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Fluidity and dynamics of de facto statehood: the case of Iraqi Kurdistan
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Chapter 4

De facto states engagement with parent states: Kurdistan's engagement with the Iraqi government¹⁸

¹⁸ This chapter is an adapted version of the article by *Palani, K., Khidir, J., Dechesne, M., & Bakker, E. (2020). De facto states engagement with parent states: Kurdistan's engagement with the Iraqi Government. British Journal of Middle Eastern Studies, 1-19. DOI: 10.1080/13530194.2020.1714429.*

4. DE FACTO STATES ENGAGEMENT WITH PARENT STATES: KURDISTAN'S ENGAGEMENT WITH THE IRAQI GOVERNMENT

ABSTRACT

Despite the growing interest in the phenomenon of engagement without recognition within de facto state literature, the concept remains under-analysed. Through an analysis of Kurdistan's engagement with the Iraqi government, this article aims to answer the following questions: What are the de facto state's authorities' policies of engagement with parent states? And how does internal political rivalry affect the policies of engagement with parent state? The study highlights the importance of a de facto state's internal political rivalry in the question of engagement with a parent state, a point on which the literature has not paid enough attention. The portrayal of Baghdad among the Kurds, which is instrumental in the relationship between Kurdistan and the Iraqi government, is heavily partisan. As the dynamics of the political rivalry between Kurdistan's two main centres of power change, the image of Baghdad among the Kurds as a source of threat or opportunity is also altered.

4.1 INTRODUCTION

Through an analysis of the Kurdistan Region of Iraq's¹⁹ (KRI) engagement with the Iraqi government, this article tries to answer the following questions: what are the de facto state's²⁰

¹⁹ The KRI refers to the Kurdistan autonomous region that emerged in northern Iraq after the institution of the No-Fly Zone in 1991. It consists of the four provinces of Erbil, Sulaymaniyah, Duhok and Halabja, with a combined population of more than five million, as well as large sections of territory known as the 'disputed territories', claimed by both Erbil and Baghdad. Since 1991, Iraqi Kurdistan has developed many state-like features (from security to visa regulation and border control, among others) that have laid the foundation for being a de facto state.

²⁰ To conceptualize entities that have managed to achieve a degree of statehood in the absence of international legal recognition, different terms are used in the literature: 'de facto states' (Bartmann, 2004; Lynch, 2004; Pegg, 1998; Florea, 2014; Voller, 2014), 'contested states' (Geldenhuis, 2009; Ker-Lindsay, 2015); 'para-states' (Stanislowski, 2008), 'unrecognized states' (Caspersen, 2012), 'quasi-states' (Kolstø, 2006), 'states-within-states' (Kingston & Spears, 2004), and 'state-like entities' (King, 2001). All these classifications point to a continuum between formal recognized statehood and forms of statelessness. This article adopts the term de facto states--around which there is an emerging

authorities' policies of engagement with parent states? And how does internal political rivalry affect the perception and policies of engagement with parent state? In recent years, the literature on de facto states has paid considerable attention to the way in which (parent) states engage with de facto entities which they do not recognize as independent states (Pegg, 2017), this being termed 'engagement without recognition' (Cooley & Mitchell, 2010; Ker-Lindsay, 2015; Berg & Pegg, 2017; Ker-Lindsay & Berg, 2018). Considerable progress has been made in understanding the ways in which these entities can be engaged with positively, without recognition of their claims to sovereign independence. However, despite the growing interest in the phenomenon of engagement without recognition, the concept 'remains both under-theorised and under-analysed' (Ker-Lindsay & Berg, 2018, p. 4). Existing research focuses on four main aspects: 1) the position of the parent states towards external actors' engagement with the de facto entity (Caspersen, 2018; Ker-Lindsay, 2012; Berg & Pegg, 2016); 2) the way in which transnational organisations, such as the European Union, interact with de facto state authorities (De Waal, 2018; Harzl, 2018; Axyonova & Gawrich, 2018; Kyris, 2018); 3) the foreign policy practices of de facto states (Berg & Vits, 2018) and forms of diplomatic interaction between a state and a de facto state (Ker-Lindsay, 2015); and 4) how third parties, such as the United States, interact with these entities (Berg & Pegg, 2016, 2018).

There is, however, a lack of in-depth analysis of the de facto state authorities' policies of engagement with parent states (Caspersen, 2018, p. 375). Given the short space of time which has elapsed since Kurdistan's 2017 referendum for independence, and the ongoing nature of the subsequent developments, there has as yet been no comprehensive analysis of the Erbil-Baghdad relationship after the referendum. Hama and Ali (2019), Hama and Abdulla (2019), and O'Driscoll and Baser (2019a) provide important analyses of the internal political competition and the fragmented *Peshmerga* and security forces by focusing on the internal divisions mainly between Kurdistan's two centres of power, the KDP (Kurdistan Democratic

consensus (Caspersen, 2017, p. 13)--to indicate entities that meet most of the normal criteria for statehood, but lack international legal recognition.

Party) and PUK (Patriotic Union of Kurdistan). However, these studies lack analysis on how this rivalry impacts Erbil-Baghdad relations, and, importantly, on the viability of Kurdistan's engagement with the Iraqi government. This article provides insights into how the policies of Kurdistan's authorities and internal political rivalry impact its engagement with Baghdad, touching upon an area which needs further scholarly attention in the engagement without recognition literature.

The article has both political and academic relevance. From a political point of view, the dispute between Kurdistan and Baghdad represents a significant threat to the stability of both Kurdistan and the rest of Iraq. In essence, the Kurdish-Iraqi state conflict reflects the 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. Engagement has the potential to be an avenue for practical recommendations to this protracted conflict. Studies have highlighted the merits of the engagement approach as a conflict resolution tool (Caspersen & Herrberg, 2010; Caspersen, 2018; Ker-Lindsay & Berg, 2018). The approach suggested by a positive view of engagement without recognition proposes that, to prevent conflict between the two governments, the international community should engage Kurdistan on a variety of issues, but within the framework of a unitary state (i.e. the Republic of Iraq). However, in proposing this approach, it is necessary to analyse various dynamics affecting the internal governance of Kurdistan.

From an academic point of view, by highlighting the positions of the leadership and key political actors of the KRI towards engagement with the Iraqi government, this research provides an empirical contribution to the emerging literature on engagement without recognition. Generally, the existing literature treats *de facto* states as unitary actors with a single set of goals (Caspersen, 2012), and unified attitudes towards their parent states. However, as explained in the next section, internal power relations significantly impact the *de facto* state's policies of engagement and settlement with parent state. Though Kurdistan has

developed many features of statehood over the past two decades, its internal governance and security forces remain deeply divided along party lines, challenging the status of the entity 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, this article argues 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 the perceptions towards engagement with Baghdad and how these various policies and party rivalries impact the position of the entity vis-à-vis the parent state.

This study employs a methodology of qualitative analysis, including 16 in person and telephone interviews with officials and senior members of the political parties in the KRI and the Kurdistan Regional Government (KRG). Examples include the Speaker of the Kurdistan Parliament, the spokesperson of the KRG, the Head of the Department of Foreign Relations, representatives of the KRG in London and Washington, a spokesperson of the KDP, a spokesperson of the PUK, and the head of the New Generation Movement bloc in the Iraqi Parliament. The empirical data collection for this article is based on fieldwork between September 2018 and July 2019 in Erbil, Kurdistan, the capital of the KRI. These interviews provide information on how the main Kurdish political actors define engagement with Baghdad, and what constitute the key dilemmas at play.

The next section presents an overview of the literature on engagement without recognition, highlighting the key conceptual and empirical foundations of engagement between de facto states and parent states. The following sections comprise the empirical analysis attempting to explain both the policies adopted by the KRI political actors towards engagement with Baghdad from 1991 to 2019, and how these policies have been significantly shaped by the internal power relations. The conclusion summarizes the empirical findings and advances the argument that in addition to external factors, the viability of the engagement without recognition approach also relies heavily on internal politics and party rivalry in the de facto state, an area which required

more attention in the engagement without recognition literature. In the case of Kurdistan, the portrayal of Baghdad among the Kurds is heavily partisan. Because the political rivalry between Kurdistan's two main centres of power is dynamic, the image of Baghdad, whether a source of threat or opportunity, among the Kurds is also subject to change. Table 1 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.

Table 1: KDP and PUK perceptions towards Baghdad

Period	KDP	PUK	Outcome	Key events
1991-1992	Autonomy/ decentralization	Self- determination/ Vaguely defined	Divergence	1992 elections; creation of KRG
	Declaration of Federalism	Declaration of Federalism	Short-lived convergence	
1993-1998	KDP's growing alignment with Baghdad and Ankara	PUK's growing alignment with Tehran	Violent conflict	Conflict over revenues; disagreements over the 1992 election results; civil war 1994-1998
1998-2002	Creation of the Yellow Zone	Creation of the Green Zone	Conflictual cooperation	Oil for Food Program; the 1998 Washington agreement creating two administrations
2003 to 2006	Post-war state- building in Iraq and the consolidation of state within state	Iraq can be a federal and democratic state	Convergence	KDP and PUK's 2005 Unification Agreement; Barzani-Talabani personal relationship
2006 to 2014	Baghdad is leading towards sectarian and authoritarian	Sharing KDP's concerns, but with less hostile discourse	Cooperation	Barzani-Maliki disputes; Baghdad's unwillingness to implement Article 140
2014 to 2017	Partnership with Baghdad failed	Failure to have a unified policy	Conflictual cooperation	Barzani's call for referendum; the withdrawal of ISF in disputed territories; divisions within the PUK leadership and

2017 to 2018	Rejection of Baghdad's control over Kirkuk; unilateral return to Baghdad	Accusing KDP of the loss of disputed territories; direct cooperation with Baghdad	Divergence	illness and subsequent death of Talabani The September 25 referendum; 16 October events; the Iraqi parliamentary elections; disputes over the presidency post
2019	Return to Baghdad	Undermining KDP and unifying the PUK	Conflictual cooperation	KRI government formation, and new KDP-PUK cooperation

4.2 CONCEPTUALIZING DE FACTO STATES' ENGAGEMENT WITH PARENT STATES

The study of engagement without recognition concerns how these entities are dealt with by both international community and parent states in the absence of international legal recognition (Pegg, 2017). This concept was used for the first time by the European Union in December 2009: Brussels approved a non-recognition and engagement policy for Abkhazia and South Ossetia, which both claimed independence from Georgia. This policy endorses engagement in these territories at multiple levels, while explicitly ruling out recognition of their sovereignty (De Waal, 2017, p. 2). Nevertheless, despite the recent definition of the concept, in practice engagement with de facto entities has a long history (Caspersen & Herrberg, 2010; Harzl, 2018). In the academic literature, the concept first came to prominence in the work of Cooley and Mitchell (2010), who advocated that the US should pursue a strategy of engagement without recognition with Abkhazia. In their argument, such a strategy means that

Abkhazia would be given the opportunity to engage with the West on a number of political, economic, social, and cultural issues for the purpose of lessening Russia's influence. While undertaking this strategy, the West must make it clear that Abkhazia's status as an independent state will never be accepted by either the United States or the EU. (Cooley & Mitchell, 2010, p. 60)

The existing literature explains a wide range of factors that support the merits of engagement with de facto states, as well as objections of parent states to engagement with de facto states (see e.g. Ker-Lindsay, 2012; Broers, 2013; Caspersen, 2012, 2018). However, a comprehensive analysis of the internal dynamics of de facto states has been lacking, particularly on how internal political rivalry influences engagement policies with the parent state. What have also been underexplored, as argued by Nina Caspersen (2012), are the conditions under which de facto state leaders change their policies towards engagement with parent states. For example, studies, including those in the *Ethnopolitics* special issue “Engagement without Recognition: The Politics of International Interaction with De Facto States” in 2018, offer important insights into the positions of parent states and third parties towards engagement with de facto state, but focus less on how a policy of engagement is perceived by political actors within de facto states. They have treated the de facto state as a unitary actor.

Caspersen is a prominent scholar in the literature on engagement without recognition who argues for the incorporation of internal power relations in the study of engagement with parent states. Caspersen (2012, 2015, 2018) has made seminal theoretical contributions to this literature. She (2012, 2018) highlights three key factors that significantly affect engagement with parent states: 1) de facto state leaders’ commitment to the goal of independence; 2) the level of support a de facto state receives from a patron state; and 3) internal power relations and the type of internal legitimacy on which the leadership depends. She identified these factors through her examinations of the cases of Abkhazia, Transnistria, Nagorno-Karabakh, Northern Cyprus, Somaliland, and Taiwan. These three factors are explained below.

First factor: De facto state leaders’ commitment to independence

If the parent state has objections to engagement with a de facto state, then any forms of engagement depend on the de facto state leaders renouncing their ambitions for independence, at least implicitly (Caspersen, 2018, p. 381). In de facto states where there is a clear and unwavering commitment towards independence with direct support from a patron state, de

facto state leaders will show less desire for engagement with the parent state. However, if de facto states have no direct support from a patron state, or have no international support, they need to engage with the parent state to ensure their continued survival. Therefore, some de facto state leaders are willing to downplay their claims to independence, in order to gain access to international engagement and negotiations with their parent states (Caspersen, 2018, p. 385). At the same time, they are careful to avoid defining engagement with the parent state as a compromise, but present it as a realistic policy necessary for building infrastructure and state-like institutions, and importantly to normalize the de facto independence of the entity (Caspersen, 2018, p. 375).

If de facto state leaders have no support from a specific patron state for their claim of independence, at times the authorities' room for manoeuvre will be constrained, and they will start considering compromise solutions if this is seen as necessary to maintain the de facto independence and prevent forceful reintegration. In addition, compromise will become necessary if de facto states face a military defeat, requiring them to search for an alternative way out. In summary, less support from patron states or the international community means more pragmatism and willingness to compromise from the de facto state side, if engagement is needed to protect the de facto independence of the entity.

Second factor: Patron state support

Caspersen argues that the willingness of de facto state authorities to accept engagement with the parent state is heavily dependent on the degree of support they receive from a patron state. Scholars such as Kolstø (2006) view support from a patron state as a key factor for the viability and survival of de facto states in the long term. The higher the support from the patron state, the lower the need to engage with the parent state, especially if engagement is seen to imply a hierarchical relationship with the parent state which continues to control activities within the de facto state territory. However, support from a patron is not cost-free. Bakke, Linke, O'Loughlin and Toal (2018, p. 162) argue that if the citizens of the de facto state distrust the

external patron, the domestic authorities' efforts to foster the citizens' confidence in their rule could be jeopardized. Too close engagement and reliance on patron state, as argued by Berg and Vits (2018), will undermine the de facto state's internal legitimacy. There is thus a strong incentive for some de facto states to diversify their resource base and seek wider international engagement.

Third factor: Type of internal legitimacy and power relations

A recurrent theme in Caspersen's studies is how a strategy of engagement is constrained by the role that seeking recognition plays in securing the support and loyalty of the de facto state's own population. The narrative of future recognition and the persistence of an external threat are powerful instruments for ensuring internal cohesion, and giving up on the goal of full de jure independence, as well as opting for close engagement with the central government of the parent state, can be associated with significant political risks for the de facto state leadership (Caspersen, 2015a, p. 407). However, fear and the persistence of external threat may not be enough for internal legitimacy and long-term stability; popular dissatisfaction can also prove a threat to the stability of the entity.

In identifying internal constraints to engagement with the parent state, especially if engagement is deemed 'creeping reintegration' by both the de facto state leaders and the population, other scholars such as Lynch (2004), King (2001) and Ker-Lindsay (2015) highlight how the condition of de facto statehood itself constitutes a major disincentive towards engagement: 'Why be a mayor of a small city if you can be president of a country?' (King, 2001, p. 551). Another issue which affects de facto state authorities is that engagement with parent state, even in a limited form, undermines the claim, commonly made in de facto states, that the only options are 'independence or death' (Caspersen, 2012, p. 67). Caspersen describes this situation as the authorities being 'caught between a rock and a hard place' (Caspersen, 2012, p. 138). The sustainability of the statehood that has already developed in the entities significantly impacts the manoeuvrability of the de facto state leaders in their engagement with the parent

state. There are times in the struggle for international recognition when isolation from the parent state can serve as a legitimising tool for the leadership and excuse its shortcomings (Caspersen, 2018).

This article sheds light on an important but underexplored factor for a de facto state's engagement with the parent state: how internal political rivalry influences engagement policies with the parent state. The article argues that an increased focus on internal political competition within de facto states will both improve our understanding of these entities, and, potentially, suggest new avenues for an effective engagement without recognition policy.

4.3 KURDISTAN'S POLICIES OF ENGAGEMENT WITH BAGHDAD

4.3.1 1991-2003: NO ENGAGEMENT WITH THE IRAQI GOVERNMENT, BUT NO UNIFIED PERCEPTION OF BAGHDAD

Any study of Kurdish history in Iraq over the past century shows that both the Iraqi state and the Kurds at many times have viewed each other with mistrust and as 'the other' (see Kirmanj, 2013), a legacy which still shapes the relationship of the Erbil and Baghdad governments (F. Mustafa, personal communication, July 7, 2019; M. Amin, personal communication, 15 July 2019). The Kurdish Uprising against the Ba'ath regime in 1991 was a milestone in Kurdish-Baghdad relations, which led to the creation of an autonomous region in the north independent from the Iraqi government, an arrangement which seemingly institutionalized Kurdish 'otherness'. Early on, rivalry and power struggle between the Kurdish political parties prevented the new entity from formulating a unified policy towards the Baghdad government. In 1994, fighting between the KDP and PUK erupted due to historical animosity, conflict over revenues, and disagreements over the 1992 election results (Stansfield, 2003; Ahmed, 2012). In 1998, the US-brokered Washington Agreement ended the civil war, and created two separate administrations in Erbil and Sulaimaniyah (Voller, 2014). The two administrations pursued

different directions vis-à-vis Baghdad; the KDP administration became closer to the Iraqi regime until 2003, while the PUK-controlled administration in Sulaimaniyah pursued a non-engagement policy with the Iraqi regime under Saddam Hussein (Abdulla, 1996). The two approaches were greatly influenced by geography and internal rivalry, which led them to take different sides.

4.3.2 2003-2006: ENGAGEMENT WITH BAGHDAD WITH THE SUPPORT OF INTERNATIONAL COMMUNITY

The main policy pursued by the KRI leadership in this period was access to the international system through a strong presence in Baghdad. The US invasion of Iraq gave the leaders of the KDP and PUK an opportunity to unify the two administrations. The post-2003 unification attempts resulted in a power-sharing agreement between Masoud Barzani, the President of the KDP, and Jalal Talabani, the Secretary General of the PUK, which came into effect in 2006 with a coalition government (KRG, 2006). The agreement enabled Erbil to speak with one voice to Baghdad for the first time since 1991, strengthening the position of Kurdistan. The agreement also included a complete division of power between the two leaders in both Erbil and Baghdad. As a result, Barzani became the President of the Kurdistan Region (2005-2017), while Talabani became the President of Iraq (2005-2014). Additionally, despite the popular support for independence among the Iraqi Kurds after the regime change (Natali, 2010), Kurdish leaders knew that rebuilding Iraq had become the main priority of the US-led coalition. Falah Mustafa, the Head of the KRG's Department of Foreign Relations, confirmed this: "We know our dream, which is an independent state, but we also know the reality, and we will deal with it. We are landlocked and sentenced by our geography" (personal communication, July 7, 2019). Therefore, Barzani and Talabani sought to preserve and improve the de facto independence of Kurdistan, as well as ensuring Kurdistan's greater access to the international system, through Baghdad (Natali, 2010). Kurdistan's two major parties played kingmaker in Baghdad, with

Kurdish politicians occupying the posts of President, Minister of Foreign Affairs and other key positions, and played a major role in bringing the Iraqi constitution to fruition in 2005.

The distribution of positions between the two parties demonstrates Barzani's greater desire for consolidating his party's position in Erbil rather than Baghdad (see "Iraq," 2009; Katzman, 2010, p. 3), which later helped the KDP to dominate the KRG, securing the positions of the Kurdistan Region Presidency, Prime Minister and Chancellor of Security Council, and several key ministries in different cabinets. This, alongside Barzani's goal of strengthening Kurdistan's de facto independence, faced opposition from various actors within the Iraqi government (van Wilgenburg, 2012). While the PUK leaders, together with the KDP, were determined to push forward the Kurdish agenda in Baghdad, they pursued a less hostile approach, viewing participation in Baghdad as enhancing Kurdish interests (Katzman, 2010, p. 5). The PUK enjoyed better relations with the Iraqi Shia parties which dominated the Iraqi government ("Iraq", 2009; Coles, 2013), and the presence of Talabani himself in Baghdad as Iraqi President for two terms (S. Pira, personal communication, 23 January 2019). In Baghdad, Talabani believed that Kurdistan's independence was not possible due to regional opposition, calling it 'the dream of poets' (Sky, 2017), a reversal of his party's previous policies. Instead, Talabani came to believe that Kurdistan should strengthen its de facto independence within Iraq, and exert its leverage on the rebuilding of Iraqi state structures. Nevertheless, despite the differences between the two centres of power, a strong personal relationship between Barzani and Talabani developed after 2003, providing Kurdistan with a greater degree of leverage and flexibility with the Iraqi government (S. Pira, personal communication, 23 January 2019; A. Hussein, personal communication, 28 Jan 2019). Talabani's presidency in Baghdad was critical for Barzani in his dispute with the former Iraqi Prime Minister Nouri al-Maliki ("Iraq", 2009). Barzani alone could not consolidate Erbil's autonomy from Baghdad without the presence of Talabani in the capital. Saadi Pira, the spokesperson of the PUK, described the two approaches as mutually reinforcing the de facto independence of Kurdistan after 2003 (S. Pira, personal communication, 23 January 2019).

4.3.3 2006-2014: LIMITED ENGAGEMENT AND INTERNAL DIVISIONS RESULTING IN CONFLICTING PERCEPTIONS TOWARDS BAGHDAD

Kurdistan's access to both regional and international engagement, especially in the development of the oil sector, as well as the weakness of Baghdad, contributed to the policy of engagement with regional and international actors with a limited engagement with the central government in Baghdad. Critically, the entrenched position of Kurdish leaders in Baghdad, as well as the unprecedented financial opportunities (such as the allocation of 17 per cent of the national budget to the KRI) coming from Baghdad, did not change the image of Baghdad among the Kurds, who continued to view the capital as an actual or potential threat rather than a friend (see van Wilgenburg, 2012). Viewing Baghdad as a source of threat is almost a tradition among Kurdish leaders, mainly because of a long history of oppression from Baghdad against the Kurds (M. Amin, personal communication, 16 July 2019). The KDP's internal legitimization strategy, stressing that the Kurds had no future within Iraq, also contributed to the negative image of Baghdad among the Kurds (see O'Driscoll & Baser, 2019a). The KDP did not view Baghdad the same way that its counterpart the PUK did. The party's strong cooperation with Turkey in the years after 2003 up until the 2017 referendum, combined with Turkey's desire to influence developments in Iraq, advanced Barzani's influence vis-à-vis Baghdad (Kardaş, 2018); the KDP's strategic relationship with Turkey helped to reduce the need to cooperate with Baghdad in both economic and security sectors. In this period, a weak Baghdad looked with greater suspicion at the consolidation of Kurdistan's de facto independence (Gunter, 2011).

During al-Maliki's leadership, especially his second term (2010-2014), serious disagreements emerged between Erbil and Baghdad over issues such as the *Peshmerga*, revenue sharing, oil exportation, and disputed territories (Nader, et al., 2016, p. 42). In response to Erbil's push towards increased de facto independence, al-Maliki imposed punitive military, political and economic measures on Kurdistan, deploying the Iraqi Security Forces (ISF) to the disputed city of Kirkuk to assert Baghdad's control in November 2012, which had severe

implications for Baghdad-Erbil relations (see Barzani, 2017e). Furthermore, the PM directed the Iraqi Ministry of Finance to cease paying the KRG's national budget in 2014, accusing the KRG of not delivering the agreed quota of oil (Nader, et al., 2016, p. 42). The continuous disputes led the two governments to regard each other as security threats, with significant implications for the later calls for Kurdish independence. Likewise, it further demonstrated to the international community the cleavages between the Kurds and Baghdad, and Kurdistan's own perception of its status as a de facto state within Iraq (Voller, 2014, p. 103).

There is an important issue to highlight regarding the background to these events, which has previously neglected in the literature on the Kurdistan referendum. The disputes between Barzani and al-Maliki occurred simultaneously with developments which threatened the viability of the KDP-PUK agreement, the basis of Kurdistan's political stability, such as the rise of the Change Movement (Gorran) within the PUK in 2009, and Talabani's ill-health after 2012. These factors threatened the balance of power between the KDP and PUK, with negative consequences for their relationship with Baghdad, as they made maintaining a unified approach to Baghdad difficult. The death of Talabani on 3 October 2017 further divided the PUK factions, leaving them with no unified voice (Hama, 2019a). Internal divisions within the PUK significantly affected the KRI's policy towards Baghdad; in the absence of effective leadership within the PUK, the KRI's policy became dominated by the KDP's project of independence. Baghdad-Erbil disputes, especially the move towards the independence referendum, became Baghdad-KDP disputes, accelerating the polarization between Erbil and Baghdad and subjecting this relationship to internal political rivalry. Resulting from this partisan-ization of perceptions of engagement, is a situation in which engagement is constrained and its viability made heavily dependent on internal power sharing and political competition.

4.3.4 2014-2017: UNILATERAL MOVES TOWARDS DE JURE INDEPENDENCE

In this period, KRI pursued the policy of the lowest level of engagement with the Iraqi government since 2003, this being shaped by the international instrumental engagement with the KRI authorities to combat the Islamic State. The collapse of the ISF in northern Iraq in mid-2014 in the face of the IS enabled Kurdistan to expand its territory, seizing long-coveted Kirkuk and other territories, the administration of which has been hotly disputed between Baghdad and Erbil since 2003. The *Peshmerga's* ability to succeed where the ISF had failed to stymie the advance of IS was also pivotal to enhancing Erbil's political leverage on Baghdad. With its newly acquired land, which increased by approximately 50 per cent the territory controlled by the Kurdish authorities, and Kurdistan's autonomy bolstered by its celebrated military strength, the political climate for independence appeared to be ripe. Encouraged by a seemingly imploding Iraqi state, and shifts in Turkey's security policy towards Iraqi Kurds (Stansfield, 2014; Natali, 2015), the Erbil leaders began taking steps towards total independence. On 3 July 2014, Barzani instructed the Kurdistan Parliament to begin preparations for an independence referendum, and shortly after announced that 'from now on, we will not hide that independence is our goal' ("Iraq Kurdistan independence", 2014).

During this period, the KRI's *Peshmerga* continued to expand KRI territory, and the border between the KRI and Iraq became 'a lot stronger than that between Iraq and Syria' (House of Lords, 2017, p. 66). Additionally, by emerging as an intrinsic partner in the international military force against the IS, the Global Coalition Against Daesh (GCAD), Kurdistan not only acquired military leverage, but also gained access to conduct cross-border activities. The effectiveness of the *Peshmerga* also gave Erbil diplomatic interaction and financial support from the GCAD member states. Fighting IS brought Kurdistan into close security and military cooperation with a number of important global actors, most notably the US, the UK, France and Germany. These developments gave the KRI leadership, especially the KDP, every reason to have very limited engagement with Baghdad; in this period, Barzani only visited Baghdad once.

As mentioned, for the time period 2014-2017 radical political transformations impacted Kurdistan, culminating in the 25 September 2017 independence referendum. Voters from Duhok, Erbil, Sulaymaniyah, Halabja and KRI-controlled areas of the Kirkuk, Diyala and Nineveh Governorates, voted 'yes' or 'no' to the question: 'Do you want the Kurdistan Region and the Kurdistan areas outside the administration of the Region to become an independent state?' An overwhelming majority of 92.73 per cent voted 'yes'. Kurdistan's referendum made Kurdish statehood an international issue (Cockburn, 2017a); however, the unilateral referendum backfired, with many negative consequences for the entity.

4.3.5 2017-2018: MOVING TOWARDS A COMPROMISE POLICY

Kurdistan's unilateral decision to hold the referendum, and misreading of the international engagement it had received in the previous period as implying support for recognition, gave the then-Iraqi PM Haider al-Abadi almost unanimous support from regional countries and the international community, including the US and Barzani's former regional ally Turkey (Kardaş, 2018), when al-Abadi emphasized his obligation 'to take all legal and constitutional steps to protect the unity of Iraq and its people' (Council of Representatives of Iraq, 2017). The actions of the Iraqi government included deploying the ISF to replace the *Peshmerga* forces in all disputed areas, banning international flights to Erbil and Sulaimaniyah, and demanding that the KRG relinquish control of its airports, border gates and crossing points. On October 16 2017, Iraqi forces, backed by Hashd al-Shaabi militias, seized Kirkuk and all other disputed areas. These actions reverted the Kurdistan boundaries to those drawn in 2003, a punishing political blow against some of Kurdistan's hard-won de facto powers.

The division between the KDP and PUK over the referendum, widened by the collapse of their 2006 power-sharing agreement, also contributed to the referendum's failure (Hama, 2019a). As a strategic priority, both parties supported and voted for independence, but they disagreed on the method. Many senior leaders within the PUK favoured postponing the vote and

accepting the offers presented by the US and the UN as an alternative to the referendum (S. Pira, personal communication, 23 January 2019). Failure to address these disagreements resulted in a negative outcome for the process, as members of the PUK, such as Lahur and Bafel Talabani, the nephew and son of Jalal Talabani, negotiated independently with Baghdad and Tehran and ordered much of the PUK's forces to retreat from Kirkuk, which the KDP described as 'the biggest treason ever committed in modern Kurdish history' ("Despite Losses," 2018). The KDP's own retreat from the front lines has also come under vitriolic criticism, with KDP officials arguing that this was to avoid potentially grave internal conflicts, such as split administrations and perhaps renewed civil war. Failure to formulate a unified political and military response to the attacks of Baghdad weakened the Kurdish position, and highlighted the centrality of the KDP-PUK rivalry with regards to any relationship with Baghdad.

Erbil's unilateral move on the referendum resulted in significant international isolation, with international actors blaming the Erbil leadership for the escalation in conflict with Baghdad. The military balance, once viewed as crucial for enabling the de facto independence of Kurdistan (Nader, et al., 2016), now favoured Baghdad. Emboldened by the takeover of Kirkuk and the lack of international support for the referendum, Baghdad under al-Abadi had no incentive to engage in comprehensive discussions with Erbil, further reducing the avenues for negotiations after the referendum. In addition, the post-referendum result contributed to the rehabilitation of Iraq as a state, since it showed renewed capacity to use effective force to secure its control over territory. Al-Abadi rejected Nechirvan Barzani's call for international initiatives to facilitate dialogue with Baghdad (see DFR, 2017; "PM Barzani", 2017), describing them as foreign interference (Ali, 2017), and hoped that Kurdistan would become gradually weakened due to its isolation. Moreover, Baghdad also saw this as an opportunity for the first time since 2003 to

undermine the internal legitimacy of the KRG by directly communicating to a Kurdish audience,²¹ claiming that the KRG officials did not represent Kurdish society (see Gurbuz, 2018).

Baghdad's blockade threatened the political existence of Kurdistan, highlighted the fragility of Kurdistan's institutions (Jongerden, 2019) and its lack of viability without international support, renewed the mutual mistrust, and above all showed that a unified Kurdish policy and perception towards Baghdad was lacking. The Kurds' vote for independence was perceived by Baghdad's political actors as an attempt to divide the country, and Baghdad's sending tanks to reclaim Kirkuk was seen by the Kurds as an act of occupation (M. Amin, personal communication, 15 July 2019). As a result of the negative consequences of the referendum, the KDP-led KRG found it difficult to maintain the rhetoric of independence. Though it angered the people, freezing the results of the referendum in October 2017 became necessary to reduce the pressure and increase access to international engagement. This confirmed that maintaining the independence discourse for the internal audience *and* a realistic approach to negotiations with the parent state is difficult, but is part of the challenge facing any *de facto* state.

After the referendum, the fight for survival and protection of the constitutional entity of Kurdistan replaced the move towards *de jure* independence. Nevertheless, Kurdistan has demonstrated its survival, proving that its *de facto* independence is an 'undesirable reality' for Baghdad (M. Amin, personal communication, 15 July 2019), and is not simply an ephemeral phenomenon that will collapse on its own. Erbil's desire to ensure its survival was the primary reason leading to the end of the military conflict with Baghdad in October 2017, as the leadership knew there would be no international support in its fight with Iraqi forces (Zebari, 2019). Kurdistan's engagement strategy was also guided by the fact that, with the loss of Kirkuk, the KRG's income decreased from \$565.5 million a month to \$337.4 million ("Abadi," 2018). Consequently, the KRG was unable to provide its population with public services and the salaries of its 1.2 million public employees, resulting in widespread violent protests in late 2017

²¹ See: Mu-ALSadr. (2017, December 19). [Tweet]. https://twitter.com/Mu_ALSadr/status/943157971948851206

and early 2018. Three out of the five parties which formed the coalition government in 2014, Gorran, Komal and Yekgirtu, withdrew from the eighth cabinet of the KRG, calling for the dissolution of Parliament and election of a new interim government. Gorran, Komal and the newly established Coalition for Democracy and Justice Party, all visited Baghdad separately in January 2018 in order to discuss Kurdistan-Baghdad negotiations, in an effort to boost their profile as an alternative to KDP-PUK rule (Kassim, 2018). Meanwhile, the KDP decided to boycott the 2018 parliamentary elections in some disputed territories, particularly Kirkuk, to protest Baghdad's control over them ("KDP will boycott Iraq elections", 2018). This split provided Baghdad with leverage, and forced the KDP-led KRG to make more compromises with the Iraqi government for the sake of obtaining the much-needed resources to address its challenges. Moreover, this shows that party politics in Kurdistan leads parties to use their bilateral relations with Baghdad, especially during times of crisis, as leverage against their local rivals. This is further explored below.

The willingness of the former KRG PM Nechirvan Barzani to compromise after the referendum, including allowing the central government to audit the biometric registration of KRG employees and restoring the Erbil and Sulaimaniyah airports to federal authority, show that Erbil is willing to compromise some of its de facto powers, if this will protect the constitutional entity of Kurdistan (see, e.g. KRG, 2017c; KRG, 2017d). While the pragmatic approach pursued by Nechirvan Barzani and his deputy Qubad Talabani did not produce a comprehensive settlement between Baghdad and Erbil, Erbil regained international support and, importantly, maintained its de facto powers without provoking the Iraqi government. For example, Erbil officially agreed to Baghdad's authority in Erbil and Sulaimaniyah airports following the international flight ban until March 2018, but Kurdistan's separate visa regime, a symbol of de facto power, continued. Protecting the entity's de facto independence and cooperation with the Iraqi government has become a new strategy (Zebari, 2019), as the Kurdish leaders realized that Baghdad has become increasingly independent from regional powers (R. Karim, personal communication, 23 July 2019) and that 'all roads go through

Baghdad' (A. Jotiar, personal communication 20 July, 2019). This marked a rupture in the recent trends in the Baghdad-Erbil relationship, with Baghdad gaining superiority over Erbil for the first time since 2003.

4.3.6 2018-2019: ENGAGEMENT AS THE LEAST BAD OPTION FOR THE KURDISH

LEADERSHIP

The main policy of this period is an engagement with Baghdad with the promise of a creating a strong entity in Kurdistan. There are two factors that can explain the willingness of the KDP's policy of a strong engagement with the Iraqi government.

First, the KDP felt it would be vulnerable if its local rivals were active in Baghdad, with Baghdad blaming the KDP for the deterioration of the Erbil-Baghdad relations. Additionally, the KDP had lost the backing of Ankara, a close ally before the referendum. The KDP's return to Baghdad has been critical for the restoration of the relationship between Erbil and Baghdad (R. Karim, personal communication, 23 July 2019). One of the main outcomes of the collapse of the KDP-PUK power-sharing agreement following the disagreements on the October 16 events in Kirkuk, was the lack of a united project for the formation of the Iraqi government in 2018. The October 2018 elections for President of Iraq made this clear: the KDP insisted for the first time since 2005 that their representative should receive Iraq's presidency over the PUK's nominee, though the PUK ultimately prevailed, electing Barham Salih to the presidency (Alaaldin, 2019), and viewing Baghdad's hostility towards the KDP following the referendum as an opportunity to increase its power in the KRI. Unlike the era of Talabani's presidency, the election and presidency of Salih became a key source of internal fragmentation within the Kurdish house, a clear extension of Kurdistan's internal divisions to Baghdad.

Second, the change of a government in Baghdad, led by the current PM Adil Abdul-Mahdi, which has promised to solve the disputes with Erbil peacefully, contributed to the KDP's return

to Baghdad. As part of this new engagement strategy, following the appointment of Abdul-Mahdi, Masoud Barzani visited Baghdad in November 2018, showing a greater desire to work with the new government, without independence being part of the agenda. He said

We believe that there is another chance for both the Kurdistan Region and Iraq [...] Adil Abdul-Mahdi is someone who understands the Kurdish question [...] I would not visit Baghdad if I did not know about his personality [...] he is someone who does not want to harm Kurds. (“KDP President Barzani,” 2018)

However, for the KDP, selling to the Kurdish people an engagement policy with Baghdad, and thus risking being seen to abandon independence, is fraught with difficulties. For example, after the October 2017 events, the KDP has had to negotiate with Hashd al-Shaabi leaders over various issues (“Amiri urges active Kurdish participation,” 2018). The KDP sought to normalize its relations with these groups during the 2018 Iraqi government formation, but simultaneously it has labelled Kirkuk under the Hashd al-Shaabi rule an ‘occupied city’ (“Despite Losses,” 2018). Balancing the two discourses has been a difficult but necessary task for the leadership’s survival. For this reason, the KDP leadership has combined its engagement with Baghdad with a claim to building *Kurdistaneki Bahez* (a strong Kurdistan), a new discourse promoted by Masrour Barzani, Masoud Barzani’s son and the current KRG Prime Minister. What is important is that the main component of the KDP’s *Kurdistaneki Bahez* policy is reform, internal governance and improving relations with Baghdad (A. Jotiar, personal communication 20 July, 2019), not independence.

While the KDP’s supporters are known for being uncritical of the decisions of their party leaders, Barzani has needed to maintain his pro-independence stance, as his supporters refer to him as a Kurdish national leader and *marja* (a supreme leader) (Aziz, 2018). During his party’s campaign for the Kurdistan 2018 parliamentary elections, Barzani used the words *xo nachamenin* (we do not kneel) (“Sarok Barzani,” 2018), which then became a key slogan of the

party, in response to Baghdad's sanctions against Kurdistan after the referendum. In Duhok two weeks after his visit to Baghdad, Barzani stated:

We are always eager to mend our ties [with Baghdad], and we have continuously told them that we do not want to fight, but they are aware that if we are attacked then we will stand and defend ourselves and never back down. ("Masoud Barzani," 2018)

Interviews with the KDP officials also showed that, depending on which audience the party appealed to, two different strategies were used. Addressing Baghdad constituted one strategy, while addressing the internal audience in Kurdistan required a separate argument. When the KDP addresses Baghdad, independence is not mentioned, but when the party elites address their internal audience, they aim to sell engagement with Baghdad as being complementary to a strategy of gaining independence, creating the foundations of statehood, and giving Baghdad another chance to respect the constitutional rights of Kurdistan (see "KDP President Barzani," 2018; Zebari, 2019). While cooperation with Baghdad to gain much-needed resources and maintain the *Kurdistaneki Bahez* discourse appears to be the most likely outcome, a situation results in which engagement with the Iraqi government constrains the independence discourse at home, and vice versa. This situation corresponds to the key dilemma in the de facto state literature, that the tension between commitment to independence and the need for engagement with the parent state cannot be easily managed.

4.4 CONCLUSION

Through an analysis of the Iraqi Kurdistan case, this article has sought to emphasise the need to incorporate internal political rivalry in the analysis of de facto states' policies of engagement with parent states, which is critical for the viability of the engagement without recognition approach. Developments since the 2017 referendum show that the engagement approach has the potential to address the conflict between Erbil and Baghdad, though the approach is

constrained by the condition of de facto statehood which has developed in Kurdistan since 1991, and the lack of a unified policy towards engagement with Baghdad.

The political situation in Iraqi Kurdistan is characterized by fluidity, with perceptions of engagement with Baghdad liable to change at any given time. As the Kurds and Iraqi government have a long history of mistrust, which was recently renewed in the conflict over the referendum, a complex and shifting reality remains. The Kurdistan leaders seek engagement in order to consolidate and expand their de facto powers. This corresponds to the main argument within the literature, that constrained engagement without recognition with the parent state may be a durable, though unstable, state of affairs.

Engagement policy, which is currently pursued by the KRI leadership, is defined as a viable option to deal with the reality within which a de facto state finds itself; Kurdistan's survival depends on both the preservation of its de facto powers and its cooperation with Baghdad. The absence direct support from a patron state has forced the KRI leaders to renounce the discourse of independence, which this has contributed to the willingness to compromise. There is an awareness among the Kurdish leaders that Kurdistan's de jure independence is not likely in the foreseeable future, as evidenced in the international opposition to the 2017 referendum. As a result, Kurdish cooperation with the Iraqi government is not only inevitable, but is also required for survival, and needs to be combined with the preservation of its de facto existence, what is termed 'constrained engagement' by Caspersen (2018). In addition, the viability of the engagement requires not only the willingness of the Baghdad government, but also relies heavily on internal politics and party rivalry in Kurdistan, an area which needs more attention in the engagement without recognition literature.

Reflecting on Kurdish authorities' policies of engagement with Baghdad, two notable trends can be identified. First, despite the internal divisions between key political actors, neither abandoning the goal of de facto independence, nor the complete reintegration into the parent state, is considered a realistic policy option by any of the players, due to the longevity of de facto

independence and the prevailing mistrust between the de facto state population, leadership and the parent state. Secondly, a key dilemma is that while the post-referendum Kurdistan leadership perceives engagement with the Iraqi government as essential for Kurdistan's survival, too close an engagement with Baghdad would impact the internal legitimacy that has so far served their rule, undermining the Erbil leadership's claim that Baghdad is a threat and limiting a comprehensive engagement. When addressing their internal audience, the de facto state leaders adopt a different language, arguing that engagement with the parent state is needed to access international engagement and to build the foundation of effective governance, pillars of future attempts to gain *de jure* independence. While addressing the parent state, they focus on the need to turn a new page and work towards common interests. This demonstrates that the goal(s) of a de facto state is critical in determining the degree and type of engagement with a parent state, supporting Caspersen's argument that a de facto state's commitment to the goal of independence is a major determining factor for the type of engagement with the parent state. In the case of Kurdistan, after 2017 independence has no longer been an official priority for the Kurdistan government, and therefore there is a better chance for positive engagement with the parent state.

