

Fluidity and dynamics of de facto statehood: the case of Iraqi Kurdistan Palani, K.M.A.

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Chapter 1

Introduction

1. Introduction

1.1 CONTEXT

On 16 October 2017, less than a month after Iraqi Kurdistan's referendum for independence, fighting between Iraqi and Kurdish forces broke out in the province of Kirkuk and other disputed territories. Iraqi forces assumed control of oil-rich Kirkuk province and other areas that had fallen under de facto Kurdish control after the successful campaign against the Islamic State (hereafter the IS) in 2014. New borders were drawn between Iragi and Kurdish forces, leading to road closures between Kurdistan and the rest of Iraq for many months. This included the main highway connecting the Erbil and Kirkuk provinces, where the key battle over the town of Pirde (Altun Kupri) occurred on 20 October 2017. The Erbil and Baghdad governments eventually agreed to open the road and jointly build a steel bridge to replace the one destroyed during the fighting. As part of the agreement, the Erbil side of the bridge is now administrated by Iraqi forces and the Kirkuk side by the *Peshmerga*.¹ On the Iraqi-controlled side, Iraqi flags and pictures with the names of martyrs from Iraqi and Hashd al-Shaabi (the powerful Shia Iraqi militias which had fought against Peshmerga in 2017) forces are planted; on the Kurdish side, there are Kurdish flags, pro-independence slogans and pictures of the Peshmerga fighters killed during the Pirde battle. The checkpoint has held, though there is only a thin line separating the two forces, testifying to the unique and complex nature of Erbil-Baghdad relations, driven on the one hand by Kurdish desire for de facto independence, and on the other the Iraqi desire for central control and territorial integrity. What further complicated the situation in Pirde was that the fight was only between one faction of the Kurdish *Peshmerga* forces, those of the Kurdistan Democratic Party (KDP) (see chapters 2 and 5), and the Iraqi forces. This highlights the significant fragmentation and fluidity in Iraqi Kurdistan's existence, and Kurdish perceptions of conflict and engagement with the Iraqi government (see chapter 4). Placing the situation of the

Peshmerga (which translates as "those who face death") is a complex security and military organisation, and its loyalty is divided along party lines. However, simultaneously Peshmerga can be characterised as the army of Kurdistan. As of June 2021, as part of the institutionalisation and unification of Peshmerga forces with the support of the Global Coalition against Daesh, the Ministry of Peshmerga has established a control over 16 mixed units of Peshmerga.

Pirde checkpoint in the broader context of Iraqi Kurdistan's de facto statehood shows the identification of Kurdistan as a constantly changing entity with an unstable development towards simultaneously maintaining its de facto independence and moving towards international recognition. Understanding this requires an alternative approach to the existing literature, which will be investigated throughout this study.

Through an analysis of the case of Kurdistan, this thesis aims at analytically and empirically providing an explanation to the dynamics and nature of de facto statehood in the absence of international recognition. This analysis focuses on the study of the internal dynamics of de facto states, but with the specific goal of contributing a further dimension: exploring and explaining factors that shape the dynamics and nature of the de facto state of Kurdistan. Iraqi Kurdistan first entered the category of de facto states in 1991 (Caspersen, 2012; Gunter, 1993; Harvey & Stansfield, 2011; Florea, 2017, 2020; Voller, 2014). The Kurdistan Region of Iraq (KRI) is an autonomous Kurdistani² region that emerged in northern Iraq after the Kurdistani uprising against the Iraqi Ba'ath regime in 1991, resulting in the institution of a No-Fly Zone over the region. Since then, Kurdistan has developed many state-like competences, from control of its own security forces to management of natural resources and border control, among others, which have laid the foundations for its consideration as a de facto state.

Iraq's 2005 constitution recognised the KRI as the only federal region within Iraq's borders replete with protected privileges, including control over military, economy and body of law independent from that of the Iraqi government, as per Section 5, Article 117. As a de facto state, the KRI performs state administration and has its own government, legislature, court system and security forces (O'Driscoll & Baser, 2019b, p. 7); moreover, it has 14 diplomatic representations around the world, which act as de facto embassies. A total of 35 countries boast representation in Erbil, including the five permanent members of the UN Security Council, the

For events such as the 1991 uprising or in general the population of Kurdistan, the word 'Kurdistani' should replace the long-used, but, erroneous word 'Kurdish.' Kurdistani includes non-Kurdish groups like Turkmens, Chaldeans and Assyrians, etc. residing in KRI.

EU Delegation, and other international organisations ("Current Foreign Representations," 2020).

Kurdish aspirations for statehood and recognition, however, have never been a secret (O'Driscoll & Baser, 2019b, P. 7). On the contrary, many Kurdish movements have tried to achieve independence and fought against the states that occupied their land over the last century (Anaid, 2017; Gunter, 2013; Owtram, 2018; Park, 2018; Rafaat, 2018; Soguk, 2015; Voller, 2014). Since 2005, KRI authorities conducted two independence referenda, in 2005³ and 2017, which both returned huge majorities for independence (Pavković, 2020: 168). Unlike other de facto states, Kurdistan does not have permanent support from a patron state, which is critical for the survival of de facto states (Caspersen, 2012; Florea, 2020; Pegg, 2017; Ker-Lindsay, 2012; Kolstø, 2006). What is also different about Iraqi Kurdistan is that, since 2003, its officials have cooperated at different levels, and at different times, with its parent state,4 the government of Iraq, postponing aspirations for statehood due to strategic disablers in the way of independence (Bengio, 2012; Caspersen, 2012; Griffiths, 2020; Gunter, 2011; Harvey, 2010; Nader et al., 2016; Natali, 2010; O'Driscoll & Baser, 2019b). Despite its landlocked territorial situation and the geopolitical dynamics of its position within the Middle East, Kurdistan seeks to protect its de facto independence, continue its para-diplomacy efforts, and diversify its external supports within the political space that it has carved for itself (Danilovich, 2017, p. 2; O'Driscoll & Baser, 2019b, p. 7).

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The 2005 referendum was not conducted by the official authorities. It was conducted by the Kurdish local NGOs on the same day of the 2005 Iraqi parliamentary elections. However, it was important for two main reasons. First, unlike the 2017 referendum, as explained in detail in this thesis, the 2005 referendum was not subject to internal politicisation and dispute. About 98.8 per cent of the participants voted for independence. Second, it was an effective political card in the hands of the Kurdish leadership in their negotiations with the Iraqi authorities and the US to enhance and consolidate Kurdistan's autonomy.

⁴ Gëzim Visoka (2020) prefers the terminology of 'base state' instead of 'parent state', as he argues that spirant or recognition-seeking states are forcefully adopted or occupied by the 'parent' state. The term 'parent state' tends to be pushed and used widely by anti-independence scholars. However, I have used the term 'parent' state throughout the thesis as it is widely used in the literature, with the awareness of the need to have a critical take on state-centric approaches to the study of de facto states in the international system.

Hereafter, I present the research problem and questions, and later briefly describe the empirical evidence to support the main questions of the study: explaining Kurdistan's nature and the factors that determine dynamics of its de facto statehood at internal, national and international levels. The following sections examine the larger theoretical and policy implications of the project, as well as the research methodology. I finish up with a summary of the papers.

1.2 KNOWLEDGE GAPS

This study is located within the wider literature on de facto states. Its central argument is that to arrive at a complete picture of the dynamics and nature of de facto states, we need a fuller understanding of the internal dynamics, processes and factors that contribute to the development of de facto statehood. The analysis contained within this thesis tries to contribute to the scholarship on de facto entities in the international system, as well as on the influence of internal dimensions on de facto states' development and endurance. Based on this theoretical premise, grounded in the de facto state literature, I analyse the internal dynamics and processes that have shaped the de facto state of Iraqi Kurdistan. The evidence and rationale for this argument, as explained by Caspersen (2012), O'Loughlin et al., (2011, 2014), Toal and O'Loughlin (2013), Pegg (2017) and Dembinska and Campana (2017), is that de facto states cannot be reduced to their external dimensions (such as the patron state support and interactions with the international community); the internal processes and governance of these entities also plays a central role in their development and endurance.

Caspersen (2012, p. 106) argues that uncertainties regarding the status, nature and future of de facto states expose the development of de facto statehood through a series of dilemmas and tensions, at the same time looking backwards and forwards, failed and functioning, 'independent and dependent, open and closed'. To capture this fluctuation, an evaluation of the internal power dynamics of these entities is viewed as critical (see e.g. Caspersen, 2012;

Dembinska & Campana, 2017; Kolossov, O'Loughlin & Toal, 2014; Von Steinsdorff, 2012). The study of the internal dynamics of de facto states is a significant contribution of the relevant literature, but has only gained scholarly attention since roughly 2006, when scholars realised that these entities were not a passing phenomenon, and began conceptualising the survival and prospects of de facto states (Caspersen, 2008, 2012; Broers, 2013; Dembinska & Campana, 2017; Kolstø, 2006; Pegg, 2017; Von Steinsdorff, 2012).

This study focuses on an understudied aspect of internal processes, namely the role of internal power rivalry and fragmentation in the dynamics of de facto statehood, including a de facto state's strategies to gain international recognition and relations with the parent state. This approach makes several contributions to existing scholarship. A question that has not yet received enough attention, as argued by Caspersen (2012, 2015a, 2018), is what drives the changes in a de facto state's nature and status during its struggle towards international recognition. Whereas much of the existing literature explains de facto states' ambiguous statehood and non-linear progression towards statehood by pointing to their lack of international recognition (Broers, 2013; Isachenko, 2012), this thesis contends that the internal dynamics (including but not limited to the system of government, internal democratisation, security forces, institutions, domestic legitimacy and political party rivalry) play a key role in shaping the development (see chapter 2).

De facto states reveal that statehood is a matter of degree. Caspersen (2012), a prominent scholar in the literature on de facto sates, argues that statehood in the absence of recognition should not be treated in dichotomous terms: a polity either succeeds or fails to establish statehood in the absence of external sovereignty. The study of de facto entities has contributed significantly to the growing recognition that there are alternative and varied forms of governance, political organisation, sovereignty and statehood in the international system (Caspersen, 2012; Hagmann & Hoehne, 2009; Harvey & Stansfield, 2011; Florea, 2014; Pegg, 2017). In spite of systemic pressures working against recognition-seeking entities and the

survival of de facto states (see Visoka, 2020), many of them have developed into "effective" political realities. However, there is recognition in the literature that this kind of success in de facto entities varies greatly. Statehood within these entities is a matter of degree, and hence the de facto state should be studied as a dynamic political entity (Caspersen, 2012; Dembinska & Campana, 2017).

The field of de facto statehood has grown in recent years. As will be discussed in this thesis, there has been a proliferation of quantitative and qualitative studies on the various aspects of de facto entities. Despite noteworthy progress, the subject of de facto states remains an immature subfield that needs further work to provide a common scholarly definition of how these entities exist and their prospects for survival and sustainability in the context of non-recognition (Caspersen, 2017; Hoch, 2019; Pegg, 2017). Though recent studies have identified several gaps in the literature, empirically rich academic literature has also largely failed to advance policymakers' understanding of de facto states. The literature has also demonstrated the major problems encountered in analytically and systematically explaining the persistence of transitional, incomplete and ambiguous statehood developed in these entities (Caspersen, 2012; Dembinska & Campana, 2017).

Categorising and incorporating Kurdistan into the wider literature on de facto states can help us to better understand the kind of entity which has developed in Kurdistan since 1991, and the position of Kurdistan in the international system. At the same time, Kurdistan as a case study has the potential to enrich our understanding of the development and viability of de facto statehood in general.

1.3 RESEARCH QUESTIONS

At the core of my inquiry is an attempt to provide an explanation for the factors that impact the dynamics and nature of de facto statehood. More precisely, in this thesis I ask two main

questions. First, what factors can explain the dynamics of de facto statehood in Iraqi Kurdistan at internal, national and international levels? Second, what has been the nature of the de facto statehood in Kurdistan since its inception? The answer to these questions also aims to contribute to a broader literature on de facto states. The first question emerges from a lack of an adequate explanatory framework, as argued above, in the de facto state literature to explain what factors, in interaction with each other, contribute to the dynamics of de facto statehood. It aims at providing potentially comprehensive explanations to shed light on the fluidities of Kurdistan's de facto statehood which has not yet been systematically explained in the scholarly research on Kurdistan. The second question focuses on the kind of entity that evolves in the absence of international recognition.

1.4 CONCEPTUALISING THE DE FACTO STATEHOOD

To define and conceptualise entities that have managed to achieve a degree of statehood in the absence of international legal recognition, several different terms are used in the literature: 'de facto states' (Bartmann, 2004; Florea, 2014; Lynch, 2004; Pegg, 1998; Voller, 2014), 'contested states' (Geldenhuys, 2009; Ker-Lindsay, 2015), 'para-states' (Stanislawski, 2008), 'unrecognized states' (Caspersen, 2012), 'quasi-states' (Kolstø, 2006), 'states-within-states' (Kingston & Spears, 2004), 'informal states' (Isachenko, 2012), and 'state-like entities' (King, 2001). All these classifications point to a continuum between formal recognised statehood and forms of statelessness. This dissertation adopts the term "de facto states"—around which there is an emerging consensus (Caspersen, 2017, p. 13; Pegg & Kolstø, 2015, p. 193)—to indicate entities that meet most of the normal criteria for statehood, but lack international legal recognition. In the words of Pegg (1998, p. 26), who first introduced the concept of de facto states into the discipline of International Relations, de facto states derive from

organized political leadership which has risen to power through some degree of indigenous capability, receives popular support, has achieved sufficient capacity to

provide governmental services to a given population in a specific territorial area over which effective control is maintained, views itself as capable of entering into relations with other states, and seeks widespread international recognition as a sovereign state.

Caspersen (2012, p. 11) expands on this in her seminal book *Unrecognized States*, identifying five characteristics for an entity to be considered a de facto state: (1) the entity in question has achieved de facto independence and controls the majority of the territory it claims; (2) the building of state institutions is accompanied by attempts to increase external and internal legitimacy; (3) a declaration of formal independence is made, or there are at least clearly demonstrated aspirations for independence, for example through an independence referendum; (4) the entity has not gained international recognition; and (5) the entity has existed for at least two years. The literature shows that there is significant variation in the degree of statehood achieved by de facto entities (Caspersen, 2012). Based on the degree of the above criteria achieved by Iraqi Kurdistan over the past two decades, Harvey and Stansfield (2011), Caspersen (2012), Voller (2014), Gunter (2014), MacQueen (2015), Jüde (2017) and Richards and Smith (2015) have categorised the political entity in Iraqi Kurdistan as numbering among the group of de facto states. Iraqi Kurdistan has been referred to as a de facto state by academics and experts due to its special status within the borders of Iraq (Harvey & Stansfield, 2011; Soguk, 2015; Voller, 2014). Nina Caspersen (2012), for instance, defines Kurdistan's status as a case of 'incremental secession': an entity that has not declared independence, but achieves de facto independence and demonstrates aspirations for de jure statehood. At the same time, Soguk (2015, p. 959) argues that Kurdistan 'appears to defy the conventional trajectory definitive of state-building in the post-colonial era in that it is empirically emerging as a sovereign without constitutionally seeking recognition as a sovereign.'

This thesis argues that Kurdistan's de facto independence on the ground is more complicated and requires in depth investigation.

1.5 RESEARCH RELEVANCE

The main contribution of this thesis is the conceptualisation of fluidity as the main feature of de facto statehood. In this thesis, fluidity is defined as a highly unstable nature of de facto statehood in the context of non-recognition. The independence and statehood qualities of de facto states change constantly, moving in and out of different directions, categories, degrees and levels.

The study provides a comprehensive analysis of the statehood which has developed in Kurdistan without international recognition. Kurdistan's statehood has been characterised by deep tensions and ambiguities. The case of Kurdistan as a de facto state shows that the development of de facto statehood is to a significant extent driven by internal power dynamics and rivalry, contributing to the fluidity of the statehood developed in these entities (see chapter 5).

The studies which have incorporated the case of Iraqi Kurdistan into de facto states—Harvey and Stansfield (2011), Caspersen (2012), Voller (2014), Gunter (2014), Soguk (2015), Richards and Smith (2015) and Jüde (2017)—provide necessary insights and analysis for incorporating the case of Kurdistan into existing theoretical and analytical frameworks on the nature of statehood in the absence of international legal recognition. However, these studies do not develop a new explanatory and analytical framework based on empirical insights that can explain the dynamics and type of the de facto state in Iraqi Kurdistan. This fragmented literature on Kurdistan's de facto independence has made it difficult to properly examine the nature of Kurdistan. If the factors that influence Kurdistan's entity, which generate fluidity, are not taken into account, the analysis of the development of Kurdistan's de facto statehood becomes confined to a specific time period, factor or case. Therefore, that analysis falls short of systematic analytical explanations and fails to comprehend the various drivers that determine an unstable transition towards de jure statehood.

To fill this gap, this study tries to provide explanatory factors for systematically analysing Kurdistan's fluid nature, in particular its changing recognition strategies and perceptions of conflict and engagement with the Iraqi government. The processes of fluidity and instability that Kurdistan has gone through since 1991 provide key insights into the importance of the internal organisation of de facto states in their struggle towards international recognition.

The case of Iraqi Kurdistan serves as an insightful example into de facto states. Unlike many other de facto states, it has not formally declared independence. By proceeding carefully since its inception in 1991, it has established many of the structures, symbols and characteristics of statehood, but avoided crossing the line into unilateral declaration of independence (Bengio, 2012; Harvey & Stansfield, 2011; Rafaat, 2018; Richards & Smith, 2015) with all the problems that it entails. However, in 2017, it held an independence referendum that ultimately failed, highlighting deep internal fragmentation, a lack of international support, and the post-2003 Iraqi state's willingness to use force against Kurdistan. Chapter 2 explains the events that led up to this, highlighting the dilemmas, tensions and ambiguities deep within Kurdistan. In addition, this research explains the change in its international recognition strategy and its perceptions of conflict and engagement with the government of Iraq. To do so, this research locates the case of Kurdistan in a wider body of research on de facto states and independence referendums, making a clear contribution to the broader field. The work also draws extensively on field observation and interviews with policymakers in the KRI.

From a policy perspective, the dispute between Kurdistan and Baghdad represents a significant threat to the stability of both Kurdistan and the rest of Iraq. Moreover, secessionist conflicts and contested territories possess, by definition, an international dimension. The struggle for independence "is potentially the chief source of violence in the contemporary world" (Griffiths, 2020, p. 138). In the case of the Kurdish-Iraqi state conflict, a plethora of actors, including regional and international powers as well as international organisations, considerably affect the outbreak, course, and outcome of the conflict. In essence, the Kurdish-

Iraqi state conflict reflects Kurdish desire for self-determination and the Iraqi desire for territorial integrity, as manifested in Kurdistan's 2017 referendum for independence and Baghdad's subsequent political and military reaction. This study corresponds to Caspersen's (2018) finding that the tension between territorial integrity and self-determination limits a sustainable engagement between the de facto state and parent states (see chapter 4). Formulating an effective policy to deal with these tensions and challenges requires a deep appreciation of the fluid nature between the two governments. This thesis aspires to provide a better understanding of these tensions.

Additionally, the study recommends abandoning the unitary actor assumption and adopting instead a perspective of a fragmented de facto state. This provides a more realistic approach to policy and a more complex picture of political settlement and conflict resolution than the typical Kurdish-vs-Iraqi state analysis prevalent in the existing literature (see chapters 4 and 5). For example, the lack of Western understanding of political governance in Kurdistan during the fight against IS later created problems, as the Patriotic Union of Kurdistan (PUK) perceived Western support for the KRI Peshmerga as favouring the KDP centred in Erbil, the capital of the Kurdistan Region.⁵

From an academic point of view, this research provides an empirical contribution to de facto state studies by highlighting Kurdistan's recognition strategies, positions of KRI leadership, and key political actors of the KRI towards engagement with the Iraqi government. This emphasises the fluidity of de facto statehood and the factors contributing to it. Generally, the existing literature treats de facto states as unitary actors with linear development, a single set of goals, and unified attitudes towards their parent states (Caspersen, 2012; Florea, 2017). However, as the findings of this study suggest, internal power relations significantly impact the de facto state's policies of engagement and settlement with the parent state (see chapters 2, 4, 5). As also

Lahur Talabani, the former head of PUK's Zanyari Agency (the PUK's intelligence unit) and currently a co-leader of PUK, confirmed this point at a Policy Forum of the Washington Institute, publicly saying that the International Coalition against Daesh (IS) was not sensitive to these internal divisions (Knights & Talabani, 2015).

suggested by Smith (2018), a nuanced analysis of Kurdistan's development must consider the internal fragmentation and the dominant role played by the entity's two centres of power. Though Kurdistan has developed many features of statehood over the past three decades, its internal governance and security forces remain deeply divided along party lines, challenging the claim of the entity's status as a unitary actor. For most of its existence, Kurdistan has failed to formulate a uniform policy on participation in Iraqi politics and decision-making. For this reason, I argue that it is important to view the policies of Kurdistan's main political parties, specifically the KDP and PUK, as being deeply implicated in shaping perceptions of engagement with Baghdad. These various policies and party rivalries impact the position of the entity vis-à-vis the parent state (see chapters 4 and 5).

Additionally, the empirical findings of this thesis support the argument that conflict between a de facto state and its parent state should not automatically be treated as a contest between two coherent actors. The articles of this thesis question the unitary actor assumption and investigate the multifaceted interactions between Kurdistan's two key factions, which have fought not only the parent state but each other as well (see chapter 5). Caspersen (2012, p. 129) argues that an opportune moment for conflict resolution, in some instances, may be found in intracommunal dynamics. In order to provide a better view of the barriers to political settlement that appear at the de facto state level, we must depart from the unitary actor assumption and examine the multiplicity of factions that advance different claims in independence movements (Bakke, 2011; Caspersen, 2010; Florea, 2017).

1.6 RESEARCH METHODOLOGY

As explained above, this thesis adopts its theoretical framework from the de facto state literature (Caspersen & Stansfield, 2011; Caspersen, 2012; Florea, 2014, 2017; Pegg, 1998, 2017; Lynch, 2004; Kingston & Spears, 2014; Kolstø, 2006; Voller, 2014). Through analysing the case of Kurdistan, this study aims to add empirical insights to the nature and dynamics of de

facto statehood in the absence of international recognition. This thesis does not set out to offer findings that can be generalized across de facto states. However, chapters 2, 3, and 4 (chapter 5 is under review), which have been published independently in peer-reviewed journals, try to enhance the knowledge of the dynamics and sustainability of de facto states.

My research strategy is qualitative, a paradigm useful for explanatory studies (Blatter & Haverland, 2012). As this thesis seeks to explain the nature and dynamics of the de facto statehood, it makes sense to establish the foundation of the research on qualitative ground. In addition, this thesis adopts a methodology of case studies. There is an increasing interest in large-N and statistical studies in the recent literature on de facto states (see, for example, Florea 2014 and 2020; Toomla, 2016; Comai, 2018), aiming at providing more generalizable conclusions. Despite such initiatives, however, the theoretical discussion is still in its nascent stages (Gürbey et al., 2017, p. 4), and a deeper understanding of de facto state dynamics can be gained through novel case studies. Case studies are also important for the building of concepts, such as fluidity, as this thesis tries to build in order to explain the nature of de facto statehood. This method allows us to provide important empirical evidence relevant to existing theories on de facto statehood. Given the nature of de facto states, which are often viewed from a "frozen conflict" perspective, a single case study can contribute to the theory, as well as informing better policy. Though the case of Kurdistan has been recognised as a de facto state, it has not been the focus of recent comparative work on de facto states (see e.g. Lynch, 2004; Ker-Lindsay, 2012; Blakkisrud & Kolstø, 2012; Broers, 2013; Kolstø & Blakkisrud, 2008; O'Loughlin et al., 2014; Popescu, 2007; von Steinsdorff, 2012). An in-depth analysis of Kurdistan is useful as an example that necessitates the theoretical modification of existing approaches.

The selection of a case study method has four main advantages for this thesis. First, it is designed to deal with the complexity of the case in question, providing knowledge that is indepth, holistic, and context-sensitive (Blatter & Haverland, 2012; Hammersley & Gomm, 2000; Seha & Müller-Rommel, 2016; Stake, 1995). This is useful for the central objective of the thesis: providing a full-fledged explanation of fluidity in the case of Kurdistan. My research questions

require a detailed consideration of contextual factors, one of the main strengths of a case study method (George & Bennett, 2005, p. 19). Second, case-based research allows the researcher to invest time and intellectual energy in reflecting on the relationship between empirical observations and the abstract concepts that form the core elements of theories (Blatter & Haverland, 2012, p. 20; Toshkov, 2016, p. 290). Moreover, case study researchers can more easily employ context-specific indicators for theoretical concepts.

The third benefit is that case study researchers can draw upon a broader set of theories, including more abstract ones, when analysing and interpreting cases (Blatter and Haverland, 2012: 20). The fourth advantage involves experience and access to the subjects of study (Donmoyer, 2000; Eckstein, 2000).

Some arguments can be made against the case of Kurdistan as a strategic choice for a broader literature on de facto states. For example, it may be argued that Kurdistan has some unique and extreme elements, for example its deep level of internal fragmentation, thus, has limited similarities to other cases and the specific characteristics of this case do not necessarily translate well to a larger population. Another argument is that the case is very much ongoing adding difficulties to make general conclusions. I admit that the case is not representative to a variety of entities that can be categorised as "de facto state". A comparative approach might resolve these problems, but would also mean less focus on generating an intensive examination and comprehensive analysis on the case under question. The empirical data this thesis brings to support theoretical arguments on dynamics of de facto statehood shows that the case of Kurdistan is the preferred strategy to develop the concept of fluidity as a defining feature of de facto states. Kurdistan's level of independence from the Iraqi government over the past three decades makes the entity an important addition to the study of de facto states.

1.7 Sources of information

The empirical part of this thesis utilizes three types of primary source: qualitative interviews, observation, and document analysis.

1.7.1 Interviews

Interviews conducted by the author provide primary data for my case study research. For a case study design, qualitative interviews are expected to generate a detailed examination and explanation of the case (Bryman, 2012, p. 68), which is the central objective of this study. Another reason for adopting a qualitative interview method is that qualitative interviewing is flexible and the researcher seeks detailed answers (Bryman, 2012, p. 470). This flexibility was critical for the objective of the research, providing a nuanced explanation of the fluid nature of Kurdistan's development, political process and transition. This method is particularly appropriate in terms of where ideas, opinions or experiences related to a complex context need to be explored and explained. In addition, qualitative and in-depth interviewing is suited to interviews with elites and policy-makers, because the researcher is interested in learning what the respondent perceives as important, and tries to discover facts and insights from inside knowledge (Rich et al., 2018, p. 321).

I carried out 30 interviews with officials, senior members of the political parties and academics in the KRI (see Appendix 1, Chapter 1). Two people were interviewed three times, and one person was interviewed twice. Interviews lasted between 20 minutes to one hour. Some of my interviews were followed up by additional conversation and questions via e-mail and WhatsApp. Examples of the interviewees include the Speaker of the Kurdistan Parliament, the spokesperson of the Kurdistan Regional Government (KRG),⁶ the Head of the Department of Foreign Relations, representatives of the KRG in London and Washington, a spokesperson of the

⁶ The acronym KRG, refers to the government of the Kurdistan Region rather than the autonomous or de facto entity itself. It is not uncommon to see this confusion in the works of relevant figures including Michael Gunter (2014), Voller (2014), Soguk (2015) and McQueen (2015).

KDP, a spokesperson of the PUK, the head of the New Generation Movement bloc in the Iraqi Parliament, senior employees of the Ministry of Peshmerga, and members of Kurdistan and Iraqi Parliaments. These interviews were conducted in the KRI provinces of Erbil and Sulaimaniyah during four years of research between June 2016 and August 2020. Additionally, interviews in Erbil were conducted with five Western diplomats on their views of Erbil-Baghdad disputes, as well as on how Kurdistan's fragmentation impacts their work in the Kurdish state. Such information is rarely presented in the literature. The interviews were conducted in Kurdish, English and Arabic. Translation was not required.

The interview process was flexible. Interviewees were structured and approached in several ways, including unstructured, conversational and in-depth interviews. These different treatments and approaches in interviews with elites and policy makers are common (Rich et al., 2018, p. 321). The design of the interviews was flexible throughout the research process, as interviewees raised new and complementary issues. The interviews were guided by the need to obtain data on each chapter theme of the thesis, going beyond what has already been covered in the existing literature. In addition, they were critical for collecting insights and information on the recent events and developments focused on in the thesis, including the 2017 referendum for independence, the KRI's fight against IS, and internal political developments. These are new developments which have not all yet generated an extensive literature, and interviews were an effective method to collect data.

Such programme of interviewing was later difficult for condensing or summarizing data for analysis, but it was justified as I was not looking for standardized data, but for gathering information to assist in analysing some events, and understanding the views of a particular political organisation or a government body. In addition, this approach provides a greater opportunity to learn from interviewees and to acquire unexpected information that can lead to new ways of understanding the events being studied (Rich et al., 2018, p. 321)

As permission was not granted, the majority of the interviews were not recorded. Only two of the interviews were recorded, with the permission of the interviewees, and subsequently

transcribed. For the rest of the interviews, I took notes during the interaction, supplemented with comments on my impressions of the interview, and then analysed in the thesis. In addition to using quotations in the thesis, I have followed what Kvale (2007, p. 106-8) called "meaning condensation" method of data analysis. Meaning condensation refers to compress, shorten and summarize long sentences 'in which the main sense of what is said is rephrased in a few words' (Kvale, 2007, p. 107).

In general in Kurdistan and in Iraq, politicians and officials tend to view interviews with researchers with significant doubts and mistrust. This is the main reason why they refused to be recorded. In addition, as there is sensitive information which can be shared and discussed during the interviews, most of the people I interviewed insisted in keeping them anonymous as well as not to be recorded. In this context, I felt that recording interviews would add more disadvantages to my research, as it makes the respondents less comfortable for sharing important data and insights. While it has created difficulties for data analysis, it has allowed space for open interviews.

During the interviews, I mainly asked questions about the views of the interviewees and their organisations' policies towards the events and developments analysed throughout the thesis. In addition, the interviewees were also important in accessing documents that were useful for the research. For example, during one interview, spokesperson of the PUK Saadi Pira, who was also a member of Kurdistan's High Council for the Referendum, showed me the full text of the famous 2017 letter from former United States Secretary of State Rex Tillerson to former KRI President Masoud Barzani, asking him to postpone the referendum. At the time of the interview, the full letter had not been published, and this was my only chance to see the text.

Throughout the years of this study, gaining access to officials was not easy. I tried to interview with Qubad Talabani, the Deputy Prime Minister of the KRG, four times, but due to his busy schedule I could not meet him. Moreover, due to broken schedules and sudden commitments, I sometimes had to wait for one or two hours in the offices of the people I wanted to interview, and in two cases the interviews were postponed.

My main reflection on the evidence-gathering process of the interviews is that my thesis is an article-based one, and slightly different research methodologies were required for each chapter/article in different peer-reviewed journals. Most of the interviews could be used in only one chapter, due to the specific research focus and questions, as well as the type of information required. The main lesson to be learnt is that research questions for all articles should be developed together and asked systematically, thus avoiding the need to repeat interviews. This would also mitigate the problem of access to interviewees during the years of the project, especially when interviewing elites. Another reflection is that the research topic—the situation of the de facto state—is sensitive by nature. Some Western diplomats in Iraqi Kurdistan, as well as some representatives of the KRG, declined to be interviewed, fearing that publicly airing their thoughts on the research topic would negatively impact their relations, particularly with the Iraqi government.

Though interviews with policy-makers provided information and insights that are otherwise unavailable, there are potential risks associated with the method. The elite and policy-makers are deeply involved in the political process (Rich et al., 2018, p. 321). The questions related to political and security developments in Iraqi Kurdistan, such as the fight against IS and the move towards the independence referendum, have had a significant impact on the organisations and institutions that the interviewees represent. These are highly sensitive political topics. Overrelying on answers from a particular partisan perspective would have the potential to impact the findings of the research (Bell, 2010, p. 169). To avoid this risk, I have tried to interview people from a range of political backgrounds and organisations. Additionally, as suggested by Rich et al (2018, p. 322), I did not treat what interviewees say as factual data, but as data. I have also sought to verify the information from these interviews by comparing it to independent accounts and insights gained through other information-gathering methods, especially my personal observations and first-hand experience of the developments, as explained below.

1.7.2 OBSERVATION

Data collection and sources of information are complemented by the researcher's personal observations and experiences in attending key events where KRI officials presented their arguments and insights regarding the events studied in this research, especially the 2017 referendum for independence. Over a period of four years (2016-2020), I lived and spent most of the time in Iraqi Kurdistan. Such field observation and experience has further guided and informed me as the researcher, but also put me closer to the context. From March 2017 to March 2020, I worked as a Research Fellow at the Middle East Research Institute (MERI), an Iraqi/KRI think tank based in Erbil. I had access to over 20 closed-door meetings where local, national and international decision-makers and diplomats discussed topics from Kurdistan's independence, internal politics and governance, Baghdad-Erbil relations, to the international perspectives on the developments (see Appendix 2, Chapter 1). This experience was critical in enhancing my understanding of the contextual nuances, as well as allowing me to access information that was not available elsewhere.

This form of observation can be characterised as "unstructured observation" (Rich et al., 2018, p. 288-9). As I had clear research objectives, I was clear about what I want to learn and find out about the events under observation. At the same time, as these observations and field experiences allowed me to gain a better understanding of the political context, they were also useful to review my research focus and content. I took notes during these events, but not as detailed as interview notes. There was interplay between the collection and analysis of data informed by the research questions and objectives, which is common in qualitative data collection and analysis (D'Cruz & Jones, 2004, p. 136; Rich et al., 2018, p. 7). Regarding analysing data and notes I obtained in these events, I distinguished clearly between the notes and my reflections about the meaning of these notes and insights. These events were strictly held under the Chatham House Rule, so I was not able to reveal neither the identity nor the affiliation of the speaker(s), nor that of any other participant.

A main limitation of this method is the potential bias of the researcher. In such a volatile security and political context, like Iraqi Kurdistan, inside researchers can be personally affected by the developments and positions of each party. My thesis benefited from rigorous academic supervision, as well as anonymous academic reviews of the four published articles, to reduce the potential bias of the researcher. The chapters have gone through a thorough and critical review process. In addition, the feedback and comments of experts in the field, as mentioned in the acknowledgments of each chapter, have been very useful in limiting research bias.

1.7.3 DOCUMENT ANALYSIS

Another important source of data is documents and public statements from KRG institutions and officials. Bryman (2012, p. 549) states that official documents are a 'source of a great deal of information of potential significance for social researchers.' This method has been particularly suitable and effective for exploring the KRI's official narratives and policies to gain international recognition. Chapter 3 analyses 68 speeches, interviews and statements in Kurdish, English and Arabic from former KRI President (2005–2017) Masoud Barzani on Kurdistan's independence referendum. These span from when the date of the referendum was set on 7 June 2017, to the holding of the referendum on 25 September 2017. I collected transcripts of Barzani's campaign speeches during a visit to the former president's office in Pirmam, Erbil on 21 January 2018. Obtaining this access was not easy, and I had to wait for some time. In addition, the study relied on the Kurdistan Region Presidency website for briefs of Barzani's private meetings with officials and diplomats (see Appendix 1, Chapter 3). Using these documents allowed an analysis of Barzani's arguments for independence, the construction of the arguments, and how internal and external dynamics influenced them. Barzani was the driving force behind the referendum; thus, Barzani's arguments for independence form a critical part in analysing the KRI's narratives and strategies in gaining support for Kurdish statehood.

As the necessary documents—both primary and complementary sources of information—were not available in English, I had to make and use my own translations.

1.8 ETHICAL CONSIDERATIONS

Any piece of research may raise a number of ethical considerations. Key ethical principles in research focus on avoiding any harm to people involved in or affected by the research, and conducting the research in a fair manner (Corti et al., 2019). Qualitative data collection involves working closely with participants; this brings with it the complexities associated with cultural norms, beliefs, values, and behaviours (Mertens, 2018, p. 33). To address potential ethical issues arising from evidence-gathering methods, this thesis has followed the ethical guidelines of Bell (2010) and Brooks (2013).

Chapters 2, 4 and 5 adopted a methodology of interviews with elites and policy-makers, requiring careful consideration of ethical implications. To address the potential ethical challenges in my interviews, I clearly stated my identity as a researcher connected to Leiden University, and explained the purpose of the interview. In addition, I gave participants an overview of the research, explained why I wished to interview them, and what I will do with the information I obtain, as suggested by Bell (2010, p. 160). Following Bell's guideline further (2010), I also explained and sent the abovementioned details to the interviewees beforehand, so that they would "have an opportunity to query the meaning and implications of any statements – and even to withdraw at that stage" (2010, p. 160-1).

In regards to interviews with elites and policy-makers who wished to remain unnamed, anonymity and confidentiality have been maintained. Pseudonyms have been used in the written research where names were mentioned. Some interviewees gave consent prior to the interview to use their real names and work titles when required in the research. Interviewees were also informed that they held the right to cancel the interview at any time, for whatever reason; however, this did not occur. They were made aware that they could withdraw the

information they disclosed should they feel uncomfortable afterwards. Some of them gave consent to use pieces of the information they divulged, but requested that the sensitive information not be published, a wish I have respected.

Moreover, interviews with elites and policy-makers, as I adopted, have the potential to raise ethical challenges associated with *sensitivity and impartiality*. In the interviews, I have kept a neutral stance, emphasizing objective facts around the topics of the interviews, specifically the 2017 referendum for independence, parties' perceptions towards the Iraqi government, and internal politics. As these topics have significant implications for the political interests of individuals I interviewed, such as the Speaker of Parliament and spokespersons of the KDP and PUK, I had to maintain my neutrality and objectivity. I was careful not to express my own views and reactions by praising or criticizing the policies and positions of any parties. Such behaviour might have led my research participants to believe my research was biased. Meeting this ethical standard is a challenge in some contexts.

My identity as a Kurd also has a potential research bias when issues such as Kurdistan's independence are addressed, as independence has been the dream for many Kurds for a century. In addition, I have been personally affected by the recent political and security developments in Iraqi Kurdistan and the rest of Iraq. In such a context, additional ethical procedures and checks are required to maintain both sensitivity and objectivity. The nature of my PhD research design, as article based, has been particularly helpful in addressing any ethical issues that might be associated with personal bias.

Another issue is that, in the context of Kurdistan, elites and policy-makers generally prefer not to be recorded during interviews. There is fear that recordings may have negative political consequences. Recording interviews in this context also has the potential to constrain what kind of data the interviewees might otherwise be willing to share. Taking into consideration the tense political situation prevailing in Iraqi Kurdistan over the course of this research, and the potentially politically sensitive subjects of the interviews, I personally undertook all translation,

transcription and analysis of the interviews. This added a further layer of protection to the data that was obtained.

As I have explained above, my first-hand observations and attendance of many off-record discussions were central in providing deep inside knowledge and information. For this method, I have adhered to the Chatham House Rule: 'When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.'

1.9 Paper findings

The major finding of this study is that fluidity is the defining feature of political entity and statehood developed in the context of non-recognition. This study finds that the de facto state of Kurdistan is fluid, and understanding its fluidity requires understanding, among other factors, the internal power structure and rivalry within the KRI. These factors not only influence internal politics, but also Kurdistan's international engagement, recognition strategies and perceptions of conflict and engagement with the Iraqi government. Smith (2018, p. 2) argues that 'Kurdistan is complex and this raises the question of how to understand its development.' To address this problem, this thesis argues that a nuanced perspective of Iraqi Kurdistan's entity is needed to highlight how internal organisation and dynamics contribute to fluidity in Kurdistan's territorial control, monopoly on the use of violence, state-building and, above all, its status as a de facto state.

To explain the dynamics and nature of Kurdistan's de facto statehood, which is characterised by fluidity, the findings of this research indicate the three following systematic factors.

First, attention is given to Kurdistan's fluidity with waxing and waning de facto powers vis-àvis Baghdad. The balance of power between Erbil and Baghdad is an important factor for explaining and understanding the de facto powers and status of Kurdistan. Kurdistan's status and development as a de facto state are significantly shaped by its changing de facto powers visà-vis Baghdad, prompting the entity to appear simultaneously dependent and independent (see chapters 2 and 4). This corresponds to what Harvey and Stansfield (2011), Richards and Smith (2015) and Rafaat (2018) highlight, that the weakness of the Iraqi government was important for the emergence of Kurdistan as a more functioning entity. Kurdistan's desire to maintain de facto independence is at odds with its need to maintain cooperation with the Iraqi government. Stansfield and Anderson (2009, p. 134) describe the Erbil-Baghdad relationship as 'characterized by suspicion, animosity and brinkmanship.' The KRI's relationship with the Iraqi government fluctuates depending on the entity's desire to maintain its political independence, its position in regional and international politics, and the external support of its de facto independence. A changing dynamics of external support to Kurdistan, as the chapter 2 highlights, also adds further fluidity to the Erbil-Baghdad conflict and balance of power. As the tension between Erbil and Baghdad is, at its core, the tension between two conflicting positions, it will remain as a key explanatory factor for the dynamics, prospects, and overall fluidity of Kurdistan's existence.

Second, this research incorporates the factor of internal fragmentation and organisational structure in the analysis of Kurdistan's sustainability and outcomes. Within the recent attempt in the de facto state literature for conceptualising the dynamics and prospects of de facto states, fragmentation and organisational structure of the de facto entity has been used as a key variable (Florea, 2017, 2020). Understanding this internal fragmentation is essential in ascertaining the viability of Kurdistan and evaluating its current and future relations with its parent state, Iraq (see chapter 5). The Kurdish population in Iraqi Kurdistan is largely united in terms of ethnicity, language, and religion, but is significantly affected by the internal fragmentation of the KDP and its rival, PUK. This research argues that the nature and shape of internal fragmentation and political rivalry in Kurdistan is not static: it changes over time. Analysing Kurdistan through the lens of internal fragmentation has a strong explanatory power, not only essential for unpacking complex internal dynamics, but also for showing how this inter-factional completion over

territorial control, power and resources contributes to the fluidity of Kurdistan's de facto state. As both the relationship and the power balance between the two factions change, the position of Kurdistan in Iraqi and regional politics also changes. A focus on this internal fragmentation and power rivalry allows for greater sophistication, sensitivity and accuracy in our analysis of Kurdistan's de facto independence and its conflict with Baghdad.

Third, Kurdistan's changing recognition and legitimation strategies are drawn upon as an explanatory framework. Kurdistan's strategies to gain international recognition strongly affect the kind of statehood that develops, the institutions that are built, and what discourses are adopted. Recent history shows that when there is an opportunity to gain international recognition, Kurdistan is ready to change its long-pursued strategies and defy the international community, including its external supporters (see chapter 3). Analysing internal dynamics is central to understanding how and why the KRI leadership constructs and changes their recognition strategies. This suggests that to understand the nature and status of Kurdistan, we need to look at its main recognition strategy, and how it is shaped not only by the international practices of recognition, but Kurdistan's internal power dynamics.

Without bringing these three factors together, the nature of Kurdistan's status as a de facto entity cannot be fully comprehended. Such an approach, as developed and suggested in this study, has both political and academic relevance. Throughout this study, I try to explain how these factors, when interacting with each other, help unpack the fluid nature of the statehood that has developed in Kurdistan over the past three decades.

1.10 THE STRUCTURE OF THE STUDY

The chapters are structured in a way that allows the central theme of the thesis and the connection between the content of the various articles to be clearly seen. The thesis consists of six chapters. As the central aim of the research is to provide an explanation of Kurdistan's

dynamics and nature of de facto statehood, each chapter tries to demonstrate a specific factor that contributes to the fluidity that characterises this statehood.

Chapter 1: Introduction

The first chapter presents the problems that the thesis aims to examine. It introduces the research questions and objectives as well as significant contributions of the thesis to the relevant literature. It also outlines the research methodology and design of the thesis.

Chapter 2: The development of Kurdistan's de facto statehood: Kurdistan's September 2017 referendum for independence

In order to explain the fluidity of de facto statehood in the case of Iraqi Kurdistan, chapter 2, originally published in Third World Quarterly, in addition to providing comprehensive background to the internal and external security and political dynamics that led to the 2017 referendum, also finds that Kurdistan's changing de facto power vis-à-vis the Iraqi government has prompted the entity to look both backwards and forwards. The study of Kurdistan's 2017 referendum helps to show balance of power between the two governments and, as explained below, the two factors at play in solidifying or rendering more fluid the status of de facto statehood. This chapter argues that Kurdistan is a fluid entity with a modal tendency towards unstable political transition. This fluid statehood is defined by the entity's changing dynamics towards de jure statehood and ambiguity with waxing and waning de facto powers vis-à-vis Baghdad, as well as the various internal security and political dynamics affecting its strategies to gain international recognition. For example, from 2014 to 2017, Kurdistan moved in two directions, alternating between a somewhat fragile entity (e.g. the 2015 political deadlock) and a functioning de facto state (e.g. success in fighting IS). The result of such a political transition and development is a territorially fluid and constantly changing entity. Throughout this chapter, we try to explain how these directions and dynamics, when interracting with each other, help unpack the complex and fluid nature of the statehood that has developed in Kurdistan over the

past three decades. This chapter also highlights the centrality of the internal governance of de facto entities in their struggle towards statehood.

Chapter 3: Strategies to Gain International Recognition: Iraqi Kurdistan's September 2017
Referendum for Independence

This chapter, published in the journal *Ethnopolitics*, develops and presents an important factor to explain the fluidity of Kurdistan's de facto state: its strategy to gain international recognition. Through an analysis of the case of Kurdistan, the chapter explores the conditions under which aspiring states change their recognition strategies. Given the short space of time that elapsed after Kurdistan's 2017 referendum, and the ongoing nature of its subsequent developments, there was no comprehensive academic analysis on how this event has impacted various aspects of Kurdistan's de facto independence, including its strategies to gain international support. There was also no analysis on what Kurdistan might add to and mean for the literature on de facto states and independence movements. The chapter shows that change in the strategy to gain international recognition should not be viewed in terms of international practices and norms of recognition alone, but that this change significantly impacts the development of these entities' statehood as well. After 2014, Kurdistan's strategies shifted from creating a democratic and functioning entity to claiming the failure of constitutional arrangements with the government of Iraq. This new shift had a major impact on the internal political process and state-building in Kurdistan, contributing to the unstable and fluid politics of the entity.

The next two chapters develop an important explanatory factor, based on internal power fragmentation and rivalry in the questions of both engagement with the parent state and the prospects of Kurdistan as a de facto state.

Chapter 4: De facto states engagement with parent states: Kurdistan's engagement with the Iraqi Government

Chapter 4, published in the *British Journal of Middle Eastern Studies*, concerns the engagement of de facto state authorities with parent states, and how internal political rivalry affects the perceptions and policies of engagement with the parent state. It suggests the need to incorporate internal political rivalry into the analysis of de facto states' engagement with parent states, which is critical to the viability of the engagement without recognition approach. In the case of Kurdistan, it shows that policies of the entity's two main factions vis-à-vis Baghdad are subject to dynamic change. This not only impacts the relationship between Erbil and Baghdad, but also affects the status and powers of Kurdistan.

This chapter explains how the fluidity in the Erbil-Baghdad relationship is caused by the fact that perceptions of engagement with Baghdad liable to change at any given time. The chapter shows that policies of the entity's two main factions vis-à-vis Baghdad are subject to continuous change, adding further fluidity to Kurdistan's political development. Shifts in perceptions and policies do not only impact the relationship between KRG and Iraqi government, but also the status and powers of Kurdistan. To explain this, the chapter summarises the key policy shifts of the main parties of Kurdistan regarding their outlook on Baghdad, from 1991 to 2019, and indicates whether this contributed to cooperation or conflict between the major political actors.

Chapter 5: Fragmentation within de facto states: The case of Iraqi Kurdistan⁷

Chapter 5, submitted to the *Journal of Civil Wars*, analyses how the fragmented political relationship between the KDP and the PUK impacts the political trajectory of the KRI. This chapter seeks to explain the impact of fragmentation on de facto states' prospects of survival, with Kurdistan as a case study. Fragmentation within Kurdistan suggests that the entity's political outcomes and development of de facto statehood owe much to internal dynamics and power rivalry. This chapter's empirical findings provide support for the theoretical argument that the internal political and power structure of a de facto state movement, i.e. whether it is unitary or fragmented, has a significant impact on de facto states' political trajectories. In the

⁷ Status as of June 2021: Under Review in journal of Civil Wars.

case of Iraqi Kurdistan, the chapter uses the fragmentation variable as a key factor to explain (1) the entity's political settlement with its parent state, (2) its aspirations for independence, and (3) the process of state-building. The most important event in Kurdistan's recent history, the 2017 referendum, is analysed to illustrate the impact of fragmentation and the continued fluidity of the KDP-PUK relationship.

Chapter 6: Conclusion, theoretical contribution and future research

The concluding chapter tries to give an account of how findings presented in the articles contribute to existing research literature in the study of de facto state, and discuss the theoretical and empirical implications of the results. Finally, it considers some ideas for future research on Kurdistan's de facto statehood.