



مركز الجزيرة للدراسات  
ALJAZEERA CENTRE FOR STUDIES

## Report

### **Iraqi Kurdish Independence Referendum: The Road Ahead**

*Galip Dalay\**

**24 October 2017**





**The electoral commission said 2.8 million Iraqi Kurds voted in favour of a split from Iraq [Getty Images]**

## Introduction

Iraq's previous status quo was unstable and untenable. Nonetheless, a new solution does not necessarily have to be premised on either Baghdad or Erbil's publicly declared position. At this juncture, two positions may reverse the state of deepening uncertainty:

- Either a better defined and implemented federal structure with some international and regional guarantees;
- Or a confederal arrangement as a more plausible modus operandi for resolving the dispute than a new independent state.

If this new arrangement is to work, Iraq then needs to transition from its current highly sectarianising political-security structure to become a (functioning federal or confederal) state of its citizens and constituent components. The Kurds will be better served by remaining part of a functioning federal or confederal Iraq. If, on the other hand, this arrangement fails once again, then the Kurds will still be on their evolutionary path towards statehood with more international and probably regional sympathy and support. This is the position that this paper shall attempt to elaborate below.

## The Referendum and its political context

Despite all odds, the Iraqi Kurdistan's independence referendum took place as planned. The opposition against it was significant. Major international actors, United States, Russia, Britain, and regional powers, Turkey and Iran, opposed the vote. Yet, the Iraqi Kurds proceeded with the referendum. Though there was concerns about the uncertainty that is likely to follow the vote, the mood in Kurdistan Regional Government's (KRG) capital Erbil was festive on the day of the referendum. Around 72 percent of that turnout

in the referendum and 92 percent endorsement of the independence bid raised the morale of the Kurdish leadership.(1)

The vote is non-binding. Its implications were expected to be more political than legal. In fact that this was not the first referendum that the Iraqi Kurds were holding on the question of independence. In 2005, they held another referendum on the same question, which received almost a unanimous support of the Kurds. But there is a qualitative difference between the two votes. The first one was a civil society-led initiative, whereas this one is an initiative of the Kurdish government. It was also ratified by the parliament, which, after more than two years of closure, resumed its sessions on September 14.(2) Despite this, the current referendum is not going to deliver the independence immediately. This is a point that was being emphatically made by the Iraqi Kurdish leadership as well. It is more of a statement of intention, rather than a roadmap for independence. Based on this position, the borders of Iraq as an internationally recognised sovereign state and the internal borders between the KRG and Iraq would remain intact in the aftermath of the referendum, at least for the foreseeable future. In spite of this, this decision has caused much anxiety nationally, regionally and internationally. Particularly the regional players such as Iran and Turkey have been alarmed by the referendum. For them, the referendum has moved from being a localised issue needing internal management to a growing crisis, drawing international attention and maybe intervention. Both countries threatened the KRG with dire consequences, if they moved ahead with the vote (which they did). Beside the closure(3) of the airspace, no major crippling sanctions have been imposed on the Kurds, and despite Turkey's fiery language and threats, the specifics of these consequences and threats are yet to be clarified. The outcome of Turkish National Security Council Meeting and Cabinet meeting that were held on September 22 contained more abstract threats, warnings and urging, rather than concrete steps of punishment. At this stage, the following question merits an answer: why did the referendum go so swiftly from being a manageable issue to a spiraling crisis?

### **Miscalculations**

A series of miscalculation has protracted the crisis, leading it to the current impasse. First, international community, particularly the US has not for some time paid sufficient attention to this crisis. There is nothing new in this crisis. It was a crisis in making. The Kurdish leadership's goal of independence is well-known. President Mesut Barzani expressed its intention to hold a referendum in 2014. However, this plan was disrupted by the rise of ISIS. As a result of the fight against ISIS, this process was postponed. Yet, as he saw that the war against ISIS is nearing its end, he revived his ambition for holding the referendum in 2016. Public declarations of intentions of holding the referendum were followed by the establishment of The Independent High Elections and Referendum Commission to oversee the preparation for the independence referendum.

On June 7, this committee set a date - 25 September 2017 - for holding the referendum. During all these times, the US or other major international powers did not undertake any meaningful processes to find a common ground between Baghdad and Erbil as an alternative to the independence referendum. The US engaged in a shuttle diplomacy very belatedly. Even then, the major mistake of this diplomacy was to put the whole onus on the shoulders of the Kurds and adopt a language of threats towards the Kurds in public statements. Both State Department(4) and White House(5) released statements not only opposing the referendum, but also either subtly or overtly threatening the Kurdish side with inimical consequences if they moved forward with their decision. In contrast, these statements only encouraged the central government to engage in dialogues with the Kurds.

This in return has emboldened The Baghdad central government and made it less open towards a negotiated settlement. This stiffening of Baghdad's position was clearly discernible in the changing rhetoric of the officials on the referendum. In April, Prime Minister Abadi acknowledged the independence as the natural rights of the Kurds, but problematised the timing and pleaded for its postponement towards the second half of September.(6) He even spoke of the utilization(7) of the military measures, if need be. Such emboldening of one side at a time when the goal was to find a common ground rendered the task itself harder to achieve, given that it was also undertaken belatedly and through ultimatums. This significantly increased the political cost of not holding the referendum for Mesut Barzani, President of the Kurdistan Regional Government (KRG) and the main protagonist of the independence referendum.

Similarly, a reluctant diplomacy accompanied with ultimatums and language of threats were also adopted by major neighbouring powers. Turkey has in recent years been one of the main powers that facilitated the KRG's economic independence from Baghdad - by engaging bilaterally with Erbil for selling the Kurdish oil and gas in the international market. It previously sent mixed messages on the question of independence. President Erdogan, when asked about the Kurdish independence, said that this was an internal Iraqi affair. Many interpreted this as tacit support of Turkey for the KRG's independence - only two years ago.

### **Miscalculation and the internal players in the Context of the Referendum**

Likewise, the KRG has miscalculated the international and regional support for independence. It committed many blunders during the process of holding the referendum. To the dismay of the Kurds, support for the Iraqi territorial integrity and status quo was more pervasive than they anticipated. Moreover, the fragmented nature of political landscape on the independence referendum in Kurdistan in which Islamist Komal and opposition Gorran parties declared that they will boycott the referendum (a position that both of them reversed(8) only hours before the referendum) boded ill for the

Kurdish cause. In a similar vein, the division within the Patri-otic Union of Kurdistan (PUK), Kurdistan Democratic Party's (KDP) archrival and long-time governing partner, further aggravated the cause of independence refer-endum. Combined effects of these factors led the independence referendum to be solely seen through partisan, KDP, if not personal, Mesut Barzani, lenses by many instead of the national one. This in return has partially reduced the international ac-ceptability of the referendum.

Furthermore, the prevailing image of being valiant fighters in the fight against the ISIS, adopting the language of human rights, self-determination, and democratic popular demands weren't powerful enough for the Kurds to overcome the regional and international actors' resistant which were driven partly by the concern about the geopolitical consequences of this move and partly by the default preference for the current status quo. The premises of proponent of Kurdish independence refer-endum and of opponent of it is different. A right-based language advanced by the Kurds pitted against geopolitically reasoned rejection by the opponents of the ref-erendum. Barzani was perplexed when he said(9) that he wished he knew since when Kurdistan's neighbours have become so interested in the unity of Iraq. None-theless, it appeared that there are many regional and international defenders of ter-ritorial integrity of Iraq.

In spite of such miscalculations and blunders, the independence referendum is not an inconsequential endeavour. Moreover, it does not have to be zero-sum game for the central government and Iraqi Kurds. Irrespective of the outcome, the referen-dum process in itself has already borne some important consequences.

### **Consequences of process of independence referendum**

The process for the independence referendum was as important as holding the ref-erendum itself. Though it has been a political experiment in making for a long time, the Kurdish independence was still regarded as a theoretical discussion, if not a pipe dream, by many. Its proponents have not unified their effort or consolidated their search for independence. Regional and international realities dictated against this move and the Kurds were not in a secure position to defy this external opposi-tion. Similarly, the foes of independence did not have to crystallise their opposition, as the prospect of independence did not seem to be imminent. A policy of equivo-cation and ambivalence was at display at many levels, national, regional and inter-national. Despite protracted talks on the independence, the Iraqi Kurds did not seem to have a roadmap for it. They did not seem to have worked all the possible scenarios while moving forward with the bid for independence. Putting aside Iranian opposition, starting with Turkey, most of the regional countries did not have a clear policy on this issue, particularly in recent years. As the process moved forward, the countries had to disclose their positions more clearly. While Turkey and Iran, along central Iraqi government, have opposed the move the most vigorously, Israel has become the only regional country that has expressed its

support for the move, while Jordan has adopted a sympathetic position towards the referendum. One of the exception here was the relative silence of the Gulf (putting aside the Saudi's unsuccessful attempt to mediate between Baghdad and Erbil) on the matter. In a sense, the regional states' stance on this issue partially reflected the regional positioning of the countries on the Gulf crisis.

With the decision to hold a referendum, almost all the parties had to clarify their positions on this issue. It was no longer possible to proceed with the politics of (intentional) ambiguity, as the date was getting closer and political and societal momentum over the referendum was building up. Internally, all the Kurdish political parties will have to come forward with much clearer policies on the issue of independence. This is why despite the initial disagreements and divides amongst the Iraqi Kurdish parties, they all ended up supporting the independence referendum when it became clear that referendum will not be postponed, hence they had to take a public stance on the issue. Therefore, the question of independence moved from being an abstract discussion to a process.

With this referendum, Barzani did put the Kurdish grievances vis-a-vis Baghdad and aspirations for statehood - both of which risked being overlooked once the fight against ISIS was over and the US downsized its commitments to Iraq- on international agenda. From the US to Britain, from the regional countries to the UNSC, all actors had to state positions on the matter. Despite the fact, that almost all of the parties have voiced opposition to the move, this still does not change the fact that this process has internationalised Kurdish search for statehood in Iraq - this is different from the internationalisation of the Kurdish issue. Now the discussion is moving from being one centred around Kurdish rights to the one focused on the Kurdish sovereignty.

### **What should be the priority of major powers after the referendum?**

In spite of the above mentioned factors, with the referendum, the KRG has taken a major step into uncertainty. Likewise, the Baghdad - Erbil relations have also entered a period of uncertainty and tension. To prevent this from escalating into a full-fledged crisis with grave consequences for the Kurds, Iraq and region at large, the Kurdish and Iraqi leadership need to refuse the temptation of populism and point-scoring, though the initial discourse of the central government suggest the other-wise. Similarly, the major powers, starting with the United States, should remain engaged with both sides to peacefully manage the crisis.

Structured and sustained dialogue amongst all concerned parties is essential in order to avoid this dispute spiraling into an intractable conflict, but for this to prove functional and successful; one thing needs to be clarified: the premises of the negotiation. When Iraqi Kurds refers to dialogue and negotiation, they mostly mean to negotiate the

separation from Iraq, as president Barzani clearly said(10) during the last press conference before the referendum. When Iraqi leadership previously re-ferred to the talks, they assumed that this mean to settle some outstanding issues between Iraq and the KRG within the framework of Iraq. Question over premises of negotiation needs to be clarified during the course of negotiations.

The fact that the Iraqi Kurds proceeded with the referendum - citing that apart from some vague and generic promises, they have not been offered a credible alternative to postpone the referendum – this should not be utilised as a pretext for intransigence. The door for dialogue between Baghdad and Erbil should not be closed, rather further opened. There is a pressing need for both parties, to this dispute as well as the regional and international powers to devise an imaginative and workable solutions to the crisis. If anything, this referendum process has clearly demonstrated one point: the current status quo in Baghdad - Erbil relations is explosive and not working. Baghdad has failed to implement many of the articles of the constitution. In response, the KRG has recently undertaken many unilateral steps. The Kurdish side argues that Baghdad has thus far refused to implement over 50 articles out of 143 articles in the Iraqi constitution, a point that is confirmed by many including Robert Ford(11), who was the head of the political office at the American Embassy in Baghdad in 2005 during the negotiations on the new Iraqi constitution. The contention between Erbil and Baghdad over the status of disputed territories, Kurdish Peshmerga forces, the budget allocation, and management of hydrocarbon resources are particularly explosive and need to be resolved as swiftly as possible. Given that according to the Iraqi constitution, the unity of state is contingent upon the implementation of the constitution, it is essential to resolve these constitutional disagreements.

In this respect, if the current status quo is left as it is, then it will generate much tension, friction and even open conflicts, as Shia Hashdi Shabi militia forces, let alone the Iraqi army, who have been emboldened by the isolation of the Kurdish position and are openly threatening the Kurds with an open conflict with them. Already, few contained clashes occurred between the Kurdish Peshmerga and Hashdi Shabi forces on the day of referendum. The US should make sure that its opposition to the Kurdish referendum should not be taken as a green light by the Hashdi Shabi forces, Iraqi central government, and Iran to squeeze the Kurds on all sides. Such a situation will invite an open conflict between these parties and sow the seeds of regional crisis and power play, the ramification of which will not be easy to judge.

Nevertheless, as the status quo or the default nature of the relations between Baghdad and Erbil, should not be taken as the only scenario for conflict resolution. The US and the larger international community should not treat the break-up of Iraq and the emergence of an independent Kurdish state as the only alternative game in town, at least not in the

short-term. While the former position (status quo) is favored by Baghdad, the latter (independence) is favored by Erbil. A new approach could hinge a well-defined federal structure or confederation. Here the aim should not be only to address the Kurdish search for status, recognition and sovereignty. It should also aim to address the Sunni marginalization - which is the root cause of the extremism in Iraq - by politically recognising and empowering them. The Kurdish search for statehood, Sunni marginalisation (which provided fuel to the rise of ISIS), and the presence of around 1.8 million IDPs in KRG from the rest of Iraq to a great extent were the byproduct of increasing sectarianisation of the Iraqi state, militiasation of its security sector, and failure of its political system. Unfortunately, centralization or 'strengthening' of the Iraqi state has been accompanied by a very sectarian (Shi'a) process. In a sense, Iraq has been experiencing a twin process of centralization and sectarianisation of the Iraqi, a process which has alienated Iraqi Kurds as well as marginalizing and radicalising Iraqi Sunnis.

The above illustrates that the previous status quo was unstable and untenable. However, a new solution does not necessarily have to be premised by the either sides' publicly declared position. Now, either a better-defined and implemented federal structure with some international and regional guarantees or a confederal arrangement will be easier and more plausible than a new independent state to attain. If this new arrangement work, Iraq then needs to transition from its current highly sectarianising political-security structure to become a (functioning federal or con-federal) state of its citizens or components. The Kurds will be better served by remaining part of a functioning federal or confederal Iraq.

If it fails once again, then the Kurds will still be on their evolutionary path towards statehood with more international and probably regional sympathy and support. The evolution of the Kurdish entity in Iraq from autonomy in 1970 to the opening of Kurdish parliament in 1992 and to the Kurdish federal region in Iraq after 2003, in a gradual manner, may make it easier for future regional and international acceptance of it.

---

**\*Galip Dalay** is a senior associate fellow on Turkey and Kurdish Affairs at the Al Jazeera Centre for Studies and research director at Al Sharq Forum.

## References

- (1) A shorter version of this piece was first published by Foreign Affairs
- (2) Kurdistan Parliament to Finally Resume Sessions Thursday, Bas News, 10.09.2017, <http://www.basnews.com/index.php/en/news/kurdistan/376885> (accessed 27.09.2017)
- (3) "Iran closes its airspace to Kurdistan Region at Iraq's request", Rudaw, 24.09.2017, <http://www.rudaw.net/english/middleeast/iran/24092017> (accessed on 01.10.2017)
- (4) "Iraqi Kurdistan Regional Government's Planned Referendum" U.S. Department of State, 20.09.2017, <https://www.state.gov/r/pa/prs/ps/2017/09/274324.htm>



- (5) "Statement by the Press Secretary on the Kurdistan Regional Government's Proposed Referendum", White House, 15.09.2017, <https://www.whitehouse.gov/the-press-office/2017/09/15/statement-press-secretary-kurdistan-regional-governments-proposed>
- (6) "Iraqi prime minister calls for Kurdistan region to halt referendum", Financial Times, 17.09.2017, <https://www.ft.com/content/8c2b59fa-9c8c-11e7-8cd4-932067fbf946>
- (7) "Abadi warns of Military Force if Kurdish Vote turns Violent", Iraqi-business, 19.07.2017, <http://www.iraq-businessnews.com/2017/09/19/video-abadi-warns-of-military-force-if-kurdish-vote-turns-violent/>
- (8) "Kurdistan's pro-postponement party changes position to YES to referendum", Kurdistan 24, 24.09.2017, <http://www.kurdistan24.net/en/news/70e75db4-7443-4e65-9692-91f244f99fd6>
- (9) "Barzani to Kurdistan neighbors: You never worried about Iraq's unity, sovereignty", Rudaw, 16.09.2017, <http://www.rudaw.net/mobile/english/kurdistan/160920176>
- (10) "President Barzani: Nothing will bring Kurdistan back to Iraq," Rudaw, 24.09.2017, <http://www.rudaw.net/english/kurdistan/2409201711>
- (11) Robert Ford, "Kurdish Referendum : Thinking, Not Threats", Asharq Al Aswat, 23.09.2017, <https://english.aawsat.com/robert-ford/opinion/kurdish-referendum-thinking-not-threats>