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KRG Referendum: A Unilateral Decision within a Polarized Region

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Kurdish youth celebrate in the streets after the independence referendum, Erbil, September 2017. © EPA



The recent decision to hold a referendum on Kurdish independence from Iraq stemmed from a range of historically accumulated issues that made it difficult for the Kurdistan Regional Government (KRG) to co-exist with the federal government in Baghdad. These issues were very similar to those on which a broad spectrum of Iraqi opposition agreed before the overthrow of the regime of Saddam Hussein in 2003 and ranged from political partnership to state citizenship. Iraqi elites have neglected these issues by adopting a sectarian and ethnic division of power and attempting to dominate allies and concentrate power in the hands of the Shia coalition. This has transformed Iraq into an “Iranian colony,” in Iraqi leader Iyad al-Allawi’s words to the *New Yorker*.¹

The situation became particularly compounded under Nour al-Maliki’s term as outstanding issues between Baghdad and Erbil, especially over Kirkuk and the Disputed Areas, were stalled. The referendum and the ensuing decision of Baghdad to place the Kurdistan Region of Iraq (KRI) under embargo, are revealing of the complexity of Iraqi internal politics. While the urge in KRI to hold a referendum and pursue a path of independence demonstrates the absence of trust in Baghdad and lack of common national interests among Iraqi parties, it also reflects internal simmering conflicts among Kurds that have resulted from decades of a power struggle among Kurdish political forces. This internal Kurdish rivalry and the unwillingness of Baghdad to engage in discussions over independence, along with Iranian interference, have left KRI at an impasse.

A Unilateral Referendum amidst Kurdish Disagreements

The lack of progress over outstanding issues between Baghdad and Erbil during Nour al-Maliki’s term (2006-2014) precluded the possibility of a negotiated agreement on the question of democratic governance. At the same time, this period saw the fracturing of the Kurdish political forces into two opposing fronts. As a result, the emergence of the referendum reflects both unilateral decision-making and a lack of a unified front on the part of the KRG to Baghdad – a situation that left it in a weaker position.

Indeed, Maliki’s pro-Shia policies have galvanized Sunni opposition against him.



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Throughout 2012, Masoud Barzani collaborated with Muqtada al-Sadr and some Sunni parties on a no-confidence vote against Nouri al-Maliki. However, Iranian interference precluded President Jalal Talabani from signing the vote of no confidence to remove Maliki as prime minister. The potential for armed confrontation with the Sunni current emerged when the Iraqi Government deployed the Tigris Operations Command to Northwest Kirkuk with Peshmerga forces facing off. On 18 March, Masoud Barzani met with Kurdish blocs of the Iraqi Parliament in the Salahaddin Resort and expressed his intention to hold a referendum on Kurdish independence as it became impossible to reach an understanding with Baghdad on democratic governance mechanisms in Iraq. In February 2014, al-Maliki cut the KRG's share of the Iraqi budget. Four months later, ISIS overtook Mosul. Soon after, Masoud Barzani stressed his wish to hold a referendum at an unspecified time in 2014.

However, the referendum did not take place until 25 September 2017, and was preceded by the emergence of two opposing fronts in the region, reflecting the huge discrepancy in participation rates between the two governorates that had split during the Kurdish civil war. In Sulaymaniyah the rate barely exceeded 55% but reached up to 90% in Erbil. Nonetheless, the overall turnout reached 72%, with 92% voting in favour of independence.

Thanks to their stance, parties opposing Barzani's party saw relative electoral success in Sulaymaniyah Governorate. Due to the long-standing populism of the dominant political culture in Kurdish media, opposition to Barzani's party in Sulaymaniyah somewhat substituted the larger Kurdish cause. The government of Baghdad looked favourably on this development and supported actors in this front – mainly Serwa Abdulwahid, Head of the Gorran Bloc in the Iraqi parliament, and Ala Talabani, representative of the Patriotic Union of Kurdistan (PUK) in the Iraqi Parliament. This meant that the Kurdish independence project appeared in Kurdish media in the city of Sulaymaniyah as if it was purely a political project of Barzani's party. The consolidation of this belligerent mentality inside Kurdish society was linked to extremist and populist actors within political movements in Sulaymaniyah,² which did not offer any political project outside of opposition to the ruling powers in Erbil. This helped Baghdad secure the tools necessary for unconstitutional control of Kurdish rights, such as proposals pertaining to dealing



with the Kurdish Region as separate governorates and not a federal entity.

Despite the fact that all Kurdish leaders agreed to hold and participate in the referendum,³ there was discord in the region related to the embargo against it, the fall of Kirkuk to the Popular Mobilization Forces (PMF) and the emergence of protests and strikes against political and economic corruption in Sulaymaniyah Governorate and Halabja. Furthering administrative and political failure, some of those seen as complicit in the fall of Kirkuk tried to shirk their responsibility in supporting the referendum. Additionally, some opportunistic and impractical proposals for fixing the crisis emerged. The net result of this broad context of disagreement and divergent political agendas saw a deepening of societal splits in Sulaymaniyah.

Post-Referendum: Baghdad's Punitive Actions and the Increasing Fracturing of Kurdistan

The aftermath of the referendum saw the split of Kurdistan along the lines of the symbolic borders of the civil war between Erbil and Sulaymaniyah, against the backdrop of the fall of Kirkuk and the proclaimed victory of the central government against Kurdish forces. This context of internal turmoil was deftly exploited by Baghdad to further increase fractures within Kurdistan while also reducing the validity of the concept of the “Kurdistan Region.”

Shortly after the referendum, on the morning of 16 October, Kurds woke to Peshmerga forces withdrawing from Kirkuk without a fight, leaving the city to the PMF. The withdrawal came after Iranian General Qasem Soleimani participated in the memorial service of former Iraqi president Jalal Talabani, who died on 3 October 2017. During that visit, on 12 October 2017, Soleimani met in Sulaymaniyah city with several members of the Talabani family to let them know about the importance of withdrawing from Kirkuk, which falls constitutionally under Article 140 relating to the disputed Kurdish region. Later, Iraqi media announced victory through what is called the Soleimani/Sulaymaniyah Agreement, which was kept secret for several days until the official spokesman of



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the PMF Ahmad al-Asadi declared it, as did Vice President Nouri al-Maliki.

In an official statement before resigning, President of the Kurdistan Region Masoud Barzani declared that the fall of Kirkuk was a result of treason by a faction of the PUK. This led to a triple rift in the Kurdistan Region. In Sulaymaniyah city, the party that Jalal Talabani had led until his death split into two wings. The first was political and chaired by Kosart Rasul and Mullah Bakhtiar, the manager of the party's political branch. The second was made of Talabani's nephews, the most prominent of whom are the head of the Counter-Terrorism Directorate in Sulaymaniyah Sheikh Jangi, his brother Aras, Ala Talabani, and Jalal Talabani's eldest son, Bafel. On the other hand, the Gorran Movement announced the freezing of its strategic agreement with the PUK. The Kurdistan Democratic Party (KDP) under Barzani announced it was only dealing with the political wing of the PUK.

Baghdad soon entered the Kurdish crisis to exploit the divisions, consistent with its policies towards the Kurds since the birth of Iraq in 1921. This was represented by Nouri al-Maliki's initiative of "rewarding Sulaymaniyah and punishing Erbil" and the removal of the term "the Kurdistan Region" – recognized by Article 117 of the Iraqi Constitution – from the paperwork of Iraqi institutions. Prime Minister Haider al-Abadi later revived the label that was prominent under Ba'ath rule (but was hated by the Kurds), describing the Region as "the North." Iraqi media came up with similarly hostile rhetoric.

Yet ironically, Prime Minister al-Abadi officially called for national unity with the Kurds. However, his means of achieving this instead risked civil war. These punitive measures included:

- The imposition of an economic embargo on the Region, capturing 60% of the Region's oil revenue after the fall of Kirkuk (dropping from 450,000 bpd to 200,000 bpd).
- The Iraqi government requesting that Turkey and Iran close their border crossings and halt air traffic to the Region.
- The suspension of monetary activity with the Region by freezing salaries for the Region's officials.
- The announcement by the Central Bank of Iraq that it had stopped



transactions with the Region, which in turn negatively affected the dollar and its circulation in local markets.

- Banning all foreign currency transactions to the Region's governorates.
- Breaking Article 9 of the Iraqi Constitution by sending in the army against Kurdistan, resulting in several clashes between Peshmerga and the PMF on 20 October 2017 in Burdi, between Kirkuk and Erbil, as well as Zumar and the Makhmur district south of Erbil.
- Violating the sovereignty of the Region which the Iraqi Constitution defends.
- Refusing to send necessary medication to the Region.
- Refusing unconditional dialogue with the Region.

Baghdad also refused to leave the air traffic issue to the Civil Aviation Authority as per Iraqi Constitution's Articles 114 and 115. It is worth noting here that Abadi succumbed in a similar case to al-Najaf Governorate Council when it refused to hand over the airport to the Iraqi Civil Aviation Authority. That is why the Iraqi Prime Minister's speeches were void of constitutional reference except for the first article related to the unity of Iraqi territory, the interpretation of which was assigned to the Federal Court. The Kurdish leadership on the other hand continually resorted to the Constitution to solve pending issues between Baghdad and Erbil, accompanying its discourse with a file of constitutional violations by Baghdad against Erbil.

Social conditions became even further complicated in Kurdistan as two conflicting currents emerged. The first called for the importance of resolving conflicts with Baghdad under international auspices, while the second – represented on the Kurdish street – was ready to return to Iraq in the first week after the fall of Kirkuk. The latter today finds itself facing a traditional enemy of its political rights in the form of the excessive hostility that the Abadi government and militias belonging to Shia parties – yesterday's allies – practised. In addition, "Sulaymaniyah's reward," promoted by some Iraqi figures, never materialized and internal Kurdish conflict crystallized in media attacks among the Kurdish leadership.

Deepening Public Indignation and



Popular Resentment

In a period where Peshmerga forces had been central in defeating terrorism, Iraqi Prime Minister Haider al-Abadi avoided naming the Peshmerga or referring to its role in the conflict in a speech on the defeat of ISIS on 9 December 2017. This denial provoked widespread public indignation and contributed to increasing the general feeling of the impossibility of co-existence under successive Iraqi leaderships seeking to destroy Kurdish entitlements. It is worth noting that the Peshmerga were fighting terrorism in the streets of Baghdad and other Iraqi cities at a time when the Iraqi state had insufficient troops to defend its institutions. Consequently, voices from Kurdistan began to revive the legacy of armed revolution against Baghdad.

These calls came from different elements of the political spectrum and were evidenced by speeches of prominent religious figures such as Mullah Krekar al-Salafi or the speech by the leader of the Socialist Party of Kurdistan (PSK), Muhammad Haj Mahmoud, who said: “If you want us to stay in Iraq as partners, let’s come together, or else let us go to the referendum.” Such calls echoed the Kurdish street that has started to view the Iraqi government as ruling by coercion.

At the same time, these interplays come in the context of agitation on the Kurdish street against the Kurdish leadership over widespread corruption that has accumulated Kurdistan’s riches in partisan hands as a result of lack of transparency over the business and security activities of political party figures. While Baghdad has used the same pretext to freeze the KRG budget since 2014, problems related to insufficient kerosene – which affects the heating of homes as well as the operation of turbines in power plants – can be traced back to administrative corruption in the Kurdish government itself.”

Kurdish political forces accuse each other of ineligibility to manage the current crisis, yet it is unclear to what extent any have the margins of manoeuvre to propose a way forward. The Gorran Movement attempted to co-ordinate with the Kurdistan Islamic Group to propose a project of a so-called government of national salvation that could manage negotiations with Baghdad and mitigate the dominance of the two main parties of Barzani and Talabani. This proposal, however, did not receive international support, especially from the US which



feared a weak Kurdish government loyal to Iran. As a result of corruption, popular resentment, and external interference, the ability of Kurdistan's political forces to manage the current crisis post-referendum is in doubt.

Conclusion and Recommendations

Historically, for political and sociological reasons, in both Arab and Kurdish components of Iraq, traditional concepts of leadership override institutional structures of civil administration. This means that Iraq's ratification of the International Covenant on Civil and Political Rights – whose Article 1 is concerned with the right of peoples to self-determination – as well as agreement between Iraqi opposition groups (London Conference 2002) have no influence in implementing institutional rights in cases of conflicting cultural considerations.

A series of conclusions can be drawn from the above and should be addressed in further work. Some of them relate specifically to Kurdistan and others to Iraq:

1. The referendum over Kurdish independence from Iraq reflected a total absence of trust among Iraqi parties, the domination of regional factors in building political decisions, and the absence of common interests enabling trust among political powers. This is why Iraq has not been able to offer anything other than a monopolistic political system over the “shelved” political pluralism experience. Iraq has a very diverse ethnic and sectarian background and a society that is more contradictory than interactive. That is why the idea of divisions of power came as a gateway to freezing conflict among the opposing powers. Ultimately, Iraq did not turn into a pluralist society, as “the basic tool for pluralism is reliability”⁴ which reflects common interests capable of complementing each other. It is on this point that we must question the factors and format of control of real authority in Iraq.
2. The embargo imposed on the Kurdistan Region of Iraq can be considered a declaration of war. It is quite strange that a federal government can declare war on a region that is supposed to be part of its populace. Restriction of a certain group with specified rules and laws is similarly a declaration of war. This leads to a complex conclusion, summarized by



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Neumann as: “When justice becomes political, it generates hatred and desperation among those singled out by it and its assaults. Those on the other hand that it favours, they develop a deep sense of resentment towards the values of justice itself.”⁵

3. Referendum results reflected internal conflict among Kurds, and the perpetuation of fractures resulting from decades of power struggles. Despite the absence of any ambiguity in the results of the referendum, these divisions reveal how important it is to disengage from Iraqi guardianship, itself conditioned by Iranian guardianship.

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Endnotes

1. The New Yorker's report on the secrets of Iraqi politics by Dexter Filkins:
2. Sami Dawood, "Kurdistan's Referendum from Within", *Huffington Post*, 7 September 2017, available at
3. A PUK official wrote a detailed article stating that he possessed a written document showing the signatures of all PUK leaders in support of the referendum (Chawder newspaper, issue No. 635).
4. Franz Leopold Neumann, *Behemoth: The Structure and Practice of National Socialism* (translated by Husni Zeina), the Arab Center for Research and Policy Studies, Qatar, p. 31, 2017, (Franz Leopold Neumann, *Behemoth: The Structure and Practice of National Socialism*).
5. Franz Leopold Neumann, *Behemoth: The Structure and Practice of National Socialism*, p. 44.



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