



المركز العربي للأبحاث ودراسة السياسات
Arab Center for Research & Policy Studies

ASSESSMENT REPORT

How the Kurdish Regional Government is Adapting to New Realities

Policy Analysis Unit | July 2014

How the Kurdish Regional Government is Adapting to New Realities

Series: Assessment Report

Policy Analysis Unit | July 2014

Copyright © 2014 Arab Center for Research and Policy Studies. All Rights Reserved.

The Arab Center for Research and Policy Studies is an independent research institute and think tank for the study of history and social sciences, with particular emphasis on the applied social sciences.

The Center's paramount concern is the advancement of Arab societies and states, their cooperation with one another and issues concerning the Arab nation in general. To that end, it seeks to examine and diagnose the situation in the Arab world - states and communities- to analyze social, economic and cultural policies and to provide political analysis, from an Arab perspective.

The Center publishes in both Arabic and English in order to make its work accessible to both Arab and non-Arab researchers.

Arab Center for Research and Policy Studies

PO Box 10277

Street No. 826, Zone 66

Doha, Qatar

Tel.: +974 44199777 | Fax: +974 44831651

www.dohainstitute.org

Table of Contents

Introduction	1
Kurdish Groups and Relations with Arab Iraq	2
Kurdistan: the Only Winner in the Present Crisis	4
Challenges Facing the Kurdish Region	5
The Current Kurdish Plan	7
Conclusion	8

Introduction

Within Iraq's rapidly changing political landscape, the country's Kurdish region has perhaps made the most significant strategic gains of recent instability. With an already complex array of internal politics to grapple with, however, understanding the concerns and priorities of the Iraqi Kurds and the Kurdish region is necessary in order to form a fuller picture of events as they are likely to unfold. Key in this evolving puzzle is the recent declaration of the president of the Kurdish region that independence in the current situation is a *fait accompli*.

When President of the Iraqi Kurdistan Region Masoud Barzani declared that the only thing standing in the way of the outright independence of the Iraqi Kurdistan Region are some procedural questions surrounding a referendum, he was playing on a complex set of regional developments. His comments came in the wake of the near-complete collapse of the Iraqi army, the fall of Mosul, and the growing rebellion in the regions known as the "Sunni Governorates." After a referendum in the autonomous region and the adjacent disputed-status areas (both claimed by Erbil and the Federal government in Baghdad), Barzani said the issue would be closed, and "new reality" for the region was at hand.

The basis for these announcements, Barzani said, was that the constitution had become obsolete. Article 140 of the Iraqi Constitution would normally have dictated the terms of a referendum in the Arab districts surrounding the Kurdistan region, and it contains measures to counter alleged demographic engineering in those areas by Saddam Hussein. Without the constitution, however, there would be nothing to prevent Barzani's referendum from going ahead.

Barzani's claims were met with an outcry in Iraq, across the Middle East and globally. Opponents accused ethnic Kurdish parties of looking to exploit the present political and security crisis in Iraq to realize their long-held dream of an independent Kurdistan. Critics said such aspirations would come at the expense both of other Iraqis and of

Iraq's regional neighbors whose lands are home to substantial Kurdish populations, lands that Kurds refer to as "Greater Kurdistan."

Some of the criticism seems founded: the regional government in Iraqi Kurdistan does appear to be the single winner in the present crisis in Iraq. The rebellion against the outright sectarian policies of the Maliki government including support for the regime of Bashar al-Assad in Syria in the "Sunni Governorates" has driven the Erbil local administration to adopt economic and security policies focused exclusively on Kurdish questions. The policies are separate from the sectarian conflict that is presently unfolding in Iraq.

Adding to concern, the Kurdistan Regional Government has made use of the collapse of the Iraqi military to take control of disputed territories, particularly those around Kirkuk. It has been able to drive the Iraqi military away from the frontiers of the Kurdistan Region, where it had previously been involved in tense confrontations with the armed Kurdish fighters of the Peshmerga. In addition, the regional government in Iraqi Kurdistan has continued to sell the oil produced within its region without dealing with the federal government. With this, the regional government has been able to administer the region completely independently even before a referendum. Effectively, the political maneuvers of the Kurdish parties have decided the fate of the Iraqi Kurdistan Region before a debate even begins.

News of Barzani's agenda and the aims of the Kurdish parties have spurred the rise of a political discourse uniting all Kurds with respect to the political process. Even more significantly, that debate has tackled the issue of the Kurdish relationship with the rest of Iraq and its central government in Baghdad.

Kurdish Groups and Relations with Arab Iraq

To know just how the arrival of the Islamic State of Iraq and Syria (ISIS) in the region has changed politics first requires an understanding of the contemporary political allegiances between Kurdish groups and Arab Iraq. Even before the annexation of

Kirkuk, security of the Sunni Governorates was the most significant challenge for Kurdish decision-makers. The Baghdad government's plans to cease arms proliferation in the area in order to secure and stabilize the Sunni Governorates had failed. This was centrally because of the Baghdad government's policy of marginalization and exclusion. Tactics prioritized violence and weapons over dialogue when it came to working with the citizens in those provinces or against the leadership of the Sunni Arab community.

This was not the only reason for animosity. Tensions between the central government in Baghdad and the regional administration in Erbil continued to mount over a host of other issues. Central among these were the autonomous export of oil and gas by the Kurdish Regional Government; the definition of the status of the disputed zones; and attempts by the Baghdad Government to compel the Peshmerga to withdraw from areas they had captured in the aftermath of the US invasion of 2003 (including Upper Mesopotamia, Sinjar, Aqra and Khanqeen).

Going further back, the support of Kurdish political forces for the 2003 US invasion and the resulting engineering of the Iraqi political system meant there was no love lost between Iraq's Sunni Arabs and the administration of the Kurdistan region. The commitment of many Kurdish leaders to the Kurdish-Shi'ite Alliance further fanned the flames. There has been a longstanding dispute between Iraq's Sunni Arabs and the Kurds over the status of disputed zones in the Governorates of Kirkuk, Nineveh, Salah ad Din, and Diyala, which led the Sunnis to boycott the 2005 referendum to ratify Iraq's post-invasion constitution. The status of these disputed zones remains one of the sticking points in relations between Iraq's Sunni Arab and Kurdish communities.

While Nouri al-Maliki's government has tried to frame the present conflict in Iraq as a war against Sunni terrorists, it is in reality an ethnic issue between Iraq's Kurdish and Arab minorities. Despite Maliki's efforts to exploit the conflict as his own effort in the war against terror, widespread Kurdish support for the protests in the Sunni Governorates has made the demonization of the Sunni groups impossible. Kurdish support for the Sunni communities, however, was never strictly ideological, and in fact many Kurdish

leaders sought to fulfill their own agendas through support for the protests in Sunni Arab cities.

The support, however, became significant as the Maliki government intensified its exclusionist, sectarian policies, particularly the use of the judiciary and physical elimination as tools for the targeting its political rivals who were very often Sunni. Because of its support for the targeted minority groups, the Kurdish Region was transformed into a haven for Sunni Arab leaders on the run. When the Baghdad government asked the administration in Erbil to hand over some of these fugitives, tensions between the governments increased.

The dynamics of the region changed, however, when the city of Mosul fell to Sunni Arab tribal rebels cooperating with ISIS and the Baghdad government withdrew forces from the Sunni Governorates. Today, regions under the control of the Peshmerga provide sanctuary for those seeking refuge from random shelling by the Iraqi military as well as those who feared the rise to power of extremist Islamist groups. Offering shelter to scores of displaced persons and coordinating relief efforts with international aid organizations has changed the Iraqi Kurdistan Region. The administration has been forced to grapple with the serious economic impact, as well as the demographic changes that hosting these displaced persons has brought. The strain on resources has resulted in a fuel crisis as well as quickly rising costs of basic goods foodstuffs, though more worrying for the region is an increased security concern brought about by the increase in population.

Kurdistan: the Only Winner in the Present Crisis

While the KRG had already secured a measure of economic independence from Baghdad on account of its successful production and export of oil with Turkish help, today they have become the only winners in Iraq. With Kurdish forces taking control over the disputed areas, and Barzani's declaration of the expiry of Article 140 of the Iraqi constitution, the road was cleared for de-facto, complete, and de-jure independence of the Iraqi Kurdistan Region.

Turkey's ruling Freedom and Justice Party (AKP) has already given near tacit approval of the moves, since while the Turkish government does not approve of the idea of a Kurdish state; it supports the KRG as a de-facto state. It seems likely that the Turkish government will aim to use KRG as a way of leveraging influence on the Kurdish population within its own borders. Defined by its pragmatism, Turkish government might be more than willing to see an expression of Kurdish national identity so long as it is in Iraq, even if it is at the expense of its neighbor's territorial integrity.

Before the fall of Mosul, an independent KRG was not an idea that either regional or global powers took seriously. Even Kurdish forces were insincere in their pursuit of independence, knowing the extent of the political complexities they faced both domestically and regionally. The specter of a civil war in Iraq, made real by the fall of Mosul, ushered in a new status quo. The urgency of the threats challenging Iraq changed the political scene enough that today, some world powers, while outwardly expressing their support for the territorial integrity of Iraq, have come around to the idea of a separate country in Iraqi Kurdistan. Israel gone so far as to openly declare its support for an independent Kurdistan, while US President Barak Obama made a statement that appeared open to the idea. Obama acknowledged the impossibility of holding all of the components of the Iraqi people together through force alone, given the fragmented state of Iraqi politics and the inability of politicians to come to an agreement about how to manage the country.

Challenges Facing the Kurdish Region

While the fall of Mosul has brought considerable gains for the KRG in its bid to win greater independence from Baghdad, the rise of ISIS and its self-proclaimed Islamic state has further changed the political landscape. Rather than playing into regional divisions, ISIS' position is that it does not recognize any "artificial" borders, including the 1,035 kilometers of frontier that separate Iraqi Kurdistan from the territory now controlled by ISIS. Negotiating this new political position will be the biggest obstacle to

Kurdish independence in the near future. The international reactions to the rise of ISIS will further threaten the future of an independent Kurdistan.

The rise of ISIS and the way the organization rode on a popular Sunni uprising against the Baghdad government confounded the entire Iraqi political class, including officials in Iraqi Kurdistan. Kurdish support for the legitimate demands of the Sunni Arab community in their rebellion against the Maliki regime had only before extended as far as demanding the establishment of autonomous Sunni Arab zones, which would be analogous to the KRG. Even the establishment of autonomous Sunni regions would involve a role for the federal authorities in Baghdad, but the uprising sought to oust the national government entirely. ISIS' military capacity, and its use of force have changed the balance of powers and complicated the region's political scene.

Where the Kurdish position had been ill defined and fragmented, the political changes in Iraq have galvanized action. Before the fall of Mosul, Masoud Barzani's views on Kurdish self-determination were only made clear during electoral campaigns, and appeared to have been motivated by a desire to avoid engaging with domestic problems. By referencing independence, discord –which extends even to the oil policies of Prime Minister of the Kurdish Regional Government Nechirvan Barzani— could be avoided. With the increased risks for Kurdish autonomy that come with the rise of ISIS, and in the wake of the Peshmerga take over of the disputed zones, a consensus has brought together the entire political spectrum and the whole population of Kurdistan.

This consensus can be seen even between the Iran-friendly Patriotic Union of Kurdistan (PUK) and the Masoud Barzani-led KRG. Before the fall of Mosul the PUK had been adamant that a referendum be held on the possible full independence of Kurdistan. Internal discussions, however, saw fit to support the official position held by the KRG. PUK Political Bureau member Azad Jandayati explained the move as the need to ensure that the PUK was aligned with the massive support for self-determination amongst the people of Iraqi Kurdistan. This urgency for alignment today clouds the

inherently complicated attitudes of Kurdish political parties across the entire transnational region of Kurdistan—which spans Turkey, Syria, and Iran.

Some Kurdish groups are so supportive of the KRG authorities that they have expressed willingness to defend Iraqi Kurdistan from military attacks by armed extremist groups. These include the Kurdish groups based in Iran, the Turkey-based PKK, and the Syria-based People's Council of West Kurdistan (PYD). Not all Kurdish parties, however, are so enthusiastic about KRG support. Groups in Syria and Turkey remain skeptical of the KRG's plans, with differences of opinion based on their own circumstances that take into account particular local politics. These dissenting groups often have ideological reservations about the idea of an ethnic Kurdish state and the proposed timing of its declaration. Also of concern to other Kurdish parties is simple partisan competition with KRG President Masoud Barzani. Iran's disapproval of the idea of an independent Kurdish state has further served to influence these dissenting groups.

Media organizations aligned with these dissenting groups have already begun a campaign against the policies of Masoud Barzani. Some have gone so far as to claim that Barzani was involved in planning the fall of Mosul, citing unreleased documents proving that Barzani had attended a meeting with representatives of Iraqi armed and "specific states within the region." The KDP response was to point the finger at Iran, and accuse the KRG of being behind the takeover.

The Current Kurdish Plan

Whether Kurdish groups in Iraq continue with the present political process or resort to a referendum on self-determination will be contingent on developments in the Iraqi political landscape, as well as the American reaction to the new realities. At present, the position of the KRG can be summarized as follows:

- Grant the regional parliament of Iraqi Kurdistan a primary role in determining the immediate future of the region and invest the regional parliament with the official responsibility for the fate of the Kurdish people;

- Involve the leadership of political parties within Iraqi Kurdistan in the political process and inform them of policies being adopted to deal with the Iraq's new realities;
- Continue KRG support for moderate Sunni Arab groups in the hope that such moderates will become dominant on the ground;
- Seek possible mediation between the above groups and Shi'ite political forces as a means of allowing political dialogue. This could be done as a way to sidestep military solutions and lead to direct negotiations between the Baghdad government and armed Sunni groups;
- Prevent a third term in office for Nouri Al Maliki and work towards a post-Maliki strategy;
- Adhere to the status quo in the disputed areas and put aside Article 140 of the Iraqi Constitution; at the same time allow the regional parliament in Iraqi Kurdistan to prepare a referendum for residents of those areas;
- Keep the option of a referendum for residents of Iraqi Kurdistan open, notwithstanding political settlements with any other political actors;
- Build diplomatic support for an independent Kurdistan, particularly amongst Western countries, by making use of relevant diplomatic precedents including UN Security Council Resolution 688 (1991) which allowed for the creation of a safe haven for Kurdish civilians, and the acceptance by both the Iraqi Chamber of Deputies and the International Criminal Court of the reality of a Kurdish genocide.

Conclusion

With the fall of Mosul, a commitment to the status quo has become the single point of consensus across the Kurdish region's political spectrum. There remain differences of opinion amongst the various Kurdish groups, however, on the best ways to further recent political gains. Given the KRG's most urgent concern remains security, it is possible that regional authorities will use the situation as a cover to declare an independent state—or, at least, to brandish the possibility of doing so. This latest

remains particularly likely given Maliki's refusal to countenance any future solution in which he is removed from the Iraqi political landscape.