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

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**Fluidity and Dynamics of De Facto Statehood:
The Case of Iraqi Kurdistan**

PhD thesis

Kamaran Palani

Fluidity and Dynamics of De Facto Statehood: The Case of Iraqi Kurdistan

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ABSTRACT

This thesis explains the dynamics and nature of the Kurdistan Region of Iraq's (KRI) de facto statehood since its inception in 1991, in particular the vicissitudes de facto independence since then. This dissertation characterises de facto statehood in Kurdistan, and uncovers the dynamics of de facto statehood in Iraqi Kurdistan at internal, national and international levels. Kurdistan's de facto statehood (such as territorial control, monopoly on the use of violence, and engagement with the international community) is shown to be inherently characterised by fluidity. In this thesis, fluidity is defined as a highly unstable nature of de facto statehood in the relational context of non-recognition. The dissertation reports on interviews with a number of high profile politicians and policy makers from the region to provide unique insights, among others the three main factors at play in the fluidity of the de facto state of Iraqi Kurdistan: the balance of power between the regional capital of Erbil and the Iraqi national capital of Baghdad; the level and form of internal fragmentation; and the change of strategies to gain international recognition.

To my dad

Mohammad Aziz Mustafa

01-07-1940 – 25-02-2021

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Chapters 2, 3, and 4 in this dissertation have been published as articles in *Ethnopolitics*, *Third World Quarterly*, and *British Journal of the Middle Eastern Studies*. I am grateful to various anonymous reviewers for their helpful and critical feedback and comments on my manuscripts.

With gratitude,

Kamaran Palani

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LIST OF PAPERS

Paper 1

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Paper 2

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Paper 3

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ACRONYMS

DFR	Department of Foreign Relations
EU	European Union
GCD	The Global Coalition against Daesh
IDP	Internally Displaced Populations
IS	The Islamic State
ISF	The Iraqi Security Forces
KDP	The Kurdistan Democratic Party
KRG	The Kurdistan Regional Government
KRI	The Kurdistan Region-Iraq
MERI	The Middle East Research Institute
PUK	The Patriotic Union of Kurdistan
UK	United Kingdom
US	United States

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 Iraqi 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

¹ *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 Kurdistan² region that emerged in northern Iraq after the Kurdistan 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

² 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.' Kurdistan 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).

³ 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 states, 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' (Geldenhuis, 2009; Ker-Lindsay, 2015), 'para-states' (Stanislowski, 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

⁵ 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 in-depth, 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-à-vis 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 vis-à-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 interacting 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 Kurdistan*⁷

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.

Chapter 2

The development of Kurdistan's de facto statehood: Kurdistan's September 2017 referendum for independence⁸

⁸ This chapter is an adapted version of the article by *Palani, K., Khidir, J., Dechesne, M., & Bakker, E. (2019). The development of Kurdistan's de facto statehood: Kurdistan's September 2017 referendum for independence. Third World Quarterly, 40:12, 2270-2288. DOI: 10.1080/01436597.2019.1619452*

2. THE DEVELOPMENT OF KURDISTAN'S DE FACTO STATEHOOD: KURDISTAN'S SEPTEMBER 2017 REFERENDUM FOR INDEPENDENCE

ABSTRACT

This research aims to analyse the drivers which informed the decision and timing of Kurdistan's independence referendum on 25 September 2017. Here we argue that any proper examination of these drivers must begin by investigating the relationship between the fight to counter the Islamic State begun in 2014, the disputes arising as a result of Kurdistan's presidential election issue in 2015 and the internal political rivalry exacerbated by the question of whether to hold a referendum. The findings of this article highlight the centrality of de facto entities' internal governance in their struggle towards statehood. The fight against IS served as a primary driver in influencing the timing and the approach of the September 2017 referendum. While the 2015 political deadlock resulting in the illegal extension of Barzani's presidency was not a determining factor leading to the referendum, nonetheless it quickened the process and influenced the timing.

2.1 INTRODUCTION

Since 2014, several radical political transformations have affected the de facto statehood of the Kurdistan Region-Iraq (KRI),⁹ culminating in the 25 September 2017 independence referendum. On that day, eligible voters from the Duhok, Erbil, Sulaymaniyah, Halabja and

⁹ KRI refers to the Kurdistan autonomous region that emerged in northern Iraq after the institution of No-Fly Zone in 1991. Iraq's 2005 constitution recognised KRI as the only federal region within Iraq's borders replete with protected privileges, including control over a military, economy and body of law independent from that of the government of Iraq as per Section 5, Article 117. KRI 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 Baghdad and Erbil. Since 1991, Kurdistan has developed many state-like competences (from security to visa regulation and borders' control, among others) that have laid the foundation for being a de facto state.

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?’ Upon tallying the votes, an overwhelming 92.73% majority voted for ‘yes’.¹⁰ While the Kurdistanis have made, almost, weekly headlines since 2014, few academic studies have examined the timing and drivers underlying why the independence referendum was held in 2017. This paper employs a qualitative analysis methodology including 23 informant interviews with senior members of KRI political parties, such as the Kurdistan Democratic Party (KDP), the Patriotic Union of Kurdistan (PUK), and the Change Movement (Gorran); officials from the Kurdistan Regional Government (KRG), such as the Department of Foreign Relations; employees of the Ministry of Peshmerga,¹¹ the KRG Representation in London and Washington; and members of Parliament. These face-to-face and telephone interviews were conducted in Erbil and Sulaimaniyah between May 2017 and March 2018. Most of the interviewees preferred to be anonymous. In these interviews, we tried to identify what drove the decision and timing of the referendum, and what the lack of a unified internal mechanism in both political and military terms meant for the move towards independence. In addition, we observed the local political developments, attended the referendum campaign rallies in Erbil and participated in closed door meetings where key KRI decision makers and international diplomats presented their policies on different issues related to the referendum in summer 2017. To gain deep insights, we also benefited from an off-record meeting with Masoud Barzani on 20 August 2017 in his office in Pirmam town in Erbil. In the meeting, Barzani clearly explained the approach, method and reasons of the referendum.

¹⁰ The KRI’s Independent High Elections and Referendum Commission has not published a breakdown of numbers per province. According to non-official numbers, turnout was high in the KDP-dominated provinces of Erbil and Duhok and the disputed province of Kirkuk. However, as the referendum was seen as a KDP project by many in the PUK-controlled areas of Sulaymaniyah and Halabja, the turnout was low there.

¹¹ *Peshmerga* is a complex security organisation, and its loyalty is divided along party lines. However, simultaneously *Peshmerga* can be characterised as the army of Kurdistan. The Ministry of Peshmerga has gradually established a control over 14 mixed units of *Peshmerga*, and the Global Coalition against Daesh only recognises the units under the control of the Ministry (van Wilgenburg & Fumerton, 2015; Fliervoet, 2018).

Given the temporal proximity of the referendum, there is as yet a lack of comprehensive analysis on the drivers of the decision and timing of the vote. Hama and Jasim (2018) and Park, Jongerden, Owtram and Yoshioka (2017) provide good analyses of the negative consequence of the referendum decision, by focusing on the internal divisions mainly between Kurdistan's two centres of power, the KDP and PUK. However, they fail to contextualise the idea of a referendum in Kurdistan's broader transition from war to the moves towards independence in 2014–2017, and how various internal security and political dynamics contributed to the decision. Kaplan convincingly argues that KRI leaders' miscalculation over potential losses of foreign support in response to the vote was the key driver behind the decision to hold the referendum in 2017 (Kaplan, 2019). The decision and its drivers cannot, however, be reduced to this factor alone. The findings of this article suggest that, in addition to the gains Kurdistan made during the fight against the Islamic State (IS), internal security and political dynamics significantly influenced the referendum. This article provides insights into the fluid nature of Kurdistan's de facto statehood, an area which needs further scholarly attention in the de facto state literature (Caspersen, 2012). Kurdistan's transition into de facto statehood has been shaped by a series of tensions, such as its changing de facto powers vis-à-vis Baghdad, prompting the entity to look both backwards and forwards. The unstable process which Kurdistan has gone through since 1991 provides important insights into the importance of internal organisation of de facto states in their struggle towards international recognition. The key to understanding such processes is the position of Kurdistan vis-à-vis Baghdad, and its changing strategies to gain recognition. Whereas much of the existing literature explains de facto states' non-linear progression towards statehood by pointing on the lack of international recognition (Broers, 2013), we contend that the internal dynamics (such as system of government, internal democratisation, security forces, institutions, domestic legitimacy and political party rivalry) of Kurdistan played a key role in shaping the development, which culminated in the referendum of 2017.

An analysis of what drives the changes in the development, nature and status of de facto states in their struggle towards independence has not received enough attention. The outline of

this paper is as follows. First, the paper provides a short overview of the theoretical framework. Second, we present a detailed background on key security and political developments concentrating on the fight against IS and its impact on Kurdistan's de facto statehood. To do this, we look at a spectrum of events and changes that strengthened Kurdistan's de facto powers, despite internal disputes and the lack of monopoly over *Peshmerga* forces. Next, we evaluate Kurdistan's internal political problems, especially the presidential crisis, demonstrating how the dispute played an instrumental role in catalysing the move towards independence. In the final section, the paper focuses on the holding of the referendum, its aftermath and its implications for the future of Kurdistan's de facto powers.

2.2 CONCEPTUALISING THE DEVELOPMENT OF DE FACTO STATEHOOD

Within the discipline of International Relations there has been an increasing desire to analyse de facto states and to distinguish these 'anomalies' from other forms of statelessness. However, the theoretical discussion is still in its nascent stages (Gürbey et al., 2017, p. 4), and a deeper understanding of de facto states' dynamics can be gained through novel case studies. To conceptualise entities that have managed to achieve degree of statehood in the absence of international legal recognition, different terms are used in the literature such as: 'de facto states' (Bartmann, 2004; Lynch, 2004; Pegg, 1998; Florea, 2014; Voller, 2014), 'contested states' (Geldenhuys, 2009; Ker-Lindsay, 2015), 'unrecognised 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 condition in the continuum between formal recognised statehood and other forms of statelessness. In our definition, de facto states are entities that meet the Montevideo criteria for statehood, but lack international legal recognition. Pegg defines de facto states as:

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.

(Pegg, 1998, p. 26)

Caspersen, in her seminal book *Unrecognized States*, expands on this, 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) building state institutions accompanied by attempts to increase external and internal legitimacy, (3) a declaration of formal independence or 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 (Caspersen, 2012, p. 11) 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 Kurdistan over the past two decades, scholars including Harvey and Stansfield (2011), Caspersen (2012), Voller (2014), Gunter (2014), MacQueen (2015), Jüde (2017) and Richards and Smith (2015) categorised Kurdistan and the political nature of its polity among a group of de facto states. However, Kurdistan's development of de facto statehood has never been linear. The referendum, for example, highlighted the weakness of KRI state-like institutions (Jongerden, 2019, p. 68), the lack of monopoly over the means of coercion and the lack of a unified approach towards Baghdad.

The study of internal dynamics of de facto states is a significant contribution of the relevant literature, but only gained scholarly attention in the 2000s when scholars began conceptualising the longevity and survival of de facto states (Broers, 2013, p. 6; Kolstø, 2006). When it comes to the internal functions and organisation of de facto states, Caspersen suggests that de facto states 'cannot be reduced to their external dimension [...] the success or failure of their state-building efforts also owes a lot to internal dynamics' (Caspersen, 2012, p. 76). She also argues that statehood in the absence of recognition is possible, but results in a specific form of statehood

(Caspersen, 2012, p. 23). Within the de facto state literature, one area that has attracted considerable attention in recent years is the impact of non-recognition on democratisation and state-building in de facto states (Tansey, 2011; Kolstø and Blakkisrud, 2012; Richards and Smith, 2015). Richards and Smith (2015, p. 1722) argues that '[t]he ongoing process of state building in an unrecognised state is underpinned and dictated by the mutually constitutive relationship between the quest for recognition and the need for continued stability and existence as a "state"'. However, one of the distinct characteristics of de facto states, as argued by Caspersen (2012) and Pegg (2017), is that the lack of recognition justifies the prioritisation of security above all other sectors. This will create an environment which is not conducive for democratisation. At the same time, Tilly's approach to state formation suggests that the more de facto state military leaders penetrate the society, the more they need to engage in institutionalisation and state-building (Kingston, 2004). Moreover, the lack of recognition makes de facto states move in and out of different categories: 'therefore what was once an unrecognized state can become a state-within-a-state, or perhaps a "black spot", and vice versa' (Caspersen, 2012, p. 12). In this context, the development of de facto statehood faces a series of dilemmas and tensions, at the same time looking backwards and forwards, 'independent and dependent, open and close' (Caspersen, 2012, p. 106).

2.3 THE RISE OF IS AND NEW OPPORTUNITIES FOR KURDISTAN

The collapse of the Iraqi Security Forces (ISF) in northern Iraq in mid-2014 enabled Kurdistan to expand its territory, seize long-coveted Kirkuk and other territories whose administration has been a source of heated dispute between Baghdad and Erbil since the toppling of Saddam Hussein's regime in 2003. As soon as the ISF left these areas in June 2014, Barzani ordered the deployment of *Peshmerga* to secure Kirkuk, Tuz Khurmatu, Mosul Plain, Makhmoor, Shingal and other areas situated along the contested border between KRI and Federal Iraq. Following these events, Barzani surprisingly claimed that Article 140 of the Iraqi constitution, which is designed

to settle the territorial dispute between Baghdad and Erbil, 'has been implemented and completed for us' ("Kurdistan's Barzani," 2014). These changes aggravated pre-existing tensions between Baghdad and Erbil causing them to revert back to distrust and acrimony which had previously come to a fever-pitch during the second term (2010–2014) of former Iraqi Prime Minister Nouri al-Maliki. Since then, these governments have regarded each other as mutual security threats with significant implications for the independence of Kurdistan.

More than ever, the *Peshmerga's* ability to succeed where the ISF failed to stymie the IS' advances was pivotal to enhancing Erbil's political leverage with Baghdad. Based on the newly acquired control over a territory 50% larger than the Kurdistan Region's official size, and sure of its celebrated military strength, the political climate for independence appeared ripe. On 3 July 2014, Barzani instructed the Parliament to begin preparations for independence referendum. In an address to an international audience on 7 July 2014 he announced: 'from now on, we will not hide that independence is our goal' ("Iraq Kurdistan Independence Referendum Planned," 2014).

While the advance of IS presented an opportunity for Kurdistan, it also brought new challenges beyond the capacity of Erbil's security and military forces. IS was heading towards Baghdad, and the Erbil leadership was focusing on independence rather than concerning themselves with potential attacks from IS. Beginning in August 2014, Erbil was plagued by a series of acute crises when IS barraged residents of Shingal, Mosul Plain and Makhmoor. On 7 August 2014, IS militants advanced as close as 25 miles from the KRI's capital, before US President Barack Obama ordered airstrikes against IS to drive them out of KRI-controlled territory. Moreover, the 2014 drop in oil prices and Baghdad's decision to freeze the share of the KRI budget, costing the entity nearly one billion dollars a month, financing the war against IS, the influx of 250,000 Syrian refugees and 1.5 million internally displaced populations (IDP), overwhelmed Kurdistan with a severe financial crisis. In combination, these challenges forced Erbil to postpone the calls for a referendum.

2.3.1 THE INFLUX OF THE IDPS

Kurdistan faced pre-existing and evolving political, economic, security and humanitarian challenges. According to the joint KRG–World Bank report, the stabilisation cost for 2015 alone was estimated at US\$1.4 billion in additional spending above and beyond the KRG budget (“The Kurdistan Region of Iraq,” 2015). In addition, IDP flows into Kurdistan further debilitated an already faltering economy by increasing pressure on a weak labour market and affecting social stability by increasing pressure on the demography and poor infrastructure of Kurdistan (Costantini & Palani, 2018, p. 12). Influx of the IDPs and refugees changed the demographics of Kurdistan making up as much as 30% of its population (Joint Crisis Coordination Centre, 2017). Despite the challenges, the issue of the IDPs strengthened Erbil’s power in different ways, which were later instrumentalised as arguments to support Kurdistan’s independence referendum. A large number of the IDPs were from disputed territories, such as Mosul and Palmyra, and the population of these areas are ethnically and religiously diverse. For the first time in its history, Erbil gained influence in these territories as well as their populations. After the displacement of a large number of Arab Sunnis to Kurdistan, the nature of their relationship with the Kurds evolved, with Kurdistan authorities holding increasing sway over Sunni institutions. During this period, community leaders from Nineveh, Salahaddin, Diyala and Kirkuk sought refuge in Kurdistan, while the Nineveh Provincial Council, Mosul universities, schools, courts and other official institutions all moved to Kurdistan from 2014 up to the liberation of Mosul in summer 2017.

Moreover, since 2014, Kurdistan has provided a refuge for minorities fleeing turmoil as a result of sectarian violence and the IS war. The need to design policies addressing the crisis of the influx of millions of new IDPs and minorities into Kurdistan also provided opportunities for foreign governments, international agencies and organisations to directly communicate with the KRG as a de facto state centred in Erbil. This enabled Kurdistan to diversify its sources of external support and earn recognition as a legitimate de facto entity, which helped shift

preconceptions of the 'Kurds' as upstart troublemakers to the 'Kurdistanis' as tolerant peace-builders.

2.4 CHANGING RECOGNITION STRATEGIES

Despite the aforementioned challenges, Kurdistan continued its transformation towards statehood in different ways (Stansfield, 2017, p. 61-76). *Peshmerga* continued to expand its territory, and the border between 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 Global Coalition against Daesh (GCD), Kurdistan not only acquired military leverage (Charountaki, 2018, p. 11), but also gained access to conduct cross-border activities. In October 2014, *Peshmerga* for the first time in its history officially crossed the borders, when KRG secured Turkish and US agreement to assist the defence of Kobanê (a Kurdish city in northern Syria) in the face of the IS attacks through the border crossing with Turkey. The effectiveness of *Peshmerga* also gave Erbil diplomatic interaction and financial support from the GCD member states (House of Lords, 2017; Charountaki, 2018; Kaplan, 2019). 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. Kurdistan officially acquired a role as an important ally in the GCD, including intelligence sharing, joint operations and commissions between KRG and the GCD (H. Hawrami, personal communication, May 20, 2017). In 2016 a Memorandum of Understanding between the Ministry of *Peshmerga* and the US Department of Defense was signed to boost their bilateral cooperation in combating IS (Kurdistan Regional Government, 2016). The Memorandum was not only important to deliver a military support to *Peshmerga*, but was also an important sign that Kurdistan enjoyed an unprecedented international engagement.

2.4.1 THE STRUGGLE FOR VISIBILITY

Kurdistan has 14 representation offices abroad to conduct 'parallel diplomacy' aiming at deepening and institutionalising its diplomatic relations through various channels (F. Mustafa, personal communication, May 31, 2017). A total of 35 countries boast representation in Erbil, including the five permanent members of the UN Security Council, the EU Delegation and other international organisations ("Current Foreign Representations in the Kurdistan Region," 2018). The recent emergence of Kurdistan as 'an inseparable part of the politics of the region' (House of Lords, 2017, p. 68), 'recognized and established features of the Middle East political life' (Stansfield, 2017, p. 62), enhanced its diplomatic relations with recognised states. As a result, as Erbil became more effective in the fight against IS, it also earned greater engagement and international visibility. At the heart of these changes was Kurdistan's desire to act as if it was a state, not a proxy of other agendas. Erbil's desire to seek visibility is grounded in its desire to seek international recognition.

The news of the Kurdistan leaders attended international events and conferences, specifically on countering terrorism, became an important tool to show that Kurdistan is worthy of recognition. For example, the Erbil leaders had a strong presence in the Munich Security Conference in Germany in 2015, 2016 and 2017. The Kurdistan delegation was invited separately from the delegation of the Iraqi government and held more meetings than the representatives of Baghdad (Hemin Hawrami, personal communication, May 20, 2017). It was within this context that many leaders from around the world visited Erbil in addition to Baghdad on official visits to Iraq.¹² German Defense Minister Ursula von der Leyen, for example, visited Erbil during the fight against IS four times ("German Defense Minister," 2018).

¹² For example, during the IS war Barzani received senior delegations and leaders from the US, UK, France, Germany, Italy, Netherlands and the regional countries of Turkey and Iran. The key themes discussed during the meetings were the war against IS, the international support to the Peshmerga and the IDPs and, recently, the KRI's move towards the independence referendum. Below is the breakdown of the visits per year:

2014: Barzani received 71 delegations.

2015: Barzani received 88 delegations.

2016: Barzani received 99 delegations.

2017: Barzani received 55 delegations. Source: Xebat newspaper from June 2014 to October 2017.

2.5 TWO STEPS BACK: CONSTRAINED DEMOCRATISATION AND STATE-BUILDING

2.5.1 *THE PRESIDENTIAL CRISIS*

Although Barzani's term in office should have officially ended in 2013 after serving two four-year terms, his tenure was extended for two additional years. This extension was made possible through a parliamentary law issued by the KDP and PUK who were the two dominant political parties in the parliament at that juncture. A second extension took place in 2015 for two more years by the Consultative Council (Shura Council) after the political parties failed to reach a negotiated solution on Barzani's presidency. On 17 August 2015 the Shura Council, based upon a legal interpretation that the president's seat should not be vacant, decided to extend Barzani's term with his powers until the next Presidential elections planned to be held in 2017.

The power structure in Kurdistan is the central underlying factor in explaining the root causes of the crisis. Power in Kurdistan has long been divided between the KDP and PUK. The two emerged as the dominant political parties ever since the establishment of KRG in 1992. However, since 2009 Kurdistan has witnessed a gradual decrease of popular support to these traditional parties. In the 2009 parliamentary elections a new party called Gorran, under the leadership of a former PUK leader Nawshirwan Mustafa, emerged. The KDP and PUK's share of the votes dropped from 89% in 2005 elections to 57% in 2009 elections. As a result, Gorran was able to gain 24% and unseated the PUK as second largest party after the KDP. Gorran assumed the opposition status and demanded 'de-party-isation' of KRI state-like institutions, mainly *Peshmerga* and security forces, limitation and redistribution of the president's powers (Stansfield, 2017, p. 66; Watts, 2015, p. 159; Ala'Aldeen, 2016, p. 2), as well as changing the draft KRI constitution; especially the governing system from a Semi-Presidential to a Parliamentary one. Notably, the rise of Gorran has changed the balance of power, and sent shock waves across the KRG establishment. As Gorran split from the PUK, it undermined a KDP-PUK balance of power in Kurdistan, which long served as the basis for Kurdistan's state-building process (Jüde,

2017). Barzani's presidential issue was the manifestation of this changing power structure, which Gorran helped to change.

As political parties failed to reach an agreement before the 19 August deadline; Barzani continued to remain as president beyond his term limit but maintained his function as head of the de facto state despite the protests of other parties. Interestingly, in this period, the international community did not press Kurdistan on democratisation initiatives. Rather, the main focus was on the fight against IS. The secretary-general of the Kurdistan Socialist Democratic Party, Muhammad Haji Mahmoud confirmed:

American and British representatives in the meeting both advised us and warned us [...] they told us this is not the right time to reform, with Kurdistan facing the Islamic State, and it can't deal with other issues [...] The UK and US representatives told us that if Kurds distract themselves with internal issues, they won't have the support of the UK and the US in fighting the Islamic State. ("Kaka Hama," 2015).

In this period, Kurdistan also saw a brief spell of violent demonstrations over delayed salaries of government employees. These demonstrations significantly affected the entire political process. The KDP accused Gorran of inciting the demonstrators against it in the Sulaymaniyah governorate. The conflict resulted in reshuffling the KRG's coalition government. On 12 October 2015, the KDP unilaterally removed four members of the cabinet from Gorran. Furthermore, the Parliament Speaker Yusuf Muhammad was prevented from entering Erbil, where the Parliament is based, which resulted in the deactivation of the Parliament for two years.

2.5.2 STATEHOOD VS. DEMOCRACY

Amidst fighting against IS, Kurdistan was divided along two opposing political discourses which later influenced the timing and process of the independence referendum. The KDP's argument was that Barzani is a stabilising actor, the extension was needed to lead the nation in the fight

against IS and lead the entity towards independence (Danilovich, 2017, p. 3; Salih, 2017). The argument to extend Barzani's tenure was put forward as such independence should be given priority. This crisis also created a discussion around what strategy should be used to achieve independence, what preconditions should be in place and when to determine the best time to launch an independence campaign. The KDP argued that Erbil needs a strong leadership to move towards independence, rather than hard-fought democracy in a fragile political transition; therefore, any issue impeding independence process should be left to post-Kurdistan state setting. It was within this context that Abdul Hakim Khasro, Member of the KRI Constitution Drafting Committee, declared that 'statehood is not only considered to be a precondition for the creation of a democratic political system, but to create a Kurdish nation, too' (A. Khasro, personal communication, August 14, 2017). In contrast, Gorran, Kurdistan Islamic Group (Komal) and factions of the PUK presented a different argument. They described the extension of Barzani's term as undemocratic and unlawful. At the heart of the argument propounded by this group was that the lack of statehood is not an obstacle to democracy. As the former Head of Gorran Bloc in the Parliament Rabin Maroof stated 'The Kurds do not only want a state, they want a democratic state, too'(Rabin Maroof, former Head of Gorran Movement Bloc in KRI Parliament, Erbil, 11 June 2017).

Gorran believed that the relationship between the referendum and the extension of Barzani's presidency was a matter of political rhetoric to suspend democratic process (Park et al., 2017), and called it 'a party-based and illegal decision' ("Decision to Hold Referendum Is Party-Based," 2017). Though, the Shura's decision provided continuity, it seriously obstructed efforts to gain support of all the parties for the referendum at that point in the Kurdistan history. Barzani was able to lead the fight against IS, but the extension brought Kurdistan into a deadlock, created an institutional vacuum, constrained democratisation and further divided the Kurdistan house. As the crisis was left unresolved, one of the serious fallouts has been its impact on the community at large; it has become a bottom-up conflict shaping the entire political process. The emphasis on independence, and the unfounded belief that it would be a panacea to address all of

Kurdistan's internal problems, pushed the Barzani-led KRG to take practical and tangible steps towards independence, such as setting the date for the referendum in June 2017. Barzani's statements on his desire to hold the referendum while he is still in office show the implications of the presidential issue for the timing of the referendum. In 2015, Barzani said 'the day we have an independent Kurdistan, I will cease to be the president of that Kurdistan' (Zaman, 2016). He knew that his tenure would end in 2017 and it would not be possible for him to remain in power any longer. Since then, the referendum became Barzani's number one priority. When asked about the internal political disputes on his presidency and the referendum, Barzani stated 'the independence of Kurdistan is bigger than parliament and political parties' (Zaman, 2016).

2.6 SETTING THE DATE OF THE REFERENDUM

Our conviction is that after the war against IS, the interest, the opportunity [for independence] will also disappear. (Barzani, 2017f)

In the fight against IS, *Peshmerga* sacrificed 1800 fighters, 9000 injured and 60 missing. This created a perception among the Kurdistan policy makers that '*Peshmerga* fought on behalf of the free world', and deserves recognition. The Erbil leadership attempted to leverage its counter-terrorism successes into political support to the referendum. When asked how Kurdistan will continue if it became isolated after the referendum, Barzani replied '[t]his issue is different. One of the reasons given for isolating Qatar is that they are sponsoring terror. But for us, we broke the myth of terror. We gave blood to break the myth of terror and defeat terror' (Macdiarmid, 2017). In an interview with *The Guardian*, he confirmed: '[a]fter the big sacrifice of the *Peshmerga* and breaking the myth of Isis, we thought they would respect this right [self-determination]' (Chulov & Johnson, 2017).

To protect Kurdistan's gains during the war, Barzani blazed ahead with referendum plans. Barzani had to move fast to run the referendum, considering important developments such as the approaching end of his term in office and the scaling down of the war against IS as the Mosul

operations were concluding and *Peshmerga* retook all areas claimed by Erbil by summer 2017. Barzani believed that in this new era *Peshmerga* was no longer needed, and a move like the referendum was viewed as a necessary step to protect the achievements of *Peshmerga* in the 2014–2017 period. On 7 June 2017, the KDP, the PUK, the Islamic Union of Kurdistan (Yekgirtu) and smaller parties announced that Kurdistan would hold an independence referendum on 25 September 2017. Once the date of the referendum was set, regional and international actors believed that they would be successful in convincing the Erbil leadership to postpone the referendum. They thought that the Kurdistan authorities would ultimately understand how grave the repercussions would be if they pursued a secessionist agenda. Initially, Baghdad, Tehran and Ankara did not react strongly. This view is best illustrated in Turkish President Recep Tayyip Erdoğan's statement: 'Until the very last moment, we weren't expecting Barzani to make such a mistake as holding the referendum. Apparently we were wrong' (McKernan, 2017). In addition, the international community, as Alistair Burt, UK's Minister of State for the Middle East, confirmed, viewed the call for the referendum as a negotiating power with Baghdad (Burt, 2018).

Internally, different political actors opposed the timing of the referendum. Some PUK leaders such as Bafel Talabani (the oldest son of the late PUK leader Jalal Talabani) were also in favour of postponing it. Gorran and Komal had different opinions about the timing, method and preparations of the referendum. While they stated 'the right of independence is a natural and a just right for all Kurdistan people' ("Gorran," 2017), they wanted the referendum and the presidential and parliamentary elections, which was planned to be held on 3 November, to be held together on the same day. They feared that pro-referendum parties would use the independence card for their political gains. Another aspect of the tensions is that the KDP has been historically unpopular in Sulaymaniyah, a stronghold of both the PUK and Gorran. The referendum being seen as a KDP project appeared to be the most significant reason why the referendum was less popular in the province. It was within this context, a month before the referendum, the Movement of 'No for Now' was announced. The Movement was led by Shaswar

Abdulwahid, the owner of a media conglomerate which includes NRT TV. He described the referendum as ‘an excuse by Kurdish leaders to remain in power’ (Diehl, 2017). However, the Movement’s effect remained limited to Sulaymaniyah and Halabja provinces. The sacredness of independence for the majority of the Kurdish people provided the Movement with a very limited space.

2.6.1 TWO VISIONS FOR STATEHOOD

The KDP–Gorran power struggle generated two different discussions on the Kurdistan statehood, which again influenced the approach and timing of the referendum. The first discussion was led by the KDP and shared by factions of the PUK, Yekgirtu and other smaller parties. They gave priority to seizing the opportunity to gain independence above issues concerning internal politics and democratisation. This is clearly illustrated in the following quotes:

If we wait and wait to solve all of the issues beforehand, and if we wait until the region is stabilized, we’re probably going to be waiting a long time. (Perelman, 2017)

If we wait for all the problems to be resolved, we will have to wait forever. (Kent, 2017)

Another important aspect related to this argument is the prevailing uncertainty towards the future of Kurdistan caused by the lack of international recognition. There was awareness of risks, but remaining in Iraq was perceived as the greatest risk:

We have a choice [...] The first of which is to accept the status quo where others determine our fate while we march backward. The other choice is to make a collective decision and take serious steps towards sovereignty and independence. (“Barzani: We’ve a Choice,” 2016)

If moving toward independence is risky, staying in Iraq is certainly catastrophic. (Ali, 2017)

In contrast, Gorran, Komal, factions of the PUK and the newly founded Movement of ‘No

for Now' advocated for democracy first. They argued that Kurdistan is not ready for independence. In August 2017, Gorran stated:

The Change Movement believes that the pillars for an independent state of Kurdistan, namely a strong economic infrastructure, national institutions, citizens' trust in authority and national unanimity are not in place. These pillars of an independent state of Kurdistan makes it stand against all kinds of dangers and threats, but nowadays these pillars are not in place. ("Gorran," 2017)

Similarly, the Movement of 'No for Now' stated:

The referendum must be held when the proceedings for an independent state are already fulfilled. There is a need for the democratic means of a successful state to be met before a referendum of independence. The basis of establishing a state must include a constitution and the social promise for the status of our nation. Peaceful and political coexistence between all different constituencies in the Kurdistan Region must exist. ("No For Now," 2017)

2.7 ALTERNATIVE PATH TO THE INDEPENDENCE REFERENDUM

As soon as Kurdistan's Independent High Elections and Referendum Commission announced the campaign for the independence referendum on 5 September 2017, the whole process entered to a new phase. The stronger Barzani's language became, the more people welcomed the call. It was in this period when the US, the UK, France and the UN began to present an alternative path to the referendum. Barzani made it clear that Erbil would not compromise on the objective of the referendum (namely independence) but the referendum itself was negotiable (Barzani, 2017h). On 15 September 2017, a meeting to discuss the alternative path was held between the Erbil leadership and UN, US and UK representatives. Heather Nauert, spokesperson for the US Department of State, described the alternative as 'a serious and sustained dialogue with the central government, facilitated by the United States and United Nations, and other partners, on

all matters of concern, including the future of the Baghdad–Erbil relationship’ (US Department of State, 2017). In addition, the UN presented another alternative, offered postponing the vote for two years ‘until a meeting in the United Nations discusses the Iraqi file, including the Kurdistan Region and the independence referendum’ (“PUK: Kurdistan Should Take US, UK, UN Alternative,” 2017). As a last attempt, US Secretary of State Rex Tillerson sent a draft letter to Barzani on 23 September 2017 recognising the concerns of Kurdistan and its constitutional rights. This alternative proposal outlined a streamlined approach for negotiation with the Iraqi government and the nature of the future relationship between the two (Lake, 2017).

Tillerson’s letter represented a high mark in international engagement with Kurdistan. Its rejection, nonetheless, turned out to be a grave strategic miscalculation. There are several reasons why the Kurdistan leadership rejected the alternatives. Firstly, since June 2014, Barzani called for holding a referendum several times. In 2016, for example, he promised that referendum would be conducted before the presidential elections in the US. Though the date was formalised in June 2017, many aired suspicions about the feasibility of holding the vote on the named date, 25 September 2017. Any postponement would have badly damaged Barzani’s leadership because he referred to it in almost every appearing. Second, the main concern was not the referendum itself, but a possible military confrontation with Baghdad. The leadership in Erbil believed that the US would prevent any military confrontation between its two allies Baghdad and Erbil. They also believed that if the ISF backed by Iranian-aligned militias attacked *Peshmerga* in disputed territories, the US will stand against such a move. This conception was based on the assumption that the US policy was to reduce Iranian influence in Iraq. Additionally, Turkey’s rivalry with Iran over political clout will block the expansion of Iranian-aligned militias and the realisation of Iran’s dream to have unimpeded access to the shores of the Mediterranean Sea (anonymous, interview with KDP’s senior official by author, 22 November 2017). Third, many believed that Kirkuk, due to its historical and strategic importance, would be the area where Baghdad and Erbil would clash. This is so because Kirkuk has been a stronghold of the PUK since 2003. Pro-referendum figures including the First Deputy for the Secretary

General of the PUK Kosrat Rasul, the Governor of Kirkuk Najmadin Karim and the Head of *Peshmerga's* 70th division Sheikh Jaafar all had a strong presence in Kirkuk. The main perception in Erbil was that the PUK's *Peshmerga* forces in Kirkuk would fight if necessary. Masrour Barzani later confirmed '[w]e never believed that the *Peshmerga* force of Kurdistan, especially those forces of the PUK, would listen to these people [referring to Bafel Talabani and Lahur Talabani who had a secret agreement with Baghdad to leave the city indefensibly]. We thought that they will endure, fight, and prevent any attack' ("Despite Losses, Kurds Have 'Promising Future,'" 2017). However, the withdrawal of the *Peshmerga*, including the KDP-affiliated forces, across the disputed territories remains obscure. While KDP officials argue that their withdrawal was to avoid potentially grave internal civil conflicts, such as split administrations and perhaps civil war, the KDP's retreat from the front lines has come under vitriolic criticism as well. Fourth, by the time Tillerson's letter was received, the referendum had already become a *fait accompli*. KRI's High Council for Referendum received the letter late on 23 September. The Council felt that the alternatives presented no solid promises of future statehood and demanded stronger wording in the letter in the form of guarantees ("Despite Losses, Kurds Have 'Promising Future,'" 2017). Fifth, Barzani believed that Washington could not bind the future Iraqi government as Baghdad would not accept referendum in the future. Kurdistan's fear about the change of policies in the next cabinet in Baghdad was understandable, especially as the political fate of PM al-Abadi, also known as 'the US man', was ambiguous. However, Erbil was wrong in assuming that Baghdad would agree to such an arrangement as the Iraqi government was under strong populist, religious and sectarian pressures against secessionist attempts in Erbil. Importantly, by September 2017, Iraq was largely free from the IS reign. This new dynamic generated an atmosphere of a military victory and sense of strength and pride among the ISF and Hashd al-Shaabi. The inclusion of Kirkuk and other disputed territories in the referendum exerted tremendous pressure on Baghdad to assert itself and preserve its positive momentum. Sixth, another important explanation why Barzani believed that the referendum should not be postponed is related to the history of Kurdistan

since its creation in 1991. Kurdistan has achieved most of its powers since 1991 via imposing the realities on the ground in a mode of de facto imposition. A case in point is the status of *Peshmerga* after 2003. Barzani throughout the referendum campaign tried to convince the people that the result of the referendum will be accepted as de facto with the passage of time. 'After years of experience, now I have learnt how to deal with the countries asking for postponing the referendum [mainly referring to the US]. They first threaten you, and then will deal with the facts on the ground' (Barzani, 2017e). Finally, refusing the alternatives and the advices of the international actors, including the allies, can be explained in the desire of the Kurdistan leadership to be seen as an independent actor. In this vein, Cockburn explains that 'minority communities and small nations must occasionally kick their big power allies in the teeth' (Cockburn, 2017b). Similarly, Hawrami confirmed 'for the first time in 100 years the referendum shows that, we are not a proxy of external actors, we are no longer just reacting to the actions of others; we are an independent player' (Hemin Hawrami, personal communication, January 21, 2018).

2.8 THE AFTERMATH

Though Erbil leaders tried to explain that the referendum should not be perceived as an immediate threat, the referendum meant what it says (Burt, 2018). Kurdistan's initial plan was to conduct the referendum and negotiate with Baghdad on independence for 1–2 years. If negotiations failed, then independence would be declared. On 25 September 2017, Kurdistan proceeded with the referendum with the aim of entering into a new phase of policies vis-à-vis Baghdad, through achieving a popular and legal mandate to negotiate with the government of Iraq. However, former PM al-Abadi strongly refused to discuss the results, demanding its outcomes be nullified. In addition to Baghdad, Washington already warned Erbil that 'if this referendum is conducted, it is highly unlikely that there will be further negotiations with Baghdad, and the above international offer [referring to alternatives] of support for negotiations

will be foreclosed' (US Department of State, 2017). Baghdad, with an appetite for revenge against Erbil's unilateral decision, adopted a multi-sectoral isolation policy against the de facto powers of Kurdistan. Erbil's unsupported decision left al-Abadi with almost unanimous support from Iraq's parliament, regional countries and the international community, including the US, when he emphasised his own '[obligation] as commander-in-chief of the armed forces to take all legal and constitutional steps to protect the unity of Iraq and its people' (Council of Representatives of Iraq, 2017), including deploying ISF to replace *Peshmerga* in all disputed areas, banning international flights to Erbil and Sulaimaniyah, and demanding KRG relinquish control of its airports, border gates and crossing points. On 16 October 2017, ISF, backed by *Hashd al-Shaabi* militias, seized Kirkuk and all other disputed areas, causing *Peshmerga* to retreat from all territory taken from IS since late 2014. These actions reverted the KRI boundaries along the disputed frontier to those drawn in 2003, striking a punishing political blow to some of the Kurdistan's hard-won de facto powers.

Kurdistan's ill-fated referendum also changed the military balance in favour of Baghdad. The weakness of the Iraqi government, in military terms, was essential for the consolidation of Kurdistan after 2003. The Iraqi government managed to prevent Kurdistan from effectively making use of the territory of which it had gained control in war, and thus had very little incentive to engage in a comprehensive discussion with Erbil about a future power-sharing deal beyond the Iraqi constitution. Kurdistan suffered a loss of international sympathy and political backing (Kaplan, 2019, p. 30), with international actors blaming the Erbil leadership for the escalation with Baghdad. The KDP and other parties found it difficult to maintain the rhetoric of independence, and had to freeze the results of the referendum in an attempt to ease the political tensions with Baghdad and the international community. From moving towards independence, the strategy changed to protecting the constitutional entity of KRI as a federal region within Iraq. While Kurdistan's central role in the fight against IS presented a great opportunity for Kurdistan to move towards an independent state, the post-referendum crises also highlighted that a united force is certainly a key ingredient that Kurdistan is lacking.

2.9 CONCLUSION

Through a deeper look at both internal and external security and political dynamics, we analysed the drivers that shaped the timing, decision and method of the referendum. During the IS war (2014–2017), Kurdistan emerged as an independent actor with the desire for fully-fledged statehood. The fight against IS, as was coming to a close in summer 2017, enabled Kurdistan to expand its territory, strengthen its hard power and increase international support and engagement which, in turn, served as a primary driver shaping the move towards independence in September 2017. While the 2015 political deadlock resulting in the illegal extension of Barzani's presidency was not a determining factor leading to the referendum, it nonetheless quickened the process and significantly influenced the timing of the referendum.

As presented in the article, Kurdistan is a constant, dynamic and ambiguous entity with a modal tendency in a fluid political transition and development towards *de jure* statehood.

A non-linear transition in the case of Kurdistan is defined by the entity's changing dynamics of its transition towards *de jure* statehood, Kurdistan's ambiguity with waxing and waning *de facto* powers vis-à-vis Baghdad, and 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). Therefore, to better comprehend the development of Kurdistan's *de facto* statehood, we should not confine the development to a specific time period or case. Instead, we need to focus on a combination of multiple drivers constituting an unstable transition towards *de jure* statehood.

Kurdistan as a *de facto* state long sought to preserve the status quo, especially when international recognition was deemed unobtainable after the 2003 war. Nevertheless, when there is a perceived opportunity, as an aspiring state Kurdistan will seek full-fledged statehood, as the 2017 referendum for independence shows that. From 2003 to 2017, Kurdistan benefited from the weakness of the Iraqi government to increase its international engagement. Here, an important conclusion about *de facto* states can be drawn from Kurdistan's unilateral

independence referendum. The timing, approach and move towards independence are subject to internal security and political dynamics and constraints more than international practices of state recognition. This requires a deeper look at the internal governance of de facto entities and how their internal environment shapes their strategies to achieve independence.

In addition, Kurdistan's recent developments are useful for analysing the nexus between war and state formation. The IS war enabled Kurdistan to increase its military capability, territorial control and international engagement. However, the abrupt end of the referendum's hope for independence highlights the centrality of coercive control and the unification of security forces to both protect the de facto independence of an entity and move it towards international recognition. While there is no evidence to support the prediction that Kurdistan's unified military response to the attacks of the ISF and Hashd al-Shaabi would have provided international support for the referendum results, the lack of a unified and effective response gave the international community no reason to support Kurdistan.

Chapter 3

Strategies to gain international recognition: Iraqi Kurdistan's September 2017 referendum for independence¹³

¹³ This chapter is an adapted version of the article by *Palani, K., Khidir, J., Dechesne, M., & Bakker, E. (2019). Strategies to gain international recognition: Iraqi Kurdistan's September 2017 referendum for independence. Ethnopolitic. DOI: 10.1080/17449057.2019.1596467*

3. STRATEGIES TO GAIN INTERNATIONAL RECOGNITION: IRAQI KURDISTAN'S SEPTEMBER 2017 REFERENDUM FOR INDEPENDENCE

ABSTRACT

Despite the growing interest in the study of de facto states, our understanding of the conditions under which these entities construct and change strategies to gain international recognition remains partial. The aim of this article is to answer the following questions: firstly, what strategies did the Kurdistan Region of Iraq adopt in its pursuit of international recognition? And secondly, what internal and external dynamics are responsible for changing these recognition strategies? To do so, we analyse 68 speeches, interviews and statements from former KRI President Masoud Barzani, from the public announcement of an independence referendum on 7 June 2017 to the holding of the referendum on 25 September 2017, looking into his arguments for independence and how internal and external dynamics have shaped the KRI's recognition strategies. Drawing on the case of the KRI, the article tries to provide insights into how de facto states construct their arguments for statehood.

3.1 INTRODUCTION

Over the past two decades, under conditions of de facto statehood the Kurdistan Region- Iraq¹⁴ (KRI) has pursued different strategies to gain recognition as an independent state. It has made claims to independence based on the right of self-determination, the experience of genocides and gross human rights violations under Saddam Hussein's regime in the 1980s, its alleged success in creating a democratic and functioning entity from 2003 to 2014 (Voller, 2014), and

¹⁴ The KRI refers to the Kurdish autonomous region that emerged in northern Iraq after the institution of the No-Fly Zone in 1991. KRI 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.

recently, as this research analyses, on the administrative failure of the central government of Iraq in ensuring the rights of the KRI (see Table 1).

Since 2014, several radical political transformations have affected the de facto statehood of Iraqi Kurdistan, culminating in the 25 September 2017 independence referendum. On this day, eligible voters from the Duhok, Erbil, Sulaymaniyah, and Halabja governorates, and KRI-controlled areas of the Kirkuk, Diyala and Nineveh governorates, voted either

Table 1. Rhetoric surrounding KRI's recognition (2003–2017)

Period	Key words	Drivers of change	Audience	Political actors shaping the strategy
2003–2010	The Other Iraq, democratic and functioning governance.	Instability in Iraq, the weakness of Iraqi government, KRI's economic growth.	External	KDP and PUK
2010–2014	Economic independence, Baghdad's growing 'centralised and sectarian rule'.	KRG's oil contracts with international companies, Maliki/Barzani disputes.	External and internal	Largely KDP, and PUK
2014–2017	Independence referendum, the end of partnership with Baghdad, self-determination.	<i>Peshmerga's</i> central role in the fight against Islamic State, international support <i>Peshmerga</i> received during the war, the 2015 presidential crisis.	External and internal	Largely KDP-, with factions of PUK, the Islamic Union

'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?' Despite a low turnout in the governorates of Sulaymaniyah and Halabja,¹⁵ an overwhelming 92.73% majority voted for 'yes'. The KRI's referendum has made Kurdish statehood an international issue (Cockburn, 2017b); however, the unilateral referendum backfired, with many negative consequences for the entity. The reaction to the referendum highlights broad international consensus against creating new states in the region, with arguments based on stability and legality. The expulsion of the *Peshmerga* from Kirkuk and other disputed territories in October 2017, threatened the gains of

¹⁵ The KRI's Independent High Elections and Referendum Commission has not published a breakdown of numbers per province. According to non-official numbers, turnout was high in the KDP-dominated provinces of Erbil and Duhok and the disputed province of Kirkuk. However, as the referendum was seen as a KDP project by many in the PUK-controlled areas of Sulaymaniyah and Halabja, the turnout was low there.

the previous twenty-five years, and importantly, Iraqi Kurdistan's existence as a de facto entity. Nonetheless, few academic studies have examined why the political leadership in the KRI changed its strategy in their pursuit of international recognition, and what internal and external dynamics are responsible for explaining the strategies.

To answer these questions, this article analyses 68 speeches, interviews and statements in Kurdish, English and Arabic from former KRI President Masoud Barzani (2005–2017) on Kurdistan's independence referendum, from 7 June 2017 when the date for the referendum was set, to the holding of the referendum on 25 September 2017. In a visit to Barzani's office in Pirmam, Erbil on 21 January 2018, transcripts of Barzani's campaign speeches were collected. In addition, the study relied on the Kurdistan Region Presidency website for the briefs of Barzani's private meetings with officials and diplomats (see [Appendix 1, Chapter 3](#)). Using these documents, Barzani's arguments for independence, the construction of the arguments, and how internal and external dynamics influenced them, were analysed. Barzani was the driving force behind the referendum, and the first who officially called for the referendum in June 2014 (see "Iraq Kurdistan Independence Referendum Planned," 2014). Thus, to analyse the KRI narratives and strategies to gain support for the Kurdish quest for statehood, it is critical to analyse Barzani's arguments for independence.

This analysis is complemented by the researchers' personal observations and experiences in attending to key events where Barzani and the KRI officials presented their arguments for independence during the referendum campaign in Erbil in summer 2017. Through an analysis to the case of Iraqi Kurdistan, this article provides insights into the internal and external dynamics that de facto states face in adopting their recognition strategies— a point around which the literature has not paid enough attention, as argued by Caspersen (2015a). In addition, the article explores under what conditions aspiring states change their recognition strategies, and how the de facto state authorities use different arguments to gain recognition in addressing both internal and external audiences. To understand the changes that have taken place over the past two decades in de facto states' strategies of recognition, we argue that it is crucial to

reassess internal dynamics of these entities together with external ones. By combining the two, this article contributes to the literature by arguing that internal dynamics are as important as external dynamics, when *de facto* states construct and prioritise certain strategies to gain international recognition.

The outline of this article is as follows. The next section introduces strategies pursued by *de facto* entities to gain recognition over the past two decades. Then the article offers a brief background on the development of Kurdistan's *de facto* statehood from 1991 to 2017, which is instrumental in understanding the evolution of Iraqi Kurdistan and its recognition strategies. In the following sections, we examine the KRI's recognition strategies through analysing Barzani's campaign speeches surrounding the 2017 September referendum, and evaluate them in relation to internal and external dynamics that contributed to a changing strategy for recognition. In conclusion, the article argues that the main strategy adopted by the KRI for gaining international support combined a claim on failure of partnership and power sharing arrangements with the central government of Iraq, with a claim to national self-determination based on past grievances. This new strategy represents a significant shift from Kurdistan's previous strategy of 'earned sovereignty' based on alleged success in democratisation and state-building to demonstrate its right as an independent state.

3.2 STUDYING RECOGNITION STRATEGIES

Within the discipline of International Relations, there has been an increasing interest in analysing *de facto* states and to distinguish these 'anomalies' from other forms of statelessness: non-state actors, and separatist and secessionist movements. However, the theoretical discussion is still in its nascent stages (Gürbey, Hofmann, & Syder, 2017, p. 4), and a deeper understanding of *de facto* states' dynamics can be gained through novel case studies. To conceptualise entities that have managed to achieve degree of statehood in the absence of international legal recognition, a plethora of terms have been used: 'de facto states' (Bartmann,

2004; Florea, 2014; Lynch, 2004; Pegg, 1998; Voller, 2014); 'contested states' (Geldenhuys, 2009; Ker-Lindsay, 2015); '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 condition in the continuum between formal recognised statehood and other forms of statelessness. This article adopts a definition of de facto states as entities that meet normal criteria for statehood, but lack international legal recognition. In the words of Pegg (1998, p. 26), 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 in her seminal book *Unrecognized States* expands on this, 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) building state institutions accompanied by attempts to increase external and internal legitimacy, (3) a declaration of formal independence or 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 (2012, p. 11). 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, scholars like Harvey and Stansfield (2011), Caspersen (2012), Voller (2014), Gunter (2014), MacQueen (2015), Jüde (2017) and Richards and Smith (2015) categorised Kurdistan and the political nature of its polity among a group of de facto states.

While the de facto state literature shows that the lack of international recognition does not consign de facto states to pariah status (see Caspersen, 2012), the current international order

places a great deal of importance on recognition as a condition for sovereign statehood (Florea, 2017, p. 337). Therefore, *de facto* states not only aim to maintain their *de facto* independence, but they also pursue different strategies to achieve international recognition (Caspersen, 2012, p. 106), which remains their ultimate goal (Richards & Smith, 2015, p. 1717). Since the survival of *de facto* statehood is not guaranteed, leaders of these entities need to determine how they can maintain their status when the conditions do not grant space for *de jure* statehood. While seeking 'recognition remains an existential issue for *de facto* states' (Caspersen, 2015a, p. 398), still little is known about recognition strategies (Caspersen, 2015a, p. 393). Very little research exists on how and when the leaders of these entities decide to change their recognition strategies.

To gain international recognition, the *de facto* states authorities have relied on different arguments and strategies, which can be grouped around three claims: *self-determination*, based on national identity, historical continuity, and past grievances; *remedial secession*, based on alleged human rights violations; and *earned sovereignty*, based on the creation of effective, legitimate and democratic entities. These strategies and claims 'are continuously being refined and renegotiated in view of changes in the international norms and practice of recognition' (Caspersen, 2012, p. 68). Since the late 1990s, there has been a gradual change from claims based on national identity and past grievances, to claims related to the effectiveness and democratic nature of the entities, therefore being worthy of state recognition (Caspersen, 2012; Richards, 2014; Voller, 2014). In the post-Cold War era, the introduction of a new set of moral norms (such as respect for human rights, protection of minorities, and democracy) have determined whether an entity should be recognised as a state, and thus have also determined practices and strategies for recognition and legitimation (Ryngaert & Sobrie, 2011). Earned sovereignty has become 'a valuable ticket of admission into the international arena' (Florea, 2017, p. 342). One of the main important consequences of the post-Cold War's new normative criteria of statehood, as mentioned above, has been the emphasis on the internal functions and organisation of *de facto* states. In this struggle for status and recognition, *de facto* states not

only face external pressures, but also significant internal constraints, as the struggle for statehood serves to legitimise the leadership and popular mobilisation (see Caspersen, 2012). In examining the strategies adopted by Somaliland, Abkhazia, Transnistria, Nagorno Karabakh, and Taiwan to gain international recognition, Caspersen (2015a, p. 407) finds that

the claims made by aspiring states do not directly mirror changes in the practice of state recognition and the normative criteria applied. These strategies are subject to important internal and external constraints, and this explains the considerable degree of continuity observed.

The changes that occurred in recognition and legitimisation practices in the 1990s and the 2000s made democratisation a central element in de facto states' arguments for statehood (Broers, 2013; Pegg, 2017). The 'standards before status' policy for Kosovo's recognition created a perception among the leaders of de facto states that by creating democratic and effecting entities along international normative standards of statehood, they could gain international recognition. However, the lack of achievement of such standards did not prevent Kosovo from achieving recognition. This policy was replaced by 'status before standards' (Caspersen, 2015a, p. 397). This has complicated existing uncertainties over recognition strategies. As a result, the normative conditionality for statehood that had been introduced in the 1990s appeared to have given way to another strategy: great-power politics and support. A new trend to ensure great-power support among aspiring states is on the rise. As Caspersen (2015b, p. 189) observes, 'Kosovo's recognition was to a large extent dependent on US support, while Abkhazia and South Ossetia would never have been (partially) recognised had it not been for the role of Russia.'

3.3 BACKGROUND TO IRAQI KURDISTAN'S DE FACTO STATEHOOD

After the ashes of the 1991 Gulf War, an uprising broke out in northern Iraq. In response to Saddam Hussein's retaliatory massacres against the uprising, resulting in the displacement of

hundreds of thousands of the Iraqi Kurds, the US-led Multi-National Forces launched Operation Provide Comfort to defend civilians attempting to flee. When the UN enacted Security Council Resolution 688, and the US, the UK and France began enforcing a no-fly zone north of the 36th parallel in April 1991, Baghdad's authority in Iraqi Kurdistan almost vanished. Ba'ath Party administrators and military forces withdrew from the Duhok, Erbil and Sulaymaniyah governorates in October 1991. The Iraqi Kurds took this opportunity to elect their first parliament and government in 1992, and have been effectively autonomous ever since, with increasing *de facto* recognition. The Kurdistan Front¹⁶ leaders decided to hold a general election in May 1992 in order to attain domestic legitimacy, fill the administrative vacuum left by the Saddam regime, settle disputes between different political parties, and importantly, attract the international community by holding elections along internationally accepted lines (Bengio, 2012, p. 202; Voller, 2014, p. 71). However, the new social and political structures of Iraqi Kurdistan were not ready for competitive politics and hard-fought elections. Above all, the political parties did not have the experience in governing cities. As the Secretary General of the Patriotic Union of Kurdistan (PUK), Jalal Talabani, stated, 'we came from the mountains, we were trained as fighters, and now we had to run cities' (Stansfield, 2003, p. 123). The Kurdistan Democratic Party (KDP) gained a slight advantage over PUK with 51% of votes opposed to 49%. The two agreed to a 50:50 division of seats in order to administer jointly the autonomous region. The 50:50 system prevented the outbreak of fighting, but when a balance of power between the two changed, the system increased the risk for a decline into confrontation. Kurdistan had a very difficult inception, which is still impacting its development. In 1994, fighting between the KDP and PUK erupted due to a residue of past animosity dating back to the 1960s, disputes over land rights, conflict over revenues and disagreements over the 1992 election results (Ahmed, 2012; Stansfield, 2003). In 1998, the US brokered the Washington Agreement to end the civil war, which created two separate administrations in Erbil and Sulaimaniyah. The Washington Agreement was critical in ending the fighting, but the emergence

¹⁶ The Kurdistan Front was established in 1988 by Kurdish parties to organise opposition against the Saddam regime.

of two administrations constrained the subsequent democratisation and state-building processes. As Caspersen (2012, p. 81) argues, 'Kurdistan overcame threats to its internal stability through the institutionalization of divisions.'

The US-led 2003 invasion of Iraq gave the Kurdish leaders an opportunity to unify the two administrations. From 2003 to 2014, the main strategy adopted by the Kurdish leadership aimed to improve the status quo, benefiting from the participation in rebuilding the new Iraq, and ensuring greater access to the international system through Baghdad. KRI's two major parties, played kingmaker in Baghdad, and occupied the posts of president, minister of foreign affairs, and other key positions. They also played a major role in bringing the constitution to fruition in 2005. The new constitution recognises the Kurdistan Region as the only federal region within Iraq's borders replete with protected privileges, including control over security forces, economy and body of law independent from that of the government of Iraq, as per Section 5, Article 117. These, further, should not contradict the Iraqi constitution. Kurdistan became more stable, particularly as a result of the 'Unification Accord' between the KDP and PUK that came into effect in 2006 when a coalition government of unity replaced the previous two administrations. While unification progressed a great deal during this time, it has eventually failed to unify and institutionalise the key ministries of finance, *Peshmerga*, the interior and intelligence agencies. In other words, despite the development of the government institutions, the centre of power has remained outside the reach of the government. Nevertheless, during this period the new power sharing agreement at the top level enabled Erbil to speak with one voice to Baghdad.

In addition, the constitution allocates 17% of the national budget to the KRI, based on population percentages. From 2005 to 2013, the Kurdistan Regional Government (KRG) budget increased from about \$2.5 billion to \$13 billion (Natali, 2015, p. 147). With oil prices at their peak between 2012 and 2013, Erbil experienced an unprecedented economic boom, with annual growth rates amounting to 12% ('Determined to Grow,' 2013). The abovementioned events greatly shaped the power configuration between Baghdad and Erbil. Although Kurdistan

emerged as a de facto state before 2003, it was in the post- 2003 period that the entity came into being for its population. The context of non-recognition, as argued by Richards and Smith (2015), played a positive role in the development of state-building in this period. The Kurdish leaders used the dysfunctional Iraqi government to increase their de facto powers, and began presenting the region as 'the Other Iraq' or as an 'island of stability', therefore strengthening Kurdistan's claim for international recognition. This, together with the emphasis put on the effectiveness of the entity, became an important argument in the efforts of the Kurdish leadership for gaining support for the Kurdish quest for statehood. In addition, in the first decade after 2003 the prospect of democracy was also high compared to other phases. Between 2003 and 2015, many considered the KRI's democratisation attempts as a good example of democracy in Iraq, in terms of relatively fair elections, rights for religious and ethnic minorities, women rights, and emerging active opposition in parliament. During this period, the Kurdish leaders started emphasising the entity's alleged success in democratisation and state-building, and these claims came to dominate Kurdistan's external legitimisation strategy. However, despite Kurdistan witnessing positive developments in terms of democracy and state-building compared to the rest of Iraq, its democratic development has by no means been linear. In addition to an effort to consolidate the KDP and PUK's power over KRI especially after 2005 (MacQueen, 2015, p. 430), democratisation was notably driven by differentiating itself from the government in Baghdad. It has failed to strengthen the core of democratic institutions and institutionalise security and Peshmerga forces. The KRI's 2015 democratic deficit, as explained below, is a manifestation of this reality.

Iraqi Kurdistan's emphasis on effective governance was also combined with efforts to attract the regional and great-power support. Erbil's strategy to develop its oil and gas sector served the region's purpose of becoming economically independent from Baghdad (Stansfield, 2014, p. 4). In addition, the KDP and PUK benefit from wealth coming from oil for patronage and consolidation of their power (Mills, 2016, p. 41). As a result, Kurdistan has become 'one of the most active areas for onshore oil and gas exploration in recent years' (Mills, 2016, p. 17).

Attracting international oil companies like ExxonMobil, Rosneft, Chevron Total and Gazprom Neft in 2012, became a game-changing move (Stansfield, 2013, p. 273), with major political implications for Kurdistan's independence (Mills, 2016, p. 1). This development was significantly driven by the perception that, for gaining international recognition, the KRI needed to attract the interests of the great powers. Moreover, involving the international oil and gas companies might, it was believed, deter Baghdad and other neighbouring countries from taking punitive measures against the KRI.

3.3.1 A CHANGE IN RECOGNITION STRATEGIES

After 2003, a weak Baghdad looked with greater suspicion at the consolidation of Kurdistan's de facto autonomy. The weakness of the Iraqi government was one of the most important factors in the consolidation of Kurdistan after the regime change. Since the start of the era of Nouri al-Maliki, especially in his second term (2010–2014), serious disagreements between Erbil and Baghdad over different issues, such as status of the *Peshmerga*, revenue sharing, oil exportation and disputed territories, emerged. It was within this period that for the first time after 2003, the KRI leaders, mainly Barzani, introduced the idea of independence as a solution to the Erbil-Baghdad disputes (see Van Wilgenburg, 2012). In response to Erbil's push towards increased de facto independence, al-Maliki started imposing punitive military, political and economic measures on the KRI, such as deploying Iraqi Security Forces (ISF)/Dijla forces to Kirkuk to assert Baghdad's control in November 2012, with enduring and severe implications for future Baghdad-Erbil relations. Furthermore, the PM directed the Iraqi Ministry of Finance to cease paying the KRG's 17% national budget in 2014, accusing the KRG of not delivering the agreed amount of oil to the State Organisation for Marketing of Oil (Nader, Scotten, Allen, & Hanauer, 2016, p. 42). These changes aggravated pre-existing tensions between the two governments causing the parties to revert to a degree of Saddam-era distrust and acrimony.

The collapse of ISF in northern Iraq in mid-2014 as Islamic State (IS) advanced, created an opportunity for Kurdistan to expand its territory. As soon as ISF left these areas in June 2014, Barzani ordered the deployment of *Peshmerga* to hold Kirkuk, Tuz Khurmatu, the Mosul Plain, Makhmoor, Shingal and other areas situated along the contested border between KRI and Federal Iraq. Following these events, Barzani surprisingly claimed that Article 140 of the constitution, which is designed to settle territorial disputes between Erbil and Baghdad, 'has been implemented and completed for us' ('Kurdistan's Barzani,' 2014). More than ever, the *Peshmerga's* ability to succeed where ISF failed to stymie IS' advances, was pivotal to enhancing Erbil's political leverage with Baghdad. Based on the newly acquired control over a territory 50% larger than the Kurdistan Region's official size, and sure of its celebrated military strength, the political climate for independence appeared ripe. Thus, on 3 July 2014, Barzani instructed the KRI Parliament to begin preparations for the independence referendum. Then on 7 July of that year he announced that 'from now on, we will not hide the fact that independence is our goal' ('Iraq Kurdistan Independence Referendum Planned,' 2014).

While the advance of IS presented an opportunity for Iraqi Kurdistan, it also brought new challenges beyond the capacity of Erbil's security and military forces. IS was heading towards Baghdad, and the Erbil leadership was focusing on independence rather than concerning themselves with potential attacks from IS. On 7 August of that year, IS militants advanced as close as 25 miles from the KRI's capital, before US President Barack Obama ordered airstrikes against IS to drive them out of KRI-controlled territory. Moreover, the 2014 drop in oil prices and Baghdad's decision to freeze the share of the KRI budget, costing the entity nearly one billion dollars a month (Khateeb & Mehdi, 2014), financing the war against IS, the influx of 250,000 Syrian refugees and 1.5 million internally displaced populations, overwhelmed Kurdistan with a severe financial crisis. In combination, these challenges forced Erbil to postpone the calls for a referendum, yet it kept it as its declared goal.

Despite the aforementioned challenges, Iraqi Kurdistan maintained its position towards independence in different ways (Stansfield, 2017). Becoming a crucial strategic member of the

Global Coalition against Daesh (GCD), Erbil not only acquired military leverage (see Charountaki, 2018; Kaplan, 2019), but also gained the ability to conduct crossborder activities. For example, in October 2014, *Peshmerga* for the first time in its history officially crossed the border, when Erbil secured Ankara and Washington's agreement to send support to assist the defence of Kobanê (a Kurdish city in northern Syria) from IS in Syria; deploying *Peshmerga* to another country without the permission of the Iraqi government, is against Iraq's constitution. Interestingly, the deployment was part of GCD, showing Kurdistan's de facto engagement. To protect these gains, Barzani blazed ahead with referendum plans. Barzani had to move fast to run the referendum, considering important developments such as the approaching end of his term in office (discussed below)¹⁷ and the scaling down of the war against IS as the Mosul operations were concluding and *Peshmerga* retook all areas claimed by Erbil by summer 2017. Barzani believed that in this new era *Peshmerga* was no longer needed, and a move like the referendum was viewed as a necessary step to protect the achievements of *Peshmerga* in the 2014–2017 period.

3.4 THE FAILURE OF PARTNERSHIP WITH BAGHDAD: A NEW STRATEGY

During the period 2014–2017, Kurdistan's legitimisation strategy shifted from emphasising democratisation and state-building, to claiming the failure of the partnership with Baghdad. An integral part of this argument was to emphasise the negative aspects of Baghdad, rather stressing the positive aspects of Kurdistan. The referendum campaign began with the claim based on Baghdad's failure to embrace the constitutional demands of Kurdistan. In addition to claiming that Baghdad had failed to uphold its social and constitutional contract with KRI, Barzani also referred to history as the rationale behind Kurdistan's independence project. The

¹⁷ Barzani's desire to hold the referendum while he is still in office shows the implications of the presidential issue for the timing of the referendum. He knew that his tenure would end in 2017 and would not be possible for him to remain in power any longer. Since then, the referendum became Barzani's number one priority.

date of the referendum was set on 7 June 2017, a day after Barzani issued a presidential decree (No. 106) explaining as following the reasons for the referendum:

Due to the Iraqi government and the Iraqi political leadership's exclusive policies, violations of the constitution, and ignoring the rights and demands of the people of Kurdistan [...] we reach the conclusion that we have to return to our people's opinion and will, and let them decide on their future. (Kurdistan Region Presidency, 2017)

Barzani's speeches and arguments for independence (see [Appendix 1, Chapter 3](#)) were shaped by examples deriving from Kurdish history in Iraq, still relevant, informing politics and decisions in the country. He divided the Kurdish-Iraqi government relations into two historical phases: the first phase, spanning from the post-First World War era and the foundation of the Kingdom of Iraq under British Administration in 1920, to the regime change in 2003; and the second from 2003 to 2017. Barzani argued that these two phases were similar, with the policies of genocide, denial and racial oppression in the first phase, and the refusal of partnership in the second phase. He also believed that while the regime may have changed in 2003, the mind-set of Baghdad's political class had not changed ('Exclusive: "No turning back" on independence vote,' 2017). This notion can be illustrated in the following quotes:

No crime was worse than the crime when Baghdad cut the source of living for the population of Kurdistan, including the milk of children. That is a crime no less than the chemical bombardment and the Anfal. (Barzani, 2017c)

After the IS war, Baghdad wants us to go back to the green line [referring to the line that separated *Peshmerga* from the army of Saddam before 2003], in order to attack Erbil with mortars [...] The culture of resorting to military force to resolve the Kurdish issue has not changed in Baghdad, after decades of genocide against Kurds at the hands of the Iraqi government. (Barzani, 2017e)

During the IS war, we did not receive any economic or military assistance from Iraq [...] Now, we have come to the conclusion that we are not welcome and not accepted as citizens and real partners [...] After sacrifices we made for the sake of building a

democratic Iraq, now it is time for the Kurds to protect their dignity, and reject subordination and oppression [...] Therefore, our friends in Baghdad should be blamed, not us, because they are the ones who pushed us towards holding the independence referendum. (Barzani, 2017d)

However, the problem with this claim is that despite the failures of the post-2003 Iraq governments, the new Iraq cannot be compared to Saddam's Iraq. Such an interpretation of history and politics in Iraq, was needed to convince the public that the future would remain the same, and thus the timing of the referendum was appropriate despite the arguments to the contrary. This argument did not gain support for the right to remedial secession, as the historical genocides and crimes against the Kurds, such as the 1988 Halabja chemical attack, and the *Anfal* campaign in the late 1980s, were committed by the Saddam regime, not the post-2003 governments in Baghdad. The KRI leadership knew that this claim to self-determination, grounded in past grievances and human rights violations, could not stand alone, and therefore needed to be bolstered by other claims. Nevertheless, neither could a unilateral referendum based only on the claim of the administrative failure of the Iraqi government in ensuring the rights of Kurdish citizens, could not provide a threshold for invoking remedial secession (Srihari, 2018).

While history drove Barzani's move towards independence, Kurdistan's arguments were not merely based on past grievances and victimhood. The 1920–2003 history served as a supporting argument to the Kurdish leaders' argument of the failure of constitutional and power-sharing arrangements in the post-2003 Iraq. For Kurdistan's political actors, the removal of the Saddam regime meant the beginning of a new Iraq in which partnership was meant to be the basis of the new state. Nevertheless, Barzani did not describe the participation of Kurdistan in the new Iraq as reintegration or unification, but as a voluntary union which could be, in turn, voluntarily dissolved. 'We voluntarily went to Baghdad,' Barzani insisted, 'we were not prisoners of war in order for them to impose their conditions on us' (Barzani, 2017e). His point was that this voluntarily union had failed and, importantly, was a mistake in the first place.

In 2003, Kurdistan was an independent state. We went to Baghdad to create a democratic and federal Iraq [...] Now I am acknowledging that in 2003, we made a big mistake when we went to Baghdad with a good heart and goodwill [...] They did not accept partnership, and now they should not blame us [...] We are voluntarily leaving it. (Barzani, 2017g)

When the KRI authorities define partnership, they refer to the status of Kurdistan as an independent de facto state before 2003, 'The Kurdistan Regional Government has exercised exclusive jurisdiction over the territory of Kurdistan, maintained a separate military [*Peshmerga*], and controlled Kurdistan's external borders' (KRG, 2017a). What's more, partnership for the Kurdish leaders also meant 'balance' and 'consensus' between the three components of Iraq, Arab Shia, Arab Sunni and Kurd. Barzani viewed the increasing calls for a majority government in Baghdad (in favour of the Shia parties) as a threat to the principle of the partnership and the future of the Kurds in Iraq (Barzani, 2017b). However, all post-2003 governments, including the current one, were formed by the participation of all major parties, including Kurdistan's two main parties the KDP and PUK. Essentially, this system centred on a consensual power-sharing arrangement among the country's three ethno-sectarian groups, the Arab Shia, the Arab Sunni and the Kurds, leaving little space for a majority government. According to this informal system of power-sharing in Iraq, the prime minister's post is held by an Arab Shia, an Arab Sunni is speaker of parliament, and a Kurd holds the presidency. This might be justified to prevent exclusion, but has also contributed to political *Muhas'asa* (Arabic for confessionalism), resulted in fragmenting state institutions, and the division of resources between political parties.

3.4.1 BAGHDAD'S CONSTITUTIONAL VIOLATIONS: ANOTHER ARGUMENT FOR INDEPENDENCE

Another element in Barzani's speeches was putting the blame on Bagdad for violating the constitution:

It is a shame for them to talk about the constitution. Every step they took was in violation of the constitution. (Barzani, 2017f)

Which article of the constitution gave you the right to cut the bread of the people of Kurdistan? Which article gave you the right to violate and ignore Article 140? (Barzani, 2017f)

Those [Iraqi officials] who question the constitutionality of the referendum should first read the constitution carefully. The constitution's charter clearly stipulates that adherence to the constitution is the guarantor of the unity of Iraq. The question here is, have they implemented the constitution? (Barzani, 2017b)

We have tried all other alternatives to independence, but none of them worked. Now, we consider the independence of Kurdistan a solution to the problems, a cure for our pain. Iraq's lack of commitment to the constitution, and its wrong policies, are what have threatened the unity of Iraq. (Barzani, 2017c)

In line with this argument, KRG issued an extensive report submitting its arguments on why Kurdistan should have independence. It based its claims on the constitutional right of Kurdistan to achieve international recognition. The report shows that Baghdad violated 55 Articles of the constitution's 114 Articles, and that another 12 Articles were not fulfilled or implemented (KRG, 2017a). This argument was also consistently used by other pro referendum figures and parties, such as Kosrat Rasul, the Secretary General of PUK; Najmadin Karim, the Governor of Kirkuk at the time; Salahaddin Muhammad Bahaaddin, the Secretary-General of the Islamic Union; and Muhammad Haji Mahmoud, head of the Kurdistan Socialist Party. It is true that the ambiguities of the constitution, and the different interpretations of what the central government is required to provide KRG, have led to disagreements between Baghdad and Erbil (see Nader et al., 2016), but the core of the issue is the lack of trust and the existence of two different visions. Despite Erbil's criticisms regarding Baghdad's unwillingness to implement the constitution, especially Article 140, Kurdistan has long been exercising some of its key powers beyond the limits granted by the constitution. For

example, Erbil is still exerting full control over borders with Turkey and Iran, and has its own visa regime separate from Baghdad. While *Peshmerga* is legally part of the Iraqi security forces, on the ground it acts as the army of Kurdistan. Such practices and procedures are not constitutional, but are functions of the KRI's de facto status.

3.4.2 THE UNCERTAINTY OF THE STATUS QUO

Kurdistan consolidated its de facto statehood by maintaining and improving the status quo for more than a decade, but the status quo has always been subject to both internal and external constraints. The ambiguous status of Kurdistan was not the most fundamental factor determining Erbil's decision to hold the referendum; nonetheless, it contributed to a general sense of prevailing uncertainty. This sense of uncertainty also contributed to the feeling that 'the Kurds have no future within Iraq.' In one of the meetings with religious scholars in Erbil on August 9, Barzani showed that he is unconvinced that KRI's future and security will be guaranteed by the status quo.

Shall we keep living in uncertainty, in a condition where we do not know when we will be attacked [...] I swear by God if I am certain about the status quo, then we would leave the project of independence for a future generation [...] but I am afraid, and I am certain, that when the IS war is over, Baghdad will come and demand us to leave Khanaqin, Kirkuk, Shingal and Makhmoor, and tell us that we must go back to the 2003 border. (Barzani, 2017e)

Despite this claim, the pre-referendum status quo was the highest level of de facto independence the entity had ever achieved since 1991, with total control over disputed territories, and this was largely practically (and tactically) accepted by Baghdad, Tehran, Ankara, and the international actors from 2014 to 2017. Considering that Kurdistan had already enjoyed the powers of de facto statehood, the consequences of the negative reactions to the referendum led many Kurds to believe that the referendum had been a bad idea, and that they should have been content with the powers the entity had previously. However, in the context of

non-recognition, there was no answer to the question of how to ensure long-term sustainability. Barzani believed that remaining in Iraq was the greatest threat to the people of Kurdistan, describing it as subordination (Barzani, 2017i). At the time, Barzani believed that the uncertainty around Kurdistan's status justified the referendum. However, the lack of international support for this call created further uncertainty among the people. When asked about the reactions of Iran and Turkey, he could not provide clarity and certainty about what would happen the day after the referendum.

3.5 ADDRESSING INTERNAL AND EXTERNAL AUDIENCES

Depending on which audience Barzani was appealing to, two different strategies were dominant. Addressing Baghdad, regional powers and the international community, together constituted one strategy, whilst addressing the demands and expectations of the internal audience required the development of separate arguments. From the beginning, the attempt at pleasing the two audiences created confusion among the local people, because when Barzani addressed the outside world, he used cautious language with more focus on dialogue and negotiation with Baghdad. Barzani wrote in a Washington Post opinion piece on 28 June 2017, that 'the timing and modalities of our independence will be subject to negotiation with Baghdad and consultation with our neighbors and the wider international community' (Barzani, 2017a). When asked about the reactions of Baghdad, Barzani responded as follows:

I explained to him [Haider al-Abadi, PM of Iraq, 2014–2018] that this referendum is a normal, legal right of our people, and that afterwards we want negotiate the results of the referendum in a peaceful way through dialogue. He had an understanding of that [...] He was receptive and understanding. (MacDiarmid, 2017)

In addressing the international community, Barzani included the emphasis on Kurdistan as a factor of stability in the region.

In the past 25 years we have proven that we are not a threat to any country, we are friends and a factor for stability in the region and we will continue to be so, and we will respect the principles of the international law. (Barzani, 2017j)

As the speeches analysed for this article show, Barzani did not directly address audiences Iraq, Iran and Turkey despite their influence and leverage on the issue. He primarily addressed audiences in Western and Arab countries. When addressing the Western media, Barzani referred to the right to self-determination, the historical injustices, and the *Peshmerga's* contribution in the fight against terrorism, and he made promises ensuring that the referendum will not have a negative impact on the GCD's achievements (Barzani, 2017a). On the other hand, in addressing the Arab world, Barzani mainly emphasised the sectarian nature of the Iraqi state, and Baghdad's constitutional violations, especially during the era of Maliki (see Charbel, 2017), perhaps because Maliki is widely seen as a sectarian leader among Arab Sunni countries. On the domestic front, Barzani focused more on past grievances, and the belligerent attitude Baghdad continued to have against the Kurds. He delivered most of his speeches in Erbil and Duhok provinces, with the exclusion of one speech delivered in Sulaimaniyah (outside of the KDP-controlled territory) and one speech in Kirkuk. This shows that the referendum campaign mainly concentrated on and was more welcomed in the KDP-held areas of Erbil and Duhok, compared to the PUK- and Gorran (the Change Movement)-held areas of Sulaimaniyah, Garmian and Halabja. The referendum being seen as a KDP project, appeared to be the most significant reason for the low turnout in these areas.

There was fear and uncertainty among the people about the outcomes of the referendum, and until the last days before the referendum many people had doubts about the sincerity of the call. For this reason, he initially argued that the international community did not reject the idea of the referendum, but only had objections about the timing. He also rejected any possibility of Iranian or Turkish military intervention, or armed confrontation with the Iraqi forces. However, when the official campaign for the referendum began on 5 September, Barzani's speeches became more consistent, straightforward and tough. Unlike in his Washington Post piece,

Barzani now claimed that ‘the date of voting is the date of declaring independence. If possible, we will declare independence before Newroz [March 2018]. If possible, we will do it even earlier’ (Barzani, 2017g). In response to the countries that opposed the vote and its timing, Barzani said

it is the people of Kurdistan who will give legitimacy to the referendum, not the outsiders [...] We thought that in reward to the sacrifice of *Peshmerga* who broke the myth of IS—they would say that you the people of Kurdistan, independence is your right. Since they do not take our sacrifices into consideration, we do not take theirs either, not even a bit. (Barzani, 2017h)

3.6 THE DIMINISHING IMPORTANCE OF THE ‘EARNED SOVEREIGNTY’ STRATEGY

For years, the attempt to create an entity that was deemed internationally acceptable, therefore worthy of recognition and support, significantly impacted Kurdistan’s development of de facto statehood. Voller (2014) argues that the pursuit of legitimacy based on its success in state-building, governance and democratisation, has been a defining feature of Kurdistan’s de facto statehood and its legitimisation strategy. However, since 2015, the democratisation process in Erbil has been complicated by the dispute over Barzani’s presidency. Barzani’s term in office should have ended in 2013, after serving two four-year terms, but his tenure was extended for two additional years. This extension was made possible through a parliamentary law issued by the KDP and PUK. A second extension by the Consultative Council took place in 2015 for two more years after the political parties failed to reach a negotiated solution on Barzani’s presidency. As the political parties failed to reach an agreement before the August 19 deadline, Barzani continued to remain as the president beyond his term limit, despite the protests of other parties, notably Gorran. In October 2015, KRI saw a brief spell of violent demonstrations over delayed salaries and the ongoing dispute on Barzani’s presidency. The crackdown on demonstrations significantly affected the political process in Kurdistan. KDP accused Gorran of

inciting the demonstrators against it in the Sulaymaniyah province. The conflict resulted in a reshuffle of the KRG's coalition government. On 12 October 2015, KDP unilaterally removed four members of the cabinet from Gorran, and the Parliament Speaker Yusuf Muhammad was prevented from entering Erbil, where the Parliament is based. As a result, the Parliament was deactivated and was not convened until September 2017.

The practice, and also the claims, of democratisation, were undermined by the 2015 deactivating of the Parliament and the extension of Barzani's term. In addition to implications for the political stability of Kurdistan, the presidential crisis did not allow the Erbil leadership to use Kurdistan's 'democratisation' as an argument for independence. It could no longer claim that it is more democratic than the government in Baghdad. In fact, the dominant discussion put forward by the pro-referendum block, was that democracy requires internationally recognised statehood. Asked about internal problems, Barzani (2017g) described statehood as 'designing a new house, which you can design as you like, but first you need [the structure of] a house'. The lack of this 'house' constrained attempts to prioritise democracy in the 2014–2017 period. Not only KDP, but also factions of PUK, the Islamic Union of Kurdistan and other smaller parties, believed that priority should be given to seizing the opportunity to gain independence above issues concerning internal politics and democratisation. This is illustrated in Barzani's statement in June 2017: 'If we wait and wait to solve all of the issues beforehand, and if we wait until the region is stabilized, we're probably going to be waiting a long time' ('Exclusive: "No turning back" on independence vote,' 2017). Similarly, Hoshyar Zebari, former Iraqi Foreign Minister and a member of the KRI High Referendum Council stated: 'If we wait for all the problems to be resolved, we will have to wait forever' (Kent, 2017).

The *Peshmerga's* effective role in counterterrorism gained international support for the Kurds, and replaced Kurdistan's 'democracy-for-recognition' strategy. The lack of international pressure for democratisation in KRI also contributed to this change. In this period, the main focus was on the fight against IS, and the GCD's military support was not conditioned on

democracy or rule of law. The secretary-general of the Kurdistan Socialist Democratic Party, Muhammad Haji Mahmoud, confirmed this:

American and British representatives in the meeting both advised us and warned us [...] They told us this is not the right time to reform, with Kurdistan facing the Islamic State, and it can't deal with other issues [...] The UK and US representatives told us that if Kurds distract themselves with internal issues, they won't have the support of the UK and the US in fighting the Islamic State. ('Kaka Hama,' 2015)

Looking at the official statements of the US, the UK, the EU, France and the UN on the referendum, the objections were not based on the condition of democracy in Kurdistan. They were mainly concerned about the referendum's impact on the fight against IS and on the stability of the region. This is illustrated in the following quotes:

The United States has repeatedly emphasized to the leaders of the Kurdistan Regional Government that the referendum is distracting from efforts to defeat ISIS and stabilize the liberated areas. (The White House, 2017)

The referendum risks increasing instability in the region when the focus should be on defeating Daesh. (Foreign and Commonwealth Office, 2017)

[A]ny unilateral decision to hold a referendum at this time would detract from the need to defeat Da'esh. (UN Secretary-General, 2017)

Although the practice of democracy did not shape the strategy, Barzani consistently described the referendum as democratic. In the final weeks before the referendum, it appeared clear that the international community did not support the call for the referendum. As the following quote shows, he underlined his disappointment with the lack of international support for the referendum: 'It was surprising to see the reaction from the international community. Where is your democracy now? Where are the UN charters? Where is the respect for freedom of expression?' (Chulov & Johnson, 2017). In short, in addition to the lack of international pressure for democratisation, the emphasis on independence and the unfounded belief that it would be a

panacea to address all of Kurdistan's internal problems, marginalised the 'democracy-for-recognition' strategy.

3.7 CONCLUSION

Despite the unprecedented and extensive international engagement the KRI achieved in the 2014–2017 period, its efforts to achieve international recognition have thus far remained unsuccessful. In this article, we focused on various external and internal dynamics in constructing and changing recognition strategies, rather than just focusing on the international practices of recognition and statehood. Iraqi Kurdistan as a *de facto* entity long sought to preserve and improve on the status quo, especially when international recognition was deemed unobtainable after the 2003 war, as rebuilding Iraq became the main priority of the US-led coalition. Nevertheless, when there is a perceived opportunity, as an aspiring state Kurdistan will seek full-fledged statehood, as the 2017 referendum for independence has shown. From 2014 to 2017, the KRI benefited from the weakness of the Iraqi government to increase its international engagement, and the collapse of ISF in the face of IS in summer 2014 enabled the Erbil authorities to change their recognition strategy from preserving the status quo to seeking independence.

In the 25 September 2017 referendum, the KRI leadership used the failure of partnership with Baghdad as the main argument to justify Kurdistan's requirements for international recognition. The second argument was the right to self-determination, based on national identity, historical injustice and past grievances. Since 2014, the KRI has witnessed a shift from a strategy based on creating a democratic and functioning entity, to the claim of the failure of constitutional and power sharing arrangements with the government of Iraq, and the breakdown of the social contract.

In fact, in the years after 2003, the successes of the democratisation and state-building processes, as explained above, helped to gain international engagement without recognition.

This new shift reflects both internal and external dynamics and constraints. Though victories over IS strengthened KRI's ability to amass control over greater swathes of land, the region has not created a viable dynamic to democratisation and effective governance. Additionally, the 2015 political deadlock was also an inevitable outcome of two sharply opposing outlooks embedded in the party political struggle, mainly between KDP and Gorran. Internally, the democratic deficit in 2015 over Barzani's presidency, complicated democratisation process in the KRI. Externally, the shift also mirrors the lack of international emphasis on democratisation in the KRI. During this period, the international community focused more on Kurdistan's role in countering the threat of IS, and providing shelter to 1.8 million IDPs and refugees. Importantly, the GCD's support to *Peshmerga* was not conditioned upon democracy, human rights, or the rule of law in Kurdistan. This emphasise the importance of political considerations for state recognition.

After reflecting on the recognition strategies pursued by the KRI, three notable trends can be identified. First, Kurdistan's change of strategy seems to show that when there is an opportunity to gain international recognition, de facto states are ready to change their long-pursued status quo strategy, and to defy the international community. Second, the case of Kurdistan clearly shows that internal dynamics are central to understanding how and why de facto states construct and change their recognition strategies. This has long been under-studied in the literature of de facto states. Third, the recognition strategies adopted by the KRI's political authority do not correspond to the dominant theoretical argument in the literature of de facto states, that de facto states seek international recognition based on their claims to effective and democratic entity.

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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' (Geldenhuys, 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
1993-1998	Declaration of Federalism	Declaration of Federalism	Short-lived convergence	Conflict over revenues; disagreements over the 1992 election results; civil war 1994-1998
	KDP's growing alignment with Baghdad and Ankara	PUK's growing alignment with Tehran	Violent conflict	
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

				illness and subsequent death of Talabani
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	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.

Chapter 5

Fragmentation within de facto states:

The case of Iraqi Kurdistan²²

²² This article has been submitted to Civil Wars journal.

5. FRAGMENTATION WITHIN DE FACTO STATES: THE CASE OF IRAQI KURDISTAN

ABSTRACT

Despite the growing interest in the study of the sustainability of de facto states over the last two decades, our understanding of the factors which explain de facto states' sustainability remains partial. This article seeks to explain the impact of fragmentation on de facto states' survival prospects, with the case study of Kurdistan. Based on this theoretical argument, grounded in the literature on de facto states and civil wars, the article analyses how the fragmented political relationship between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) impact the political trajectory of the Kurdistan Region of Iraq (KRI). The empirical findings of this article correspond to the argument that assessing the level of fragmentation within the de facto state is critical for fully understanding the trajectories of de facto states.

5.1 INTRODUCTION

Over the last two decades, many de facto states have emerged and have survived for periods of time.²³ Consequently, significant efforts have been made in the academic literature to enhance our understanding of the sustainability and possible outcomes of these entities (for example, forceful reintegration, political settlement and peaceful reintegration with the parent state, or transition to full statehood). Despite this progress, our understanding of the factors that explain the sustainability of de facto states remains partial (Florea, 2017). Recent studies have examined a range of factors influencing the disappearance or survival of de facto states, from external military support to internal state-building efforts (Kolstø, 2006; Caspersen, 2012;

²³ Within the de facto state literature there is no consensus on the numbers and longevity of de facto states, depending on the definitions and criteria used to define what constitute a de facto state. For example, Caspersen, (2012) identifies 15 de facto states in existence since 1991 and, according to Florea's definition (2014), there are 34 de facto cases between 1945 and 2011.

Florea 2017). In Adrian Florea's work (2017), the internal fragmentation within de facto states is a key explanatory factor for the survival and disappearance of such entities. The focus on fragmentation is a new theoretical process, aiming to understand how division between a de facto state's actors influences the entity's trajectory, continued existence, and relations with its parent state (Bakke, 2011; Cunningham, Bakke & Seymour, 2012; Florea, 2017). The empirical evidence supporting this argument strongly indicates that de facto states are not necessarily unitary actors and often display splintering dynamics, whereby various factions crystallise around competing centres of authority (Bakke, 2011; Pearlman, 2011; Florea, 2017). There is well-established evidence in civil war literature in favour of abandoning the unitary assumption of rebel and independence movements (see Cunningham, 2013). There has, however, also been fewer studies within the de facto state literature to systematically explain how internal fragmentation affects the outcomes and survival of de facto states. There is a need to move away from a statist analysis of de facto state movements towards a view that includes recognition of the dynamic internal interaction between factions and actors within de facto states (Cunningham et al., 2012; Florea, 2017). Analysing the level of fragmentation within de facto states, this article argues, is critical for fully understanding their trajectories.

Based on this theoretical premise and grounded in the literature on de facto states and civil wars, we analyse how the fragmented political relationship between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) impacts the political trajectory of the Kurdistan Region of Iraq (KRI).²⁴ This article seeks to explain the impact of fragmentation on de facto states' survival prospects, with Kurdistan used as a case study. Fragmentation within Kurdistan suggests that the entity's political outcomes and development of de facto statehood efforts owe much to internal dynamics and power rivalry (O'Driscoll & Baser, 2019b). The KDP and the PUK have ruled the entity since its inception (Mustafa & Aziz, 2017, 136). Beneath the

²⁴ The KRI is an autonomous *Kurdistani* region that emerged in northern Iraq after the Kurdish uprising in 1991 and the instituting of a No-Fly Zone. Since then, Kurdistan has developed many state-like competencies, from control of its own security forces to visa regulation and border control, among others, which have laid the foundations for being considered a de facto state.

façade of Kurdistan's state-like institutions and the Kurdistan Regional Government (KRG), established in 1992, the KDP and PUK maintain parallel systems of governance, each controlling economic resources, different branches of the security, military and intelligence apparatuses, and parts of the administration. With significant evidence to suggest that a fragmented power structure is likely to remain an important feature of Kurdistan in the coming years, understanding this fragmentation is essential in order to ascertain the viability of Kurdistan and evaluate its current and future relations with its parent state, Iraq (Stansfield, 2019). The case of Kurdistan corresponds to a growing argument within de facto state studies for the necessity of unpacking the complex internal dynamics of such states and sufficiently exploring processes such as inter-factional competition over territorial control and resource allocation.

This article focuses on the 2017 Referendum for Independence, a key event in Iraqi Kurdistan, as an indicator of the impact of fragmentation on Kurdistan's de facto statehood and possible outcomes. As explained in the following sections, both the way the referendum was pursued and ended were indicative of the impact of fragmentation on the KRI's de facto statehood. From 2014 to 2017, Kurdistan underwent a comprehensive political transformation, with a tremendous impact on the status of its de facto statehood, culminating in a vote on independence held on 25 September 2017. An overwhelming 92.73% majority voted 'yes'. The KRI's referendum made Kurdish statehood an international issue (Cockburn, 2017a); however, the unilateral referendum backfired, with a multitude of negative consequences for the entity. The expulsion of the Kurdish armed force, the *Peshmerga*, from Kirkuk and other disputed territories in October 2017, threatened not only the gains of the previous two decades, but Iraqi Kurdistan's very existence as a de facto entity (Smith, 2018, p. 1045). The fragmentation between the two parties contributed to Kurdistan's failure to move towards independence as it created the conditions in which the Iraqi government could act to secure its own interests. Regarding the positions of the KDP and PUK vis-à-vis the referendum, there were two major disagreements: (1) whether the referendum should be postponed, as requested by the US, UN and other international powers (see US Department of State 2017), or be held on its planned

date 25 September 2017; and (2) whether Kurdistan's *Peshmerga* forces should continue a military confrontation with Iraqi forces. The fragmentation contributed to the ease of the Iraqi (re)taking control of all areas which fell under de facto Kurdish control after the successful campaign against the Islamic State since 2014, and the forcing of Iraqi authority upon these territories, further antagonising relations between the two factions (Jongerden, 2019, p. 68). Nonetheless, few academic studies have examined what this fragmentation means for Kurdistan's trajectory and its political settlement with the Iraqi government.

The empirical findings show that fragmentation within Kurdistan has been decisive for the outcome of the conflict with the Iraqi government, raised insurmountable barriers to achieving a political settlement with Baghdad, and contributed to the KRG's defeat. Since 2017, Kurdistan has entered a period in which the previous KDP-PUK power-sharing agreement has collapsed, with as yet no alternative at hand. The old idea of a united Kurdistan with a unified perception of and stance towards the Iraqi government, becomes even more unlikely in these circumstances. It was this fragmentation that allowed the parent state to pursue a divide-and-rule strategy against Kurdistan's move towards independence, weakening the Kurdish house and the entity's de facto powers and territorial control. The resulting developments since 2017, as explained below, have had a profound impact on Kurdistan's status as a de facto entity (Smith, 2018; International Crisis Group, 2019; O'Driscoll & Baser, 2019b).

Exploring internal fragmentation in relation to the development of de facto statehood in Iraqi Kurdistan has both academic and policy relevance. From an *academic* perspective, this article supports the argument that conflict between a de facto state and its parent state should not automatically be treated as a contest between two unitary actors. The article supports the theoretical argument within de facto state and civil war literature that instead of the unitary actor assumption, we should inspect the multifaceted interactions between a de facto state's key factions. Caspersen argues that the origins of an opportune moment for conflict resolution, in some instances, may be found in intracommunal dynamics (Caspersen, 2012, p. 129). Departing

from the unitary actor assumption and examining the multiplicity of factions advancing different claims in independence movements provides a better view of the barriers to political settlement which appear at the de facto state level (Bakke, 2011; Florea, 2017). From a *political* perspective, adopting the perspective of a fragmented de facto state provides a more realistic approach to policy, and a more complex picture of political settlement and conflict resolution than the typical Kurdistan-vs-Iraqi state analysis prevalent in the existing literature.

This study employs a methodology of qualitative analysis, including in-person interviews with 15 senior members of the KDP, the PUK, the smaller parties Gorran and Islamic Union, and officials from the KRG. Examples include the former Speaker of the Kurdistan Parliament and the current Minister of State, the spokesperson of the KRG, a senior advisor to the KRI President, and spokespeople of the KDP and the PUK. In these interviews, we tried to discern the views of political actors in Kurdistan of how fragmentation has influenced the referendum and its aftermath. Additionally, interviews were conducted with five Western diplomats in Erbil on their views on Erbil-Baghdad disputes, as well as how Kurdistan's fragmentation impacts their work in Kurdistan, information which is rarely available in the literature. These face-to-face and telephone interviews were conducted in Erbil and Sulaimaniyah between January 2019 and January 2020. Most of the interviewees preferred to remain anonymous.

The next paragraph presents an overview of the analytical framework of the study, centred on the broader literature on fragmentation. Subsequently the article provides an empirical analysis, explaining KDP and PUK fragmentation following the 2017 independence referendum. In line with the analytical framework, in three different sections the article analyses how fragmentation impacted (1) Kurdistan's political settlement with Baghdad, (2) its aspirations for independence, and (3) the state-building process.

5.2 FRAGMENTATION AND DE FACTO STATE OUTCOMES

Within the discipline of International Relations there has been an increasing desire to analyse de facto states and to distinguish these ‘anomalies’ from other forms of statelessness. However, the theoretical discussion is still in its nascent stages, and the literature on de facto states can only benefit from further inquiries into the internal dynamics of these entities. Caspersen in her seminal book *Unrecognized States* identifies five necessary characteristics for an entity to be considered a de facto state: (1) the entity’s achievement of de facto independence and control of the majority of the territory it claims; (2) the building of state institutions, accompanied by attempts to increase external and internal legitimacy; (3) a formal declaration of independence, or at least clearly demonstrated aspirations for independence, for example through an independence referendum; (4) the absence of international recognition of independence; and (5) continued existence for at least two years. Based on the degree of the above criteria’s achievement by Kurdistan over the past two decades, scholars including Harvey and Stansfield (2011), Caspersen (2012), Voller (2014), Gunter (2014), Soguk (2015), Jüde (2017) and Richards and Smith (2015) have categorised Kurdistan and its polity as among the group of de facto states.

Within the de facto state literature, there is evidence that fragmentation within de facto states can have a substantial impact on de facto state trajectories (Pearlman, 2009; Bakke, 2011; Caspersen, 2012; Florea, 2017). Traditionally, de facto states have been represented as cohesive, homogenous and unitary actors, with a single set of goals: to attract external support and promote international recognition of the entity (Caspersen, 2012; Florea, 2017). However, such collective goals are often overshadowed by the pursuit of narrow self-interests, political fragmentation and internal power relations (Caspersen, 2012). Many de facto state movements include multiple factions with varying origins and agendas (Mampilly, 2011, p. 81). Most internal conflicts display a mosaic of more-or-less coherent organisations, which often fight not only against a common state enemy, but also against each other (Florea 2017). Studies such as

Florea (2017) and Cunningham, Bakke and Seymour (2012), find that the unitary actor assumption is empirically inaccurate: even in a single ethnic group, where it is regularly assumed that a powerful identity effectively binds individuals together, there is often a dizzying diversity of political strategies and organisational forms (Florea, 2017), which push the entity towards a specific outcome.

A major source of variability in de facto states' ability to sustain mobilisation against the parent state is their internal dynamics (Caspersen, 2012). This corresponds to Pegg's (1998) and Caspersen's (2012) criteria of what constitute a de facto state, which highlight a unified leadership seeking to demonstrate internal cohesion and legitimacy. Caspersen (2012, p. 76) argues that the success or failure of de facto states' state-building efforts owes much to internal dynamics. A cohesive movement "enjoys the organizational power to mobilize mass participation, enforce strategic discipline, and contain disruptive content." By contrast, a fragmented movement "lacks the leadership, institutions, and collective purpose to coordinate and constrain its members" (Pearlman, 2011, p. 2). Similarly, Bakke (2011, p. 105-6) argues that if de facto states manage to establish an institutionalised system of representation, internal fighting and fragmentation will be less likely. When a de facto state suffers from internal schisms, the de facto state leadership will be less successful in their attempt to balance against the parent state and will be more vulnerable to forceful reintegration, as valuable resources will be rechanneled towards factional infighting rather than organised action towards achievement of independence (Caspersen, 2012; Florea, 2017). Moreover, fragmentation provides the parent state with the opportunity to use divide-and-rule strategies to destabilise the de facto state, playing one faction against the other (Bakke, 2011, p. 106). Caspersen (2012, p. 14) identifies the reliance on an external patron, a feature of most de facto states, as increasing the likelihood of division of the control of key resources. External patrons are not necessarily motivated primarily by the need for unity in the de facto state they support, and may make use of internal divisions to increase their influence in the entity.

The work of Adrian Florea (2014, 2017, 2018), upon which this study draws for its analytical framework, is a recent theoretical contribution, viewing the level of fragmentation within the de facto state as a key variable for understanding its survival and sustainability, and arguing that fragmentation pushes a de facto state towards a particular trajectory. According to Florea (2017, p. 344), the fragmentation variable measures the degree of cohesion in the de facto state movement. The internal divisions within and between organisations speaking on behalf of the de facto state are important for the fragmentation variable if, and only if, such divisions result in the emergence of competing organisations, each claiming to be the 'legitimate' representatives of the de facto state's population. A faction is seen as an organisation that claims to represent the population of the de facto state and makes demands regarding the status of the de facto state, such as demanding reintegration into the parent state, limited autonomy, broad autonomy, no change in status (continuation of the status quo), or independence. A faction may be a political party, military organisation, or civic group that operates within or outside the de facto state (ibid.: 344). In the case of Kurdistan, the two main factions since 1991 have been the KDP and the PUK, which have separate organisational, security and economic structures, and make demands related to the status of the de facto state (see "PUK to keep grip on security forces," 2018).

According to Florea (2017), there are at least three avenues through which fragmentation affects de facto state outcomes. **First**, fragmentation complicates attempts to reach a peaceful political settlement with the parent state (see also Pearlman, 2009). There is evidence that fragmented de facto states are less likely to be peacefully reintegrated into their parent states. De facto state leaders presiding over a fragmented movement have greater difficulty committing to an agreement with the parent state government. Fragmentation within the de facto state may "cause a soft stalemate to become a hurting one" (Caspersen, 2012, p. 129). The demands made by de facto state leaders therefore respond to changes in the conflict context, but the effect of such changes is mediated by internal power relations; will the leaders face powerful barriers if they initiate settlement negotiations? (ibid.: p. 129) In a scenario where independence seems

achievable, the stronger organisation in the de facto state movement cannot provide guarantees that it will not quickly turn on its weaker partners after independence in order to capture complete control of the polity (Christia, 2012, p. 21). Moreover, fragmentation fundamentally alters the dynamics of mobilisation in the de facto state. Fragmentation can have pernicious effects on de facto states' efforts to prevent forceful reintegration: it lowers the ability to balance internally through state-building activities, and saps separatist movements' domestic and international legitimacy (Florea, 2017). Under these conditions, a fragmented de facto state movement is more likely to be defeated militarily and the population and territory to be reintegrated into the parent state, in spite of whatever resistance is offered.

Second, fragmentation is likely to negatively impact efforts at state-building (Caspersen, 2012). Internal armed fragmentation and infighting will reduce a de facto state's ability to balance internally, as resources are directed towards internal power struggles rather than concerted resistance against the parent state (Cunningham, Gleditsch, & Salehyan, 2009; Mampilly, 2011; Caspersen, 2012; Florea, 2014). Competent state-building efforts have historically been a key condition for admission into the club of internationally recognised states. Caspersen (2012, p. 83) argues that the factors that enable de facto states to overcome the hurdle of fractionalisation and infighting also constrain the subsequent state-building process. Furthermore, the risk of infighting will significantly affect the kind of state-building which will develop, as well as political reforms and democratisation within de facto states (see Caspersen, 2012, p. 76-102).

Third, importantly, fragmentation can also hamper de facto states' independence aspirations (Florea, 2017, p. 342). A fragmented movement faces more difficulties than a cohesive one in its efforts to maintain full control over territory, practice effective governance, and formulate a unified response towards the parent state's threats of forceful reintegration and/or imposing limitations on the powers of the de facto state (ibid.: p. 342). These efforts are key conditions for advancing a legitimate claim to statehood (see Caspersen, 2015).

Paradoxically, fragmentation can also spur rebel governance. When a de facto state's factions face intense competition from rival factions, they are likely to pay more attention to the needs and demands of the local population (Florea, 2017). Factions that compete for legitimacy and civilian loyalty may use governance as an outbidding tactic, with positive repercussions for the general welfare in rebel-held enclaves. They do so to build a reputation for effective rule in order to gain/maintain legitimacy with the domestic population, to outbid competitor groups, and to deter new entrants on the local marketplace of authority. To summarise, fragmentation can shape de facto state in opposite directions: internal competition can divert often scarce resources towards internecine fighting, or can motivate de facto state leaders to organise local affairs more efficiently in order to increase their leverage over the entire insurgent movement.

5.3 THE ORIGIN AND CONTEXT OF KDP-PUK FRAGMENTATION

The KDP was established on 16 August 1946 under the leadership of Mullah Mustafa Barzani. Amid the consolidation of Kurdish rebellion and autonomy from the Iraqi government in the 1960s, the Kurdish national liberation movement witnessed the escalation of internal tensions and conflicts for power between different camps within the movement (Voller, 2014, p. 52). During this era, the KDP represented the whole of the Kurdish nationalist movement in Iraq. In the late 1960s, Barzani and the KDP Politburo under the leadership of Ibrahim Ahmed and Jalal Talabani clashed over their growing influence in different regions of Iraqi Kurdistan (Romano, 2006; Voller, 2014). The KDP Politburo subsequently established its powerbase in Sulaimaniyah, in the southern part of Iraqi Kurdistan; meanwhile, Barzani and his supporters secured their territory of the Duhok and Erbil provinces in the north (Voller, 2014, p. 12; MacQueen, 2015, p. 431). In 1976, Talabani departed the KDP and founded the PUK, promising to his supporters to revive the Kurdish nationalist movement. Barzani and Talabani, and their followers, engaged in rhetorical and, at times, armed confrontation through the period, with the direct and indirect involvement of the Iraqi government (MacQueen, 2015, p. 431). This pattern

of Kurdish internecine conflict has recurred throughout the history of Kurdish liberation movement, reaching a peak in the 1990s. The presence of the two families, Barzani and Talabani, has also been a constant, leading the parties for most of periods of their existence.

In the 1990s, the division between the two factions reached a new level. After UN Security Council Resolution 688 established a no-fly zone north of the 36th parallel in April 1991, Iraqi Kurds took the opportunity of the removal of Iraqi regime control to elect their first parliament and government, holding a general election in May 1992 to attain domestic legitimacy, fill the administrative vacuum left by the Saddam regime, settle disputes between different political parties, and win the support of the international community by holding elections along internationally accepted lines (Bengio, 2012, p. 202; Voller, 2014, p. 71). However, the new social and political structures of Iraqi Kurdistan were not ready for competitive politics. Political parties had their own *Peshmerga* forces. In the absence of a unified, professional, non-political security force across Kurdistan, it was unlikely that whichever government was elected would be able to control the whole of the area. Above all, the political parties did not have experience in governing the *shar* (city in Kurdish). As Talabani admitted, 'we came from the mountains, we were trained as fighters, and now we had to run cities' (Stansfield, 2003, p. 123). The KDP gained a slight majority over the PUK in the first election, with 51 per cent of the vote to 49. The two agreed to a 50:50 division of seats in order to jointly administer the autonomous region. The 50:50 system initially prevented the outbreak of fighting, but when the balance of power between the two changed, the system increased the risk of a decline into confrontation.

In 1994 fighting between the KDP and PUK erupted, due to the legacy of animosity dating back to the 1960s, disputes over land, conflict over revenues, and disagreements over the 1992 election results (Gunter, 1999; Ahmed, 2012; Stansfield, 2003). The war had a devastating impact on Kurdistan's process of state-building, infrastructure, and the activity of NGOs, and resulted in the death of thousands of Kurds and the displacement of tens of thousands from their homes (Voller, 2014, p. 83). In 1998, the US brokered the Washington Agreement to end

the civil war, creating separate administrations in Erbil (dominated by the KDP) and Sulaimaniyah (run by the PUK), controlling distinct areas of Kurdistan. The Washington Agreement was critical in ending the fighting, but the emergence of two administrations constrained the subsequent state-building processes in Kurdistan. As Caspersen (2012, p. 81) argues, 'Kurdistan overcame threats to its internal stability through the institutionalization of divisions.' The KDP-controlled region shares a long border with Turkey, whilst the PUK has a long border with Iran; these geopolitical factors have shaped their strategic manoeuvres, regional alliances and, importantly, their relations with the parent state of Iraq.

Though the civil war nearly ended the existence of the Kurdish *de facto* state, it neither destroyed the *de facto* independence of Kurdistan, nor diminished the Kurdish aspiration for maintaining domestic sovereignty (Voller, 2014). Around 2001-2002, the divided Iraqi Kurdistan made significant moves towards reunification: the Kurdish leadership made progress in terms of institutionalisation and integration into the international sphere (Natali, 2010; Voller, 2014; Jüde, 2017). Corresponding to Florea's argument that, paradoxically, factionalism sometimes leads to competition over performance and legitimacy, in the years following the civil war until 2003 the KDP and PUK competed to outdo each other through effective governance practices, such as large-scale infrastructure projects (Stansfield, 2003), and the PUK's increased openness to democracy and freedom of speech. Bengio (2012) believes that the experience of Kurdistan is not atypical among cases where civil war played a significant role in political and social progress, as the two factions had to compete for support and legitimacy after the Washington Agreement. However, as explored throughout this article, Kurdistan's state-building process has occurred in parallel to the institutionalisation of the KDP-PUK division, creating a dual state structure. Contrary to the view of Stansfield (2003), Bengio (2012) and Voller (2014) that the civil war positively influenced Kurds' capacity and experience in state-building, the post-civil war state-building process has never been able to address the territorial, security and political fragmentation that emerged during and after the civil war.

After 2003, attempts to unify the two separate KDP and PUK administrations resulted in a power-sharing agreement between Barzani and Talabani, coming 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 and, importantly, confirming Kurdistan's status as a federal entity within the Iraqi state. The agreement also included a complete division of power between the two leaders in both Erbil and Baghdad (Natali, 2010). As a result, Masoud Barzani, the President of the KDP and son of Mullah Mustafa, became the President of the Kurdistan Region (2005-2017), while Jalal Talabani became the President of Iraq (2005-2014). Following the 2006 unification of administrations, Kurdistan's relations with Baghdad changed, and now resembled government-to-government or state-to-state relations (Voller, 2014, p. 94).

Though the power-sharing arrangement progressed a great deal during this time, it eventually failed to institutionalise and unify Kurdistan's state-like institutions. In other words, despite the development of government institutions, the government has only partially reunified, and the two parties have maintained the key power structures of the two-administration period (Sagnic, 2015; Natali, 2010; O'Driscoll & Baser, 2019a), specifically the parties' control over security and *Peshmerga* forces and intelligence agencies. Two decades after the civil war, fragmentation between the two parties has not been addressed; instead, it has become the governing system itself. Even in the post-2006 environment, the way that the peace agreement was made constitutes a key obstacle to state-building and democratisation. Ever since, the biggest obstacle to a complete unification of two administrations and to institutionalisation, is the *de facto* autonomy enjoyed by the factions in their own zones, especially their full control over security and military forces.

Moreover, in the second decade of Kurdistan's existence as a *de facto* entity, KDP-PUK rule faced challenges from popular protests and new social movements in Kurdistan (Watts, 2014). In the 2009 parliamentary elections, Kurdistan witnessed a decrease of popular support to the

ruling parties, and the emergence of a new party called the Change Movement (Gorran) under the leadership of a former PUK leader Nawshirwan Mustafa. The KDP and PUK's share of the votes dropped from 89 per cent in the 2005 elections to 57 per cent in the 2009 elections. As a result, Gorran gained 24 per cent, and unseated the PUK as second-largest party after the KDP. Gorran assumed opposition status, and demanded the 'de-party-isation' of the KRI's state-like institutions, primarily the *Peshmerga* and security forces (Watts, 2014), the limitation and redistribution of the president's powers, and changes to the draft KRI constitution, especially the changing of the governing system from semi-presidential to parliamentary (Ala'Aldeen, 2016). The rise of Gorran has notably changed the balance of power, and sent shockwaves across the KRG establishment. As Gorran split from the PUK, it undermined the KDP-PUK balance of power in Kurdistan, which long served as the basis for the post-civil war governing system.

5.4 FRAGMENTATION AND A PEACEFUL POLITICAL SETTLEMENT WITH BAGHDAD

Kurdistan's relations with the Iraqi government are not nationalised. The KDP and PUK pursue their own policies and interests in Baghdad. (Musana Amin, Head of the Islamic Union bloc in the Iraqi Parliament, November 6, 2019).

This section examines how the KDP and PUK's fragmentation has shaped Kurdistan's political settlement with the Iraqi government. The historical evidence from Kurdistan suggests that, when the two factions function as a unitary and cohesive actor, not only are they better able to credibly commit to a political agreement with the Iraqi government, but they are in a stronger position to defend Kurdish interests in Baghdad.

The period from 2003 to 2014 showed that political settlement become more likely when Kurdistan acts as a unitary entity at the political party level, corresponding to the theoretical expectation outlined above. During the period before and after the signing of the 2006

unification agreement, Kurdistan demonstrated greater stability compared to the rest of Iraq (Jüde, 2017). The new political settlement between the two factions paved the way for Kurdistan's significant presence in Baghdad. After the 2003 war, upon a realistic assessment of the situation, the Kurdish parties came to believe that international recognition was unobtainable, as rebuilding Iraq became the main priority of the US-led coalition (O'Driscoll & Baser, 2019a, p. 2020). In this context, Kurdistan was reintegrated into the "New Iraq", through negotiated settlement with the new leaders in Baghdad with the supervision of the US. The leadership of the KDP and PUK did not find themselves constrained to work on a negotiated settlement with Baghdad, as Iraq had a new political authority after 2003 (Caspersen, 2012, p. 129) and the lack of dissenting voices within the Kurdish parties at this time made possible a peaceful and voluntary reintegration of Kurdistan into Iraq. An example of what can be achieved through a cohesive approach is the agreement addressing unresolved boundary issues between Erbil and Baghdad (S. Pira, personal communication, 23 January 2019). As a result, the status of Kirkuk, which has long been a source of conflict between the Kurds and Baghdad, now became part of a constitutional process, as recognised in Article 140 of the 2005 Iraq Constitution.

Despite the negotiated settlement between Erbil and Baghdad after 2003, the absence of political trust between the Kurdish parties and the government in Baghdad remained (Gunter, 2011). Since the start of the Nouri al-Maliki era, especially during his second term as Iraqi Prime Minister (2010-2014), serious disagreements emerged between Erbil and Baghdad over different issues, including the status of the *Peshmerga*, revenue sharing, oil exportation and disputed territories. In response to Erbil's push towards increased de facto independence, al-Maliki began imposing punitive military, political and economic measures on the KRI, such as deploying the Iraqi Security Forces to Kirkuk to assert Baghdad's control in November 2012, with enduring and severe implications for future Baghdad-Erbil relations. Furthermore, in 2014 the PM directed the Iraqi Ministry of Finance to cease paying the 17 per cent of the national budget allotted to the KRG, accusing the KRG of not delivering the agreed amount of oil to the State Organisation for the Marketing of Oil (Nader et al., 2016, p. 42). These changes aggravated

pre-existing tensions between the two governments, causing the parties to revert to a degree of the Saddam-era distrust and acrimony, and thus limited commitment to the political agreements which had been reached after 2003.

With the increased tensions and barriers to the implementation of the political agreements between Erbil and Baghdad such as the Erbil Agreement of 2010,²⁵ an important issue should be highlighted regarding the background to these events, previously neglected in the literature on Kurdistan's move towards the 2017 independence referendum. The post-2003 power-sharing agreement, like the 1998 Washington Agreement, institutionalised the KDP-PUK division, and the balance of power became detrimental for political stability in Kurdistan. From 2009 onwards, things would significantly change. The disputes between the then-KRI President Barzani and Iraq's former Prime Minister al-Maliki occurred simultaneously with internal developments, such as the split within the PUK leading to the establishment of Gorran in 2009, and Talabani's ill-health after 2012. These factors threatened Kurdistan's political stability, with negative consequences for their relationship with Baghdad as maintaining a unified approach and perception towards Baghdad became difficult. The death of Talabani on 3 October 2017 further divided the PUK factions, leaving them with no unified voice (Hama, 2019b). Internal divisions within the PUK significantly affected the KRI's policy towards Baghdad (Saeed, 2019). Though the KDP believes that the disputes with Baghdad stem from Kurdish, not party-based, interests (H. Hawarami, personal communication, 14 Nov 2019), in the absence of effective leadership within the PUK, the KRI's policy became dominated by the KDP's project of independence. Resulting from the KDP-PUK fragmentation is a situation in which political settlement with Baghdad is constrained and its viability made heavily dependent on internal power sharing.

The move towards the independence referendum characterised the period from 2014 to 2017. The powerful factions within the PUK did not view Baghdad in the same way as their

²⁵ An agreement on forming the Iraqi government in November 2010, which broke an eight-month stalemate after the 7 March 2010 parliamentary elections.

counterpart the KDP (Knights & Talabani, 2015; Mills, 2016; O'Driscoll & Baser, 2019a). Although officially all the factions of the PUK endorsed Barzani's decision to hold the referendum on September 25, the most powerful individuals in the PUK leadership, such as Lahur Talabani and Bafel Talabani, the nephew and son respectively of Jalal Talabani, did not actively participate in the referendum campaign. In addition, a prominent faction within the PUK favoured postponing the vote and accepting the offers for strengthened *de facto* status presented by the US and the UN as an alternative to the referendum (F. Asasard, personal communication, 11 Nov 2019). The KDP believed that the alternative approaches were not concrete or reliable ("Despite Losses," 2018), and that there would be no meaningful change in the mentality of Baghdad towards the Kurds (Barzani, 2017). Kurdistan's failure to formulate a unified policy and ultimately reach a political settlement over disputes with Baghdad, constrained the achievement of a peaceful political settlement with the parent state. The two factions showed two different visions of how to address the conflict between Kurdistan and the Iraqi government and claimed to speak on behalf of the Kurds, resulting in failure and decreasing Kurdish leverage *visa-a-vis* Baghdad.

Though internal fragmentation in the case of Kurdistan is not the only barrier to a political settlement with the Iraqi government, fragmentation between the KDP and PUK has undermined the possibility of a unified KRI perception of engagement and conflict, and created different images of Baghdad among the population, as to whether it is a source of threat or opportunity. Unlike the previous era of a strong personal relationship between the two party leaders Barzani and Talabani, during and after the referendum splintering within Kurdistan weakened the Kurdish position, and constrained dialogue with its parent state. As the KDP-PUK fragmentation surfaced again during and after the referendum (Owtram, 2018), their united project for the formation of the Iraqi government in 2018 collapsed. The October 2018 elections for President of Iraq clearly demonstrated this: 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 (Alaaldin, 2018), and viewing Baghdad's

hostility towards the KDP following the referendum as an opportunity to increase its power in the KRI. KDP and PUK leaders began to visit Baghdad and meet Iraqi officials in separate delegations (Wahab, 2019). Unlike the era of Talabani's presidency, the election of Salih became a key source of internal fragmentation within the Kurdish house (International Crisis Group, 2019), extending Kurdistan's internal divisions to Baghdad. In addition, the uncompromising rhetoric adopted by the KDP and PUK in the 2018 parliamentary election campaign led many to fear that the region was on the verge of another civil war (Abdulla, 2018; Petkova, 2018).

In summary, the analysis above shows that the power-sharing between the factions provides important insights into how the fragmentation of the KRI impinges on Kurdistan's ability to reach a sustainable agreement with the Iraqi government.

5.5 FRAGMENTATION AND INDEPENDENCE ASPIRATIONS

In this section, the article highlights how the fragmentation provided the Iraqi government, the parent state, with the opportunity to use a divide-and-rule strategy to destabilise the de facto state, playing one faction against the other.

Fourteen years after regime change in Iraq, Barzani, the former President of KRI, admitted that Iraq and Kurdistan failed to be good partners, and stated his desire for the two sides to be "good neighbors". The referendum, however, was a means to achieve the goal of independence (Barzani, 2017); it has become a source of new conflicts, not only with the Iraqi government and neighboring countries, but also within the Kurdish house (Owtram 2018, 313). The major parties of Kurdistan, the KDP, PUK, Gorran, Islamic Group (Komal) and Islamic Union (Yekgirtu), failed to unite over the timing, approach and method of the referendum (Park, Jongerden, Owtram & Yoshioka, 2017). In addition, the most powerful factions within the PUK, Gorran and Komal had divergent opinions over the timing and preparations for the referendum. While they stated 'the right of independence is a natural and a just right for all Kurdistan people' ("Gorran,

KIG Call For Delaying Referendum,” 2017), they wanted the vote and the presidential and parliamentary elections, planned for November 3, to be held together on the same day. They feared that pro-referendum parties would use the independence card for political gain. These tensions intensified political rifts within the Kurdistan camp.

Another aspect of the division is that the KDP has not historically been popular in Sulaymaniyah, a stronghold of the PUK and Gorran. This significantly impacted the referendum’s popularity there, indicated by the low turnout for the referendum in Sulaymaniyah and Halabja. Two years after the referendum, the KRI’s Independent High Elections and Referendum Commission has not published a breakdown of numbers per province. According to non-official numbers, turnout was high in the KDP-dominated provinces of Erbil and Duhok and the disputed province of Kirkuk (Palani, Khidir, Dechesne & Bakker 2019, p. 2278). However, as the referendum was seen as a KDP project by many in the PUK-controlled region of Sulaymaniyah, the turnout was low there. This demonstrates that even when it comes to a serious and existential national issue, in the absence of the KDP-PUK agreement united action is not possible.

Though developments from 2014 to 2017 increased Kurdistan’s international engagement and expanded the *Peshmerga*’s territorial control, the aftermath of the referendum has shown that the internal fragmentation between the two centres of power determines how Iraqi Kurds can use the opportunities for a transition towards statehood. After the referendum, Baghdad sought retribution for Barzani’s decision to hold the referendum against its wishes and imposed multi-sectoral sanctions against Erbil, damaging the KRI’s de facto powers. Erbil’s unilateral decision and internal divisions left the then-Iraqi Prime Minister Haider al-Abadi with almost unanimous support from Iraq’s parliament, regional countries and the international community, including the US, when he emphasised his obligation “as commander-in-chief of the armed forces to take all legal and constitutional steps to protect the unity of Iraq and its people” (Council of Representatives of Iraq, 2017), including deploying the Iraqi army to replace

Peshmerga forces in all disputed areas, banning international flights to Erbil and Sulaimaniyah on September 29 2017, and demanding the KRG relinquish control of its airports, border gates and crossing points. On October 16, 2017, Iraqi forces, backed by the Shi'ite *Hashd al-Shaabi* militias, seized Kirkuk and all other disputed areas, causing the *Peshmerga* to retreat from all the territory it had taken from the Islamic State since late 2014. These actions reverted the KRI's boundaries along the disputed frontier to those drawn in 2003, and struck a punishing political blow to some of the KRI's hard-won de facto powers (Smith, 2018).

At the core of the negative consequences has been the failure of the two factions to agree on the approach of the referendum. Members of the PUK, such as Lahur and Bafel Talabani, negotiated independently with Baghdad 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 civil war. Kurdistan's former Minister of Peshmerga highlighted the link between the fragmentation and Kurdistan's move towards independence, stated "if we had a united Kurdish force, instead of partisan forces, we would have better performance against the Iraqi armed forces" (Hama & Abdulla 2019, p. 10). 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 fragmentation with regards to the move towards independence. Importantly, the fragmentation reduced Kurdistan's military effectiveness, and contributed to their defeat.

Kurdistan's fragmented security forces and its ill-fated referendum also changed the military balance in favour of Baghdad (Hama, 2019a, 2019b). The military weakness of the Iraqi government was essential for the consolidation of Kurdistan after 2003 (Nader et al., 2016). The Iraqi government managed to prevent Kurdistan from effectively consolidating its control of the territory which it had gained in war, and thus had very little incentive to engage in a

comprehensive discussion with Erbil about a future power-sharing deal beyond the Iraqi constitution. To reduce political tensions with Baghdad and the international community, the KDP leadership and other parties found it difficult to maintain the rhetoric of independence, and had to freeze the results of the referendum (KRG, 2017b). The KRI's defeat was hailed by the Iraqi authorities as "the imposition of the law" (Jamal, 2019).

In the aftermath of the referendum, Kurdistan suffered a loss of international sympathy and political backing (Kaplan, 2019, p. 30), with international actors blaming the Erbil leadership and intra-Kurdish divisions for the escalation with Baghdad. While Kurdistan's central role in the fight against the Islamic State presented a great opportunity for Kurdistan to move towards an independent state, the post-referendum crises also revealed that the fragmentation of its security forces is a key obstacle to Kurdistan in the face of the threats from its parent state. The lack of a unified and effective response gave the international community no reason to support Kurdistan.

5.6 FRAGMENTATION AND STATE-BUILDING

For many years, Kurdistan's main strategy to gain international recognition was the emphasis on 'earned sovereignty', based on alleged success in democratisation and state-building to demonstrate its right to independent statehood (Voller, 2014). Despite the lack of international recognition, Kurdistan has remained largely stable for the past two decades. State-building has been a key determinant of the entity's long-term viability. However, despite Kurdistan's positive developments in terms of democracy and state-building compared to the rest of Iraq, its democratic development has been driven by an effort to consolidate the KDP and PUK's power over the KRI, especially after 2005 (MacQueen, 2015, p. 430). Additionally, the kind of state-building which has developed in Kurdistan over the past two decades has been strongly influenced by the legacy of the civil war and KDP-PUK divisions (Caspersen, 2012). The way in which the civil war ended led to the institutionalisation of the KDP's and PUK's separate control

over *Peshmerga* forces, damaging the KRI's monopoly over the legitimate use of violence – a key aspect of any state-building process. Since then, the entity has witnessed many attempts to unify the security forces; for example, the KDP and PUK created the Ministry of Peshmerga in 2010, to unify the *Peshmerga* (van Wilgenburg & Fumerton, 2015). The Ministry of Peshmerga has gradually established control over 14 mixed units of *Peshmerga*, and currently the Global Coalition against Daesh only recognises and engages the units under the control of the Ministry (J, Yawar, personal communication, 26 June 2019). Two decades of fragmentation remains a key obstacle to the unification of the *Peshmerga* forces.

With regards to the impact of KDP and PUK fragmentation on Kurdistan's political economy, it is critical to highlight that disagreement over the income from border customs was among the major reasons that lead to conflict and internal warfare between the PUK and KDP from 1994 to 1998, and the split of the newly established government in 1996, which was partially reunited in 2006 (Natali, 2010). Kurdistan's economy is that of a typical rentier state (Samer & Joseth, 2018) and, despite recent diversification attempts, oil and gas constitute about 85 per cent of the KRG's revenue (World Bank, 2016). Moreover, while any available revenue in Kurdistan is ostensibly allocated and administered by the KRG, the precise contours of that management are, in fact, primarily determined by the two dominant political parties in their respective areas of influence (Smith, 2018), with limited transparency and accountability. This control of the public and private sector economies by the KDP, PUK, and their affiliates, has fed into a political environment marked by systems of patronage (O'Driscoll & Baser, 2019b). For example, the number of KDP and PUK *Peshmerga* was around 20,000 in 1991, but has now increased to around 200,000 (R. Omed, personal communication, 11 Nov 2019). This, in turn, has facilitated widespread and deeply rooted patterns of corruption and economic mismanagement, forestalling the institutionalisation and standardisation of economic processes (Smith, 2018).

These structural challenges have been aggravated by a series of recent shocks, like the conflict with the Islamic State from mid-2014, a rapid increase in population of 30 per cent as a

result of the influx of 1.5 million displaced people from the rest of Iraq and 250,000 refugees from Syria (Joint Crisis Coordination Centre, 2017), the sharp decline in international oil prices from \$115 per barrel in June 2014 to around \$45 in 2017, and the suspension of revenue transfers from the national government, which fell from \$12 billion in 2013 to about \$1 billion in 2014 and dwindled to nothing in 2015 (McGinn, 2018). However, the recent crisis is not only the product of these factors, or of the deterioration of Erbil-Baghdad relations. Another major factor relates to the political system of patronage and clannism and their influence over the mismanagement of Kurdistan's economy. In the period after 2003, the two ruling parties began a race to employ, in the tens of thousands, their members, affiliates and voters in government positions. This phenomenon continued even after the beginning of the fiscal crisis. By 2015, the number of government employees reached 1,380,000, and 'virtually every household has a member on the public payroll' (MERI, 2016).

The analysis above has again shown the decisive impact of fragmentation on KRI's state-building process. During the 2017 referendum, the fragmentation created a set of political, economic and security conditions which negatively affected the Kurdish leadership's plans and the intended objectives of the referendum.

5.7 CONCLUSION

Since its inception in 1991, in parallel to Kurdistan's development of state-like institutions, the entity's two major centres of power, the KDP and PUK, have maintained parallel systems of governance, with significant implications for the nature, development and future of the de facto independence of Kurdistan. This article'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 case of Iraqi Kurdistan, we have used the fragmentation variable as a key factor to explain (1) the entity's political settlement with its parent state, (2) its aspirations to independence, and (3) the process of state-building. The most important event in Kurdistan's recent history, the 2017 referendum for independence, was analysed to illustrate the impact of fragmentation. It was found that the KDP-PUK fragmentation during the referendum was a key driver behind Kurdistan's military defeat in the face of the attacks of Iraqi and *Hashd al-Shaabi* forces, constraining the achievement of political settlement with Baghdad, preventing the entity from protecting gains Kurdish forces had made during the fight against the Islamic State, and, importantly, stalling Kurdistan's movement towards *de jure* independence. Unlike the early years following regime change in Iraq which witnessed a unified leadership, in 2017 a functioning political agreement between the two factions did not exist, and all the conditions for a fragmented position vis-à-vis Baghdad were present.

After reflecting on how fragmentation has shaped the outcomes and development of Kurdistan, two notable conclusions can be drawn. First, conflict between a *de facto* state and its parent state should not automatically be treated as a contest between two coherent actors. In the case of Kurdistan, studies should inspect the multifaceted interactions between Kurdistan's two key factions, which fought not only the parent state but also each other. Such an approach provides a better view of the barriers to political settlement which appear at the *de facto* state level. Second, though the negative impacts of fragmentation on the recent move towards independence, Kurdistan's state-building and democratisation process, and attempts to reach a political settlement with the Iraqi government, are in line with the theoretical conceptualisation of fragmentation in *de facto* states based on the work of Florea, the existence of such fragmentation within the KRI has not led to the annihilation of the entity, nor the end of Kurdistan's *de facto* independence. International support for the constitutional status of the Kurdistan Region, as well as a consensus between the leaders of the two parties that the end of the entity would not be in their interests, have somewhat mitigated the impact of fragmentation on Kurdistan.

The article opens up avenues for future research on Kurdistan's de facto statehood. One would be to investigate the interaction between KRI's state-like institutions and the KDP and PUK's own institutions and governance. Another would be how the policies of the third parties engaged in conflict management between Erbil and Baghdad reflect the reality of internal fragmentation in Kurdistan in a way that does not further consolidate the fragmentation.

Disclosure statement

No potential conflict of interest was reported by the authors.

Chapter 6

Conclusion and implications

6. CONCLUSIONS AND IMPLICATIONS

This thesis has aimed to explain the dynamics and nature of Iraqi Kurdistan's de facto statehood. Kurdistan has been functioning as a de facto state since its inception in 1991. What is significant in the case of Kurdistan is that its nature, level and status of de facto independence has been subject to constant change since then. Providing insights for explaining what drives the changes in Kurdistan's de facto statehood is at the core of this thesis.

6.1 ANSWERS TO THE RESEARCH QUESTIONS

This dissertation was motivated by 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? A key argument developed through this study is that Kurdistan's features of de facto statehood (such as territorial control, monopoly on the use of violence, and engagement with the international community) characterised by fluidity. To explain this, there is a pressing need to study the internal political dynamics and governance that significantly contributes to Kurdistan's political trajectories, as well as strategies to gain international recognition and support, and relations with the Iraqi government.

Over the past two decades, the study of de facto states has gained prominence in international relations due to the emergence and endurance of de facto states (Florea, 2014; Pegg, 2017). De facto states are entities that have obtained de facto independence, but have not gained international legal recognition. As many de facto states have emerged and survived for periods of time, significant efforts have been made in academic literature to enhance our understanding of the following: the internal organisation of these entities (Caspersen, 2012; Dembinska & Campana, 2017; Kolossov, O'Loughlin and Toal, 2014; Popescu, 2006; Von Steinsdorff, 2012), their recognition and legitimisation strategies (Caspersen, 2015b), their sustainability and possible outcomes (Kolstø, 2006; Florea, 2017), and engagement without

recognition (Berg & Pegg, 2018; Caspersen, 2018; Coppieters, 2020; De Waal, 2017; Harzl, 2018; Ker-Lindsay, 2015).

Thus far, the recent literature on Kurdistan has examined its movement towards independence and its political transitions (see e.g. Hama & Farhad, 2019, Jongerden, 2019; Kaplan, 2019; O'Driscoll & Baser, 2019a & 2019b; Park et al., 2017; Rafaat, 2018). However, the factors that explain the nature of Kurdistan's de facto state itself have not been thoroughly investigated. These studies fail to recognise the fluidity in Kurdistan's international engagement and support, in its relationship with Baghdad, and in the internal political organisation of Kurdistan itself. From 2014 to 2017, Kurdistan's prospects of de jure independence and process of state-building accelerated, while the region also faced major challenges and setbacks. Kurdistan's 2017 referendum had significant negative consequences in regards to the movement towards independence, including ushering the ISF to retake disputed territory that had fallen under KRI control during the fight against IS. Despite these fluctuations, however, Kurdistan has remained a de facto state (O'Driscoll & Baser, 2019a). These recent developments are not only indications of Kurdistan's longevity and resilience, but also fluidity, which is the defining feature of its statehood. This thesis has argued that the existing literature on Kurdistan lacks an explanatory framework to deal with this fluidity, and has mainly pointed to external dynamics to address ambiguity and fluidity surrounding Kurdistan's statehood (see e.g. Harvey, 2010; Richards & Smith, 2015; Soguk, 2015; Voller, 2014). The events that have been studied in this thesis clearly demonstrate Kurdistan's fluid existence, which needs more nuanced perspectives and scholarly attention in de facto state literature. For example, during the period of 2014 to 2017, Kurdistan moved in two directions, alternating between a somewhat fragile entity and a functioning de facto entity. It became an effective force in fighting IS, as well as receiving 250,000 Syrian refugees and 1.5 million internally displaced populations (Costantini & Palani, 2019), but was simultaneously deeply fragmented by crisis over the presidency starting in 2015 (chapter 2). Therefore, it has been argued that to better comprehend the nature of Kurdistan's de facto statehood, we should not confine our understanding to a specific factor, but

focus on a combination of factors that constitute a fluid struggle towards maintaining *de facto* independence and international support.

This research has found that there are three systematic factors that can explain the fluid nature of Kurdistan's *de facto* statehood. First, waxing and waning *de facto* powers vis-à-vis Baghdad make fluidity in Kurdistan's existence inescapable. The balance of power between Erbil and Baghdad is not only an important factor in explaining and understanding the *de facto* powers and status of Kurdistan, but also, most importantly, its fluid statehood. The Kurdish-Iraqi government conflict is between a legally sovereign government and an empirically sovereign entity, within the boundary of Iraq. Instead of assuming static Erbil-Baghdad relations and perspectives, this thesis focuses on the changing *de facto* powers vis-à-vis Baghdad. It also shows that Kurdistan is torn between pursuing cooperation and reliance on Baghdad and insisting on Kurdistan's independence and viability as an entity. Changing *de facto* powers vis-à-vis Baghdad prompt Kurdistan to appear simultaneously dependent and independent, and weak and strong. Kurdistan's desire to maintain *de facto* independence is at odds with its need to maintain cooperation with the Iraqi government. Despite difficulty in negotiating the tension between territorial integrity and self-determination (see Caspersen, 2018), this study explains how, why, and to what extent Kurdistan has been adaptable to changing situations. The KRI's relationship with the Iraqi government fluctuates depending on its desire to maintain political independence, as well as its position in regional and international politics. As the tension between Erbil and Baghdad is, at its core, the tension between two conflicting positions characterised by deep mistrust, it will remain a key explanatory factor for the development of Kurdistan, contributing to the fluidity of Kurdistan's existence.

Second, this research incorporates the factor of internal fragmentation and political rivalry in analysing Kurdistan's policies of engagement with Baghdad and the sustainability and outcomes of the KRI. This thesis shows that Kurdish history and struggle for recognition have played an important role in the Erbil-Baghdad conflict, but this is an ethnic and independence movement

of a very fluid nature which affects the dynamics of conflict and engagement between Kurdistan and the Iraqi government. Understanding this internal fragmentation and its fluidity is essential in ascertaining the viability of Kurdistan and evaluating its current and future relations with parent state Iraq. Scholars such Harvey and Stansfield (2011), Bengio (2012), Gunter (2011) and Voller (2014) treated Kurdistan as a unified and cohesive entity in their explanations of its de facto independence. Throughout this thesis, I highlight that analysing Kurdistan through the lens of internal fragmentation has a strong explanatory power. This is essential in unpacking complex internal dynamics, and sufficiently exploring processes like the inter-factional competition over territorial control and resource allocation.

Third, Kurdistan's strategies to gain international recognition strongly affect the kind of statehood that develops, the institutions that are built, and the legitimisation discourses that are adopted. For example, Voller (2014) argues that the pursuit of external legitimacy based on its success in state-building, governance and democratisation, has been a main feature of Kurdistan's de facto statehood and legitimisation strategy. The weakness of the Iraqi government after 2003 provided a powerful incentive for building a functioning entity and, moreover, strengthening Kurdistan's claim for international recognition (chapter 3). However, during the presidential crisis the democratisation process in Erbil was complicated by the dispute over Barzani's presidency (chapters 2 and 3). Kurdistan could no longer claim that it was more democratic than the government in Baghdad. The result of such a development is a constrained state-building and democratisation. For the 2017 referendum, chapter 2 showed that Kurdistan witnessed a shift from strategies based on creating a democratic and functioning entity, to claiming that constitutional and power-sharing arrangements with the government of Iraq had failed. This included the breakdown of the post-2003 social contract. Explaining the change of strategy and discourse is key to explaining Kurdistan's development of statehood. Moreover, the results of chapter 2 show that the analysis of internal dynamics is central to understanding how and why Kurdistan leadership constructs and changes its recognition strategies.

6.2 THEORETICAL CONTRIBUTIONS

It is important to recognise that there are significant variations in the degree of statehood achieved by de facto states. Though providing explanatory tools based on a single case study is very difficult, de facto states share many similarities (Caspersen, 2012; Pegg, 2017; Florea, 2017). A deeper understanding of de facto states' dynamics can be gained through novel case studies. The study of statehood in the context of non-recognition is the main theme in this research. Focusing on Kurdistan is important to understand how the internal power dynamics affect a de facto state's sustainability, recognition strategies, and engagement with the parent state. Although several scholars, such as Von Steindorff (2012), Caspersen (2012), Broers (2013), Voller (2014), Pegg (2017) and Dembinska and Campana (2017) have already demonstrated the importance of internal dynamics in the study of de facto states, very few have explained the fluid nature of these entities and how internal power dynamics contribute to de facto statehood through in-depth empirical examination. The empirical findings of this study suggest that the fluidity of the de facto state of Iraqi Kurdistan is driven by three main factors that, systematically analysed, explain the case of Kurdistan: the balance of power between Erbil and Baghdad; the level and form of internal fragmentation; and the change of strategies to gain international recognition. This was explained across chapters 2, 3, 4 and 5. Kurdistan serves as an excellent example in explaining the fluidity of the nature of de facto statehood.

The case of Kurdistan contributes to several strands of de facto state literature. First, it adds to the literature on **independence movements** (see Caspersen, 2012; Qvortrup, 2020), and how aspiring states construct strategies to gain international recognition. Kurdistan shows that the timing, approach and move towards independence are subject to internal security and political dynamics more than international practices of state recognition. This contributes to what Caspersen (2015a) identifies as a gap in the existing de facto state literature, which lacks a comprehensive analysis of the context in which de facto states adopt their recognition strategies. Explaining de facto states' strategies, as this study argues, requires a deeper

inspection of the governance of de facto entities and how their internal environments shape strategies to achieve independence. In addition, Kurdistan's move towards international recognition provides an important empirical finding that is useful for analysing the nexus between war and state formation (chapter 2). Kurdistan's war against IS enabled the entity to increase its military capability, territorial control and international engagement. However, the abrupt end of the referendum's hope for independence highlights the centrality of coercive control and the unification of security forces to both protect the de facto independence of an entity and move it towards international recognition.

Moreover, this study explores under what conditions aspiring states change their recognition strategies, and how de facto state authorities use different arguments to gain recognition, in addressing both internal and external audiences. To understand the changes that have taken place over the past two decades in de facto states' strategies of recognition (Caspersen, 2012; Fabry, 2020; Isachenko, 2012; Richards & Smith, 2015), I argue that it is crucial to reassess the internal dynamics of these entities, together with external ones. By combining the two, this study contributes to the literature by arguing that internal dynamics are as important as external dynamics when de facto states construct and prioritise certain strategies to gain international recognition. In addition, the recognition strategies adopted by the KRI's political authorities do not correspond to the dominant theoretical argument in the literature of de facto states, that de facto states seek international recognition based on their claims to be effective and democratic entities (see Richards & Smith, 2015; Voller, 2014).

Second, by pointing to internal fragmentation of the de facto state, the study adds to literature on **engagement without recognition** (see chapter 4), as well as wider literature on **peace settlements** (see chapter 5) between de facto states and parent states. Pegg (2017) and Coppieters (2020) state that a new area of progress in de facto state studies concerns how to deal with de facto entities in the absence of international recognition. In the past few years, the literature has focused on how to conceptualise and develop analytical tools to explain

engagement with de facto states in the context of non-recognition (Berg & Pegg, 2018; Ker-Lindsay, 2015; Ker-Lindsay & Berg, 2018). This study is the first to bring together recent studies on engagement without recognition to systematically analyse the case of Kurdistan's engagement with the Iraqi government. It finds that within the existing literature there is a lack of in-depth analysis of de facto state policies of engagement with parent states. This study provides insights into how Kurdistan's policies and internal political rivalry impact its engagement with Baghdad, touching upon an area that needs further scholarly attention in the literature on engagement without recognition.

On a related note, the study has implications for larger literature on **civil wars and rebel governance**, as the work of ethnic conflicts and civil wars, as the work of Caspersen (2010, 2011) and Florea (2017 and 2020) highlight. Pointing out the fact that Kurdistan's governing system and state-building process are fluid, we provide a much-needed window into a fragmented de facto state. This analysis provides further evidence for the necessity of unpacking complex internal dynamics in such states, and for sufficiently exploring processes such as inter-factional competition over territorial control and resource allocation. In Kurdistan, beneath the façade of its state-like institutions, the KDP and PUK maintain parallel systems of governance, controlling economic, security, military and administration spheres. One of the central arguments of this study is how the same factors that allow the KDP and PUK to reach a political settlement also perpetuate and institutionalise internal fragmentation in Kurdistan. The result is a deeply fragmented de facto state. However, despite the internal division, the struggle for maintaining de facto independence remains the official policy of both parties.

The empirical findings of chapters 2, 4 and 5 provide support for recent theoretical argument advanced by scholars such as Florea (2017 and 2020). The argument is that the internal political structure of a de facto state movement, whether it is unitary or fragmented, has a significant impact on the trajectories of the de facto state. In the case of Kurdistan, the most important event in the state's recent history—the 2017 referendum for independence—was

analysed to illustrate the impact of fragmentation. It was found that the KDP-PUK fragmentation during the referendum was a key driver behind Kurdistan's military defeat in attacks from the Iraqi government. This fragmentation also constrained the achievement of political settlement with Baghdad, hindered the *Peshmerga* from further protecting what had been won against IS, and, ultimately, stalled Kurdistan's movement towards de jure independence. Additionally, after reflecting on how the fragmentation has shaped the outcomes and development of Kurdistan, we try to make a notable contribution to larger literature concerning the viability and survival of de facto states. In the case of Kurdistan, studies should explore multifaceted interactions between the two key factions, which have not only fought against the parent state but each other as well. Such an approach provides a better view of the barriers to political settlement that appear at the de facto state level. This finding is in line with the theoretical conceptualisation of fragmentation in de facto states based on the work of Florea.

6.3 SOCIETAL AND POLICY IMPLICATIONS

The relevance of de facto states in regional and international politics has never been more prescient. Given the increasing importance of Iraqi Kurdistan in regional politics (Danilovich, 2017; House of Lords, 2017; Stansfield, 2017; Gunter, 2018), there is a strong need for a comprehensive analysis of the dynamics and nature of Kurdistan's de facto statehood. Although this dissertation was empirically oriented, we believe it has generated some timely policy lessons. The study of Kurdistan and its development is also important for understanding the complex architecture of fragmented security and authority in the Middle East. Kurdistan has become an important player in the affairs of the region, especially during the three years of fighting IS in Iraq. Kurdistan's role also reflects a significant change in the regional security order (see Al Sharq, 2020), with the role of state authority weakened and incumbents losing their monopoly on violence in several countries, including Iraq. These changes have created ample opportunities for Iraqi Kurds to challenge classical systems of governance, and become

an essential part of regional politics (House of Lords, 2017; Gaub, 2017; Al Sharq, 2020). In this context, understanding the endurance of Kurdistan remains a priority for both research and policy fields, given the collapse of some nations/states in the Middle East.

The sustainability of Kurdistan conveys a simple message: the *de facto* independence of Kurdistan is not a temporary phenomenon. Therefore, all tensions and dilemmas of engagement with the entity need to be clearly studied. Policymakers are better positioned to offer prescriptions when they acknowledge that Kurdistan is here to stay. Despite internal divisions between Kurdistan's key political actors, neither abandoning the goal of *de facto* independence, nor complete reintegration into the Iraqi state, are considered realistic policy options by any of the players. This is caused by the longevity of *de facto* independence, the prevailing mistrust between the Kurdish population and leadership and the Iraqi government, and international support to Kurdistan as an entity within Iraq (see e.g. U.S. State Department, 2018; U.S. Embassy in Baghdad, 2019).

To address the Kurdish-Iraqi state conflict, this study provided evidence to suggest engagement with Kurdistan as a policy tool to prevent further conflict between Erbil and Baghdad. Engagement has the potential to become an avenue for a practical solution to this protracted conflict (Ker-Lindsay & Berg, 2018). Studies have highlighted the merits of the engagement approach as a conflict resolution tool (Caspersen, 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. However, engagement with Kurdistan is not free from certain flaws that have negative policy implications. In proposing this approach, it is necessary to reflect upon various dynamics affecting the internal governance of Kurdistan. Adopting the perspective of a fragmented *de facto* state provides a more realistic approach to policy, and a more complex picture of political settlement and conflict resolution than does the typical Kurdish-vs-Iraqi state analysis prevalent in the existing literature.

Regarding the relationship between Erbil and Baghdad, and what the international actors should understand in the nature of the relationship, this study explains several key policy dilemmas. What is interesting about Kurdistan, as Natali (2010) and O'Driscoll and Baser (2019a) state, is that for most periods of its existence, the Kurdish leadership has perceived cooperation and engagement with the Iraqi government as essential for Kurdistan's survival. However, our study found that too close an engagement with Baghdad would impact the internal legitimacy that has so far served the Kurdish leaders' rule, undermining Erbil's claim that Baghdad is a threat, and limiting a comprehensive engagement. When addressing their internal Kurdish audience, the Kurdish leaders adopt a different language, arguing that engagement with Baghdad is needed to access international engagement and build the foundation of effective governance, pillars of future attempts to gain *de jure* independence (see chapter 3).

Another policy contribution of the study is the emphasis on critical dilemmas and tensions when international actors wish to engage Kurdistan, and how this engagement is perceived by Kurdish leaders. International engagement and support are essential to the viability and survival of Kurdistan (see Caspersen, 2012; Kolstø, 2006). Nevertheless, as Chapter 2 found, there is no clear definition of what engagement between the KRG and international powers means for each of them, with significant policy implications. During the years of the fight against IS, Kurdistan received the highest level of engagement and support since its inception in 1991. Interacting with Kurdish leaders was a sign that international actors viewed Kurdistan as a special entity, yet they ensured that such interaction was not equated with any form of recognition. Delivering this message at a time of crisis was difficult. Kurdish leadership did not correctly understand the international community's message. For this reason, while every state that interacted with Kurdistan, except Israel, made it clear it supported the territorial integrity of Iraq, KRI leadership mistakenly thought such international interaction might also lead to support for Kurdistan's independence, demonstrating its confusion over engagement, recognition and support. In engagement and communication with the leaders of Kurdistan, it is

important to clearly identify the objective of the engagement, how the message is delivered, and how the Kurdish leaders feel about the support given to them. This corresponds to Kaplan's (2019) argument that a misperception of the nature of international support for Kurdistan during the fight against IS was key in making the decision to hold the independence referendum.

6.4 LIMITATIONS AND AVENUES FOR FUTURE RESEARCH

Taking the view of Kurdistan as a fluid political entity is one suggestion for future research on the de facto state, and may also have significant implications for policy. Seeking new analytical insights in understanding the changeable and fluid nature of Kurdistan's de facto statehood will be a significant part of any future study on Kurdish and Iraqi politics. This thesis proposes five areas for future research on Kurdistan's de facto statehood.

First, the scope of this research has been mainly limited to Kurdistan's internal developments. Throughout the dissertation, I have highlighted the need for research on how internal dynamics impact Kurdistan's prospects for de facto statehood. However, as this thesis has highlighted, as Kurdistan's de facto powers are also significantly affected by its relationship with parent state Iraq, more research needs to be done on how Kurdistan's de facto independence is viewed by different political factions and institutions at the centre of power in Baghdad. Similarly, in the case of Kurdistan, there is a pressing need to explore the systematic factors that impact Baghdad's perceptions of engagement and conflict with Kurdistan. As was done above regarding Kurdistan's political actors, additional analytical tools may be developed from the perspective of Iraq's government. Such analytical tools can contribute to an understanding of both Kurdistan's and Iraq's fortunes.

This is important, as the Iraqi government is also a fragmented state, with different factions making claims on its behalf, including its stance on the KRI and its foreign policies. In addition, as Voller (2014, p. 146) states, Kurdistan's engagement with Bagdad is not driven by Kurdish

“loyalty to Iraq’s territorial integrity”; therefore, more work needs to be done on the tension between territorial integrity and self-determination, and how/whether they can be reconciled through a sustainable approach.

Second, this study has highlighted that the Iraqi government’s weakness throughout the past three decades has been critical to the consolidation and sustainability of Kurdistan’s de facto independence. The major question for the future is, what will happen to the status of Kurdistan if Iraq recovers from its weakness?

Third, in relation to the above, another area that requires deep examination and analysis is how the policies of third parties (international organisations and states) engaged in conflict management between Erbil and Baghdad deal with the reality of internal fragmentation in a way that does not further consolidate it.

Fourth, another avenue for future research will be to investigate the Kurdistan people’s perceptions of KRI legitimacy, and how the outcomes of political actors’ attempts to gain popular support and legitimacy may all come at the expense of cohesion within the entity. As a degree of internal legitimacy is crucial for the viability of de facto states in the long run (Bakke, O’Loughlin et al., 2014; Pegg and Kolstø, 2015; Caspersen, 2015b), and given the recent increase in frustration with KRI authorities, a study of Kurdistan’s internal legitimacy and weaknesses is possibly an important avenue for future research. Though almost all major political actors in Kurdistan believe in the protection of Kurdistan’s autonomy, the issue of Kurdistan’s independence and perceptions of conflict with Baghdad have recently become highly subject to deep politicization, with the absence of a unified and national policy. This is a new development, requiring independent research.

Fifth, this thesis has investigated the impact of the KDP-PUK fragmentation on Kurdistan’s governing system and state-building. Another next step may be to investigate the interaction between KRI’s state-like institutions and the KDP and PUK’s own institutions and governance,

and how this is practiced on the ground in all sectors of governance, including the KRI's relations with neighbouring countries.

The proposed areas for future research, mentioned above, are not necessarily the only ones worthy of attention; however, they do enhance our understanding of the development and future of Kurdistan's de facto statehood.

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APPENDIXES

APPENDIXES TO CHAPTER 1:

Appendix 1: A Complete list of the interviews

1. First interview: Abdul Hakim Khasro, member of the KRI Constitution Drafting Committee and the Minister of KRG's Department of Coordination and Follow-up, 14 August 2017, Erbil;
Second interview: 23 September 2018;
2. Ahmed al-Haj Rashid, member of the Iraqi Parliament from Kurdistan's Islamic Group and a member of the Iraqi Parliament's Finance Committee, 25 June 2020.
3. Ali Hussain, Head of the KDP's Public Relations, telephone interview, 28 January 2019.
4. Anwar Anaïd, Dean of School of Social Sciences, The University of Kurdistan-Hewler, correspondence, 11 June 2017.
5. Ana Lucinda de Velde Harsenhorst, Political Officer, Consulate General of the Kingdom of the Netherlands, 25 October 2018, Erbil.
6. Andreas Krüger, Head of the Middle East Division at the German Federal Foreign Office from 2013 to 2017, Skype interview, 10 January 2019.
7. Barbara Wolf, Consul General of the Federal Republic of Germany in Erbil, 3 June 2019, Erbil.
8. Bayan Sami Abdul Rahman, the KRG's Representative to the United States of America, correspondence, 18 September 2018.
9. Bryar Baban, Advisor to the Kurdistan Parliament, 24 June 2018, Erbil.
10. Clarisse Pásztor, Head of EU Liaison Office, email correspondence, 5 November 2018, Erbil.
11. Dlawer Ala'Aldeen, President of the Middle East Research Institute (MERI), 13 February 2019, Erbil.

12. First interview: Falah Mustafa, Head of the KRG's Department of Foreign Relations and currently Senior Foreign Policy Advisor to the KRI President, 31 May 2017, Erbil;
Second interview: 7 July 2019;
Third interview: 10 May 2020.
13. Farhad Alaaldin, Advisor to the Iraqi President, 5 March 2019, Erbil.
14. Farid Asasard, Member of the PUK Leadership Council, telephone interview, 27 July 2019.
15. Jotiar Adil, spokesperson of the KRG, 20 July 2019, Erbil.
16. Hadi Ali, President of Kurdistan Islamic Union's Political Council, 4 March 2020, Erbil.
17. Jamal Tahir, the KRG's Representative to the United Kingdom, Skype interview, September 2018.
18. First interview: Hemin Hawrami, former Senior Advisor to former President Barzani, and Deputy Speaker to the Kurdistan Parliament, 20 May 2017, Erbil;
Second interview: 21 January 2018, Erbil;
Third interview: 13 December 2019, Erbil
19. Hoshang Mohammed, Director General of the KRG's Joint Crisis Coordination Centre, Erbil, 27 February 2018.
20. Mariwan Sabir, Advisor to the KRG's Council of Ministries, 23 August, Erbil.
21. Mohammd Shakir, Member of the Iraqi Parliament from the KDP bloc, 20 November 2018, Erbil.
22. Musana Amin, Member of the Iraqi Parliament from the Yekgirtu Bloc, telephone interview, 15 July 2019.
23. Najm Faqe, Research Director at PUK's *Bir u Hoshiyari* Office, 11 November 2019, Sulaimaneah.
24. Omer Rafiq, President of Centre for Future Studies, 11 November, Sulaimaneah.
25. Rabun Maroof, Head of Gorran's Bloc in the Kurdistan Parliament, telephone interview, 22 June 2017, Erbil.

26. Rebwar Karim, Member of the Iraqi Parliament and former spokesperson of the Coalition for Justice and Democracy party, telephone interview, 23 July 2019.
27. Saadi Pira, spokesperson of the PUK, 23 January 2019, Erbil.
28. Sarkawt Shams, Member of the Iraqi Parliament from New Generation Bloc, telephone interview, 11 February 2019.
29. Yousif Ismail, Washington based Researcher, Washington Kurdish Institute, Skype interview, 20 June 2020.
30. Vala Farid, former Speaker of the Kurdistan Parliament, 26 May 2019, Erbil.

Appendix 2: A complete list of the MERI roundtables and meetings

This list is arranged by date.

1. The emerging US policies towards Iraq & Kurdistan Region. Middle East Research Institute, Erbil, 30 March 2017. <http://www.meri-k.org/the-emerging-us-policies-towards-iraq-kurdistan-region/>
2. Turkish foreign policy after the referendum. Middle East Research Institute, Erbil, 10 May 2017. <http://www.meri-k.org/turkish-policy-consequences-of-the-referendum/>
3. Belgian diplomats visit MERI to discuss current challenges in Iraq, Middle East Research Institute, Erbil, 15 June 2017. <http://www.meri-k.org/belgian-ambassador-and-consul-visit-meri/>
4. MERI's meeting with the UN representatives in Baghdad to discuss their views on Kurdistan's independence referendum. Baghdad, 15 September 2017.
5. MERI's meeting with the Spanish Ambassador to Iraq to discuss Spain's views on the Kurdistan and Catalan referendums. Baghdad, 15 September 2017.
6. Displacement in the KRI; migration from Iraq. Middle East Research Institute, Erbil, 23 July 2017. <http://www.meri-k.org/displacement-in-the-kri-migration-from-iraq/>
7. Policies and views of the U.S and European countries towards Kurdistan's 2017 referendum. Middle East Research Institute, Erbil, 30 September 2017.
8. The European Union and Iraq: A new strategy. Middle East Research Institute, Erbil, 13 November 2017. <http://www.meri-k.org/the-european-union-and-iraq-a-new-strategy/>
9. MERI debate on European Union crisis response in Iraq. Middle East Research Institute, Erbil, 28 November 2017. <http://www.meri-k.org/meri-debate-on-european-union-crisis-response-in-iraq/>
10. Leaders of KRI's main political parties exchange visions & debate priorities. Middle East Research Institute, Erbil, 13 December 2017. <http://www.meri-k.org/meri-hosts-leaders-of-main-political-parties-in-the-kri/>

11. MERI hosts a policy debate with USIP visiting leaders. Middle East Research Institute, Erbil, 11 February 2018. <http://www.meri-k.org/meri-hosts-a-policy-debate-with-usip-visiting-leaders/>
12. Kurdistan after the referendum: restructuring Kurdistan's governing system. A roundtable with local government leaders and representatives in Sulaimaneah. 5 March 2018.
13. Strengthening Kurdistan's local governance. A roundtable with local government leaders and representatives in Sulaimaneah. 15 March 2018.
14. How deep are the gaps between Turkey and the EU in the Middle East?: A policy debate. Middle East Research Institute, Erbil, 19 March 2018. <http://www.meri-k.org/how-deep-are-the-gaps-between-turkey-and-the-eu-in-the-middle-east-a-policy-debate/>
15. Decentralisation in the KRI: A Policy roundtable. Middle East Research Institute, Erbil, 31 January 2019. <http://www.meri-k.org/decentralisation-and-empowering-local-government-in-the-kri-a-policy-roundtable/>
16. Ways forward for Nineveh. Middle East Research Institute, Erbil, 2 April 2019. <http://www.meri-k.org/ways-forward-for-nineveh-roundtable-brings-together-politics-research-and-civil-society/>
17. The impact of US-Iran tensions on Iraq and Kurdistan Region. Middle East Research Institute, Erbil, 26 June 2019. <http://www.meri-k.org/the-impact-of-us-iran-tensions-on-iraq-and-kurdistan-region/>
18. The way forward for Kurdistan Region. Middle East Research Institute, Erbil, 1 July 2019. <http://www.meri-k.org/the-way-forward-for-kurdistan-region/>
19. Stabilization & IDP return in Nineveh. Middle East Research Institute, Erbil, 20 October 2019. <http://www.meri-k.org/stabilization-idp-return-in-nineveh/>
20. Peace and stability in Iraq. Middle East Research Institute, Erbil, 29 January 2020. <http://www.meri-k.org/peace-and-stability-in-iraq/>

21. Leaders of KRI's main political parties discuss a possible scenario of the US withdrawal in Iraq and its impact on the future of Kurdistan. Middle East Research Institute, Erbil, 10 February 2020.

APPENDIX TO CHAPTER 3:

Appendix 1: A Complete list of Barzani's speeches, interviews, meetings and statements

1. Barzani's first statement on setting the date of the referendum. 07 June 2017.
2. Barzani's meeting with leaders and representatives of the KRI political parties. Salahadin, Erbil, 7 June 2017.
3. Barzani's Presidential Decree NO. 106. Erbil, 8 June 2017.
4. Barzani's meeting with leaders and representatives of the KRI political parties. Salahadin, Erbil, 10 June 2017.
5. Barzani's interview with *Foreign Policy*. 16 June 2017.
6. Barzani's meeting with Salim al-Jibouri, the Iraqi Parliament Speaker. Salahadin, Erbil, 19 June 2017.
7. Barzani's speech to academics, community and tribal leaders of Nineveh and Makhmoor. Erbil, 21 June 2017.
8. Barzani's interview with *France24*. Salahadin, Erbil, 21 June 2017.
9. Barzani's op-ed to *the Washington Post*. On 28 June 2017.
10. Barzani's meeting with the consuls general of Egypt, Jordan, Palestine, Kuwait, Saudi Arabia, Sudan, and the United Arab Emirates. Salahadin, Erbil. 04 July 2017.
11. Barzani's interview with Reuters. 6 July 2017.
12. Barzani's first meeting with the High Referendum Council. Salahadin, Erbil. 8 July 2017.
13. Barzani's speech to members of the European Union Parliament. Brussels, 11 July 2017.
14. Barzani's meeting with the Belgium officials and the Minister-President of Flanders Geert Bourgeois. Brussels, 11 July 2017.
15. Barzani's public statement. 19 July 2017.
16. Barzani's meeting with the High Referendum Council. Salahadin, Erbil. 30 July 2017.
17. Barzani's speech commemorating the 33rd anniversary of the Barzanis' genocide. Barzan, Erbil, 31 July 2017.

18. Barzani's meeting with a delegation of Kuwaiti journalists. Salahadin, Erbil, 3 August 2017.
19. Barzani's letter to Ahmed Aboul Gheit, the Secretary-General of the Arab League. 3 August 2017.
20. Barzani's statement on the anniversary of the Chaldean, Syriac and Assyrian martyrs' day. 6 August 2017.
21. Barzani's speech to Kurdistan's religious scholars. Saad Abdullah Hall, Erbil, 9 August 2017.
22. Barzani's interview with *Al-Hayat* newspaper. 9 August 2017.
23. Barzani's interview with *Al-Ahram* newspaper. 10 August 2017.
24. Barzani's telephone conversation with Rex Tillerson, former US Secretary of State. 11 August 2017.
25. Barzani's statement on the 71st anniversary of the establishment of the Kurdistan Democratic Party. 15 August 2017.
26. Barzani's meeting with General Joseph Votel, Commander of the US Central Command. Salahadin, Erbil, 17 August 2017.
27. Barzani's interview with *Okaz* newspaper. 10 August 2017.
28. Barzani's meeting with Irfan Abdulaziz, Leader of the Kurdistan Islamic Movement. Salahadin, Erbil, 17 August 2017.
29. Barzani's meeting with Dr. Sultan Abo Orabi, the Secretary General of the Association of Arab Universities, and Ziad al-Kurdi, President of Irbid National University. Salahadin, Erbil. 19 August 2017.
30. Barzani's speech to the vocational and professional syndicates. Saad Abdullah Hall, Erbil, 21 August 2017.
31. Barzani's speech to students, youth and women activists. Saad Abdullah Hall, Erbil, 21 August 2017.
32. Barzani's meeting with James Mattis, the US Secretary of Defense. Salahadin, Erbil. 22 August 2017.

33. Barzani addressing a gathering of minority groups. Saad Abdullah Hall, Erbil, 22 August 2017.
34. Barzani addressing a gathering of *Peshmerga* veterans, religious and community figures of Erbil. Saad Abdullah Hall, Erbil, 23 August 2017.
35. Barzani's meeting with Cyril Nann, the German ambassador to Iraq. Salahadin, Erbil. 24 August 2017.
36. Barzani's meeting with Frank Baker, the United Kingdom ambassador to Iraq. Salahadin, Erbil. 24 August 2017.
37. Barzani's meeting with Patrick Simonnet, the Ambassador of the European Union to Iraq. Salahadin, Erbil. 24 August 2017.
38. Barzani's meeting with Mevlut Cavusoglu, Turkey's Minister of Foreign Affairs. Salahadin, Erbil. 24 August 2017.
39. Barzani's meeting with Jean-Yves Le Drian, French Foreign Minister; Florence Parly, French Defence Minister. Salahadin, Erbil, 26 August 2017.
40. Barzani's message to the Cologne rally in support of independence. 25 August 2017.
41. Barzani's interview with *Ashraq al-Awsat*. 30 August 2017.
42. Barzani's speech to Kurdistan's university professors and academics. Saad Abdullah Hall, Erbil, 30 August 2017.
43. Barzani's speech to the school teachers. Saad Abdullah Hall, Erbil, 30 August 2017.
44. Barzani's speech to journalists, writers, and artists. Saad Abdullah Hall, Erbil, 06 September 2017.
45. Barzani's interview with *Al Arabiya*. 07 September 2017.
46. Barzani's meeting with Ahmed Aboul Gheit, the General-Secretary of the Arab League. Salahadin, Erbil, 09 September 2017.
47. Barzani's statement on the 56th anniversary of Great September Revolution. 10 September 2017.
48. Barzani's public statement. 10 September 2017.

49. Barzani's speech to the representatives of the Turkmen, Arab and Kurdish components of Kirkuk. Kirkuk, 12 September 2017.
50. Barzani's speech to Akre's rally in support of the independence referendum. Akre, Duhok, 13 September 2017.
51. Barzani's speech in Zakho's rally in support of the independence referendum. Zakho, Duhok, 14 September 2017.
52. Barzani's meeting with the Brett McGurk the US Special Presidential Envoy for the Global Coalition to Counter the Islamic State of Iraq and the Levant, Jan Kubis the Special Representative of the Secretary General of the United Nations Assistance Mission in Iraq, ambassador Douglas Silliman the US ambassador to Iraq, and ambassador Frank Baker, the UK ambassador to Iraq. Duhok, 14 September 2017.
53. Barzani's speech in Amedi's rally in support of the independence referendum. Amedi, Duhok, 15 September 2017.
54. Barzani's message to the rally of the Kurdish diaspora in Sweden. 16 September 2017.
55. Barzani's message to the rally of the Kurdish diaspora in Belgium. 16 September 2017.
56. Barzani's meeting with representatives of the components of the Mosul Plain and Nineveh. Duhok, 16 September 2017.
57. Barzani's message in the Democracy and the Right to Self-determination Forum in Sulaymaniyah. 16 September 2017.
58. Barzani's speech in Duhok's rally in support of the independence referendum. Duhok, 16 September 2017.
59. Barzani's message to the rally of the Kurdish diaspora in Washington DC. 17 September 2017.
60. Barzani's meeting with Michael Fallon, US Secretary of State for Defence. Salahadin, Erbil, 18 September 2017.
61. Barzani's speech in Soran's rally in support of the independence referendum. Soran, Erbil, 19 September 2017.

62. Barzani's interview with BBC Persian. 19 September 2017.
63. Barzani's speech in Sulaymaniyah's rally in support of the independence referendum. Sulaymaniyah, 20 September 2017.
64. Statement of the High Referendum Council. Salahadin, Erbil, 21 September 2017.
65. Barzani's interview with *Voice of America's* Persian Service. 21 September 2017.
66. Barzani's interview with the Guardian. 22 September 2017.
67. Barzani's last speech in Erbil's rally in support of the independence referendum. Erbil, 22 September 2017.
68. Barzani's press conference on the independence referendum. Salahadin, Erbil, 24 September 2017.

SUMMARY IN ENGLISH

Thesis title: Fluidity and Dynamics of De Facto Statehood: The Case of Iraqi Kurdistan

Research objectives and arguments

This thesis explains the dynamics and nature of Iraqi Kurdistan's de facto statehood since its inception in 1991, in particular the vicissitudes de facto independence since then. This dissertation characterises de facto statehood in Kurdistan, and uncovers the dynamics of de facto statehood in Iraqi Kurdistan at internal, national and international levels. Kurdistan's de facto statehood (such as territorial control, monopoly on the use of violence, and engagement with the international community) is shown to be inherently characterised by fluidity. In this thesis, fluidity is defined as a highly unstable nature of de facto statehood in the relational context of non-recognition. The dissertation reports on interviews with a number of high profile politicians and policy makers from the region to provide unique insights, among others the three main factors at play in the fluidity of the de facto state of Iraqi Kurdistan: the balance of power between the regional capital of Erbil and the Iraqi national capital of Baghdad; the level and form of internal fragmentation; and the change of strategies to gain international recognition.

Research outline

This study applies the theoretical contributions of de facto state literature to explain the development and nature of de facto statehood in Iraqi Kurdistan over the past three decades. Inquiry into the internal dynamics and processes of de facto states, with an emphasis on the case of Kurdistan, unfolded over several chapters as follows. Chapter 1 introduced the research problem and objectives by explaining the location of Kurdistan in the literature, and how it can contribute to the existing literature on de facto states. Chapter 2 provided comprehensive background on internal dynamics that shaped the nature of Kurdistan's move towards *de jure*

independence in 2017. The findings of this chapter contributed to de facto state literature by highlighting the centrality of internal governance in de facto entities' struggle towards statehood. In particular, it showed that the balance of power between Erbil and Baghdad plays a central role in Kurdistan's changing degree of de facto independence, and that this relationship should be a key explanatory factor in the study of Kurdistan's de facto statehood. Chapter 3 analysed strategies adopted by Kurdish leaders in their pursuit of international recognition and support, and the internal and external dynamics responsible for changes in these strategies. The chapter explained that Kurdistan's recognition strategies are not only important for the entity's interaction with the outside world, but also how they impact the kind of entity that will develop, thus exploring how strategies serve as explanatory factors that allow us to understand the fluidity and dynamics of Kurdistan's political existence. Through an analysis of Kurdistan's engagement with Baghdad, chapter 4 attempted to explain the engagement of de facto state authorities with parent states, and how internal political rivalry affects the perception of conflict and engagement with the parent state. The empirical findings of the chapter suggest a need to incorporate internal political rivalry into the analysis of de facto states' policies of engagement with parent states, which is critical to the viability of the "engagement without recognition" approach. Chapter 5 analysed how the fragmented political relationship between Kurdistan's two main powers, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), impacts the political trajectory and outcomes of Kurdistan. This chapter sought to explain the impact of fragmentation on de facto states' prospects of survival. The empirical findings provide support for the theoretical argument that the internal political structure of a de facto state movement, whether it is unitary or fragmented, has a significant impact on de facto states' political trajectories.

The answer to the research questions

This dissertation was motivated by 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? A key argument developed through this study is that Kurdistan's features of de facto statehood (such as territorial control, monopoly on the use of violence, and engagement with the international community) characterised by fluidity. To explain this, there is a pressing need to study the internal political dynamics and governance that significantly contributes to Kurdistan's political trajectories, as well as strategies to gain international recognition and support, and relations with the Iraqi government. This research has found that there are three systematic factors that can explain the fluid nature of Kurdistan's de facto statehood. First, waxing and waning de facto powers vis-à-vis Baghdad make fluidity in Kurdistan's existence inescapable. Second, this research incorporates the factor of internal fragmentation and political rivalry in analysing Kurdistan's policies of engagement with Baghdad and the sustainability and outcomes of the entity. Third, Kurdistan's strategies to gain international recognition strongly affect the kind of statehood that develops, the institutions that are built, and the legitimisation discourses that are adopted.

Avenues for future research

Taking the view of Kurdistan as a fluid political entity is one suggestion for future research on the de facto state, and may also have significant implications for policy. Seeking new analytical insights in understanding the changeable and fluid nature of Kurdistan's de facto statehood will be a significant part of any future study on Kurdish and Iraqi politics.

SUMMARY IN DUTCH

Nederlandse Samenvatting

Titel proefschrift: Fluïditeit en dynamiek van de *de facto* staat: Casus Iraaks Koerdistan

Doelstellingen van het onderzoek

Dit proefschrift verklaart de dynamiek en de aard van de *de facto* onafhankelijkheid van de Koerdische Regio van Irak (KRI) en met name de grilligheid ervan sinds de oprichting in 1991. Dit proefschrift beschrijft de aard van het *de facto* onafhankelijke Koerdistan, en onthult de dynamieken op lokaal, regionaal en internationaal niveau. Er wordt aangetoond dat Koerdistan's *de facto* soevereiniteit (zoals territoriale controle, monopolie op het gebruik van geweld, en interactie met de internationale gemeenschap) in wezen gekenmerkt wordt door fluïditeit. In dit proefschrift wordt fluïditeit gedefinieerd als het zeer onstabiele karakter van de *de facto* staat in de relationele context van niet-erkenning. Het proefschrift doet verslag van interviews met vooraanstaande politici en beleidsmakers uit de regio en geeft een uniek inzicht in de drie voornaamste factoren die een rol spelen in de fluïditeit van de autonome status van Iraaks Koerdistan: het machtssevenwicht tussen de regionale hoofdstad Erbil en de Iraakse nationale hoofdstad Bagdad; het niveau en de vorm van interne fragmentatie; en de verandering van strategieën voor internationale erkenning.

Hoofdpijnen van het onderzoek

Deze studie is een toepassing van de theoretische bijdragen in de literatuur over de *de facto* staat om de ontwikkeling en de aard ervan in Iraaks Koerdistan over de afgelopen dertig jaar te verklaren. Het onderzoek naar interne dynamieken en processen van *de facto* staten, in het bijzonder van Koerdistan, wordt als volgt uiteengezet. Hoofdstuk 1 is de inleiding tot het onderzoeksvraagstuk en de doelstellingen met een toelichting op de positie van Koerdistan in de literatuur, en hoe dit kan bijdragen aan de bestaande literatuur over *de facto* staten.

Hoofdstuk 2 bevat uitgebreide achtergrondinformatie over interne dynamieken die de aard van Koerdistan's stap naar *de jure* onafhankelijkheid in 2017 hebben bepaald. De bevindingen in dit hoofdstuk dragen bij aan de literatuur over *de facto* staten door de centrale rol van het interne bestuur te benadrukken in een streven van *de facto* entiteiten naar onafhankelijkheid. Het toont vooral aan dat het machtssevenwicht tussen Erbil en Bagdad een centrale rol speelt in de veranderende mate van *de facto* onafhankelijkheid van Koerdistan, en dat deze relatie een belangrijke verklarende factor is in de studie van de *de facto* autonomie van Koerdistan. Hoofdstuk 3 analyseert de strategieën die de Koerdische leiders hanteren in hun streven naar internationale erkenning en steun, en de interne en externe dynamieken die leidden tot veranderingen in deze strategieën. Het hoofdstuk zet uiteen dat strategieën om tot erkenning van Koerdistan te komen niet alleen belangrijk zijn voor de interactie van de entiteit met de buitenwereld, en hoe daarmee de ontwikkeling van het soort entiteit beïnvloed wordt, en onderzoekt hoe strategieën dienen als verklarende factoren die ons in staat stellen de fluiditeit en dynamiek van het politieke bestaan van Koerdistan te begrijpen. Aan de hand van een analyse van de betrokkenheid van Koerdistan met Bagdad is in hoofdstuk 4 getracht een verklaring te geven voor de betrekkingen tussen *de facto* overheden en moederstaten, en voor de wijze waarop interne politieke rivaliteit van invloed is op de perceptie van het conflict en de betrekkingen met de moederstaat. De empirische bevindingen in dit hoofdstuk suggereren dat interne politieke rivaliteit onderdeel uitmaakt van de analyse van het beleid van *de facto* staten ten aanzien van hun betrokkenheid bij de moederstaten, wat van cruciaal belang is voor de levensvatbaarheid van de benadering van “betrokkenheid zonder erkenning”. Hoofdstuk 5 analyseert hoe de gefragmenteerde politieke relatie tussen de twee belangrijkste machtsblokken in Koerdistan, de Kurdistan Democratic Party (KDP) en de Patriotic Union of Kurdistan (PUK), van invloed is op het politieke proces en resultaten in Koerdistan. Dit hoofdstuk tracht de impact van fragmentatie op de overlevingskansen van *de facto* staten te verklaren. De empirische bevindingen ondersteunen het theoretische argument dat de interne

politieke structuur van een *de facto* staatsbeweging, of die nu unitair of gefragmenteerd is, een aanzienlijke invloed heeft op de politieke koers van *de facto* staten.

Het antwoord op de onderzoeksvragen

Dit proefschrift gaat uit van twee kernvragen. Ten eerste, welke factoren kunnen de dynamiek van *de facto* onafhankelijkheid van Iraaks Koerdistan verklaren op lokaal, regionaal en internationaal niveau? Ten tweede, wat is de aard geweest van de *de facto* onafhankelijkheid van Koerdistan sinds de oprichting? Een belangrijk argument dat in deze studie wordt uitgewerkt is dat de politieke rol en eigenschappen van de *de facto* onafhankelijkheid van Koerdistan worden gekenmerkt door fluïditeit. Als verklaring blijkt uit onderzoek dat de interne politieke dynamiek en het bestuur in belangrijke mate bijgedragen hebben tot de politieke koers van Koerdistan, alsmede tot strategieën voor internationale erkenning en steunverwerving, en tot de betrekkingen met de Iraakse regering. Uit het onderzoek blijkt verder dat er drie systematische factoren zijn die het veranderlijke of fluïde karakter van Koerdistan's *de facto* onafhankelijkheid kunnen verklaren. Ten eerste, de toenemende en afnemende *de facto* bevoegdheden jegens Bagdad maken fluïditeit in het bestaan van Koerdistan onvermijdelijk. Ten tweede houdt dit onderzoek rekening met de factor van interne fragmentatie en politieke rivaliteit bij het analyseren van Koerdistan's politiek relaties met Bagdad en de houdbaarheid en resultaten van de entiteit. Ten derde, Koerdistan's strategieën voor internationale erkenning hebben grote invloed op het soort van staat dat zich ontwikkelt, de instellingen die worden opgebouwd, en de legitimatiediscoursen die worden aangenomen.

Mogelijkheden voor toekomstig onderzoek

De belangrijkste suggestie voor toekomstig onderzoek naar *de facto* staten in het algemeen is deze te beschouwen als een fluïde politieke entiteiten. Toekomstig onderzoek naar de

Koerdische en Irakese politiek zou zich moeten richten op het vinden van nieuwe analytische inzichten in, en het begrijpen van de veranderlijke en fluïde aard van Koerdistan's *de facto* onafhankelijkheid.

CURRICULUM VITAE

Kamaran Palani is a PhD candidate at the Institute of Security and Global Affairs, Leiden University, a Lecturer of International Relations at Salahaddin University-Erbil, a Research Fellow at the Middle East Research Institute, and an Associate Fellow at Al Sharq Strategic Research. He attained a BA in Political Science from Salahaddin University (SU) in 2009 and was employed in the same department as an Assistant Researcher. He was awarded a scholarship from the Kurdistan Regional Government to study for an MA in Politics and International Relations (Global Security) at Keele University in the UK.

Upon completing his degree in 2014, he was promoted to Lecturer in SU. In addition to his academic work, Kamaran acquired extensive experience by working with various local and international non-governmental organisation and research centres, including Al Mesalla, Peace and Freedom Organization, Spark, and PAX. He was also involved in different collaborative research projects with the University of New York, the United Nations Assistance Mission for Iraq, United Nations Development Programme, Iraq Studies in Beirut, and Salahaddin University's Centre for Political and Strategic Studies.

During his PhD, Kamaran participated in a number of academic and policy conferences, workshops and events in different countries, such as "Fate and Future of Iraqi Kurdistan: Reviewing Opportunities and Risks of the Current European Policy towards a Region at the Crossroad" conference in Hanover in 2017, MERI Forum 2018 and 2019 in Erbil, "Hegemonies and Alliances 4.0: On Resilience and Escalation" workshop in 2018 in Vienna, "Towards New Security Arrangements for the MENA Region" conference in Istanbul in 2018, "Enriching the Middle East's Economic Future" conference in 2018 in Doha, Al Rafidain Forum in 2019 in Baghdad, and Rome MED – Mediterranean Dialogues 2019 in Rome. In this period, Kamaran was also granted a fellowship for a short course from MENA Scholarship Programme three times, funded by the Dutch Ministry of Foreign Affairs. The fellowship enabled him to attend three courses offered by The Hague Academy for Local Governance in 2016, 2017 and 2019.

Kamaran's main research focus is on the development of de facto statehood in the international system. He has also published widely in local, regional and international research centres, journals and platforms on Iraqi politics, regional Kurdish politics, internal displacement, and violent extremism in Iraq.