and political positions that truly determined the referendum's timing. This is why L1 is the political party competition and the emergence of IS, known as the shock E, became the catalyst for the agenda that already existed to play out. Given the window of opportunity the Peshmerga's role in the battle against IS provided, Barzani was able to justify his claims for an independence referendum. With Talabani out of the picture, the KDP political actors were able to conduct preparations for the referendum with little opposition. This case study on the Kurdistan region highlights the importance of internal processes and party politics in the timing of referenda in general.

### 3. The Independence Referendum in Kurdistan

*Chapter in the “Handbook on Elections in the Middle East and North Africa” for Routledge 2022. Editors, Francesco Cavatorta and Valeria Resta..*

#### **Introduction**

On September 25<sup>th</sup>, 2017, the independence referendum in the Kurdistan Region in Iraq (KRI), an autonomous region in Northern Iraq, shook the Iraqi state to its core. The Kurds have been struggling for their independence from repressive Iraqi regimes for almost a century and in 2005 were granted autonomy through a written constitution declaring Iraq a federal state. Yet, this did not stop the Kurdish aspiration for self-determination and independence, even though neither the political actors nor civil society acted accordingly up until the 2017 referendum. The referendum itself was not organized by the federal Iraqi or Kurdistan regional government nor was it a decision initially agreed upon by either parliament. Rather, it was coordinated under the instructions of the at-that-time President of the KRI Masoud Barzani, who is also the leader of the Kurdistan Democratic Party (KDP) which is one of the two main parties ruling in the Kurdistan region together with the Patriotic Union of Kurdistan (PUK). The Kurdistan region has a multiparty system with the KDP and the PUK as the two dominant ruling parties alongside smaller parties such as the Goran Party (Change Movement), Kurdistan Islamic Group (KIG), Kurdistan Islamic Union (KIU), and even smaller parties representing diverse groups in the region. The two main parties have managed to shape the politics of the region and established their own spheres of influence in different cities with separate military forces and intelligence agencies.

The argument for why the Kurds did not push for independence before the 2017 referendum is that due to the power and influence granted to both parties, they were able to settle for being a part of Iraq as a federal region and cooperate in the Kurdistan region through dividing power and resources (Rogg and Rimscha, 2007). The changing balance of power between the KDP and the PUK was a major catalyst in launching the 2017 referendum rather than the referendum being a genuine move towards establishing independence (Mustafa, 2020).

This chapter shows that party politics and internal rivalry led to the campaign process that defined the issue and mobilised public opinion on the referendum question. Generally, the campaign was grounded in nationalist rhetoric and the arguments and statements the political actors made were aimed at creating a clear-cut path towards the referendum question. To further substantiate these points, this chapter explores the political party dynamics in the Kurdistan region of Iraq, how they influence public opinion, and to what extent their internal competition impacts the region. The organization and campaign structure of the independence referendum will then be clarified, with a focus on public opinion, nationalist rhetoric, and timing of events that created a window of opportunity for the referendum to occur.

### **Iraqi Kurds go to the Pools**

On March 1, 2015, the Kurdistan Independent High Elections and Referendum Commission (KHEC) was established with the specific role of organizing the referendum (Bogers, 2019). Although it has been emphasized that the KHEC should have remained an independent and impartial body and immune to party politics, the core of the KHEC membership consisted of positions divided among the major political parties. The KDP retained the Chair position, a PUK member became the Deputy Chair, and the Kurdistan Islamic Union held the Executive Director's post, while the Goran

Party took on the role of Head of the Electoral Division. The KHEC documented the entire process and even set up a committee of journalists and media workers to broadcast the Kurdish referendum and keep the world updated on the Kurdish referendum on the Kurdish terms. Many other committees were formed within the KHEC including a committee in charge of negotiations with representatives in disputed areas, a political and economic committee, an international and diplomatic committee that managed all the foreign relations, committees to deal with the neighboring countries, and a committee to deal with Baghdad.

Regardless of the fact that the KHEC was established in 2015 for the purpose of organizing the referendum, the campaign process for it was not held until three weeks before the referendum date. This delay in the campaign process had been due to the uncertainty in the referendum being held as the Kurdish political actors held various meetings with Iraqi and International representatives who all warned against holding the referendum (Barzani, 2020). Preparations had been done for both polling stations and e-voting procedures by the KHEC. The Commission announced the campaign for the referendum on September 5<sup>th</sup>, 2017 and the region saw an escalation of official negotiations on the timing of the referendum (Palani et al. 2019b). The organization process itself consisted of preparing more than 2000 polling stations, which required hiring around 17,000 employees (Rzepka, 2017). Polling stations were organized in the four provinces of Erbil, Sulaymaniyah, Duhok, and Halabja, as well as in the disputed regions of Kirkuk, Diyala, and Nineveh.

Despite the simplistic nature of the referendum vote, in which the question was a simple yes or no answer, the political actors narrative and the framing of the issue during the campaign were essential to the referendum's outcome. The ballot paper and question was prepared by the KHEC and was written in Kurdish, Arabic, Turkish, and Syriac to

represent the diverse population of the region. The question given to voters was: ‘do you want the Kurdistan Region and the Kurdistan areas outside the administration of the Region to become an independent state?’

Visual campaigns in the form of billboards, posters, and banners covered some cities, especially the capital, and rallies attended by Barzani and the political actors were organized in different cities (Bogers 2019). Large banners advocating a Yes vote written in English and Kurdish were hung up and plastered around the cities, especially in Erbil and Duhok where the KDP influence had always been most dominant.

Once the referendum was held on September 25, 2017, the KHEC released the initial results two days later on September 27. Overall, the number of eligible voters in the region and abroad were 4,581,255 citizens, while the number of actual participants in the referendum vote totaled to 3,305,925 voters. 98,945 voters were eligible for e-voting online, in which the results were 76,623 Yes votes (99.13%) and 699 No Votes (0.87%), while 21,623 votes did not go through. The Commission suspects that these individuals did not complete the voting process online after registering their names (S.H. Karim, Personal Communication, April 20, 2021). The primary results released through an official document by the Commissionaires Council recorded that the number of invalid votes in total was 40,011 (1.21%), the number of empty votes in which neither Yes or No were chosen was 9,368 (0.28%), and the number of votes that did not meet the conditions stipulated was 170,611 (5.16%) (Ibid).

Table 1. Results published by KHEC.

	Total Number of Voters	Total Number of Online Voters
Eligible	4, 581, 255	98, 945
Actual	3, 305, 925	76, 623
	Number of Total Votes	
Yes	2, 861, 471	
No	224, 464	

Voter turnout had been 72.16%, and exactly 92.73% of eligible voters, voted Yes while 7.27% of voters, voted No. The nature of counting the paper votes was peculiar as in each city the votes were counted and were not brought back physically to Erbil for the votes to be counted together by one committee. The PUK affiliated cities blocked their paper votes from going to Erbil, and so zones of PUK and KDP paper votes were counted separately and then communicated to each other to be added together to form the total number of votes, but not centrally (Ibid). The KHEC was formed for the referendum and was given the task of managing other elections as well. After the referendum, however, the KHEC has not functioned as it did during the years before the referendum.

### **Independence Referendum as a Result of Inter-Party Competition**

Referendums are a way of assessing, rather crudely, the people's stances, and they are sometimes employed to make decisions about self-determination or secessionist procedures. A referendum is a method of measuring peoples' direct votes, and these votes can either bind or prevent a government from enacting law (Boyer, 1982). In the context of self-determination this definition is simplified as "...an

important measure submitted to direct vote of the people" (Ibid, 13). Secession, on the other hand, is the "...formal withdrawal from an established, internationally recognized state by a constituent unit to create a new sovereign state" (Griffiths 2014, 559). One of the reasons for decisions made towards secession is that those groups that lose their autonomy are most prone to seeking self-determination (Hechter, 2000; Hale, 2004; Siroky and Cuffe, 2015). Ethnic groups that suffer the most under central governments are likely to seek self-determination to escape the host state, and when these groups' living standards deteriorate the more likely it is that they seek self-determination.

Anderson and Erk (2009) ask whether self-rule accommodates or exacerbates ethnic divisions within a state. This raises a common argument in which populations given as much autonomy and self-rule as the KRI would inevitably bring up secession at a certain point. This argument has been carved out of the literature on federalism and how some federal arrangements, including the Iraq-Kurdistan region arrangement, can actually be detrimental to federalism as it can lead to secessionist movements (Craven, 1991; Buchanan, 1995; Adeney, 2004; Mohammed, 2013; Le Billon, 2015). A few of these authors note that the way Iraqi federalism was established, rushed and under American influence, as well as the extent of autonomous powers granted to Kurdistan paved the way for a resulting secessionist movement (Dawoody, 2006; Moore, 2006; Stansfield and Anderson, 2009; Mohammed, 2013; Le Billon, 2015). Constitutional errors and the unsettled tension between Kurds and Arabs has allowed the KRI the freedom to turn away from Iraq and any obligation towards the central government. For example, "...the Constitution obligates the federal government alone with the task of maintaining the integrity of the Iraqi state by stating (Article 107) that 'the federal authority will maintain the unity of Iraq, its integrity, independence, sovereignty and its democratic federal system'." (Dawoody, 2006, 494). As the KRI has turned away from

Iraq, the referendum had been an opportunity to grasp while the Iraqi state had been significantly weakened by the onslaught of IS, and the only considerable obstacle had been inter-party relations in the KRI.

Opportunities for secession arise for ethnic groups especially when the host government is vulnerable and weak. A loss of autonomy is a major basis for secessionist movements (Horowitz, 1985; McGarry and O'Leary, 1993; Hale, 2000). Siroky and Cuffe (2015) mention that those ethnic groups that are autonomous and have their own institutional arrangements are more likely to secede. In the Kurdistan region, independence had been considered in 2014. The Iraqi state had been under extreme pressure from IS, its own population, and a deteriorating economy, compared to the KRI's development. When the region lost its access to oil revenues and received a lower budget from the central Iraqi government in 2015, plans for an independence referendum were designed.

The political actors in the region maintained that the referendum process was a way to garner Kurdish society's opinion and was established and funded through the KDP structures (Strachota and Lang, 2017). The referendum was justified by the Kurdish political actors as necessary at a time when Baghdad had been failing to meet the responsibilities it had to the KRG and the constitution (O'Driscoll and Baser, 2019). The 2017 referendum was neither declared as a move towards secession nor did the Kurdish political actors acknowledge that secession was the aim of the referendum.

The influence political party competition has had on the referendum is tremendous. In fact, without the competition between the two parties, there would not have been an opportunity for one. This competition, alongside PUK's own internal frictions, and the impact of the IS battle intersected to create the opportunity for the KDP to further their plans for the independence referendum. The PUK's adamant policy on a united Iraq prevented the KDP from pursuing independence in the past. The PUK has always had



some influence in Baghdad, and any movement that might strain their relationship would harm their influence that they use to benefit the cities they rule in (PUK Official, Personal Communication, July 25, 2021) The PUK's close relationship with the central government of Iraq also prevented the KDP from garnering extra concessions or disputed territories. The KDP's loss of support from the public shown through demonstrations in Kurdish cities against corruption and for the return of monthly wages, as well as a sharp decline in the economy from the war with the Islamic State further influenced the KDP to pursue a referendum to revitalize its role and primacy in Kurdistan. The call for a referendum occurred when the PUK's position was weakening in the competition between them. Such weakness was due to both intra-party dynamics and to the unpopularity of Iraq's central government which the PUK supported. On the one hand, the party was debilitated by an internal split that followed the death of its leader Talabani in 2017. On the other hand, Baghdad's inability to effectively deal with the presence of the IS undermined PUK's political appeal.

In addition to inter-party rivalry and competition, the shock of the IS military gains in Iraq provided a further impetus to the referendum in two distinctive ways. When IS overtook Iraq's oil fields, the revenues that the Iraqi government was supposed to forward to the KRG dried up, creating an internal socio-economic and political crises. As a result of this, in 2014, the Kurdish population had their salaries cut (O'Driscoll and Baser, 2019). This provided an incentive for the KDP to try to address the internal economic and political crisis by channeling internal displeasure toward independence. Second, the Kurdish political actors thought that the Kurds' role as frontline fighters in the battle against IS increased their international standing. The president of Kurdistan autonomous region at the time, Masoud Barzani, acted on this belief by promoting Kurdish aspirations for independence. Moreover, as they fought off IS, the Kurdish

Peshmerga took control of the disputed oil fields in the oil-rich city of Kirkuk. This was a significant step for the Kurds as the city and its resources would be crucial to their success if Kurdistan ever acquired its independent. The timing of these events paved the way for the campaign and organization of the referendum to occur with little resistance in a manner that can only be described as nationalistic in nature.

### **Campaign and Timing**

Barzani's presidency should have ended in 2013 but his term had been extended for two years by parliament (Taha and Movileanu, 2020). As mentioned, by 2015, the region was in a critical situation due to the fight against IS, the financial crisis, and the political inter-party struggle. At this point in time, Barzani's extension had ended and the KDP pushed for another extension citing two main arguments: the situation the KRI had been in required an experienced and strong executive and, at the same time, there had been no alternative to Barzani who had as much public support as he did (Abdullah and Hama, 2020). The Goran Party rejected this extension and caused a political upheaval by protesting against Barzani and attacking KDP offices. Due to these actions, Goran Party members and the Speaker of Parliament were prevented from entering parliament (O'Driscoll and Baser, 2019). As no decision could be achieved amidst the political inter-party rivalry, the Kurdistan Parliament had been suspended in 2015 and Barzani continued as President of the Region. This allowed Barzani and the KDP to continue in their trajectory towards independence without the opposition as an obstacle.

It is crucial to emphasize here that Masoud Barzani himself had called for the referendum, and this was not a decision made by the Kurdistan regional parliament and the political party competition had a significant impact on the timing of the referendum (Mustafa, 2020). In the end, it was the KDP that became the leading instigator of the referendum, which included the campaign and the role of the main party in the region.

As it has been made clear, both the PUK and the Goran Party had begun to lose influence in the region throughout the years 2015-2017 and tensions had developed with the KDP. This explains how the PUK and the Goran Party eventually lost authority in decision-making procedures, and the KDP pushed forward as the main influencer of the referendum process. The referendum itself furthered KDP's dominance in the region, ousting other parties from power (O'Driscoll and Baser, 2019, 2029).

The campaign before the referendum is usually a decisive moment in defining the issue at hand and mobilizing public opinion for it and therefore emphasizing that the way the question and issue are framed is important to the outcome of the referendum in general (Semetko and De Vreese, 2004). The campaign for the referendum focused on three main elements: Kurdish identity, the historic denial of a nation-state for the Kurds, and the failure of the Iraqi state.

O'Driscoll and Baher (2019) emphasize how throughout the campaign process both 'rally around the flag' rhetoric and ethnic nationalism were used by the political actors. They highlight, specifically, how political parties in the KRI used nationalist rhetoric to gain power from Baghdad, thus suggesting that the KDP used the referendum to gain and maintain power in the region and against Baghdad, allowing the region to be almost completely independent from Baghdad. However, the campaign for the referendum and the rhetoric used by the political actors was formed in a way to convince the people that they were the ultimate decision-makers in the process and that the referendum was not political actor-driven but political actor-accommodated for the people to decide whether they wanted an independent Kurdistan region. This was combined with rhetoric on the historic denial of a nation-state for the Kurds unfolding from the time the Ottoman Empire was fragmented and up until Saddam Hussein's tyrannical regime (Vali, 1998; O'Driscoll and Baser, 2019; Mohammed and Alrebh, 2020). This rhetoric was followed

by the argument from the political actors that Iraq had failed as a federal state, and the Kurds could no longer continue living in state that sought detrimental implications on the region and its citizens (Barzani, 2020). The failures that were highlighted were the incompetence and corruption of the government, economic grievances, and its inability to meet the basic needs of its population which included electricity, water, education, job opportunity and reconstruction of cities (Cordesman and Molot, 2019). Aside from these failures of the Iraqi state, the Kurdish political actors also expounded the constitutional violations committed against the Kurdistan region. The violations of the Iraqi state are numbered at 55 Articles in the constitution with 12 Articles unimplemented or unfulfilled since the making of the constitution in 2005.

All these violations have been documented in a file as a record of the violations of the Iraqi constitution since 2005 and published as a constitutional justification for the referendum (KRG, 2017). It is highlighted that Iraq has first and foremost failed to establish itself as a federation and has failed to establish a Supreme Court. Articles referring to the Kurdistan regions ownership and control over its own oil and gas resources have been violated and the region has never been paid its full portion of revenues as stipulated in the constitution, suffering a significant loss of revenue income in 2014-2015 onwards. Article 140 on disputed territories, including Kirkuk, have been continuously violated and Iraq has failed to protect its citizens and territories equally (Ibid). The Kurdish political actors highlighted the lack of democratic procedures in the state and were determined to show that their immediate concern was democracy and legitimacy.

Throughout the referendum preparations and campaign process, the political actors attempted to make the procedures as democratic as possible, however the KHEC functioned while parliament had been suspended, and the parliament only reconvened

10 days before the referendum to approve of the KHEC's activities. Some factions within the PUK, KIU, and the Goran Party boycotted the referendum up until days before the referendum on September 25<sup>th</sup>, emphasizing that they were not willing to risk losing power, territory, resources, or their political positions. These parties had been against the independence referendum from the very start. However, the campaign process, the political actors speeches and rallies all created the sense that being against the holding of the referendum was equivalent to being unpatriotic and against the Kurdish cause.

The outcome of the referendum clearly favored an independent Kurdistan, but the referendum was not 'campaigned' as an official move towards independence by the political actors. Barzani explicitly stated that he had no plans for immediate declarations of statehood after the referendum, but instead would begin talks with Baghdad to solve the difficult issues between Baghdad and Kurdistan. Barzani emphasized that the aim of the Kurdish referendum was to grant future generations a better opportunity for self-determination and that the referendum would not serve any political agenda but would simply express the will of the Kurdish nation (Barzani, 2020). The Prime Minister at the time, Nechirvan Barzani (Rudaw Article, 2017) also stated that, "[t]he outcome does not mean we will immediately embark (on independence) but it will show the international community what the population wants."

Barzani had signed a regional order to form the KHEC to leave the management of the referendum to an entity that would appeal to the public as an institution with no political ties to reaffirm the notion that the referendum was for the purpose of voicing the nation's will and not the political parties' one. Although the KHEC included members from many different political parties, the KDP was the ruling party and the only party to lead the referendum process. This was made clear after the PUK and Goran Party were

significantly weakened and no longer competitors in the historical political party rivalry within the region. Therefore, the role the KHEC played in the referendum and campaign process was possible because of the KDP.

## **Conclusion**

The aftermath of the referendum proved deleterious to the region and its institutions. Barzani (2020) contended that the referendum was a legitimate political, geographical, national and historical cause, the outcome of a century long struggle against tyrannical regimes, genocide, mass execution, and displacement. The Iraqi response to the referendum was to exclude all Kurdish members of its parliament in meetings, conduct violent military force in disputed areas, block border crossings and ban all air travel to and from the Kurdistan region. A significant event occurred in October that rattled the KDP-PUK relations, in which the PUK signed an agreement with the Iraqi force, *Hashd al-Shaabi*, brokered by the late Iranian General Qassem Suleimani (Hama and Jasim, 2017). This agreement was for the purpose of surrendering the oil-rich city of Kirkuk protected at the time by Peshmerga forces. The Peshmerga under PUK leadership withdrew from the disputed area under PUK orders, leaving the KDP affiliated Peshmerga off-guard as the Iraqi army's took over the area.

This event created a deep chasm between the KDP and the PUK, leading to a fragmentation and factionalism that had not occurred in decades. While the PUK was weakened during the referendum process, the KDP was able to allocate resources, public support, and push the independence agenda forward. The October event weakened both parties though and it allowed Baghdad the upper hand, and most significantly, destroyed public support for the two political parties as the event had resonated within the region's citizens reminding them that the political parties had not altered their motives for power in the region. The rhetoric of the referendum and the

campaign was nationalistic and yet events after the referendum proved that consolidation of power by the political actors would always be at the forefront of political party politics. The PUK's need to regain legitimacy, resources, and power undid the unity the referendum had brought about in the region. This has been a repeating theme in the political party competition in the Kurdistan region, clarifying that when one party is weakened the other will take the opportunity to forward their own agenda.

The KDP agenda had been evident from the start, the independence referendum would be held despite any internal interference or federal Iraqi government interference political party interference or foreign intervention. The KHEC was formed as a gateway to legitimizing the referendum process and campaign, and it conducted the management of the referendum and all voting processes. It continues to work under the supervision of parliament and emphasizes its independence and impartiality from political parties despite being comprised of political party members. The timing of the development of this institution in relation to the political party rivalry and the events happening from 2014-2017, all paved the way for the referendum to take place with the KHEC as the institution leading the process.

## 4. Processing Tracing in the Study of Internal Politics of the KRI

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### **Introduction**

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have been the two reigning political parties in the Kurdistan Region of Iraq (KRI) for decades. I argue that their years of conflict and struggle has created a form of competition between the two parties for power and resources that influences major events in the KRI today. In 2005, the two parties settled some differences between them when they split up their areas of influence, meaning that Masoud Barzani was the President of the Kurdistan Region and influenced cities like the capital Erbil and the Northern cities closest to Turkey while Jalal Talabani became the President of Iraq and influenced cities closer to Iran, like Sulaymaniyah (Gunter, 1996).

The Kurds in Iraq struggled to achieve an autonomous region since the creation of the Iraqi state in 1921 up until 2005, ultimately succeeding in attaining a constitutionally recognized regional government in the aftermath of the US invasion of Iraq. On September 25th, 2017, the Kurdish regional government organized a referendum on independence. The Kurdish aspiration for self-determination and independence had still been present, even though neither the political actors nor civil society acted accordingly up until the 2017 referendum. The common argument for why the Kurds did not push for independence before the 2017 referendum is that due to the power and influence granted to both parties, they were able to settle for being a part of Iraq as a federal region and cooperate in the region. The following research argues that the competition between the KDP and the PUK and the weakness of the Iraqi state had been a major catalyst in launching the 2017 referendum. By applying process tracing to show the



sequence of dependent, independent, and intersecting variables this research will not only show that the balance of power between the political parties highly influenced the launching of the 2017 referendum, but it will also show that the timing of the referendum was also influenced by their rivalry.

Firstly, this research will explore the historical background on the two political parties, the KDP and the PUK. The aim is to place the rivalry into context and establish the intersection between their relationship and how this influenced the timing of the referendum. This research uses process tracing as a tool of causal inference as well as path dependency to corroborate the importance of timing. This will provide the empirical support necessary to substantiate the political parties' role in the timing of the referendum and will conclude by clarifying how process tracing can be used to identify the reasons for the unravelling of events in the KRI. This can be accomplished by first understanding the development of the balance of power through the history of the KDP and the PUK.

### **Historical Background Between KDP and PUK**

The Kurdish society is very heavily based on tribal politics and divisions and most tribes have aligned themselves with either the KDP or the PUK (Hama and Jasim, 2017). Mustafa Barzani founded the first formal political party known as the Kurdistan Democratic Party in 1946. The KDP's program addressed the nationalist goals of the Kurds and the need for a state of their own. Even within the KDP some tribes formed different factions and unity was not an element of the party (Gunter, 1996; Berglund, 2017).

During the absence of Mustafa Barzani, exiled to the Soviet Union from 1947-1958, a leftist faction headed by Jalal Talabani and Ibrahim Ahmad, Talabani's father-in-law

had influence over the KDP and gained more support from certain tribes. In 1961, the KDP led by Mustafa Barzani revolted against the Iraqi government in the first Iraqi-Kurdish War that lasted for almost 9 years. This was the first Kurdish struggle for independence led by a legalized party, however during this period Mustafa Barzani and the leftist faction clashed over ideas and the tension between them erupted into conflict. This did not last very long since in 1965, Talabani re-joined Mustafa Barzani for another brief period before breaking away again and deeming Mustafa Barzani's tribal and feudal leadership as unfit (Mohammed and Alrebh, 2020).

During this time, Iran had been playing a role in supporting and arming the Kurdish forces while Talabani and Ahmad's faction were becoming closer to Iraqi Ba'thists. Fearing Mustafa Barzani's ties with Iran and other foreign states, Baghdad decided to grant Talabani control over the Kurdish cities of Sulaymaniyah and Kirkuk in the late 60's. The Peshmerga loyal to this faction also fought against Barzani's KDP alongside Iraqi forces, therefore being termed as traitors to the Kurdish cause, this accusation grew when Ahmad remained in Iran and later returned to Baghdad. When the Ba'thists eventually broke its ties with Talabani and started negotiations with Mustafa Barzani instead, Talabani once more returned to the KDP. Thus, the relationship between the Barzani and Talabani factions has always been one full of tension and agreements behind each other's backs as well as a being proxies to other external actors. Mustafa Barzani was able to establish links with the CIA and Washington through Iran and when Baghdad signed a 15-year treaty with the Soviet Union in 1972, Barzani put forth the image of Iraq being controlled by the Soviet. This in turn granted the KDP with arms, closer ties and support from the United States, Iran and Britain. This support only lasted until Iran decided to drop its support to the Kurds and instead sign a peace agreement with Baghdad. Iran's backing away from the Kurds, led the Americans to also take a

step back and stop its support. With the loss of support the KDP lost in its conflict against Baghdad in 1975 and Mustafa Barzani was exiled to Washington DC where he eventually passed away four years later in 1979.

After Mustafa Barzani was exiled, internal conflict and struggles for succession occurred until his sons Massoud Barzani and Idris Barzani shared leadership was accepted. Talabani however, took the opportunity to establish his own party the Patriotic Union of Kurdistan later in 1975. The KDP and the newly founded PUK clashed several times after reorganizing itself after Mustafa Barzani's exile and death. Clashes happened in 1976, 1978, 1981 and 1983 over territory, weapons, and power between the two parties until they joined forces in 1986 (McDowall, 2003). Talabani had been gaining popularity in Iran, giving support to Iranian Kurdish political parties while the KDP joined forces with Iran whenever they were both opposing Baghdad. In the 1980's erupted the Iran-Iraq war and both the KDP and PUK saw opportunity to forward their agendas at this time when Baghdad was occupied with Iranian conflict. The destruction of Kurdish villages and deaths of more than thousands of civilians caused both parties to support Iran in the Iran-Iraq war. At some points during the war the KDP and PUK would be on opposite sides aiding Iran and dealing with Baghdad in negotiations for Kurdish autonomy. The KDP Peshmerga aided Iran by becoming scouts for the Iranian forces, seeing Iran's stance against Iraq as an opportunity to defeat Baghdad. However, Saddam Hussein, President of Iraq at the time, responded by killing 8000 Barzani men in a mass execution. The PUK meanwhile, had tried to approach Baghdad with its own agenda but had been rejected resulting in the PUK uniting with the KDP against Baghdad after the Halabja genocide against the Kurds by Saddam. While the Kurds were being attacked and ethnically cleansed using chemical weapons, the only state that came to the Kurds aid had been Iran, mainly due to Iran's need for the

Kurds in its war against Iraq. When genocide, mass execution, mass murder and anti-Kurdish politics became the norm in Iraq, the KDP and PUK joined forces and came together under the common interest of defending Kurds in general.

Iraq once more took up arms against Kuwait in an invasion and the Kurds sought another opportunity to revolt when Baghdad had been weakened by two wars, especially when coaxed by the Americans to rise against Iraq (Gunter, 2011). The West not only feared the violation of sovereignty committed so recklessly, but the international oil supply had also been in danger, therefore requiring the aid of the Kurds. The Kurdish parties then gained de facto control over the Kurdistan region in 1991 after they revolted against Saddam Hussein for the horrors during the Iran-Iraq war committed against them. Saddam Hussein reacted harshly causing a large refugee crisis among the Kurds and this seemed to be a red line for the Western states as a coalition consisting of American, British and French forces supported by the United Nations came to the Kurds' aid. Only when more than a million Kurds fled their homes to take up refuge in the mountains near the borders of Iran and Turkey did the United States feel compelled to once again support the Kurds. The KDP and PUK also argued that it was the Americans that had first convinced them an uprising would be in their favour and it was the support the Kurds gave to Americans during the Iraqi invasion of Kuwait that prompted Saddam to react harshly (Meho and Nehme, 2004). However, when reinforcements came to the Kurds aid from the West, it had placed confidence in the parties once more, leading to the establishment of the Kurdistan Regional Government (KRG) officially in 1992.

For a brief moment it seemed the Kurds dreams of self-determination would be granted, they had their de facto state, the West's support and Iraq's weakening state to their advantage. At times the Iraqi state was weakened the Kurds would come together and

strike at every opportunity, when they were not at odds internally. At this point in the early 90's, the region had begun doing well economically, politically and preparing for formal elections. In 1993, another Kurdish party under Sami Abdul Rahman called the Kurdistan Unity Party merged with the KDP right before elections. This created some tension and the PUK had become wary of losing in the 1995 elections, resulting in a military coup against the KDP. A civil war broke out between the two parties resulting in more than 600 casualties within a year, and the fighting only intensified when the PUK accused the KDP of illegally receiving revenue. The Peshmerga forces loyal to either KDP or PUK had been at the centre of the violent conflict and the internal civil war began receiving external aid. Iran backed the PUK, and Turkey supported the KDP. In 1995 the KDP turned to Baghdad and the PUK retaliated with continuous Iranian support. The civil war not only divided the Kurds more deeply than ever before, but it hindered all their previous efforts at state-building and they had damaged the legitimacy and image the KRG had broadcasted to the international community. The Kurds had used Baghdad's violence and politics against them as justifiable reasons for their self-determination, but the KDP turning to Baghdad while in conflict with the PUK sent a negative image to Kurdish sovereignty. The civil war lasted until 1998 when the United States intervened and had the two parties sign the Washington Peace Accord. However, the damage had been done, the region had been divided into two, the Kurdish political system became separated, and the KRG began operating in a '50-50 system' (Stansfield, 2017, p.71). This system was created so that if a minister was from one party, the deputy minister would be from the other. The KDP and the PUK conducted a form of power-sharing that assured their politics would still remain separate but would also work together and only then did they present a unified front image.

It was in 2003 when the Kurds were really pulled into the international community as America's ally and as a non-state actor, ironically due to Turkey. After 9/11, the Bush doctrines first task was ridding Iraq and the world of Saddam Hussein and his weapons of mass destruction. To get into Iraq, however, the United States needed to get in through Turkey and when Turkey refused to allow this, the Kurds once again became the United States ally. The Kurdish Peshmerga had also aided in the Iraqi invasion as the only fighting force in Iraq that secured the American forces entry. This American invasion gave the Kurdish parties hope once more and the KDP and PUK had set aside their differences to aid the Americans together and prepare for the opportunities arising with the Americans support and success. Even though the Peshmerga and the parties had shown a united front, the PUK had been the one to take the opportunity to deploy its own Peshmerga forces into oil-rich and disputed Kirkuk areas. The KDP and PUK remained united nonetheless, and in 2004 when a double suicide attacked both party's offices, they remained committed to staying united and eventually their alliance won second in the Iraqi elections. The KDP and PUK had fought side by side with the American forces and were confident that this time their American ally would aid them in their long struggle for self-determination.

This was not the case. The Americans emphasized a one Iraq policy and needed the Kurds to stay as a part of Iraq to keep the stability, especially after discovering how much oil existed within the Kurdistan region. Instead, Jalal Talabani was voted the President of Iraq and Masoud Barzani remained in Kurdistan as its President assured by the Americans that their positions would be safe. The KDP and the PUK decided not to pursue self-determination as larger actors around them were guaranteed to rise up against them and instead decided on pursuing a policy of gaining more autonomy within Iraq. The 2005 constitution, that was established quickly under the United States close

guidance, allowed the Kurds legal rights within their region and granted them rights to fly their own flag, exploit their own natural resources, have their own government and presidency, the Peshmerga were also recognized under the constitution, Kurdish became the official second language and 17% of the Iraqi budget would be granted to the KRG (Gailan, 2017, p.28). It was not the self-determination the Kurds had fought for, but it was an opportunity to freely work on more strategic plans and develop their region for another opportunity to rise. The position of both the KDP and the PUK had also been established; the KDP had become a symbol and promoter of Kurdish rights, the PUK became the party dedicated to the one-Iraq policy (Stansfield, 2017).

### **Processing Tracing and Path Dependency**

Understanding secessionist dynamics has been the core of previous literature regarding referenda, and yet there have not been clear attempts to understand these dynamics by taking into consideration the influence of political parties through process-tracing and path dependency (Qvortrup 2014; Cortes Rivera, 2020). Rather than trying to understand the Kurdish political actor's decision-making through only the literature on secession, this research differs by instead using a method of process tracing as a tool of causal inference. This can be accomplished by first developing the historical narrative on the region's political actors, as it is these political parties that largely influenced the sequence of events leading up to the referendum. A historical narrative is important to establish, as this will provide the necessary support for determining the relationship between the variables, the political party rivalry and leading up to the output, the timing of the referendum (Buthe, 2002).

Process tracing is defined by Collier (2011, 823) as, "...the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator." Collier not only describes process tracing as an instrument

of causal inference but implies that this method focuses on the unfolding of events or situations overtime, as long as the investigator establishes a good narrative or provides a timeline of the sequence of events being analyzed. Process tracing allows the evaluation of independent, dependent, and intervening variables and is highly useful for contextualizing these variables in time, thus giving my research the temporal aspect it seeks to emphasize. Causal mechanisms are intervening variables and at points termed 'critical junctures' prompt path dependent processes (Mahoney, 2012, 580). Path dependency also emphasizes the timing and sequence of events and insists that significant events do not only follow after significant causes, rather a series of causes earlier in time influences later events. Pierson has outlined this very clearly stating that, The notion of path dependence is generally used to support a few key claims: Specific patterns of timing and sequence matter; starting from similar conditions, a wide range of social outcomes may be possible; large consequences may result from relatively "small" or contingent events; particular courses of action, once introduced, can be virtually impossible to reverse; and consequently, political development is often punctuated by critical moments or junctures that shape the basic contours of social life (Pierson, 2000, 251).

Waldner (2012, 70) argues that, process tracing understands causation through a mechanism-based process, and thus complements the study of variables with events, mediating historical events and "...the abstract relationship between impersonal facts conveyed by quantitative methods." The data in this case, is the sequence of events or variables that are either individual acts, collective decisions, or changes within a state. This research focuses on decisions of the political actors that caused events to erupt at specific moments in time, with the influence of history in the background that plays a role in their choices. It is crucial to highlight this point, as any different choice from the



ones made previously by the political actors would have drastically changed the events as we know them and could have placed the region on a much different path.

However, for this case we consider rational choice, and primordial theory to explain decision-making. Primordialism is an explanation for group solidarity and the attachments that are based on common factors such as race, language, religion, region, genetics, etc. (Hechter and Kanazawa, 1997; Llobera, 1999). This accounts for the way political parties in the Kurdistan behave; individuals associate themselves with their political parties before their tribal origins at times and have a deep connection to them. These ties are deeply rooted in their historical experience and the political actors of the KDP and PUK base their decision-making strategies on attaining certain goals for their party, sometimes at the expense of each other. In this case we can deduce that these individuals behave rationally because they seek the maximum advantage or gain for their political parties' agendas. Their decisions are determined by what benefits them as a party rather than as a region or a population, and they can thus be considered rationally motivated in their choices. Rational choice theories tend to focus on individuals, however with ethnic groups the key focus is on ethnicity being a dynamic process rather than a primordial one (Hechter, 1986; 1995). By taking political parties as a collective group and political actors who serve as influential individuals within the political party who function to benefit this group, both rational choice and primordialism serve as a method to predict their behaviors and what motivates them. Malešević (2002, 198) describes them as, "...the actors who are in the state of permanent competition over limited resources, economic advantages, wealth, power or status." This also explains why these political parties sometimes come together for collective action and why they are compelled to allow the competing political party to gain the upper hand at other times. Taking this into consideration, the history behind

these two competing political parties will make their decision-making strategies clearer and support my research as it seeks to uncover the temporal aspect of the referendum. To further outline this research, it is necessary to introduce and shape the framework that will be used, most notably on causal layers.

Previous research on this particular case has already been established, through taking the work of Falleti and Lynch (2009) on causal layers as the main framework, the relevant processes that have led to the referendum termed as 'layers', and how each layer operated and interacted to produce the eventual outcome (Mustafa, 2020). The first layer depicted is the rivalry and competition between the two political parties in the Kurdistan region, the KDP and the PUK, elucidating that it was this competition intermingled with other events (layers), that led to the timing of the referendum. This research aims to develop this layer and claim that, through this rivalry the other variables exist to intervene, which eventually led up to the timing of the referendum. This inclination can be proven through a method of process tracing and a closer look at path dependency to highlight the importance of timing.

As process tracing can focus on recurring events, this research will consider the political party competition as the recurring event which unfolds larger events over time, specifically the independence referendum. The history between the two parties has been explained dating back to their emergence, however, for the purpose of this research it is necessary to take a specific point in time to begin tracing the series of events that led up to the referendum. This point in time is 2014, which depicts the emergence of the Islamic State (IS). This time is taken as it placed the Kurdish political actors on the path towards the referendum since every course of action after the emergence of the IS pointed towards the development of the outcome (the referendum) in 2017, making it near impossible to reverse this trajectory.

## **The Independence Referendum and Timing**

Since the establishment of the Iraqi constitution in 2005 until September 2017 there have not been official declarations for self-determination by the KRG or widespread movement among the citizens. For the purpose of establishing an accurate timeline, the starting point will be in 2014, as between 2005 and 2014 there had been relative silence on the parties' side to make any move towards independence. The 2017 referendum was not organized by the government nor was it a decision agreed upon by parliament originally, instead it was coordinated under the instructions of the President at the time, Masoud Barzani and was then held to vote in parliament mid-2017.

Voter turnout had been 72%, and almost 93% of the voters voted yes to the question 'Do you want the Kurdistan Region and the Kurdistan areas outside the Region to become an independent state?', while 7% had voted no (O'Driscoll and Baser, 2019, 2018).

The interests of the KDP and the PUK has always been in developing the Kurdistan region. However, in 2014 the relationship between the two became strained following the arrival of the IS. The battle with the IS brought significant security and economic issues and between the two political parties, and eventually it was the KDP that rose as the stronger force against IS. In 2014, the IS had come into Iraq and closed in on areas in the Kurdistan Region. With this arrival came repercussions on oil revenue, military, and security. At the onslaught of IS' arrival, the Kurdish Peshmerga forces, translated directly to 'those who face death', did not realize the strength of the force they were dealing with. Iraqi forces faced a staggering loss in Western Iraq, IS seized control of Mosul city in June 2014 and it was when IS attacked Mount Sinjar and reached 15 miles away from the capital city of Erbil, that the Kurds were irrevocably pulled into the battle. This was a vast security breach, while at the same time the damage done to the

peshmerga forces allowed them to mobilize and come back with full force. The peshmerga managed to push back against the IS forces, regain control over lost territories and disputed territories, as well as station themselves there. The Iraqi army had received millions of dollars in funds, training, weapons, and American support. However, the moment IS stormed the city of Mosul, the Iraqi army fled the city and left their American weapons behind (Abdulrazaq and Stansfield, 2016). This scenario revealed to the international community the corruption and ineffectiveness of the Iraqi Army. In light of this fact, the Kurdish Peshmerga took on the role of the frontline fighters and became a force fighting IS on behalf of the international community. Not only was Masoud Barzani the leader capable of winning support from the international community, but he also facilitated ways for the Peshmerga to receive weapons, training, and aid in the battle against IS. This was the window of opportunity previously unavailable to the KRG to prove the extent of Iraq's flaws, and the KDP was more than willing to take advantage of it. Masoud Barzani took advantage of the calm between the political parties and the Iraqi army's failure as an opportunity to assert that it was time for an independence referendum.

From 2005 until 2014 there was no reason for the Kurds to declare their aspirations for independence, nor was there a window of opportunity until the Kurds became involved in the battle against IS. From 2014 to 2017, the Kurds were able to achieve a great deal of foreign assistance and support. They also managed to expand their control to more cities, and stationed Peshmerga in oil-rich cities like the disputed Kirkuk area as well as other oilfields. The Kurds did not have leverage over Iraq until this point, and the key to independence and security of the region has always laid with the vast oil reserves present in the region and disputed territories.

At this point in time, the entirety of the international community had been keeping a watch on the events in Iraq and this was the perfect moment for the Kurds to show the dysfunctional relationship between the KRG and central Iraq. Barzani, when asked to postpone the referendum, refused to do so unless he could be guaranteed of official negotiations with Baghdad to start on disputed oilfields and oil revenue (Ozcan, 2017). Failure to guarantee this allowed Barzani to ignore the postponement pleas and take the only opportunity Kurds had before the United States left Iraq and the rest of the international community turned their focus elsewhere. It is crucial to emphasize at this time that this opportunity for Barzani came about significantly because of the lack of Kurdish opposition, especially from the PUK. Even though opportunities presented itself in the past, the conflict between the two political parties and disunity between them has always prevented any considerable steps towards independence taking place. The timing of this particular referendum was for the purpose of extracting gains from Iraq in its position of weakness. The appearance of IS, however devastating and damaging, became the catalyst for KDP agenda to take shape. This agenda has always been the freedom, autonomy, and self-determination of the Kurdish nation and this does not come only in the form of independence in this time period but rather a strategic upper hand over the government of Iraq.

The timing of the 2017 referendum is more accurately presented through internal actors and internal struggles. The fight against IS did not start out as a KRG problem, but the moment Iraq showed its incapability to defend its own borders, the KRG took it upon themselves to prove the capability of its own nation and the weakness of the Iraqi state. Another push towards the independence referendum is the change in access to oil revenue and the elite decision-making made afterwards. In fact, it is precisely elite decision-making made over time, grounded in historical context and party rivalry, that

paved the way for the referendum to take place. The budget cut from Baghdad and the decreasing oil prices influenced the quickened pace in the timeline towards independence. After the initial events in 2014, President Barzani had met with Chancellor Angela Merkel and Vice President Biden a year later at the Munich Security Conference. He recognized the opportunity before him, and noted the weakness of his opposition, and brought forward the agenda for Kurdish independence (Barzani, 2020, p. 56). After world leaders had praised the Peshmerga's role in the fight against the IS, Barzani openly spoke about Kurdish independence and asked Haider Al-Abadi, the Iraqi Prime Minister at the time, for peaceful dialogue on this matter.

Months later, Barzani met President Obama in the United States, and once more brought forward the plans and justifications for independence. Barzani confirms that he had spoken to the Kurdish political parties before this meeting and had received approval to push for Kurdish independence (Ibid). Barzani had taken members of opposing parties to the United States to accompany him on his visit, realizing that opposition would be less likely if they heard US support for him and the region. The United States had indeed expressed their support to Barzani and the region but did not explicitly support Kurdish independence. Barzani refers to this meeting in book and says that during their meeting Vice President Biden had said, "Both of us will see an independent Kurdistan during our lifetime" (p.58). The fact that Barzani had taken PUK and Goran Party members with him who overheard all his meetings, made it difficult for other parties to oppose him when he had returned from his visit. Barzani admits however, that he had doubts about some political parties and their efforts to sabotage his plans.

While the KDP and the PUK are major political parties at the local level of the Kurdistan region, they do not participate at the Iraqi state level. There are members of these parties in the Iraqi government but the KDP and PUK are limited to the Kurdistan

region. The minor party with the most influence at local level, that gained tremendous momentum in 2009 is the Goran Party. This party is a faction of the PUK, that separated in 2009 for the purpose of ending the monopoly of power by the KDP and PUK. Since this separation, the PUK had been significantly undermined, and continuously found itself weakening in its influence on the region. Another issue that had evolved during this fragile time, had been the issue of Barzani's presidency which should have ended in 2013 (Taha and Movileanu, 2020, 1117). His term had been extended by a KDP and PUK majority in parliament, however, in 2015 it was brought up by the Goran Party and some factions with PUK and Islamic parties in the region. No agreements could be settled between the Kurdish political actors, especially not with the main instigators, the Goran Party. As a result, parliament sessions made to reach an agreement over the presidency did not happen and the issue was dismissed, allowing Barzani to retain his presidency. A series of protests occurred immediately after in which several KDP offices in Sulaymaniyah were violently attacked. These attacks created tension between the parties, leading to blatant accusation of the Goran Party leaders for instigating civil disobedience and violent protests. The Goran Party were ousted from parliament, suspended from the cabinet, and parliament had shut down in 2015 up until 2017 before the referendum (Ibid, 1118). Barzani remained in power until the next presidential elections. This allowed Barzani and the KDP, to continue their trajectory towards independence without the opposition as an obstacle. The fact that the PUK had also weakened at this point, as they had been involved in the presidency issue as well, removed important internal opponents to the KDPs' referendum agenda.

In 2016, Iraq had suffered multiple defeats against IS and with Baghdad refusing to honor constitutionally recognized responsibilities to the KRG, Barzani went to Baghdad several times to meet with Abadi (Barzani, 2020, 60-61). Barzani's trips and talks with

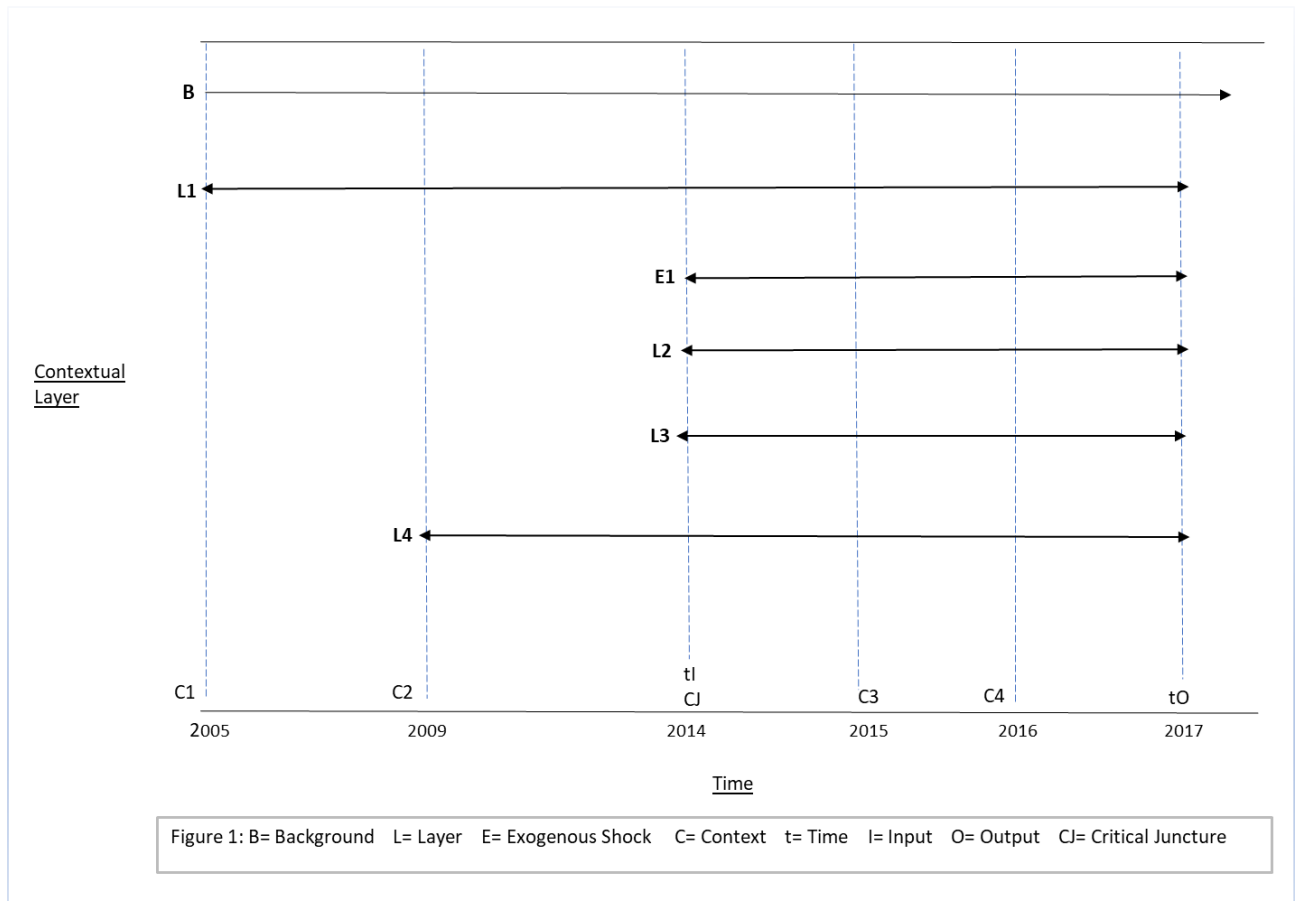
Baghdad and various political actors, elucidate the claims that with the loss of resources such as the federal budget, oil cuts, and territory, the independence referendum could have been used as a bargaining tool to extract gains from the Iraqi state. Since 2014, the Kurdish political actors started down on a track towards the independence referendum and in 2017 the pace quickened, and any reversal of this track had been too late. The Goran Party had been ousted and their General Coordinator, Nawshirwan Mustafa had passed away in May 2017, while the long-standing rival, the PUK were reeling back from the absence of their own leader, Jalal Talabani who passed away in 2017. The fact that the PUK and the Goran Party were weak at this point removed an important internal opponent to the KDPs' referendum agenda. With the PUK unable to prevent a referendum, the defeat of IS imminent, and the international communities' attention on Iraq all happening in 2017, KDPs' opportunity presented itself and the PUK was inclined to follow the trajectory the region had been on. Historically this theme has been present in the Kurdistan Region, as political and economic competition between the political parties has encouraged taking advantage of opportunities present for power and influence at the expense of the other party.

### **Causal Graph**

To underline the importance of the political party competition dynamic for power, in the region, the historical narrative of the political parties in the Kurdistan region has been stressed and a timeline of events has been sequenced. Timing and sequence arguments rely heavily on path dependence as the order of events matters greatly to the final outcome (Grzymala-Busse, 2011). Sequencing generally alludes to when particular events happen. Below is the empirical support for my argument illustrated in the model provided in *Figure 1*, that will casually explain each variable, placing an importance on the temporal aspect of the political actors' decisions during 2014-2017 as well as how



the rivalry between the parties influenced the referendum. Falleti and Lynch's study on causal mechanisms has been used as an analytical framework which describe causal layers as being links between inputs and outputs, therefore allowing for the many elements to be analyzed and serve as mechanisms, explaining how these 'inputs' have led to the referendum, the 'output'.



2005-2009 are the years grouped together as 2005 is the year the KRI was constitutionally recognized and up until 2009, when the Goran Party was formed, the political party rivalry had been between the KDP and the PUK. A skip in the timeline places the main events on a trajectory starting in 2014 and ending in 2017 with the independence referendum being the final outcome. The background process B, in this figure, represents the ongoing struggle between the two main political parties with the most power in the Kurdistan Region, the KDP and the PUK, with eruptions of

interference from smaller political parties. This illustrates the tensions and clashes between the two parties that prevented any referendum movements until 2017; this process starts at 2005 even though the struggle has been going on since the early 70's, this is because it was during 2005 when the parties settled their differences officially and publicly. The background process represents a struggle that has been going on since the early 70s, a series of clashes, violent conflict, and opposing interests. The influence the political party competition has on the referendum is tremendous and that is why L1 thus becomes a causal layer representing the KDP agenda, hindered by the PUK. The PUKs adamant policies on a united Iraq along with their rivalry with the KDP, prevented the KDP from pursuing independence in the past. PUK's close relationship with the central government of Iraq prevented the KDP from garnering extra concessions or disputed territories in the past. The KDP's subtle loss of support from the public and a sharp decline in the economy from the war with IS, also influenced the KDP to pursue a referendum, especially with the PUK's weakened position in the competition between them. The first layer is crucial to the referendum, as the weakening of the PUK right before the defeat of IS was largely in the KDPs' favor. Without the competition between the two parties, there would not have been an opportunity for a referendum.

The emergence of IS is the exogenous shock E1, which coincides with the second layer L2 as they relate to the same IS fight where the Kurds took on the role of frontline fighters in 2014. This shock is the catalyst for the next couple of years leading up to the referendum, and the second layer illustrates how the fight against IS established the opportunity structures allowing the Kurdistan region a larger role in the international arena. Because of the shock E1, L2 is the Kurdish fight against it and the leverage it gave to the Kurdish political actors in the international arena as frontline fighters against

IS. The position of the Kurds in the fight against IS resulted in internal repercussions within the Kurdistan region including the closing of parliament, tension within and between the political parties, and a drastic decline in the economic and social welfare of the region. The KDP did not know how long the PUKs' weakness would last, nor how long the international communities' attention would last. Therefore, the referendum preparations had been conducted quickly with significant media attention.

The third layer, L3, represents an oil revenue crisis which becomes another catalyst towards the timing of the referendum. As IS took over several oil fields, it had placed a strain on the Iraqi state, and the KRI was prevented from selling its own oil independent from Baghdad. In 2014, the Prime Minister at the time, Nuri Al-Maliki placed a halt on the KRI's portion of the federal budget which caused an economic crisis in the region (Hama, 2020, 2-4). Civilian's salaries were not being given, an oil price crash had occurred and the battle against IS had been placing financial strains on the KRI. It was clear that the region was struggling with deep financial issues all coming from Baghdad's decisions. In the summer of 2014, the Peshmerga forces were able to have a significant presence in the disputed oil-rich city of Kirkuk. Kirkuk makes up about 20% of Iraq's total reserves and has always been considered a Kurdish city with a strong PUK influence (Ibid, 6-8). In 2014, the KDP forces were able to exert their own influence in Kirkuk when the Iraqi army collapsed, and this was a strategic move on Barzani's part as Kirkuk would be crucial to the economic survival of the Kurdistan region. KDP forces in Kirkuk directly challenged the weakening PUK and showed the weakness of the Iraqi state.

In 2015, in the middle of the fight against IS, the financial crisis, and political party struggle, Barzani's presidency was set to end. The political parties and members of parliament could not come to any agreement on this, and the clash resulted in the

closing down of parliament while Barzani remained President. The two main arguments for keeping this system had been that the situation the KRI had been in required an experienced and strong executive while at the same time, there had been no alternative to Barzani who had as much public support as he did (Abdullah and Hama, 2020). Following this event, the Goran Party and the PUK had signed a political agreement the next year, pledging to establish a coalition block in parliament and combining their parliamentary seats which directly threatened the KDP majority in parliament (Hama, 2020, 9). For this reason L4 in Figure 1, becomes the layer depicting the PUK and Goran Party interference. This interference continues until 2017, when Goran Party members were ousted from their positions, blocked from participating in the political arena, and lost the public support they had had. At this point, with the Goran Party out of KDP's way and the PUK weakened significantly to the point that they had no other alternative but to support the referendum decision, the KDP found the window of opportunity to establish the independence referendum, which had been an amalgamation of events or inputs starting from the year 2014. This can be seen as the first point in which all the layers intersect, therefore coming together at  $t_I$  representing the combination of inputs. The final point in which the layers intersect is at the time output,  $t_O$ , in 2017 where the result of the inputs is the referendum. These multiple layers present how the outcome is generated and by using the above Figure 1, this research puts into perspective the events surrounding the Kurdistan region before the referendum.

## **Conclusion**

The ongoing struggle between the two main political parties, the KDP and the PUK, with eruptions of interference from smaller political parties has largely affected the development trajectory of the Kurdistan Region. The tensions and clashes between the

two parties prevented any referendum movements until 2017; this starts at 2005 even though the struggle has been going on since the early 70's, this is because it was during 2005 when the parties settled their differences officially and publicly. This competition represents a struggle that has been going on since the early 70s, a series of clashes, violent conflict, and opposing interests. The influence the political party competition has on the referendum is tremendous. Without the competition between the two parties, there would not have been an opportunity for a referendum. The PUK's adamant policies on a united Iraq along with their rivalry with the KDP, prevented the KDP from pursuing independence in the past. PUK's close relationship with the central government of Iraq prevented the KDP from garnering extra concessions or disputed territories in the past. The KDP's subtle loss of support from the public and a sharp decline in the economy from the war with IS, also influenced the KDP to pursue a referendum, especially with the PUK's weakened position in the competition between them. The weakening of the PUK right before the defeat of IS was largely in the KDPs' favor. With the PUK unable to prevent a referendum the KDPs' opportunity presented itself to politicize a movement towards secession.

This research has sought to provide an extensive background into the political party competition in the Kurdistan region, as well as to investigate the influence political individuals have on decision-making by taking the 2017 referendum as the main study. Timing has been an important consideration throughout this research, and one of the central focuses. Decision-making and political events occur regularly, however, the scholarly literature has failed to consider how these decisions lead to events at the times that they do. That various decisions and events are interlinked, and they intersect to push a population forward on a trajectory or to remove them and place them on another. In the case of the Kurdistan region, elite decision-making, political party rivalry, and the

occurrence of several events placed the region on the path towards the 2017 independence referendum.

## 5. The Influence and Consequences of Oil Resources on Relations Between Erbil-Baghdad

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### **Introduction**

Oil in Iraq has been a natural resource contested for decades, and the root of straining relations between the central Iraqi government and its only federal province, the Kurdistan region. Iraq has enough resources to allow the state considerable oil wealth, however, this oil is distributed unevenly across the state and has succumbed to corruption and political violence that has hindered the development of the state (Le Billon, 2015). The beginning of the disagreements and conflict can be traced back to 2005 after the overthrow of Saddam Hussein and the creation of the Iraqi constitution, in which the Kurdistan region was legally identified. This is when the Kurdistan Regional Government (KRG) was recognized as an autonomous authority and began to explore its oil resources within its borders (Dirri, 2019). This constitution was developed hastily and under the watchful eye of the United States, causing several dozen issues to arise after the constitution was ratified. One of the main problems stemming from the constitution has been the strained relationship between Erbil, the capital of the Kurdistan region, and Baghdad on decision-making, territory, and oil resources.

In Iraq, oil revenues generally play a significant role in the national income of the state, creating a 'resource curse', typically defined as the idea that an abundance of any natural resource, in this case, oil, causes poor growth in a state and may lead to high corruption and authoritarian leadership (Di John, 2007). Interesting to the particular

case of Iraq, is the influence of oil resources in secessionist movements, highlighting specifically the impact oil resources have on the relation between the central government and the autonomous regions government. The Kurdistan Region of Iraq (KRI) held an independence referendum on September 25, 2017, that created high rising tensions between the KRG and the central Iraqi government as well as between its own two main political parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). The trajectory for the referendum had first been set starting with the political parties. It is party politics in Kurdistan that had the most influence on the push for independence, and the lack thereof. Jalal Talabani, the leader of the PUK became the first Kurdish President of Iraq in 2005 and although the Kurds fared better under his rule, he became an obstacle to the KDP's self-determination agenda. Both the KDP and the PUK were receiving oil revenue at the time, while also being granted more lenient autonomy and self-rule. This is a factor in the quiescence on the subject of independence between 2005-2017. This article seeks to understand the influence and consequences of oil resources on relations between Erbil and Baghdad, and the effect the shift in access to oil revenue had on the push towards the 2017 referendum.

Firstly, a brief analysis of Erbil-Baghdad relations will be depicted, starting in 2005 and up until the arrival of the Islamic State (IS). To highlight the influence and consequences of oil resources, the case study of the 2017 independence referendum will be taken, to show the ascendancy of oil resources on decision-making by both the central government and the KRG. The consequences of dependency will also be assessed as well as the Erbil-Baghdad relations post-referendum.

### **Erbil-Baghdad Oil Relations from 2005 to 2013**

The starting point has been delineated in 2005 as it has had the most influence on the deterioration in the relationship between Erbil-Baghdad, but also had been influential in



that it became a significant milestone to their cooperation. In 2005, the constitution was adopted and the KRG had sought a federal compromise with Baghdad rather than pushing for independence. At the time, it had been the most ideal solution and the Kurdish political actors recognized that they would benefit more by cooperating with Baghdad (Le Billon, 2015). It is clear, however, that political tensions were rooted in natural resources and the competition for access, embedded in the constitution.

The KDP and PUK had fought side by side with the American forces in the 2003 invasion of Iraq and had been confident their American ally would aid them in their long struggle for self-determination. This had not been the case. The Americans emphasized a one Iraq policy and needed the Kurds to stay as a part of Iraq to keep the stability, specifically due to the vast amount of oil resources within the Kurdistan region. Instead, Jalal Talabani was voted the President of Iraq and Masoud Barzani remained in Kurdistan as its President assured by the Americans that their positions would be safe. The KDP and the PUK decided not to pursue self-determination as larger actors around them, such as neighbouring states, were guaranteed to rise up against them. The 2005 constitution, written quickly under the United States close guidance, allowed the Kurds legal rights within their region and granted them rights to fly their own flag, exploit their own natural resources, have their own government and presidency, the Peshmerga, the Kurdish fighting force, were also recognized under the constitution, Kurdish became the official second language and 17% of the Iraqi budget would be granted to the KRG (Gailan, 2017). It was not the self-determination the Kurds had fought for, but it was an opportunity to freely work on more strategic plans and develop their region for another opportunity to rise. The position of both the KDP and the PUK had also been established; the KDP had become a symbol and promoter of Kurdish rights, the PUK became the party dedicated to the one-Iraq policy (Stansfield

and Shareef, 2017). The conditions under which the constitution had been adopted, right after violence, civil unrest, and the American invasion, were crucial to the consistency of the constitution and the allocation of powers to the only federal region in Iraq.

Before 2005, the KRG had no active role in developing oil and gas fields or production of oil and gas. With the constitution coming into force, some articles particularly Articles 111, 112, 113 held ambiguities that paved the way for the KRG to begin oil and gas activities independently. Tensions between the KRI and the central Iraqi government began with these obscurities in the constitution (Alkadiri, 2010; Le Billon, 2015). The most significant point of tension has been Article 112, in which it is stipulated that, “The federal government, with the producing governorates and regional governments, shall undertake the management of oil and gas extracted from present fields...” (Iraqi Constitution). The KRG has interpreted this clause differently than the central government, arguing that Baghdad only has jurisdiction over the management of ‘present fields’, meaning those fields that were present in 2005 while any oil and gas resources that do not fall under the ‘present’ terms are not subject to shared jurisdiction (Voller, 2013; Abdulrahman, 2017; Amereller and Zamel, 2020). The Iraqi constitution articulated a highly crucial aspect of a state vaguely and with terms that did not reflect the very basic concepts of the oil industry, to which the KRG took advantage of to push for development of its oil and gas resources independent of Baghdad causing further tensions. The very basic terms referring to oil fields such as undiscovered, developed and undeveloped oil and gas reserves were not taken into consideration, making the term ‘present’ an ambiguity and a point of contention. ‘Present’ fields would also refer to those resources recoverable under the economic conditions at the time, and in 2005 the state of Iraq and the Kurdistan region were just beginning to recover from decades of conflict, sanctions, war, corruption, and the inability to cooperate (Le Billon, 2015).

By 2006, the KRG had concluded more than 50 Production-Sharing Contracts (PSCs) with various international companies to which Baghdad responded to as unlawful (Amereller and Zamel, 2020).

The main points of tension for Baghdad and Erbil have been the proper roles and authorities of the federal and regional bodies, that are unclear in the constitution, and the extent to which foreign participation would impact oil and gas production and development (Blanchard, 2009). In an attempt to solve these issues, the Kurdish parliament passed a regional Oil and Gas Law in 2007 which applies to all petroleum related operations and activities. This Law consists of 61 articles articulating the management, operations, methods, and policies of all oil and gas activity in the region, while at the same time outlining the difference between producing fields and those fields jointly managed with the central Iraqi government. It is apparent that this document has taken into consideration all necessary concepts and aspects of the oil industry. In an opinion letter from a prominent Law Professor to the Prime Minister at the time, Nechirvan Barzani, it was confirmed the KRG had constitutional authority over its oil industry. Specifically, the authority of the KRG to manage oil and gas operations as outlined in the Oil and Gas Law of 2007, in conformity with the federal Iraqi constitution (Crawford, 2008). However, in 2008 the tension between Baghdad and Erbil over oil resources had declined into armed conflict when Iraqi forces laid siege to Khanaqin, an oil rich town in the Kurdistan region (Alkadiri, 2010). Khanaqin, just like the city of Kirkuk, is a disputed territory that has caused friction between Baghdad and Erbil due to the vast potential of oil resources.

Baghdad rebutted all of the KRGs efforts and laws, to the point that it had punished oil companies that operated under the KRGs Oil and Gas Law of 2007, preventing them from operating outside the KRG (Hasan, 2019). In 2011, Erbil announced a deal

established with Exxon and Baghdad responded more harshly by blacklisting companies in Iraq (Le Billon, 2015). Constant failure in resolving constitutional ambiguities, the inability to agree to and pass a new federal oil law, and repeating conflict between Baghdad and Erbil has caused instability between the two governments. Despite the tensions between Erbil and Baghdad, the KRG managed to rapidly develop the oil industry since the Oil and Gas Law was ratified until 2013. The oil industry, however, was not a large source of income for the KRG, as 80% of the KRG's budget had been from central transfers, while 20% had been from its own industries (Sumer and Joseph, 2018). This had been prior to 2014, until the decline in world oil prices which had been one of the factors that had impacted the KRG's oil industry, other factors included the disputes with Baghdad on oil laws and the war against the IS that the KRI had played a significant role in.

In 2013, an oil pipeline had been built between the KRI and neighboring Turkey which on one hand, had increased the KRI's already heavy reliance on Turkey, and on the other hand allowed the KRI to independently export oil through Turkey and officially exclude Baghdad from its oil operations. In response to this Baghdad withheld a portion of the central transfers and in 2014 completely stopped sending the KRI's constitutionally recognized 17% of the budget (Ibid; Murad, 2017; Mamshae 2019). In conjunction with the Erbil-Baghdad disputes over central transfers and the budget, the IS had been occupying territories in Iraq and near the KRI, which led to increased spending into the Peshmerga forces and defense. With the IS occupying territories, the KRI was gaining an influx of internally displaced peoples (IDPs) as well as refugees from the Syrian crisis happening close by, leading the KRG to spend more in providing basic needs to over a million IDPs and refugees. The failure of Baghdad to provide oil revenues had been a devastating loss for the KRG, especially as it had been gaining

momentum towards improved development and economic success since 2005. These events leading up to 2014 had only been successful in showing the weakness of Iraqi institutions and state structures. This loss of oil revenue, the battle against the IS, tensions with Baghdad, and the notable competition between the two reigning political parties in the KRI all intersected to develop the KRG's agenda for independence (Mustafa, 2021). Weak state structures, corruption, and inefficient investments in an oil dependent state not only make a state more vulnerable to insurgency, but also have an influence in secessionist movements (Karl, 1997; Collier and Hoeffler, 2002; Fearon and Laitin, 2003). The loss of oil revenue was a drastic surge in disapproval towards Baghdad from the KRI, and is argued to be one of the main factors that pushed the Kurdish political actors forward in pursuing an independence referendum.

### **The Change in Access to Oil Revenue**

The key to independence for the Kurds has always rested in oil reserves. After the central Iraqi government claimed that their oil exports and contracts were illegal and in violation of the constitution, the Kurdish political actors decided that it was time to either renegotiate terms with Baghdad or push for independence. Before 2014, the KRG did not have leverage over Baghdad, but with the Kurdish forces being at the frontlines of the IS battle, seizing disputed oil rich territories, and the failures of the Iraqi state displayed continuously, president at the time, Masoud Barzani, thought it would be the most opportunistic time to push for independence. It was not only opportunistic due to Baghdad's weak state, but the internal KRG political party competition had also paved the way for the referendum to take place.<sup>14</sup> With the change in access to oil revenue due

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<sup>14</sup> The KDP's subtle loss of power and a sharp decline in the economy influenced the KDP to pursue a referendum, especially with the PUK's weakened position in the competition between them. The political party competition is depicted as the KDP vs. the PUK, but the leaders of these two parties, Barzani and Talabani's decisions have always set the trajectory for Kurdish politics. If Barzani did not agree with Talabani and vice versa, their policies and resources focused on preventing the other's

to the IS taking over a significant area of oil fields, the halt of central transfers, and the drop in oil prices at the time, the KRG in response to the economic crisis, reduced government employee salaries (O'Driscoll and Baser, 2020). This was met with mixed responses from the public, mainly contempt towards the KDP as the referendum was led by President Barzani and funded through KDP structures, and was not a decision made by the Kurdish population, the Kurdish Parliament, or other minor political parties (Ibid; Strachota and Lang, 2017).

A loss of autonomy is contended to be a major basis for secessionist movements (Hale, 2000; Horowitz, 2000; McGarry and O'Leary, 2013). For the KRG, it was loss in the autonomy to maintain its own oil industry that became one of the bases for the referendum to take place. Baghdad had miscalculated the consequence of halting all central transfers, rather than becoming an incentive for the Kurds to cooperate with them, the Kurdish political actors saw it as the ideal time to move away from Baghdad. The KRG also miscalculated the responses to the independence referendum, most notably from its neighbor, Turkey. Economically the KRG has strong ties with Turkey and has become its second largest trading partner (Mansour, 2014). The Erbil-Ankara relation had grown exponentially, leading to the activation of the Ceyhan-Kirkuk oil pipeline to export oil from fields in Kurdistan to Turkey, without passing through other parts of Iraq. To get to the international markets if ever independent, the KRG needs Turkey to facilitate the connection and the exports. However, Turkey has its own Kurdish minority within its borders and has been in strong opposition to any secessionist activity from the KRI (Eppel, 2018).

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agenda. Therefore, when one of them is significantly weakened the other can move around and make decisions freely. This is the case in the 2017 referendum. The KDP has always advocated for Kurdish independence or autonomy, while the PUK has supported a united Iraq.

When the referendum took place on the 25<sup>th</sup> of September 2017, it had ensued in further strained relations with the central government, Turkey, Iran, and internal Kurdish political parties. President Barzani had seen the independence referendum as an avenue towards better outcomes in negotiations with Baghdad, yet the KDP and PUK rivalry and division over their perception of Baghdad and the referendum had been in Baghdad's favour (Palani et al. 2020). As there had been internal Kurdish disunity towards the referendum, Baghdad had used this to reduce all avenues for negotiation and use the support of the international community to protect the integrity of the Iraqi state and its borders. Disunity had created the opportunity for Baghdad to undermine the Kurdish leadership, and to regain control over disputed territories (Ibid; Jongerden 2019).

The political actors in the Kurdistan region maintained that the referendum process was a way to garner the Kurdish society's opinion and was established and funded through the KDP structures (Strachota and Lang, 2017). The referendum was justified by the Kurdish political actors as necessary at a time when Baghdad had been failing to meet the responsibilities it had to the KRG and the constitution (O'Driscoll and Baser, 2020).

The question given to voters was,

'Do you want the Kurdistan Region and the Kurdistani areas outside the administration of the Region to become an independent state?'

Voter turnout had been 72%, and 93% of eligible voters, voted yes, but the question was simply to determine what the Kurds wanted for their region. The 2017 referendum was neither declared as a move towards secession nor did the Kurdish political actors acknowledge that secession was the aim of the referendum.

Baghdad's response to the referendum had been to impose an international flight ban on the region, issue arrest warrants for the organizers of the referendum, conduct coordinated military exercises with Turkey, and demand the complete handover of border posts and Kirkuk (Park et al. 2017). The referendum did not have international support and under Haider al-Abadi's rule as Prime Minister of Iraq at the time, the use of force had been approved to takeover Kirkuk. With Kirkuk, and other oil-rich disputed territories under the control of Iraqi forces and neighbouring countries Turkey and Iran in agreement with Baghdad over the illegality of the referendum, the central government had the upper hand and al-Abadi saw no benefit in engaging in negotiations with Erbil. This grounds the idea that with any change in access to oil revenue in Iraq, comes a new power dynamic between Erbil and Baghdad.

### **Consequences of Dependency**

Despite being under a federal arrangement, with prominent government roles allocated to the Kurds, for example the ceremonial role of President, the Erbil-Baghdad relation pre-2014 has been one of suspicion, hostility, and the inability to come to agreements on the oil industry (Gunter, 2011). The oil industry in the KRI developed rapidly since the establishment of the constitution to 2013 before the arrival of the IS. During this rapid development, Erbil and Baghdad underwent dozens of meetings and negotiations over oil resources and were incapable of coming to an agreement. The question of ownership and sale of oil in the KRI has been the main point of contest, along with territorial disputes and the federal budget. It is crucial to point out that the bitter relationship between the two comes from a history of violence, betrayal, and tyrannical regimes. The temptation of oil has placed greater tension on this relationship, as both the KRG and the central Iraqi government are overly dependent on oil revenues.



During the referendum, the relation between Erbil and Baghdad had deteriorated to borderline violent conflict, and complete distrust. Baghdad's response to the referendum had shown the Kurdish political actors and the Kurdish population their position in Iraq and the region. It showed specifically that the pursuit of anything akin to secession without regional support would lead to violence, harsh policies, and the potential to destroy the KRI's economy (Sumer and Joseph, 2018). The fact that the KRI is a landlocked region that is heavily dependent on the surrounding states regarding their economy also complicates its position with the central government who, with the upper hand in the oil industry, can threaten this dependency. This over reliance on oil has led to a lack of transparency, low quality institutions, poorly developed sectors, and political party competition. The prevalent consequence of oil resources on the KRI had been observed in 2017 after the independence referendum. Which had been the complete halt of oil revenues to the Kurdistan region, leading to almost one million unpaid government salaries and rendering the government into a state of debt.

Transparency becomes another consequence derived from the dependency on oil. The lack of transparency between Erbil and Baghdad and the absence of a supported legal framework has been a factor in the fluctuation of the relationship between the two (Ali Hama Saleh, Ministry of Oil in the KRG, Personal Communication, August 20, 2021). Transparency is commonly related to oil wealth, arguably leading to less public disclosure on government decision-making, institutions, and policies (Mohtadi et al. 2016, 2). Iraq and the Kurdistan region implement very low taxes, which has debatably led to low transparency between both governments and towards their populations. "Oil windfalls diminish the government's need for tax revenue and hence tax compliance, causing public officials to choose less transparency" (Ibid). The overreliance on oil resources has consequently led to increased attention on gaining revenue from oil, and

less attention on developing other sectors of the region. The urge to gain easy revenue from the oil revenue has also caused internal political party competition over who gets control and decision-making powers in the KRI. In 2017, with the PUK weakened, the KDP saw the opportunity to gain extra concessions and move forward in its agenda to gain leverage over Baghdad and negotiate oil revenues.

The ongoing struggle between the two main political parties, the KDP and the PUK, with eruptions of interference from smaller political parties, such as the Goran Party and the Kurdistan Islamic Union (KIU), has largely affected the development trajectory of the Kurdistan Region. The tensions and clashes between the two parties over power, resources, and territory, prevented any referendum movements until 2017. The influence the political party competition has on the referendum is tremendous mainly because without the competition between the two parties, there would not have been an opportunity for a referendum (Mustafa, 2021). The PUK's adamant policies on a united Iraq along with their rivalry with the KDP, prevented the KDP from pursuing independence, garnering extra concessions, or settling the disputed territories. The KDP's subtle loss of support from the public and a sharp decline in the economy from the war with IS, as well as the loss of oil revenue also influenced the KDP to pursue a referendum, especially with the PUK's weakened position in the competition between them. The weakening of the PUK right before the defeat of IS was largely in the KDPs' favor. With the PUK unable to prevent a referendum the KDPs' opportunity presented itself to politicize a movement towards secession. Barzani's trips and talks with Baghdad and various political actors, elucidate the claims that with the loss of resources such as the federal budget, oil cuts, and territory, the independence referendum could have been used as a bargaining tool to extract gains from the Iraqi state. The Peshmerga had taken control of disputed territories after the defeat of the Iraqi army by the Islamic

state, and the KDP wanted to retain this control from both Baghdad and the PUK. The PUK has historical influence in Kirkuk, which from 2014 to 2017 provided 60% of total oil exports in the KRI (Hama, 2017, 6). Kirkuk would have been both economically beneficial to the KDP, and politically as it would have tipped the balance of power in the KDPs favor. The post referendum phase, however, proved these efforts futile.

## **Conclusion**

The relationship between Erbil and Baghdad depends profoundly on whether it is Erbil or Baghdad has the ascendancy over oil resources, each side considers oil resources as a bargaining tool and a tool of leverage over the other. For Baghdad, this means access to the KRI's territory and oil resources, and for the KRI this means access to the oil revenue coming in through central transfers from the central Iraqi government. However, the KRI has developed a strong dependency on oil revenues at the expense of other industries and institutions. This dependency that the KRI has developed has shown dire implications on the region, mainly the inability to diversify the economy away from being over reliant on oil resources, low quality institutions, and a lack of transparency.

The over reliance on oil revenues had been a factor in the push for the independence referendum, as the KRI lost the oil revenues it had been receiving since the adoption of the constitution and to an extent, lost its economic autonomy. With this loss in autonomy, the mainly KDP Kurdish political actors pushed for the referendum to assert their position in Iraq and to gain leverage over Baghdad. Without the loss of oil revenues, coupled with the internal KDP-PUK competition, the referendum would likely not have happened in 2017. Rather than the referendum becoming an avenue to gain more concessions from Baghdad, Erbil had suffered a great loss and in 2021, the budget negotiations between Erbil and Baghdad agreed upon 12.67 percent of the

budget to the KRI compared to the 17 percent it had been receiving previously (Oxford Analytica, 2021). The loss of oil revenue, and the loss of control over oil-rich territories were vastly detrimental to the KRI's progress over the last decade. Consequences from the desire to gain access to more oil resources and revenue are still apparent to this day, and with the KRI remaining as a federal entity of Iraq, cooperation over oil resources is crucial to their development.

## 6. Legal framework, institutionalization, tools, and motives of Kurdistan Iraq's Paradiplomacy

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### *Introduction*

The rise of paradiplomacy can be seen in different regions and specifically in sub-state or non-state actors around the globe in recent decades. There is a staggering difference between the foreign relations practiced by sovereign states and the paradiplomacy practiced by non-state actors, specifically the Kurdistan Region in Iraq (KRI). Whereas sovereign states have the goal of total national interest and broad state-wide objectives, regional governments do not have such broad, all-encompassing objectives and have a narrower focus in comparison. It is crucial to the marginalized literature on paradiplomacy of regions in the Middle East, to take into consideration the process of the institutionalization of paradiplomacy in the KRI, as well as the objectives, obstacles, and influences behind it. Cases in the Middle East differ greatly due to instability, conflict, geography, and culture. The Kurdistan Regional Government (KRG), established in 1992, has seen an overwhelming amount of progress and success in its international and regional outreach. Considering that states are sovereign and have their own state institutions, embassies, consulates, and foreign missions/ that facilitate international relations, it is much easier for states to interact with other states than regions to interact with states, and yet the Kurdistan region has done a considerable amount in terms of paradiplomacy compared to other regions in the world. In 2006, the

Department of Foreign Relations (DFR) was established in the KRI with the main aim of establishing relations with the international community, promoting trade, investment, and tourism, overseeing KRG's offices abroad, organizing visits of political and economic delegations to the KRI, coordinating with the Iraqi Ministry of Foreign Affairs, promoting political, economic, cultural, and social ties with foreign states, as well as providing legal and authentication services to the people of the region and its citizens abroad (Danilovich and Abdulrahman 2017). The process of achieving the aforementioned goals had been a difficult and complicated venture.<sup>15</sup> Attaining international ties had by no means been a simple undertaking, especially with the internal and external obstacles that were present at the time and that continue to prevail to this date.<sup>16</sup> This chapter describes the legal framework under which Kurdistan Region operates its paradiplomacy, as well as demonstrate the exact driving factors behind the institutionalization of its paradiplomacy. By focusing on the practical and first-hand involvement in the development of paradiplomacy in the region, this research will illustrate how Kurdistan Region authorities in Iraq, and its representations abroad, work together to develop the region international outreach as a separate entity.

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<sup>15</sup> Before this, Falah Mustafa been the Minister of State at the Office of the then Prime Minister, Nechirvan Barzani, in charge of international relations. PM Nechirvan Barzani had the idea to establish a Department of Foreign Relations and place him as the Minister of that department, to which he accepted. In September 2006, a decree was signed to appoint him as the Head of the Department of Foreign Relations, with a ministerial rank. When he was ready to take the office, there had been no office. Before this time, there was no DFR in existence and he started to build it from nothing. All he had to work with had been the PMs vision for this department to become the future Foreign Ministry of Kurdistan. For him, the function of this department had been crucial, and not the name at this point in time. There had been no diplomatic presence from the international community in the KRI at this time, however paradiplomacy had been practiced during his role as the Minister of State.

<sup>16</sup> The first cabinet of the KRG, established on July 4<sup>th</sup> 1992, had established a Ministry of Humanitarian Aid and Cooperation. The understanding at the time had been that through this Ministry would the KRG have access to the international community. The region had been left nearly destroyed after years of violence and conflict and plundering of villages and towns and the KRG sought to approach the international community through humanitarian aid. Through incoming humanitarian aid, the KRG managed to create ties with other states and establish representations abroad.

### *Exploring the Legal Framework*

One of the leading obstacles towards the practice of paradiplomacy by the KRI had been the constitutional argument and the very definition of diplomacy itself. The common argument has been that diplomacy is practiced by central governments of sovereign states (Vienna Convention on Diplomatic Relations 1961; Schwietzke 2011; Danilovich and Abdulrahman 2017; Zadeh and Kirmanj 2017; Nanyonga 2019). However, recent decades have seen a shift and a new paradigm of diplomacy practiced by non-state actors, international organizations, and non-governmental organizations. Paradiplomacy is the particular involvement of substates or regions in international relations with an agenda that serves the substate or regional agenda (Wolf 2007). It is argued to be more common in federal states, but not all constituents of the federal state develop the capability to practice extensive paradiplomacy and develop an “international personality” (Lecours and Moreno 2001, 6). There are prerequisites to this level of paradiplomacy which are divided into three elements: the level of autonomy of a region, the constitutional framework and institutional arrangements, and the national foreign policy and international affairs (Ibid, 6-7).

The KRI enjoys a significant amount of autonomy from the federal government and in 1991 up until 2003, the Kurdistan region was almost independent until it agreed to a federal compromise with Baghdad in 2005, rather than pushing for independence. After 1991, the Kurds were able to secure certain rights as de facto entity and were not able to give up these rights to become part of Iraq. Federalism became the most ideal solution and the Kurdish political actors recognized that they would benefit more by cooperating with Baghdad under one federal state. The 2005 constitution, written quickly under the United States close guidance, allowed the Kurds legal rights within their region and granted them rights to raise their own flag, exploit their own natural resources, have

their own government and presidency, its own armed forces, the Peshmerga were also recognized under the constitution, and Kurdish became the official second language (Gailan 2017). Some argue that through paradiplomacy, state sovereignty can be placed at risk (Lecours 2002; Forrest 2003). However, it can be argued that this is not the case in Iraq and has instead aided in maintaining a working relationship between Baghdad and Erbil. Wolff (2007) argues that paradiplomacy helps self-determination conflicts, as a denial of such practice could be detrimental to the state itself.

Regarding the topic of foreign relations and the practice of diplomacy, the KRI's jurisdiction has been recognized and guaranteed by the Iraqi constitution, specifically granted the ability to conduct foreign relations, however, but unable to formulate foreign policy alone. Federalism strengthens the state and its institutions and does not threaten the unity of the state.

As such, the KRI practices both foreign relations and paradiplomacy without violating the sovereignty of Iraq or violating any of the constitution's premises (Mohammed and Owtram 2014; Salih and Najmalddin 2016). It is the exclusive power of the federal government to set and formulate foreign policy, and the KRG understands this right and follows Iraqi foreign policy to the best of its ability, except in those cases where a policy violates the constitution or contradicts and threatens the interests of the KRI and its population. The constitution specifically states that, "This Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region" (Article 117). Therefore, the KRI's representations that existed before the adoption of the constitution were constitutionally protected in 2005. The Iraqi constitution itself has granted the KRI, through its own legal framework, the ability to conduct foreign relations and develop its paradiplomacy (Wolf 2010; Ababakr 2020). Not only does the Iraqi constitution recognize and protect the KRI's ability to conduct



foreign relations, but it also recognizes all of the KRI's laws and contracts since 1992. Through Article 115, the region has the right to nullify or modify any federal legislation where powers are shared between the federal and regional governments in the case of any discrepancy or clash, the regional government has been given the priority (O'Leary 2008; El-Dessouki 2012; Ababakr 2020). The KRG representations operate under the legal framework provided by the Iraqi constitution as well as KRG issued decrees regarding the DFR and KRI representations abroad.

A crucial point to highlight is the common notion that the KRI's paradiplomacy and foreign missions abroad are waved as secessionist in its practice, however, this is not the case.<sup>17</sup> In fact, paradiplomacy is used for several distinct reasons which are economic, social, cultural and political in orientation, specifically to develop the region in terms of the most basic needs for the population such as infrastructure, health, and education. Paradiplomacy can be used as a means for identity and nation-building, as well as promoting and building awareness of culture (Lecours and Moreno 2001). The KRI has not been secessionist in its approach, on the contrary, since the adoption of the constitution, the political actors of the Kurdistan region agreed that a federal system would unite a fragile Iraq and strengthen it. This process would require the participation of all ethnic and religious groups to participate in the process of institutionalization in Iraq. In reality, the Kurds wanted a strong representation and presence in Iraq, as this would be vital in protecting the KRI. Creating strong foundations had been the first step in developing the region, and in order to do so, institutionalisation had been a critical step, specifically the institutionalisation of the KRI's paradiplomacy.

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<sup>17</sup> In 2005, the Kurdish leadership at the time, President Masoud Barzani and the late President Jalal Talabani, played a major role in convincing the people that we would be better off as part of a federal, democratic, pluralist Iraq, in which we would have legitimate, constitutional recognition. Iraq was recognized as a state by the international community, the United Nations, and the Security Council. By joining Iraq as a constitutionally recognized federal region, it would allow the Kurdistan region to become a *de jure* entity, instead of the *de facto* entity it was recognized by until 2003.

### *The Process of Institutionalization and its Driving Factors*

The institutionalization of the KRI's paradiplomacy began with the Prime Minister at the time, Nechirvan Barzani's decree to establish a Department of Foreign Relations. Needless to say, the KRG, in its first cabinet after the uprising, had established the Ministry of Humanitarian Aid and Cooperation, to create connections with other states through humanitarian aid. Despite this formal decree, KRI representations already existed abroad, and yet there were no formal institutions to accommodate the regions official, foreign relations and missions abroad, nor was there any diplomatic presence of the international community in the region. In fact, the Department had first started out as a small office, with several individuals who had a background in political science, law, and diplomacy. This small department grew until it became a large department, functioning effectively and in conjunction with the different representations abroad.

It is due to the vision, commitment, and pragmatic leadership of the KRI, that was able to move the region slowly but surely, towards developing a strong foundation for the KRI's relations with the outside world. This had been done with certain goals and objectives which were to ensure survival in the region and to safeguard the future of the Kurdistan region and all its occupants. These goals were shaped by fear of the past and the atrocities committed during the Anfal campaign, the chemical attacks on Halabja, the mass murder of 8000 Barzani's, and the destruction of almost 5000 villages. Establishing good international relations and securing international support would safeguard the next generations in the region and would prevent the past from repeating itself. Forming these relations with different states had been done through public diplomacy, energy diplomacy, cultural diplomacy, and commercial diplomacy.

The KRI has managed to establish 14 offices around the world. Like other regions, the KRG Representations act as embassies and provide almost all services, except for those

that are exclusive to the power of the federal government, in which the Representations will work in coordination with Iraqi embassies to solve any issues. KRG Representation offices have become the main actors of Kurdish lobbying in the host countries, and they work to represent the KRI's interests abroad (Baser 2018). The motives behind this institutionalization, both in the KRI and abroad, had been and continue to be for the purpose of strengthening economic, social, cultural and political ties with the international community. The DFR, has grown substantially in its ability to facilitate communication between the KRG and the international community, provide opportunities for job prospects and inviting foreign investment, and raising awareness of the cultural significance of the KRI. The DFR has nine directorates which are KRG Office of the Head of DFR, Offices Abroad, Protocol and Delegations, Media and Communication, Administration and Finance, Quality Assurance, Legal Affairs, International Organizations, and International Relations in the Region (Salih and Najmalddin 2016, 51). The practice of paradiplomacy had been intended to create trade ties, attract humanitarian aid and foreign direct investment (FDI), as well as promote the KRI as a symbol of peace, co-existence, stability, and security in Iraq. To do so, institutionalizing paradiplomacy had been crucial to attracting the attention of the international community to the region. The most difficult task had been to distinguish between Iraqi and KRI institutions, and to justify the need for separate KRI institutions that differed from the Iraqi institutions, without causing any rifts with the federal government.

The KRG's strategy to develop diplomatic ties in order to secure economic stability, has been largely aided by its oil industry and the KRI's vast oil and gas resources. By developing an economically appealing investment law the oil industry has allowed the development of diplomatic ties with countries interested in investing in the regions.

Energy diplomacy had been widely practiced by the KRI, and the then PM, Nechirvan Barzani had famously quoted, “Because of our policies, we have been able to put the Kurdistan Region on the world map. I have no doubt that we will have an important role in providing energy to the world.” (KDP, 2012). So far, companies from a number of states have seen great opportunities in the KRI such as the United States of America, Russia, China, Turkey, Norway, Canada, Australia, The United Arab Emirates, France, The United Kingdom, India, South Korea, Hungary, Spain, Austria, and plenty others (Jalal 2021).

The KRI is landlocked, and diplomacy is crucial to its survival in a region where instability and violence are everyday themes. Despite this, the region has seen plenty of success in its diplomatic relations. It is argued that the KRG’s achievements in protecting its autonomy, developing its economic and commercial diplomacy, creating a strong national security agenda, taking advantage of its resources, and demonstrating effective diplomatic ties with its neighbors, as well ensuring good relations with the neighboring countries, has been due to the mature and intelligent diplomatic decisions made by the region’s political actors (Zulal 2012).<sup>18</sup> Security and stability of the KRI, has been one of the major goals of the KRG, as it is recognized that diplomatic ties and the interest of foreign partners would only be feasible in a peaceful and stable environment. The KRG has long recognized that diplomacy is a means of development, stability, and survival, and has thus recognized that Turkey and Iran also need to play a role in the KRI, as its immediate neighbors and to prevent any hostility between the KRG and its neighbors who have historically been against Kurdish independence.

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<sup>18</sup> The building of the Erbil International Airport had been a joint venture between a Turkish company, Makyol-Cengiz, and a British company, Scott Wilson. The then Prime Minister, Recep Tayyip Erdogan had come to the opening ceremony of the airport and delivered a speech under the Iraqi and Kurdistan flag. Therefore, it became clear that the KRI could use commerce and commercial diplomacy to extend and strengthen relations with neighboring countries.

The extensiveness of the KRI's paradiplomacy can be seen through its various representations abroad and in the region, the frequent travels of political actors to and from the region, as well as the KRG's official international visits abroad with states and international organizations. The representations existing in the region number at 40 offices and include the Embassy Offices of Canada, Sweden, and Japan, the Consulates of Italy, South Korea, and Egypt, the Consulate Generals of The United States, Russia, Germany, France, United Kingdom, Czech Republic, Hungary, Netherlands, Armenia, the Hellenic Republic, Poland, Turkey, India, and China. The Consular Office of Romania, the Commercial Office of the Republic of Austria, the Commercial Office of the Republic of Bulgaria, the EU Delegation - Erbil Liaison Office, the Honorary Consuls of Spain, Denmark, Belarus, Slovakia, Ukraine, Cyprus, and Sri Lanka. As well as the United Nations Assistance Mission to Iraq– Erbil Regional Office (UNAMI), the Regional Office of the International Committee for the Red Cross, the Consulate Generals of Iran, Jordan, Sudan, Palestine, the United Arab Emirates, Kuwait, and Saudi Arabia.<sup>19</sup> On the other hand, KRG Representation exists abroad in Australia, Austria, Belgium-EU, France, Germany, Iran, Italy, Poland, Russia, Spain, Sweden, Switzerland, the United Kingdom, and the United States of America (Department of Foreign Relations, 2021). The number of offices present in the KRI and abroad shows the extensiveness of diplomatic relations with the international community and reiterates the KRG's vision to develop the region with the aid of other states.

Another factor indicating the extensiveness of the paradiplomatic relations and activities of the region has been the various international visits abroad made by the region's political actors. In 2010, there had been a peak in the paradiplomatic relations with the

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<sup>19</sup> Sudan's Consulate has been discontinued temporarily since 2018 due to financial reasons provided by the state, and later on it would stay closed due to political turmoil. Belarus' honorary consulate has also been shut down in November 2021, due to the migration crisis they are currently facing.

KRG and the international community especially as President at the time, Masoud Barzani and many senior ministers and officials participated in more than 28 visits abroad which took them to states such as the US, Germany, France, Italy, Austria, Turkey, Saudi Arabia, Jordan, Lebanon, Egypt, etc. In many instances President Barzani had been received as a head of state in many of these countries (Mansour 2015; Salih and Najmalddin 2016). The visit to the Kingdom of Saudi Arabia had been a particularly successful development for the KRI as King Salman bin Abdulaziz al-Saud had adorned President Barzani with the King Abdul Aziz Medal of the First Degree, this medal has previously only been given to heads of state. The year 2014 had been another remarkable step in the KRG's paradiplomatic activity, President Barzani had met with senior Turkish officials in Ankara and he had been received under the Kurdish flag (Barzani 2020). This had been a significant move, and only emphasized the notion that the Kurdistan region had gained momentum and success in its paradiplomacy and its ability to gain recognition as a capable entity. In the years leading up to the independence referendum in 2017, the KRG had welcomed almost 200 high level foreign visitors, which included ministers, ambassadors and political officials from states and organizations in North America, Europe, Australia, Asia, and the Middle East. Among these visits, had been the US Vice-President, Polish Prime Minister, Canadian Prime Minister, Foreign and Defense Ministers from the US, Britain, France, Germany, Canada, Belgium, Turkey, the Special Representative of the UN Secretary General as well Secretary General, Ban Ki-Moon, Secretary General of the Arab League, and representatives of the EU (El-Dessouki 2012).

A prominent point to highlight is the tools used to facilitate paradiplomacy, which were critical in terms of establishing paradiplomatic relations and maintaining them. Due to the hindrances that come with being a federal region and the constitutional boundaries,

there are limitations on the tools the KRG can use, however, despite this, the main tools have been communication, economic strategies, and creating a stable environment. Communication with military establishments in the region, foreign delegations, organizations, and through efforts made to establish communication abroad has helped to create strong ties and relations with dozens of countries. Continuation of communication, follow-ups on the region's situation, and the encouragement to establish representation in the KRI has allowed the region its success today with its paradiplomatic ties and activities. At the forefront of tools used by the KRG, economic strategies have been the most pragmatic and successful in terms of attracting foreign investment, and creating partnerships between the KRG and other corporations, organizations, and sectors of the government. By focusing heavily on investment opportunities in the public sector, private sector, education, and tourism, a broad range of partnerships have been formed with different states.<sup>20</sup> In order to facilitate these partnerships and to have continuous representation in the form of foreign offices, the KRG has also focused on creating a stable, secure, and peaceful environment. Managing such an environment is crucial to the message the KRG has echoed over the years, that the Kurdistan Region is safe and open to all, with a culture of tolerance towards all religions, ethnicities, cultures, and people.<sup>21</sup> This has been the most useful tool in order

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<sup>20</sup> A third sector can be considered, just as crucial as the private and public sector, which is the civil society. The Kurdistan Region has focused on supporting democratic values such as the freedom of speech and the rule of law. The region has a history of its people being deprived of such rights, being persecuted for their beliefs, and fighting for freedom. Therefore, it chose the path of democracy to right these wrongs. The KRI is committed to democracy and democratic values, which enables the region to further develop relations with the rest of the free and democratic world. Policies have been implemented targeting women and engaging the youth as well as developing institutions.

<sup>21</sup> The KRI is presented as an international partner that stands for the core values of peace and stability, welcomes and supports Internally Displaced Persons (IDP) and refugees. Protects religious minorities, and fights terrorism and extremism. After 2014, representing the KRI had become easier as I had much to communicate to the outside world. The fight with ISIS had been ongoing and the KRI was proud to be the frontline fighters against this brutal terrorist organization. The frontline had been 1050 km in length and the war had been very costly and deadly to the KRI and to its Peshmerga fighters. Despite this, the KRI hosted up to 2 million refugees and IDPs from Syria and the rest of Iraq. Therefore, representing the

to create a space to enable the use of other instruments and establish paradiplomatic activity. The KRG understands the need to develop its economy to support both state-building and in turn its foreign relations objectives (Soderberg and Phillips 2015).

### *The Evolution of Paradiplomacy of the Region*

Paradiplomacy has in fact become a new trend in international relations, and an opportunity for the citizens of the Kurdistan region to express their identity through representation at the international level. The Kurds are distinct in terms of their culture, language, traditions, and history from other ethnic groups in the region and in Iraq and by practicing paradiplomacy this difference is expressed, recognized, and celebrated by almost 30 million Kurds. The evolution of paradiplomacy can be seen in the extensiveness of the KRG's activities as well as in visits conducted and received by KRG officials which total 196 visits received and 30 visits conducted in 2010; these numbers have tripled since then (Department of Foreign Relations, 2021).

Nowadays, the KRG is at the negotiating tables, has signed international accords, entered bilateral and multilateral relations with numerous states, developed trade relations, and has its own representations abroad.<sup>22</sup> There is a staggering difference between the KRG's paradiplomatic activities in the present day, compared to a decade earlier, and especially during the 2017 referendum preparations and post-referendum phase. One of the objectives of paradiplomacy from the years 2014 to 2017, had been to gain the support of the international community as the KRG began to take the steps towards an independence referendum. The 2017 referendum was neither declared as a move towards secession nor did the Kurdish political actors acknowledge that secession

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KRI began to include presenting itself as a partner to the international community towards furthering peace and stability and a partner in protecting refugees, IDPs, religious and ethnic minorities.

<sup>22</sup> A number of MOU's have been signed with states like France, Jordan, and Qatar, as well as with regions such as the Veneto region in Italy and the German region, Baden-Württemberg.



was the aim of the referendum (Barzani 2020). President Barzani explicitly stated that he had no plans for immediate declarations of statehood after the referendum, but instead would begin talks with Baghdad to solve the issues between them regarding budget cuts, status of disputed areas, and the Peshmerga forces. Up until this time, the KRG had been committed to the Iraqi constitution and in making a federal Iraqi system work. However, after numerous constitutional violations by the federal government, the KRG could not see a partnership with Baghdad working in the future unless they could gain some amount of leverage. This created a shift in paradiplomatic activities by the KRG as it was then being used as a method of securing international support and recognition of the KRI and the rights owed to its people.

The KRG continuously strives to develop further relations with the international community abroad and its own neighboring countries. There now exists many government positions under the auspices of Foreign Relations in the region including the Foreign Policy Advisor to the President, Head of Foreign Relations Department, Deputy Head of Foreign Relations Department, Head of Foreign Relations of the President's Office, as well as an entire Department of Foreign Relations. Technology has also been a factor in the advancement of paradiplomacy, and diplomacy in general. Developing ties with foreign officials of different states around the world has been made easier through social media, and the ease of accessibility. It has made staying in contact an easy process as compared to a decade ago when there was limited access. Education has also had an impact, as foreign dignitaries are often invited to the KRI for conferences, workshops, seminars, University lectures, events, and vice versa. The KRG is positive in its own future for further paradiplomatic activity and extending its outreach through the aid of its representations abroad, KRG officials, related offices,

and officials of other states. There has been a significant step in increasing paradiplomatic activity in the region especially once the KRI led the battle against ISIS.

One of the objectives of paradiplomatic activity from 2014 up until 2017, had been to gain the support of the international community for the battle against ISIS, the KRI began to take the steps towards an independence referendum. Since 2014, Nour al-Maliki, the then Prime Minister of Iraq's began to work against the Kurds after working against the Sunni community as well. After the departure of American soldiers in Iraq, Maliki attempted to consolidate his rule through attacking Sunnis and Kurds. Specifically, towards the Kurds, he had cut the federal budget coming into the KRI. It was clear that the Kurds and Sunnis in Iraq were not being treated as partners in the state, as dozens of constitutional violations had been made by Baghdad. In that same year, President Masoud Barzani went to the parliament and asked for the establishment of the Kurdistan High Elections and Referendum Commission (KHEC). The 2017 referendum was neither declared as a move towards secession nor did the Kurdish political actors acknowledge that secession was the aim of the referendum. The question given to voters was,

'Do you want the Kurdistan Region and the Kurdistani areas outside the administration of the Region to become an independent state?'

Voter turnout had been 72% of eligible voters, and 93% of these voters, had chosen yes to an independent Kurdistan. Although the 2017 referendum was an independence referendum, President Barzani explicitly stated that he has no plans for immediate declarations of statehood after the referendum, but instead would begin talks with Baghdad to solve the issues they had which led to the referendum in the first place (Barzani 2020). Up until this time, the KRG had been committed to the Iraqi constitution and in making a federal Iraqi system work. However, after the budget cut in

2014, the KRG could not see a genuine partnership with Baghdad working in the future unless they could gain some leverage. With the momentum gained in paradiplomatic relations and activities gained by the KRG, after the arrival of IS, the Kurdish political actors spent the years between 2014 and 2017 at negotiation tables and engaging with the international community in order to clarify the dynamics between the KRI and Baghdad. The role of the Peshmerga had given the KRI military support from several states and also earned international visibility (Palani et al. 2019). It had also become crucial to engage with the neighboring countries, as they have proved to be crucial partners in the KRI's development. Since becoming a constitutionally recognized region, the KRI has established deep rooted political, economic, and commercial ties with Turkey, which has been argued benefited the KRI in its leverage with Baghdad (Tezcur 2019). The region's continued livelihood depends on good diplomatic ties with the states surrounding it (Sumer and Joseph 2018). The referendum had brought about harsh reactions from those neighboring states and the KRI has managed to mend those ties through diplomatic means, through all the tools at its disposal.

### *Concluding Remarks*

The lack of literature on paradiplomacy in the KRI has offered offers opportunity for presenting a better understanding of Kurdish paradiplomacy in the historical, legal, and institutional context. It is crucial to recognize first and foremost, the main motives driving paradiplomatic activities in the region and how these motives have evolved over time, under different circumstances. One of the key objectives has been to explore the legal framework under which the KRI practices paradiplomacy, the process of institutionalization, as well as the tools used by KRG officials. The use of paradiplomacy and the extensiveness of the KRI's foreign relations gave the political actors a sense of security in the independence referendum. However, it became clear

after the referendum that it had not been the case in terms of support from the international community and the relations the KRI has secured over the years did not mean support for an independent Kurdistan. Instead, the international community had made it clear that Iraq's territorial integrity needs to be upheld (Jongerden 2019; Palani et al. 2019).

An overwhelming amount of success in international and regional activity has been observed since the establishment of the DFR in 2006, and through focusing on the practical and first-hand involvement in the development of paradiplomacy in the region, it has been clarified how Kurdistan Region authorities in Iraq and its representations abroad work together to develop the regions international outreach. The Iraqi constitution has paved the way for Kurdistan's paradiplomacy and there are no constitutional violation concerns in the way the region has developed and maintained its paradiplomacy. The KRI's commitment to democratic values is unwavering and connecting with the rest of the democratic world has been a tool in order to achieve this. By connecting to other states who value democracy, freedom, and equality, the KRI has focused on building a foundation for the region based on these principles.

## 7. Bringing it All Together

The KRI has remained part of Iraq, despite the referendum attempt and the purpose of this research has been to understand the reasoning, timing, and events behind the referendum. In 2005, during the elections, the Kurdish population had moved to conduct their own referendum in a way to pressure their political leaders to pursue independence rather than join Iraq as a federal entity. The Kurdish political leaders, specifically the then presidents of Iraq and the KRI respectively, Masoud Barzani and Jalal Talabani, sought to join Iraq instead and believed that they would gain more from becoming a federal entity rather than pursuing an independent Kurdish state. I come to the conclusion that the reason both parties could not agree on a referendum prior to 2017 is because they had few incentives to pursue an independence referendum. The parties were satisfied with the power and influential positions within Iraq and the KRG and were content in developing the KRI further. The weakening power of the PUK allowed the KDP freedom in moving forward with their own agenda. However, it is also the weakening power of the KDP and the threat of losing the citizens' support that pushed the KDP towards an independence referendum with the PUK out of the way. Independence had been a point on the KDP agenda for the KRI in the long term but not on the PUK agenda until after the referendum. (Personal Communication, Interview with Political Advisor to the President, Falah Mustafa, October 1<sup>st</sup>, 2021).

The trajectory for the referendum had been set starting with the political parties. It is party politics in Kurdistan that had the most influence on the push for independence, and the lack thereof. The PUK and the Goran Party became an obstacle to the KDP's self-determination agenda. Both the KDP and the PUK were receiving revenue at the time, while also being granted with more lenient autonomy and self-rule. This is a factor in the quiescence on the subject of independence between 2005-2017. The emergence of

IS followed by the Peshmerga's role as frontline fighters against terrorism on behalf of the world gave Barzani the window of opportunity to deem Iraq as a failure. By doing so, the international community turned its focus on the KRG. The KDP thought that this support in the war on IS would also be support in extracting gains from Iraq. Tension with the central Iraqi government increased when the Kurdish political actors planned to become economically independent. As a result of this and IS' control over important oil fields in Iraq, the oil revenue budget paid to the KRG was halted creating an economic crisis in the region. These events prompted Barzani to declare an independence referendum, and this referendum was possible largely due to the weakened state of the PUK.

The main research questions have been a theme throughout the various research proposed in this compilation, namely, what the driving factors were behind the timing of the independence referendum, to what extent the political party rivalry influenced the decision to hold the referendum, and what political mechanisms played a role in the adoption of the independence referendum. This research focused on the internal processes in the Kurdistan region that led to the referendum. However, external processes such as the influence of foreign powers, and the United States' own agenda for Iraq can also be considered in the timing of the referendum in future research. Considering external processes may have also aided in answering why the Kurdish political actors decided to pursue a referendum when they did.

Nonetheless, the internal processes were the most prominent and recent. The focus has been on the KDP and the PUK, without going into the inner workings of each party and the limitations presented by their own members. These details not outlined in this research would have broadened the scope of the research question. Specifically, it would have led to including the inter-party relations of all the political parties in the

region and how they associate with either the KDP or the PUK. Rather than doing so, it had been ideal for this research to focus only on the two main political parties, as they are the ones with most influence in decision-making, as well as, on other smaller political parties. Internal processes also refer to those layers that happened within Iraq and the Kurdistan region. Broadening the scope, would have involved the interests of the United States, Russia, Turkey, Iran, and European states in the Kurdistan region. While this would make a significant contribution in later stages of my research, it would not have aided the findings of this research and would shift the focus from internal processes, to external processes.

In terms of methodology, this research shows that there are alternative ways of looking at secessionist movements. The Kurdish case indicates that although an independence referendum had been pursued, independence was not the only goal. By looking at this through internal party politics and focusing on the temporal aspect, a new perspective on secessionist movements has been produced.

This research makes a theoretical contribution to literature on Kurdish party politics and the Kurdish independence referendum of 2017. It also contributes to fill the lack of temporality in secessionist and referendum literature. This case study on the Kurdistan region highlights the importance of internal processes and party politics in the timing of referendums in general. The literature on secession and independence movements focuses on the relationship between the host state and the group seeking independence. Yet, the literature fails to account for the conflict amongst the political actors and influence of internal processes on the timing of secessionist movements and referendums. The temporality of these movements is an aspect future research on the study of referendums elsewhere could incorporate. The Kurdish case is unique. Despite

this, the way my research considers timing and causal layers can be used as a perspective for referendums in general.

### Post-Referendum in Iraq and the Kurdistan Region

After the referendum, the Iraqi military force backed by the Iranian Popular Mobilization Forces (PMF), carried out the attacks on Kirkuk using American weapons and Humvees (Goran, Kurdistan 24, 2017). Kurdish civilians took up arms to protect themselves against this hostile force and the KDP Peshmerga fought alongside the PUK Peshmerga to protect the borders of the Kurdistan region. The turning point came when in the midst of battle, Peshmerga loyal to the PUK left Kirkuk.

Following Jalal Talabani's death in 2017, his wife Hero Ahmed and sons Bafel and Lahur Talabani succeeded the leadership. According to Masoud Barzani, the PUK struck a deal with Iran and Baghdad without the KDP's knowledge (Bar'el, Haaretz Middle East News, 2017). Thirty-eight members of the PUK signed the agreement to end the fight and following the agreement the PUK Peshmerga left Kirkuk and the KDP forces were outnumbered, leading to the Iraqi takeover of Kirkuk (Hardi, Middle East Eye, 2017). Once more, rather than staying united the KDP and the PUK fell into conflict in the aftermath of the referendum proving that internal politics heavily influences the region.

Opposition from international actors and hostility from neighbouring countries produced substantial setbacks for the KRI. The economy suffered from tensions between Erbil and Baghdad over continuous budget delays, disputed territory resulted in violence between the Iraqi Army and the Peshmerga, and there had been widespread fear amongst the society with the demand that the KRI hand over control of borders, airports, and resources (O'Driscoll and Baser, 2019). Iran had also closed all air



connections with the KRI while Turkey threatened to do the same. “Turkey and Iran widely condemned the referendum, carried out joint military drills on the border with the KRI, and made a number of threats against the KRI – including ceasing the export of oil.” (Ibid, 2017). Despite these issues, the Iraqi federal elections and the Kurdistan regional elections were held in 2018, with surprising success for the KDP and PUK after the repercussions of the referendum.

<b>Party</b>	<b>2010</b>	<b>2014</b>	<b>2018</b>
KDP	26	25	25
PUK	17	21	18
Goran	8	9	5

**Table 2. Seats won by KDP, PUK, and Goran Party in Elections since 2010 (Mansour and Van den Toorn, 2018).**

All of these elections, however, had been accused of gross electoral fraud and there had been a low voter turnout in both elections (Esposti, 2021).

The independence referendum had highlighted the division of the political parties and their supporters, confirming the lack of a unified leadership and prospect for the future of the Kurds in Iraq (Park et al., 2017). (This reflects on the society and has led to) a drop of almost 20% in voter turnout for the 2018 elections, as well as the 2021 Iraqi federal elections. “After approving its new constitution in 2005, the country experienced impressive turnout rates of 79.6, 62.4, and 60.5 percent for the national parliamentary elections of 2005, 2010, and 2014, respectively.” (Kahtan, 2018, 2). In contrast, in 2018 voter turnout had been 44.5%, while in 2021 it decreased to 43% (Reuters, 2021). The KRI’s annual budget also decreased as a repercussion of both the referendum and the KRG’s move towards independent oil sales in 2013, the budget went from 17% in 2012 to 12.67% in 2020 (Abdulqadir et al. 2020). Thus, the referendum had become an

impediment to what had been accelerating development in the KRI, in terms of economy, politics, and social development. Following the Covid-19 pandemic at the beginning of 2020, the region suffered more economic losses, and has just recently resumed its development projects, infrastructure projects, and regaining diplomatic ties with the international community.

### Concluding Remarks

It is because of the KDP's Kurdish independence agenda and the changing competition between the two parties for power and political positions that truly determined the referendum's timing. Therefore, the first casual layer is the political party competition and the emergence of IS - known throughout the research as the shock E - became the catalyst for the agenda that already existed to come to fruition. Given the window of opportunity the Peshmerga's role in the battle against IS provided, Barzani was able to justify his claims for an independence referendum. With Talabani out of the picture, the KDP political actors were able to conduct preparations for the referendum with little opposition and the internal struggle within the PUK and Goran Party was to the KDP's benefit, tilting the balance of power in the KDP's favour. A relating factor, depicted as a fourth layer aided in grounding the KDP's decision to hold a referendum, which had been the PUK and Goran party interference in KDP's political agenda after the second and third layers.

The second layer signified the second major argument for why the referendum occurred in September 2017 and not before. From 2005 until 2014 there was no reason for the Kurds to declare their aspirations for independence, nor was there a window of opportunity until the Kurds became involved in the battle against IS. From 2014 to 2017, the Kurds were able to achieve a great deal of foreign assistance and support.

They also managed to expand their control to more cities, and stationed Peshmerga in oil-rich cities like the disputed Kirkuk area as well as other oilfields. In order to keep KDP control and leverage over Baghdad, the referendum was politicized for this purpose. Thus, depicting the third layer as the change in oil revenue. The critical juncture in the timeline of events leading up to the referendum comes at this point where the access to oil revenue changed, and the KRI had been suffering from Baghdad's refusal to send central revenue transfers. Creating an institutional flux in which decisions made during this time by Barzani, set the trajectory for the referendum. Baghdad's failure to provide this revenue and in turn creating an economic crisis for the KRG created the opportunity for the Kurdish political actors to begin plans for an independent economy and ways to further divide itself from Iraq.

This research has explored how the inputs, the three main causal layers with the aid of other layers and background processes, all intersect at the critical juncture point, leading to the decisions that set the Kurdistan region on the path towards the output, the independence referendum in 2017. Each layer is connected through causal factors, allowing for a temporal perspective on why the independence referendum was held in 2017. Therefore, exploring research that has been missing within the literature of secession and Kurdish politics. The case study on the Kurdistan region highlights the importance of internal processes and changing party politics in the timing of referendums in general. The literature on secession and independence movements mainly focuses on the relationship between the host state and the group seeking independence. Yet, this literature fails to account for the conflict amongst internal political actors' internal processes on the timing of secessionist movements and referendums.

The Kurdish case is unique in terms of its party politics, history, and balance of power in the KRI and in the Iraq generally. This compilation of works has highlighted this; however, future research would benefit from taking into account this type of analysis with historical institutionalism, process-tracing, and a more complex array of causal layers consisting of lower layers and higher layers respective to the importance of each process. The way my research considers timing and causal layers can be used as a perspective for referendums in general. This is all to show that in the KRI, political parties were the most influential in determining not only the timing of the Kurdish referendum, but also how the decisions of the KDP and the PUK set the course for the Kurdistan regions future.

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