

THE IMPACTS OF OIL ON SECESSIONIST GROUPS IN THE OIL PRODUCING  
REGIONS: THE CASE OF THE KURDISTAN REGION OF IRAQ IN 2017

by

Yerevan Adham  
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Committee:

\_\_\_\_\_

Director: Dr. Agnieszka Paczynska,  
Associate Professor  
Jimmy and Rosalynn Carter School  
for Peace and Conflict Resolution

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Graduate Program Director

\_\_\_\_\_

Dean, Jimmy and Rosalynn  
Carter School for Peace and Con-  
flict Resolution

Date: \_\_\_\_\_

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George Mason University  
Fairfax, VA

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By

Yerevan Adham  
Master of Arts  
Fletcher School of Law and Diplomacy, Tufts University.  
Bachelor of Arts, 2013  
University of Texas -Austin 2009

Director:

Fall Semester 2021  
George Mason University  
Fairfax, VA

## **Dedication**

This dissertation work is dedicated to the love of my life, Hawjeen, whose unconditional love has been the strongest pillar of my success, to our loving daughter Vienna, and my son Amed, my loving parents Bahar and Adham, my sisters Renas and Sindus, and brothers Shirwan, Rebar, Ranjdar, and Rastgo, and to my uncle Azad.

I also dedicate this work to people of Barzan, Garmyan and Halabja who rose from the ashes of history after the Iraqi state perpetrated genocide against them in 1980s. Their resilience and strength have become the source of inspiration to complete this study.

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## **List of Abbreviations**

BOPD: Barrels of Oil per Day  
DFR: Department of Foreign Relations  
EITI: Extractive Industries Transparency Initiative  
IC: International Coalition  
IOC: International Oil Companies  
ISIS: Islamic State of Iraq and al-Sham  
ITP: Iraq-Turkey Pipeline  
KDP: Kurdistan Democratic Party  
KIU: Kurdistan Islamic Union  
KJG: Kurdistan Justice Group  
KRG: Kurdistan Regional Government  
KRI: Kurdistan Region of Iraq  
KRP: Kurdistan Region President  
MNR: Ministry of Natural Resources  
PSC: Production Sharing Contract  
PUK: Patriotic Union of Kurdistan  
SOMO: State Oil Marketing Organization

## **Abstract**

### **THE IMPACTS OF OIL ON SECESSIONIST GROUPS IN THE OIL PRODUCING REGIONS: THE CASE OF THE KURDISTAN REGION OF IRAQ IN 2017**

Yerevan Adham, Ph.D.

George Mason University, 2021

Dissertation Director: Dr. Agnieszka Paczynska,

This dissertation explores the causes of the 2017 independence referendum in the Kurdistan Region of Iraq and specifically gauges the impacts of oil on the process. The study argues that the referendum was a result of a fusion of intertwining grievances and overlapping opportunities, enhanced by the Kurdish frustration with the West, in particular the United States. Accordingly, the referendum was held because of: 1- the growing Kurdish disappointment with Baghdad in post -2003 due to the outstanding political, territorial, financial, and security grievances, 2- the surface of unprecedented opportunities— a weakened central government, Kurdish territorial expansion, doubling oil production, and Western support— because of the advent of Islamic State in Iraq and Syria (ISIS), and 3- the Kurdish frustration with the West’s broken promises regarding the future of Kurds in Iraq. The findings also establish that oil had anti-secessionist effects on the outcome of the Kurdish secessionist bid because oil created an illusion of political and economic independence.

# Chapter One: Introduction

## Introduction

The Kurdistan Region of Iraq (KRI) 2017 independence referendum, in which more than 92 percent of the Kurdish population voted in favor of an independent Kurdistan,<sup>1</sup> continues to be subject of discussion among academics, think tankers, analysts and practitioners of international affairs. Several scholarly works have focused on internal political and economic problems, the fight against ISIS, and fear the loss of foreign support to the KRI as drivers of the independence referendum. This has resulted in conflicting views and a lack of consensus regarding the causes of the plebiscite. Thus, this dissertation has examined the factors leading to of the 2017 KRI independence referendum and has investigated specifically the effects of oil on it. The study argues that the referendum was a result of a fusion of intertwining grievances and overlapping opportunities, enhanced by Kurdish frustration in the Western broken promises, in particular the United States. Accordingly, the referendum was held because of the following reasons: 1- the growing Kurdish disappointment with Baghdad in post -2003 because of the outstanding historical political, territorial, financial, and security grievances, 2- the surface of unprecedented opportunities –weakened central government, Kurdish territorial expansion, doubling oil

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<sup>1</sup> “Iraqi Kurds Decisively Back Independence in Referendum.” *BBC News*, BBC, 27 Sept. 2017, [www.bbc.com/news/world-middle-east-41419633](http://www.bbc.com/news/world-middle-east-41419633).

production, and Western support—because of the advent of ISIS, and 3- the Kurdish frustration in the broken Western promises regarding the future of Kurds in Iraq. The findings also establish that oil had anti-secessionist effects on the outcome of the referendum in the Kurdish case because oil created an illusion of political and economic independence. This chapter first introduces a brief background, followed by the research problem, the research objectives, questions, methodology, findings and finally, the limitations.

## **Conflict Background**

Kurds are usually referred to as the largest ethnic group without a state of their own. An estimated 35 million Kurds live in what they call "Northern Kurdistan" (Turkey), "Eastern Kurdistan" (Iran), "Southern Kurdistan" (Iraq), and "Western Kurdistan" (Syria). This dissertation specifically focuses on Kurds in Iraq. Therefore, it does not provide historical background for Kurds in today's Turkey, Iran, and Syria. Like many other people, Kurds are also divided along tribal, linguistic, and religious lines due to geography and historical processes.<sup>2</sup> In the past, high mountains had made interactions difficult and international borders in the modern history has only emboldened these lines despite technological developments, unprecedented means of communications, and improvements in

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<sup>2</sup> Yavuz, M. Hakan, and Michael M. Gunter. "The Kurdish Nation." *Current History* 100.642 (2001): 33-39. APA

the means of transportations.<sup>3</sup> Yet, a Kurdish identity serves as a loose but an over-arching umbrella among divided Kurds in Turkey, Iran, Iraq, and Syria.<sup>4</sup>



Map showing Kurdish Inhabited areas in the Middle East. Source: Washington Times

Although the fall of the former Ottoman Empire led to the creation of dozens independent states, Kurds lost a chance to form their own state due to, some extent, internal divisions but largely was due to the greed of the winners of the World War I. The winning European powers divided Kurdistan over random borderlines that best suit their geopolitical

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<sup>3</sup> Dunn, Michael Collins. "The Kurdish" question": is there an answer? A historical overview." Middle East Policy 4.1-2 (1995): 72-87.

<sup>4</sup> Omer, Taspiner, "ISIS and the false dawn of Kurdish statehood", Brookings, December 13, 2019, <https://www.brookings.edu/blog/order-from-chaos/2019/12/13/isis-and-the-false-dawn-of-kurdish-statehood/>.

and economic interests based on the 1916 Sykes Picot agreement<sup>5</sup> and the 1920 San-Remo oil agreement.<sup>6</sup> However, a new glimpse of hope emerged for Kurdish state in August 1920 when the allied forces (France, Britain, Japan, and Italy) signed the Treaty of Sèvres in France. The articles 62 and 64 of the treaty called for the formation of a Kurdish State in the Kurdish dominated areas laying east of the Euphrates, south of Armenia, and along the north frontier of Turkey with Syria and Mesopotamia.<sup>7</sup> But the dream of Kurds for statehood was dashed when the U.S. withdrew from the Treaty, leaving France and Britain unrestrained in drawing the design of the map of the Middle East that that best served their interests.<sup>8</sup> The last nail at the coffin of the notion of the Kurdish statehood was the replacement of the Treaty of Sevres with the Treaty of Lausanne in 1923,<sup>9</sup> paving the way for the formation of modern Turkey under Kemal Ataturk with tragic consequences for the Kurds in decades to come.

In Iraq, by spring of 1921, London also dropped the idea of an independent Kurdistan in Iraq, despite opposition by the Kurds for their incorporation into Iraq.<sup>10</sup> To pacify the Kurds, Britain tried to install safeguards to protect the Kurds in Iraq such as recognition of Kurdish language in Iraq and requiring Kurds to be employed in the new government in

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<sup>5</sup> Bengio, Ofra, ed. "Kurdish awakening: Nation building in a fragmented homeland", University of Texas Press, 2014.

<sup>6</sup> McDowall, David. A "Modern History of the Kurds." London: I.B. Tauris, 2004. Print.

<sup>7</sup> Olson, Robert. "The Kurdish Question in the Aftermath of the Gulf War: Geopolitical and Geostrategic Changes in the Middle East." *Third World Quarterly*, vol. 13, no. 3, 1992, pp. 475-499. *JSTOR*, [www.jstor.org/stable/3992197](http://www.jstor.org/stable/3992197).

<sup>8</sup> Simon,Reeva Spector; Tejirian,Eleanor H., *The Creation of Iraq, 1914-1921* (Columbia University Press New York 2012) P 101.

<sup>9</sup> McDowall, David. *A Modern History of the Kurds*. London: I.B. Tauris, 2004. Print. P.195.

<sup>10</sup> *The Journal of Social, Political and Economic Studies* (Council for Social and Economic Studies 1991)

Baghdad. However, even minimal attempts to ensure treatments of the Kurds as a distinct ethnic group in Iraq was strongly resisted by authorities in Baghdad.<sup>11</sup> Therefore, the Kurdish desire for independence and Baghdad's strong urge for their subjugation created an asymmetrical, dialectical relationship. As result, Kurds launched multiple insurgencies to rectify the wrongs since 1919 but their military power was neither sufficient to overcome the gunpower of the colonial powers, Iraqi regimes, nor their political savviness was enough to diffuse the international machinations against them.

Yet, in contrast to Kurds in Iran, Turkey and Syria, the Kurds in Iraq by far fared better regarding achieving political, cultural, and economic rights due to continued political and armed struggles and recently the change of geopolitics due to Iraq's invasion of Kuwait and its consequences. But the Kurdish gains in Iraq came at a heavy human cost. They experienced a genocide in 1980s, where over 200,000 Kurds were killed, chemical gas was used in various areas of Kurdistan to exterminate people, and 4000 villages were destroyed by the former Iraqi regime.<sup>12</sup> However, Saddam Hussein's invasion of Kuwait in 1991 opened a window of opportunity for Kurds in northern Iraq to rise up against the former regime and free the Kurdish dominated areas from Iraq's reign after the International Coalition ejected the Iraqi Army from Kuwait, which also weakened the central

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<sup>11</sup> Natalie, Denise, *The Kurds and the State: Evolving National Identity in Iraq, Turkey, and Iran* (Modern Intellectual and Political History of the Middle East (Syracuse University Press New York 2005).

<sup>12</sup> Bozarlsan, Hamit. "Dark Times: Kurdistan in the Turmoil of the Middle East, 1979–2003." *The Cambridge History of the Kurds*. Ed. Hamit Bozarlsan, Cengiz Gunes, and Veli Yadirgi. Cambridge: Cambridge UP, 2021. 269-88. Print.

government.<sup>13</sup> The Baghdad's attempt to recapture the freed Kurdish areas in the north led to the 1991 Kurdish exodus, creating a humanitarian crisis on the Iranian and Turkish borders. This compelled the Western countries to establish a no fly zone to prevent the Iraqi regime from attacking Kurds through the 688 UNSC resolution.<sup>14</sup> The UN protection provided a breathing room for the Kurdish political parties to seek to establish a Kurdish self-rule. Thus, they held an election in the free to establish a parliament in May 05 1992, which then delivered the establishment of the Kurdistan Regional Government (KRG) to govern the three Kurdish provinces under the control of the Kurdish forces known as Peshmerga.<sup>15</sup>

But peace after the establishment of the KRG proved short lived as power struggle between the two main Kurdish political parties – the Kurdistan Democratic Party (PUK) and the Patriotic Union of Kurdistan (PUK) led to a brutal civil war in 1994 which lasted until 1998. The cessation of hostilities became possible after U.S. State Department brokered a peace agreement between them known as “Washington Agreement.”<sup>16</sup> The peace settlement initiated stability and stopped bloodshed between the KDP and the PUK, but it fell short of real peace and political reconciliation.<sup>17</sup>

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<sup>13</sup> Goldstein, Eric. Endless torment: The 1991 uprising in Iraq and its aftermath. Human Rights Watch, 1992. APA

<sup>14</sup> Malanczuk, Peter. "The Kurdish crisis and allied intervention in the aftermath of the Second Gulf War." *Eur. J. Int'l L.* 2 (1991): 114.

<sup>15</sup> Gunter, Michael M. "A de facto Kurdish state in Northern Iraq." *Third World Quarterly* 14.2 (1993): 295-319. APA

<sup>16</sup> Hugh, Brigitte E., "Perpetuating Peace: Context Versus Contents of the Power-Sharing Agreements Between the KDP and PUK of the Kurdistan Region of Iraq in 1992 and 1998" (2020). *All Graduate Theses and Dissertations*. 7821. <https://digitalcommons.usu.edu/etd/7821>

<sup>17</sup> Chapman, Dennis. (2009). Security Forces of the Kurdistan Regional Government.

The Kurds became an important part of the U.S. led coalition efforts to topple Saddam Hussein in 2003.<sup>18</sup> Therefore, Kurds became an important player of re-establishing and reframing the new Iraq in which their political, territorial, legal and economic interests are protected.<sup>19</sup> In fact, the Kurdistan Region had enjoyed a semi-independent status since 1991. The Kurdish leadership decided to rejoin Iraq after guarantees from the United States that the new Iraq would be democratic, federal and the Kurdish rights would be protected. Politically, Kurds invested lots of time and effort in Baghdad to shape the outcome of the new state.<sup>20</sup> As such, the Kurdish leaders were able to enshrine legal clauses and guarantees in the Iraqi Constitution to address the outstanding grievances such as the issue of Kirkuk, Kurdish representation, budget, oil and security.<sup>21</sup> But the translation of the constitutional articles into practice proved far more difficult and disappointing to Kurds than they expected. Baghdad dragged its feet to deliver on its constitutional commitments to resolve the outstanding issues with Kurds that have historically defined the Kurdish-Iraqi relationship.<sup>22</sup> Consequently, Kurds started to threaten to secede from Iraq as early as 2012 as confidence was sinking between Erbil and Baghdad.<sup>23</sup> But the threats became emboldened after the advent of ISIS in 2014 which weakened the Iraqi state and

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<sup>18</sup> Katzman, Kenneth. *Kurds in Post-Saddam Iraq*. Diane Publishing, 2010.

<sup>19</sup> Knight, Michael, "Iraqi Kurdistan: Priority Issues for International Mediation", Washington Institute, July 10, 2020, <https://www.washingtoninstitute.org/policy-analysis/iraqi-kurdistan-priority-issues-international-mediation>

<sup>20</sup> Gunter, Michael M., et al. "The Kurds in Iraq." *Middle East Policy* 11.1 (2004): 106-131.

<sup>21</sup> Hama, Hawre Hasan. "Politicization of Kurdish security in Iraq since 2003." *Jadavpur Journal of International Relations* 19.2 (2015): 137-158.

<sup>22</sup> *Ibid*

<sup>23</sup> "Iraqi Kurd leader threatens secession unless power share demands met", April 26, 2012, *Al-Arabiya*, <https://english.alarabiya.net/articles/2012%2F04%2F26%2F210364>

allowed the KRG to expand its territorial grip over the disputed areas, double oil production and became the main beneficiary of the international military, financial, diplomatic and political support.

After a long delay due to the western pressure and the fight on ISIS, the Kurdish leadership eventually decided on June 08, 2017 to set September 25<sup>th</sup> 2017 as the date to hold the independence referendum as the first step to break away from Iraq.<sup>24</sup> But the outcome of the plebiscite proved catastrophic for Kurds politically, economically, territorially, and militarily because Iraq, the neighboring countries, and the international community almost unanimously stood against it. The Iraqi government ultimately rejected the vote's outcome and took firm actions to force the KRG to repudiate its move towards independence. The steps included closing airspace and international flights from and to the KRI's two main airports, working with the neighboring countries -- Turkey and Iran-- to shut the land border crossings, and imposing an economic embargo on the KRI. Responding to Baghdad's demand and protecting their national security, Iran and Turkey also took punitive measures against the KRI. Tehran imposed an embargo on the Kurdish enclave by closing its borders, while Turkey limited trade and imposed flight bans on the KRI airports. To further intimidate the KRG, Iraq, Turkey, and Iran held joint military drills on Iranian and Turkish territories to preempt Kurdish leaders from taking further action by declaring an independent Kurdish state. Finally, with the tacit approval of the

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<sup>24</sup> Park, Bill, et al. "On the independence referendum in the Kurdistan Region of Iraq and disputed territories in 2017." *Kurdish Studies* 5.2 (2017): 199-214.

United States, the Iraqi forces and Shia militia forces, known as the Popular Mobilization Forces (PMF), drove out Kurds from Kirkuk on October 16, 2017. As a result, Kurds lost not just half of the Kurdish controlled territories<sup>25</sup> but access to 440,000 barrels of oil per day (BOPD) of oil production from Kirkuk and surrounding fields that practically put an end to the notion of an independent Kurdistan.<sup>26</sup>

## **Statement of Problem**

Why the KRI decided to hold the independence referendum in 2017 has mostly remained a complex puzzle. In discussions of the Kurdish secessionist attempt in Iraq, controversy has swirled around the factors that informed the decision to hold the referendum in 2017. O'Driscoll and Baser (2020) underscore internal political competition, political and economic issues as the causes of the referendum. Accordingly, the authors, assert that Kurdish leaders sought to rally people behind the flag to deflect attention away from such issues. However, this work does not highlight the importance of the opportunity that became available as a result of ISIS and dismisses the external factors such as the international support for the war against ISIS. On the other hand, Palani, Khidir, Dechense, Bakker (2018) largely dismiss political factors as the driver of the referendum. Instead, they emphasize that the fight against the Islamic State was the primary factor on

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<sup>25</sup> Chulov, Martin. "Kurds Defeated, Displaced and Divided after Iraq Reclaims Oil-Rich Kirkuk." *The Guardian*, Guardian News and Media, 21 Oct. 2017, [www.theguardian.com/world/2017/oct/22/kurds-bit-ter-defeat-iraq-reclaims-kirkuk](http://www.theguardian.com/world/2017/oct/22/kurds-bit-ter-defeat-iraq-reclaims-kirkuk).

<sup>26</sup> "Oil Losses Could Bankrupt the Iraqi Kurds." *Oxford Analytica Daily Brief*. 31 Oct. 2017. Web. 03 Mar. 2021. <https://dailybrief.oxan.com/Analysis/DB225469/Oil-losses-could-bankrupt-the-Iraqi-Kurds>.

the referendum. Thus, ISIS enhanced the Kurdish position nationally and internationally by being a strong fighting force against the Islamic group. The Kurds expanded their territorial control and the International Coalition led by the United States became a patron of the Kurdistan Region financially and militarily. Meanwhile, Kaplan (2018) argues that the Kurdish leaders moved to hold the referendum for fear of losing international support because the war against ISIS was coming to an end by 2017. This is likely to be a strong motive for the referendum especially given tumultuous relationship between Kurds and the Western countries, and the security dilemma Kurds had to face in post ISIS Iraq, where the central government would have emerged stronger.

As it is clear that each of the scholarly works has addressed different aspects and causes of the referendum. This dissertation has taken a holistic approach to explore and analyze the causes of the 2017 independence referenda and to gauge the impacts of oil on the process through a qualitative single case study. As such, it argues that *the referendum was the result of a fusion of intertwining grievances and overlapping opportunities because of the advent of ISIS and a growing Kurdish frustration in the West over broken promises regarding the future of Kurds*. Moreover, the study contends that *oil created an illusion of political and economic independence, thereby it had anti-secessionist properties on the outcome of independence in the case of the Kurdish Region*.

To deal with wide range of political and economic factors, the dissertation has adopted an interdisciplinary approach, drawing from the fields of history, political science, political

economy, and social studies to inform the focus of my study. As such, the literature review includes the theories of greed and grievance, opportunity, and resource curse to embed my study in a larger theoretical framework and to answer my questions.

## **Research Questions**

The overall goal of this study is to explore and analyze the causes of the 2017 independence referendum and gauge the influence of oil on the process. Therefore, the dissertation has answered the following two key questions.

- 1- What factors led to the 2017 Kurdistan independence referendum?*
- 2- What are the impacts of oil on the Kurdish independence bid?*

## **Methodology**

This study used in-depth qualitative methodology to answer the questions using structured and unstructured interviews as primary sources, secondary sources, and observations.

## **Findings**

It's the findings of this dissertation that there were three key drivers of Kurdistan Region's independence referendum. These were – first, Kurdish disappointment with Baghdad due to the political, financial, territorial, and security grievances, second, the advent of ISIS in 2014 created several overlapping opportunities for Kurds, including

a weak central government, territorial expansion, doubling oil production, Western diplomatic, political, financial, and military support, and the global promotion of Kurdish cause, and thirdly, Kurdish frustration in the Western broken promises regarding the future of Kurds. Therefore, this dissertation argues that the Kurdistan Region sought to secede from Iraq because of a fusion of intertwining grievances and overlapping opportunities, and a growing Kurdish frustration in the Western broken promises regarding the future of Kurds. But oil had anti-secessionist effects on the outcome of the referendum.

As such, this dissertation makes two key theoretical contributions to the Kurdish studies and the oil curse literatures. The first theoretical contribution is the Kurdistan Region's independence bid was a product of unprecedented fusion of grievances and opportunities, and frustration. In other words, there has always Kurdish desire for an independent state but in 2017. the desire coincided with multiple overlapping factors that presented unparalleled opportunity in the history of Kurds regarding a Kurdish statehood. This convinced Kurdish leaders to seek to realize the long-awaited dream of independent Kurdistan. The second theoretical contribution for the oil curse literature is oil has anti-secessionist effects on the outcome of the secessionist attempts of the oil rich regions. Although oil curse literature demonstrates that oil motivates secession, this dissertation finds that oil had anti-secessionist impacts on independence in the case of the Kurdistan Region through the following mechanisms. 1- Oil made Kurdish leaders overconfident and inflated their expectations about independence because oil's

significance as a geopolitical lever was overrated. 2- It gave them a false sense of political and economic security. 3- It blurred the geopolitical realities of the Kurdistan Region, which made Kurdish leaders overplaying their hand against the central government and the regional countries. Thus, petroleum created an economic and political illusion of independence in the eyes of the Kurdish decision-makers, which led them to the disastrous consequences by holding the independence referendum in 2017.

## **Roadmap**

This dissertation is organized as follows. Chapter One introduced the topic of the dissertation, conflict background, research questions, methodology and its findings. Chapter Two briefly reviews the literature pertaining Kurdistan's historical struggle for independence and the referendum to embed my first research question within the larger literature on "greed and grievances" and "opportunity" theories to explain the causes of the 2017 independence referendum. This chapter also extensively engages with the "resource curse" literature to situate my second question regarding the impacts of oil on the Kurdish independence bid and inform the focus of the study. Chapter Three discusses the methodology, research design, the adoption of qualitative method to answer the questions, and addresses the issues of credibility and validity of the research. Chapter Four explores the Kurdish political, financial, territorial, and security grievances in post-2003 Iraq and argues that disappointment with Baghdad as a driver of the referendum. Chapter Five discusses the opportunities informed the decision to hold the referendum because of the

emergence of the Islamic State of Iraq and Syria. It asserts that the advent of ISIS established unparalleled historical opportunities for Kurds to break away from Iraq. Chapter Six explains the Kurdish -Western diplomatic interactions and how it shaped the mindset of Kurdish leaders regarding potential acceptable of an independent Kurdistan. It also addresses the Kurdish leadership's frustration in Washington's broken promises regarding the future of Kurds in Iraq. Chapter Seven thoroughly explores the effects of oil on the independence bid and argues that petroleum was a curse for the KRI's attempt to break from Iraq because it created a political and economic illusion of independence by blurring the geopolitical reality of Kurds. Finally, Chapter Eight details the analysis of the findings and conclusion of the study.

## Chapter Two: Literature Review

### Introduction

The interdisciplinary nature of this dissertation requires a literature review of the Kurdish Studies, Greed and Grievances-Opportunity, and the Resource Curse. Accordingly, this literature review draws from political, history, social and economic disciplines. This research project has explored the factors leading to the 2017 independence referendum and examined the impacts of oil on the Kurdish independence process. As such, in addition to address relevant studies on the Kurdish bid for statehood, it employs two theoretical frameworks of Greed-Grievance- Opportunity and the Resource Curse to analyze the factors leading to the 2017 independence referendum and the impacts of oil on it. The selection of these two theoretical frameworks is guided by my two questions. First, *what factors led to the 2017 Kurdistan independence referendum? And second, what are the impacts of oil on the Kurdish independence bid.* Thus, this chapter embeds my study in a larger the Greed-Grievance- Opportunity and Resource Curse theories to inform the focus of the dissertation, which is the impacts of oil on the Kurdish independence bid. This dissertation argues that the 2017 independence referendum was the result of fusion of intertwining grievances and overlapping opportunities, and frustration in the Western broken promises regarding the future of Kurds in Iraq. As such the Kurdish grievances and frustrations coincided with

multiple overlapping factors that presented unparalleled opportunity in the history of Kurds in Iraq to move forward with the independence referendum. My study also asserts that although superficially, petroleum appears to motivate secession in the Kurdish Region, profoundly, it had anti-secessionist effects on the outcome of the Kurdish independence bid because 1- Oil made Kurdish leaders overconfident and inflated the expectations of Kurdish leaders about independence because oil's significance as a geopolitical lever was overrated. 2- It gave them a false sense of political and economic security. 3- It blurred the geopolitical realities of the Kurdistan Region, which made Kurdish leaders overplaying their hand against the central government and the regional countries. Thus, petroleum created an economic and political illusion of independence in the eyes of the Kurdish decision-makers, which led them to the disastrous consequences by holding the independence referendum in 2017.

## **Kurds and Statehood**

The failure of the Kurds to respond strategically to the post-WWI situation after the collapse of the Ottoman Empire, coupled with the interests of the colonial powers had severe consequences for the Kurdish populations in the Middle East. The most fateful consequence was the disappointment regarding the formation of a Kurdish state in the Kurdish dominated areas of the Middle East. Scholars have highlighted various factors that dashed the Kurdish quest for an independent state. One of the most cited reasons is the division of Kurdish society along tribal lines and adversarial tribal relationships (McDowall, 2004). But this is not a compelling argument because Arabs, Turks, and the Persians were not less

tribal<sup>27</sup> than Kurds and yet, they ended up with having their own countries. Thus, although, social and tribal cleavages might have contributed to the lack of a Kurdish state, one cannot overlook the role of great power politics and the international actors that were driven by their strategic and economic interests in determining the fate of Kurds in the Middle East.

By 1916, the major powers like France and Britain with tacit approval of Russia and Italy had already decided to divide the spoils of the Ottoman Empire, including Kurdish territories through the secret Sykes Picot agreement.<sup>28</sup> Consequently, Kurds options were limited in swinging their own fate in the “new Middle East.” Therefore, if the tribal cleavages among Kurds was the only factor for dashing a Kurdish state as argued by McDowall (2004), there should not have been, for example, 22 Arab states. This does not indicate that Arabs liked the agreement or the consequences of it. In fact, Sykes Picot being equally loathed by Kurds and Arabs, but for different reasons.<sup>29</sup> For Arabs, its more about the dividing Arabs on multiple states while for Kurds, it’s about forcing to live under the newly established states in the Middle East. Sykes Picot is so unpopular that even for a notorious group like the Islamic State made the “End of Sykes Picot” central to its narrative when

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<sup>27</sup> Anderson, Betty S. "STATE FORMATION AND COLONIAL CONTROL: Turkey, Iran, Syria, Lebanon, Iraq, Transjordan, and Saudi Arabia in the 1920s and 1930s." *A History of the Modern Middle East*. Stanford University Press, 2020. 199-240. APA

<sup>28</sup> Berdine, Michael D. *Redrawing the Middle East: Sir Mark Sykes, Imperialism and the Sykes-Picot Agreement*. Bloomsbury Publishing, 2018.

<sup>29</sup> A century on: Why Arabs resent Sykes-Picot, Al-Jazeera, 2016, <https://interactive.aljazeera.com/aje/2016/sykes-picot-100-years-middle-east-map/index.html#:~:text=A%20century%20on%2C%20the%20Middle,on%20the%20Sykes%2DPicot%20treaty>.

the terrorist group crossed into Iraq in the summer of 2014 and established an Islamic State across Syrian and Iraqi territories.<sup>30</sup>

However, there is little doubt that the Sykes-Picot was one of the most consequential treaties for the Kurds. It put today's Iraqi Kurdistan under the sphere influence of France except for Kirkuk, which remained under British sphere of influence until 1918.<sup>31</sup> With an increased economic importance of northern Mesopotamia, Sykes-Picot became unsustainable. As a result, London dispatched British forces to control these Kurdish areas and most of the today's Iraqi Kurdistan, including Kirkuk came under the physical control of the British troops by 1918.<sup>32</sup> The last nail in the coffin of Kurdish state came when then Mesopotamia, including Mosul, was put under British mandate in San-Remo oil agreement in March of 1920.<sup>33</sup>

During the Ottoman Empire, today's Iraq was administratively divided over three Vilayets (states) of Mosul, Baghdad, and Basra. The Mosul Vilayet included today's Iraqi Kurdistan plus Kirkuk. Some scholars put oil at the heart of the British decision to incorporate Mosul Vilayet into the Iraqi state (Stivers,1982 and Sluglett, 2007). If this holds true, then the existence of hydrocarbons as the factor in undermining the prospect of an independent

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<sup>30</sup> THE END OF "THE END OF SYKES-PICOT" Modern War Institute, August 2018, <https://mwi.usma.edu/end-end-sykes-picot/>.

<sup>31</sup> Sluglett, Peter, Britain in Iraq: contriving king and country, 1914-1932 (Columbia University Press New York 2007).

<sup>32</sup> Ibid.

<sup>33</sup> DeGolyer, E. L. "Some Aspects of Oil in the Middle East." *The Near East and the Great Powers*. Harvard University Press, 2013. 119-136.

Kurdish state at the dawn of last century can better explain the lack of a Kurdish state. It's for this reason, historically, Kurdish leaders have found oil both the culprit and a potential redeemer for Kurds should it fall under their control.<sup>34</sup> Therefore, the mindset of Kurdish leadership is fixated on oil. In turn, petroleum has remained in their subconscious system and has come back to the forefront of Kurdish plight in obtaining their ethnic rights when it became possible. Accordingly, when opportunities arise, Kurdish leaders never hesitated invoking petroleum to international actors in return, if not for statehood, at minimum for survival and protection.<sup>35</sup>

### **Greed and Grievances- Opportunity**

To explain the dynamics of the post 2003 Iraq that led to the 2017 independence referendum, the most befitting theoretical framework is Collier and Hoeffler's (1998, 1999, 2001, 2002, 2004) the Greed and Grievance Theory- Opportunity. This provides a general framework to bring in other relevant theories such as horizontal inequality and resources/oil curse, pertaining this study. According to the Greed Thesis, central to internal conflict and separatism tendency of ethnic groups is the self-interest of the rebel leaders and the presence of natural resources in the periphery area of the country (Collier and Hoeffler 2000, and Fearon 2003, Ross 2004, 2012). For example, a study by Ross (2004) finds that natural resources, including oil, have triggered/exacerbated five of the six separatist wars - Sudan over oil, Aceh over natural gas in Indonesia, West Papua over copper and gold, New

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<sup>34</sup> Smolansky, Oles M., and Bettie Moretz Smolansky. *The USSR and Iraq: The soviet quest for influence*. Duke University Press, 1991. APA

<sup>35</sup> *Ibid.*

Guinea over copper and Cabinda over oil in Angola in the modern history.<sup>36</sup> Collier and Hoefler (2000) make a similar argument by emphasizing the future prize of natural resources as a driver of secession by rebel groups. They postulate that the existence of natural resources such as oil has the capabilities of transforming "romantic local nationalism" into a full-blown push for independence through violence and nonviolent means because the capturing of the resources will add "a credible economic argument" to the separatist political groups or rebels. The author makes Scotland the center of his case study, arguing that the discovery of oil in the North Sea in 1960s motivated Scottish nationalism and their independence movement. "The people living in the vicinity of the natural resource endowment have an obvious economic interest in claiming the resources for themselves to the exclusion of their fellow nationals," Collier argues.<sup>37</sup> Although, on surface, the greed theory could be convincing, it falls short to address the root causes of conflict and rebels push for secession and population mobilization. The question is of there would be no secessionist tendencies if the natural resource are removed or does not exist? According to Roeder (2018), there have been 26 successful secessionist attempts from 1945 to 2016. But the driver of most of these secessionist campaigns have not been natural resources but the weakness of the central governments.<sup>38</sup> Accordingly, the economic argument is problematic because it ignores other important factors such as the issue of identity and ethnicity, which are prerequisite for insurgency and/or secession movements. It's just very hard to

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<sup>36</sup> Bourguignon, François, Pierre Jacquet, and Boris Pleskovic, eds. Economic integration and social responsibility. World Bank Publications, 2007. P.79.

<sup>37</sup> Ibid

<sup>38</sup> Roeder, Philip G. National secession: Persuasion and violence in independence campaigns. Cornell University Press, 2018.

point to a case, where people who shared similar cultural and ethnic identity decided to break away and form their own state because of natural resources/oil and the prospect of future economic prosperity. This is not to completely rule out the impacts of natural resources on conflict and secession rather to point out that an economic argument for secessionist attempt does not hold water when checked against the secessionist cases that have happened. But it should be pointed out that the nexus between natural resources and conflict, as suggested by Stewart, Brown and Langer (2016), is well established. But they note that its misleading to link it as the evidence of 'rebel greed'. Instead, they argue that “the conflict-inducing potential of natural resources is often mediated through their impact on His [horizontal inequalities], and that this can translate into both separatist struggles and local level conflict.” In post 2003 Iraq, the Kurdistan Region became dynamic politically and economically. In turn, it became the most prosperous part of Iraq.<sup>39</sup> But the KRG also feared that this prosperity would be reversed if Baghdad became stronger in the future at the absence of international assistances.<sup>40</sup> The Iraqi government’s actions by 2008, including its reluctance to address the issue of Kirkuk and to pass the hydrocarbon law in 2007 were some of the indications that the new ruling political elite in Baghdad might not allow the increasingly prosperity in the Kurdistan Region.

Skewed by past political and economic grievances, and broken promises, the fear for the future economic well-being and the political survival pushed the KRG to seek to become

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<sup>39</sup> SAVASTA, Lucrezia. "The Human Capital of the Kurdish Region of Iraq. Kurdish Returnee (s) as a Possible Agent for a State-Building Process Solution." *Revista Transilvania* 3 (2019).

<sup>40</sup> Kaplan, Morgan L. "Foreign support, miscalculation, and conflict escalation: Iraqi Kurdish self-determination in perspective." *Ethnopolitics* 18.1 (2019): 29-45.

self-sufficient economically through embarking an aggressive energy policy. The notion was to build an economic cushion to absorb financial shocks and embargos by Baghdad. Brown's (2016) suggests that the marginalization of the peripheral groups and the central government's redistribution policy of oil revenues are likely to induce separatism tendencies as it was the case in Ache. Similarly, the Kurdish struggle and their quest for statehood can be explained by the central Iraqi government's attempts to marginalize Kurds politically, culturally, and economically. Baghdad's unfair treatment of Kurds has generated deep-seated grievances among Kurds. These includes its attempts to undermine Kurdish political influence in Baghdad, withholding financial rights of the KRG and its refusal to implement the Article 140 to address the disputed areas between Erbil and Baghdad.

Therefore, the greed theory in its literal sense does not help us to understand why Kurds decided to follow through their own energy policy and hold the 2017 independence referendum. Instead, the Grievance thesis has more explanatory power to help us understand the Kurdish independence bid because the outstanding political, economic, territorial, and security grievances were the key factors pushing the Kurdish leadership to justify the this decision to hold the referendum. The Kurdish bid for independence in 2017 was a preventive measure for, if not achieving full independence, at minimum to maintaining the rights achieved in post 2003. Although Kurds largely achieved many of their political, economic, security, and territorial rights by enshrining it in the Constitution, they were uncertain about what the future might bring them in the light of diminishing Kurdish role and influence in Iraq and the incremental foot-dragging of Baghdad to follow through with the Constitution.

On the military front, the Kurdish forces became the basis for building the Iraqi military during the rebuilding process of the Iraqi state in 2003. The new Iraqi security forces were supposed to be a balanced multi-ethnic security force that reflected the population of the country. In July 2004, the first formed battalion of the new Iraqi Army was from the Peshmerga forces under the oversight of the U.S. forces in Iraq and named "Freedom Operation".<sup>41</sup> The battalion was developed into forming the first multiethnic division of the Iraqi Army. The Northrop Grumman Corporation's Vinnel unit was contracted to train the very first unit of the Army. The United States also wanted to ensure that the new Army reflected the various ethnic groups residing in Iraq. "Kurds had 20 percent, 20 percent Sunnis, Shia 45 percent and 5 percent for the other minorities such as Christians and Turkmens," said Peshmerga Brigadier General Hazhar Zangana.<sup>42</sup> Gaub (2008) highlights that a just balance in the military of the multiethnic countries is viewed as a precursor of political stability and growth and eventually transcends the ethno-sectarian to form a national identity. As such, if a balanced multiethnic force is guarantor of political stability, its absence is likely to generate instability and deepen distrust between center and the periphery regarding the future. But by 2015, Kurds only made up less than 5 percent of the Iraqi security forces. For Kurds, the positive co-relationship between power consolidation by Shias in Iraq and a decline in the Kurdish political and military presence in Baghdad was a reminiscent that a powerful Baghdad is likely to abrogate its legal obligations toward Kurds in the future. Consequently, coupled with the ISIS threat, and the emergence and

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<sup>41</sup> Phone Interview with major Hajar Zangana from Ministry of Peshmerga Affairs, December 2020.

<sup>42</sup> Ibid

presence of powerful Shia militia forces known as the Popular Mobilization Forces (PMF) on the border with the Kurdistan Region, Hassan Hama (2017) highlights that the KRG was forced to address this security threat by advocating for full diplomatic recognition from the international community for survival. This conviction came after the collapse of confidence in the Constitution to resolve the outstanding issues between Erbil and Baghdad. Accordingly, Kurds feared that a strong Baghdad emerged from the war against ISIS could prove disastrous for Kurds in the future, in particular when the KRG as a non-state actor could not request military aid from its international partners without the approval of the Iraqi government. Kaplan (2018) correctly points out the absence of guaranteed foreign support and the unclarity by the anti-ISIS International Coalition regarding the continuity of international military and diplomatic support to the Kurds contributed to the decision to hold the referendum. Accordingly, the KRG leaders feared that the military and political balance of power was tilting in favor of Iraq. Therefore, the attempt for a full diplomatic recognition could be a panacea to stall Iraq's attack on Kurds in the light of historical evidences where a strong Baghdad has acted aggressively toward Kurds.

In addition, conflict over territory has been a defining feature of the civil wars in many countries. According to Toft (2006), territorial dispute is responsible for over 98 percent of civil wars between 1940 and 2000. Seventy three -percent of these territorial motivated civil wars are linked to the conflict escalation and the all identity-based civil wars centered on control over territory.<sup>43</sup> As suggested by Dreyer (2010), territorial disputes become

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<sup>43</sup> Toft, Monica Duffy (2006) Issue indivisibility and time horizons as rationalist explanations for war. *Security Studies* 15(1): 34-69.

intense when linked to the other issues such as natural resources because leaders are willing to risk escalation over the territory. In Iraq, territorial dispute between the KRG and Baghdad has manifested itself best in the multiethnic oil rich province of Kirkuk. In Iraq, Kirkuk was the financier of the state at least since the discovery of oil in 1927.<sup>44</sup> As a result, the existence of hydrocarbon riches in the province has added another layer of intensity and complexity to the protracted conflict between Kurds and Iraq<sup>45</sup> especially when Kurds strongly believe that what they consider as their own oil was used to purchase weapons and build a strong army to suppress Kurdish national aspirations.<sup>46</sup> Accordingly, the interlink between Kirkuk and oil has made the nature of the conflict between Baghdad and Erbil not just escalatory but the cause of failure of negotiations to reach a mutually acceptable solution between the two sides. Moreover, both Kurdish and Iraqi leaders have used the issue of Kirkuk to mobilize population, make uncompromising statements regarding the fate of Kirkuk as either Kurdish or Iraqi throughout the history of Iraq. This has become an attractive election campaign message in the recent Iraqi elections, where Iraqi Arab officials who express strong views against Kurdish claim over Kirkuk tend to win massive number of votes.

Although Kurds have been majority in the province (according to previous census) and the recent elections in which Kurds gained majority,<sup>47</sup> Iraq has resisted Kurdish control over

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<sup>44</sup> Ibid

<sup>45</sup> Bet-Shlimon, Arbella. *City of black gold: Oil, ethnicity, and the making of modern Kirkuk*. Stanford University Press, 2019.

<sup>46</sup> Barzani, Masoud, "For History", 2020.

<sup>47</sup> Romano, David. *The Kurdish Nationalist Movement: Opportunity, Mobilization, and Identity*. Cambridge, UK: Cambridge University Press, 2006. Print.

the province. As Crisis Groups put it, “successive governments in Baghdad have strongly resisted this, aware that the Kurdistan Regional Government (KRG) could use Kirkuk’s oil to finance a viable independent Kurdish state. The conflict could therefore become one over the territorial integrity of Iraq.”<sup>48</sup> Thus, central to Kurdish demands in post 2003 Iraq, was the issue of Kirkuk. Kurdish leaders made sure that Kirkuk would be included in their negotiations in the Transitional Administrative Law (TAL) and legal remedies are designed in the Constitution to address the past injustices against Kurds in Kirkuk such as the change of the demographic of the province in favor of Arabs and expelling Kurds. At the request of the Kurdish negotiators, the Article 58 of TAL addressed the territorial dispute, in particular Kirkuk.<sup>49</sup>

Article 58;<sup>50</sup>

“The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime’s practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:

(1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.

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<sup>48</sup> Reviving UN Mediation on Iraq’s Disputed Internal Boundaries, Crisis Group, December 14, 2018, <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/194-reviving-un-mediation-iraqs-disputed-internal-boundaries>

<sup>49</sup> Fein, Bruce, Kirkuk becomes Iraq’s destiny (Washington Times April 2005) <http://www.washingtontimes.com/news/2005/apr/6/20050406-101018-4633r/?page=all>

<sup>50</sup> Paya, Ali, Iraq, Democracy and the Future of the Muslim World (Routledge 2011) P 58-59

(2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.

(3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.

(4) With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.”

Then in 2005, Article 140, which substituted for Article 58 of the TAL, was enshrined in the permanent Constitution, with mechanisms to reverse Arabization and determine the fate of the disputed areas between Erbil and Baghdad. Article 140 of the Iraqi Constitution states the disputed areas would be addressed in three stages – normalization, census, and a referendum to determine whether Kirkuk wants to join Kurdistan region or to remain under the administration of the federal government in Baghdad by the end of 2007.



Map shows the disputed areas between Erbil and Baghdad: Courtesy of InsightKurdistan

Article 140:<sup>51</sup>

“First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.

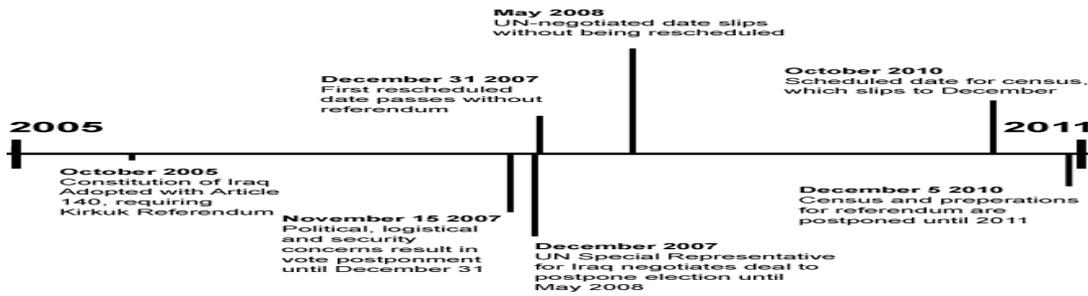
Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007.”

However, like other previous agreements, Article 140 has remained unimplemented yet by 2022. The Iraqi government stymied progress to implement the article citing security and logistical excuses. In addition, the U.S. government and the UN were placing mounting pressures on the Kurds not to push for the implementation of Article 140, claiming that the implementation of the Article would lead to further instability in Iraq. More than 13 years have passed since the deadline of the article, and yet the Iraqi government has failed to implement its provisions, despite improved security and logistical capabilities.<sup>52</sup>

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<sup>51</sup> Iraqi Constitution, UN-Iraq, article 140 (UNIRAQ 2005)  
[http://www.uniraq.org/documents/iraqi\\_constitution.pdf](http://www.uniraq.org/documents/iraqi_constitution.pdf) (accessed 10-20-2012)

<sup>52</sup> Mala Bakhtiyar warns of Loss of Separated Areas (PUKMEDIA Nov 2012)  
<http://www.pukpb.org/en/news/176/115/Mala-Bakhtiyar-warns-of-Loss-of-Separated-Areas>



Graph illustrates timeline of legal stages to address the issue of the disputed areas between Erbil and Baghdad. Courtesy of Georgetown University.

Although Kirkuk was not legally incorporated into the KRI, Kurds governed most of the province since 2003. The Kurdish forces along the U.S. special forces took control over Kirkuk during the 2003-U.S.-led invasion. Kurdish security forces were instrumental in providing security and policing in the province. Then, Kurds gained political power through successive elections in which Kurds received the majority of the Kirkuk Provincial Council seats and lawmakers representing the province in Baghdad. For example, the Kurdish led list in the 2005 provincial election won 26 out of 41 seats in the local council. Kirkuk had not held provincial elections since 2005 due to its disputed status and high political tensions although other Iraqi provinces have held provincial elections in 2009, 2013.<sup>53</sup> One reason that prevented holding elections in Kirkuk was the Article 23 of the 2008 provincial election law that was passed with assistance from the UNAMI.<sup>54</sup> The article stated that no provincial election would be held in Kirkuk until a power sharing agreement is reached between its ethnic groups. One of the proposals was to have 32-32-

<sup>53</sup> Kirkuk provincial council ready to elect new chief, Rudaw, December 31, 2018, <https://www.rudaw.net/english/kurdistan/311220183>.

<sup>54</sup> Ahmed, Ali, Knight, and Michael, “Kirkuk: A Test for the International Community”, Washington Institute, January 14, 2009, <https://www.washingtoninstitute.org/policy-analysis/kirkuk-test-international-community>.

32-4 distribution formula to replace the 2005 election results, where Kurds, Arabs, and Turkmens to hold equal power and Christians to gain 4 percent of local posts. But Kurds have rejected the quota system, viewing it as a way to hijack Kirkuk from Kurds.<sup>55</sup> While the continued grievances served as the justification to move toward independence, the opportunities presented themselves to the KRG with the advent of ISIS translated the secessionist demands into action after 2014. As a result of ISIS's takeover of one-third of Iraqi territory, the KRG was able to extend its jurisdiction over the disputed territories, including Kirkuk in 2014.<sup>56</sup> This led to the consolidation of the Kurdish political, economic, territorial, and military gains putting the KRG in a stronger position against Baghdad. In their study on the KRG referendum, Palani, Khidir, Dechense, and Bakker (2019) noted that the incorporation of Kirkuk into the KRG created a tempting political environment ripe for independence. As a result, KRP Masoud Barzani took his first practical step in that direction by asking the Kurdish Parliament in July 2014 to make preparation for holding an independence referendum, declaring that Kurds had made seceding from Baghdad their goal.<sup>57</sup> By 2014, the KRG-Baghdad relations had reached its lowest point due to the Kurdish political, financial and territorial grievances. At the same time, Iraq was on the verge of collapse because of the ISIS rapid advances, the Western countries poured military, financial, political and diplomatic support to the KRG. So the

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<sup>55</sup> Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds, Crisis Group, October 2008. <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/oil-soil-toward-grand-bargain-iraq-and-kurds>.

<sup>56</sup> Iraqi Kurdish forces take Kirkuk as Isis sets its sights on Baghdad, The Guardian, June 12, 2014, <https://www.theguardian.com/world/2014/jun/12/iraq-isis-kirkuk-baghdad-kurdish-government>.

<sup>57</sup> Coles, Isabel. "Iraqi Kurdish President Asks Parliament to Prepare for Independence Vote." *Reuters*. Thomson Reuters, 03 July 2014. <https://www.reuters.com/article/us-iraq-security-idUSKBN0F81M220140703>.

best opportunities presented themselves for Kurds to turn their secessionist tendencies into a reality.

## **Resource Curse**

This dissertation has also studied the impacts of oil on the Kurdish independence process in Iraq thoroughly. Therefore, this section warrants a deeper dive into specially how oil impacts secession. The Oil Curse literature has largely focused on how oil motives conflict and secession. But it has not addressed whether these impacts are positive or negative on the secessionist movements or the outcome of their secessionist campaigns. My finding suggest that oil has anti-secessionist effects in the case of the Kurdistan Region on the outcome of independence because oil created an illusion of political and economic independence not a reality of it. Before discussing the literature, it's imperative to understand how oil has shaped the relationship between Kurds and Baghdad and how Kurds sought to use petroleum even if not for their national liberation from the reign of Iraq, at minimum for survival and protection.

A thorny issue between Erbil and Baghdad has been the conflict over the authority and the jurisdiction over the oil fields located in Kurdistan Region. The Kurds have long demanded control over the oil in Iraq and believed that it could realize their national aspiration for autonomy and eventually for statehood. Kurdish leader Mustafa Barzani, the father of Masoud Barzani, who reached an initial agreement with Baghdad in 1970s, demanded a share of Kurdish oil so that the revenues could be used to develop the Iraqi Kurdistan without success. Barzani thought to woo international actors to support the Kurdish national

struggle in Baghdad by appealing to oil in 1972. "If we won control of those [Kirkuk oil] fields, we would give the oil to America,"<sup>58</sup> said Barzani. While this was political fantasy in 1970s, the dream of Kurdish control of significant oil reserves became a reality in post-2003. Moreover, the right of the Kurds to control the internal and economic affairs of their newly autonomous region was enshrined in the new Iraqi Constitution. In addition, Barzani's statement underscores that Kurds historically viewed oil deeply linked with their struggle, believing that petroleum could help the advancement of the Kurdish cause internationally should Kurds themselves could control oil. On surface, Kurds struggle to control natural resources seems like a validation of the 'Greed Thesis', but the question is whether Kurds wanted oil so that they would be better off economically or to use oil to advance their cause politically. The latter makes more sense because oil is hoped to be used to address ethnic, political, security and territorial grievances of Kurds and their survival. This was highlighted in 2011 by former KRG Prime Minister Nechirvan Barzani saying, "We need a political card; we need a political card to play with. The matter is not economic only. You need to use a political card and make use of it for your own people and for your own situation. This is a key reason. Besides, the Constitution has granted you the right [to extract oil], and it's not clear what would happen to you in this Iraq, it's not clear where Iraq is going, you are uncertain of your future."<sup>59</sup> Therefore, the Kurdish leadership's decision to pursue an aggressive energy policy from 2007 was informed by a deep historical security dilemma and uncertainty about the future and whether Iraq's redistribution policy

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<sup>58</sup> No war, No peace for Kurds, Arab Report and Record 1973. Page 271.

<sup>59</sup> The audios believed to date back to 2011 when then prime minister Nechirvan Barzani visited Washington and met with Kurdish community.

would be fair to Kurds in the future. Should greed or more money would have been the incentive for Kurdish leaders, they would have been better off with the share of the federal budget coming from Baghdad than to retain their authority over oil, which has not just cost Erbil financially but weakened it politically due to the intensity of the conflict over petroleum.

In the past, the policies of the former Iraqi regimes had led to the underdevelopment of the Kurdish dominated areas of Iraq. As such economic discrepancy between the Kurdistan Region and the rest of Iraq had created what Stewart (2002) calls "Horizontal Inequality", which is inequality between different ethnic groups living in the same country.<sup>60</sup> Accordingly, "Horizontal Inequality" activates and politicizes discontent as members of the same group compare themselves with another group living in the same country and can connect members of the same group and mobilize them behind a cause. Given the bitter history between Kurds and Iraq, in fact the issue of oil had mobilized Kurds against the central government. Thus, the energy policy had tremendous public support in the past. According to a survey conducted by Rudaw Media Network in 2013, nearly 80 percent of the participants backed the KRG's oil export to via Turkey and only 17 percent believed that the KRG's decision was a bad idea.<sup>61</sup> Obviously, this is an indication that Kurds probably were not ready that their economic prosperity and developments to be dictated by the central government as it was unclear how Baghdad's redistribution policy in the future.

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<sup>60</sup> Stewart, Frances. "Root Causes Of Violent Conflict In Developing Countries." *BMJ: British Medical Journal*, vol. 324, no. 7333, 2002, pp. 342–345. *JSTOR*, [www.jstor.org/stable/25227415](http://www.jstor.org/stable/25227415).

<sup>61</sup> Rudaw survey: Most of participants back Kurdistan's Oil Export, Rudaw, December 04, 2013, <https://www.rudaw.net/sorani/kurdistan/041220134>.

Some studies have specifically underscored the importance of the central government's redistribution policy as a cause of separatist conflicts. Sorens (2011),<sup>62</sup> Paine (2016),<sup>63</sup> Hunziker and Cederman (2017)<sup>64</sup> highlight secessionist tendencies of the naturally endowed regions depend on the redistribution policy of the central government toward the producing regions. Accordingly, grievances over the "distribution of resource wealth" are central to understand secessionist tendencies of the oil-producing regions. Likewise, Gurr (1970) asserts that state's discriminatory policies could lead to what he calls "relative deprivation" in certain groups and people. In turn, "justice-seeking behavior", which is the origin of conflict lead to collective violence, which is a production of the mixture of a sense of frustration, injustice, and resentment experienced by individuals because of political, economic, and social factors.<sup>65</sup> Thus, If the people perceive the central government as an oppressor that seeks to loot their region, then generated political, economic and social grievances could unleash deep resentments and discontent. These psychological processes, Gurr argues, tend to generate political violence against the government in the hope to alter the system as a way of addressing their frustrations caused by it. If this is the case, then people would see the only way to escape from the suppression of their socio-economic and

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<sup>62</sup> Sorens, J. (2011). Mineral production, territory, and ethnic rebellion: the role of rebel constituencies. *Journal of Peace Research*, 48(5), 571e585.

<sup>63</sup> Paine, J. (2016). Rethinking the Conflict "Resource Curse": How Oil Wealth Prevents Center-Seeking Civil Wars. *International Organization*, 70(4), 727-761. doi:10.1017/S0020818316000205.

<sup>64</sup> Hunziker, P., & Cederman, L.-E. (2017). No extraction without representation: The ethno-regional oil curse and secessionist conflict. *Journal of Peace Research*, 54(3), 365–381. <https://doi.org/10.1177/0022343316687365>.

<sup>65</sup> TAYDAS, ZEYNEP, et al. "Why Do Civil Wars Occur? Another Look at the Theoretical Dichotomy of Opportunity versus Grievance." *Review of International Studies*, vol. 37, no. 5, 2011, pp. 2627–2650. *JSTOR*, [www.jstor.org/stable/41308471](http://www.jstor.org/stable/41308471).

political aspirations through control of their own region either by a subnational autonomy from the central government or a complete secession.<sup>66</sup> This is exemplified by the case of Kurds in Iraq. The KRI has oil, but equally important, it's populated mostly by Kurds that are distinct culturally, linguistically from the rest of Iraq. As result, although oil could play an important role in the Kurdish secessionism, a constellation of factors, including ethnicity, historical injustice, political and economic discriminations also could be the drivers of the move toward independence. To show the importance of ethnicity as a significant variable of the independence movements, the case of Kurds can be contrasted with the Arab population in the Basra Province of Iraq. Basra provides 90 percent of the Iraqi revenues through oil exports. It's one of the worst provinces in Iraq in terms of economic and services. But such economic grievances have not developed into credible secessionist tendencies yet as claimed by Collier and Hoefler (2000), and Fearon (2003), Ross (2004, 2012). Shia Arabs in Basra realize that they, as a sectarian ethnic group, are in power in Baghdad; therefore, there might not see the need to break away from a larger Shia population in Iraq despite huge poor services and corruption in the country and the weakness of the central government.<sup>67</sup> Instead, in the last several years, the southern provinces, especially Basra, have held protests against the local and the federal government for failing to

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<sup>66</sup> Gurr, Ted R. *Why Men Rebel*. Princeton, N.J.: Published for the Center of International Studies, Princeton University [by] Princeton University Press, 1970. Print.

<sup>67</sup> Ferguson, Jane. "Despite Oil Wealth, Iraq's Basra Plagued by Broken Infrastructure, Poverty and Violence." *PBS*, Public Broadcasting Service, 25 Dec. 2018, [www.pbs.org/newshour/show/despite-oil-wealth-iraqs-basra-plagued-by-broken-infrastructure-poverty-and-violence](http://www.pbs.org/newshour/show/despite-oil-wealth-iraqs-basra-plagued-by-broken-infrastructure-poverty-and-violence).

meet their essential services such as water, electricity, and employment opportunities; however, such demands have not developed into secessionist demands yet.<sup>68</sup>

Accordingly, oil in the producing regions could lead to separatist demands if such regions have a distinct ethnic group and the central government redistributes wealth away from them. If the oil producing regions have these two characteristics, then people are likely to support political campaigners of the secession. The discourse about economic marginalization could strengthen the secessionist elites' hand to mobilize support for their cause by claiming that if they were a sovereign state, the rents of the natural resources would entirely go to the local population than being looted by the central government.<sup>69</sup> But again, unless the local population is distinct from the ruling majority in the center, the economic argument has no traction to motivate secession.

Furthermore, other scholars argue that secessionist demands depends on how minorities in the natural resources rich regions view the central government. Hechter (1975), Cederman, Gleditsch and Buhaug (2013), Ojatorotu and Dayo (2012), Huszka (2013), Casertano (2012), and Aspinall (2007) suggest that the political and economic grievances in the oil producing regions could render minorities to view the center as an occupation force. Hechter (1975) calls this “internal colonialism” factor and broadly defines it as "structural, political, and economic inequalities between regions within a nation-state and

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<sup>68</sup> Hassan, Falih, and Alissa J. Rubin. “Iraq Struggles to Contain Wave of Deadly Protests.” *The New York Times*, The New York Times, 4 Oct. 2019, [www.nytimes.com/2019/10/04/world/middleeast/iraq-protests-corruption.html](http://www.nytimes.com/2019/10/04/world/middleeast/iraq-protests-corruption.html).

<sup>69</sup> Ibid

intranational exploitation of distinct cultural groups."<sup>70</sup> As such, this happens when the population of the producing regions sees the central government as an outsider that loots their resources and exploit them. Accordingly, this strengthens local ethnic cohesion and nationalism, which is likely to lead to internal conflict with the center and then such conflicts could develop into secessionist demands. For Kurds, in the words of a senior Kuridsh official, colonialism never ended in Kurdistan. Instead, the British colonialism was replaced by an "Iraqi colonialism".<sup>71</sup> As a result, Kurds have viewed Iraqi regimes and their military presence in the Kurdistan Region in the past as an "occupation force" that have exploited their natural resources to advance the political, economic, and social interests of the center at their expenses. Similarly, Cederman, Gleditsch, and Buhaug (2013) assert that Chechen separatism was fueled by the fact that Russia economically discriminated against Chechens to benefit Russians while Ojakorotu and Dayo (2012) highlight the economic grievances of the population in Cabinda enclave of Angola as the motive for the secessionist demands. According to the authors, the oil-producing region of Cabinda provides 86% annual contribution of oil revenue to Luanda budget, while it suffers from high unemployment and poverty. Huszka (2013) also reports that the economic grievances of the people of the Ache Region fermented hatred against the Indonesian central government soon after the oil discovery in the restive region in 1971 by Mobil Oil Indonesia. The uprisings followed the oil discovery because the Acehnese saw that Jakarta stealing the wealth of the region without benefiting the local population. Consequently, the economic injustice

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<sup>70</sup> Dey, D. (2014). Internal Colonialism. In *The Encyclopedia of Political Thought*, M.T. Gibbons (Ed.). doi:10.1002/9781118474396.wbept0519

<sup>71</sup> Interview with a senior Kurdish official. October 2020.

turned into widespread support for the rebel group known as GAM because 30 percent of Indonesia's oil and gas exports were extracted in Aceh and yet there was not this level of government spending in the province.<sup>72</sup>

As evidenced by the above discussion, the oil-producing regions become prone to secession when they are dominated by a distinct ethnic group different from the ruling ethnic group in the center. Ache, Cabinda region of Angola, Scotland, and the Kurdistan Region only reaffirm this claim. These regions are dominated by a specific ethnic group whose aspirations for independence have preceded oil discovery, and their cultural and ethnic identities came under threat (grievances) by the dominant group in power. Therefore, oil-induced secessionist demands are conditional on the existence of natural resources and other structural factors such as the existence of a distinct ethnic group and the other historical factors such as the treatment of minorities by the central governments.

As indicated previously, some scholars argue that economic factors, in particular the existence of natural resources, including oil lead to secessionist (Collier and Hoeffler 2000, and Fearon 2003, Ross 2004, 2012). While others argue central government's redistribution policy could fuel the sense of local nationalism provided a distinct ethnic group sits on the natural resources (Gurr 1970, Sorens 2011, Paine 2016, Hunziker and Cederman 2017). My study finds that although, superficially, petroleum appears to motivate secession in the

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<sup>72</sup> Secessionist Movements and Ethnic Conflict: Debate-Framing and Rhetoric in Independence Campaigns (2013) Beata Huszka (P.163)

oil-rich regions, profoundly, it had anti-secessionist effects on the Kurdistan Region's secessionist outcome because 1- Oil made Kurdish leaders overconfident and inflated the expectations of Kurdish leaders about independence because oil's significance as a geopolitical lever was overrated. 2- It gave them a false sense of political and economic security. 3- It blurred the geopolitical realities of the Kurdistan Region, which made Kurdish leaders overplaying their hand against the central government and the regional countries. Thus, petroleum created an economic and political illusion of independence in the eyes of the Kurdish decision-makers, which led them to the disastrous consequences by holding the independence referendum in 2017. Moreover, in agreement with Gurr (1970), Sorens (2011), Paine (2016), Hunziker and Cederman (2017), my case study also confirms a prerequisite for secessionist demands is the existence of a specific ethnic group living in an oil rich region. Oil became a factor in the Kurdish case because Kurds viewed central government as an oppressor whose discriminatory policies led to severe political, economic, and social discrepancies.

There is little doubt though that Kurds did very well in post 2003 Iraq, but with the passage of time, the KRG was losing its political, economic and military strength. The fear about the future and the potential loss of their economic and political autonomy to the central government informed the Kurdish leadership to seek full independence in 2017 when the political, territorial, economic, and security grievances overlapped with opportunity rising from the advent of ISIS. This is in line with Fearon (2003) who argues grievances alone are not sufficient for secession unless it coincides with opportunity and specifically

reaffirms the recent studies by Palani, Khidir, Dechense, and Bakker (2019), and Mustafa (2020) on the Kurdish case.

## **Conclusion**

In summary, my dissertation makes two specific contributions to the extant Kurdish Studies and Oil Curse literatures. First, it asserts that the 2017 Kurdish independence was a result of a constellation of factors, including political, economic, territorial and security grievances, overlapping with unprecedented opportunities, further skewed by Kurdish frustration of the Western broken promises. Secondly, it argues that oil has anti-secessionist effects in the case of oil rich Kurdistan Region because it created an illusion of political and economic independence.

## **Chapter Three: Methodology**

### **Introduction**

In this chapter, I discuss the methodology I have selected to answer my questions, methods of data collection, participant selection, and address issues of validity and rigor of the study. As Maxwell (2012: 87) suggests "methodological decisions depend on—the issues that you will need to think about in designing your research methods." Accordingly, the selection of research method for a study should be an instrument to answer the proposed questions. This study explores and analyzes the factors leading to the 2017 independence referendum of the Kurdistan Region and the impacts of oil on the Kurdish secessionist bid. As such, the primary methodology chosen to answer the questions is a qualitative single case study.

### **Methodological Selection**

This research project has chosen a qualitative single case study to answer my two key questions: “*What factors led to the 2017 Kurdistan independence referendum? And, What are the impacts of oil on the Kurdish independence bid?*”. Yin (2009: P.14) defines case study as “an empirical enquiry that investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident”. Accordingly, a case study enables researchers to

provide what Geertz (1973) calls a “thick description” of the phenomena and/or event, where researchers immerse themselves within the context to understand the case and answer their questions. Similarly, Yin (2009) discusses the advantages of a single case study by suggesting that it allows researchers to do an in-depth investigation of an individual, group, or an event to explore causations and processes through "exploratory, descriptive, and explanatory" research.<sup>73</sup> My study fits this category as it makes a deep dive to explore the various factors leading to the 2017 KRI’s independence referendum and gauges the impacts of oil on the process. Moreover, as Yin (2009) points out, a case study can be justified and defended because the case "represents a unique case, deserving to be studied on its own right," promising "unusual insights warranting its study." The case of the KRI presents a unique case because of the following reasons. First, the KRI is self-governing with every feature of an independent state from internal sovereignty, legitimacy, army to conducting foreign policy except external recognition. For instance, the KRG conducts its foreign affairs through independent diplomatic missions in more than 12 countries, including the five members of the UNSC. Secondly, what makes the KRI distinct is its de jure authority (even though questionable) to sign oil contracts with the IOCs, produce and export petroleum in defiance of the central government. There are certain other cases of oil rich regions such as Aceh of Indonesia and Cabinda of Angola that could resemble the KRI. But they are different from the KRI because, for example, Jakarta is in charge of oil exports of the autonomous region<sup>74</sup> while Luanda controls

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<sup>73</sup> Yin, Robert K. *Case Study Research: Design and Methods*. Beverly Hills, Calif: Sage Publications, 1984. Print.

<sup>74</sup> “INDONESIA: The Aceh Peace Agreement”, Council of Foreign Relations, <https://www.cfr.org/backgrounder/indonesia-aceh-peace-agreement>.

Cabinda province militarily politically and financially despite their secessionist tendencies.<sup>75</sup> As such the unique case of the KRI is a phenomenon that lends itself to providing an ideal opportunity to explore the factors leading to the independence referendum and explore the effects of oil on the Kurdish secession bid.

Furthermore, Yin (2009, 2013) notes that a case study can be employed to answer "what, who, and why" questions, particularly when the researcher seeks to explore or describe a phenomenon.<sup>76</sup> Emphatically, Schramm (1971, cited in Yin 2009, P. 17) asserts that "central tendency among all types of case study, is that it tries to illuminate a decision or set of decisions" and "why they were taken." My research project has answered "what questions" and identified the decision taken to hold the referendum and the factors led to it, and examined the impacts of oil on the process. Therefore, a single case study was a befitting choice for this research project.

Maxwell (2012) also sums up the advantages of a qualitative research study as follow:<sup>77</sup>

- 1- "Understanding the meaning, for participants in the study, of the events, situations, experiences, and actions they are involved with or engage in."

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<sup>75</sup> Frynas, Jędrzej George, and Geoffrey Wood. "Oil & war in Angola." *Review of African Political Economy* 28.90 (2001): 587-606.

<sup>76</sup> Yin, R. K. (2013). Validity and generalization in future case study evaluations. *Evaluation*, 19(3), 321–332. <https://doi.org/10.1177/1356389013497081>.

<sup>77</sup> Maxwell, Joseph A. *Qualitative Research Design: An Interactive Approach*. Thousand Oaks, Calif: Sage Publications, 2012. Print.

- 2- "Understanding the particular contexts within which the participants' act, and the influence that this context has on their actions."
- 3- "Understanding the process by which events and actions take place."
- 4- "Identifying unanticipated phenomena and influences and generating new."
- 5- "Developing causal explanations."

### **Data Collection**

To collect data, the author made a field research trip to the Kurdistan Region of Iraq from September 2020-October 2020. The purpose of the trip was to do in person interviews with senior Kurdish, Iraqi officials, academics, journalists and subject matter experts. However, the author continued to conduct interviews and make inquires, follow-ups with some of the interviewees until December 2021 both in person in Washington and via WhatsApp, Skype and other forms of digital communications with identified officials and experts in the U.S., Iraq, the Kurdistan Region, and Europe for the project. Hence, this dissertation depended on primary sources by employing elite interviews as the main source of data collection to answer the questions and secondary sources to bolster the findings and ensure the overall validity of the study.

The rationale for doing interviews is rooted in the fact that it was almost impossible to understand, for example, what were the motives that informed the Kurdish leaders to hold the referendum without speaking to those who were directed involved in the decision making processes. As Weiss (1994) notes the research topic and questions force the

researcher to select "People who are uniquely able to be informative because they are expert in an area or were privileged witnesses to an event." Therefore, the only possible method to determine why certain choices are made is to speak to those who make the decisions.

Most of the primary data collected for this study is derived from in-depth interviews. Overall, the author conducted 63 interviewees from September 2020 to December 2021. I spent two months in the Kurdistan Region for data collection, including documents related to the KRG's budget and oil. My initial plan was to spend four to six months to conduct 38 interviews after I had identified the potential interviewees. However, I was able to arrange the interviews in an orderly and effective manner because I already had an established network of contacts in Iraq due to my prior work as a journalist and translator from 2003-2007. Moreover, my profile as an analyst and my frequent commentary on TV and radio helped me gain access to influential people and politicians with insight knowledge regarding the topic of my dissertation.

To arrange the interviews, each participant was approached via email, texts, phone calls, and in some cases, direct Twitter messages to explain the purpose of the inquiry. Most of the interviewees responded positively to the request; however, three declined. A sample of the interviewees included President of Iraq Barham Salih, President of Kurdistan Region Nechirvan Barzani, Deputy Prime Minister Qubad Talabani, advisors in the Council of Ministers, Prime Minister's office, advisors at the MNR, leaders, and officials of the

Kurdish political parties, Kurdish and Iraqi MPs, Iraqi officials, and MPs. I also interviewed senior U.S. officials from the Department of State, the White House, and former officials who had a deep knowledge about Iraq, Kurdistan Region, Iraq, and its leadership. But no specific attributions would be made to these individuals due to their sensitive posts they hold and the confidentiality of what was discussed in the interviews.

### **Purposeful Selection**

The author chose “purposive sampling” as a technique to identify and select people to participate in the study based on the knowledge of the goals of the study.<sup>78</sup> For this, the author used his judgement and insight to select individuals that had first-hand information. As discussed by Weiss (1994, P.17) the research topic and questions force the researcher to select "People who are uniquely able to be informative because they are expert in an area or were privileged witnesses to an event." Accordingly, I use a purposeful selection method for selection the interviewees that included senior Kurdish, Iraqi, U.S. officials and policymakers, experts, journalists, and academics who have insights and knowledge regarding the Kurdish oil policy and the decision to hold the 2017 independence referendum. This is not the type of information that could be obtained via surveys or tests. Instead, such insights can only be obtained by speaking to those who were involved in the decision making process. Moreover, Macmillan and Schumacher (2013, P.382) discuss the importance of elite interviews by emphasizing their contribution to insights and meaning because "they are comfortable in the realm of ideas, policies, and

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<sup>78</sup> Black, K. (2010) “Business Statistics: Contemporary Decision Making” 6<sup>th</sup> edition, John Wiley & Sons.

generalizations." As such, purposive sampling," did not only lead to insights but also proved cost effective and time saving as indicated by Dudovskiy (2022). Consequently, this method enabled the researcher to collect data that delivers the information needed to answer the research questions of this dissertation.

### **Rigor of Research**

It's always tricky to deal with a highly charged political setting as a byproduct of something as sentimental as the issue of independence, which is the subject of my dissertation. The ill-fated referendum exacerbated political polarization in the Kurdistan Region. Thus, it's natural for political actors involved in an unsuccessful project to seek to absolve responsibility and blame others. During my interviews I had to deal with these political actors and decision makers both in the Kurdistan Region and the United States. I did choose these high-ranking officials and politicians as interviewees to collect data with the full recognition of the potential threats to the validity of my research. However, the benefits of the information obtained from such interviewees could outweigh the disadvantages because the insights are foundational to answer my questions. Also, when available and necessary, secondary sources are used to validate and/or debunk information provided by the interviewees.

I took with utmost seriousness the endeavors to ensure the validity and accuracy of the information. I did everything I could to ensure the authenticity of the data I was collecting via interviews. To address the reliability of the data, when in doubt, I cross examined

the data I had collected with other interviewees. I also checked the data against secondary sources when available. The rationale for selecting participants from diverse backgrounds (PUK, KDP, Gorran Movement, Islamic parties, social party, KRG, Iraqi, and U.S. officials, opposition groups and figures, former officials, experts, and journalists) was also intended to address the credibility of the research and the validity of my results. All efforts were made, including in person interviews, phone interviews, skype interviews, WhatsApp interviews to collect inclusive data to ensure the validity of the data and to mitigate the risks of unfounded and false claims.

My system of triangulation (multiple data collection – interviews, observations, legal documents, journals, public data, and news reports from English, Kurdish and Arabic sources) paved the way for verifying certain information I got from the officials that I believed meant to undercut their rivals. I verified the information by asking other interviewees to collaborate or invalidate the data. For example, there was some very sensitive misleading information regarding the events that followed the 2017 referendum that I was skeptical about. I asked State Department and former White House officials to collaborate on the story. The information turned out to be false and as result was not included in the project. This highlighted the importance of what Maxwell (2012, P.88) argues that "data should be treated critically, and not simply accepted at face value," and they needed to be assessed for the validity threats.

Furthermore, Weiss discusses the importance of an inclusive pool of interviewees to expand understanding regarding the topic, which is vital to assess the data. He argued that "To enrich or extend our understanding, we might also want to include as respondents' people who view our topic from different perspectives or who know about different aspects of it. Our aim would be to develop a wide-ranging panel of knowledgeable informants."

I also used open-ended interview approach to collect data about my topic. Such approach allows the interviewees more freedom to provide insights and information while help reducing potential biases from the part of the interviewer. In other words, I allowed the conversations to take its own natural course without interruption except when the interviewee diverted from the topic. I started with open-ended questions because I wanted the information to flow and direct the results of my study. This was mean to reduce my own influence and potential biases through exercising reflection and reflexivity to mitigate the risks of compromising my results.

I am also mindful of the fact that I am long involved in the Kurdish issue, and I am a product of it. Hammersley & Atkinson (1995) address this issue by recognizing that it would be impossible to eliminate the influence of the researcher but to "understand it and use it productively." Despite my close association with the case, I believe that my expertise paved the way to the richness of my data and enhanced my understanding of what questions would bring the best information that enables me to answer my research

questions. This is in agreement with (Becker 1970 cited in Maxwell), who states that "Both long-term involvement and intensive interviews enable you to collect "rich" data, data that are detailed and varied enough that they provide a full and revealing picture of what is going. Therefore, I viewed my expertise, cultural background, language skills, and my deep involvement with the Kurdish issue as an asset for my research rather than a liability. This line is supported by Macmillan and Schumacher (2013), who emphasize the importance of "data collected by a skilled, prepared person." As a result, this method of triangulation that includes a critical assessment of the data based on diverse views, data collected from various sources, constant reflection saved me from inserting not just troubling but damaging information to the credibility and the validity of my research.

### **Role of Researcher**

I am from the KRI and aware of potential biases. I have lived and worked as a journalist in the KRI for 27 years. I have also enjoyed relatively close professional contact with some Kurdish officials, U.S. officials, and some of the other participants for this study. While this gave me the advantage to successfully conduct my research in the most efficient way and time possible, it posed challenges. For example, as a researcher, I had to summon the courage to ask questions about corruption from some of the officials whom I knew. I understood that the credibility of this study would depend on my impartiality in asking tough questions to those I was acquainted with and those I met for the first time. The best way to deal with this quandary was to write down the questions in my notebook, practice them and explain to the interviewee that these questions were asked to every

interviewee to collaborate the findings of my research. Every interview I did remained completely confidential. I was aware of the sensitivity of my topic and the high political climate in the Kurdistan Region. Names of interviewees were removed from the recordings, transcripts, and results of my study. Also, whatever quote I have used from some of the elite interviews was sent back to them to approve it before putting it in the dissertation.

I have also drawn on my own experience and expertise, which I found beneficial for the purpose of this dissertation. My practical, cultural, and linguistic background was instrumental in guiding me through the data collection process and analyzing the data. I hope that I had used my experience and close connections to the subject and the participants both productively and positively in a way that would enrich this dissertation and ensure its credibility. However, I don't claim that the findings of this research act as an ultimate truth arbitrator of a very complex issue of Kurdish independence and oil effects on it.

### **Ethical Considerations**

Every interview I did remain completely confidential. Before the start of the interviews, I explained the purpose of the conversation, usage of the data, and its approval for usage. I also informed the interviewee of the recording of the discussion before we started. In some cases, the interviewees asked for the recorder to be paused to share some deep background information and I followed the protocol.

The sensitivity of my topic and the hyper political climate in the Kurdistan Region required to me to be diligent regarding ensuring the security of the recorded interviews. Therefore, I downloaded the interviews on my computer and deleted them on the recorder at the same day the interviews were conducted. Also, names of interviewees were removed from the recordings, transcripts, and results of my study unless received prior approval from the interviewees. To ensure academic honesty, the quotes I have used from some of the elite interviews were sent back to them to approve it before putting it in the dissertation.

## **Methods of Data Collection**

### **Interviews**

Before I start discussing the rationale behind interviews as the primary method of data collection for this inquiry, I would like to disclose, for the sake of academic integrity, that I have enjoyed professional relations with some of the interviewees. As indicated, my former jobs helped forged such connections, which have been purely professional and were based on exchanging views and ideas. While I recognized the importance of this relationship to get my interviews done, I also understood the problems that might arise from it. Nevertheless, I have used contacts to gain insights productively for my research. I also made sure that I would ask the questions most professionally and effectively to elicit the best possible data.

To build more trust and make the interviewees comfortable, I started an informal chat to explain what I was trying to do. This served as a segue to enter the real business of doing the interviews. Before I started the interviews, I asked the participants to consent to the record of the formal interview. Upon the consent, the interview began in a private place which in most cases were the offices of the people I met.

The interviews were in-depth and started with an opened ended and semi-structured question. They took had an hour to two hours, depending on the insight of the interviewee. The opene- ended question lent itself to providing open-ended responses that were crucial exploring new and rich data regarding the topic of my dissertation, understand the processes and causes of the Kurdish independence move in 2017 because it gave the interviewees to highlight the factors leading to the referendum. Then, it was followed by more structural questions, which were meant to gain reliable data. It's important to note that I did not track specific order and mechanism in asking the questions. Furthermore, as data was collected, new puzzles emerged that required asking further questions. Therefore, my research was not mechanical. Instead, I allowed the data to take its own natural course, which led to collecting rich data via the interviews.

Weiss (1994) suggests that one of the best and reliable ways to get data to understand the processes and the mechanisms was to speak to people who had direct knowledge of the issues. Accordingly, interviews are good for “how events occur or what an event produces” Weiss (1994). Tracing the causes of the 2017 referendum and the impacts of oil

on the Kurdish secessionist bid was at the core of my research project. Therefore, it was natural to choose an interview as the mode of the research to answer my questions and achieve the research goal. In the words of Seidman (2006), interviewing is a “basic mode of inquiry” that provides access to the context of people’s behavior and a way for researchers to understand the meaning of their actions and enable them to reconstruct events.

### **Observations**

My own observations as an observer of Iraq have also been sources of data collection for this research. During my trip, I recorded notes and took photos that I thought could better highlight my argument. These included notes regarding the impact of oil on society, the job market, politics, and the transformation of the public spaces. Maxwell (2013) discusses that “hanging out, casual conversations, and incidental observations” can provide important contextual information for an interview study. In line with this, I integrated my own observations into the results and later served as a conidium during the analysis of the data and gave context to the overall research project.

### **KRG Law and Iraqi Constitution**

I also reviewed the Oil and Gas Law passed by the Kurdistan Parliament in 2007 and the subsequent relevant laws, the 2014 Independent High Electoral and Referendum Commission law, and the Iraqi Constitution. I have used these legal documents such as laws and resolutions from Kurdistan and Iraqi Parliaments whenever I deemed necessary in the

dissertation. They were important to understand the arguments made by both the Iraqi government and the KRG regarding their authority to deal with oil and the KRG's legal assertion of why it had the right to hold the referendum.

### **Documents and Journals**

Official and unofficial documents, memos provided by some interviewees and other documents published by international and local newspapers regarding the KRG's financial standing, budget, corruption allegations were also used to support this dissertation. They were quite instrumental to understand KRG's thinking and strategy behind the options it was choosing to deal with Iraq.

### **Public Data**

This research has benefited from various publicly accessible data from the World Bank, UN, Wikileaks, Think Tanks, World Bank's Worldwide Governance Indicators, and Transparency International's Corruption Perceptions Index Extractive Industries Transparency Initiative. These platforms provided me with surveys and data that enabled me to better understand socio-political and economic dynamics in the Kurdistan Region and Iraq.

### **News Reports**

I used news reports mostly including Kurdish as another source of data collection. As along observer of Iraq, I have been following the developments in the region. I have used

the news reports that were about the referendum, issues between Erbil and Baghdad, agreements, oil and gas contracts, corruption in the oil sector, and oil smuggling. This method of data collection was quite instrumental in collaborating with the data collected from the interviews.

## **Data Analyzing**

As Emerson et al. (1995) note, the first step of qualitative analysis is reading the interview transcripts, observations notes, and documents. I started transcribing the interviews from Kurdish into Kurdish texts word by word. For this, I enlisted the help of my brother and sister after I removed the names of the interviewees to keep them confidential. Then, I reviewed the texts and translated the necessary excerpts into English. However, some of the interviews were conducted in English, and I used voice transcription software called Sonix to transcript them. To ensure the accuracy of the text, I listened to the interviews again and compared them with the text. This process helped me with organizing my thoughts, categories, and relationships and writing initial analysis.

The analysis of qualitative data started with identifications of segments that appeared important (Maxwell 2013). To do this, coding is instrumental to group units, organize ideas and develop the initial analysis. For this dissertation, I used NVivo qualitative software to code my data after saving translated transcripts of the interviews. Next, I reviewed the transcripts to code data categorically. Then, I reviewed the segments, looked for patterns in order to merge them into themes that became my key findings of this dissertation.

## **Scope and Limitation**

This study only deals with the case of the Kurdistan Region in Iraq and does not include the aspiration of Kurds in Syria, Iran, and Turkey. Although I had advantages in knowing the local language, culture, context, and my extensive networks, this study faced certain limitations. These included limited data on the decision made to hold the referendum, accessing reliable government data, in particular those related to oil sales and revenues. Time, budget, and the COVID-19 pandemic also constrained the scope of the study and denied access to certain influential policymakers. I could not interview them because of the pandemic. But I used Skype, phone, and WhatsApp to do some of the interviews when possible. Finally, I must recognize validation and generalizability of the research's findings could be another potential problem as this research project employs a single case study. To address the validity of the data, I have cross-checked data derived from the interviews with other sources and used my judgment to mitigate the risks of engraining unreliable claims in this dissertation. As for generality, the findings of this dissertation related to the causes of the 2017 independence referendum do not propose to be generalizable. However, the findings of this study can be examined in the oil-rich regions and could shed light on similar cases such as Biafra Region of Nigeria and Cabinda of Angola with secessionist tendencies.

## **Conclusion**

This dissertation used a qualitative case study to understand the factors leading to the 2017 Kurdistan Region's independence bid and to explore the impacts of oil on the

process. The case of the Kurdistan Region is unique, and the nature of the questions warrants a qualitative case study. The inquiry makes use of primary sources, including interviews and observations, and secondary sources of documents, publications, regional and national laws, public data, and news reports to bolster the finding of this inquiry. Lastly, the dissertation uses thematic units to make sense of the data and analyze them accordingly. It's the hope of this dissertation its findings will be insightful, instructive, and helpful for policymakers in Iraq, the Kurdistan Region, the U.S., and the EU to resolve the long-standing conflict between Baghdad and Erbil through a political settlement that protects the rights and interests of all stakeholders. I also hope that Kurdish policymakers will read the findings of this study in order to realize the erosive impacts of oil on every aspect of life in the Kurdistan Region.

## Chapter Four: Baghdad's Repressive Approach

### Introduction

This chapter seeks to examine the deep-seated Kurdish grievances in Iraq. It argues that the failure to resolve the outstanding political, security, territorial, and financial issues between Erbil and Baghdad within the post 2003 political and constitutional framework became the main driver of the 2017 independence referendum. The Erbil-Baghdad relationship had reached the lowest point in 2014 due to the policies of former prime minister Nouri Maliki. These included his attempts to reassert Baghdad's authority over the disputed areas, sidelining Kurds militarily and politically while withholding the KRG's share of the national budget. In turn, such actions led to widening trust between the two sides and disappointment among the Kurdish leadership regarding the future of Kurds in Iraq. This sense of disappointment was also reinforced by the bitter historical experience of Kurds in Iraq.

### Political Grievance

The Kurdish political grievances have deep roots since the establishment of the state of Iraq.<sup>79</sup> Broken promises, renegeing of agreements between Kurds and various Iraqi

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<sup>79</sup> Bozarslan, Hamit. "Dark Times: Kurdistan in the Turmoil of the Middle East, 1979–2003." *The Cambridge History of the Kurds*. Ed. Hamit Bozarslan, Cengiz Gunes, and Veli Yadirgi. Cambridge: Cambridge UP, 2021. 269-88. Print.

regimes have converted Kurdish grievances into extreme uncertainties, where Kurds launched armed struggles against Baghdad as an instrument of protection and assurance since 1920s. As a result, a conviction has been formed among Kurds that conciliatory overtures of Baghdad toward Kurds depend on the measure of the central government's strength. Accordingly, a strong Baghdad acts malignly against Kurds, while a weak central government accommodates the Kurdish rights.<sup>80</sup> There is ample historical evidence to support this assertion. For example, former Iraqi leaders made peace with Kurds only to defeat their rivals in 1950s and 1960s and consolidate power in Baghdad.<sup>81</sup> To do this, they had to recognize some of the political, economic, and cultural rights of Kurds. However, when the balance of power shifted in favor of Baghdad, the regimes scrapped the previous deals and ruled Kurds with a heavy hand.<sup>82</sup> This probably had best manifested itself in the treacherous Algeria agreement between Iraq and Iran,<sup>83</sup> which enabled Iraq to renounce the March 11th, 1970, peace agreement between Baghdad and Kurds and its replacement with the Autonomy Law of 1974 without Kurdish consent and the nullification of the Autonomy law of 1974.<sup>84</sup>

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<sup>80</sup> Nechirvan Barzani, Kurdistan Region in a Complex Neighborhood. MERI, October 26, 2021, <http://www.meri-k.org/multimedia/session-3-kurdistan-region-in-a-complex-neighbourhood/>.

<sup>81</sup> Gareth Stansfield, 'The Kurdish Question in Iraq, 1914-1974', The Middle East Online Series 2: Iraq 1914-1974, Thomson Learning EMEA Ltd, Reading, 2006.

<sup>82</sup> Romano, David. *The Kurdish Nationalist Movement: Opportunity, Mobilization, and Identity*. Cambridge, UK: Cambridge University Press, 2006. Print.

<sup>83</sup> Ibid

<sup>84</sup> Gunes, Cengiz. "Kurdish Politics across the Middle East during the 1970s." *The Cambridge History of the Kurds*, edited by Hamit Bozarslan et al., Cambridge University Press, Cambridge, 2021, pp. 250–268.

Against this background, Kurds believed that the fall of Saddam Hussein in 2003 would mark a new era in Iraq, where they could live peacefully in a democratic country.<sup>85</sup> To a very good extent, this belief had sound foundations. Iraqi Kurds achieved many of their historical demands such as participation in governance, political, legal, economic, and financial rights. For example, the Kurdistan Region was constitutionally recognized. Peshmerga forces became a part of the Iraqi defense system.<sup>86</sup> The KRG started receiving its share from the federal budget. In Baghdad, Kurds assumed the posts of presidency, foreign ministry, finance ministry and dozens of the senior posts in successive Iraqi governments.<sup>87</sup> Therefore, if you were a Kurd, these developments would have made you optimistic about the future in the new Iraq, given the dark history.

This hope was further enhanced by the American<sup>88</sup> and British<sup>89</sup> promises to support a pluralistic, democratic, and federal Iraq. Kurds opted out the notion of complete secession from Iraq in 2003 because the Western countries reaffirmed their commitment to these principles.<sup>90</sup> Kurdistan Region President Nechirvan Barzani emphasized that the United States, and especially the United Kingdom were instrumental in convincing Kurds

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<sup>85</sup> Kurds party to mark Saddam's fall", Al-Jazeera, April 10, 2004,

<https://www.aljazeera.com/news/2004/4/10/kurds-party-to-mark-saddams-fall>.

<sup>86</sup> Constitution of the Republic of Iraq [Iraq], 15 October 2005, available at: <https://www.refworld.org/docid/454f50804.html>.

<sup>87</sup> Lawrence, Quil. "The Accidental Nation." *Media, War & Conflict*, vol. 1, no. 2, Sage Publications, Ltd., 2008, pp. 141–53, <http://www.jstor.org/stable/26000101>.

<sup>88</sup> "President Outlines Steps to Help Iraq Achieve Democracy and Freedom," White House, May 24, 2004. <https://georgewbush-whitehouse.archives.gov/news/releases/2004/05/20040524-10.html>

<sup>89</sup> UK backs Iraqi federal government, Al-Jazeera, January 22, 2004,

<https://www.aljazeera.com/news/2004/1/22/uk-backs-iraqi-federal-government>.

<sup>90</sup> Knight, Michael, "Iraqi Kurdistan: Priority Issues for International Mediation", Washington Institute, July 10, 2020, <https://www.washingtoninstitute.org/policy-analysis/iraqi-kurdistan-priority-issues-international-mediation>

to become a part of the political process in the country.<sup>91</sup> Prior to 2003, the Kurdistan Region had enjoyed a semi independence status since the first Gulf War with no social, political, administrative and economic links to the rest of Iraq.<sup>92</sup> As a result, the Kurdish enclave was completely separated from the rest of the country with its own political institutions, economy, and security forces.<sup>93</sup> The sense of Kurdistan as a separate entity and the Kurdish inspiration for full statehood was also reflected in an unofficial referendum held in 2005. Kurds voted in favor of an independent Kurdistan with an overwhelmingly 98 percent.<sup>94</sup>

Furthermore, the Kurdish heavy political involvement in the new Iraq after the U.S. invasion was based on the notion of equal citizenship.<sup>95</sup> Former presidents Jalal Talabani and Masoud Barzani played leading roles in drafting the new Iraqi Constitution and rebuilding the new Iraq based on the premises of partnership, democracy, and pluralism.<sup>96</sup>

During the transitional period, Kurds were also able to insert sufficient safeguards in the "Law of Administration for the State of Iraq for the Transitional Period" (TAL) to ensure

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<sup>91</sup> Interview with Kurdistan Region President Nechirvan Barzani, October 2020.

<sup>92</sup> The Kurds in Iraq : Status, Protection, and Prospects, report, May 12, 1994; Washington D.C.. (<https://digital.library.unt.edu/ark:/67531/metadc805615/>; accessed January 9, 2022), University of North Texas Libraries, UNT Digital Library, <https://digital.library.unt.edu>; crediting UNT Libraries Government Documents Department.

<sup>93</sup> Gunter, Michael M. "A KURDISH STATE IN NORTHERN IRAQ?" *Humboldt Journal of Social Relations*, vol. 20, no. 2, Department of Sociology, Humboldt State University, 1995, pp. 45–94, <http://www.jstor.org/stable/23262758>.

<sup>94</sup> Azad Berwari & Thomas Ambrosio, "The Kurdistan Referendum Movement: Political Opportunity Structures and National Identity, Democratization", 15:5, (2008), 891-908, DOI: 10.1080/13510340802362489.

<sup>95</sup> Constitution of the Republic of Iraq [Iraq], 15 October 2005, available at: <https://www.refworld.org/docid/454f50804.html>.

<sup>96</sup> Ibid.

that no legislations or fateful decisions were made without their consent.<sup>97</sup> The TAL stipulated the formation of Presidency Council that included the president and two vice presidents. The Council had substantial powers including vetoing legislations, appointing judges, approval of troop deployment, and nominate prime minister until 2010.<sup>98</sup>

However, the new Constitution approved in 2005 reduced the role of presidency to ceremonial after the transitional period was over in 2010, while leaving unrestricted power in the premiership. Even some of the Shia figures believed that investing 99 percent of the power in one person would be problematic and dangerous for the country.<sup>99</sup> As the post of the prime minister goes to the majority and by default the post goes to the Shia as the dominant sectarian group in the country. What makes the situation worse for Kurds and other minority groups in Iraq, at the absence of an overarching national identity, legislative and judicial matters are settled on the sectarian lines. Thus, Shias who compose of majority of Iraq have taken the powerful post of premiership backed by legislative and judicial powers to push their legislative agendas.<sup>100</sup> This has exposed Kurds to various legislative, political, military, legal and financial risks in Iraq.<sup>101</sup> The most recent legal blow to the KRG came in February

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<sup>97</sup> Katzman, Kenneth, "The Kurds in Post-Saddam Iraq", United States Congressional Research Service, 1 October, 01, 2010, RS22079, available at: <https://www.refworld.org/docid/4cc7bebc2.html>.

<sup>98</sup> Ibid.

<sup>99</sup> Talk given by former NSA Moufq Rubaei at Fletcher School, 2012.

<sup>100</sup> Shia majority cut in Iraqi poll as negotiations begin for new PM, The Guardian, January 21, 2006, <https://www.theguardian.com/world/2006/jan/21/iraq.iraqtimeline>

<sup>101</sup> Neuman, Scott, "Iraq Elects Kurdish Politician To Ceremonial Post Of President", NPR, July, 24, 2014, <https://www.npr.org/sections/thetwo-way/2014/07/24/334874021/iraq-elects-kurdish-politician-to-ceremonial-post-of-president>

2022 when the Iraqi Supreme Court ruled that the KRG's 2007 Oil and Gas Law was "unconstitutional."<sup>102</sup> If anything the ruling is the reaffirmation of Baghdad's intention to reassert its power on the Kurdistan Region and contain the KRG's powers that were bestowed in post 2003.

Jalal Talabani, a Kurd who served as Iraq's president from 2005 to 2014, played a key role in balancing the Shia power in Iraq.<sup>103</sup> Talabani used his charisma, dynamism, and legal powers during the Presidency Council in the transitional period to protect Kurds. For instance, Kurdish lawmakers in Baghdad were outvoted by Arab lawmakers in summer 2008, when they gave fixed quota seats to Arabs and Turkmens in the Kirkuk Provincial Council regardless of election outcome.<sup>104</sup> But Talabani was able to revoke the legislation by vetoing it. He was able to do so only because he still had the presidential power invested in him in the first term per the Constitution.<sup>105</sup> In addition, Talabani's moral weight and charisma continued to play key role in Iraq's political crisis even after the dissolution of the Presidency Council.<sup>106</sup> He was able to make the best of his ceremonial post in Baghdad until his sickness in 2012. To do this, Talabani leveraged his personal relations and diplomatic skills with the Iraqi Arab leaders to

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<sup>102</sup> "Iraqi federal court deems Kurdish oil and gas law unconstitutional", Reuters, Feb 15, 2022 <https://www.reuters.com/world/middle-east/iraqi-federal-court-deems-kurdish-oil-gas-law-unconstitutional-2022-02-15/>

<sup>103</sup> Kurdish leader Talabani, onetime hope for Iraqi unity, dies", AP, October 03, 2017, <https://apnews.com/article/74a39fceb0af451eba77ae95154ccfd8>

<sup>104</sup> Iraqi council vetoes vital election law for Kirkuk, Star Tribune, July 23, 2008, <https://www.startribune.com/iraqi-council-vetoes-vital-election-law-for-kirkuk/25833414/>.

<sup>105</sup> In Iraq, fault lines run deep over Kirkuk's future, Reuters, August 08, 2008, <https://www.reuters.com/article/us-iraq-kirkuk/in-iraq-fault-lines-run-deep-over-kirkuks-future-idUSL739774220080810>.

<sup>106</sup> Galbreath, Peter, "Exit the Conciliator", Foreign Policy, December, 21, 2012, <https://foreignpolicy.com/2012/12/21/exit-the-conciliator/>.

ensure that the simmering issues<sup>107</sup>, in particular finance and territory would not get out of control between the KRG and Baghdad.<sup>108</sup>

It's also important to note that although the Presidency Council provided some security for Kurds, it was a double-edged sword. The vice presidents (a Shia and a Sunni) also had veto power. According to former Iraqi MP Arez Abdullah, Talabani proposed a legislation to normalize the disputed areas in Iraq, including Kirkuk, but the Sunni vice president vetoed the proposal because the Sunnis would have lost significant territories in Anbar Province as the former regime had detached territories from Najaf, a Shia province, to Anbar Province, which is a Sunni dominated area.<sup>109</sup> Nevertheless, the Presidency Council at minimum was able to keep the status quo and prevent legal measures that could have harmful consequences for Kurdish influence in Baghdad and the disputed areas.

Coupled with the abandonment of the Presidency Council, the Kurdish position also weakened in Iraq on the legislative fronts. During the transitional period, Kurdish parties who took part in Iraq's first legislative election in January 2005 under the banner of "Kurdistan Alliance" (KA) won 75 seats out of 275.<sup>110</sup> The election law was

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<sup>107</sup> Jalal Talabani's mediating skills will be much missed, *Economist*, October 05, 2017, <https://www.economist.com/middle-east-and-africa/2017/10/05/jalal-talabani-s-mediating-skills-will-be-much-missed>

<sup>108</sup> Galbreath, Peter, "Exit the Conciliator", *Foreign Policy*, December, 21, 2012, <https://foreignpolicy.com/2012/12/21/exit-the-conciliator/>.

<sup>109</sup> Phone interview with former Iraqi lawmaker, April 2021.

<sup>110</sup> "Iraq's Shiite Alliance Wins Slim Majority in New Assembly", *The New York Times*, February 17, 2005, <https://www.nytimes.com/2005/02/17/international/middleeast/iraqs-shiite-alliance-wins-slim-majority-in-new.html>.

favorable to Kurds as it considered the whole country as one electoral district. This allowed Kurds living in areas outside of the KRG's jurisdiction to vote to the Kurdish list. In other words, Kurds in Baghdad, Kirkuk, Basra, and other areas chose to vote to the Kurdish list that turned into a significant political and legislative influence in Baghdad. As a result, this assisted Kurds to emerge as kingmakers in the government formations.<sup>111</sup> However, in the second legislative election in 2006, the Iraqi political parties did not subscribe to the notion of Iraq as one single electoral district.<sup>112</sup> Instead, the country was divided into 18 electoral districts representing the 18 provinces. This twist cost Kurds dearly. The KA lost 22 seats, thereby reducing Kurdish seats to 53 in the Iraqi National Assembly.<sup>113</sup> The Shia list known as the Iraqi National Alliance (INA) that won 138 seats in January also lost 12 seats.<sup>114</sup> Nevertheless, the implications for Kurds were far greater because they were a minority and the Presidency Council with veto power had a sunset by 2010.<sup>115</sup>

To form the government, the INA still required assistance from either Kurds or/and the Sunnis for prime minister and his cabinet confirmations. Moreover, Iraq was still in its early years of practicing democracy and the country was reeling from an active Sunni

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<sup>111</sup> Rudolph, Joseph R. *Encyclopedia of Modern Ethnic Conflicts*. , 2016. Internet resource. P 275

<sup>112</sup> O'Sullivan, Meghan, and Razzaq al-Saiedi. "Choosing an Electoral System: Iraq's Three Electoral Experiments, their Results, and their Political Implications." Belfer Center Discussion Paper, Harvard Kennedy School, April 2014.

<sup>113</sup> Shiites and Kurds Fall Short of Controlling Iraqi Government, *The New York Times*, January 20, 2006, <https://www.nytimes.com/2006/01/20/international/middleeast/shiites-and-kurds-fall-short-of-controlling-iraqi.html>.

<sup>114</sup> Ibid

<sup>115</sup> Natali, Denise, "Are the Kurds Still Kingmakers in Iraq?" May 26, 2010, <https://carnegieendowment.org/sada/40856>

insurgency. To avoid the precarious political situation and fear of violence, every government in Iraq was formed with the participation of all the ethno-sectarian groups in the country.<sup>116</sup> This helped stability but proved disastrous for governance and spread of rampant corruption. The government posts and jobs were divided based on the election gains in which each list appointed their loyalists to the posts.<sup>117</sup> For example, it became a tradition for Kurds to take presidency since 2005 and assume the post of foreign ministry of finance; for Shias to take premiership, and interior and oil ministries, while Sunnis assume speaker of parliament and defense.<sup>118</sup> This system of governance was still in place by January 2022, but the balance of power has dramatically tilted in favor of Shias.

With every election, there was an incremental approach to chip away power from Kurds. In a blow to the previous legislative representation, supported by the United States, the Iraqi Parliament proposed amendment to the 2005 election law in 2009.<sup>119</sup> The new law posed serious threat to the Kurdish representation in Iraq as it favored Shias and Sunnis disproportionately. The key amendments included an increase of the parliamentary seats from 275 to 325 and the decrease of the 45 compensatory seats in

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<sup>116</sup> O'Sullivan, Meghan, and Razzaq al-Saiedi. "Choosing an Electoral System: Iraq's Three Electoral Experiments, their Results, and their Political Implications." Belfer Center Discussion Paper, Harvard Kennedy School, April 2014.

<sup>117</sup> Visser, Reidar. "Iraq: Democracy and electoral politics in post-Saddam era." *Elections and Democratization in the Middle East*. Palgrave Macmillan, New York, 2014. 133-152.

<sup>118</sup> Katzman, Kenneth. "Iraq: Elections, government, and constitution." *Iraq at the Crossroads* (2006). APA

<sup>119</sup> Katzman, Kenneth. *Iraq: politics, elections and benchmarks*. DIANE Publishing, 2010.

the previous law to seven only.<sup>120</sup> The compensatory seats were important for Kurds because, according to the law, the Kurdistan Alliance could have been compensated by seats to make up for the wasted votes on the national level.<sup>121</sup> For example, many Kurds lived in the rest of Iraq and voted for the Kurdistan list, but they were not sufficient for a seat. However, such wasted votes were compensated under the previous law. Therefore, Kurds strongly opposed the new bill, threatening to boycott the 2010 elections and withdraw from the political process.<sup>122</sup> Consequently, a months-long negotiation over the law prolonged between Kurds and the Iraqi political forces regarding the new law without reaching an agreement.<sup>123</sup>

Meanwhile, the political stalemate was making Washington uncomfortable. As such, Kurds came under tremendous pressure from the United States to accept the new law.<sup>124</sup> The Obama administration feared that the failure to reach an agreement over the law would further dip the country into instability and violence, thereby delaying the withdrawal of the U.S troops from Iraq by 2011.<sup>125</sup> An election promise that Obama could not afford to break because of the expediency of the presidential election

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<sup>120</sup> Iraq: Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009) <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Iraq%20S%202010%20240.pdf>.

<sup>121</sup> Aziz, Ibrahim Muhammad, Power-Sharing in Iraq after 2003: The Role of the US-led Coalition and Consociationalism | Feb 15, 202.

<sup>122</sup> Interview with Falah Mustafa, Senior Foreign Policy Advisor to President Nechirvan Barzani, October 2020.

<sup>123</sup> “At Last, Iraqi Lawmakers Agree on the 2010 Election Law”, Carnegie Endowment, December 14, 2009, <https://carnegieendowment.org/2009/12/14/at-last-iraqi-lawmakers-agree-on-2010-election-law-pub-24295>.

<sup>124</sup> “Kurds report U.S. pressure to accept Iraqi election”, CNN, November 2, 2009 <http://www.cnn.com/2009/WORLD/meast/11/02/iraq.biden.elections/index.html>.

<sup>125</sup> Ibid.

in 2012.<sup>126</sup> Kurds resisted Washington's pressure, telling the Obama administration that they would lose further legislative power and political power in Baghdad.<sup>127</sup> The Kurdish strong disapproval to the law forced then President Obama to speak directly to then KRP Masoud Barzani to convince him to agree with the amendments. However, the first an hour-long call happened between Obama, Vice President Biden and Barzani in November 2009 failed to swing Barzani regarding the legislative amendments. Barzani argued that the new law would lead to an outsized Shia and Sunni representation at the expense of Kurds.<sup>128</sup>

As the deadline approached for the passing of the amended election law, Obama once again spoke to Barzani in December,<sup>129</sup> urging him to accept it. To sweeten the deal Obama promised Barzani that the new election law would be for one term only. the U.S. President reaffirmed Washington's support to the implementation of the Article 140 of the Constitution pertaining the fate of Kirkuk.<sup>130</sup> Such guarantees were bolstered by a White House statement in December 2009 in which the White House congratulated the Iraqi people on the new election law and reiterated the U.S. commitment to the Iraqi Constitution, including Article 140 and holding a census. The Statement especially highlighted that the United States "reaffirms its respect for the

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<sup>126</sup> President Obama Has Ended the War in Iraq, October 21, 2011, <https://obamawhitehouse.archives.gov/blog/2011/10/21/president-obama-has-ended-war-iraq>.

<sup>127</sup> Interview with a Senior Kurdish official, September 2020.

<sup>128</sup> Ibid

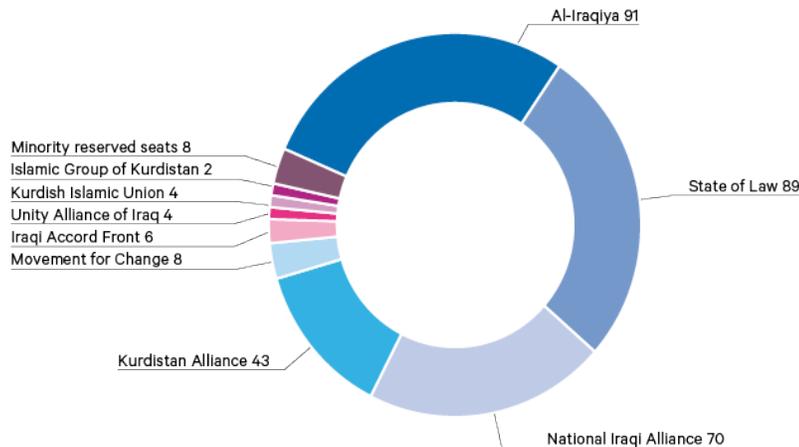
<sup>129</sup> Arraf, jane, Call from Obama seals Iraq election law <https://www.csmonitor.com/World/Middle-East/2009/1207/p06s07-wome.html> 12,07,2009.

<sup>130</sup> Interview with Kurdish official, October 2021.

Iraqi Constitution, including Article 140, which addresses the dispute over Kirkuk and other disputed internal borders.”<sup>131</sup> Accordingly, Barzani agreed with the amendments.

The U.S. brokered deal led to the participation of Kurds in the political process in Iraq once again based on the promises granted by Washington. But the 2010 election results reinforced the factual foundation of the Kurdish argument pertaining the new law because the repercussions of the amended election law proved costly to Kurds.

Combined, the Kurdish political parties received only 57 seats out of 325 in 2010.<sup>132</sup>



Result of the 2010 Iraqi elections. Courtesy of Chatham House

Compare this result with the 2005 elections in which Kurds won 58 out of 275 seats even without compensatory seats. On the other hand, Shia and Sunni lists increased the

<sup>131</sup> Statement by the Press Secretary on the Passage of Iraq's Revised Election Law <https://obamawhitehouse.archives.gov/the-press-office/statement-press-secretary-passage-iraqs-revised-election-law-12-07>, 2009.

<sup>132</sup> Stewart-Jolley, Victoria, “Iraq’s electoral system”, Chatham House, October 2011. <https://www.chathamhouse.org/2021/10/iraqs-electoral-system/electoral-law-reform-2005-11>.

number of their seats disproportionately.<sup>133</sup> For example, Al-Iraqiya, a mixed Sunni-Shia list, received 91 seats, prime minister Nuri Malik's State of Law received 89 seats and Shia NIA received 70.<sup>134</sup> So, the Kurdish election loss on the national level was huge, further weakening Kurdish influence in Baghdad by 2011 despite assuming presidency and other ministerial posts in the new Iraqi government.<sup>135</sup>

The result was not acceptable for the Shia parties who were distrustful of the Sunnis and viewed al-Iraqiya as a Sunni attempt to retake power in Iraq. Thus, The Shias changed the rule of the game by resorting to a Shia dominated Supreme Court. The Court ruled that it did not matter who got most seats, but which list was able to form the largest post-election parliamentary bloc.<sup>136</sup> The decree appears more political than legal whose goal was to ensure the dominance of Shia power in Iraq. From Shia perspective, allowing al Iraqiya that had many Sunni figures was tantamount to handing over power to Sunnis who had been in power in Iraq for nearly nine decades and their rule was oppressive to the Shia community. Although Al-Iraqiya and the Sunnis protested the decision, the Shia parties supported it. Thus, the winning Al-Iraqiya with 91

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<sup>133</sup> Gunter, Michael M. Historical dictionary of the Kurds. Vol. 8. scarecrow Press, 2010. P.188.

<sup>134</sup> Osman, Khalil. Sectarianism in Iraq: The Making of State and Nation Since 1920. United Kingdom, Taylor & Francis, 2014. P.148.

<sup>135</sup> Fadel Leila, Iraq's Kurds could lose some of their influence to anti-American Sadr movement, Washington Post, March 24, 2010, <https://www.washingtonpost.com/wp-dyn/content/article/2010/03/23/AR2010032304319.html>.

<sup>136</sup> Jabali, Ryan, "The power struggle in Baghdad and Nouri al-Maliki's fight for survival", The Guardian, August 13, 2014, <https://www.theguardian.com/world/2014/aug/13/iraq-abadi-maliki-baghdad-prime-minister-struggle>.

seats was ousted from forming the government and instead Maliki was tasked with the government formation even though his list came second in the election.<sup>137</sup>

Maliki allied with Kurds and other Shia factions to form the biggest parliamentary bloc in order to submit his government to the parliament for approval in December 2010.

But the process took several months of horse trading and political stalemate among the Iraqi political forces, U.S. and Iranian interferences to shape the outcome of the new government, where their interests were protected.<sup>138</sup> The basis of the Kurdish participation in the government was “Erbil Agreement” that promised a partnership government, presidency for Kurds and, most importantly, the implementation of Article 140 of the Constitution, equipping and arming Peshmerga forces, and the passing the hydrocarbon law.<sup>139</sup>

By 2011 Shias had almost unstrained power in Iraq. They controlled the parliament, the government, security forces and the supreme court. In addition, the previous Presidency Council that had granted veto powers to Kurds and Sunnis was terminated per the Constitution, leaving the Shias unchallenged in their rule. This, in particular paved the way for Maliki to consolidate his power and undermine “governance by

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<sup>137</sup> Ibid.

<sup>138</sup> Prime Minister Nouri Maliki to form Iraqi government, December 2010. <https://www.bbc.com/news/av/world-middle-east-11841627>.

<sup>139</sup> [2010 secret agreement between Maliki and Barzani, 2014, Shia News.](#)

consensus,” which was foundational to post -2003.<sup>140</sup> Kurds, in particular former KRP Barzani had warned several times regarding the direction Maliki was taking. But such calls were largely ignored by the U.S., mostly in favor of timely withdrawal of U.S. troops by the end of 2011.<sup>141</sup>

Maliki’s actions after the withdrawal of the U.S troops in Iraq reinforced the Kurd's long fear regarding the danger of a stronger Baghdad without checks and balances.<sup>142</sup>

Maliki cracked down on prominent Sunni politicians, including former finance minister Rafi al-Issawi and former vice president Tariq Hashmi on terrorism-related charges just a day after the withdrawal. Both had to flee Erbil to avoid arrest.<sup>143</sup> Moreover, Maliki placed his deputy prime minister Salih Mutalqa, a Sunni on “extensive leave” just 72 hours after the U.S. withdrawal from Iraq. In reaction to his dismissal, Salih called Maliki a dictator without wisdom and urged him to resign.<sup>144</sup> Barzani was quick to react to the terrorism charges against the Sunni politicians. He called for an early election, saying that Iraq was facing “most dangerous crisis” since 2003. Besides, he worked with the other

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<sup>140</sup> Kouti, Yasir, “Iraqi the Vote: Can Elections Bring Reform in Baghdad?”, War and Rocks, September 20, 2021, <https://warontherocks.com/2021/09/iraqi-the-vote-can-elections-bring-reform-in-baghdad/>.  
“Prime “Minister Puts Power-Sharing at Risk in Iraq, The New York Times, December 21, 2011, <https://www.nytimes.com/2011/12/22/world/middleeast/iraqi-leader-threatens-to-abandon-power-sharing.html>.

<sup>141</sup> “The Promised Withdrawal from Iraq”, Center for American Progress, February 27, 2009, <https://www.americanprogress.org/article/the-promised-withdrawal-from-iraq/>.

<sup>142</sup> Nechirvan Barzani, Kurdistan Region in a Complex Neighborhood. MERI, October 26, 2021, <http://www.meri-k.org/multimedia/session-3-kurdistan-region-in-a-complex-neighborhood/>.

<sup>143</sup> David Rohde, Warren Strobel. "Our Man in Baghdad." *The Atlantic*. Atlantic Media Company, 01 July 2014. Web. 01 Mar. 2021. <https://www.theatlantic.com/international/archive/2014/07/nouri-maliki-united-states-iraq/373799/>.

<sup>144</sup> “Rivals say Maliki leading Iraq to ‘civil war’”, December 28, 2011, Al Jazeera, <https://www.aljazeera.com/features/2011/12/28/rivals-say-maliki-leading-iraq-to-civil-war>.

Iraqi political parties to oust Maliki from office through a vote of no confidence. However, then president Talabani refused to call the parliament for a vote, which ensured Maliki's staying in office.<sup>145</sup> The measure only facilitated Maliki's ascendancy over the military, intelligence, and the judiciary, which led to the formation of a government within a government.<sup>146</sup> The prime minister intensified his anti-Sunni campaign by removing Sunni officers from the Army, intelligence, and interior ministry. Likewise, he removed Sunni professors in the educational and health institutions.

The Sunni crisis involved Kurds directly now as former vice president Hashemi fled to Kurdistan Region to avoid arrest by Maliki forces. The prime minister called on the KRG to hand over the vice president to Baghdad, but the request was rejected based on "Kurdish ethics".<sup>147</sup> In other words, Kurds cannot hand over someone who has resorted to them for shelter. This led to exchange of accusations and a media war between the parties. State of Law MP Yassin al-Majid shot back at the KRG, by asking how "Kurdish ethics" allowed Barzani to invite Saddam Hussein's tanks to Erbil in 1996, in reference to Barzani's deal with the former regime to expel his rival Talabani's PUK from Erbil during the Kurdish civil war.<sup>148</sup>

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<sup>145</sup> "Political update: can a no-confidence vote against Maliki succeed this time?" IWS December 2012, <http://www.understandingwar.org/backgrounder/political-update-can-no-confidence-vote-against-maliki-succeed-time>.

<sup>146</sup> "Maliki's Dilemma: The Crisis of the System of Quotas and Exclusion." *Al Jazeera Centre for Studies Al Jazeera Centre for Studies*. 28 Jan. 2013. Web. 01 Mar. 2021. <https://studies.aljazeera.net/ar/node/152>.

<sup>147</sup> Brennan, Richard R., et al. "After the Transition. *Ending the U.S. War in Iraq: The Final Transition, Operational Maneuver, and Disestablishment of United States Forces-Iraq*, RAND Corporation, 2013, pp. 297–322, <http://www.jstor.org/stable/10.7249/j.ctt5hhwfg.21>.

<sup>148</sup> Iraq's Post Withdrawal Crisis- Update 14, March 30, 2012, <http://www.understandingwar.org/backgrounder/ir-aqs-post-withdrawal-crisis-update-14-0>.

As the crisis prolonged, members of the Maliki's coalition started a smearing campaign against Kurdish leaders, including then Iraqi president Talabani as early as January 2012. State of Law MP Hussein al-Asadi called on the Parliament to charge Talabani on terrorism charges for harboring a terrorist in the Kurdistan Region under the Counter Terrorism Law of 2005.<sup>149</sup> Asadi escalated his attacks further in March by branding Barzani a "wanted man" for his protection of an outlaw, in reference to Hashemi. He warned that "Barzani's last escalation will not get him away from justice."<sup>150</sup> Maliki's actions set the alarm in Erbil and deepened Kurdish suspicion about the direction Baghdad was heading. Kurds expressed deep concerns, accusing Maliki of taking back Iraq to the older dark times of sectarianism and autocracy, and threatened to secede from Iraq should Maliki remained in power.<sup>151</sup>

In his Newroz speech on March 20<sup>th</sup>, Barzani highlighted the developments in Iraq and gave a bleak view regarding the future of the country. He lamented that Maliki has broken the 'Erbil Agreement', which was the foundation of the of the power sharing agreement that gave Maliki a second term in 2010. "Power-sharing and partnership between Kurds, Sunni and Shiite Arabs, and others is now completely non-existent and has become meaningless," said Barzani. He also blasted Maliki for establishing his own security forces composed of a million men. The Kurdish leader pled with the Shia leaders to

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<sup>149</sup> Ibid

<sup>150</sup> Ibid.

<sup>151</sup> "Iraq and the Kurds: The High-Stakes Hydrocarbons Gambit." *Crisis Group*. 22 Aug. 2016. Web. 01 Mar. 2021. <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/iraq-and-kurds-high-stakes-hydrocarbons-gambit>.

find a solution to the crisis otherwise Kurds would take their own path to independence.<sup>152</sup>

The Maliki actions and discounting the Kurdish distress call by Washington and London had profound impacts on the mindset of the Kurdish leadership. Most of the interviewees for this dissertation strongly believed that Kurds would not have held the 2017 referendum if the U.S. had kept its promises regarding Iraq and Baghdad had remained committed to the Constitution. “Obama promised that article 140 of the Iraqi Constitution would be implemented and a census would be carried out not later than 2010,” said A senior Kurdish official. “Have any of these promises being kept and delivered? No,” he asked. “This is why the referendum happened.”<sup>153</sup>

To counter Baghdad’s growing assertiveness, Kurds sought to make the constitutional status of the Kurdistan Region stronger by urging Sunnis to establish their own federal regions. The Iraqi Constitution allows the formations of such federal regions through popular votes or the majority votes of the provincial councils. In 2011, the majority of the members of Salahadin Provincial Council voted to convert their province into a federal administrative and economic region.<sup>154</sup> Anbar, another Sunni province, also made similar move in 2012.<sup>155</sup> But, Baghdad hindered their formations. Maliki rejected the

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<sup>152</sup> Ibid

<sup>153</sup> Interview with Kurdish official, October 2021.

<sup>154</sup> Iraq's Salaheddin province declares regional autonomy 28.10.2011, <https://ekurd.net/mismas/articles/misc2011/10/govt1855.htm>.

<sup>155</sup> Iraq's Anbar province edges closer to regional autonomy, <https://ekurd.net/mismas/articles/misc2012/4/govt1978.htm>.

motion under the pretext that there was sectarian motive behind it.<sup>156</sup> But Kurds blasted Maliki for undermining the efforts and the Constitution. “Iraq’s constitution allows for federalism and Maliki has no right to object to it or to the creation of federal regions, which more Iraqi provincial leaders are aiming to do,” said KRP Barzani.<sup>157</sup>

Kurdistan Region Deputy Parliament Speaker Hemin Hawrami summed up Baghdad’s constitutional violations by highlighting how the Shia dominated government even prevented other provinces, in particular the Sunni ones from forming autonomous regions permitted by the Constitution. For example, Diyalla, Salahdin, Ninewa, Anbar and Basra took legal measures to turn their respective provinces into autonomous federal regions, but Baghdad rejected the motions.<sup>158</sup>

Baghdad’s rejection of formation of other federal regions signaled not just a threat to the future of the Kurdish Region but also the failure of federalism in Iraq as a model of conflict resolution among the competing ethno-sectarian groups. Accordingly, for Kurds, a full independence, became a viable path to protect Kurdistan. This view regarding the failure of federalism was shared by Kurdish and non-Kurdish interviewees for this dissertation. Former Iraqi Electricity Minister Luay Khatib shed light on the misunderstanding regarding the Erbil and Baghdad’s perception on federalism.

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<sup>156</sup> Maliki rejects turning Salahadin into autonomous region, October 11, 2011, BBC, [https://www.bbc.com/arabic/middleeast/2011/10/111030\\_iraq\\_arrests\\_sunnis](https://www.bbc.com/arabic/middleeast/2011/10/111030_iraq_arrests_sunnis).

<sup>157</sup> Rivals say Maliki leading Iraq to ‘civil war’, December 28, 2011, Al Jazeera, <https://www.aljazeera.com/features/2011/12/28/rivals-say-maliki-leading-iraq-to-civil-war>.

<sup>158</sup> Interview with Deputy Speaker of Parliament Hemin Hawrami, October 2020.

“Baghdad took federalism for centralization and the KRG took it for independence,” he said.<sup>159</sup> For that reason, both the KRG and Baghdad tried to stretch out the meaning of federalism for their own political needs. As a result, federalism increased tensions between the two sides instead of tamping down differences.

Furthermore, the breach of the Iraqi Constitution has gone far beyond the Article 140 of the Constitution, which carries the most weight for Kurds and the issue of federalism. For example, fifty-five articles out of 143 have remained unimplemented to this date.<sup>160</sup> These include the failure to form the “Federation Council” that has been a key demand of Kurds since the approval of the Constitution in 2005. The Article 46 of the Constitution stipulates that “the federal legislative power shall consist of the Council of Representatives and the Federation Council.” Although the power of the Federation Council has yet to be specified by law, it should include representatives from federal regions and governates. It’s expected to play a role in legislative and political matters of the country. The Federation Council should have been formed by the second electoral term after the Constitution came into force.<sup>161</sup> But it has not happened yet by the spring 2022 even though per the “Erbil Agreement” this should have been established a long time

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<sup>159</sup> Interview with former Iraqi Electricity Minister Luay Khatib. January, 2021.

<sup>160</sup> Al Masarani, Karim, *The Caravan*. "Pipelines and Politics in Iraqi Kurdistan's Quest for Independence." *The Caravan*. 23 Jan. 2018. Web. 01 Mar. 2021. <https://www.auccaravan.com/?p=6338>.

<sup>161</sup> Full Text of Iraqi Constitution, October 12, 2005, <https://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html?noredirect=on>.

ago. As a result, the Kurdish leadership made the non implementation of the Constitution as ground justifying its independence move in 2017.<sup>162</sup>

The loss of hope in the new Iraq also manifested itself as a key talking point in the speeches and statements of former President Masoud Barzani, at least since 2012.<sup>163</sup> In various events, Barzani expressed his dissatisfaction with how Shias were seeking to govern Iraq.<sup>164</sup> During the referendum campaigns, Barzani constantly invoked the violations of the Constitution and the replacement of consensus decision making by majority driven decision making as key reasons to hold the referendum.<sup>165</sup> Barzani cited several examples, including the quick formation of the Shia militias known as the Popular Mobilization Forces, its funding and equipment in a short period of time while the Iraqi government had refused to fund, arm, and equip Peshmerga forces for the last ten years. He also underlined Kurds' financial and economic grievances at the hand of the federal government, such as the cutting of the KRG's share of the federal budget. He emphasized the "unchanged mentality" of governing in Baghdad by saying that "if they could, they would take away every achievement of Kurds."<sup>166</sup>

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<sup>162</sup>Chomani, Kamal, November 08, 2018, Iraq's Missing Federation Council, <https://timep.org/commentary/analysis/iraqs-missing-federation-council/>.

<sup>163</sup> "AP Interview: Iraqi Kurd leader hints at secession", April, 25, 2012, [http://archive.boston.com/news/world/middleeast/articles/2012/04/25/ap\\_interview\\_crisis\\_worries\\_iraqi\\_kurdish\\_leader/](http://archive.boston.com/news/world/middleeast/articles/2012/04/25/ap_interview_crisis_worries_iraqi_kurdish_leader/).

<sup>164</sup> Ibid.

<sup>165</sup> Barzani speech in the 2017 independence referendum, Erbil, September 22, 2017, <https://www.youtube.com/watch?v=DUBWIAc6UdU>.

<sup>166</sup> Barzani speech in the 2017 independence referendum, Zakho, September 14, 2017, <https://www.youtube.com/watch?v=n8b3pbvPAz0>.

Former KRG prime minister Nechirvan Barzani, who was viewed as less enthusiastic about the 2017 referendum, underscored the significance of loss of hope in Baghdad as the driver of the referendum.<sup>167</sup> "If I tell you what the biggest reason was for the referendum," said Barzani, "I would say it was a deep disappointment of the people Kurdistan with Iraq and the political process that started in 2003" he added emphatically.<sup>168</sup> The Kurdish public also shared the same view of the Kurdish political leadership regarding their representation and influence in Baghdad. According to a survey conducted by Greenberg Quinlan Rosner Research, 88 percent of Kurds felt unfairly represented in Baghdad in 2015. The same survey also indicates that only 3 percent of Kurds believed that the country was heading in a right direction.<sup>169</sup> If anything, this demonstrates the lack of hope by Kurds regarding their future in Iraq. As such, the mobilization for the 2017 referendum was not a surprising.

## **Security Grievance**

The political underrepresentation in Baghdad was not the only source of concern for Kurds. The uncertainty about the future was further exacerbated by the decline of the Kurdish representation in the Iraqi security forces and the refusal of Baghdad to pay Peshmerga forces, equip and train them.<sup>170</sup> Following the invasion of Iraq, the U.S.

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<sup>167</sup> After Iraqi Kurdistan's Thwarted Independence Bid, Crisis Group, March 27, 2019, <https://www.crisis-group.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/199-after-iraqi-kurdistan-thwarted-independence-bid>.

<sup>168</sup> Interview with Kurdistan Region President Nechirvan Barzani, October 2020.

<sup>169</sup> "Lack of Responsiveness Impacts Mood: August–September 2015 Survey Findings," Greenberg Quinlan Rosner Research, November 23, 2015,

[https://www.ndi.org/files/August%202015%20Survey\\_NDI%20Website.pdf](https://www.ndi.org/files/August%202015%20Survey_NDI%20Website.pdf).

<sup>170</sup> Ibid

dissolved most of the Iraqi institutions, including the military. CPA Governor Paul Bremer III issued 100 orders that included the dissolution of the Iraqi security forces as a part of Washington's efforts to eradicate Ba'athism in Iraq.<sup>171</sup> Thus, Iraq was left without a standing security force. To protect most Iraqi officials and the International Zone (I.Z.) in Baghdad, Peshmerga forces from the KRI became the central pillar to provide security to the capital and were tasked to protect the I.Z. The Kurdish forces also became the basis for a building that Iraqi the military, which was supposed to be a balanced multiethnic security force that reflected the population of the country.<sup>172</sup>

The first formed Battalion of the new Iraqi Army was from the Peshmerga forces under the oversight of the U.S. forces in Iraq in July 2004.<sup>173</sup> According to military interviewees, the battalion was developed into forming the first multiethnic division of the Iraqi Army.<sup>174</sup> The Northrop Grumman Corporation's Vinnel unit was contracted to train the very first unit of the Army.<sup>175</sup> The United States also wanted to ensure that the new Army reflected the various ethnic groups residing in Iraq. As a result, Kurds had 20 percent, 20 Sunnis, Shia 45, and 5 percent for the other minorities such as Christians and

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<sup>171</sup> Baker, Yousef K. "GLOBAL CAPITALISM AND IRAQ: THE MAKING OF A NEOLIBERAL STATE." *International Review of Modern Sociology*, vol. 40, no. 2, International Journals, 2014, pp. 121–48, <http://www.jstor.org/stable/43499905>.

<sup>172</sup> Sardar Aziz & Andrew Cottey The Iraqi Kurdish Peshmerga: military reform and nation-building in a divided polity, *Defence Studies*, (2021), 21:2, 226-241, DOI: 10.1080/14702436.2021.1888644

<sup>173</sup> DiMascio, Jen. "Worst-Case Scenarios Avoided: U.S. FACED DIFFICULTY IN REBUILDING IRAQ FROM SCRATCH, OFFICIAL SAYS." *Inside the Army*, vol. 16, no. 16, Inside Washington Publishers, 2004, pp. 1–9, <http://www.jstor.org/stable/24821530>. In an interview in January 2021, a Kurdish military official said that Peshmerga forces became the nucleus of the first Iraqi battalion in 2004.

<sup>174</sup> Sharp, Jeremy M. *Iraq's New Security Forces: The Challenge of Sectarian and Ethnic Influences*. Washington, D.C: Congressional Research Service, Library of Congress, 2006. Internet resource.

<sup>175</sup> US firm to train Iraq army, *AJ*, June 26, 2003, <https://www.aljazeera.com/news/2003/6/26/us-firm-to-train-iraq-army>.

Turkmens.<sup>176</sup> The U.S. insistence on a multiethnic army was appealing to Kurds. Therefore, they decided to become a part of the Iraqi security forces.<sup>177</sup> However, with the passage of time and the reorganization of the Shia forces and the consolidation of their power in Iraq, things took a different turn. Kurds and Sunnis were marginalized in the ISF, while Shias became dominant both in term of numbers and military strength.<sup>178</sup>

"Shias wanted to control the Army and the government" said a senior Kurdish Peshmerga official who was in the first nucleus of the Iraqi Battalion in 2004. "The senior positions were given to the Shias but Kurds and Sunnis were ignored and some left because they were not promoted," he added.<sup>179</sup>

This issue was further amplified by the actions and policies of former prime minister Nuri Maliki who was seeking to build a sectarian army at the expense of Kurds and Sunnis.<sup>180</sup> Kurds made up between 13 -15 percent of the ISF from 2004 to 2007 as the Army was rebuilding.<sup>181</sup> But Kurdish representation in the Iraqi Army dropped to 7 percent<sup>182</sup> under al-Maliki whose second term is viewed as a departure from consensus decision making in the government and the distortion of ethnic balance across the military.<sup>183</sup> This figure,

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<sup>176</sup> Phone Interview with major Hajar Zangana from Ministry of Peshmerga Affairs, December 2020.

<sup>177</sup> Ibid.

<sup>178</sup> Al-Qarawee, Harith, Iraq's Sectarian Crisis: A Legacy of Exclusion, Carnegie Endowment, April 23, 2014, <https://carnegieendowment.org/sada/55372>.

<sup>179</sup> Interview with a senior Kurdish officer, December 2020.

<sup>180</sup> Al-Qarawee, Harith, Iraq's Sectarian Crisis: A Legacy of Exclusion, Carnegie Endowment, April 23, 2014, <https://carnegieendowment.org/sada/55372>.

<sup>181</sup> Phone interview with Jabar Yawar, the general secretary of the Ministry of Peshmerga, February 2021

<sup>182</sup> Ibid.

<sup>183</sup> Barzani speech in the 2017 independence referendum, Erbil, September 22, 2017, <https://www.youtube.com/watch?v=DUBWlAc6UdU>.

according to the former Iraqi chief of Staff Babakir Zebari eventually dropped to 2 percent.<sup>184</sup>

In the meantime, trust between Erbil and Baghdad hit a new low in 2012 when reports came out that Maliki reportedly threatened to use military force against the Kurdistan Region after Iraq procured U.S. F-16 fighter jets. On April 22, 2012, Barzani told Kurdish journalists that Iraqi military commanders and Maliki discussed the problems between Baghdad and Erbil. According to Barzani, the military commanders asked Maliki for authority to topple the KRG. “We would kick them [Kurds] out of Arbil” said the commanders reportedly. But Maliki urged patience until the Iraqi military would become powerful enough. “Wait until the arrival of the F-16,” Maliki told his commanders.<sup>185</sup>

The incremental effects of these events have been powerful in shaping the mindset of the Kurdish leadership regarding independence and the shatter of their belief in an Iraq. It led to the conviction that Baghdad’s mentality has not changed when it came to the Kurdish issue. Mala Bakhtyar, a senior leader of the PUK highlighted the corrosive actions of Baghdad by saying that the referendum was a response to “a militaristic mentality-driven government emerged in Baghdad that has armed itself with advanced weapons.” “The

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<sup>184</sup> Former Iraqi Army Chief of Staff: Percentage of Kurds in is less than 2 percent in Iraqi Army, Rudaw, June 01, 2018, <https://www.rudaw.net/sorani/middleeast/iraq/060120181>.

<sup>185</sup> Barzani to US: Don’t sell F-16 to Iraqi PM, Hurriyat Daily, April 23, 2012, <https://www.hurriyetaidailynews.com/barzani-to-us-dont-sell-f-16-to-iraqi-pm-19128>.

more they became stronger, the more they became aggressive against Kurdistan,"<sup>186</sup> said Mala Bakhtyar with emphasis.

Subsequently, the KRG vehemently expressed Kurdish objection to Washington's intention to sell advanced weapons, including F-16 planes to Iraq, urging the Obama administration refraining from delivering such lethal weapons to Baghdad. Masoud Barzani Reportedly told Obama, "We must either prevent him [Maliki] from having these weapons, or if he has them, he should not remain in his position."<sup>187</sup> Barzani had also stated that the Kurdish war would be for independence this time and they are no longer interested in helping to rebuild Iraq.<sup>188</sup>

The Kurdish lobbyists in Washington also worked hard to convince Congress to keep the 2010 deal frozen pertaining the delivery of the F-16 planes to Iraq as long as Maliki was in power.<sup>189</sup> Therefore, the F-16 planes were only delivered in 2015 after Iraq had a new prime minister and the country was in a dire security situation due to the Islamic State's blitzkrieg in Iraq.<sup>190</sup> Moreover, under pressure from Congress, the Obama administration also took some additional risk mitigation measures when it delivered the F-16 planes to address some of the security concerns Kurds had.<sup>191</sup> For example, the planes were

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<sup>186</sup> Interview with Mala Bakhtyar, a senior leader of the PUK, October 2020.

<sup>187</sup> Ibid.

<sup>188</sup> [Barzani: Washington was informed of my disagreement with the delivery of F-16s to the central government](#), Al-Hurra, April 22, 2012.

<sup>189</sup> Multiple interviews with Kurdish officials conducted between October 2020- May 2021.

<sup>190</sup> US Delivers First Batch of F-16s to Iraq, Defense News, July 13, 2015, <https://www.defense-news.com/air/2015/07/13/us-delivers-first-batch-of-f-16s-to-iraq/>.

<sup>191</sup> WhatsApp interview with a Kurdish diplomat, May 2021.

equipped with tracking devices and were linked to an American base in Kuwait. The U.S. also specified enemy targets, identities of the pilots were hidden and the pilots operating the aircrafts were Kurds. Moreover, the planes were placed in Balad Airforce Base north of Baghdad where the U.S military advisors were stationed.<sup>192</sup> Although the above is an anecdote from Barzani, the fact that Washington did not deliver the fighter jets to Baghdad as long as Maliki was in office only adds to the credibility of the story, risks of conflict escalation between Erbil and Baghdad, and the graveness of the security situation for Kurds. Otherwise, there was no reason to not hand over such planes to a country in which Washington had invested so much blood and treasure to help to stand on its feet.

Two more events further exacerbated the Kurdish security concerns in 2014. First was the advent of ISIS in the summer of 2014 and the second was the creation of the Shia militia forces known as the Popular Mobilization Forces (PMF). In June 2014, a couple hundreds of ISIS fighters were able to drive out Iraqi security forces from Mosul and capture the city.<sup>193</sup> The ISF not just melted down, but also their failure to defend the city led ISIS to capture advanced U.S. weapons worth billions of dollars that had been given to the ISF in the past.<sup>194</sup> The captured US weapons and ammunitions made ISIS almost unstoppable force.<sup>195</sup> The group extended its control over Salahadin, Anbar and Diyala provinces. It also tried to capture Erbil, but the U.S. air power stopped the advance of the group

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<sup>192</sup> [Washington's conditions for the Iraqi "F-16": pilots, command and targets](#), Alaraby, July 25, 2015.

<sup>193</sup> Maliki's sectarian policy backfires in dramatic style, June 12, 2014, <https://english.alarabiya.net/perspective/analysis/2014/06/12/Maliki-s-sectarian-policy-backfires-in-dramatic-style>.

<sup>194</sup> Amnesty report: ISIS armed with U.S. weapons, CNN, December 09, 2015, <https://www.cnn.com/2015/12/08/politics/amnesty-international-isis-weapons-u-s->.

<sup>195</sup> Ibid.

toward the Kurdish Capital. The reason ISIS became a big security threat was because of the discriminatory policy of the Iraqi government toward the Kurdish security forces. After the U.S. withdrawal in 2011, Iraqi government should have provided some of these weapons left by the U.S military to Peshmerga forces.<sup>196</sup> But, prime minister Maliki had refused to share the weapons with the Kurdish forces. Instead, ISIS seized most of the weapons in Mosul.

Additionally, the Iraqi government did not act in good faith when the Kurdistan Region came under ISIS attacks. Rather it showed complete indifference to the fate of the Kurdistan Region as evidenced by Baghdad's actions. For example, despite U.S. pressure and constant plea by Kurds, the Iraqi government refused to arm Kurdish forces to fight against ISIS.<sup>197</sup> As a result, Baghdad's behavior during this period only diminished confidence between Kurds and the Iraqi government. Kurdish leaders underscored the negative effects of Iraq's resistance to arm Kurds by stating if Iraq consider Kurds as its first-class citizens, it would have cared about their protection against the terror of ISIS.<sup>198</sup> In fact, Iraq's reluctance forced the United States to provide critical weapons and ammunitions to fight back against ISIS.<sup>199</sup> Moreover, Congress passed FY2016 National Defense Authorization Act in which the Section 1223 of the Law authorized POTUS to provide arms directly to the peshmerga and to Sunni security tribal security forces if Iraq failed to

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<sup>196</sup> Katzman, Kenneth, and Carla E. Humund. Iraq: Politics and Governance. 2016. Internet resource.

<sup>197</sup> Interview with senior Peshmerga official, September January 2021.

<sup>198</sup> Interview with senior KRG official, September 2020.

<sup>199</sup> US sending arms to Kurds amid Iraq political crisis, Al-Jazeera, August 13, 2014, <http://america.aljazeera.com/articles/2014/8/11/us-arming-kurds.html>.

“increase inclusiveness of ethnic and sectarian minorities in governance and in security institutions.”<sup>200</sup>

In response to the emergence of ISIS, Maliki had created a Shia paramilitary force – the PMF as early as 2013. The justification was the multiethnic security force established by the United States was not effective in providing security.<sup>201</sup> But Kurds viewed this as another escalatory measure by the prime minister to consolidate his power.<sup>202</sup> As bad as it might look, the fall of Mosul in the summer of 2014 gave credence to the necessity of Maliki’s notion pertaining a sectarian force to protect Baghdad and eventually to drive out ISIS from Iraq.<sup>203</sup> Maliki’s sectarian approach to security was further facilitated by a religious verdict of Shia cleric Ayatollah Ali Sistani, revered by Shia population, who called on Shias to form militia groups to counter ISIS in Iraq.<sup>204</sup> Thousands of Shias answered to the call, which finally brought out the little known PMF to broad daylight in 2014. The PMF was armed and equipped with most advanced weaponry and quickly became the most powerful military force in Iraq with an estimate of 100,000 strong man.<sup>205</sup> Moreover, to ensure their place within the Iraqi legal and defense system, in 2016 the Iraqi parliament voted to make the PMF an integral part of the Iraqi defense system with

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<sup>200</sup> Katzman, Kenneth, and Carla E. Humund. Iraq: Politics and Governance. 2016. Internet resource. P.31.

<sup>201</sup> Mansour, Renad, Jabar, Faleh A., “The Popular Mobilization Forces and Iraq’s Future”, April 28, 2017, <https://carnegie-mec.org/2017/04/28/popular-mobilization-forces-and-iraq-s-future-pub-68810>.

<sup>202</sup> Al-Qarawee, Harith, Iraq’s Sectarian Crisis: A Legacy of Exclusion, Carnegie Endowment, April 23, 2014, <https://carnegieendowment.org/sada/55372>.

<sup>203</sup> Interview with senior Kurdish official, October 2020.

<sup>204</sup> Chivers, C.J, Answering a Cleric’s Call, Iraqi Shiites Take Up Arms, June 21, 2014, <https://www.nytimes.com/2014/06/22/world/middleeast/iraq-militia.html>.

<sup>205</sup> Iraq’s parliament passes law legalizing Shia militias, Al-Jazeera, November 26, 2016, Iraq’s parliament legalizes controversial Shiite Hashd al-Shaabi militias, DAILY SABAH, November, 26, 2016, <https://www.dailysabah.com/mideast/2016/11/26/iraqs-parliament-legalizes-controversial-shiite-hashd-al-shaabi-militias>

special budget despite oppositions from Sunni lawmakers and concerns from Kurds.<sup>206</sup> The bill was passed with 218 votes out of 325.<sup>207</sup> The legislation was viewed as a divergence from politics of consensus, in particular by the Sunnis. Thus, they charged that Iraq was heading toward a Shia autocracy.<sup>208</sup> But despite their reservation, most of the Kurdish lawmakers voted for the law except few who abstained it.<sup>209</sup> In spite of the yes vote, Kurds were concerned about the threats the PMF could pose in the future to the Kurdistan Region. However, the benefits of having another sectarian paramilitary force was seen as an insurance to the protection of Peshmerga forces and their legal consolidation and easier access to arms and funds.<sup>210</sup> The KRG still needed Iraq in the fight against ISIS and the international assistance required the approval of the Iraqi government. A no vote against the bill would risked the anger of Shias who govern Iraq and supported the legalization of Peshmerga forces as a part of the Iraqi defense system in 2005. In addition, a no Kurdish vote could have put Kurds in a very delicate and fragile position in the Iraqi street in a highly emotional and critical time during the fight against ISIS.

The formation of the PMF further weakened Kurdish representation in the Iraqi Security Forces (ISF). By 2016, the Kurdish representation had dropped to a historical low of less than 1 percent.<sup>211</sup> There are only two Kurdish brigades as a part of the Army at the

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<sup>206</sup>Kurds take step toward PMF, December 01, 2016, Niqash <https://www.niqash.org/ar/articles/security/5420/>.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Interview with Kurdish lawmaker, Ahmed Haji Rashid.

<sup>210</sup> Ibid

<sup>211</sup> “Lawmaker: Kurds make up only 1 percent of Iraqi army”, Rudaw, January 17, 2016, <https://www.rudaw.net/english/kurdistan/170120161>.

moment, which included the Republican Guards tasked with providing protection to the Iraqi Kurdish president in Baghdad. As mentioned, some 100,000 Shias were added to the ISF, but Kurds had also withdrawn from the 16th Division of the Iraqi Army. Tuz Khurmatu based, returned to the Kurdistan Region, and joined the KRG Ministry of Peshmerga in 2014 while Arabs also left and joined the other Arab divisions of the Army.<sup>212</sup> In the meantime, Shias made up 90- percent of the Iraqi federal police.<sup>213</sup> In other words, the ISF almost completely composed of Shias from Iraq with some Sunnis, making it a sectarian force that more represented Shias than Iraqis.

By 2016 the Shia militia forces had become a threat to the Kurdistan Region and the Kurdish frontline.<sup>214</sup> While the fight against ISIS continued, the PMF targeted and clashed with the Kurdish forces in the disputed areas. In addition, the Shia forces were dispatched to Tuz Khurmatu to control the town, which led to an armed conflict between Kurdish forces and Shia militias, leaving dozens dead.<sup>215</sup> The violence was stopped after leaders from both sides intervened, concluding a month -long ceasefire.<sup>216</sup>

The armed conflict alarmed the KRG regarding the intention of Iraq after the conclusion of the fight against ISIS. A conviction was formed among Kurdish leaders that an attack

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<sup>212</sup> Phone interview Jabar Yawar, the general secretary of the Ministry of Peshmerga in January 2021.

<sup>213</sup> Ibid.

<sup>214</sup> "Iraqi Kurdish Peshmerga, Shiite Militia Clash in Northern Iraq", Wall Street Journal, April 24, 2016, <https://www.wsj.com/articles/iraqi-kurdish-peshmerga-shiite-militia-clash-in-northern-iraq-1461520695>.

<sup>215</sup> Ibid.

<sup>216</sup> PMF and Peshmerga agreement is temporary, Rudaw, November 05, 2016, <https://www.rudaw.net/sorani/kurdistan/1105201618>.

by the Shia militia forces on Peshmerga would be inevitable.<sup>217</sup> "I realized in 2016 that Iraq had ill-attention toward the Kurdish forces in the areas known as the disputed areas between Erbil and Baghdad,"<sup>218</sup> said Sirwan Barzani, the commander of the Kurdish forces in Makhmur -Gwer frontline. Elsewhere, the Shia militias also provoked and harassed Peshmerga forces in Kirkuk and Mosul areas by firing mortars. The Kurdish side aired grievances to the Iraqi side regarding the repeated incidents. In response, the Iraqi side said that they mortar firing at the Kurdish forces were a mistake. But Sirwan Barzani who contacted the commander of the Shia militias Hadi Amiri about the attacks believed that the attacks were deliberate to test waters with Peshmerga forces.<sup>219</sup> The Kurdish commanders' assertion can be corroborated by the actions and strategy of the Iraqi government to clear ISIS from Iraq. In the campaign to clear ISIS, the Abadi government left a pocket of ISIS controlled area in Hawijia of Kirkuk to the last leg of the military operation. Under the pretext of removing ISIS, the Iraqi Army and Shia militias started mobilized dozens of thousands of their fighters near Hawija.

Although there are conflicting views regarding the U.S and Iranian backed Iraqi attack<sup>220</sup> on Kurdish forces in Kirkuk on October 16, 2017, most interviewees agreed that the military buildup was meant to target the Kurdish forces and oust them out of Kirkuk.<sup>221</sup> A

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<sup>217</sup> Interview with a senior Kurdish official, September 2020.

<sup>218</sup> Interview with Sirwan Barzani, the commander of the Kurdish forces in Makhmur -Gwer frontline, October 2020.

<sup>219</sup> Ibid.

<sup>220</sup> "Struggle Over Kirkuk Puts the U.S. and Iran on the Same Side", The New York Times, October 18, 2017, <https://www.nytimes.com/2017/10/18/world/middleeast/iraq-kurds-kirkuk-iran.html>.

<sup>221</sup> Multiple sources interviewed for this dissertation reported that Kurds had intelligence regarding Iraq's intention to recapture Kirkuk.

former White House official said that the State Department diligently worked to prize Kirkuk to the Iraqi forces to increase the chance of prime minister Haider Abadi to serve the second term. The idea was if Kirkuk could be freed of Kurdish forces by under the leadership Abadi, that could lead to a strong sense of Iraqi nationalism and as a result Abadi would be seen as a national hero by voters in the 2018 legislative elections.<sup>222</sup>

Although this account was dismissed by two other State Department officials, there was a precedent. Iraqi Arab political parties who strongly opposed the issue of Kirkuk and their opposition to Kurdish gains in Iraq did well in the elections. For example, Sunni politician Nujaifi known for his anti-Kurdish rhetoric won 275,000 votes in 2010 elections. Meanwhile, al-Maliki received over 700,000 votes just by himself in Baghdad in 2014.<sup>223</sup> There is little doubt that Maliki' actions against Kurds in the disputed areas and cutting off the KRG from the federal budget<sup>224</sup> led to a sense of Iraqi nationalism, in turn became a strong voter base for the prime minister to win big in 2014.<sup>225</sup> So the American calculation for a big Abadi win might have been inspired by the strong performance of al-Maliki.

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<sup>222</sup> Interview with former White House official, December 2021.

<sup>223</sup> Iraq's Former PM Al-Maliki Wins Most Votes Again, While His Party Loses Most Seats, May 20, 2018, <https://medium.com/the-jewish-post/iraqs-former-pm-al-maliki-wins-most-votes-again-while-his-party-loses-most-seats-d3ffc4a7b788>.

<sup>224</sup> Maliki uses budget dispute to boost his third-term prospects, March 25, 2014, <https://www.thenational-news.com/maliki-uses-budget-dispute-to-boost-his-third-term-prospects-1.280919>.

<sup>225</sup> Interview with former Iraqi lawmaker, April 2021.

While the State Department's incentive to give Kirkuk to Abadi might be true, the real factor that justified the Iraqi attack on Kirkuk was the September 25<sup>th</sup> referendum. Actors do act when opportunity arise. The Kurdish independence move opened an opportunity to Baghdad to advance military against Kurds without facing international resistance under the pretext of protecting its territorial integrity and sovereignty. Kurds had hoped that the referendum would serve as a preemptive barrier for such attack as it was the claim of some of the participants for this study. But there is little doubt that should the KRG refrained from holding the independence vote, it would have been much harder politically and reputationally for Baghdad justify a military attack on Kurds on in October 2017, which led to the loss of over 40 percent of Kurdish controlled territories.<sup>226</sup>

Nevertheless, the Kurdish fear regarding a strong Iraq was well placed. The Iraqi military attack against Kurdish forces did not only became a self- fulfilling prophecy, but once more proved the long-held view that Kurds could thrive when there is chaos in Baghdad.<sup>227</sup>

## **Territorial Grievance**

Both internal and external territorial disputes have become a hallmark of many of the Middle Eastern states after the victors of the World War I dissected territories that best

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<sup>226</sup> Abdulrazaq, Tallah, "Iraq's reconquest of Kirkuk checks Kurdish secession", Al Jazeera, October 17, 2017.

<sup>227</sup> Kaplan, Robert D., "Sons of Devils", The Atlantic, November Issue, 1987, <https://www.theatlantic.com/magazine/archive/1987/11/sons-of-devils/306410/>.

served their interests. In many cases, these random, artificial lines crisscrossed through the heart of ethnic groups, pitting them against other groups. Iraq, too, which is made of an Arab majority and a Kurdish minority.<sup>228</sup> As such, territorial struggle in the 1100 km ethnic border lines has not been an exception. But the territorial conflict has most manifested itself in the province of Kirkuk, making it the flashpoint of the conflict between Kurds and Iraq since the formation of the state in 1922.<sup>229</sup>

Kirkuk is home for Kurds, Arabs, Turkmen, and Chaldo-Assyrian.<sup>230</sup> Therefore, there are competing ethnic claims over which group Kirkuk belongs to. Each group has developed their exclusive narrative regarding it, promoting its claim, while berating the other's. However, if majority is the measure of which group the province belongs to, Kurds become winners. The last credible census done in 1957 proves a clear Kurdish majority, followed by Arabs and then Turkmen. The elections results in post 2003 Iraq also demonstrated a Kurdish majority province.<sup>231</sup>

1957 Kirkuk Census.

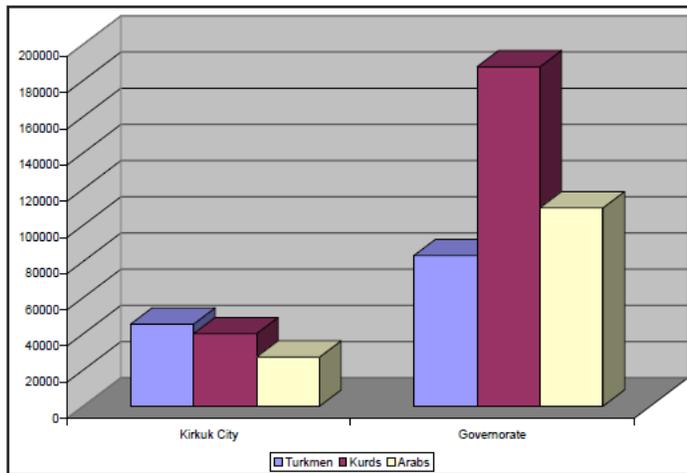
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<sup>228</sup> Exclusive: Kurdish PM Says Mosul Operation Still in 'Planning Stage', VOA, July 24, 2016, <https://www.voanews.com/a/exclusive-kurdish-prime-minister-mosul-operation-planning-stage/3432751.html>.

<sup>229</sup> Othman Ali. "The Kurds and the Lausanne Peace Negotiations, 1922-23." *Middle Eastern Studies*, vol. 33, no. 3, Taylor & Francis, Ltd., 1997, pp. 521-34, <http://www.jstor.org/stable/4283891>.

<sup>230</sup> Morris, Samuel, et al. "Kirkuk: A Troubled History." *The Future of Kirkuk: A Roadmap for Resolving the Status of the Governorate*, Middle East Research Institute, 2015, pp. 9-11, <http://www.jstor.org/stable/resrep13625.6>.

<sup>231</sup> Romano, David, MEI, 2008, Kirkuk: Constitutional Promises of Normalization, Census, and Referendum Still Unfulfilled <https://www.mei.edu/publications/kirkuk-constitutional-promises-normalization-census-and-referendum-still-unfulfilled>.



Tables shows the percentage of ethnic composition of Kirkuk per 1957 Kirkuk Census. Courtesy of David Romano’s paper published by the MEI.

The geostrategic importance of Kirkuk increased when oil was found in 1927 by the Turkish Petroleum Company (TPC) in the Baba Gurgur oilfield.<sup>232</sup> Therefore, hydrocarbon riches have only added to the intensity of the territorial struggle over Kirkuk in Iraq, making it not just tough case to resolve but relevant to the regional and international actors.<sup>233</sup> (Oil will be discussed in Chapter Seven).

It should be noted that disputed territories between Kurds and Arabs extend from the Syrian border all the way to the Iranian border. But the focus of this discussion would be Kirkuk and avoiding analyzing other disputed areas does not mean their insignificance. However, Kirkuk is so fundamental to the territorial dispute between Erbil and Baghdad, if resolved, the rest of the disputed territories could take care of themselves.

<sup>232</sup> Thomas, K. T. “THE US, IRAQ AND OIL POLITICS.” *Proceedings of the Indian History Congress*, vol. 67, Indian History Congress, 2006, pp. 901–09, <http://www.jstor.org/stable/44148009>.

<sup>233</sup> Romano, David, “Kirkuk: Constitutional Promises of Normalization, Census, and Referendum Still Unfulfilled”, July 01, 2018, <https://www.mei.edu/publications/kirkuk-constitutional-promises-normalization-census-and-referendum-still-unfulfilled>.

Kirkuk's oil became the lifeline of the Iraqi state. Therefore, its importance became tantamount to the economy of the state so as its domination. Consequently, the successive Iraqi regimes have tried to solidify an Arab majority in the province through a sophisticated social engineering policy known as "Arabization". As a part of the policy, they kicked an estimate of 200,000 Kurds out of Kirkuk, seized their properties and replaced them with Arabs from the South of country.<sup>234</sup> This process, especially, picked up during the Ba'athist regime.<sup>235</sup> Ironically, Kirkuk's oil revenues did not only finance the transformation of Kirkuk's demographic landscape but also become a key source to building strong Iraqi Army, which in turn was used to suppress Kurdish national aspirations.<sup>236</sup>

Kirkuk has also been a key factor in the failure of peace deals and negotiations between the Kurdish leadership and successive Iraqi regimes from 1950s to the present time.<sup>237</sup> Consequently, Kirkuk became an essential part of the negotiations among the constitutional framers of new Iraq. During the transitional period, Kurds made Kirkuk central in the "Transitional Administrative Law" (TAL) by putting a special Article regarding the future of the province that was replaced later as the Article 140 of the Iraqi Constitution

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<sup>234</sup> Zanger, Maggy. "Refugees in Their Own Country." *Middle East Report*, no. 222, Middle East Research and Information Project (MERIP), 2002, pp. 40–43, <https://doi.org/10.2307/1559269>.

<sup>235</sup> Romano, David, "Kirkuk: Constitutional Promises of Normalization, Census, and Referendum Still Unfulfilled", July 01, 2018, <https://www.mei.edu/publications/kirkuk-constitutional-promises-normalization-census-and-referendum-still-unfulfilled>.

<sup>236</sup> Barzani, Masoud, "For History", 2020.

<sup>237</sup> ALI, OTHMAN. "Kirkuk, Iraq's Next War: What Options Does Turkey Have?" *Insight Turkey*, vol. 19, no. 4, SET VAKFI İktisadi İşletmesi, SETA VAKFI, 2017, pp. 29–42, <http://www.jstor.org/stable/26300555>.

in 2005.<sup>238</sup> Article 140 set out three remedial mechanism to resolve the issue of Kirkuk by December 2007. It included normalization of the demographic changes, conducting a census, and finally holding a referendum so that the people of Kirkuk would decide whether they want to be governed by the KRG or the Iraqi government.<sup>239</sup> But the article has remained unimplemented, leading to serious conflict between Kurds and Iraq.

The U.S government also recognized the gravity of the issue after toppling Saddam Hussein's regime in 2003. To mitigate the risks of an ethnic conflict, Washington adopted a balanced approach toward Kirkuk.<sup>240</sup> The Coalition Provincial Authority (CPA) that governed post Saddam Iraq discouraged IDPs (mostly Kurds) from returning to Kirkuk. But that did not stop Kurd from seeking to reverse the Arabization policy on their own. Thousands of Kurdish families flocked back into Kirkuk after the U.S invasion.<sup>241</sup> Some re-occupied their former properties as the Arabs known as "Wafedeen" settled by former Iraqi regime in Kirkuk flee the province, knowing that the property did not belong to them, and the former regime was not there to protect them.<sup>242</sup> The ruling Kurdish political parties also encouraged the displaced Kurds to return to

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<sup>238</sup> Morris, Samuel, et al. "Article 140: Problems with Implementation." *The Future of Kirkuk: A Roadmap for Resolving the Status of the Governorate*, Middle East Research Institute, 2015, pp. 17–22, <http://www.jstor.org/stable/resrep13625.8>.

<sup>239</sup> Ibid.

<sup>240</sup> Internal Displacement Monitoring Centre, Norwegian Refugee Council, Iraq: Little New Displacement but around 2.8 Million Iraqis Remain Internally Displaced (Geneva, Switzerland: Mar. 4, 2010).

<sup>241</sup> Iraq: In Kurdistan, Land Disputes Fuel Unrest, HRW, August 02, 2004, <https://www.hrw.org/news/2004/08/02/iraq-kurdistan-land-disputes-fuel-unrest>.

<sup>242</sup> Burke, Jason, "Arabs flee revenge of the Kurds" April 19, 2003, <https://www.theguardian.com/world/2003/apr/20/iraq4>.

Kirkuk. For example, the PUK provided \$5000 to a family that wanted to build a house in Kirkuk.<sup>243</sup>

The CPA established the Iraq Property Claims Commission (IPCC) with regional offices in provinces that had disputed territories in April 2004 to address the past demographic injustices.<sup>244</sup> To do this, the IPCC started receiving property claims by people who had been forced out of Kirkuk and their property were seized by the former Iraqi regimes from 1968-2003.<sup>245</sup> However, as Iraq reasserted its sovereignty<sup>246</sup>, it exerted more influence over the property claims in the disputed areas. In 2006, the Iraqi Parliament replaced the IPCC with Resolution of Real Property Disputes (CRRPD), incorporating all IPCC staff, structure, and the existing cases. Some 50,000 claims were filed with CRRPD's regional office in Kirkuk by March 2007. Although the commission had the authority to review and adjudicate the cases, most have remained unresolved due to lack of political will by Baghdad and tight financial allocations to the CRRPD's operations.<sup>247</sup>

According to the Constitution, the Iraqi government was supposed to address the past injustices against Kurds in Kirkuk and other disputed areas by December 31, 2007, through the mechanisms set out by Article 140. But it did very little to follow the legal

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<sup>243</sup> Steve Fainaru, "Kurds Reclaiming Prized Territory In Northern Iraq; Repatriation by Political Parties Alerts Demographics and Sparks Violence," *The Washington Post*, 30 October, 2005.

<sup>244</sup> *Ibid.*

<sup>245</sup> *Ibid.*

<sup>246</sup> Dodge, Toby. "Iraqi Transitions: From Regime Change to State Collapse." *Third World Quarterly*, vol. 26, no. 4/5, [Taylor & Francis, Ltd., Third World Quarterly], 2005, pp. 705–21, <http://www.jstor.org/stable/3993716>.

<sup>247</sup> *Ibid.*

roadmap to address the Kurdish historical territorial grievances under the pretext of instability in the country.<sup>248</sup> Other third parties intervened to provide solution to Kirkuk out of the constitutional framework. Kurds unwillingly agreed to a UN proposal to delay the implementation of the Article by six months to give Iraqi government more time to follow through its constitutional obligation without vain.<sup>249</sup> But this concession did not get Kurds anywhere as Baghdad's feet dragging continued.

Baghdad's reluctance to act on Kirkuk widened distrust between Erbil and Baghdad. It led Kurds to believe that Iraq was playing with time and had no intention to follow the Constitution, which was agreed on by all parties in 2005.<sup>250</sup> Such perception regarding Iraq was amplified by celebration of some Iraqi parties and politicians who called the Article 140 "dead"<sup>251</sup> due to lack of its implementation by its deadline. Moreover, Iraqi Arab parties from both Sunnis and Shias rallied against Kurds. Accordingly, the issue of Kirkuk served as a unifier despite deep distrust between them. For example, on January 12, 2008, Sunni MP Osama al-Nujaifi announced that a total of 145 lawmakers out of 275 now oppose Kurdish claims in Kirkuk.<sup>252</sup> In addition, in 2010, then prime minister Nuri al-Maliki told Wall Street Journal that the implementation of the Article

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<sup>248</sup> Kurd sees 'very bad signals' from Baghdad, LA Times, March 28, 2009, <https://www.latimes.com/archives/la-xpm-2009-mar-28-fg-iraq-barzani-qa28-story.html>.

<sup>249</sup> Janabi, Nazar, Kirkuk's Article 140: Expired or Not? Washington Institute, January 30, 2008, <https://www.washingtoninstitute.org/policy-analysis/kirkuks-article-140-expired-or-not>

<sup>250</sup> Interview with Falah Mustafa, Senior Foreign Policy Advisor for KRP, October 2020.

<sup>251</sup> Article 140 did not stipulate joining Kirkuk to Kurdistan – Turkmen statement, 2011. <https://www.iraqinews.com/baghdad-politics/article-140-did-not-stipulate-joining-kirkuk-to-kurdistan-turkmen-statement/>

<sup>252</sup> Janabi, Nazar, Kirkuk's Article 140: Expired or Not? Washington Institute, January 30, 2008, <https://www.washingtoninstitute.org/policy-analysis/kirkuks-article-140-expired-or-not>.

was unrealistic because of the way it was drafted. Maliki further suggested that the implementation of the article would lead to other problems. Thus, he called for amending the Constitution.<sup>253</sup>

Moreover, during the tenure of al-Maliki from 2006-2014, political disagreement over the disputed areas almost caused violent clashes between Kurds and Baghdad, in particular after he dispatched the ISF to Khanaqin, another disputed town in Diyala Province in August 2008.<sup>254</sup> Maliki's demand for Kurdish forces to leave the town was met with KRG reinforcement to the frontline, where Kurds vowed to stand against the Iraqi aggression. The escalatory military measures by both parties brought the situation to a breaking point for the first time in post 2003. Maliki was probably emboldened by his U.S. backed military operations in the southern city of Basra against the loyalists of Shia cleric Muqtada al-Sadr just a month earlier, where he was able to subdue the restive Shia militia group under control of Sadr.<sup>255</sup> Thus, he might have hoped to capitalize on his victory through potential Washington support for his military endeavors against Kurds in the disputed areas. However, the Americans chose mediation to resolve the issue rather than taking sides. Thus, the U.S. intervention averted Kurdish-Iraqi military.<sup>256</sup>

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<sup>253</sup> "Transcript: Maliki on Iraq's Future", December 2010, <https://www.wsj.com/articles/SB10001424052970203513204576047804111203090>.

<sup>254</sup> Raouf, Sherko. "Standoff over Iraqi Town Stokes Tension with Kurds." Reuters, Thomson Reuters, 31 Aug. 2008, [www.reuters.com/article/idUSLV159246](http://www.reuters.com/article/idUSLV159246).

<sup>255</sup> "Maliki orders militias to surrender", France 24, March 27, 2008, <https://www.france24.com/en/20080327-maliki-orders-militias-surrender-iraq>.

<sup>256</sup> US referees Iraq's troubled Kurdish-Arab fault line, CSM, October 21, 2008, <https://www.csmonitor.com/World/Middle-East/2008/1021/p01s04-wome.html>.

Baghdad also tried to weaken Kurdish influence in the disputed areas by forming paramilitary forces in 2008. To do this, the Iraqi government courted Sunni, Turkmen and some Kurds who were opposed to the Kurdish rule in Kirkuk to form armed groups known as “Councils”.<sup>257</sup> Al- Maliki promised funds, arm, and support for their bid to contain Kurdish power in Kirkuk. The measure had security implications for the stability of the province by raising ethnic tensions. It encouraged Arabs and Turkmens to start holding demonstrations in the city and challenge Kurdish rule.<sup>258</sup> In response, the Kurdish leaders lambasted the move, accusing al-Maliki of creating militia forces loyal to him to undermine stability in the area.<sup>259</sup> In a similar move, the Iraqi forces also challenged Kurdish forces in Zumar area in 2009.<sup>260</sup>

The legislative elections of 2010 put a pause on Iraq’s efforts to wrest control over the disputed areas militarily because the fate of al-Maliki to remain in power hanged in balance. The prime minister had already angered some of his Shia allies by attacking Sadrists. On the other hand, a more broad-based coalition led by former prime minister Ayad Allawi had received more seats than Maliki. Therefore, Maliki needed to forge

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<sup>257</sup> Rubin, Alissa J. “Rejection of Oil Law and Move to Create Tribal Councils Add to Tensions With Kurds.” The New York Times, , 28 Oct. 2008, [www.nytimes.com/2008/10/28/world/middleeast/28iraq.html](http://www.nytimes.com/2008/10/28/world/middleeast/28iraq.html).

<sup>258</sup> “Thousands protest over Iraqi city of Kirkuk”, August 02, 2008, The Star, [https://www.thestar.com/news/world/2008/08/02/thousands\\_protest\\_over\\_iraqi\\_city\\_of\\_kirkuk.html](https://www.thestar.com/news/world/2008/08/02/thousands_protest_over_iraqi_city_of_kirkuk.html).

<sup>259</sup> Romano, David, In the Aftermath of Iraq’s Provincial Elections, Part One: A Dangerous Year Ahead for Iraqi Kurds, Jamestown, 2009.

<sup>260</sup> Tensions Stoked Between Iraqi Kurds and Sunnis”, The New York Times, May 17, 2009, <https://www.nytimes.com/2009/05/18/world/middleeast/18nineveh.html>.

alliance with Kurds to secure a confirmation in the parliament to serve a second term. A part of his agreement with Kurds included a key provision regarding the implementation of Article 140 to address the issue of the disputed territories.<sup>261</sup> However, these terms were not only remained unimplemented but the relationship between Erbil and Baghdad deteriorated during Maliki's second term.

Contrary to the spirit of the Iraqi Constitution and the Erbil Agreement, al-Maliki took a series of steps in an attempt to assert the control the disputed areas in 2012. He created the Dijila Operations Command to put the provinces of Kirkuk, Diyala and Salahadin under his direct control in an apparent challenge to the Kurdish power in the disputed areas.<sup>262</sup> Kurds denounced the measure, contending that the goal was to drive out Kurds from the disputed areas.<sup>263</sup> Al- Maliki's attempts to reassert federal authority in the disputed areas led to another military standoff between Kurdish forces and the Iraqi forces in the town of Tuz Khurmatu in November 2012. The incident allegedly happened when Iraqi police tried to arrest a Kurdish man. The Kurdish forces' intervention to stop the arrest led to exchange of fire between the two sides.<sup>264</sup> In response,

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<sup>261</sup> "[Buratha publishes the Erbil secret agreement between al-Maliki and Barzani in 2010](#)", February 17, 2013.

<sup>262</sup> Morris, Samuel, et al. *The Future of Kirkuk: A Roadmap for Resolving the Status of the Governorate*. Middle East Research Institute, 2015, <http://www.jstor.org/stable/resrep13625>.

<sup>263</sup> Iraq Weekly Update 45, Institute for the Study of War, November 02-07, 2012, <https://www.understandingwar.org/backgroundunder/iraq-update-45>.

<sup>264</sup> Sly, Liz, "Iraqi-Kurd tensions soar after firefight", Washington Post, November 20, 2012, [https://www.washingtonpost.com/world/middle\\_east/iraqi-kurd-tensions-soar-after-fire-fight/2012/11/20/fd567f34-334a-11e2-92f0-496af208bf23\\_story.html](https://www.washingtonpost.com/world/middle_east/iraqi-kurd-tensions-soar-after-fire-fight/2012/11/20/fd567f34-334a-11e2-92f0-496af208bf23_story.html).

the Iraqi government dispatched military reinforcement to the town under the pretext of preserving the rule of law.<sup>265</sup>

Kurds viewed the Iraqi move as politically motivated. Therefore, they refused to back down, vowing to confront the Iraqi military forces should they seek to fight Kurds.

“The Kurdistan region is ready to defend its soil and all its citizens,”<sup>266</sup> warned KRP Masoud Barzani. Accordingly, KRG sent reinforcement to the town, too, in a direct defiance of Baghdad.<sup>267</sup> The incident again led to U.S. mediation to avoid a full blown out violent conflict in the disputed areas.<sup>268</sup>

In fact, the security predicament played a significant effect on the mindset of the Kurdish leaders regarding the intention of the Iraqi government. Subsequently, it led to the conviction that it was the matter of time before the Iraqi government would seek to constrain and undermine the status of the Kurdistan Region. Therefore, Kurdish leaders considered independence as a panacea to mitigate the security quandary and as the best defense against the reversal of the Kurdish gains in post 2003.<sup>269</sup>

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<sup>265</sup> For Iraq, Year Ends the Way It Began, With Guns Drawn, December 14, 2012, <https://www.ny-times.com/2012/12/04/world/middleeast/iraqs-latest-crisis-is-a-standoff-with-northern-kurds.html>.

<sup>266</sup> Ibid.

<sup>267</sup> Ibid.

<sup>268</sup> Ibid.

<sup>269</sup> Multiple interviews with Kurdish military officials and government officials conducted in person and via WhatsApp between September 2020-May 2021.

## Financial Grievance

Financial issue has constituted a major source of conflict between Kurds and Iraq historically. In the summer of 1929, a number of Kurdish deputies submitted a petition to Baghdad and the British authority pertaining the Kurdish rights. Among these included an increase in the budget for the Kurdish areas.<sup>270</sup> The Kurdish demands came for allocation of revenues came just two years after the discovery of oil in Kirkuk, thereby a potential increase in the revenues of the Iraqi state due to Baghdad's oil contracts with the IOCs.<sup>271</sup> However, previous Iraqi regimes did not budge in to give more revenues to the Kurdish dominated provinces and the Iraqi state developmental projects, in some cases funded by Kirkuk oil, focused more on the Arab areas of the country.<sup>272</sup>

As a result, Kurds have tried to free themselves from the financial shackle of Baghdad whenever the right circumstances became available and/or when Baghdad pushed them to do so by seeking to choke Kurds financially.<sup>273</sup> The Kurdish struggle for financial independence has been riddled with problems due to lack of human capacity, false policies, structural issues and geopolitics. Therefore, the journey to financial independence has not been easy.

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<sup>270</sup> Tripp, Charles. *A History of Iraq*. 3rd ed., Cambridge University Press, 2007. P.64.

<sup>271</sup> Joumayle, Omar A. M. El. "Oil Production and Abrupt Institutional Change: The Multi-Cyclic Hubbert Model and the Case of Iraq." *Contemporary Arab Affairs*, vol. 10, no. 2, University of California Press, 2017, pp. 256–85, <https://www.jstor.org/stable/48599943>.

<sup>272</sup> Prime Minister Barzani's Speech at Start of Oil Exports." KRG Ministry of Natural Resources. 1 June 2009. <<http://mnr.krg.org/index.php/en/press-releases/117-prime-minister-barzani-s-speech-at-start-of-oil-exports>>.

<sup>273</sup> Prince, James M. "A Kurdish State in Iraq?" *Current History*, vol. 92, no. 570, University of California Press, 1993, pp. 17–22, <http://www.jstor.org/stable/45316753>.

Kabouche, Leo, "The Energy Briefing: The struggle for Kurdistan's oil", September 27, 2017, <https://globalriskinsights.com/2017/09/struggle-kurdistan-oil/>.

In post 2003 Iraq, the Kurdish leadership used two-track approach to address the issue of financial quandary with Baghdad. The first was enshrining legal rights of the KRG make its development plans, reparation to the Kurdistan Region due to past injustices.<sup>274</sup> For example, the KRG was to receive 17 percent share of the federal budget based on the 1995 UN “Oil for Food Program” that allowed Iraq to sell its oil to purchase food during the UN sanctions.<sup>275</sup> Thus, in post -2003, the same formular was adopted and agreed on by the Iraqi political parties that allowed Baghdad to send 17 percent of the federal budget to the KRG.<sup>276</sup> The other track was endeavors to create an independent economy or at minimum to lessen full financial dependency on Baghdad through development of the hydrocarbon sector. For this, oil became the key factor, which will discussed in detail in Chapter 10. But this does not mean that oil would not be mentioned in this section as the financial and oil issues are organically interlinked.

Imbalance relationships tend to increase tensions, thereby conflict between the parties.<sup>277</sup> Although, there is inherent power asymmetric between Kurds and Shias, as the victors of post 2003 Iraq glued by a common enemy, the power imbalance had not kicked into real politics on the ground yet. The Kurdish-Shia alliance had grew stronger because they had

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<sup>274</sup> Iraqi Constitution, UN-Iraq, article 140 (UNIRAQ 2005), [http://www.uniraq.org/documents/iraqi\\_constitution.pdf](http://www.uniraq.org/documents/iraqi_constitution.pdf).

<sup>275</sup> Baghdad money squeeze tests limits of Iraqi Kurdistan's autonomy, Reuters, March 17, 2014, <https://www.reuters.com/article/kurds-iraq/baghdad-money-squeeze-tests-limits-of-iraqi-kurdistans-autonomy-idUKL6N0MC03S20140317>.

<sup>276</sup> Iraq and the Kurds: The High-Stakes Hydrocarbons Gambit Crisis Group Middle East Report N°120, 19 April 2012.

<sup>277</sup> Maoz, Zeev, et al. “What Is the Enemy of My Enemy? Causes and Consequences of Imbalanced International Relations, 1816–2001.” *The Journal of Politics*, vol. 69, no. 1, [The University of Chicago Press, Southern Political Science Association], 2007, pp. 100–15, <https://doi.org/10.1111/j.1468-2508.2007.00497.x>.

a common enemy – Saddam Hussein and they had also been deprived from political power in Iraq for decades. As a result, there was more of a partnership between Kurds and Shias without deeming of an essential imbalance of power and population in the beginning. They framed the Constitution and rebuilt Iraq based on their respective interests. However, the partnership became unsustainable as the Shias consolidated their power base in Baghdad. The Shia population count for more than 55-60 percent of Iraqi population while Kurds are estimated to be 15 percent.<sup>278</sup> Consequently, the population imbalance translated into asymmetric political and military power relationships between Kurds and Shias especially after Shias consolidated their rule politically and legally in Iraq. They controlled all branches of the government and Iraq regained its sovereign powers. Therefore, the Shias had little reason to play with the old rules.<sup>279</sup>

By 2005, Baghdad started to question the plausibility of sending 17 percent of the federal budget to the KRG. The change of Baghdad's policies toward the KRG was incremental. It started with slowing down fuel and electricity provision to the Kurdish region.<sup>280</sup> A policy that was a reminiscent of the former regime's actions against the Kurdistan Region in 1991 when Baghdad cut off the Kurdish enclave from the national grid and put it under an economic embargo.<sup>281</sup> Moreover, political opposition grew gradually toward the

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<sup>278</sup> Cordesman, Anthony H. "Ethnic and Sectarian Challenges." *Iraq After ISIS: The Other Half of Victory Dealing with the Civil Dimension*, Center for Strategic and International Studies (CSIS), 2018, pp. 27–34, <http://www.jstor.org/stable/resrep22411.7>.

<sup>279</sup> Interview with a Kurdish expert, September 2020.

<sup>280</sup> Interview with KRP Nechirvan Barzani, October 2020.

<sup>281</sup> Robin, Mills. *Under the Mountains: Kurdish Oil and Regional Politics*. Oxford Institute for Energy Studies, n.d.. Internet resource. P.49. <https://www.oxfordenergy.org/wpcms/wp-content/uploads/2016/02/Kurdish-Oil-and-Regional-Politics-WPM-63.pdf>.

Kurdish monetary share in Baghdad. The political elite asserted that the Kurds were not 17 percent of the population,<sup>282</sup> therefore, they should not be given such percentage.<sup>283</sup> Rightly, they also argued that the KRG had its own sources of revenues from internal taxation and border customs and later oil. Thus, the KRG's revenues should return to the federal treasury, or the amount should be deducted from federal budget to the KRG.<sup>284</sup>

The Kurdish argument to budge in to Baghdad's financial demands was based on both historical wrongs and constitutional rights. The Kurdistan Region came out of a brutal genocide campaign, over 4000 Kurdish villages were destroyed, dozens of towns razed to the ground and decades of marginalization by the former regimes had left the Kurdish areas the most underdeveloped.<sup>285</sup> Therefore, Baghdad needed to allow a free flow of budget to the KRG, compensate Kurds for the past misdeeds of the former regimes and the KRG to keep its own internal revenues, too.<sup>286</sup>

In fact, despite the adoption of the UN 17 percent formula, the KRG never received that amount.<sup>287</sup> Kurdish officials consistently asserted that the Kurdish federal budget never

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<sup>282</sup> Hasan, Harith, Budget politics and Baghdad-Kurdish relations, Atlantic Council, November 16, 2016, <https://www.atlanticcouncil.org/blogs/menasource/budget-politics-and-baghdad-kurdish-relations/>

<sup>283</sup> Interview with a lawmaker in the Iraqi Parliament, October 2020.

<sup>284</sup> Kurds hope oil boom will fuel prosperous independent future, The Guardian, July 14, 2014, <https://www.theguardian.com/world/2014/jul/14/kurdish-technocrats-discuss-kurdistan-oil-wealth>

<sup>285</sup> Zebari, Abdel Hamid, "KRG Minister: Our Problem With Baghdad Lies in the Budget", Al Monitor, April 03, 2013, <https://www.al-monitor.com/originals/2013/04/interview-iraq-kurdistan-minister-reconstruction.html>.

<sup>286</sup> Alkadiri, Raad, Federalism and Iraq's constitutional stalemate, Chatham House, Nov 27, 2020, <https://www.chathamhouse.org/sites/default/files/2020-11/2020-11-27-iraq-federalism-alkadiri.pdf.pdf>

<sup>287</sup> Ibid.

exceeded 10 percent.<sup>288</sup> But that did not mean the federal budget share was not sufficient to the KRG for its operation costs, developmental goals, employment and paying civil servants. In fact, the KRG employed some 1.2 million people when the money was flowing from Baghdad and paying them required a monthly budget of USD 776 million.<sup>289</sup>

The employment of such large number of people was a result of the KDP and the PUK's efforts to win votes in the elections and tie the entire population to their patronage system. A policy that severely backfired and undermined the Kurdish economy and developmental goals in 2014.<sup>290</sup> Moreover, the policy proved shortsighted and counter-productive as the KRG badly failed to sustain the payment of its employees when Baghdad cut off its budget in 2014. The cut forced the KRG to default on its payment to the employees for months and later it had to adopt an austerity approach by cutting salaries up to 33 percent by 2016.<sup>291</sup>

In the parliament, the mood also changed negatively toward the budget share of the KRG. Previously, the annual national budget law had the agreement of Kurds. In other words, the political parties agreed on the content of the law through the consensus building mechanism placed in post 2003.<sup>292</sup> But in 2013, a thin majority of Shia and

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<sup>288</sup> "KRG Oil Revenues Cannot Replace Iraqi Budget, Expert Says", Rudaw, January 23, 2014, <https://www.rudaw.net/english/kurdistan/230120142>.

<sup>289</sup> "KRG to make more salary cuts in 2018 after losing Kirkuk oil", Rudaw, December 12, 2017, <https://www.rudaw.net/english/kurdistan/121220176>.

<sup>290</sup> Ibid.

<sup>291</sup> Ibid.

<sup>292</sup> Visser, Reidar. "Iraq: Democracy and electoral politics in post-Saddam era." *Elections and Democratization in the Middle East*. Palgrave Macmillan, New York, 2014. 133-152.

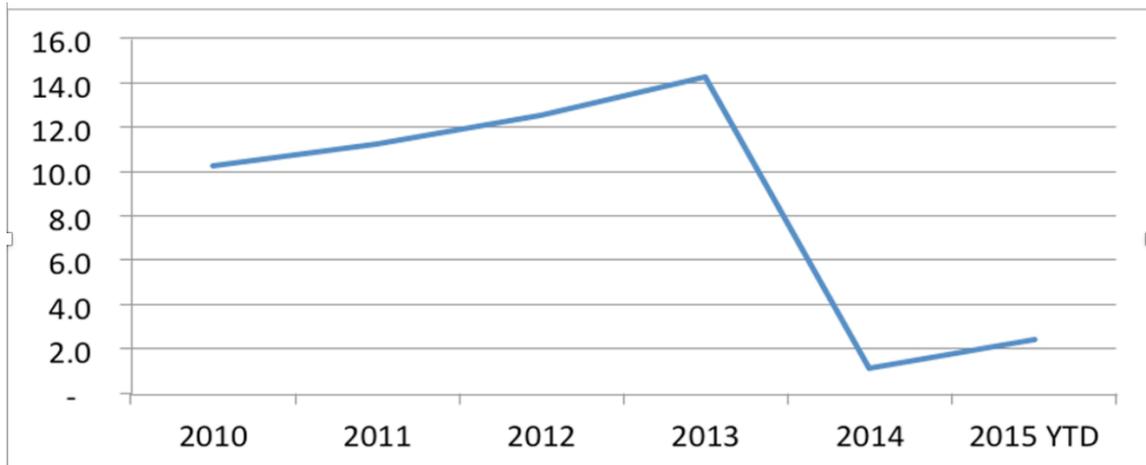
Sunni MPs cast 168 votes to pass the law in the Council of the Representatives without heeding the Kurdish demands. The passing of the law without Kurds became the most critical turning point in the relations between Erbil and Baghdad. Michael Knight, an Iraq expert from Washington Institute, called the measure "post-Saddam Iraq's most anti-Kurdish budget."<sup>293</sup>

The law had serious financial and political implications for Kurds. For example, article 10 of the law committed the KRG to provide 250,000 BOPD to Iraq's oil marketing institution known as SOMO. The failure of the KRG to meet the figure granted the central government the power to withhold and cut the KRG's share of the federal budget. Additionally, the budget law authorized the federal government to punish the KRG financially should Erbil cause inconvenience to the federal government's usage of "KRG airspace, communication frequencies, and power/phone lines." Accordingly, the Iraqi government implemented the budget law and sent only 2.8 trillion IQD to the KRG out of nearly 6 trillion IQD stipulated by the 2013 Iraqi national budget law. The KRG's oil revenues, internal taxations and customs were generously deducted from the Kurdish share of the federal budget. These measures were unprecedented in the post 2003 Iraq and further weakened the Erbil-Baghdad relationships.

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<sup>293</sup> Knight, Michael. "Iraq's Budget Threat Against the Kurds." *The Washington Institute*. 2013. Web. 02 Mar. 2021. <https://www.washingtoninstitute.org/policy-analysis/iraqs-budget-threat-against-kurds>.

Baghdad's incremental budget pressure continued on the KRG yearly in a way that it ultimately withheld budget completely to the Kurdish enclave by 2016.



The graph illustrates the reduction of the KRG's share of the federal budget. Source Marcopolis 2016 report.<sup>294</sup>

Both Baghdad and Erbil had strong arguments and reasons to their policies. Erbil was uncertain about the future and as a result, it aggressively continued to build its own economy and lessen financial dependency on Baghdad. The Iraqi government's measures only reinforced the need and the conviction for a financially independent Kurdistan. On the other hand, given the fact that the KRG was refusing to share its revenues with the country, Baghdad had the right to hold the KRG accountable and use legal means available to force the Kurdish government to cooperate. The KRG's oil policy gave Baghdad Baghdad an excuse to cut the KRG's budget. However, it should be asked whether Baghdad would continue to send Kurds share of budget as a constitutional obligation. For

<sup>294</sup> Iraqi Kurdistan Economic Report 2016: Kurdistan's Great Recession, marcopolis August, 01, 2016, <https://marcopolis.net/iraqi-kurdistan-economic-report-2016-kurdistan-s-great-recession.htm?Itemid=>.

Kurds, this was always the question. What would be the reward for cooperation? This financial quandary informed by lack of trust and historical grievances, became a key barrier to reach a mutually agreeable settlement. The issue between Erbil and Baghdad was not only money, it was also failure of the Iraqi governments to implement other articles of constitution such Article 140 of the Constitution, equipping Peshmerga forces, failure to establish second chamber of the Parliament and establishment of the Federal Council, just to mention few.

The overwhelming number of interviewees for this dissertation emphasized that Iraq meant to engineer an economic collapse of the KRG by suffocating it financially, blacklist the IOCs operating in the KRG, and aggressively pursuing lawsuits against buyers of the KRG's oil.<sup>295</sup> "Iraq has cherry-picked its implementation of the Constitution," said Kurdistan Region Vice President Mustafa Said Qadir." They are not ready to implement the whole Constitution. We had reached the conclusion that Iraq was a lost hope," he emphasized. A Kurdish MP in the Iraqi Parliament with critical views of the KRG's economic policy explained that the decision to hold the referendum was a direct result of disappointment with Baghdad because of cutting the budget, not implementing article 140 of the Iraqi Constitution and not providing the Peshmerga force with a budget.<sup>296</sup>

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<sup>295</sup> Interviews with Kurdistan Region Vice President Mustafa Said Qadir and October 2020.

<sup>296</sup> Interviews with Kurdish MP in Baghdad, October 2020.

The interviewees also highlighted that the KRG started developing its own economy because of the lack of trust in Baghdad. They believed that developing the oil sector was the quickest method to escape from Baghdad's financial shackles because oil could generate revenues much quicker than the other sectors of the economy. This decision was informed by the uncertainty regarding intention of a stronger Iraqi government regarding the KRG.<sup>297</sup> Therefore, the KRG needed to have a leverage and oil was the most viable candidate<sup>298</sup> despite the Kurdistan Region having some of the most fertile plains for agriculture.<sup>299</sup> Former Iraqi MP Ahmed Haji Rashid from the Kurdistan Justice Group reported that former KRG prime minister Nechirvan Barzani told him that Iraq forced the Kurdistan Region to resort to oil so that it could bring revenues, to pay the KRG employees' salaries and operate the government.<sup>300</sup> But it should be noted that the KRG's oil policy started years before Baghdad cut off the Erbil's budget.<sup>301</sup> For this reason, it is more reasonable to conclude that the oil policy was a preparation for the eventuality that Baghdad would withhold the KRG's budget and Kurds needed to be prepared.

## Conclusion

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<sup>297</sup> This was reaffirmed during my research trip Sep-October 2002 by multiple Kurdish officials involved in developing the KRG oil sector.

<sup>298</sup> Interview with Kurdish Lawmaker in the Iraqi Parliament's Finance Committee, October 2020

<sup>299</sup> Jongerden J, Wolters W, Dijkxhoorn Y, Gür F, Öztürk M. The Politics of Agricultural Development in Iraq and the Kurdistan Region in Iraq (KRI). *Sustainability*. 2019; 11(21):5874. <https://doi.org/10.3390/su11215874>.

<sup>300</sup> Interview with Kurdish MP Ahmed Haj Rashid at Iraqi Parliament, October 2020.

<sup>301</sup> Robin, Mills. Under the Mountains: Kurdish Oil and Regional Politics. Oxford Institute for Energy Studies, n.d.. Internet resource. P.49. <https://www.oxfordenergy.org/wpcms/wp-content/uploads/2016/02/Kurdish-Oil-and-Regional-Politics-WPM-63.pdf>.

Despite the initial political, legal, and financial gains in the new Iraq, the Kurdish leadership came to the realization soon that, if anything, the regime change has failed to generate the transformational impacts on governance, policy, and behavior of the new power holders in Baghdad. Accordingly, the failure to resolve the outstanding Kurdish political, security, territorial, and financial grievances generated a strong sense of disappointment with Baghdad. Baghdad's behaviors only consolidated the centrifugal forces in the Kurdistan Region by seeking to develop an independent economy and consolidating economic and political relationships with the neighboring countries. However, despite constant complaints of Kurdish leadership regarding Baghdad's actions, these grievances did not trigger the practical measures by the Kurdish leadership to seek to secede from Iraq until the opportune time arose after 2014, which will be the discussion of the next Chapter.

## **Chapter Five: Fight against ISIS and Independence**

### **Introduction**

This chapter provides an overview of the emergence of the Islamic State in Iraq and Syria (ISIS) and its effects on the 2017 independence referendum. The chapter asserts that the advent of ISIS in 2014 was one of the most significant factors that weighed in the decision to hold the Kurdish independence referendum in 2017. ISIS provided unprecedented opportunities for Iraqi Kurds to seek to break away because its quick victories against Iraqi security forces (ISF) created three key mechanisms that led the Iraqi Kurdish leaders to take practical steps to seek independence. The first is the weakness of the central government, the second is the KRG's territorial control over the disputed areas and its access to the oil fields in Kirkuk Province, and the third is the international diplomatic, military, financial and political support for Kurds. However, by 2017, this window of the opportunity was closing. Iraq had reconstituted itself with a powerful sectarian security force, ISIS was on the edge of defeat, and the Kurdish leadership was both uncertain of continued Western support and fed up with broken promises.

### **Emergence of ISIS**

It widely believed that the sectarian policies of prime minister Nuri al-Maliki and his

anti-Sunni actions, including their political, economic and security marginalization turned into deep seated grievances, paved the way for the group to creep into the Sunni dominated areas of the country with ease.<sup>302</sup> The formidable group was born out of the remnants of Al-Qaeda in Iraq (AQI), a franchised offshoot of Al-Qaeda founded by Abu Musab al Zarqawi in 2004. Known for its brutal violence from 2004-2011, AQI was mostly defeated by the surge of the U.S. forces in 2007<sup>303</sup> and the alliance of the U.S. backed Sunni tribes. These tribes turned into armed militia groups by the U.S. known as Sahwa.<sup>304</sup>

However, the withdrawal of the U.S. troops in 2011 led to reprisals by prime minister Nuri al-Maliki against Sunnis in Iraq.<sup>305</sup> As mentioned in the previous Chapter, al-Maliki chased after Sunni politicians, defunded the Sahawa forces and neglected the Sunni areas, which led to wide resentment among the Sunni population of Iraq. Consequently, the AQI that rebranded itself as ISIS in 2013 took advantage of extensive political, security and economic grievances in the Sunni areas and the instability in Syria triggered by the 2011 Arab Spring.<sup>306</sup> Accordingly, ISIS had easier time to bolster its ranks through local recruitments and launch attacks on the ISF and later extend its control over most of the

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<sup>302</sup> Hansen, Alexandra, "Understanding Terror: A Religiopolitical Analysis of the Rise of ISIS and the Establishment of a Caliphate" (2020) [https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=2574&context=scripps\\_theses](https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=2574&context=scripps_theses).

<sup>303</sup> Ibid.

<sup>304</sup> Benraad, M. (2011). "Iraq's Tribal" Sahwa": Its Rise and Fall. Middle East Policy, <http://www.mepc.org/iraqs-tribal-sahwa-its-rise-and-fall>.

<sup>305</sup> In Their Own Words: Sunnis on Their Treatment in Maliki's Iraq, PBS < October 28, 2014, <https://www.pbs.org/wgbh/frontline/article/in-their-own-words-sunnis-on-their-treatment-in-malikis-iraq/>.

<sup>306</sup> O'Driscoll, Dylan, The Islamic State in Iraq, K4D, April 2019, [https://assets.publishing.service.gov.uk/media/5d430bafed915d09dac9bb05/580\\_The\\_Islamic\\_State\\_in\\_Iraq.pdf](https://assets.publishing.service.gov.uk/media/5d430bafed915d09dac9bb05/580_The_Islamic_State_in_Iraq.pdf).

Sunni areas of the country.

The most brazen attack, which some analysts call “ISIS blitzkrieg” was on the city of Mosul in June 2014, that defeated the ISF and ensured a swift capture of the city.<sup>307</sup> The fall of Mosul had domino effects. The group was able to take over the provinces of Salahadin, Anbar, and Diyala.<sup>308</sup> ISIS also closed in on Baghdad but failed to capture the capital due to the U.S. military support to the Iraqi forces.<sup>309</sup> In the north, the group made several attempts to capture Kirkuk and its oil fields after the ISF abandoned their positions in the south of the city. But the Kurdish forces successfully repelled the ISIS attacks with the help of the U.S. air power despite its initial gains in south of Kirkuk and some of the city’s neighborhoods.<sup>310</sup> On the northern front, ISIS threatened the stability and security of the Kurdistan Region by August 2014 when it started attacking the Kurdish controlled areas in Ninewa and Erbil Provinces, defeating the Peshmerga forces and getting closer to Erbil.<sup>311</sup> The ISIS attack sent shockwaves across the Kurdistan Region, leading to panic among the population. It also showed the weakness of the Kurdish forces and largely broke the long strong belief that Peshmerga could defend the Kurdish held territories. But it should also be noted that there was a highly asymmetric military power between Kurds and ISIS. The terrorist group used advanced U.S.

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<sup>307</sup> Ibid.

<sup>308</sup> Ibid.

<sup>309</sup> Grace, Mary, “ISIS nearly made it to Baghdad airport, top U.S. military leader says”, CNN, October 13, 2014, <https://www.cnn.com/2014/10/12/politics/isis-baghdad-martin-dempsey/index.html>.

<sup>310</sup> “Iraqi Kurds ‘fully control Kirkuk’ as army flees”, BBC, June 12, 2014, <https://www.bbc.com/news/world-middle-east-27809051>.

<sup>311</sup> Salih, Cale, “Kurdistan Isn’t About to Leave Iraq Amid ISIS Fighting”, Times, August 6, 2014, <https://time.com/3083172/iraq-kurdistan-independence/>.

weaponries it had captured from Iraqi forces. On the other hand, the Kurdish forces had light and old weapons. As a result, ISIS advance continued until U.S. intervened via airpower, stopping the group 40 minutes outside of the Kurdish capital.<sup>312</sup>

### **Weak Central Government**

Weak states are characterized by their inability to provide public goods, lack of social trust and dispersion of monopoly of use of force among multiple centers of military and political powers.<sup>313</sup> Iraq, in particular in 2014 onward, perfectly fits into this category. ISIS's swift victory in the Sunni areas of Iraq did not only highlight the structural security problems of the federal government, but also weakened Baghdad that lost its sovereignty over one third of Iraq's territory.<sup>314</sup> The Iraqi state under prime minister Maliki was humiliated and defeated completely in the north of the country when some 30,000 soldiers and another 30,000 federal police failed to defend Mosul against some 800 ISIS fighters in June 2014.<sup>315</sup>

The ISIS advance opened an opportunity for Kurds to take advantage of the security vacuum by extending their authority over the disputed areas, including Kirkuk after Maliki reluctantly approved the move to prevent ISIS from taking over more territories

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<sup>312</sup> Pollack, Kenneth, "Iraq: Understanding the ISIS Offensive Against the Kurds", Brookings, August 11, 2014, <https://www.brookings.edu/blog/markaz/2014/08/11/iraq-understanding-the-isis-offensive-against-the-kurds/>.

<sup>313</sup> Rotberg, Robert I. "Failed states, collapsed states, weak states: Causes and indicators." *State failure and state weakness in a time of terror* 1 (2003): 1-25.

<sup>314</sup> Mansour, Renad. *Iraq after the Fall of ISIS: The Struggle for the State*. Chatham House, 2017.

<sup>315</sup> "800 Terrorists Rout 30K Iraqi Soldiers", *The Daily Beast*, June 11, 2014, <https://www.thedailybeast.com/cheats/2014/06/11/terrorist-army-captures-new-iraqi-city>.

under the pressure of the U.S. so that they would not fall to ISIS.<sup>316</sup> The ISIS's success in defeating the Iraqi Army in the Sunni areas of Iraq almost geographically detached the Kurdistan Region from the rest of the country. The Kurdistan Region shared over 1100 km with the Islamic State while had only 50km with the federal government.<sup>317</sup> At this stage, Iraq was on the brink of collapse as it was paralyzed politically and militarily in the face of ISIS.

The gravity of the security situation forced Baghdad be flexible to the Kurdish political and military ascendancy in Iraq. But it should be noted that such tactical move by Baghdad only followed a historical pattern of how central governments accommodated Kurds when they needed the Kurdish support and cooperation to deal with existential threats. It was not out of the conviction that Kurds should be treated equally or to be trusted with such unprecedented powers. Historically, Iraq experienced a series of political crisis, internal conflict, and coups from 1950s to 70s. After the fall of the Monarchy in 1958, the country was in political turmoil. Ba'athists and the Arab Nationalists were considered the main threat to the new government led by Iraq's first acting president General Abdul Karim Qassim who took power in a coup.<sup>318</sup> To counterweight the Ba'athists and the Nationalists, Qassim needed allies to ensure the stability of Iraq and his government. For this purpose, he recalled the exiled Kurdish

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<sup>316</sup> Hawrami, Faze, and Beaumont, Peter, "Iraqi Kurdish forces take Kirkuk as Isis sets its sights on Baghdad", The Guardian, June 12, 2014, <https://www.theguardian.com/world/2014/jun/12/iraq-isis-kirkuk-baghdad-kurdish-government>.

<sup>317</sup> Kirkuk is a city for all people, not just Kurds, says Kurdish PM, Rudaw, April 05, 2017, <https://www.rudaw.net/english/kurdistan/050420175-amp>.

<sup>318</sup> Ibid.

leader, Mustafa Barzani, to participate in the formation of the new government. He promised Kurds autonomy, cultural rights, and development in Kurdistan. Qassim also vowed the establishment of a new order, where Arabs and Kurds enjoy equal citizenship status. In return, Barzani accepted the offer and returned to Iraq from the Soviet Union to work with Qassim on a new constitution to resolve the outstanding issues between the two sides.<sup>319</sup> In March of 1959, the Arab Ba'athists staged their first public uprising in Mosul. The Kurdish forces led by Barzani played a major role in quelling this unrest. The Kurdish forces streamed into Mosul within four days and restored order in the city.<sup>320</sup> In another incident, Barzani forces crushed the Iraqi Communist Party (ICP) faction that was in growing in Kurdistan.<sup>321</sup> The elimination of the threats posed by his adversaries helped stabilizing Qassim's government in Baghdad, thereby a stronger and more confident Baghdad. But the Kurdish-Iraqi cooperation proved short lived as the balance of power tilted in favor of Baghdad. Qassim retreated from his earlier promises to include Kurdish autonomy in the new Constitution for Iraq based on the excuse that his enemies would exploit it for political ends. As a result. War resumed between Kurds and Baghdad. The above pattern repeated itself in 1963, 1968, and 1974 where during every internal crisis Iraq appeased Kurds but then launched military attacks on them when the time was right, and Baghdad was stronger.<sup>322</sup> As mentioned previously, even in post-2003 when the sectarian conflict in Iraq dissipated, prime minister Maliki sent forces to

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<sup>319</sup> Romano, David. *The Kurdish Nationalist Movement: Opportunity, Mobilization, and Identity*. Cambridge, UK: Cambridge University Press, 2006. Print.

<sup>320</sup> *Ibid.*

<sup>321</sup> *Ibid.*

<sup>322</sup> McDowall, David. *A Modern History of the Kurds*. London: I.B. Tauris, 2004. Print.

challenge Peshmerga forces in 2008 in the disputed areas, where U.S. mediation efforts averted violence between the two parties.<sup>323</sup>

In 2014, Iraq also faced similar crisis due to ISIS. The central government in Baghdad became extremely weak, and its focus shifted from curbing Kurds' influence to containing ISIS's advance toward Baghdad and other parts of Iraq. This helped Kurds to extend their control over the disputed areas, especially the province of Kirkuk, which has been at the center of the Kurdish conflict in Iraq since the foundation of Iraq in 1922.<sup>324</sup> But unlike the past, Kurds sought to further undermine Iraq by labeling it as a failed state that would be unlikely to reconstitute itself. This new thinking among Kurdish leadership, especially former KRP Masoud Barzani was informed by a history filled with betrayals and broken promises by various Iraqi regimes.<sup>325</sup> Following the fall of Mosul, former president Barzani strongly indicated that the Kurdistan Region would determine its future because Iraq was collapsing. "Iraq is obviously falling apart," Barzani told CNN. "And it's obvious that the federal or central government has lost control over everything. Everything is collapsing – the army, the troops, the police," he emphasized. Barzani explicitly highlighted that Kurds could not stay in the framework of Iraq and pay the price for the mistakes of the other anymore. "The time is here for the Kurdistan people to

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<sup>323</sup> Iraq Kurds and government end standoff over northern town, Reuters, September 03, 2008, <https://www.reuters.com/article/us-iraq-khannaqin/iraq-kurds-and-government-end-standoff-over-northern-town-idUSL365141120080903>.

<sup>324</sup> Turcan, Metin. "'Today Stems from Yesterday': A Kirkuk-Centric Analysis of Central Periphery Relationship of Baghdad and Iraqi Kurds." *Uluslararası Hukuk ve Politika* 25 (2011): 87-120.

<sup>325</sup> Interview with a senior Kurdish official, September 2020.

determine their future and the decision of the people is what we are going to uphold.”<sup>326</sup>

Although, Barzani did not follow through on his promise in 2014 to hold the independence referendum or declare independence, his words reveal the intention of the Kurdish leadership to exploit the opportunity presented itself in 2014 when Iraq was in the state of disarray.

Most of the interviewees for this dissertation acknowledged that Kurds have never hesitated to take advantage of the weakness of the central governments to either expand their territory and ask for more political, cultural, and economic rights. Moreover, when the regional and international geopolitical circumstance was cooperative, Kurds pushed for full independence as evidenced by the establishment of the Republic of Kurdistan in Mahabad in 1946 in today’s Iran, which was a result of a politically divided and military weak government in Tehran and the geopolitical divide between Iran and the Soviet Union.<sup>327</sup> As such, the short live Kurdish statelet was born of the 1945-1946 crisis in Iran, where foreign influence had weakened the Iranian government.<sup>328</sup> The British, the US, and Soviets had deployed troops in Iran, checking Tehran’s projection of power on its territory.<sup>329</sup> “Under the watch of the Soviets, Kurds took advantage of the power vacuum

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<sup>326</sup> Amanpour, Christine, “EXCLUSIVE: Iraqi Kurdistan leader Massoud Barzani says 'the time is here' for self-determination,” CNN, June 23, 2014, <https://amanpour.blogs.cnn.com/2014/06/23/exclusive-iraqi-kurdish-leader-says-the-time-is-here-for-self-determination/>.

<sup>327</sup> Lawson, Fred H. “The Iranian Crisis of 1945-1946 and the Spiral Model of International Conflict.” *International Journal of Middle East Studies*, vol. 21, no. 3, 1989, pp. 307–326. <i>JSTOR</i>, [www.jstor.org/stable/163447](http://www.jstor.org/stable/163447).

<sup>328</sup> Edmonds, C. J. “The Kurds and the Revolution in Iraq.” *Middle East Journal*, vol. 13, no. 1, 1959, pp. 1–10. JSTOR, [www.jstor.org/stable/4323081](http://www.jstor.org/stable/4323081).

<sup>329</sup> Hess, Gary R. “The Iranian Crisis of 1945-46 and the Cold War.” *Political Science Quarterly*, vol. 89, no. 1, 1974, pp. 117–146. *JSTOR*, [www.jstor.org/stable/2148118](http://www.jstor.org/stable/2148118). Accessed 24 Apr. 2021.

to press for an independent Kurdistan”, said Farid Asasard, a member of the PUK Leadership Council and founder of Strategic Studies Center who also argued that "It's the same thing in Iraq.”<sup>330</sup>

Accordingly, Kurds could have based their assessment for 2017 independence referendum on weakness of the Iraqi government in the 2014 and the rapid meltdown of the ISF in Mosul and other areas in the country and potential international intervention.<sup>331</sup> But this assessment raises one key question, which is why the KRG did not declare independence in 2014 when Iraq was at its weakest point both militarily and politically. According to USIP Middle East Director Sarhang Hamasaeed, Kurds were not ready militarily in 2014 as ISIS was able to push back Kurdish forces and close in on Erbil.<sup>332</sup> As a result, the survival of the Kurdistan Region in 2014 depended on the Western support and the continued Western support depended on Kurds remain as a part of Iraq. In fact, if it was not for the U.S. military intervention in the summer of 2014, Erbil could have fallen to ISIS and the very existence of the Kurdish region as a federal region would have been in risk. Secondly, the United States as the KRG’s patron, specifically asked the Kurdish leadership to back off from taking any step toward to declare independence.<sup>333</sup> For this reason, a military weak KRG dependent on Western military and financial support had no odd of a successful declaration of independence in 2014. But that did not

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<sup>330</sup> Interview with a senior PUK official, October 2020.

<sup>331</sup> Interview with a former U.S official serving in Iraq during the 2017 referendum, January 2021.

<sup>332</sup> U.S. Jets and Drones Attack Militants in Iraq Hoping to Stop Advance, NYT, August 09, 2014, <https://www.nytimes.com/2014/08/09/world/middleeast/iraq.html>.

<sup>333</sup> Interview with former U.S. Ambassador Peter Galbraith, January 2021.

mean giving up on the notion of independence. In fact, despite the pushbacks by the U.S., the Kurdish leadership pursued the policy of strategic patience<sup>334</sup> in the hope that further degeneration the political and security situation in Iraq, the moral of the Kurdish cause, Kurdish fight against ISIS, coupled with strong Kurdish diplomacy and lobbying would eventually secure western support for the Kurdish independence.

### **Kurdish Territorial Expansion**

As alluded in the previous section, Kurds extended their control over what's known as the disputed areas between Erbil and Baghdad. This did non only lead to expansion of the territorial size of the Kurdistan Region by nearly 40 percent, most importantly it provided strategic depth. The incorporation of the territories was vital to insulate the Kurdish capital, and other important centers of population from war and provide a relatively safe environment for business and economy. Moreover, these areas such as Kirkuk, Khanaqin, Tuz Khurmatoo, Sinjar and others that have been at the center of conflict between Kurds and various regimes throughout Iraq's history finally came under control of Kurds.

Various agreements and negotiations between former Iraqi regimes and Kurds have failed because of finding a constructive mechanism to resolve the territorial issues.<sup>335</sup>

Therefore, the result has been the resumption of violence between the two sides.

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<sup>334</sup> Multiple interviews with Kurdish officials, September and October 2020.

<sup>335</sup> McDowall, David. *A Modern History of the Kurds*. London: I.B. Tauris, 2004. Print.

By 2003, although, Article 58 of the Transitional Administrative Law (TAL) and later the Article 140 of the Iraqi Constitution in 2005 were supposed to resolve the issue of the disputed territories, the lack of political will from Baghdad hindered their implementation. Thus, these territories continued to fuel tension between Erbil and Baghdad. But the advent of ISIS changed the dynamics and reality on the ground due to ISIS and the ascendancy of Kurdish military power in the disputed areas.<sup>336</sup> For Kurds, the control of the disputed areas was a dream come true after almost a century. And, the Kurdish leadership had grown impatient with Baghdad for its failure to implement the Article 140 of the Constitution. After the control of the disputed areas, then KRG Masoud Barzani said that the Article 140 of the Constitution was implemented, and they would no longer discuss Kirkuk with Baghdad. "We have been patient for 10 years with the federal government to solve the problems of these (disputed) areas" said Barzani in a joint press conference with visiting British Foreign Secretary William Hague.<sup>337</sup> Barzani's statement underscores the fact that for Kurds there was no such thing as disputed areas anymore. Rather, the Kurdish de facto control over these territories, which was facilitated by the emergence of ISIS finally addressed Kurdish territorial grievance that had defined Kurdish-Iraqi relationships for nearly nine decades. Kirkuk in particular had significant national importance for Kurds as it has been closely associated with their identity and national struggle for decades.<sup>338</sup> The control of

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<sup>336</sup> Pollack, Kenneth, "Iraq: Understanding the ISIS Offensive Against the Kurds", Brookings, August 11, 2014, <https://www.brookings.edu/blog/markaz/2014/08/11/iraq-understanding-the-isis-offensive-against-the-kurds/>.

<sup>337</sup> "Kurdistan's Barzani: Article 140 of Iraqi constitution completed for us and will not talk about it anymore", EKurd, June 27, 2014, <https://ekurd.net/mismas/articles/misc2014/6/kirkuk829.htm>.

<sup>338</sup> Anderson, Liam, and Gareth Stansfield. *Crisis in Kirkuk: The Ethnopolitics of Conflict and Compromise*, University of Pennsylvania Press, 2009. *ProQuest Ebook Central*, <https://ebookcentral-proquest-com.mutex.gmu.edu/lib/GMU/detail.action?docID=3441964>.

Kirkuk, in the words of several interviewees, eventually filled in the missing piece of the puzzle of an independent Kurdistan.<sup>339</sup> Some Kurdish officials said that in the past there was no substantial demand for independence because Kirkuk was not under control of Kurds. Accordingly, Kirkuk was a barrier in front of Kurdistan Region to break away from Iraq and forced Kurds to seek to find solutions within the framework of Iraq. “It’s almost unimaginable in the mind of Kurds to envision an independent Kurdish state without Kirkuk,”<sup>340</sup> said a Kurdish official. Therefore, an independent Kurdistan without Kirkuk was not possible because of its engrained in the pride and national narrative of Kurds. So the control of Kirkuk encouraged the Kurdish leadership to be bolder in their determination to move toward the independence referendum. On the other hand, cognizant of the importance of Kirkuk for an independent Kurdistan, the Iraqi government strategically built up its military power near Kirkuk by September 2017 to expel Kurdish forces from the province. Baghdad understood was likely to know that the best way to hinder Kurdish secession was to capture Kirkuk because it was unlikely for Kurds to declare independence without Kirkuk.<sup>341</sup>

### **Kurds, Global Sympathy, and Independence**

The defeat of the Iraqi Army by ISIS paved the way for the Kurdish peshmerga forces to become the main fighting forces against ISIS, despite the initial setbacks.<sup>342</sup> In September

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<sup>339</sup> Interviewees included Kurdish officials, academics, and experts in the Kurdistan Region. The Interviews were conducted between September 2020-May 2021 in person and online.

<sup>340</sup> Interview with senior Kurdish official October 2021.

<sup>341</sup> Interviews with experts and MPs in Septemeber and October 2021.

<sup>342</sup> U.S. Jets and Drones Attack Militants in Iraq, Hoping to Stop Advance, NYT, August 09, 2014, <https://www.nytimes.com/2014/08/09/world/middleeast/iraq.html>.

2014, the Obama administration rushed to form the Global Coalition against ISIS, an alliance composed of 83 countries, to fight, degrade and defeat the group from every front in Iraq, Syria and globally.<sup>343</sup> However, Pentagon adopted a new strategy of enabling local forces to defeat ISIS. This was done via providing training, weapons, ammunitions, and logistical support for the local forces without putting American boots on the ground once again.<sup>344</sup> For this, Kurdish Peshmerga forces became a practical choice for the U.S. military as Peshmerga had a proven history of reliability with the U.S. military at least since 2003. Moreover, the Kurdistan Region was stable and safe and had reliable and safe airports which were critical for the Global Coalition to transport their military personnel, advisors to train Peshmerga forces and deliver necessary military hardware.

As Iraq became unsafe, some foreign diplomatic missions, including the United States, moved their staff to Erbil.<sup>345</sup> Many aid organizations poured into Erbil to assist IDPs and western media operated out of the Kurdistan Region to cover the fight against ISIS. The coverage of the war by the Western media from 2014-2017 was probably the biggest contributing factor in introducing the Kurdish cause globally. Most of the coverage was positive, depicting Kurds as heroes and the people who stand between good and evil.<sup>346</sup>

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<sup>343</sup> Global Coalition to Defeat Daesh/ISIS, <https://theglobalcoalition.org/en/>.

<sup>344</sup> Senate Hearing on “United States Strategy To Defeat The Islamic State In Iraq And The Levant,” September 17, 2014, <https://www.govinfo.gov/content/pkg/CHRG-113shrg95102/html/CHRG-113shrg95102.htm>.

<sup>345</sup> U.S. Plans to Evacuate Many Embassy Workers, NYT, June 15, 2014, <https://www.nytimes.com/2014/06/16/world/middleeast/embassy.html>.

<sup>346</sup> The Kurds’ Heroic Stand Against ISIS, NYT, March 16, 2015, <https://www.nytimes.com/2015/03/16/opinion/the-kurds-heroic-stand-against-isis.html>.

In turn, this elevated the status of Kurds internationally.

From 2014 to 2017, there were almost daily stories in the world's leading newspapers, and cable TV's praising Kurds for standing against extremism on behalf of the world. Many of such reports included a background regarding the history of Kurds, their victimhood, and how a population of 40 million people were stateless and being oppressed by various regimes in Iraq, Turkey, Iran, and Syria.<sup>347</sup> The narration of the past oppression, victimhood, genocide, survival, and resilience coupled with Kurds being portrayed as a people whose values are aligned with the West created unprecedented sympathy and empathy in the world for the Kurdish cause.<sup>348</sup> The Kurdish leadership also kept the victimhood and past injustices alive when they spoke of independence. They associated the independence referendum with the sacrifices Kurds have made. In March 2016, then KRP Masoud Barzani said, "Everyone should know that the price of Kurds' sacrifices is much bigger than independence, and the entire world is responsible for these tragedies"<sup>349</sup> referring to the history of Kurds in Iraq. According to several interviewees, keeping the Kurdish sacrifices in the fight against ISIS, genocide and injustices were important to streamline global sympathy in support of Kurdish bid for independence.<sup>350</sup>

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<sup>347</sup> The Kurds: The world's largest stateless nation, France 24, July 30, 2015, <https://www.france24.com/en/20150730-who-are-kurds-turkey-syria-iraq-pkk-divided>.

<sup>348</sup> The Kurdish Consolidation, Foreign Policy, June 29, 2015, <https://www.foreignaffairs.com/articles/turkey/2015-06-29/kurdish-consolidation>.

<sup>349</sup> Barzani: Kurds' sacrifice worth more than independence, Kurdistan 24, March 10, 2016, <https://www.kurdistan24.net/en/story/3617-Barzani:-Kurds%27-sacrifice-worth-more-than-independence>

<sup>350</sup> Interviews with Kurdish official conducted between September-October 2020.

This is not to suggest that the global sympathy was the result of Iraqi Kurds fighting ISIS only. In fact, Syrian Kurds who fought ISIS and resisted the group's takeover of the town of Kobani in 2015 was probably the most powerful factor in amplifying the Kurdish cause globally.<sup>351</sup> Having said that, the concentrated media attention and diplomacy on how to assist Kurds in Kobani at the displeasure of Turkey helped Kurds in Iraq tremendously because the fight against ISIS led to at least a temporary unity between Kurds on both sides of the border after Turkey, under international pressure, allowed Iraqi Kurdish forces to enter northeastern Syria through the country in October 2014 to assist their brethren to defeat ISIS in Kobani.<sup>352</sup> This was a high, but also unthinkable time for Kurds in the Middle East. Iraqi Kurdish forces trained, assisted, and equipped by the International Coalition forces to enter Kurdish dominated areas of Turkey and then cross into Northeastern Syria to help other Kurds. The significance of this event cannot be overemphasized enough on Kurdish nationalism when put in historical context and its impacts on Iraqi Kurdish leadership to seek to capitalize on the event and the fight against ISIS to push for independence. A senior Kurdish military official underscored that the war against ISIS paved the way for the Kurdistan Region and the Peshmerga forces to be known to the world better and become beloved because "Kurds played an effective role and made lots of sacrifices."<sup>353</sup>

Moreover, the fight against ISIS provided Kurds with free media coverage, which

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<sup>351</sup> Ibid.

<sup>352</sup> Turkey to allow Kurdish peshmerga across its territory to fight in Kobani, The Guardian, October 20, 2014, <https://www.theguardian.com/world/2014/oct/20/turkey-allows-peshmerga-forces-to-travel-to-kobani>

<sup>353</sup> Interview with senior KRG official, October 2020.

became a very powerful form of lobbying for the Kurdish cause in shaping global public opinion regarding the Kurdish issue. A quick google search "Kurdish fight against ISIS" yields " 2,080,000 results in 0.45 seconds in October 2021." This demonstrates the magnitude of attention Kurds received during the war against ISIS.<sup>354</sup> It's important to note that such coverage also included Kurds fighting ISIS in northeastern Syria. Kurdish female fighters defeating ISIS especially in the town of Kobani had ripple effect across the globe.<sup>355</sup> Additionally, several movies and documentaries such as "Sisters In Arms," "Girls of the Sun," "I want to live," "No Free Steps to Heaven: The Frontline Against ISIS," and "Peshmerga" were produced, highlighting the bravery of the Kurdish forces in fighting the extremist group.<sup>356</sup> The movies were shown in Washington D.C., New York City and other Western capitals. Although it might be hard to gauge the exact impact of the power of media on public opinion, but a USA TODAY/Ipsos poll showed that 61% of Americans, expressed support for Kurds, saying that Washington had an obligation to protect Kurds.<sup>357</sup> The poll reflects the views of most of the interviewees took part in this dissertation. For example, Amberin Zaman, a journalist for al-Monitor believed that Kurds became "very unassailable" and the war against ISIS gave an "international credibility" to Kurdistan Region. Likewise, a Kurdish diplomat emphasized this aspect of

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<sup>354</sup> Google Search "Fight against ISIS",

<https://www.google.com/search?q=Kurds+Fighting+ISIS&oq=Kurds+Fighting+ISIS&aqs=chrome..69i57j69i59i45018.166j0j7&sourceid=chrome&ie=UTF-8>.

<sup>355</sup> How a small but powerful band of women led the fight against ISIS, PBS, February 22, 2021,

<https://www.pbs.org/newshour/show/how-a-small-but-powerful-band-of-women-led-the-fight-against-isis>.

<sup>356</sup> Most Popular Movies and TV Shows tagged with keyword "Kurdish-female-fighters"

<https://www.imdb.com/search/keyword/?keywords=kurdish-female-fighters>.

<sup>357</sup> Can our friends trust the US as an ally? Most Americans say Trump's Syria move has hurt, October 18, 2019, <https://www.usatoday.com/story/news/politics/2019/10/18/trumps-syria-withdrawal-hurt-americas-reputation-most-say-poll/4018093002/>.

the war against ISIS to advance the Kurdish cause for independence. "I do think that that was in my estimation that there was an overestimation of how the Kurds were perceived in America, for example, I dare say in Europe, too. Yes, in 2016,17,18, the Kurds were the heroes. I call it the era of the heroic Kurds."<sup>358</sup> Therefore, it's reasonable to conclude that the fight against ISIS turned into unprecedented global support for Kurdish cause. In turn, the Iraqi Kurdish leadership sought to take advantage of this widespread support to go forward with the referendum in the hope that the public opinion would force the governments in the western countries to back the Kurdish bid for independence.

## **Conclusion**

The advent of ISIS in 2014 had serious implications for the Kurdish independence endeavor because it changed the political and military balance of power in favor of the KRG in 2014 through creating unprecedented historical opportunities. These opportunities included the weakening of the Iraqi central government, the KRG's territorial expansion, doubling oil revenues by controlling Kirkuk oilfields (will be discussed in chapter Seven), and Western political, diplomatic, military and popular support. In turn, these opportunities overlapped with the outstanding political, economic, territorial and security grievances of Kurds. As such, the Kurdish leadership sought to capitalize on the momentum to realize the long-awaited dream of a Kurdish independent state by holding a referendum in a time that Kurdish forces for the anti-ISIS global coalition were still indispensable.

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<sup>358</sup> Phone interview with a Kurdish diplomat, January 2020.

## Chapter Six: Kurds, Independence, and Western Powers

“The Kurds have no choice but to always trust the United States—and to suffer the inevitable consequences.” Steve Cook

### Introduction

This chapter seeks to highlight the Kurdish-Western diplomatic engagement from 2014-2017 to explore how it shaped the mindset of Kurdish leaders regarding the decision to hold the 2017 independence referendum. It argues that two conflicting motives contributed to the decision to hold the referendum. First is the unprecedented high level diplomatic engagement with the KRG. Second is the Kurdish distrust and frustration in the Western countries, in particular the United States. The KRG and many Western countries, in particular the United States have enjoyed good relations since 1991 because of the First Gulf War.<sup>359</sup> But the Erbil-Western diplomatic relations, military, and financial relationship elevated to unprecedented historical level as a result of the convergence of the West’s strategic interests and Kurds in 2014 to fight ISIS.<sup>360</sup> But the Kurdish-Western relationship are not organic. To the best, they are complicated and are consequences of geopolitical shifts and cracks between the West and Iraq. Therefore,

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<sup>359</sup> Malanczuk, Peter. "The Kurdish crisis and allied intervention in the aftermath of the Second Gulf War." *Eur. J. Int'l L.* 2 (1991): 114.

<sup>360</sup> Caetano, Christina R. *United States Interests in the Debate on Self-Determination of Iraqi Kurds*. Civilian Institutions Office Naval Postgraduate School Monterey United States, 2019.

they are a marriage of convenience fraught with low trust, betrayals, and resentments. These sentiments are still a living history for most Kurds and very personal to former KRP Masoud Barzani whose father was betrayed by the United States in 1974, leading to the fall of the Kurdish revolution in 1975 and disastrous consequences for Kurds in Iraq.<sup>361</sup>

## **Europe and Kurdish Independence**

Before discussing the Kurdish-Western relationship in post 2014, a brief historiographical account is useful to inform the argument of this study. The Iraqi Kurds were exposed to the European powers after Britain dispatched its military to control Khanaqin in 1917.<sup>362</sup> Following the fall of the Ottoman Empire in 1918, Kurds hoped and sought to govern themselves. They resisted British rule in today's Iraqi Kurdistan by launching multiple armed struggles since 1919 against Britain's attempts to incorporate Southern Kurdistan (Iraqi Kurdistan) into Britain's newly project called Iraq.<sup>363</sup> If history is any guide, for the Western countries, the accommodation of the Kurdish national aspirations and rights have largely depended on the geopolitical context in the Middle East. In the beginning, the British allowed a self-Kurdish rule. However, the goal was to counter Turkish influence in early 1920s in northern Iraq.<sup>364</sup> Eventually, the diminishing Turkish threat in Southern Kurdistan led Britain to rethink its policy toward Kurds.

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<sup>361</sup> Cook, Steve, "There's Always a Next Time to Betray the Kurds, Foreign Policy", October 11, 2019, <https://foreignpolicy.com/2019/10/11/kurds-betrayal-syria-erdogan-turkey-trump/>

<sup>362</sup> Jwaideh, Wadie. *The Kurdish National Movement: Its Origins and Development*. Syracuse, N.Y: Syracuse University Press, 2006. Print.

<sup>363</sup> McDowall, David. *A Modern History of the Kurds*. London: I.B. Tauris, 2004. Print.

<sup>364</sup> Ibid.

London sought to undermine Kurds in their own land and incorporate today's Iraqi Kurdistan into Iraq against their will. Therefore, Kurds become relevant to the Western powers with when geopolitical crisis arise between the Western countries and the states in which Kurds are divided on. The political crises in Iraq in 1960s,<sup>365</sup> 70s,<sup>366</sup> 90s and later 2003<sup>367</sup> are reaffirmation of this assertion. Accordingly, a pattern of fragile partnership between Kurds and the Western powers, including the United States have been a defining feature of Kurdish-Western relationship historically.

Despite their distrust in the West, Kurdish leaders have constantly put their bet on the Western countries for two reasons even though they understood the risks associated with such policy. First, they believe that the Western countries are responsible for the misfortunes that have happened to Kurds because of their past policies.<sup>368</sup> Thus, they hope that the Western countries past guilt of depriving Kurds of their own state would morally compel them to atone for their past sins by helping Kurds to realize their dream of independence.<sup>369</sup> Secondly, Kurds don't have other choices as Steve Cook of Council of Foreign Relations put it "The Kurds have no choice but to always trust the United States—and to suffer the inevitable consequences."<sup>370</sup> In fact, this is true not just for the

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<sup>365</sup> Douglas Little; The United States and the Kurds: A Cold War Story. *Journal of Cold War Studies* 2010; 12 (4): 63–98. doi: [https://doi.org/10.1162/JCWS\\_r\\_00048](https://doi.org/10.1162/JCWS_r_00048).

<sup>366</sup> Cancian, Matthew. "Bryan R. Gibson, Sold Out? US Foreign Policy, Iraq, the Kurds, and the Cold War (New York: Palgrave MacMillan, 2015). Pp. 281Cloth. ISBN: 9781137487117." *Review of Middle East Studies*, vol. 52, no. 1, 2018, pp. 206–208., doi:10.1017/rms.2018.41.

<sup>367</sup> McDowall, David. *A Modern History of the Kurds*. London: I.B. Tauris, 2004. Print.

<sup>368</sup> This Man Fought To Keep ISIS Out Of Iraq. Now He Wants To Break It Apart, *Buzzfeednews*, September 21, 2017, <https://www.buzzfeednews.com/article/mikegiglio/the-kurdish-independence-referendum>

<sup>369</sup> Interview with senior U.S. diplomat, January 2021.

<sup>370</sup> Cook, Steve, "There's Always a Next Time to Betray the Kurds, *Foreign Policy*", October 11, 2019, <https://foreignpolicy.com/2019/10/11/kurds-betrayal-syria-erdogan-turkey-trump/>.

United States but for all the Western countries in general.

The Kurdish diplomatic engagements have been strong with Europe, too. Kurdish leaders made European capitals their destinations many times even before the emergence of ISIS. The goal of the trips was to push for Kurdish rights and conveyed their grievances regarding their situation in Iraq. KRP Masoud Barzani made a tour to Europe in May 2014<sup>371</sup> where he met with his French counterpart Francois Hollande in Paris, Pope Francis in Vatican and Italian Foreign Minister Federica Mogherini.<sup>372</sup> Barzani informed the EU countries regarding the worsening relations between Erbil and Baghdad, financial and constitutional issues, and the failure of power sharing mechanism in the country.<sup>373</sup> The Kurdish delegation also emphasized that democracy and federalism have failed in Iraq. Therefore Kurds needed to choose their own path for chart a new future. “He (Barzani) told the French president that the Kurdistan Region has done everything for the success of the democratic and political process in Iraq,”<sup>374</sup> said, the former head of the Department of Foreign Relations (DFR) minister Falah Mustafa who insisted that the notion of an independent Kurdistan preceded the advent of ISIS. According to several Kurdish officials and Mustafa who accompanied Barzani, one of the topics of the discussion was idea of referendum with the EU leaders. France was open to the notion of

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<sup>371</sup> Zadeh, Yoosef Abbas, and Sherko Kirmanj. “The Para-Diplomacy of the Kurdistan Region in Iraq and the Kurdish Statehood Enterprise.” *Middle East Journal*, vol. 71, no. 4, 2017, pp. 587–606. <JSTOR>, [www.jstor.org/stable/90016497](http://www.jstor.org/stable/90016497).

<sup>372</sup> Kurdistan's Massoud Barzani meets Pope Francis and Italian Foreign Minister, EKurd, May 20, 2014, <https://ekurd.net/mismas/articles/misc2014/5/state8039.htm>.

<sup>373</sup> Interview with Falah Mustafa, Chief Foreign Policy Advisor to KRP October 2020.

<sup>374</sup> Ibid.

independence referenda as method of conflict resolution to the Kurdish issue in Iraq.<sup>375</sup> Thus, Paris pledged to support “whatever decision” the Kurdistan Region would make, but it also urged consultation with France before the decision.<sup>376</sup> This was manifested in the statement made by Barzani’s chief of Staff Fuad Hussein after the meeting with the French officials. “If Baghdad continues its previous policies, then the Kurds will have to make a decision and seek other options according to the constitution,”<sup>377</sup> said Hussein on May 2014, referring to the possibility of holding a referendum. France has been a friend of Kurds and the most sympathetic toward the Kurdish cause at least since 1991. It was Paris that pushed for the No-Fly Zone over the Kurdistan Region in 1991 after efforts by Former First Lady of France Danielle MITTERRAND known as "Mother of the Kurds" to protect Iraqi Kurds when former Iraqi regime tried to recapture the northern territories after the 1991 uprising.<sup>378</sup> Accordingly, France becomes a plausible choice for Barzani to bring the issue of independence with the French officials who have a deep understanding of the Kurdish issue in the Middle East.

The second leg of the Barzani’s trip was Italy and Vatican, the center of Christianity, where he met Pope Francis and Italian Foreign Minister Federica Mogherini separately. Although, the Italian visit addressed the bilateral relationship, investment and the issue of

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<sup>375</sup> Interviews with Kurdish officials, including Falah Mustafa, Chief Foreign Policy Advisor to KRP October 2020.

<sup>376</sup> Kurdistan's Massoud Barzani meets Pope Francis and Italian Foreign Minister, EuKurd, May 20, 2014, <https://ekurd.net/mismas/articles/misc2014/5/state8039.htm>.

<sup>377</sup> Ibid.

<sup>378</sup> Death of Danielle MITTERRAND, "Mother of the Kurds", Institute Kurde, November 23, 2011, <https://www.institutkurde.org/en/info/death-of-danielle-mitterrand-quot-mother-of-the-kurds-quot-1232550645.html>.

the Christians, the Kurdish delegation believed that there has been a shift of European thinking regarding the Kurdistan Region in the term of recognition. The Kurdistan flag was shown in the meetings along the Iraqi flag. "It's (flag display) the recognition of the identity of Kurdistan's people and the legal identity of the people of Kurdistan,"<sup>379</sup> said Fuad Hussein, Barzani's chief of staff. The Kurdistan Region has built a robust reputation for peaceful coexistence and welcoming the Christians.<sup>380</sup> The Kurdistan Region has been a haven for IDPs from the rest of Iraq, including some 30,000 Christians, and Syrian refugees.<sup>381</sup> For this, the Pope commended Barzani's and the people of Kurdistan for hosting Syrian refugees, IDPs and for Christians fleeing violence in other parts of Iraq.<sup>382</sup> It's unclear whether Italy or the Pope had expressed any support for the Kurdistan Region in the term of independence, but the outcome of the meetings were understood and interpreted by the senior Kurdish officials as such. They framed the results of the meetings through prism of political backing by the European countries to the Kurdistan Region to make its decision pertaining its status in Iraq. "What we feel is that, on personal and professional level, these trips by the president and prime minister of the Kurdistan Region are different from the previous ones," said Falah Mustafa, head of DFR after the meetings. "The International community's reading for Kurdistan different; the readiness of the international community to further listen to us is different," he added.

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<sup>379</sup> Ibid.

<sup>380</sup> "Wilting in the Kurdish Sun: The Hopes and Fears of Religious Minorities in Northern Iraq", This report was prepared for the United States Commission on International Religious Freedom between May and August 2016. 92 Pages Posted: 26 Jul 2017. <https://www.uscirf.gov/publications/wilting-kurdish-sun-hopes-and-fears-religious-minorities-northern-iraq>.

<sup>381</sup> "Kurdistan's Massoud Barzani meets Pope Francis and Italian Foreign Minister", 31 May 2014. <https://ekurd.net/mismas/articles/misc2014/5/state8039.htm>.

<sup>382</sup> Interview with Kurdish officials October 2020.

It should be noted that these statements were made when the relationship between Erbil and Baghdad were at the lowest point since 2003. The Iraqi government had cut the share of the KRG's federal budget, and the Kurdistan Region had started exporting oil to the international market.<sup>383</sup> It's hard to say whether the bold statements by the Kurdish officials regarding the EU support to the Kurdistan Region were a public relations stunt to force Baghdad to come to negotiate table and recognize the legality or at least overlook the KRG's oil export or they indicated an authentic European support for the Kurdistan independence. However, one cannot downplay the importance of the meetings and their symbolism in empowering the KRG, strengthening the leverage against Baghdad.

The Kurdish-European diplomacy hit a new level after ISIS took over large swathes of land in Iraq in 2014. The Kurdistan Region became an important center of diplomacy. Many EU officials visited the Kurdistan Region in August of 2014. These included Italy's Prime Minister Matteo Renzi, Sweden's Foreign Minister Carl Bildt, the European Union's Commissioner for Humanitarian Aid Kristalina Georgieva and other officials from the EU.<sup>384</sup> Most notably, President of France Francis Hollande visit Erbil on September 12, 2014, and brought some 15 tones of humanitarian aid to the Kurdistan Region.<sup>385</sup> Likewise, several EU countries, including Holland and Germany also offered

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<sup>383</sup> "Kurdistan's Massoud Barzani meets Pope Francis and Italian Foreign Minister", 31 May 2014. <https://ekurd.net/mismas/articles/misc2014/5/state8039.htm>.

<sup>384</sup> "Iraq War Shifts Center of Gravity to Erbil", Rudaw, August 21, 2014, <https://www.rudaw.net/english/middleeast/iraq/210820141>.

<sup>385</sup> "Hollande visits Iraq in show of support", Al-Jazeera, September 12, 2014, <https://www.aljazeera.com/news/2014/9/12/hollande-visits-iraq-in-show-of-support>.

Kurds military assistance as a part of the efforts to defeat ISIS.<sup>386</sup> Although the talks between Kurdish officials and EU officials centered on crisis management, ISIS, humanitarian aid to the IDPs, and military assistance to the Kurdish forces, the political implications of such diplomatic boost for Kurdistan Region as a non-state actor cannot be overlooked. Multiple interviewees emphasized that the visits by the head of states and foreign dignitaries played a major role in fueling the idea of an independent Kurdistan and the belief was that no better opportunity can arise to fulfil the dream for a Kurdish state.<sup>387</sup> Therefore, there was a conviction that such opportunity needed to be pressed to its fullest extent regardless of its implications. This was especially pushed by American and French advisors, and consultants to the former president Masoud Barzani who encouraged him to be uncompromising when it would come to the issue of independence.<sup>388</sup>

On the other hand, the terrorist attacks in Europe only made the argument of assisting Kurds stronger. The Charlie Hebdo attack inspired by ISIS, killing 12 people, and wounded 11 others in Paris on the January 07, 2015,<sup>389</sup> reinforced the notion for officials in France that the best way to counter extremism ideology was to fight them in Iraq and

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<sup>386</sup> “EU gives European governments go-ahead to arm Iraqi Kurds”, Reuters, August 15, 2014, <https://www.reuters.com/article/us-iraq-security-arms/eu-gives-european-governments-go-ahead-to-arm-iraqi-kurds-idUSKBN0GF1CY20140815>.

<sup>387</sup> Multiple interviews with senior Kurdish officials between September -October 2020.

<sup>388</sup> Philips, David, “The Great Betrayal” 2020.

<sup>389</sup> “Charlie Hebdo: Fourteen guilty in 2015 Paris terror attacks trial”, BBC, December 16, 2020, <https://www.bbc.com/news/world-europe-55336094>.

Syria.<sup>390</sup> Thus, the EU and especially France had a vested interest in helping Kurds to fight ISIS. France received various Kurdish delegations to discuss the ISIS threat and mechanisms to counter the group. On April 01, 2015, Hollande and France's Defense Minister Jean-Yves Le Drian received a Kurdish Peshmerga delegation led by KRG Minister of Peshmerga Mustafa Said Qadir at the Elysee Palace to discuss the possibility of arming Kurdish forces to help them defeat ISIS. The Kurdish delegation urged the French government to arm Peshmerga forces to counter ISIS.<sup>391</sup> In addition, on May 22, 2016, Hollande received another Peshmerga delegation at Élysée Palace, in which the KRI's political and financial crisis, and bilateral relations between Paris and Erbil were discussed, and Hollande reiterated support for Peshmerga forces in the war against ISIS.<sup>392</sup>

Hollande's visit to Erbil was also reciprocated by a trip by former KRP Masoud Barzani to Europe on September 08, 2016. Barzani met with Hollande and other European officials, where the Kurdish leader was quite blatant about Kurdistan independence. Barzani told reporters that the issue of independence was discussed with the European officials and Iraq would become a neighbor.<sup>393</sup> "Independence has been the most

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<sup>390</sup> "Iraqi Kurdistan's Peshmerga delegation meets with French President", E-Kurds, April 02, 2015 <https://ekurd.net/iraqi-kurdistans-peshmerga-delegation-meet-with-french-president-2015-04-02>.

<sup>391</sup> Zadeh, Yoosef Abbas, and Sherko Kirmanj. "The Para-Diplomacy of the Kurdistan Region in Iraq and the Kurdish Statehood Enterprise." *Middle East Journal*, vol. 71, no. 4, 2017, pp. 587–606. <i>JSTOR</i>, [www.jstor.org/stable/90016497](http://www.jstor.org/stable/90016497).

<sup>392</sup> France's Hollande reiterates support for Peshmerga against Islamic State, E-Kurds, May, 23, 2016, <https://ekurd.net/france-hollande-support-peshmerga-2016-05-23>.

<sup>393</sup> "President Barzani meets French President in Paris", Kurdistan 24, September 08, 2016, <https://www.kurdistan24.net/en/story/9377-President-Barzani-meets-French-President-in-Paris>.

important subject discussed with all European officials” said Barzani. “No country is against Kurdistan independence but there might be differences on the timeline of declaring independence,”<sup>394</sup> he emphasized. But it should be noted that the timing of holding an independence referendum has always been subject of controversy. The European countries have refrained themselves from saying that Kurds don’t have the right of self-determination. Instead, the issue of timing has been invoked as an excuse to dissuade Iraqi Kurds from seeking independence from Iraq and it was probably a code to say “no” to the Kurdish independence. This had led to huge disappointment and to some extent resentment of Kurdish leadership against the Western allies because there was a conviction that there would never be a right time for an independence.<sup>395</sup>

But it’s important to note that the European powers did not issue a statement of denial or confirmation that the topic of Kurdish independence in the meetings. The silence chosen by the EU can be explained by the events that was happening on the continent itself. The Kurdistan Region was seeking to hold the referendum in a time that the Catalan region of Spain and Scotland were also campaigning to secede from their respective states.<sup>396</sup> For this reason, the EU was in a highly moral predicament. Thus, it had not the moral authority to deny Kurds the same right that the Scots and Catalans were trying to achieve. Accordingly, for the members of the EU, silence as a communication strategy to deal

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<sup>394</sup> Ibid.

<sup>395</sup> Interview with Hemin Hawrami, Deputy Speaker of Parliament, October 2020.

<sup>396</sup> How Scots and Catalans are looking to each other to ease their independence woes, Euronews, March, 13, 2021, <https://www.euronews.com/2021/03/13/trials-troubles-and-tribulations-scots-and-catalans-look-to-each-other-to-ease-independenc>.

with the unwanted Kurdish case might have been the best option. It's not clear whether Barzani made the statements pertaining independence out of frustration, or he wanted to trap the EU in the moral quandary because of the Catalan and Scottish secession cases. However, his meetings with the EU officials provided a strong platform to advance and build momentum to convince Kurdish political parties and prepare the public to come onboard to support his push for the referendum. Barzani's strategy was smart because speaking of Kurdistan independence after the meeting with one of the leaders of the five permanent members of the UNSC carries strong weight nationally and internationally. The KRP's statements were also amplified by the pro KDP media channels to anesthetize the public with notion of a Kurdish state at the hand of Barzani.<sup>397</sup>

Moreover, the importance of Kurds in the fight against ISIS also led to considering the KRG more of a sovereign state than a non-state actor. For the first time, Barzani was also invited to participate in the Munich Security Conference (MSC) in Germany in 2015-2017, where world leaders and top security officials and diplomats attend to discuss ways to cooperate and defeat extremism.<sup>398</sup> Barzani met with world leaders and officials, discussing the political and the security developments in Iraq.<sup>399</sup> The participation was a sign of the recognition of the Kurdish sacrifices in the fight against ISIS and the importance role Kurds were playing in countering ISIS. Additionally, the political

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<sup>397</sup> "President Barzani meets French President in Paris", Kurdistan 24, September 08, 2016, <https://www.kurdistan24.net/en/story/9377-President-Barzani-meets-French-President-in-Paris>.

<sup>398</sup> President Barzani to participate in 2017 Munich Security Conference, Kurdistan 24, February 27, 2017, <https://www.kurdistan24.net/en/story/10843-President-Barzani-to-participate-in-2017-Munich-Security-Conference>.

<sup>399</sup> Ibid.

symbolism of Kurdish delegation as representative of a non-state actor in the MSCs also cannot be discounted along with the leaders of the sovereign countries. Therefore, there might be little doubt that such high level treatments such as Barzani sitting at the rank of the world leaders could have played a crucial role in shaping his mindset that the barriers in front of Kurdish statehood were likely to be at the lowest level historically. Therefore, he needed to seize the opportunity by capitalizing on the momentum to realize the long-awaited dream of a Kurdish state.

The signs of the Kurdistan Region to act as a sovereign state gradually emerged. This manifested itself during the French president Hollande's second visit to Erbil on January 02, 2017, to learn about the Mosul offensive against ISIS. Hollande's reception ceremony was attended by professional and trained Kurdish forces and military music band.

Barzani introduced Hollande to Kurdish senior officials that resembled of state-to-state protocols. Later Hollande visited Peshmerga frontline at Zerdki Mountain near Bashliqa, along with Barzani and met with Kurdish forces. He thanked the KRG for the fight against ISIS and vowed continued French military support, including training, and advising to Kurdish forces.<sup>400</sup> In the words of an interviewee, "The visits by the foreign delegates and heads of state made Erbil one way or another to view itself as a counterpart to Baghdad."<sup>401</sup> As a result, these had strong impressions on the mind of Kurdish leadership that an independent Kurdistan is closer than it was thought.

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<sup>400</sup> UPDATE: Hollande arrives in Erbil to reaffirm France's commitment against ISIS, Rudaw, January 02, 2017, <https://www.rudaw.net/english/kurdistan/020120171>.

<sup>401</sup> Interview with a Kurdish journalist, September 2020.



French President Hollande being received at Erbil Airport by KRP Masoud Barzani on January 02, 2017. Photo: Courtesy of KRG.

Despite the formation of the conviction that an independent Kurdistan might eventually be possible, there is no an instance where European officials discussed at least in public the issue of Kurdish independence. Instead the focus of their message was on defeat of ISIS and military support for Kurdish forces.<sup>402</sup> Interestingly enough, Kurdish officials seem to have hoped that the Kurdish fight against ISIS could be paid back by political support for independence. Masrour Barzani, then chancellor of the Kurdistan Region Security Council, who also accompanied the French President to the frontline hoped that Paris as a party in the 1916 Sykes-Picot Treaty that divided Kurdistan would seek to redeem itself by supporting an independent Kurdistan. “France is one of the countries

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<sup>402</sup> UPDATE: Hollande arrives in Erbil to reaffirm France’s commitment against ISIS, Rudaw, January 02,2017, <https://www.rudaw.net/english/kurdistan/020120171>.

which had a role in creating [the current] borders in Sykes-Picot agreement. We hope for this agreement to be changed now, to help the Kurdish nation more--not to repeat the past mistakes--and compensate the Kurds,”<sup>403</sup> said Masrour Barzani during the visit of the French President. It’s clear that in the eyes of Kurdish leadership, the Western diplomatic, political, and financial support and the issue of Kurdistan independence were not viewed mutually exclusive. Rather, there was a conviction that European powers that were guilty of preventing Kurds from the formation of their own state in the dawn of the last century would eventually rectify their error by even if not actively supporting an independent Kurdistan, they would choose neutrality when the Kurdistan Region would press for independence. This assertion is well established in the statements made by the Kurdish officials during the referendum and multiple interviews conducted for this dissertation.

But it should be noted that although such high-level diplomatic engagements with the KRG could have meant a boost to the morale of the KRG, the Kurdish forces and the protection of the Kurdistan Region within the framework of the state of Iraq, their political ramifications for the plight of Kurds for independence is huge. As a result, they created expectations, but these expectations are not necessarily mutually agreed upon between Kurdish leaders and European leaders when it came to the issue of independence. Thus, at the best, such situation led to disappointment and fueled resentment as expectations were misaligned. These emotions were clear in the statements

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<sup>403</sup> Ibid.

made by Kurdish officials in the runup for the referendum, including KRP Masoud Barzani.<sup>404</sup> Then Kurdistan Region Chancellor of National Security Masrour Barzani also expressed deep frustration at the Western countries by saying, “For a hundred years we’ve been subject to genocide and injustice. It’s enough,” Barzani said. “What would make [the West] convinced that we deserve a better life? Sacrifice? We’ve made the sacrifice. Loyalty? We’re loyal. Friendship? We’re the most trusted friends the West has. And what do we need in return? All we need is equality. We want to be the same as you are.”<sup>405</sup> Moreover, Multiple interviewees who were in the position of power in the Kurdistan Region highlighted the European treatment of the Kurdistan Region from 2014 offered hope for the prospect of Kurdish statehood in the future.<sup>406</sup>

## **Obama Admin and Kurdish Independence**

Cognizant of the amplitude of the shifts of balance of power in favor of Kurds in Iraq after the fall of Mosul in the summer of 2014, the Obama administration scrambled to prevent the Kurdistan Region from declaring independence. From Washington’s perspective, the Kurdish statehood would further destabilize the region and only complicate an already complex situation. To dissuade Kurds from breaking away from Iraq, U.S. Secretary of State John Kerry visited Erbil on June 24, 2014, and pleading with

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<sup>404</sup> Barzani speaks in independence campaign in Zakho. “Iraq: Kurds ‘do not take legitimacy from anyone’ – President”, September 16, 2016, Barzani <https://www.youtube.com/watch?v=oW9XIjpk5tA>.

<sup>405</sup> This Man Fought To Keep ISIS Out Of Iraq. Now He Wants To Break It Apart, Buzzfeednews, September 21, 2017, <https://www.buzzfeednews.com/article/mikegiglio/the-kurdish-independence-referendum>

<sup>406</sup> Interviews with multiple Kurdish officials conducted between September and October 2020.

Kurdish leadership to postpone the notion of independence.<sup>407</sup>



John Kerry arriving in Erbil on June 24, 2014, to dissuade Kurds from seceding from Iraq. Photo AFP

According to Ambassador Peter Galbraith and advisor for KRP Barzani, Kerry is responsible for the lack of a Kurdish state in the summer of 2014. “When John Kerry gets off the plane, he greets Fuad Hussein [Barzani's chief of staff], puts his arm around Fuad Hussein, says that 'We know what you want, please don't do it right now.' And Kurds listened” said Galbraith who has been involved in the Kurdish cause since 1980s. He strongly believed that Kurdish independence could be only achieved by establishing facts on the ground. Therefore, he urged Kurdish leaders to brush aside Kerry’s plea. “As a good American, I told them, don't listen, and they shouldn't have listened. They should have declared independence at that moment,”<sup>408</sup> he Galbraith.

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<sup>407</sup> Goran, Michael R., Kerry Implores Kurdish Leader to Join a Government and Not Break Away, NYT, June 25, 2014, <https://www.nytimes.com/2014/06/25/world/middleeast/kerry-kurds-iraq.html>.

<sup>408</sup> Skype interview with former Ambassador Peter Galbraith, June 2021.

Before meeting with KRP Masoud Barzani, Kerry held a press conference and publicly admitted that the issue of Kurdish independence would be discussed with the Kurdish leadership. “I am going to bring up the elephant [independence] in the room,” said Kerry in Erbil. “This moment requires statesmanship,”<sup>409</sup> he added. At this moment, Washington wanted Kurds in Iraq more than ever. The Kurds were important to the Obama administration strategy to counter and defeat ISIS using local forces because the Kurdish forces were the candidate to become the U.S. boot on the ground. Politically, Washington also wanted the help of Kurds to resolve the country’s political problems by forming a new government in Baghdad led by a new prime minister. The incumbent prime minister Nuri al-Maliki whom he was largely blamed for the emergence of ISIS was seen as an obstacle to formulate a successful military strategy to deal with ISIS. Therefore, his replacement was prerequisite for countering ISIS.

Although Kurds deferred the issue of an immediate breakaway from Iraq, they did not stop pursuing this eventuality. A few days after Kerry’s visit, the KRG sent a senior delegation led by Dr. Fuad Hussein, Chief of Staff to President Masoud Barzani and Minister Falah Mustafa, Head of the KRG Department of Foreign Relations, to Washington on June 29 for a five-day visit to inform the Obama administration of KRG’s new strategy.<sup>410</sup> The delegation carried a letter from President Barzani to President Obama and then Vice President Biden. The KRG handed over the letter to

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<sup>409</sup> Ibid.

<sup>410</sup> High-level delegation discusses with Washington crisis sweeping Iraq and future options for Kurdistan, KRGSpain, July 04, 2014, <http://www.krgspain.org/high-level-delegation-discusses-with-washington-crisis-sweeping-iraq-and-future-options-for-kurdistan/>.

the White House on July 02 just a day before the formal meetings would start. The details of the letter remained undisclosed but according to minister Falah Mustafa, Barzani had expressed his concerns about Iraq and wrote that “We have no other choice” [but go toward independence].<sup>411</sup> Hence, the letter appears to have been a direct Kurdish proposal to open discussions about Kurdistan’s secession from Iraq. The next day the Kurdish delegation met with John Kerry at his office. An official who took part in the meeting, said that Kerry told the Kurdish delegation that “I just hang up with President Barzani.” The Kurdish diplomat who attended the meeting reaffirmed that Kerry had given an exact message to Barzani “Just give it [Iraq] one more chance. We need you.”<sup>412</sup> The U.S. message and talking points with the KRG were synchronized across the NSA, Department of State, and Pentagon. “We heard exact the same thing from all of them,” said the official. Kerry also warned the Kurdish delegation, “The timing right now is not right I don’t think the region is ready for an independent Kurdistan and you invite unintended consequences.”<sup>413</sup>

On July 03, the Kurdish delegation also met with White House officials, including then then Deputy NSC Advisor to President Barack Obama Tony Blinken, then special Assistant to the President and White House Coordinator for the Middle East Phil Gordon, and other members of the NSC team. The NSA also insist that the time was not right, giving the same message of that of Kerry. Later then Vice President Biden

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<sup>411</sup> Interview with Falah Mustafa, Chief Foreign Policy Advisor for KRP, October 2020.

<sup>412</sup> WhatsApp interview with a Kurdish diplomat, May 2021.

<sup>413</sup> Ibid.

joined the meeting.<sup>414</sup> The Kurdish delegation informed Biden of that the KRG had a "two-track policy -- one continuing with Baghdad, cooperation and dealing with Baghdad and simultaneously working to achieve Independence." Vice President Biden, according to minister Falah Mustafa, told Hussein and him "ok, tell the President [Barzani] keep working on this, but don't bring this track [independence] ahead of this one [working with Baghdad]."<sup>415</sup> Biden also promised Kurds that it was the last time the United States would ask Kurds to help reconstituting Iraq. Another attendee confirmed the details of the meeting, quoting Biden as saying, "If things did not work out, we 'll never look you back in the eye and tell you to go back to Baghdad and join the government again."<sup>416</sup>

The results of the meetings were sent back to Erbil in real time. After each meeting, the Kurdish delegation was on phone with KRP Barzani to inform him about the discussions and the U.S. position regarding independence. At this point, Kurds believed that the U.S. for the first time did not slam the door on independence and this represented a complete shift from previous U.S position that kept warning the KRG "not even on our dead body"<sup>417</sup> when it came to the issue of independence, according to multiple sources.

Before sending the KRG delegation, Barzani also had made it plain in the meeting with

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<sup>414</sup> Ibid.

<sup>415</sup> Interview with Falah Mustafa, Chief Foreign Policy Advisor to KRP October 2020.

<sup>416</sup> WhatsApp interview with a Kurdish diplomat, May 2021.

<sup>417</sup> Ibid.

Kerry in Erbil that Kurds would seek independence. Therefore, his personal push in that direction continued. He went to the Kurdistan Parliament on July 03, the same day the Kurdish delegation was meeting officials at the White House,<sup>418</sup> asking lawmakers in a closed session to form "Kurdistan's Independent High Elections and Referendum Commission." "The time has come for us to determine our own fate, and we must not wait for others to determine it for us," Barzani told the MPs. "For that reason, I consider it necessary to create an independent electoral commission as a first step and, second, to make preparations for a referendum."<sup>419</sup> It's important to note that Barzani who has spent nearly six decades of his life fighting for Kurdish rights, as a soldier probably has seen that the obstacles in front of Kurdish statehood could not be lower than the summer of 2014 when Kurdistan was completely detached from the rest of Iraq geographically. The KRI was sharing hundreds of Km border with a terrorist organization that was loathed by most of the world. Therefore, from the Kurdish perspective, the timing probably could not have been better to push for independence.

Delivering on their promise to cooperating with Baghdad, Kurds decided to help the formation a new government in Baghdad in which al-Maliki was replaced by Haider al-Abadi in September 2014. The expediency of the fight against ISIS and the need of Washington to announce its counter ISIS strategy required a new government in Baghdad. Therefore, the U.S. was deeply involved in the government formation. Kurds

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<sup>418</sup> Coles, Isabel. "Iraqi Kurdish President Asks Parliament to Prepare for Independence Vote." *Reuters*. Thomson Reuters, 03 July 2014. <https://www.reuters.com/article/us-iraq-security-idUSKBN0F81M220140703>.

<sup>419</sup> Ibid.

who were in the position of power in post-Mosul fiasco wanted more political power and a new arrangement with Baghdad, in particular on the issues of the disputed areas, foreign policy, and oil.<sup>420</sup> But the Kurdish interests were largely ignored by the Americans. At this moment, Kurds had lost some of leverage because of ISIS's attack on the Kurdish frontlines had exposed the weakness of the Kurdish forces to defend the Kurdistan Region and the U.S. supported was needed to stop ISIS.

Cognizant of the KRG's military weakness, a U.S. delegation led by former special envoy for anti-ISIS Coalition Brett McGurk, according to multiple sources, bullied Kurdish leaders to accept the terms of the Abadi government. "They [US] did not take into consideration our views," said a leader of a Kurdish party who attended the meeting. "They had brought the inauguration statement of Abadi, and we had objections about it." The official emphasized McGurk called Abadi and told him to read the statement in the Iraqi parliament to declare his Cabinet officially, while the Kurdish leaders were still discussing it. "We were just given whatever has been set for us by the Shias and Americans," he insisted. Some Kurdish officials viewed Washington's indifference to Kurdish demands during the government formation as disloyal and described Washington's role negative to the KRG that has been the steadiest friend of the U.S. for the last three decades. If this account is true, it's just another testimony of how Kurds are victims of treacherous geopolitics and ruthless, brut diplomacy not just by their foes but also by their friends. And yet this reinforces, former U.S. secretary of State Henry

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<sup>420</sup> Interview with a Kurdish official, September 2020.

Kissinger's infamous quote, saying, "To be an enemy of America can be dangerous, but to be a friend is fatal."<sup>421</sup> This quote especially manifested itself when Kurds were left with no support in October 2017 when the Iraqi forces and Iran's backed militia groups attacked Kurdish forces in Kirkuk, leading to reversal of Kurdish gains in Iraq.

Nevertheless, Kurds understood that they could not afford to lose Washington. Thus, they started a new charm offense in Washington after formation of the Iraqi government in the hope of shaping the views of policymakers in the West regarding an independent Kurdistan. Consequently, two senior Kurdish officials tasked with the mission were again then DFR Head Minister Falah Mustafa and then KRP's Chief of Staff Fuad Hussein visited Washington again to promote the notion some sort of confederate regions of Kurds, Sunnis, and Shias with a loose union with Baghdad as its capital. The visit had at least two goals. They lobbied the Obama administration and the Congress to arm Kurds directly because Baghdad was not giving Kurds necessary ammunitions and weapons to fight ISIS. Secondly, they sought to remind policy makers that the previous power sharing mechanism and governance in Iraq had failed. Therefore, there was a need for a new structure to bring stability and peace "It would be difficult, after what happened in Iraq, especially between the Sunnis and the Shia, to bring these two communities together in one Iraq," said Hussein in an event at the USIP on Sept. 18. "The solution is that the Sunnis will have their own area, and the Shia will have their own area, and our right has

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<sup>421</sup> Galinsky, Adam, and Maurice Schweitzer. *Friend & foe: When to cooperate, when to compete, and how to succeed at both*. Currency, 2015.

been recognized in the constitution as a federal region. Then we can have Baghdad for all of us,"<sup>422</sup> he added.

The most crucial event that probably reinforced the notion in the minds of Kurdish leadership that the U.S. policy had changed regarding the territorial integrity of Iraq was the White House meetings between the Kurdish delegation led KRP Barzani, and President Obama and Vice President Biden in May 2015.<sup>423</sup> The issue of independence was openly discussed with both Obama and Biden.<sup>424</sup> Before setting off to Washington, Barzani also sought to shape public opinion and level the playing field for the issue of independence of Kurdistan. He gave several interviews to various international outlets and spoke to a number of Kurdish associations in which he clearly talked about why Kurdistan Region was going to independence. For example, he told Al Jazeera in April 2015 that "The borders of Sykes-Picot in Kurdistan in the Middle East have ended and there should be a clear border after the ISIS war."<sup>425</sup> In his meeting with the CENTCOM commander, Barzani said that "No event can hinder the independence of Kurdistan."<sup>426</sup> He also told religious clerks and teachers that "all parties should respect the will of people of Kurdistan and others should not make a decision on behalf of Kurdistan

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<sup>422</sup> "Iraqi Unity Will Require Federalism, Cooperation, Kurdish Leaders Say", USIP, September 19, 2014, <https://www.usip.org/publications/2014/09/iraqi-unity-will-require-federalism-cooperation-kurdish-leaders-say>.

<sup>423</sup> Knight, Michael, "A big win for Kurds at the White House", Al-Jazeera, May 15, 2015, <https://www.aljazeera.com/opinions/2015/5/15/a-big-win-for-kurds-at-the-white-house>.

<sup>424</sup> Interview with a senior Kurdish official who attended the meeting, September 2020.

<sup>425</sup> Osman, Sirwan, "Masoud Barzani, a Life of Achievements." 2019. P. 30

<sup>426</sup> Ibid. P.32.

people."<sup>427</sup> Barzani's Chief of Staff Fuad Hussein also made similar statements regarding independence, indicating that Kurds had their own vision for Iraq and the U.S. officials to be informed of. "The question of self-determination is a just right of the Kurds and how Kurdistan's self-determination is to be handled will certainly be discussed," Hussein said a day before the meeting.<sup>428</sup> The statements highlight not just the resolve of the Kurdish delegation to discuss the matter of independence with the Obama administration, but also their determination to take a different path.

Barzani held two separate meetings on May 05 and May 06 in Washington. He met with President Obama, Vice President Biden, and national security team on May 05 and he met with Biden over the breakfast the next day.<sup>429</sup> Multiple people who took part in the Barzani -Obama/Biden meetings were interviewed to reconstruct what was discussed at the White House. Barzani made the case for independence to the U.S. President and Vice President in the meetings. According to a participant of the meeting, Barzani told Obama that we have problems with Baghdad, Baghdad cut out the budget, we are financially in trouble, and Iraq is failing.<sup>430</sup> The official described Barzani's opening statement as a pitch to the Americans that the KRI was going to pursue an independence referendum. The Obama's response was not a direct push back against the Kurdish independence. Instead, he took a detour to imply his opposition to the referendum. "Obama had an

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<sup>427</sup> Ibid.P.33.

<sup>428</sup> Saeed, Yerevan, "Kurds to discuss self-determination at White House meetings" May 04, 2015, <https://www.rudaw.net/english/kurdistan/04052015>.

<sup>429</sup> Interview with a senior KRG official, October 2020.

<sup>430</sup> Interview with a senior KRG official, September 2020.

opportunity to be clear about the referendum, but he was not,” explained an official who faulted the administration for their lack of clarity regarding the Kurdistan independence.<sup>431</sup> Instead, Obama started, according to the Kurdish official, his usual “Soliloquy” in which he explained that “If your neighbor's house is burning and if you fuel that fire, the fire might come and burn your house. Maybe it's time not just to protect your house but to put out the fire of your neighbor's house.” The Kurdish official said that “It was Obama's very rosy narration who never talked straight.”<sup>432</sup> Another participant in the meeting corroborated the details of the meeting emphasizing that, “Obama's reaction wasn't, 'don't do anything crazy.' The world is going to be against you. The sky will fall. And he didn't say any of that. He just said, 'I don't think now is the right time because of ISIS’.”<sup>433</sup> However, another participant disagreed, stressing that when Barzani insisted on holding the referendum, Biden injected by saying, “Guys, if you could do that without the United States, go ahead.” The official insisted that this was a warning to the Kurdish delegation but later this was misunderstood as support from the U.S for the Kurdish statehood, which contributed to shaping the Kurdish view on independence.<sup>434</sup> Biden has been aware of the difficult geopolitical location of the Kurdistan Region and potential reactions of the neighboring countries to the idea of an independent Kurdistan. When he ran for presidency in 2007, then Senator Biden warned Kurdish leaders against pursuing

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<sup>431</sup> Ibid.

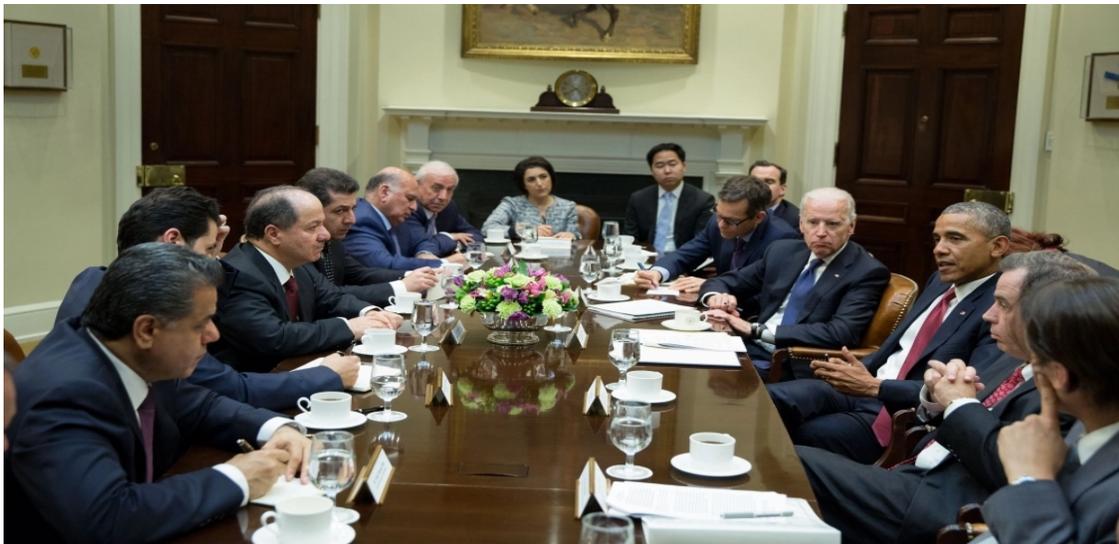
<sup>432</sup> Ibid.

<sup>433</sup> Phone interview with a senior Kurdish Diplomat, January 2021.

<sup>434</sup> Interview with a senior KRG official, September 2020.

independence in 2007 by saying: “You will be eaten alive by the Turks and the Iranians.”<sup>435</sup>

Following the meeting at the White House, the Kurdish delegation had a debrief at their hotel --the Ritz-Carlton on 22nd Street, Washington, D.C. -- to assess the meeting with Obama and Biden. The overwhelming view by the Kurdish delegation was that it was the first time the United States did not talk about Iraq's territorial integrity and its sovereignty and the U.S. language represented a shift away from “Iraq one policy” which underscored on a unitary Iraq. Most notably, the White House did not say "no" to the cause of independence, which was unprecedented, in the view of the Kurdish delegation.<sup>436</sup>



Barzani and Kurdish delegation meeting with then-President Barack Obama and Vice President Joe Biden at the White House, 2015. Photo Al-Jazeera

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<sup>435</sup> Saeed, Yerevan, What Biden can and cannot do for the Kurds, Al-Jazeera, December 03, 2020, <https://www.aljazeera.com/opinions/2020/12/3/what-biden-can-and-cannot-do-for-the-kurds>.

<sup>436</sup> Phone interview with a senior Kurdish diplomat, January 2021.

In his recent book, 'For History' published in the fall of 2020, Barzani details his meetings with President Obama and Vice President Biden in which he lays down his case for going toward the referendum. "I told him [Obama] that we are moving toward the referendum, but now our priority is the fight against ISIS. Baghdad does not accept partnership, and we cannot accept subservience," writes Barzani.<sup>437</sup> In response, according to Barzani's account, Obama said that he understood the Kurdish inspiration for statehood and was aware of the Kurdish struggle. He then asked Barzani to discuss the matter with Biden who was tasked with managing Iraq's affairs.<sup>438</sup>

Some Kurdish officials interviewed for this dissertation charged that the U.S. position was contradictory regarding the Kurdistan independence bid. Such conflicting views of the U.S. officials made the Kurdish leadership believe that Washington could eventually back an independent Kurdistan. For example, in the Biden-Barzani breakfast meeting on May 06, Biden lucidly enticed Barzani that there would be an independent Kurdistan in their lifetime when the Kurdish leader brought the issue of Kurdish statehood.<sup>439</sup> In his book, Barzani further delineated his encounter with Biden and his reception of the idea of an independent Kurdistan by writing, "We had a long meeting [with Biden] that lasted for hours. We discussed in detail our shared history with Iraq in the last century. He [Biden] expressed his country's stance about Kurdish independence and the complex problems of

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<sup>437</sup> Barzani, Masoud, "For History", 2020. P.66-69.

<sup>438</sup> Ibid.

<sup>439</sup> Interview with Kurdish officials conducted between September 2020-May 2021.

the Middle East. At the end of his statement, he told me that we both would see the independence of Kurdistan in our lifetime."<sup>440</sup> Nevertheless, it's not clear whether Biden expressed his opinion as a friend of Kurds or the position of the U.S. policy but these words coming out from the mouth of the U.S. Vice president could have had tremendous impact on Barzani to remain steadfast in his quest for independence. But it should also be noted that the White House readout on the meetings only highlighted that "President Obama and Vice President Biden reaffirmed the United States' strong and continued support to the Iraqi Kurdistan Region and the Kurdish people" within the framework of the state of Iraq. It refrained from any reference to the independence referendum and/or Kurdish statehood.<sup>441</sup>

A short historical context could shed light on not just how much the Kurdish cause had advanced since 1980s, but also the importance of Biden's pro-Kurdish independence statement. Ambassador Peter Galbraith, then a senior congressional staffer, arranged for then PUK leader Jalal Talabani to go to the State Department to meet with Larry Polk who was the director of Northern Gulf Affairs in November 1988 to discuss the Kurdish issue and Halabja chemical attack by the Iraqi regime.<sup>442</sup> The next day it turned out that Turkish foreign minister Mesut Yılmaz was in Washington D.C. for the 40<sup>th</sup> anniversary of NATO.<sup>443</sup> Yılmaz had learned that Talabani held a meeting with U.S officials at the

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<sup>440</sup> Barzani, Masoud, "For History", 2020. P.66-69.

<sup>441</sup> "Readout of the President and Vice President's Meeting with Iraqi Kurdistan Region President Masoud Barzani", May 05, 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/05/05/readout-president-and-vice-presidents-meeting-iraqi-kurdistan-region-pre>.

<sup>442</sup> Skype interview with former U.S. Ambassador Peter Galbraith, January 2021.

<sup>443</sup> Valki, László, Changing Threat Perceptions and Military Doctrines, 1992.

State Department and complained to Secretary of State George Shultz about by saying “Why the State Department was receiving Kurdish terrorists?” Then, Shultz who assisted the trapped survivors of Holocaust in Europe to migrate to the US in 1980s,<sup>444</sup> imposed a ban on U.S. diplomats preventing them from meeting with Kurdish officials, which lasted for three years.<sup>445</sup> An ironic act by Shultz who was sympathetic to the suffering of one people and completely indifferent to the ongoing genocide of Kurds in 1988.

Although there has been great progress in the Kurdish cause, the meeting of the Kurdish delegation with the U.S. president should not be seen as a moment of euphoria and the ultimate factor in the decision to hold the referendum. The U.S.-Kurdish relationship is fraught with distrust and ups and downs. Therefore, Barzani was fully aware of the pattern of the betrayal by the United States especially due to his own personal history and that of his family.<sup>446</sup> So, he must have been very suspicious of the United States. In fact, former director for Gulf and South Asian Affairs in the National Security Council Bruce Riedel shedded light on Barzani’s intuition of what Washington is capable of by narrating his experience in the past. According to Riedel, Washington had a hard time convincing Barzani to come to the White House as a part of an opposition group in 1992. “Barzani was one of six Iraqi opposition leaders invited to the White House,” he wrote. “He was

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<sup>444</sup> In extraordinary tribute, George Shultz hailed by Jewish leaders for helping free Soviet Jews, Jewish Telegram Agency, February 18, 2021, <https://www.jta.org/2021/02/18/global/in-extraordinary-tribute-george-shultz-hailed-by-jewish-leaders-for-helping-free-soviet-jews>.

<sup>445</sup> Skype interview with former U.S. Ambassador Peter Galbraith, January 2021.

<sup>446</sup> Riedel, Bruce, Masoud Barzani and the roots of Kurdish distrust of the United States, November 02, 2017, <https://www.brookings.edu/blog/markaz/2017/11/02/masoud-barzani-and-the-roots-of-kurdish-distrust-of-the-united-states/>.

the most credible but by far the hardest to convince to come, and he remained skeptical throughout the visit about American intentions.”<sup>447</sup>

Despite the bitter past, Barzani also appreciated Washington’s new approach to the Kurdish cause in May 2015. He offered an optimistic outlook after his White House meetings as evidenced by multiple statements and interviews. “Frankly, I want to say that [meetings] were more than what we anticipated,” said Barzani. “All I can say is we observed that there is a very good understanding of the cause of the people of Kurdistan generally,”<sup>448</sup> he added. The KRP President also told audiences at a panel at the Atlantic Council in Washington D.C. “I assure you that an independent Kurdistan is on the way.”<sup>449</sup> Then, Barzani spoke to the VOA's Kurdish Service in which he frankly reiterated the desire of Kurds to go to independence assertively, “We would like to have good relations with our neighbors.” But he also warned that Kurds “do not accept advice from any party to make a decision on our destiny.”<sup>450</sup> The Kurdish leader reflected on his meeting with the U.S. officials, reaffirming that “the understanding I have seen regarding the cause of Kurdish people and Kurdistan this time [in Washington], I had not seen such understanding before.”<sup>451</sup> Upon his return, Barzani continued to deliver the same message of a change of the U.S. policy regarding Kurds. For example, he told Rudaw on May 12,

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<sup>447</sup> Ibid.

<sup>448</sup> Saeed, Yerevan, “Barzani: ‘Washington visit exceeding expectations’”, Rudaw, May 09, 2015, <https://www.rudaw.net/english/kurdistan/09052015-amp>.

<sup>449</sup> A Conversation with H.E. Masoud Barzani, President of the Kurdistan Region of Iraq, Atlantic Council, May 07, 2015, <https://www.atlanticcouncil.org/commentary/transcript/a-conversation-with-h-e-masoud-barzani-president-of-the-kurdistan-region-of-iraq/>.

<sup>450</sup> Osman, Sirwan, “Masoud Barzani, a Life of Achievements.” 2019. P. 38-39.

<sup>451</sup> Ibid. P.40

"What we saw in America and what we achieved is more than what we expected." On the international support to the Kurdish bid for statehood, Barzani commented that "many countries say that they would support the decision that the Kurdish people would make to determine their fate."<sup>452</sup>

Key Kurdish decision makers interviewed for this study put great emphasis on the ambiguity and double standard of the U.S. diplomatic language regarding the independence in 2015. They argued that unclear U.S. messages and wording left room for interpretation. One official highlighted that cultural differences, language, and body language between the U.S. and Kurds caused misunderstanding. "We were told 'we will support your aspiration, we sympathize with your history, we know these are legitimate demands, but the time is not right,' he said. "U.S. messages should have been very direct, straightforward, and unambiguous. When messages are ambiguous, there is room for interpretation," he went on saying.<sup>453</sup> Another interviewee emphasized that the United States did not say "Don't do it," therefore, that was construed as a green-light for Kurds.<sup>454</sup> Meanwhile, a journalist with close ties to Barzani echoed this sentiment, adding, "We understand clear messages and statements, and the United States did not give us that." A U.S. official who was involved with the talks with Kurdish leadership emphasized that "in diplomacy, we don't say, don't do this, but we say, if you do this, this is what is going happen."<sup>455</sup> Consequently, the Kurdish delegation might have

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<sup>452</sup> Ibid. P.40.

<sup>453</sup> Interview with a senior Kurdish leader, October 2020.

<sup>454</sup> Interview with a Kurdish official, September 2020.

<sup>455</sup> Interview with a senior U.S official, January 2021.

mistaken Obama and Biden's sympathy for Kurds as support for independence, thereby only reinforcing Barzani's resolve to take practical steps to break away from Iraq.

Meanwhile, another part of Kurdish diplomatic efforts was to convince the administration and lawmakers to arm Kurds directly as a part of the National Defense Authorization Act. Senator Joni Ernst (R-Iowa) and Barbara Boxer (D-Calif) introduced a provision to the bill in the Senate to arm Kurds directly. This came after Kurds complained that Baghdad hindered the delivery of weapons and ammunition sent by the Western countries to the Peshmerga forces.<sup>456</sup> However, the Obama administration staunchly opposed the proposal and pressured democratic senators to vote against the measure under the pretext that it would undermine US effort to defeat ISIS.<sup>457</sup> Then Secretary of Defense Carter also sent a personal letter to the senators asking them to defeat the Kurdish request by voting against it. Meanwhile, Kerry argued that "Iraq's fragile territorial and political unity would be in jeopardy if the amendment passed." Eventually, the provision, that needed 60-votes to be included in the defense policy bill, received 54 yes votes with only six shy away from passing.<sup>458</sup> If nothing, the Obama administration's objection should have been instructive to the Kurdish leaders that if the U.S. was not ready for arming Kurds, it would never be ready to support their independence bid. The whole idea behind White House's opposition to the defense provision in the first place was to facilitate the

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<sup>456</sup> Ernst Stresses Urgency to Arm the Kurds in Fight Against ISIS, May 06, 2015, <https://www.ernst.senate.gov/public/index.cfm/2015/5/ernst-stresses-urgency-to-arm-the-kurds-in-fight-against-isis>.

<sup>457</sup> Congress Voted Against Directly Arming Iraq's Kurds. Here's What That Means For The ISIS Fight, Huffton Post, June 26, 2015, [https://www.huffpost.com/entry/congress-arm-kurds\\_n\\_7647068](https://www.huffpost.com/entry/congress-arm-kurds_n_7647068).

<sup>458</sup> Saeed, Yerevan, US Senate votes down bill to directly arm Kurds, Rudaw, June 17, 2015, <https://www.rudaw.net/english/kurdistan/17062015-amp>.

Kurdish secession. The U.S. officials understood that arming Kurds directly would institutionalize the U.S. -Kurdish relationship beyond the political ties with the Kurds.

Therefore, the Obama administration strong lobbying against arming Kurds directly, in fact, underscores Washington's unchanged one Iraq policy no matter how Kurds understood the private American diplomatic language during their meetings. In fact, the Obama administration was so uncomfortable with the Kurdish robust lobbying in Congress that the administration directly warned Kurds to stop lobbying Congress for direct armament or the U.S.-Kurdish relationship would face serious consequences.<sup>459</sup> So, one must ask if Washington was not ready to bypass Baghdad to give arms to the Kurdish forces, how it would support the Kurdish bid for an independence referendum.

In spite of Obama administration's threats, Kurds to pursue a rigorous systematic pushing in Washington to promote the cause of independence. The KRG expanded its outreach in Washington D.C. to influence policymakers and lawmakers to support the KRG financially, militarily, and politically. According to the New York Times, the KRG had more than "2,300 contacts with members of Congress — emails, telephone calls, meetings, and other events — just in the last half of 2015, including private conversations with at least six United States senators."<sup>460</sup> In addition, several other Kurdish officials came to Washington to lobby for independence referendum. For

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<sup>459</sup> Interviews with two different Kurdish officials in Erbil, September 2020 and in Washington, May 2021.

<sup>460</sup> Lipton, Eric. "Iraqi Kurds Build Washington Lobbying Machine to Fund War Against ISIS." *The New York Times*. The New York Times, 06 May 2016. Web. 03 Mar. 2021. <https://www.nytimes.com/2016/05/07/us/politics/iraqi-kurds-build-washington-lobbying-machine-against-isis.html>.

example, Hemin Hawrami, a member of the KDP Leadership Council, and the head of its foreign relations office visited Washington in July 2015. At an event at the Middle East Institute, Hawrami emphasized that the KRG would hold the independence referendum in 2015.<sup>461</sup> Hawrami again visited Washington in February 2016 for the same purpose. He told audiences at the Washington Institute that the Kurdish leadership was determined to hold the independence referendum<sup>462</sup> In a private meeting, Hawrami reaffirmed president Barzani's determination to go ahead with the referendum by saying, "We are going to hold the referendum even if it would be in Pirmam," referring to the private residence town of President Barzani just outside of Erbil.<sup>463</sup> This statement appears to indicate that by 2016, Kurds were no longer after the U.S permit to hold the independence referendum and realized that Washington would not budge in. Hawrami who also served as a senior Foreign Policy Advisor to Barzani highlighted that president Barzani did not cancel the referendum when the Western countries asked him to do so because the Kurdish leadership had realized by this point that Western countries would never say yes to the referendum. "Our leadership was experienced with our friends and foes," said Hawrami who emphasized that the Kurdish leadership was fed up Washington regarding the independence referendum and the past broken promises regarding the Kurdish role in Iraq. So, the Kurdish patience with Washington was gradually getting running out, frustration was

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<sup>461</sup> "Dynamics in Iraqi Kurdistan", MEI, Jul 8, 2015, <https://www.mei.edu/events/dynamics-iraqi-kurdistan>.

<sup>462</sup> "The Future of the Kurdistan Region of Iraq Mosul, Economic Crisis, and Self-Determination", February 9, 2016, Washington Institute, <https://www.washingtoninstitute.org/policy-analysis/future-kurdistan-region-iraq-mosul-economic-crisis-and-self-determination>.

<sup>463</sup> Personal meeting with Hawrami in February 2016, Washington DC.

growing and bitterness had become a characteristic of the Kurdish-American relationship as the KRG was unsure what else Kurds should do to secure the Western support for independence.<sup>464</sup>

The United States had constantly argued that the issue of Kurdish independence would derail the fight against ISIS. To dissipate Washington's concerns, on April 2016, another senior KRG delegation led by Deputy Prime Minister Qubad Talabani visited Washington to meet with members of the White House National Security, Pentagon, and the members of Congress to secure political, financial, and military support to the KRG. Talabani sought to reassure the U.S. officials the Kurdish independence bid would not impact the fight against ISIS. "The growing talk of independence shouldn't worry our friends in the United States," said Talabani who stressed the resolve of the Kurdish leadership to hold the referendum.<sup>465</sup> But the efforts proved futile to swing the U.S. position in favor of the Kurdish independence. In fact, its not clear if the Kurdistan's independence referendum if held even in 2016, would have impacted the fight against ISIS. So, the fight against ISIS could have been another code word to the U.S. opposition to the idea of the referendum without offending Kurds who have been a loyal friend of Washington.

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<sup>464</sup> Multiple interviews with senior Kurdish officials in September and October 2020.

<sup>465</sup> "Iraq Operation to Recapture Mosul Needs Plan for Aftermath", USIP, April 14, 2016, <https://www.usip.org/publications/2016/04/iraq-operation-recapture-mosul-needs-plan-aftermath>

Meanwhile, by the Spring of 2016, the ISF had reconstituted itself and the Shia militias forces had become the most credible and strongest force in Iraq. ISIS was on retreat and gradually the Iraqi government was building up its military power near the Kurdish positions near Kirkuk. At the same time, Baghdad was still hampering delivery of weapons and ammunition to the KRG. All these had agitated the Kurdish leadership regarding what a post ISIS Iraq might look like for Kurds.<sup>466</sup>

But for Washington, the fight against ISIS was still the most important task and it did not want the contentions between Erbil and Baghdad hinder the defeat of the group especially when the military operation to free Mosul from ISIS was taking shape. To help coordinate the military operation against ISIS in Mosul, Biden made an unannounced visit to Baghdad and then Erbil in on April 28, 2016 to discuss and coordinate the Mosul operations.<sup>467</sup> Multiple Kurdish officials reported that president Barzani continued to express his concerns to Biden and other U.S. officials regarding the uncertainty surrounding Kurds after the liberation of Mosul and the defeat of ISIS. Hence, Kurds were reluctant to be a part of Mosul operations unless some security guarantees were provided. Although the details of the meeting were not disclosed in the press, one official who attended the meeting said, Barzani asked Biden in the meeting, "What guarantees do we have? what future in Iraq do we have?" "Baghdad has no good intentions; we have not seen Baghdad delivering its constitutional promises and keeping them. We have sensed the fear of what

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<sup>466</sup> Interview with Kurdish expert via Phone, January 2021.

<sup>467</sup> "Biden to meet Kurdish officials in unannounced visit to Erbil", Reuters, April 28, 2016, <https://www.reuters.com/article/us-mideast-crisis-iraq-biden-kurds/biden-to-meet-kurdish-officials-in-unannounced-visit-to-erbil-idINKCN0XP2U6>.

the PMF could do.”<sup>468</sup> It’s not clear what Biden’s response might have been to Barzani. But the KRG yielded to become a part of the Mosul operation in coordination with the Iraqi government. In the word of a senior Kurdish official, the Kurdish agreement to be a part of Mosul operation was a strategic mistake because the Kurdish leaders failed to leverage the liberation of Mosul in May 2017 to secure support from the Western countries to the referendum. The Kurdish official who lamented missing the opportunity, saying that the Kurdish leadership should have told Biden, “If you want our support to liberate Mosul, we want your support to the referendum.”<sup>469</sup> It’s unlikely that the Obama administration would have caved in for the Kurdish demand should they tie their participation in the military operation to Kurdish independence.

Instead the White House granted the KRG a political win through signing a military MoU. In July 2016, the acting Minister of Peshmerga Affairs Karim Sinjari and the acting Assistant Secretary of Defense for International Security Affairs Elissa Slotkin signed the MoU with Barzani standing behind them. The deal included putting 36,000 members of the Peshmerga forces on Pentagon’s payroll for a year,<sup>470</sup> provision of ammunition, food, and medical equipment, among other things.<sup>471</sup>

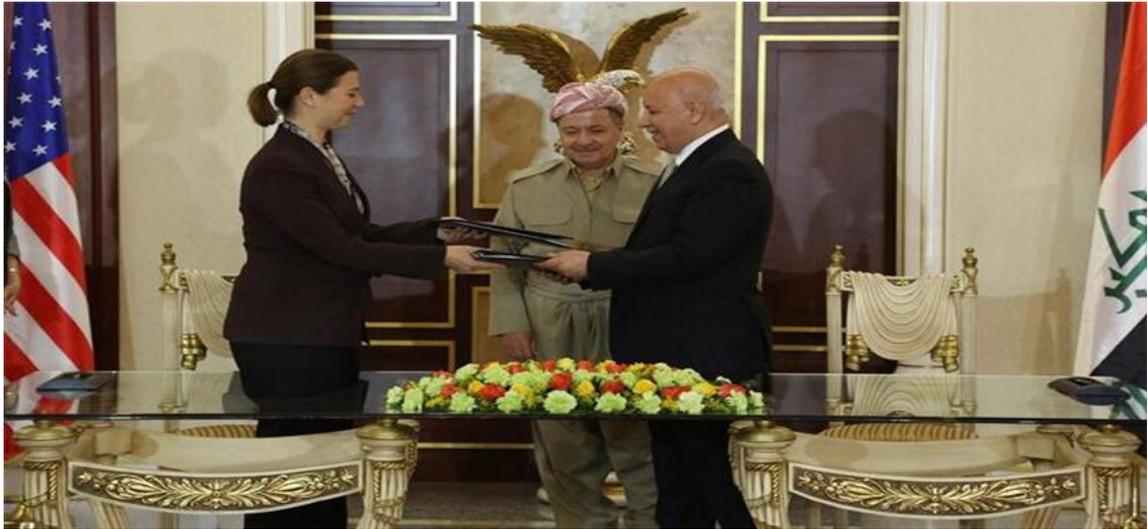
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<sup>468</sup> Interview with Deputy Speaker of Parliament Hemin Hawrami, October 2020.

<sup>469</sup> Interview with a senior KRG official, September 2020.

<sup>470</sup> “Pentagon stops paying peshmerga salaries amid Kurdish independence backlash”, Al-Monitor, October 5, 2017, <https://www.al-monitor.com/originals/2017/10/pentagon-stop-paying-peshmerga-salaries-iraq-kurdistan.html>.

<sup>471</sup> “Kurdistan Region and the US sign a military agreement”, KRG, July 13, 2016 <http://previous.cabinet.gov.krd/a/d.aspx?s=010000&l=12&a=54717>.



KRP Masoud Barzani attends the ceremony of signing MOU between the Pentagon and the Ministry of Peshmerga. Photo: Rudaw

While the deal was military in nature and was specific to the fight against ISIS, its symbolism politically and impacts on the Kurdish leadership cannot be underestimated both in portraying Kurds as important political and military actor in Iraq and its effects on the Kurdish quest for independence. But at the same time, despite of the U.S. military and political support to the KRG, there is no indication of a shift in the U.S. policy toward Iraq. Therefore, from the U.S. point of view, the measure was more to convince Kurds to give up the idea of independence. The U.S. also sustained its diplomatic efforts, including the personal involvement of Vice President Biden to resolve the outstanding issues between Erbil and Baghdad to address the Kurdish concerns.<sup>472</sup> For example, the U.S.

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<sup>472</sup> “Barzani, Biden, Abadi – all delighted with Erbil-Baghdad meeting” Rudaw, August 31, 2016, <https://www.rudaw.net/english/kurdistan/310820163-amp>.

mediation led to a parliamentary agreement in which Baghdad allowed an increase of oil from Kirkuk oil fields via the KRG pipeline from 150,000 to 300,000 BOPD.<sup>473</sup>

All of these were good gestures by the United States but they fell short of the recognition of the Kurdish rights for self-determination. As a result, president Barzani was troubled by Washington's unrelenting one Iraq policy after the sacrifices Kurdish forces had made in the fight against ISIS on behalf of the world.<sup>474</sup> In fact, the frustration of the Kurdish leader at the United States was a persistent theme of his speeches during the campaigns for the referendum in which he constantly complained how the Western countries failed Kurds in the past and now they refuse to recognize the right of Kurds to hold a referendum.<sup>475</sup>

Some Kurdish officials described that the Obama administration as the most pro-Kurdish administration in the U.S. history because there was more recognition of Kurdistan and its cause in the statements by the United States during the Obama administration than any other administration. Furthermore, there were at least 40 phone calls between Vice President Biden and President Masoud Barzani during the Obama administration, in addition to multiple in person meetings.<sup>476</sup> The administration also included three "strategic friends" of Kurds Secretary of State Hilary Clinton, 22nd United States

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<sup>473</sup> Kalin, Stephen and Zhdannikov, Demitry, "Exclusive: U.S. helped clinch Iraq oil deal to keep Mosul battle on track", Reuters, <https://www.reuters.com/article/us-mideast-crisis-usa-mosul-exclusive/exclusive-u-s-helped-clinch-iraq-oil-deal-to-keep-mosul-battle-on-track-idUSKCN12314Z>.

<sup>474</sup> Interviews with multiple Kurdish officials September and October 2021.

<sup>475</sup> Philips, David, "The Great Betrayal" 2020. P.397.

<sup>476</sup> For more details, please see the archive of Obama administration's press releases. [https://search.archives.gov/search?affiliate=obamawhitehouse&page=1&query=Kurdistan&sort\\_by=&utf8=%E2%9C%93](https://search.archives.gov/search?affiliate=obamawhitehouse&page=1&query=Kurdistan&sort_by=&utf8=%E2%9C%93).

National Security Advisor Jim Johns, and Vice president Biden. "Kurds could not ask for better friends in the Obama administration to support the Kurdish independence," said a senior Kurdish official, noting that these friends of Kurds could not craft a policy in support of the independence because of all the geopolitical factors and the troubled neighborhood Kurds were. "The Obama administration was the Golden period for Kurds and If you did not get it [independence] with these three, you would never get it with Tillerson.,"<sup>477</sup> emphasized the Kurdish official.

The KRG made one last ditch to convince the Obama administration to support the Kurdish independence referendum during the transitional period in December 2016. A senior KRG delegation led by Masoud Barzani's Chief of Staff Fuad Hussein and former Kurdistan Region Security Council (KRSC) Masrour Barzani met with Biden, the National Security Team, and members of Congress to discuss the war against ISIS and the prospect of the Kurdish referendum.<sup>478</sup> In the meeting, Biden recognized the sacrifices made by the Kurdish forces and called Peshmerga "the single most competent warriors."<sup>479</sup> But he pushed back against the issue of independence, asserting that the time was not convenient, again a codename for the U.S. opposition to the referendum. According to a Kurdish diplomat, in every meeting, the issue of independence was discussed, but the U.S. side emphasized that the timing was not right. This had caused

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<sup>477</sup> Interview with a senior KRG official, September 2020.

<sup>478</sup> US Vice President: 'Peshmerga are the single most competent warriors', Kurdistan 24, December 8, 2016, <https://www.kurdistan24.net/en/story/10425-US-Vice-President:-%27Peshmerga-are-the-single-most-competent-warriors%27>.

<sup>479</sup> Ibid

tremendous frustration and annoyance in Erbil. As a result, president Barzani had reached a conclusion that nothing would convince the United States to support his bid for independence.<sup>480</sup>

## **Trump Admin and Kurdish Independence**

With end of the Obama administration, Kurds were hoping for a fresh start with the Donald Trump administration in 2017. The election of Trump in November 2016 as the 45<sup>th</sup> President of the United States instigated excitement in the Kurdistan Region regarding the possibility of an independent Kurdistan.<sup>481</sup> Hence, Trump's election only reinforced the resolve of the Kurdish leadership to hold the referendum. There are several reasons for this optimism. First, Kurds have historically gained most during the tenure of the Republican Presidents.<sup>482</sup> For instance, Iraqi Kurds received the first U.S. aid during the Nixon administration in 1970s, revolted against Saddam Hussein in 1991 during the tenure of George Bush, and the Kurdish power projection consolidated during the time of George W Bush in post 2003. Secondly, Trump expressed his support for Kurdish forces during the presidential campaigns<sup>483</sup>, which led the Kurdish leadership to believe that a new era of relationship would usher between the U.S. and the Kurdistan Region.<sup>484</sup> And

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<sup>480</sup> Interviews with multiple Kurdish officials, September 2020, January 2021.

<sup>481</sup> "Trump fever sweeps Iraqi Kurdistan", Al-Monitor, December 15, 2016, <https://www.al-monitor.com/originals/2016/12/kurdistan-iraq-trump-usa-independance.html>.

<sup>482</sup> Interview with Delawar Aladin, President of MERI, July 2021.

<sup>483</sup> "US to strengthen friendship with Kurds after IS", Kurdistan 24, June 09, 2016, <https://www.kurdistan24.net/en/story/9989-%27US-to-strengthen-friendship-with-Kurds-after-IS%27>.

<sup>484</sup> Interview with a senior KRG official, September 2020.

thirdly, the Republican administrations are usually more pro-oil and gas industry,<sup>485</sup> which makes the oil rich Kurdistan Region with American investment an eligible candidate for attention and potential better relationship.<sup>486</sup> On the flipside, every betrayal by the United States against Iraqi Kurds happened during the Republican administrations and the Trump administration only reaffirmed that pattern of treachery in 2017.<sup>487</sup> However, the net gain when it comes to the Kurdish national rights and influence are bigger despite of the setbacks caused by the withdrawal of U.S. support for Kurds.

For the Kurdish leadership, three qualities with Trump were appealing -- his dislike to the Islamic extremism, anti- Iranian agenda, and affection to oil. Therefore, they could identify themselves with Trump better than his predecessors. Kurds were fighting ISIS, and Trump had expressed support to the Kurdish fighters in multiple occasions.<sup>488</sup> When Trump was elected as president, then Prime Minister Nechirvan Barzani was quick to praise the U.S. president by not underlining the issues of mutual interests with the focus on the fight against ISIS, but expressing appreciation for Trump mentioning Kurds. “The people of Kurdistan were aware of Mr. Trump’s remarks and support to the Kurdistan

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<sup>485</sup> “Why Big Oil isn't slashing its ties to Republicans — yet”, News Day, Jan 14, 2021, <https://www.news-day.com/opinion/commentary/big-oil-gop-republicans-presidential-election-contributions-climate-1.50118339>.

<sup>486</sup> Watkins, Simon, “How France Secured Major Oil And Gas Projects In Iraq”, Oil Price, April 04, 2021 <https://oilprice.com/Energy/General/How-France-Secured-Major-Oil-And-Gas-Projects-In-Iraq.html>.

<sup>487</sup> Schwarz, Jon, “Eight Times the U.S. Has Betrayed the Kurds”, Intercept, November 7, 2019, <https://the-intercept.com/2019/10/07/kurds-syria-turkey-trump-betrayal/>.

<sup>488</sup> “US to strengthen friendship with Kurds after IS”, Kurdistan 24, June 09, 2016, <https://www.kurdistan24.net/en/story/9989-%27US-to-strengthen-friendship-with-Kurds-after-IS%27>.

<sup>488</sup> Interview with a senior KRG official, September 2020.

Region and Peshmerga forces during the election campaign and they are eager for such support,”<sup>489</sup> said Nechirvan Barzani. The prime minister also invited Trump to visit the Kurdistan Region, an invitation that the KRG had not extended to any U.S. President before.

To some extent, the KRG’s prediction regarding Trump was correct. The Trump administration quickly proved to be different than the previous administrations. In a departure from long standing U.S. policy, Washington approved the sale of weapons to Peshmerga forces worth of more than USD 295 million for the first time.<sup>490</sup> Although, the sale had the approval of the Iraqi government, the U.S. pressure forced Baghdad to agree. For Kurds, this was viewed as a success and qualitative difference between the Obama administration and the Trump administration when it came to Erbil-Washington relationships.<sup>491</sup>

The KRG quickly sought to cement ties with the new administration. Thus, several senior KRG delegations led by president Masoud Barzani’s Chief of Staff Fuad Hussein and KRSC Masrour Barzani made two trips to Washington between December 2016 and May 2017 to discuss the issue of Kurdish independence and the fight against ISIS. The KRG delegation met Trump NSA team, including National Security Advisor H.R. McMaster,

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<sup>489</sup> “KRG Prime Minister invites Donald Trump to visit Kurdistan”, Kurdistan 24, November 09, 2016, <https://www.kurdistan24.net/en/story/10212-KRG-Prime-Minister-invites-Donald-Trump-to-visit-Kurdistan->

<sup>490</sup> US approves potential \$295.6m weapons sale to Peshmerga, Rudaw, April 19, 2017, <https://www.rudaw.net/english/kurdistan/190420173-amp>.

<sup>491</sup> Interview with a KRG diplomats, January, and May 2021.

Donald Trump's son-in-law and top aide Jared Kushner, and Homeland Security Advisor Tom Bossert in May 2017<sup>492</sup> for the same purpose.<sup>493</sup> However, there are no indications that Washington even during the Trump administration changed its position regarding the Kurdistan independence beyond the acknowledgement of the right of Kurds to self-determination. But that never translated into support for Kurds.

After his meeting at the White House, Masrour Barzani spoke at the Heritage Foundation, a Conservative Think Tank, in which he emphasized that an independence referendum would be held in 2017 and there was no position from Washington. "I do not see anybody openly opposing the idea as we want what our people want, and we are determined to have the referendum."<sup>494</sup> It's not clear what had given this hint to Masrour Barzani that Washington was not antagonist to the referendum, but a U.S. diplomat said that Washington usually does not say "Don't do this" instead, it says, if you do this, these are the consequences."<sup>495</sup> In other words, Washington hoped that through reminding the KRG of the potential negative consequences and costs associated with the referendum would dissuade the Kurdish leadership from holding the referendum. However, the takeaway from the visits of the Kurdish delegations to Washington was at least from the Kurdish perspective that there was support for Kurdistan Region's independence bid.<sup>496</sup>

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<sup>492</sup>Mylorie, Laurie "KRSC Chancellor meets top White House officials", Kurdistan 24, May 16, 2017, <https://www.kurdistan24.net/en/story/11484-KRSC-Chancellor-meets-top-White-House-officials>.

<sup>493</sup> Interview with a KRG diplomats, January, and May 2021.

<sup>494</sup> Goran, Bakhtyar, "Masrour Barzani: referendum is national decision, not one-party decision", Kurdistan 24, May 16, 2017, <https://www.kurdistan24.net/en/story/11482-Masrour-Barzani:-referendum-is-national-decision,-not-one-party-decision>.

<sup>495</sup> Interview with a senior U.S. diplomat January 2021.

<sup>496</sup> Multiple interviews with senior Kurdish and Iraqi officials between September and October 2020.



KRG delegation led by then KRSC Chancellor Masrour Barzani meets with senior White House officials, May 2017. Photo: Courtesy of Kurdistan 24.

Based on feedback of the Kurdish delegations, president Masoud Barzani set September 25<sup>th</sup> as the date for holding the independence referendum during a meeting with the leaders of the Kurdish political parties.<sup>497</sup>

But lots of controversy regarding the U.S. position emerged quickly. Then Iraqi Ambassador to Washington Lukman Faily warned that Washington was against the referendum and the U.S. officials made that clear to the KRG delegation in May.<sup>498</sup> But the KRG doubled down on the lack of opposition from Washington. Barzani's Chief of Staff Hussein, who spoke on Rudaw TV, reaffirmed that Washington did not defy referendum but only had issue with the timing because of the Iraqi elections. "But the KRG disagreed with the U.S. proposal because it was not clear whether the elections

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<sup>497</sup> Ibid

<sup>498</sup> Ibid.

were to be held,<sup>499</sup> said Hussein. To support his assertion, Hussein cited an excerpt of the statement made by the State Department Spokesperson Heather Nauert on June 09 pertaining the referendum. “The truth was spoken by the U.S. State Department’s spokesperson,” said Hussein “They have a problem with the timing of it, but they didn't reject the referendum,”<sup>500</sup> he insisted. However, by no mean, Nauert hinted any support for the referendum no matter how the KRG officials tried to frame it to serve their political convenience. In fact, the State Department statement was unambiguous about the referendum and the U.S. objection to it.<sup>501</sup> The U.S. recognized the “legitimate aspirations of the people of the Iraqi Kurdistan,” but it also reiterated U.S. long standing policy of “support [ing] a unified, stable and a federal Iraq.”<sup>502</sup> Therefore, Hussein was selective in interpretation of the statement, which reaffirmed the U.S support for a united Iraq and offered an “understanding” for Kurdish aspirations and by no means, this was tantamount to the U.S. support or indifference to the KRG’s referendum.

Moreover, a problematic view had begun to emerge among the Kurdish leadership that that Trump himself mattered not the State Department or other U.S. government institutions or officials when it came to the issue of independence.<sup>503</sup> Hence, the close

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<sup>499</sup> “US proposed Kurds hold referendum vote after Iraqi elections”, says Fuad Hussein, Rudaw June 16, 2017, <https://www.rudaw.net/english/kurdistan/160620173>.

<sup>500</sup> Ibid.

<sup>501</sup> “US supports unified Iraq, while it also understands Kurdish aspirations”, Kurdistan 24, June 09, 2017, <https://www.kurdistan24.net/en/story/11689-US-supports-unified-Iraq,-while-it-also-understands-Kurdish-aspirations>.

<sup>502</sup> “Iraqi and foreign reactions to Kurdish referendum plan”, Rudaw, June 09, 2017, <https://www.rudaw.net/english/middleeast/turkey/09062017>.

<sup>503</sup> Interviews with Kurdish officials conducted between September 2020 and May 2021.

circle of president Barzani believed that the State Department and the U.S. diplomats in Iraq did not necessarily speak to the White House. The rift between the State Department and the White House had some truth but that did not mean a change of the long-standing policy of a united Iraq, which was deeply rooted in the institutional memory of the State Department and the U.S. foreign policy. A former White House official admitted that there was a desire inside the White House during the Trump administration to dismantle “One Iraq Policy” because of its unpracticality to serve the U.S. interests. However the endeavor faced tremendous resistance from the career diplomats at the State Department, which eventually defeated the effort.<sup>504</sup> Accordingly, although the Kurdish reading of the Trump administration might have been correct, it also gravely underestimated the institutional strength of the U.S. government despite Trump’s efforts to weaken them.<sup>505</sup> Yet Trump as the commander in chief could have made a difference if he really wanted to support the Kurdish bid for independence in 2017.<sup>506</sup> Nevertheless, the Kurdish leadership viewed Trump as an unconventional president who might break away from the traditions of the U.S. foreign policy, particularly when it came to “One Iraq Policy”.<sup>507</sup>

There were also another group of influential people – foreign consultants who also urged the Kurdish leadership to hold the referendum. If the Kurdish independence referendum

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<sup>504</sup> Interview with former White House official December 2021.

<sup>505</sup> How the Trump Administration Broke the State Department, Foreign Policy, July 31, 2017, <https://foreignpolicy.com/2017/07/31/how-the-trump-administration-broke-the-state-department/>.

<sup>506</sup> Aswar, Hasbi. "The US Foreign Policy under Trump Administration to Recognize Jerusalem as the State Capital of Israel." *Nation State: Journal of International Studies* 1.2 (2018): 132-141.

<sup>507</sup> Al-Qaher, Sara, “Trump fever sweeps Iraqi Kurdistan”, Al Monitor, December 15, 2016, <https://www.al-monitor.com/originals/2016/12/kurdistan-iraq-trump-usa-independance.html> Interview with an academic and professor of political economy at American University -Iraq, October 2020.

were a movie, the foreign advisers to president Masoud Barzani were the editors and makeup artists. Therefore, the role of foreign advisors as a counterweight to the Western diplomatic efforts in persuading the Kurdish leadership to suspend the referendum cannot be overlooked. This effort was not insignificant. Multiple interviewees who were in the meetings with the advisors acknowledged the negative role of some American and French advisors<sup>508</sup> with massive financial and oil interests in the Kurdistan Region<sup>509</sup> These foreign consultant constantly discouraged President Barzani from comprising regarding the referendum. "Some of those advisors told them, don't listen to McGurk because only Trump counts," said an interviewee.<sup>510</sup> Barzani also confirms this assertion in his book that they were uncertain whether McGurk represented the United States or not because Trump had said in a tweet that he did not know McGurk.<sup>511</sup> Moreover, KRG Deputy Prime Minister Qubad Talabani highlighted that the advisors were optimistic about the referendum. "Peter [Galbraith] was practically foaming at the mouth at the idea of it,"<sup>512</sup> said Talabani. Another participant confirmed that celebrities, friends of Barzani and the KRG who were urging him to go ahead without heeding the consequences. "People like [Peter] Galbraith, Bernard-Henri Lévy, Bernard Kouchner, and Brendan O'Leary were telling Barzani, 'don't worry, it's going to be OK. You should do this. You have to do it. You have a lot of support. Everybody loves the Peshmerga now, the fight against

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<sup>508</sup> Multiple interviews with senior Kurdish and Iraqi officials between September and October 2020.

<sup>509</sup> Glanz, James, "Ex-Diplomat Who Advised Kurds Gets Millions in Oil Deal", The New York Times, October 10, 2010, <https://www.nytimes.com/2010/10/07/world/middleeast/07galbraith.html>.

<sup>510</sup> Phone interview with a Kurdish think tanker, December 2020.

<sup>511</sup> Barzani, Masoud, "For History", 2020.

<sup>512</sup> Philips, David, "The Great Betrayal" 2020.

ISIS.”<sup>513</sup>



Barzani is surrounded by foreign and Kurdish advisors in Pirmam, Erbil. The photo was released via social media on September 25, 2017, showing Barzani cutting an apple into pieces. According to Barzani office, the photo was released by French Philosopher and advisor Bernard-Henri Lévy.

I also interviewed Peter Galbraith, a former U.S. Ambassador with a long history of involvement in the Kurdish struggle since 1980s who is often blamed for his massive influence on the 2017 referendum. Galbraith was unapologetic about his role in the referendum, believing that an opportunity had presented itself to Kurds, and hence it had to be pressed to its fullest extent. The former Ambassador admitted that they pushed Barzani to hold the referendum and establish facts on the ground because international recognition would never come without making statehood a reality. Galbraith defended his record by

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<sup>513</sup> Skype interview with former foreign advisor to Barzani, February 2021.

saying that he spent half of his life, defending Kurdish rights and promoting its cause. “I have never met a single Kurd who would prefer to be part of Iraq if the alternative was an independent Kurdistan,” he said. Certainly, the desire of Kurds to statehood has never been questioned rather it’s feasibility has been an issue. Galbraith who tried to deflect blame on himself, argued that Kurdish leaders were cognizant of the risks associated with the vote but admitted that it was his “strong advice” to do it because “What is required under international law for independence is a decision of the people.”<sup>514</sup> Obviously, Galbraith’s theoretical thinking about an independent Kurdistan had some serious real life and destructive practical consequences for Kurds on the ground when the referendum failed.

The KRG, in particular the KDP’s enthusiasm about independence received another boost when Donald nominated former ExxonMobil CEO Tillerson as the Secretary of State.<sup>515</sup> During Tillerson’s leadership, ExxonMobil had signed several contracts with the KRG despite staunch opposition from the Obama administration and the Iraqi government.<sup>516</sup> Besides, Tillerson had met with former Kurdistan Region President Masoud Barzani in 2011 to discuss ExxonMobil's interests in the Kurdistan Region and developed a personal relationship. In the meantime, the KRG was at the heydays of its oil policy - had linked

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<sup>514</sup> Skype interview with former Ambassador and advisor for Barzani Peter Galbraith, January 2021.

<sup>515</sup> “What We Know About Rex Tillerson, Trump's Pick For Secretary Of State”, NPR, December 03, 2016, <https://www.npr.org/sections/thetwo-way/2016/12/13/505350255/what-we-know-about-rex-tillerson-trumps-pick-for-secretary-of-state>.

<sup>516</sup> “Iraq gets "positive" Obama response on Exxon concern”, Reuters, July, 19, 2012, <https://www.reuters.com/article/us-iraq-oil-kurdistan/iraq-gets-positive-obama-response-on-exxon-concern-idUKBRE8611HL20120719>.

Kirkuk oilfields to its pipeline, was exporting oil to the market. In the meantime, Trump had given almost unconditional support for the U.S oil companies.<sup>517</sup> The Kurdish political elite viewed these developments as a plus to the cause of an independent Kurdistan. Multiple interviewees emphasized that the election of Trump planted seeds of false hope in the mind of some of the Kurdish leaders about the prospect of an independent Kurdish state with the potential support of the Trump administration.<sup>518</sup>

By the same token, there was a barrage of articles and analyses in the KDP media about how Tillerson and Trump were positive developments to the Kurdistan Region.<sup>519</sup> The euphoria was so wild that even a restaurant in the KDP's stronghold of Duhok was named Trump<sup>520</sup> and even people started naming their children “Trump”.<sup>521</sup> However, much of such thinking appears to have been based on a misreading of how the U.S. institutional machinery works and Trump's indifference to what might happen outside of the U.S. borders. “Personalities can change the norms of a policy; they cannot change policy.” They can change the way it's executed,” said a Kurdish official who admitted the “Trump fever” had the impact on holding the referendum. “Tillerson, because he was the CEO of

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<sup>517</sup> The Trump administration has been a boon for oil companies, and a threat to the planet, Geenbiz, September 7, 2020, <https://www.greenbiz.com/article/trump-administration-has-been-boon-oil-companies-and-threat-planet>.

<sup>518</sup> Interviews with senior KRG officials, Academics, think tankers in Kurdistan Region and Washington DC, September, October 2020 and January and February 2021.

<sup>519</sup> Kurdistan State in the Geography of Oppression and Blood Framework, KDP.Info, August 23, 2016, <https://www.kdp.info/a/d.aspx?s=040000&l=13&a=93768>.

<sup>520</sup> Kalin, Stephen, “Trump Fish: Iraqi restaurant spells out Kurdish faith in president-elect”, Reuters, December 14, 2016, <https://www.reuters.com/article/us-mideast-crisis-iraq-trump/trump-fish-iraqi-restaurant-spells-out-kurdish-faith-in-president-elect-idUSKBN143176>.

<sup>521</sup> “Trump fever sweeps Iraqi Kurdistan”, Al-Monitor, December 15, 2016, <https://www.al-monitor.com/originals/2016/12/kurdistan-iraq-trump-usa-independance.html>.

Exxon, cannot change to the State Department, an institution that vehemently in support of the one Iraq policy," he added. "The only person who can change such policy is the president, and he [Trump] did not and does not and will not care about Iraq," emphasized the official.<sup>522</sup>

Another reason for Kurds to be optimistic regarding the Trump administration was Trump's repeated appeal for oil in the Middle East. The previous administrations might have chosen to not speak publicly about the importance of oil to the United States, but Trump broke this tradition. He repeatedly talked about seizing Iraq's oil to protect U.S. financial interests.<sup>523</sup> Kurdistan, including Kirkuk has not shortage of hydrocarbon. Thus, it's natural for Kurdish leaders to view Trump presidency as a boost for Kurdish oil credentials and potential protection of the Kurdistan Region due to the U.S. financial interests if it comes under attack. Accordingly, this reasoning took Kurds to "abyss" and "miscalculations "by pressing to hold the 2017 referendum regardless of the geopolitical obstacles.<sup>524</sup> "We will either make it or leave it," said an expert who highlighted the Kurdish leadership's thinking about the new administration. "It's the time. It's the Trump era. This guy is caring about oil, doesn't care about the region [Middle East], doesn't care about Iraq and he likes the Kurds."<sup>525</sup> This assessment indicates that Trump was

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<sup>522</sup> Interview with a senior KRG official, September 2020.

<sup>523</sup> Trump's plan to seize Iraq's oil: 'It's not stealing, we're reimbursing ourselves', September, 21, 2016 <https://www.theguardian.com/us-news/2016/sep/21/donald-trump-iraq-war-oil-strategy-seizure-isis>. Trump also suggested seizing oil and Syria in multiple interviews and rallies in 2016, 2017, 2018, and 2019.

<sup>524</sup> Interviews with Kurdish officials, academics and experts conducted between September 2020-May 2021.

<sup>525</sup> Ibid.

considered as a plus for the cause of independence but at the same time, it demonstrates that Trump became a blind spot for the Kurdish leadership, which in turn prevented them from envisioning the costs associated with holding the referendum.

The KRG also took the lobbying for independence to another level by hiring close associates of President Trump. Among these was Paul J. Manafort, the former campaign chairman for President Trump.<sup>526</sup> The goal was bypass the U.S. government's institutional hindrances in front of the Kurdish independence bid by directly connecting and appealing to President Trump.<sup>527</sup> According to the New York Times, Manafort visited Erbil to advise the Kurdish leaders regarding independence even though he was under the FBI investigation due to his foreign ties and financial woes.<sup>528</sup> The KRG's reach out to people like Manafort, given his legal issues, is quite questionable and raises the question of whether Kurdish decision makers were aware that the former Trump associate had fallen of favor with his former boss. But yet the hire indicates the determination of Kurds with full thrust for the referendum. Moreover, unlike the past, KRG officials had more direct access to the White House, the NSA, and State Department.<sup>529</sup> "We could talk to whoever we wanted at the White House or other

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<sup>526</sup> Vogel, Kenneth P., and Jo Becker. "Manafort Working on Kurdish Referendum Opposed by U.S." *The New York Times*. The New York Times, 21 Sept. 2017. <https://www.nytimes.com/2017/09/20/us/politics/manafort-kurdish-referendum.html>.

<sup>527</sup> Multiple interviews with Kurdish official and think tankers between September 2020-May 2021.

<sup>528</sup> Vogel, Kenneth P., and Jo Becker. "Manafort Working on Kurdish Referendum Opposed by U.S." *The New York Times*. The New York Times, 21 Sept. 2017. <https://www.nytimes.com/2017/09/20/us/politics/manafort-kurdish-referendum.html>.

<sup>529</sup> Interview with a former KRG diplomat in Washington DC, June 2021.

department without hindrance,”<sup>530</sup> said a Kurdish official. This is not to indicate that there was a lack of access during the Obama administration. Instead, there was a belief that the high level of contact to the machinery of the U.S. government decision making was unprecedented.

Amid Kurdish efforts to influence Washington, the KRG, especially the KDP started a new approach to appeal to the Trump administration. The KRG tried to identify itself with Trump administration’s anti-Iranian policy in the hope of tracking more traction in Washington.<sup>531</sup> By weaving into Trump’s anti-Tehran position, the KRG sought to promote the independence of Kurdistan as a bulwark against Iran’s expansionism in the Middle East. The argument was, according to several interviewees, Kurdistan if becomes an independent state could derail Tehran’s strategic goal to reach Syria,<sup>532</sup> thereby, thwarting the formation of so called “Shia crescent” that extends from Iran all the way to the Mediterranean.<sup>533</sup> To promote this thinking in Washington, there were concerted media and lobbying efforts by the KDP at home and in Washington. The KDP media and journalists continued to report on Iran's human rights violations, support for the Iraqi militia groups, and the dangers Iran might pose to the Middle East and the U.S. interests. The Kurdistan 24, Bas News, and Rudaw were at the frontline of this battle, while the

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<sup>530</sup> Ibid.

<sup>531</sup> “Transcript: Donald Trump’s Foreign Policy Speech”, NYT, April 27, 2016, <https://www.nytimes.com/2016/04/28/us/politics/transcript-trump-foreign-policy.html>.

<sup>532</sup> Interviews with a Kurdish official, October 2020, and a Kurdish think tanker January 2021.

<sup>533</sup> “The Shia crescent is still America’s biggest Middle East challenge”, Al-Arabiya March 13, 2020, <https://english.alarabiya.net/views/news/middle-east/2020/03/13/The-Shia-Crescent-is-still-America-s-biggest-Middle-East-challenge>.

KDP spent thousands of dollars in Washington DC to promote the Kurdistan Region as a bulwark against Iran's expansionist agenda.<sup>534</sup>

On June 19, 2017, the KRG Representative to Washington Bayan Sami Abdulrahman spoke to group of journalists who warned regarding security threats coming from Iranian backed militias. "Iranian-backed Shia militias could undermine the security and stability of the Kurdish region once the Islamic State threat to the country is defeated."<sup>535</sup>

Although Abdulrahman did not plainly portray Iran as a villain, every word she uttered underscored the importance of backing the Kurdistan Region for independence and thwarting Iran's grand agenda in the Middle East. The next day, a pro-Kurdish analyst Rachel Avraham penned down an analysis in the pro-Republican *The Washington Times*, arguing that Washington should support a Kurdish state because Kurdistan would "help to roll back the Shia Crescent" and more importantly, no U.S. troops required to "confront Iranian aggression in the Middle East."<sup>536</sup> In other words, she argued to use Kurds as proxies to the United States in order to face the most powerful neighbor that Kurds share over 1000 km with. A proposition at best can be described not just as naïve but quite an illusion simply because an independent Kurdistan had no odds to stand against a powerful country like Iran without a superpower protection.

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<sup>534</sup> Eccarius-Kelly, Vera. "The Kurdistan Referendum: An Evaluation of the Kurdistan Lobby." *Journal of South Asian and Middle Eastern Studies*, vol. 41, no. 2, Villanova University, 2018, pp. 16–37, <https://www.jstor.org/stable/10.33428/jsoutasiamiddeas.41.2.0016>.

<sup>535</sup> Kelly, Laura, "Bayan Sami Abdul Rahman says Iranian-backed Shia militias undermine Kurdish region", *Washington Times*, June 19, 2017, <https://www.washingtontimes.com/news/2017/jun/19/bayan-sami-abdul-rahman-says-iranian-backed-shia-m/>.

<sup>536</sup> Avraham, Rachel, "Kurdistan Independence Has a Future", *Washington Times*, June 20, 2017, <https://www.washingtontimes.com/news/2017/jun/20/kurdish-independence-has-a-future/>.

This campaign intensified just two months before the 2017 referendum. In July 2017, The pro-KDP Kurdistan 24, in conjunction with The Washington Times, sponsored a conference in Capitol Hill, entitled "The Kurdistan Region: Strategic U.S. Ally in a Tough Neighborhood," to promote the independence referendum and secure support from Washington.<sup>537</sup> The conference addressed a range of issues from the forced marriage of Kurds with Iraq, genocide to terrorism. But one of the key themes of the conference was how Kurdistan could serve as a defense shield to check Iran's growing influence in the area. The Washington Times published 35 opinion pieces by Kurdish officials, journalists, and American think-tankers, academics, former officials, Ambassadors, and Congressmen. Again, one of the most repeated argument the pieces were making was the independence of Kurdistan would check Iran's projection of power in the Middle East.<sup>538</sup> As mentioned, Kurds have historically tried to take advantage of the rifts developed between them and the countries in which Kurds are divided on. There was a genuine fear in Washington regarding Tehran's expansionist ambitions. As such, Iraqi Kurds viewed this as another opportunity to better connect with the United States. However, by every measure from a strategic point of view, the Kurdish attempts to tag into Trump's anti Iranian policy was not only shallow, but quite premature. The main fallacy with this thinking was the failure to understand that the Kurdish- American alliance is more of a byproduct of geopolitics, which is fluid and subject to change, while Kurdish-Iranian

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<sup>537</sup> "The Kurdistan Region: Strategic U.S. Ally in a Tough Neighborhood": Download the Special Report available in the July 27, 2017, edition of The Washington Times. [https://media.washtimes.com/media/misc/2017/07/27/KurdistanReport\\_Final2.pdf](https://media.washtimes.com/media/misc/2017/07/27/KurdistanReport_Final2.pdf).

<sup>538</sup> "The Kurdistan Region: Strategic U.S. Ally in a Tough Neighborhood." *The Washington Times*. The Washington Times, 26 July 2017. Web. 03 Mar. 2021. <https://www.washingtontimes.com/specials/kurdistan-region-strategic-us-ally-tough/>.

relationship is the direct product of static geography, culture and history. This distinction led the KRG to contempt Iran and unconditionally cuddle the unpredictable Trump administration. Accordingly, Kurdistan's efforts to become as apart of U.S. anti-Iran strategy was misplaced and harmed Kurds rather than helping them achieve independence. It was "a good measure of naiveté," said a Washington based journalist and analyst who argued that some ideological anti-Iran figures in the Trump administration "excited Kurdish hopes."<sup>539</sup> "I would say this was one of the weaknesses of Kurdish strategic thinking is that sort of always place themselves, as an ally against the enemy of the big power."<sup>540</sup> Although the KRG's appealing to Trump's Iran policy and selling the Kurdish independence to Washington as a bulwark against Tehran might have some merits, it's quite obvious that Kurds could not compete with Turks, Arabs, and Persians when it comes to vital interests between them and the United States. As put by a senior Iraqi official, although Iran is an adversary, it remains as an important geopolitical actor, which strategically it could be more important for Washington than Kurds.<sup>541</sup>

As the date of the referendum was approaching, the U.S. and other Western countries embarked a concerted diplomatic effort to dissuade president Masoud Barzani from holding the referendum. Many meetings, phone calls were held, and statements were issued regarding the position of the Western countries, in particular the U.S and the U.K, expressing their opposition to the Kurdish measure. Although, the Kurdish side claims

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<sup>539</sup> Skype interview with an American journalist and analyst, February 2021.

<sup>540</sup> Phone interview with a Kurdish academic and think tanker, February 2021.

<sup>541</sup> Interview with a senior Iraqi Kurdish official in Baghdad, October 2020.

that the Western countries were late in their diplomatic engagement with Kurds, the data shows otherwise. Barzani held over a dozen meetings with the Western officials between July and September 15 and the agenda of the meetings and conversations were pertaining the referendum in which Washington, London and EU leaders urged Barzani to suspend the vote and expressed their opposition to it. For example, U.S. Secretary of State Rex Tillerson requested Barzani during a phone call on August 11 to suspend the referendum. But Barzani declined to do so, citing lack of “guarantees and alternatives for their future” in case the referendum was postponed.<sup>542</sup> This was followed by a State Department statement on August 16 which reaffirmed support for a united Iraq and expressed “very serious concerns about holding a referendum.”<sup>543</sup> Washington further intensified its diplomatic efforts to sway Barzani’s view. For this, Secretary of Defense Jim Mattis visited Erbil on August 22 and met with President Barzani.<sup>544</sup> According to KRG Deputy Prime Minister Qubad Talabani, “Mattis told us we were in the best position ever. Everybody loves you.”<sup>545</sup> Additionally, Presidential Envoy for the Global Coalition to Defeat ISIS Brett McGurk reiterated the U.S. opposition to the referendum, calling Baghdad and Erbil to “establish a new framework for dialogue on a host of issues, including their future relationship.” He also emphasized that the United States was

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<sup>542</sup> “Iraqi Kurds reject US request to postpone referendum”, The National, August 12, 2017, <https://www.thenationalnews.com/world/mena/iraqi-kurds-reject-us-request-to-postpone-referendum-1.619062>.

<sup>543</sup> “US State Department continues to wobble on Kurdistan referendum”, August 16, 2017, <https://www.kurdistan24.net/en/story/12370-US-State-Department-continues-to-wobble-on-Kurdistan-referendum>.

<sup>544</sup> “Readout of Secretary Mattis’ Meeting with Kurdish Regional Government President Masoud Barzani”, DoD, August 22, 2017, <https://www.defense.gov/Newsroom/Releases/Release/Article/1286278/readout-of-secretary-mattis-meeting-with-kurdish-regional-government-president/>.

<sup>545</sup> Phillips, David L., “The Great Betrayal.” 2020, Page 394.

“prepared to fully back this process.”<sup>546</sup>

Moreover, just two weeks before the referendum, the Western and the UN diplomatic overtures came, urging Barzani to suspend the referendum in return to U.S., UK., and UN fully backed dialogue between Erbil and Baghdad to address the long-standing Kurdish grievances. The biggest diplomatic effort was summoned on September 14, when McGurk, the Special Representative of the Secretary General of the United Nations Assistance Mission in Iraq Jan Kubis, U.S. Ambassador Douglas Silliman the to Iraq, and the U.K. Ambassador to Iraq Frank Baker met with Barzani at the Peshmerga command against ISIS in Sahela near the Syrian border, Duhok Province.<sup>547</sup> The delegation told Barzani that they understand the aspiration of the Kurdish people for independence, but they preferred the KRG to return to negotiation table with Baghdad for a period of two years to resolve its pending issues of budget, territory and the Peshmerga forces and new status of the Kurdistan Region. They also promised full support from the U.S., U.K., and the UN for the talks and in case no resolution was reached, the U.S. would endorse the need for the referendum. But the talks failed to convince Barzani.

On September 15, the White House issued a strongly worded statement in which Washington called the referendum “distracting” from the efforts to defeat ISIS and

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<sup>546</sup> “Special Presidential Envoy Brett McGurk Visits Iraq”, August 24, 2017, <https://iq.usembassy.gov/special-presidential-envoy-brett-mcgurk-visits-iraq-082417/>.

<sup>547</sup> “Masoud Barzani reveals what was never announced”, Shafaq News, October 30, 2020, <https://shafaq.com/en/Report/Masoud-Barzani-reveals-what-was-never-announced>.

specifically described the referendum in the disputed areas “provocative.”<sup>548</sup> Besides, one last ditch effort was made by Tillerson and the U.K. foreign secretary Boris Johnson to persuade Barzani to accept negotiations with the federal authorities in Baghdad for a new timetable.<sup>549</sup> But Barzani refused to back down and was in uncompromising mode. He had given a very strong and passionate speech in Zakho on September 15 in which he said, “We have heard many empty promises until now,” vowing that the referendum would go as planned.<sup>550</sup> Barzani was probably referred to the previous discussions happened between the KRG and both Obama as well as the pattern of the U.S. betrayal of Kurds in the past.

In return to the suspension of the referendum, the United States went one step further. It offered an alternative known as “Tillerson letter” in which Washington vowed to recognize the need to hold a referendum on independence in the future should internationally backed negotiations between Baghdad and Erbil fail. However, several reasons are likely to have contributed to Barzani’s opposition to the letter. First, Barzani believed that the letter was “empty promises” designed to deceive Kurds once more.<sup>551</sup> Although Barzani appears to have been amendable to scrap the referendum in the last moment, the United States was not ready to replace the word "respect" to “support” for a

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<sup>548</sup> “Kurdistan’s Dangerous Vote on Independence”, NYT, September 26, 2017, <https://www.ny-times.com/2017/09/26/opinion/kurdistan-dangerous-vote-on-independence.html>.

<sup>549</sup> Kurds reject calls to delay independence referendum, September 16, 2017, The Times, <https://www.thetimes.co.uk/article/kurds-reject-calls-to-delay-independence-referendum-gz5lmd58b>.

<sup>550</sup> Phillips, David, “The Great Betrayal” 2020. P.397.

<sup>551</sup> Phillips, David L., “The Great Betrayal” 2020, P. 394.

future Kurdistan referendum, which was a dealbreaker from the Kurdish perspective.<sup>552</sup> Barzani explains in his book, “I asked the U.S. government to change the word respect in the letter to support, but the Americans apologized and said we could not use the word support, and I responded: if you cannot replace a word, then stop expecting us to convince Kurdistan's people to abandon the referendum.”<sup>553</sup> But from the U.S. view, the change would have meant a legal guarantee clause.<sup>554</sup> “We can't do that without a treaty,” insisted a senior White house official. “So, we went in, but we went as far as we could,”<sup>555</sup> he added. But there were conflicting reports by the White House officials regarding the letter. Other White House officials interviewed for this research claimed that Secretary Tillerson had not seen the letter. Instead, McGurk allegedly had written it and believed that he could have Tillerson sign on it.<sup>556</sup> Regardless, for the KDP, the letter was not more than a deception. “Kurds have been killed and waited for 100 years, we could certainly wait for another ten years provided the United States had promised it would honor the result of the referendum in a decade,”<sup>557</sup> said Sirwan Barzani, the commander of the Kurdish forces in Makhmur -Gwer frontline, adding that if there was guarantee, then the Kurdish leadership could have returned to people and explained the logic behind delaying the referendum.

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<sup>552</sup> “Masoud Barzani reveals what was never announced”, Shafaq News, October 30, 2020, <https://shafaq.com/en/Report/Masoud-Barzani-reveals-what-was-never-announced>.

<sup>553</sup> Barzani, Masoud, “For History,” 2020.

<sup>554</sup> Interview with a former U.S. official, February 2020.

<sup>555</sup> Interview with a former U.S. official, February 2020.

<sup>556</sup> Interview with White House official, December 2021.

<sup>557</sup> Interview with Sirwan Barzani, Commander of Gwer-Makhmour frontline, October 2020.

There are also other problems with the Western alternative for the referendum such as the timing and the conditions attached to the letter.<sup>558</sup> Kurdish and U.S. officials from different political views agreed that the U.S. diplomatic engagement came too late, in particular with their latest offer, believing that the referendum could have been prevented if Washington had acted in July or August. For example, the “Tillerson letter” came just 10 days before the date of the referendum.<sup>559</sup> Furthermore, it took several more days to hammer out the final details of the “Tillerson letter”. Accordingly, the final draft came just less than a week before September 25<sup>th</sup><sup>560</sup> that made it politically impossible to suspend the vote because there was a huge emotional buildup and the population has been deeply engaged in the cause. “There was a belief that if the letter had come earlier, there was still time to reconsider the referendum decision and pursue alternatives,”<sup>561</sup> said a member of the Kurdistan Referendum Council. Likewise, a former U.S. diplomat and an advisor to Barzani faulted “the Trump Administration's incompetence” as a factor Kurds following through with the referendum.<sup>562</sup> This assertion was also confirmed by White House officials who recognized difficulties in working out foreign policy matters when Trump was president. “In a normal administration,” stated a former official, “I would go to the president and say, look, here's the situation. Why don't we work on this? And I

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<sup>558</sup> Abdullatif, Aso, “Lovers of Tillerson Letter”, Kurdistan 24, <https://www.kurdistan24.net/ckb/opinion/85618-%D8%B9%D8%A7%D8%B4%D9%82%D8%A7%D9%86%DB%8C-%D9%86%D8%A7%D9%85%DB%95%DA%A9%DB%95%DB%8C-%D8%AA%DB%8C%D9%84%DB%95%D8%B1%D8%B3%DB%86%D9%86>.

<sup>559</sup> “U.S. demands Iraqi Kurds cancel vote on independence”, Politico, September, 15, 2017, <https://www.politico.com/story/2017/09/15/us-demands-iraqi-kurds-cancel-independence-vote-242789.5>

<sup>560</sup> “Tillerson Letters Show U.S. Nearly Averted Kurdish Referendum”, Bloomberg, October 13, 2017, <https://www.bloomberg.com/opinion/articles/2017-10-13/tillerson-letters-show-u-s-nearly-averted-kurdish-referendum>.

<sup>561</sup> Interview with a Kurdish official, October 2020.

<sup>562</sup> Interview with a former U.S. diplomat, February 2021.

would have got a very clear OK.” “But in the Trump administration, Tillerson was a little gun shy. So, it took a little while to get that letter offer right on the table," explained the diplomat.<sup>563</sup>

Additionally, the U.S. offer was not solid because it required cooperation from the Iraqi government. The U.S. government had to convince Baghdad to accept the terms of the deal, too.<sup>564</sup> For example, as a confidence building measure, the U.S. would have asked prime minister Abadi to resume the KRG's 17 budget so that it could pay the salaries of employees.<sup>565</sup> This was a thorny and highly sensitive issue and it was not clear if Abadi could follow through because such deal required the approval of the Shia factions who were hostile to the KRG. But Abadi appeared to have been onboard with the U.S offer. To sell the deal, the prime minister went to Shia cleric Ayatollah Ali al-Sistani to “explain the deal in order to neutralize opposition from Shia parties.”<sup>566</sup> But in return, Kurds were also required to make substantial concessions to Baghdad such the deployment of the Iraqi forces in Kirkuk and taking over K-1 base in Kirkuk.<sup>567</sup>

Regardless, there is little doubt that the letter could have served as a strategic vessel to further the cause of Kurdish independence. As such, the rejection of the letter was premature politically and strategically because it could have been a foundation of a future

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<sup>563</sup> Ibid.

<sup>564</sup> Interviews with former U.S. officials, January, and February 2021.

<sup>565</sup> Philips, David, “The Great Betrayal” 2020. P.397.

<sup>566</sup> Ibid.

<sup>567</sup> Ibid.

Kurdish state in the same way the Balfour Declaration in 1917 eventually led to the establishment of Israel in 1948.<sup>568</sup> “It took another 31 years to establish the state of Israel”<sup>569</sup> said Governor of Suleimanya Haval Abubaker. Accordingly, there was a high chance that the document signed by the world’s strongest superpower with the backing of the U.K. and the UN could have been a positive precedent to advance the cause of the Kurdish statehood while giving the KRG unprecedented political leverage against Baghdad and the neighboring countries in 2017. Barzani, too, despite his suspicions, admits in his book that the content of the Tillerson letter was not bad and could have been a base for negotiations.<sup>570</sup>

## **Conclusion**

This chapter explored how the unprecedented diplomatic engagement between the KRG and the Western countries from 2014 shaped the mindset of the Kurdish leaders to push for the independence referendum in 2017. Based on the analysis conveyed, it can be concluded that two conflicting motives contributed to the decision to hold the referendum in 2017. The first is the opening of a new chapter of diplomatic relationship between the KRG and the West, enhanced by the expression of sympathy to the inspiration of Kurdish people by the Western countries. Such sympathetic expression tantalized Kurdish leaders regarding the possibility of the acceptance of a Kurdish state in northern Iraq. Secondly,

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<sup>568</sup> Tahham, Zena, “More than a century on: The Balfour Declaration explained”, Al-Jazeera, November, 2, 2018, <https://www.aljazeera.com/features/2018/11/2/more-than-a-century-on-the-balfour-declaration-explained#:~:text=The%20Balfour%20Declaration%2C%20which%20resulted,for%20the%20Jewish%20people%E2%80%9D%20there.>

<sup>569</sup> Interview with Suleimanya Governor Haval Abubaker, October 2021.

<sup>570</sup> Barzani, Masoud, “For History,” 2020.

the increasing but incremental sense of betrayal and frustration by the Kurdish leadership especially President Masoud Barzani regarding what he considered as broken promises of the United States not just about Kurdish independence but also pertaining the future of Kurds in Iraq.

## Chapter Seven: Oil and Kurdish Statehood

### Introduction

Oil and the struggle for realization of Kurdish statehood cannot be decoupled not just because oil has become a key issue of the conflict between Erbil and Baghdad but also it was a contributing factor to the lack of a Kurdish state in the dawn of the last century.<sup>571</sup> During the Ottoman Empire, today's Iraq was administratively divided over three Vilayets (states) of Mosul, Baghdad, and Basra. The Mosul Vilayet included today's Iraqi Kurdistan and the oil rich province of Kirkuk. Some scholars put oil at the core of the British decision to incorporate Mosul Vilayet into the Iraqi state (Stivers, 1982 and Sluglett, 2007). Therefore, for Kurdish leaders, oil is complicit in undermining the dream of Kurds for an independent state.<sup>572</sup> For this reasons, Kurdish leaders have seen oil as a potential vehicle to free themselves if not from the state of Iraq, at minimum, to lessen their financial dependency on it to bolster their autonomy.

This chapter answers the second question of this dissertation -- "*What are the impacts of oil on the Kurdish independence?*" by exploring and analyzing the Kurdish energy strategy. It argues that oil had negative impacts on the outcome of Kurdish independence bid

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<sup>571</sup> Stivers, William, "Supremacy and Oil: Iraq, Turkey and the Anglo-American World Order", 1918–1930.

<sup>572</sup> Interview with a senior Kurdish official, October 2020.

because 1- Oil made Kurdish leaders overconfident, thereby inflating their expectations about independence because oil's significance as a geopolitical lever was overrated. 2- It gave them a false sense of political and economic security. 3- It blurred the geopolitical realities of the Kurdistan Region, which made Kurdish leaders overplaying their hand against the central government and the regional countries. Thus, petroleum created an economic and political illusion of independence in the eyes of the Kurdish decision-makers, which led them to the disastrous consequences by holding the independence referendum in 2017.

### **Oil, and Kurdish struggle**

The issue of oil is deeply rooted in subconscious of Kurdish leaders and the memory of Kurdish struggle in Iraq. The Kurdish leaders' obsession with oil largely started with the discovery of oil in Kirkuk in late 1920s. In turn, Kirkuk and oil have become synonymous in a way that it's hard to discuss oil without Kirkuk and Kirkuk without oil. Historically, the issue of Kirkuk and oil have been constant key demands of Kurds from Baghdad. It has resulted in conflicts, failure of negotiations and resumption of violence between the two sides. Kurdish leader Mustafa Barzani who led the Kurdish armed struggles from 1950s to 1970s resumed armed struggle against the Iraqi government in March 1963 after Baghdad repudiated his demand for 'immediate and formal declaration of autonomy' including the old Mosul Vilayat, Kirkuk, the oil fields, 2/3 of Kirkuk oil revenue for Kurdistan and the formation of regular Kurdish forces.<sup>573</sup> Iraq's former dictator Saddam Hussein also

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<sup>573</sup> Ibid.

understood the magnitude of the oil and Kirkuk issue. According to Kurdish negotiators, Hussein proposed resolving the issue of Kirkuk by dividing the province between Kurds and Arabs in 1970s and 1980s where the eastern part of the province to be administered by an autonomous Kurdish region and the western part to be governed by Baghdad. But the Kurdish leaders were uncompromising regarding proposals, insisting that Kirkuk needed to remain under Kurdish control.<sup>574</sup> A part of Kurdish uncompromising mode regarding Kirkuk is likely to have got with the Kurdish leadership's thinking pertaining utilizing oil for the advancement of the Kurdish nationalist demands. For this, when the time was opportune, Kurds tried court big powers and IOCs regarding future investment in the oilfields located in the Kurdish dominated areas of Iraq.<sup>575</sup> "If we won control of those [Kirkuk oil] fields, we would give the oil to America"<sup>576</sup> said Mustafa Barzani said in 1972. Thus, it's not a surprise that Kurds perceive the control of oil as a messiah to get rid of the whims of Baghdad.

Kurds believe that "Kurdish oil" from Kirkuk was not only a factor to the lack of a Kurdish state in the last century, but oil revenues taken from Kirkuk oil helped Iraq to constitute itself and eventually to use what's considered to be "Kurdish oil" as a tool of suppression against them. In his latest book "For History", former KRP Masoud Barzani writes, "The Iraqi State became a state with oil and wealth of Kurdistan."<sup>577</sup> Historically, Kurds have

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<sup>574</sup> Pira, Sadi, "Kirkuk Issue", Shar Press, November 11, 2018, <https://www.pukmedia.com/KS/details/?Jimare=126920>

<sup>575</sup> No war, No peace for Kurds, Arab Report and Record 1973. P. 271.

<sup>576</sup> No war, No peace for Kurds, Arab Report and Record 1973. Page 271.

<sup>577</sup> Barzani, Masoud, For History, 2020.

been deprived of their rights to benefit from petroleum. Instead, successive Iraqi regimes have used, for example, Kirkuk oil to consolidate their power by arming themselves to subdue Kurds in the north and oil played a major role in helping Iraq to launch its genocidal campaign.<sup>578</sup> Therefore, for Kurds, oil is not about its financial benefits, but its closely associated with their struggle and a tool of liberation from the tyranny of the Iraqi state. The period between 1980 through the first Gulf war in 1991 is considered as the darkest for the Kurds. Iraq's Saddam Hussein's genocidal campaign had led to the destruction of some 4000 Kurdish villages and murdering an estimated 180,000 Kurdish civilians were killed.<sup>579</sup> In March 16-1988, Saddam used internationally banned chemical gas indiscriminately against Kurdish civilians in the town of Halabja, where over 5000 people died and more than ten thousand were wounded.<sup>580</sup> There is little doubt that oil played a major role in enabling and funding the Iraqi government crimes against Kurds.

However, the incremental geopolitical shifts in the Middle East since 1991 gradually turned the Kurdish quest for oil control into a reality. With the Iraqi invasion of Kuwait in the August of 1991, the tide turned against Saddam Hussein. His actions led to galvanizing international community to take firm measures to contain Iraq's aggression.<sup>581</sup> Thus, a U.S. led coalition that forced Iraqi Army out of Kuwait by military forces in 1991, weakening

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<sup>578</sup> Kelly, M. J. (2005). The tricky nature of proving genocide against Saddam Hussein before the Iraqi special tribunal. *Cornell International Law Journal*, 38(3), 983-1012.

<sup>579</sup> Mikaberidze, Alexander, *Conflict and conquest in the Islamic world* (Abc-Clio Santa Barbara, Calif. 2011).

<sup>580</sup> Johnson, Julie, *US asserts Iraq Used Poisonous Gas Against the Kurds* (The New York Times 1988) <http://www.nytimes.com/1988/09/09/world/us-asserts-iraq-used-poison-gas-against-the-kurds.html>

<sup>581</sup> GUNTER, MICHAEL M. "The Kurdish Question in Perspective." *World Affairs*, vol. 166, no. 4, World Affairs Institute, 2004, pp. 197–205, <http://www.jstor.org/stable/20672696>.

the Iraqi state. Kurds took advantage of this geopolitical shift and fault-lines between the West and Iraq, opening a window of opportunity to free the Kurdish dominated areas of Iraq.<sup>582</sup> Kurds cleared most Kurdish areas of the Iraqi Army by March 1991.<sup>583</sup> The Iraqi government's counterattack to recapture Kurdish areas led to a massive Kurdish exodus to the neighboring countries, compelling the international community to the establishment of a "No Fly Zone" to protect civilians and to deliver humanitarian aid through "Operation Provide Comfort."<sup>584</sup> The No-Fly Zone became the foundation of the Kurdistan Regional Government.

In parallel to Kurdish statebuilding endeavors, the Kurdish leadership held several rounds of negotiations with Baghdad pertaining Kurdish rights in 1991.<sup>585</sup> However, the talks failed to settle the long standing political, economic, territorial and security issues between the two parties. In response, Iraq maximized its pressure on Kurds by imposing a complete blockade on the areas under the control of Kurdish forces to engineer a political and economic collapse of the Kurdistan Region.<sup>586</sup> In response, the newly formed KRG and the Parliament sought for solutions to reduce the impacts of the Baghdad's embargo on the Kurdistan Region. For Kurdish leadership, leveraging oil became central not to just

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<sup>582</sup> Goldstein, Eric. *Endless torment: The 1991 uprising in Iraq and its aftermath*. Human Rights Watch, 1992.

<sup>583</sup> *Ibid.*

<sup>584</sup> Graham-Brown, Sarah, *Sanctioning Saddam: the politics of intervention in Iraq* (I.B. Tauris in association with MERIP; Distributed in the United States and Canada by St. Martin's Press London ; New York; New York 1999) P 108-109.

<sup>585</sup> Olson, Robert. "The Kurdish Question and Turkey's Foreign Policy, 1991-1995: From the Gulf War to the Incursion into Iraq." *Imperial Meanderings and Republican By-Ways*. Gorgias Press, 2010. 293-318.

<sup>586</sup> Interview with senior PUK leader, October 2020.

advance Kurdish political and economic interests, but also for survival. As a result, the KRG and the Parliament formed a joint committee in 1992 and convened with the Coalition Forces that had retained an office in the town of Zakho on the Turkish border.<sup>587</sup> The Kurdish delegation presented a 7-point demand, including assisting the KRG to receive its share of the budget from the Kirkuk oil fields by allowing the sale of the oil under the U.N. watch and help the KRG to extract oil from the already discovered and prepared oil fields located in the Kurdish region.<sup>588</sup>

Meanwhile, Kurdish leaders started a concerted diplomatic and lobbying outreach in the West, seeking political recognition and assistance from the international actors to help the KRG extract oil.<sup>589</sup> The KRG held a high-level conference in the Netherlands in 1992 for the development of the Kurdish enclave. The conference included the current Foreign Minister of Iraq Fuad Hussein, the current President of Iraq Barham Salih (who was the PUK envoy in the West), former governor of Kirkuk late Najmaddin Karim, and other Kurdish academics. One of the recommendations of the conference was to ask for development of the Kurdistan Region oil fields and finding ways to contract the Kurdistan oil sales to the international companies. The conference also urged the Kurdish leaders to make use of their contacts to advance and push the international community, especially London, Washington, and Paris to recognize that the Kurdistan Region need to develop

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<sup>587</sup> Interview with Rebeen Fata, an oil researcher in Kurdistan Region, September 2020.

<sup>588</sup> Ibid

<sup>589</sup> Hearings to Examine Threats, Responses, and Regional Considerations Surrounding Iraq Hearings Before the Committee on Foreign Relations, United States Senate, One Hundred Seventh Congress, Second Session, July 31 and August 1, 2002. P.7.

its economy via oil.<sup>590</sup> According to reports emerged after the conference, the KRG also formed a national oil company called “Kurdoil” for exporting some 20,000 barrels of oil per day to Turkey from the prepared oil wells in Koya.<sup>591</sup> It might be inaccurate that the KRG was able to export oil as early as 1992 because it took two more years for the PUK to extract oil from the prepared oilfields in Koya through local technical engineering.<sup>592</sup>

The Kurdish leaders invested tremendous time and efforts in Washington and London to win support for their oil policy. The Kurdish talking points and argument in the West was Iraq's suppression and suffocation of Kurdistan economically justified the KRG's efforts to explore and develop oil for survival. As a result, the lobbying efforts led to securing the support of 39 Senators and Congressmen in Washington and some MPs in London to back the KRG's efforts to extract oil and set up a mobile oil refinery to help meet their fuel needs.<sup>593</sup> Although the efforts did not lead to any meaningful and practical action on the ground, it's a testament to Kurdish utilization of oil as a tool to advance the Kurdish cause politically. However, the Kurdish leaders never discussed the political facet of oil was due to the sensitivity of the Kurdish issue and blowback from neighboring countries. Instead, the economic argument for survival became forefront of the Kurdish oil development efforts on the domestic and international level in 1990s in an attempt to break the

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<sup>590</sup> Interview with a Kurdish oil expert in Kurdistan Region in October 2020.

<sup>591</sup> Hiltermann, Joost R. *Middle East Journal*, vol. 47, no. 4, Middle East Institute, 1993, pp. 709–11, <http://www.jstor.org/stable/4328639>.

<sup>592</sup> Interview with Rebeen Fata, an oil researcher in Kurdistan Region, September 2020.

<sup>593</sup> The Kurds in Iraq: Status, Protection, and Prospects, Everycrsreport, May 12, 1994, <https://www.everycrsreport.com/reports/94-423.html>.

KRG's economic and political dependency on Baghdad. And, this argument carried on through 2017.

By 1994, the Kurdistan Region was reeling from a civil war and divided into the PUK and the KDP zones. The PUK had control over the “prepared oilfields” in Koya, Erbil Province.<sup>594</sup> The local engineering efforts assisted the PUK administration to extract oil from the oil fields in Koya in 1994, built a refinery to provide low-quality gas and kerosene to population.<sup>595</sup> “Kurds needed infrastructure, and they needed fuel and an economy” said Mala Bakhtyar, a senior PUK official and former guerrilla, explaining the rationale for the oil development. Despite the limited capacity and low quality, the PUK experience was largely successful. They built a refinery, and marketed its products to meet the local demands.<sup>596</sup>

### **Kurds, Oil, and New Iraq**

Although the Kurdistan Region was still suffering from the aftermath of the 1990s Kurdish civil war, the issue of oil remained strategic on the mind of Kurdish leaders. The region still had two different governments respectively run by the KDP and the PUK. As a result, despite lack of an official policy on how to deal with the issue of oil, there was a

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<sup>594</sup> Fatah, Rebeen, “[Oil Royalty and Poison of Independence](#)”, Kurdistan Times, August 17, 2020.

<sup>595</sup> Interview with Mala Bakhtyar, a senior leader of the PUK, October 2020.

<sup>596</sup> Fatah, Rebeen, “[Oil Royalty and Poison of Independence](#)”, Kurdistan Times, August 17, 2020.

a consensus among the Kurdish political parties focusing on consolidating the Kurdish legal rights over natural resources in post Saddam era.<sup>597</sup>

In the meantime, Kurds did not pass any opportunity that presented itself to them when it came to the development of the energy sector. For example, the PUK signed two PSCs with two Turkish companies, Genel Energy in 2002 to develop Taq Taq oilfield and Pe-tOil 2003 to explore Garmyan area<sup>598</sup> before the U.S. invasion of Iraq. The oil deals later became not just the foundation of a long term economic and investment relationship between KRG and Ankara in post -2003, but also helped improving diplomatic and political ties between the two sides.<sup>599</sup>

The Kurdish leadership' quest to retain some degree of control over oil in the Kurdistan Region in post-2003 became a sticking issue between Kurds and the new political elite in Baghdad.<sup>600</sup> Where federal authority demanded a centralized control of hydrocarbon, the KRG demanded power to determine the course of its hydrocarbon policy and development.<sup>601</sup> The new Iraqi Constitution approved in 2005 in a popular referendum provided a general framework pertaining natural resources in Iraq. However, it failed to specify the

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<sup>597</sup> Multiple interview with Kurdish official conducted between September 2020-May 2021.

<sup>598</sup> AFTEREFFECTS: PETROLEUM; Kurdish Group Takes Autonomous Role in Iraq Oil Projects, NYT, May 15, 2003, <https://www.nytimes.com/2003/05/15/world/aftereffects-petroleum-kurdish-group-takes-autonomous-role-in-iraq-oil-projects.html>.

<sup>599</sup> Ibid.

<sup>600</sup> Al-Asady, Janan. *Iraq's Oil and Gas Industry: The Legal and Contractual Framework*. Routledge, 2019.

<sup>601</sup> Dargin, Justin. "Hydrocarbon Development in the Iraqi Kurdistan Region Petroleum Sector." *Energy Exploration & Exploitation*, vol. 25, no. 2, 2007, pp. 139–149. <i>JSTOR</i>, [www.jstor.org/stable/26160714](http://www.jstor.org/stable/26160714).

authority of the federal government and the KRG to manage oil. The reason for that was the framers of the Constitution could not reach an agreement.<sup>602</sup> Therefore, it was left to be regulated via a would be- law. The “Hydrocarbon Law” that was supposed to address the issue of management, control, right of exploration and export of oil and gas in Iraq has been still sitting in the Iraqi Parliament as of spring of 2022 without passing due to dispute between Erbil and Baghdad.<sup>603</sup> The Iraqi political parties want the federal government to have exclusive right over oil contracting, export, and sale of oil in the country, including the Kurdistan Region, while Erbil rejects this assertion, contending that the Constitution grants right to the regional government to develop its natural resources.<sup>604</sup> However, the Iraqi Supreme Court ruled in February 2022 that Baghdad has the exclusive right over oil and gas in the country, throwing the KRG’s oil and gas sector into serious legal and political limbo.<sup>605</sup> It will remain to be seen if the KRG would comply with the court’s decision.

The most contentious points of disagreement between the two parties were over the interpretation of the Articles 110, 111, and 112. For example, Article 110 states that “foreign sovereign economic and trade policy” fall under the “exclusive authorities” of the federal government. Baghdad argues that trade includes “oil” which counts for 90 percent of the

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<sup>602</sup> Amereller, Florian and Zamel, Dahlia, “The Oil and Gas Law Review: Iraqi Kurdistan”, *The Law Reviews*, November 17, 2020, <https://thelawreviews.co.uk/title/the-oil-and-gas-law-review/iraqi-kurdistan>

<sup>603</sup> International Crisis Group. <i>EXECUTIVE SUMMARY AND RECOMMENDATIONS</i>. International Crisis Group, 2012, pp. Page i-Page iii, <i>IRAQ AND THE KURDS: THE HIGH-STAKES HYDROCARBONS GAMBIT</i>, [www.jstor.org/stable/resrep32171.3](http://www.jstor.org/stable/resrep32171.3).

<sup>604</sup> “UPDATE 2-Iraqi Kurdistan starts independent crude oil exports”, Reuters, January 13, 2013, <https://www.reuters.com/article/kurdistan-crude-exports/update-2-iraqi-kurdistan-starts-independent-crude-oil-exports-idUSL5E9C843R20130108>.

<sup>605</sup> “Iraqi federal court deems Kurdish oil and gas law unconstitutional”, Reuters, Feb 15, 2022 <https://www.reuters.com/world/middle-east/iraqi-federal-court-deems-kurdish-oil-gas-law-unconstitutional-2022-02-15/>

country's trade. Article 111 recognizes that Iraqi people own oil and gas across the country. The KRG argues that people of Kurdistan Region are Iraqi people. Therefore, they own oil and gas in the country and the KRG as their legal representative has the right to develop oil and as under its jurisdiction to meet the needs of its population. However, Baghdad argues that Article 110 has made it clear that economic and trade policies are exclusive rights of the federal government. Thus, the KRG and the governorates don't have legal authority to develop oilfields and export.<sup>606</sup>

Central to this contention has been the interpretation of article 112 which has made distinction between old oil fields and new oil fields. The KRG mostly derives the legality and legitimacy of its oil enterprise from this article.

## **Article 112**

### **First**

“Federal government, with the producing governorates and regional governments, shall undertake the management of oil and gas extracted from present fields, provided that it fairly distributes its revenues in proportion to the population distribution in all parts of the country, specifying an allotment for a specified period for the damaged regions which were unjustly deprived of them by the former regime, and the regions that were damaged afterward in a way that ensures balanced development in different areas of the country, and this shall be regulated by a law.”

### **Second**

“The federal government, with the producing regional and governorate governments, shall together formulate the necessary strategic policies to develop the oil and gas wealth in a way that achieves the highest benefit to the Iraqi people using the most advanced techniques of the market principles and encouraging investment.”

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<sup>606</sup> Blanchard, Christopher M. Iraq: Oil and Gas Legislation, Revenue Sharing, and U.S. Policy, report, December 10, 2008; Washington D.C. (<https://digital.library.unt.edu/ark:/67531/metadc811465/m1/6/>);

The “present oilfields” refers to the oilfields that had already been developed in the Kurdistan Region such as Tawke and Taq Taq because the KRG signed two oil contracts with Turkish oil companies before the invasion of Iraq. The KRG also argues that it could not wait on Baghdad to determine its developmental goals as it failed to pass the hydrocarbon law to clarify the KRG and federal government’s authorities over natural resources. In addition, the KRG also asserts that new oil fields fall under exclusive authority of Erbil as Article 112 only mentions “present oilfields” to be developed with the federal government. Kurds for long have suspected that Baghdad’s intention is to fully control KRG’s energy sector. To pass the legislation, the KRG proposed to include a separate law on the oil revenue management to set up a special fund as a part of the law so that the share of the KRG revenue would directly flow into its own account without oversight from Baghdad.<sup>607</sup> A measure rejected by Baghdad. As a result, both the KRG and the federal government used the ambiguous constitutional articles, concerning oil and gas to award contract to IOCs.

To cement its legal ground, the Kurdistan Parliament passed its own Oil and Gas law in August 2007.<sup>608</sup> The Law has been declared “unconstitutional” by the Iraqi Supreme Court though.<sup>609</sup> Moreover, the KRG consulted with international lawyers to bolster its legal claim over the right to offer oil contracts to the IOCs. In January 2008, the KRG obtained

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<sup>607</sup> Rasheed, Ahmed, Iraqi, Kurdish officials to iron out oil, Reuters, 24 April 2007 <https://www.reuters.com/article/us-energy-iraq/iraqi-kurdish-officials-to-iron-out-oil-law-idUSIBO42790720070424>

<sup>608</sup> Ibid 5-6.

<sup>609</sup> “Iraqi federal court deems Kurdish oil and gas law unconstitutional”, Reuters, Feb 15, 2022 <https://www.reuters.com/world/middle-east/iraqi-federal-court-deems-kurdish-oil-gas-law-unconstitutional-2022-02-15/>

a legal opinion from Professor James Crawford, Whewell Professor of International Law, Cambridge University in which Crawford argued that the KRG has legal authority under the Iraqi Constitution to sign contracts with the IOCs.<sup>610</sup> Accordingly, the KRG started signing energy Production Sharing Contracts (PSC) with the IOCs to explore and develop oilfields in the Kurdish enclave, which is estimated to have 40 billion barrels of oil reserves<sup>611</sup> and 25 trillion cubic feet (Tcf) of proved gas reserves while up to 198 Tcf of largely unproved gas reserves, counted to nearly 3% of the world's total deposits. Thus far the KRG has awarded more than 40 PSCs to the IOCs in the Kurdistan Region since 2007. There are over 50 international oil companies, including major players like ExxonMobil (until 2017), Chevron, and Gazprom, Rosneft that have signed exploration and development contracts with Iraqi Kurdistan.<sup>612</sup> Arguably, the oil policy was unrivaled in terms of speed, efficiency, contracting with the IOCs, building a pipeline and even its success to export oil to international market via Turkey by 2013.<sup>613</sup> Oil also rendered the KRG become an international energy actor by exporting and selling petroleum in the global market.<sup>614</sup> The KRG became increasingly relevant to the energy market after the Kurdish forces took over oil rich province of Kirkuk in 2014, almost doubling oil export to nearly

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<sup>610</sup> Radpey, Loqman. (2014). The legal status of the Kurdistan regional government (KRG) in international law. 39. 397-435.

<sup>611</sup> "Iraq's Oil Future." The Washington Institute for Near East Policy, [www.washingtoninstitute.org/policy-analysis/view/iraqs-oil-future](http://www.washingtoninstitute.org/policy-analysis/view/iraqs-oil-future).

<sup>612</sup> Swint, Brian, Total Follows Exxon, Chevron Into Kurdistan Region of Iraq (Bloomberg, July 2012) <http://www.bloomberg.com/news/2012-07-31/total-follows-exxon-chevron-into-kurdistan-region-of-iraq.html>.

<sup>613</sup> Mills, Robin. Under the mountains: Kurdish oil and regional politics. No. 63. OIES Paper: WPM, 2016.

<sup>614</sup> Dargin, Justin. "Iraq poised for key role in global energy sector." Oil & gas journal 111.3 (2013): 52-56.

600,000 by 2016.<sup>615</sup> But the Iraqi government has been quite unhappy about the energy development in the north. Thus it has constantly challenged the KRG and the IOCs by calling the contracts “illegal”. To discourage IOCs to invest in the KRG, Baghdad used legal means to take the IOCs, including Turkey to international courts and blacklisted many of the IOCs that have invested in the Kurdish energy sector.<sup>616</sup>

By 2009, the KRG started exporting some 90,000 barrels of oil per day from Tawke and Taq Taq oilfields for the first time via Turkey. The event was publicized live on TV, where late Iraqi president Jalal Talabani and then KRI president Masoud Barzani opened the valve ceremonially.<sup>617</sup> Ankara also helped built an oil pipeline to Turkey in 2013 so that the KRG could export oil to the international market independent of Baghdad. In the meantime, a gas pipeline was planned to transport the KRI gas supplies to Turkey and contribute to Europe's gas demand.<sup>618</sup> But it has not been realized yet as of spring 2022. By early 2014, the KRG's export capacity increased to 100,000-120,000 BOPD via its pipeline to Turkey and doubled the oil export by the end of August of the same year.<sup>619</sup>

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<sup>615</sup> Wilkin, Sam, and Dan Murtaugh, “Why Kurdish Oil Is a Wild Card for Markets: Quick Take A &A”, Bloomberg, March 08, 2017, [www.bloomberg.com/news/articles/2017-03-08/why-kurdish-oil-is-a-wild-card-for-markets-quicktake-q-a](http://www.bloomberg.com/news/articles/2017-03-08/why-kurdish-oil-is-a-wild-card-for-markets-quicktake-q-a).

<sup>616</sup> Series Overview, Introduction to the Laws of Iraq and Iraqi Kurdistan, 2013.

<sup>617</sup> Iraqi Kurdistan Begins Oil Exports, 1 June 2009, <[www.ekurd.net/mismas/articles/misc2009/6/investkurdistan456.htm](http://www.ekurd.net/mismas/articles/misc2009/6/investkurdistan456.htm)>.

<sup>618</sup> Watkins, Simon. “Kurdistan's Massive Gas Reserves No One Knows About.” OilPrice.com, 7 Aug. 2019, [oilprice.com/Energy/Natural-Gas/Kurdistans-Massive-Gas-Reserves-No-One-Knows-About.html](http://oilprice.com/Energy/Natural-Gas/Kurdistans-Massive-Gas-Reserves-No-One-Knows-About.html).

<sup>619</sup> Wilkin, Sam, and Dan Murtaugh, “Why Kurdish Oil Is a Wild Card for Markets: Quick Take A &A”, Bloomberg, March 08, 2017, [www.bloomberg.com/news/articles/2017-03-08/why-kurdish-oil-is-a-wild-card-for-markets-quicktake-q-a](http://www.bloomberg.com/news/articles/2017-03-08/why-kurdish-oil-is-a-wild-card-for-markets-quicktake-q-a).



Talabani (L) and Barzani (R) open a ceremonial oil valve at the ceremony in 2009. Photo: courtesy of AFP

The KRG's strategy of establishing facts on the ground and the advent of ISIS forced Baghdad shifted its anti-Kurdish oil position. For example, the KRG and Baghdad made some initial agreements about Kurdish oil exports in return for Baghdad paying the fees of the IOCs.<sup>620</sup> These agreements proved short-lived and ineffective as conflict resolution mechanism. In the absence of a higher authority, each side accused the other of failing to fulfill its obligations stipulated in the agreements. Baghdad blamed the Kurds for not reaching the 200,000 BOPD oil export in return for the IOCs fees, while the KRG claimed Baghdad

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<sup>620</sup> "Iraq's northern Kurdish region stops oil exports" Telegram, December 25, 2012, <http://www.telegram.com/article/20121225/NEWS/112259865/0>.

refused to pay the debts and the operations cost of the companies operating in the Kurdistan Region.<sup>621</sup>

The KRG oil policy brought billions of dollars as royalty from IOCs.<sup>622</sup> But the results of the effective spending of the money is mixed. The KRG used some of the fund to government operations and to develop and built the infrastructure of the Kurdistan Region. New highways, two airports were built, real estate development boomed, new super structures were built, including mega shopping malls, skyscrapers, and five-star hotels and multi-million-dollar tourism projects.<sup>623</sup> The fact is that the level of developments is so massive that some cities like Erbil and Duhok are almost unrecognizable compared to 2003.<sup>624</sup> But corruption also became a feature of the Kurdistan Region's oil policy as billions of dollars are still uncounted for due to lack of transparency and mismanagement of the oil sector.<sup>625</sup> Thousands of articles have been written over alleged corruption, bribery, and money laundry that are tied with the oil sector.<sup>626</sup> For example, Former KRG Prime Minister Barham Salih said that there was \$4 billion from the royalty of the PSCs signed with the IOCS, but it had remained

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<sup>621</sup> Salaheddin, Sinan, "Iraq's Northern Region stops oil exports", AP, Dec 2012, <http://news.yahoo.com/iraqs-northern-kurdish-region-stops-093813929.html>.

<sup>622</sup> Sumer, Fahrettin, and Jay Joseph. "The paradox of the Iraqi Kurdish referendum on independence: contradictions and hopes for economic prosperity." *British Journal of Middle Eastern Studies* 45.4 (2018): 574-588.

<sup>623</sup> "Big Oil's Unwitting Bid for Kurdish Statehood", Finance Sense, <https://www.financialsense.com/contributors/marin-katusa/big-oils-unwitting-bid-for-kurdish-statehood>.

<sup>624</sup> I lived in Erbil for work in 2003-2004. But I had to use google map to get around in 2020 when I did my field research.

<sup>625</sup> Roberts, John. *Iraqi Kurdistan Oil and Gas Outlook*. Atlantic Council., 2016.

<sup>626</sup> [Google search for "Oil Corruption in Kurdistan" brings nearly 2.4 million articles.](#)

unaccounted for. In 2014, the KRG seized \$2-6 billion from private banks.<sup>627</sup> In another example, a leaked document dated June 13, 2008, obtained by Ekurd Daily, revealed that over \$9 million payments under oil contract were paid to two accounts of Ocean Energy FZE, a private company, in the United Arab Emirates.<sup>628</sup> In 2018 over 6 billion Euros transferred from an Erbil-based private company called Abor Land (Abor Group) to outside the region in the form of bank investment. Rosneft paid \$250 million to an unknown consultant to secure deals in Iraqi Kurdistan Region. Oil Price cited a source in the MNR saying, that the KRG Minister of Natural Resource Ashti "Hawrami's usual cut is between 20 to 30 percent of the overall value of the deal upfront, with extra payments along the way as various milestones on production are passed, and lesser payments were to be made to other senior figures in the administration." Also several reports indicated that the Kurdish political elite have spent millions of dollars on purchasing properties in the Gulf countries and the United States.<sup>629</sup> Lastlu, the KRG oil corruption scandals became so bad that close relatives of Turkish President Erdogan<sup>630</sup> to people in Canada were reportedly involved, making millions out of the Kurdish oil.<sup>631</sup>

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<sup>627</sup> Kalin, Stephen. "Iraqi Kurdistan's Cash Crisis Hits Banks - and the Region's Promise." *Reuters*, 04 Dec. 2015. <<https://www.reuters.com/article/iraq-kurds-economy/iraqi-kurdistans-cash-crisis-hits-banks-and-the-regions-promise-idUSL8N13M46420151204>>.

<sup>628</sup> "Kurdistan Oil Payments Sent to a Private Foreign Company in UAE: Leaked." *Kurd Net - Ekurd.net Daily News*. 1 Feb. 2020. <<https://ekurd.net/kurdistan-oil-payments-private-2020-02-01>>.

<sup>629</sup> Kopplin, Zack and Humadi, Basma, "How Oligarchs Stash Money in Foreign Real Estate", *The American Prospect*, March 2022, <https://prospect.org/power/how-oligarchs-stash-money-in-foreign-real-estate/>

<sup>630</sup> Erdoğan's family venture brought back the man who set up illicit Kurdish, ISIS oil scheme", *Nordic Monitor*, March, 2021, <https://nordicmonitor.com/2021/03/erdogans-family-venture-brought-back-the-man-who-allegedly-set-up-kurdish-isis-oil-scheme/>.

<sup>631</sup> Murtaza Lakhani manages Iraqi Kurdistan's oil wealth, *EKurd*, July 18, 2020, <https://ekurd.net/murtaza-lakhani-manages-iraqi-2020-07-18>.

For Kurdish leaders, the end justified the means. The goal of the KRG's oil policy is multifaceted. The primary driver of the KRG's energy policy was to leveraging oil for advancing economic and political independence of the Kurdish Region to ensure its survival.<sup>632</sup> This approach is clear in the statements and arguments of the Kurdish leaders who aggressively pursued the oil policy. Kurdistan Region President Nechirvan Barzani, often described as the pioneer of Kurdistan's energy policy and served as prime minister from 2006-2019, highlighted, during the inaugurating ceremony the first Kurdish oil export from the Tawke oil field in Duhok Province in 2009, the dangers in monopolistic control of the natural resources in Iraq. "The people of the Kurdistan Region suffered terribly from the actions of the past regimes – promises of peace were replaced by systematic destruction, violence, and genocide."<sup>633</sup> "Instead of investing in the peace, prosperity, and welfare of its people, the Ba'ath regime invested in chemical weapons. These weapons were unleashed on the people of the Kurdistan Region, on the people of Iraq, and on the citizens of one of our neighboring countries," he added.<sup>634</sup> Moreover, in 2011, in a meeting with Kurdish community in an event in Fairfax, Virginia, 2011, Nechirvan Barzani again underscored the importance of oil for Kurds because of the uncertainty surrounding the future of Kurds in Iraq. "We need a political card; we need a political card to play with. The matter is not economic only. You need to use a political

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<sup>632</sup>Zulal, Shwan, "Survival strategies and diplomatic tools: the Kurdistan region's foreign policy outlook." *Insight Turkey*, vol. 14, no. 3, 2012, <https://www.insightturkey.com/articles/survival-strategies-and-diplomatic-tools-the-kurdistan-regions-foreign-policy-outlook>.

<sup>633</sup> Ibid.

<sup>634</sup> Prime Minister Barzani's Speech at Start of Oil Exports." KRG Ministry of Natural Resources. 1 June 2009. <<http://mnr.krg.org/index.php/en/press-releases/117-prime-minister-barzani-s-speech-at-start-of-oil-exports>>.

card and make use of it for your own people and for your own situation. This is a key reason. Besides, the Constitution has granted you the right [to extract oil], and it's not clear what would happen to you in this Iraq, it's not clear where Iraq is going, you are uncertain of your future."<sup>635</sup> It clear from this thinking that the matter of energy has not been just about development and economic benefits but also an insurance policy for survival of the Kurdistan Region if not for the realization of a Kurdish statehood.

The politicization of petroleum to advance the Kurdish statehood project is also self-evident in types and terms of the contracts the KRG offered to the International Oil Companies (IOCs) to invest in the KRI. Kurds offered Production Sharing Contract (PSC) to lure the IOCs with attractive terms. In some cases, the IOCs are super majority stakeholders in the field. For example, Norway's DNO has a 55 percent share in Tawke, and Turkey's Genel has 25 percent, and the KRG has only 25 percent.<sup>636</sup> No doubt, the Kurdistan Region as a non-state actor has higher risks for the IOCs amid legal, political, and geological uncertainty. However, the political facet of the deals cannot be overlooked, and the contracts are indefensible on their economic basis. Thus, the IOCs' unmatched profits and the lucrative terms of the contracts are proof that oil is more political than economic in the Kurdish case. "The profit of an oil company in the Kurdistan region is five times higher than an oil company operating in the south of Iraq

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<sup>635</sup> The audios believed to belong to 2011 when then prime minister Nechirvan Barzani visited Washington and met with Kurdish community.

<sup>636</sup> FACTBOX-Oil companies active in Iraqi Kurdistan, Reuters, January 05, 2011, <https://www.reuters.com/article/iraq-oil-kurdistan/factbox-oil-companies-active-in-iraqi-kurdistan-idUSLDE70403M20110105>.

that has Service Contracts with the IOCs. The operation cost of an oil company in the Kurdistan region is nine times higher than oil company working in the south of Iraq,"<sup>637</sup> said a political economist professor in the Kurdistan Region. "They are political and go against every economic logic," he added.

Recent reports released by Deloitte (tasked with auditing KRG oil revenue) indicate the revenue the KRG gets from its own oil is less than 50 percent. For example, the KRG sold over 1.2 billion worth of oil from July-September 2020. But only USD 553 million made to the KRG's treasury after paying the IOCs, transit fee, and pipeline fee.<sup>638</sup> "We sacrificed the Kurdistan's economy to advance it politically via oil," stated a senior Kurdish official."<sup>639</sup> Such sacrifice clearly manifested itself in the refusal of the KRG to hand over Baghdad the sovereignty over oil in return for its share of the federal budget. Since 2007, the Iraqi government had used various methods to coerce the Kurdish government to give up on the control of oil, these included punitive financial actions by cutting the Kurdish enclave from the federal budget benefits. The Baghdad's actions led to serious financial crisis, thereby social unrest in the north. Yet, Kurdish leaders have not been ready to hand over the sovereignty of petroleum to the federal authorities.

The notion to use oil eventually as a springboard for political independence was pioneered, according to multiple interviewees, by former Minister of Natural Resources

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<sup>637</sup> Interview with a political economic professor, American University of Iraq, September 2020.

<sup>638</sup> 45 percent of KRG oil was for government and 55 percent was for companies, Draw Media, January 15, 2021, [https://drawmedia.net/page\\_detail?smart-id=7631](https://drawmedia.net/page_detail?smart-id=7631).

<sup>639</sup> Interview with a political economist professor in Kurdistan Region, October 2020.

Ashti Hawrami who as summer 2021 serves as energy affairs advisor to KRG Prime Minister Masrour Barzani. Hawrami, who was described as a "Kurdish ultranationalist," by several interviewees, controlled almost everything about oil and had a massive influence over the Kurdish leaders. Former and current MPs who were interviewed for this dissertation highlighted that Hawrami planted the seed of an independent Kurdistan based on oil in minds of the Kurdish political elite. Hawrami suggested that he could take Kurdistan Region towards independence step by step in two or three years provided the oil affairs and the contracting of the IOCs were given to him. According to the interviewees, Hawrami told Kurdish policy makers, "We would be tired and face difficulties in the first three years; however, we will become the owner of our own independent economy; therefore, none [company] would be ready to leave Kurdistan."<sup>640</sup>

The KRG could not have developed its oil sector without facilitation from Turkey. Therefore, Ankara was indispensable to the KRG's oil policy. As political tensions between Erbil and Baghdad were simmering, in particular over the status of Kirkuk and the failure to implement Article 140 of the Constitution pertaining the future of Kirkuk by 2007, the KRG's relationship was improving with Turkey. There were political changes in Ankara with the ascendancy of the "Justice and Development Party" (AKP) led by then prime minister Recep Tayyip Erdogan. The prime minister eased restrictions on Kurdish cultural and economic rights. In the meantime, Turkey was driven by what it called "Zero Problem Policy" with its neighborhood, which also helped improving Kurdish-Turkish

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<sup>640</sup> WhatsApp interview with a Kurdish researcher and analyst, January 2021.

political and economic ties.<sup>641</sup> The idea was to increase Turkish influence in its immediate neighborhood through economic and cultural means and use religion as a common denominator to project Turkish power.

Moreover, the Turkish economy was fast growing and was in need of reliable energy.

Turkey lacked oil and gas and was dependent on two archrivals of Russia and Iran for most of its energy needs. On the other hand, the Kurdistan Region at its backyard had massive hydrocarbon reserves but lacked a patron, and technical and financial means to develop its energy sector. So, Erbil and Ankara seemed to be complementary to one another. To attract Turkish investment, the KRG granted lucrative oil deals to the Turkish government companies for two reasons. First, having Turkey on its side served as a counterbalance to Baghdad's efforts to reassert its authority over the KRG's energy sector. Secondly, the KRG needed a route to the international market and Turkey was the most viable candidate.<sup>642</sup> As a result, the KRG and Ankara signed several energy deals in 2012, including two oil and gas pipelines from the KRI to Turkey bypassing Baghdad. Moreover, they signed a 50-year long term energy deal in late 2013, whose details as of March 2022 have remained confidential.<sup>643</sup> The agreement was a win-win situation for both Erbil and Ankara. From Turkey's perspective, access to cheap and reliable Kurdish energy and an increase of its political clout in Iraq was a strategic choice that overrode potential

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<sup>641</sup> Davutoglu, Ahmet Turkey's Zero-Problems Foreign Policy, Foreign Policy, May 20, 2010, <https://foreignpolicy.com/2010/05/20/turkeys-zero-problems-foreign-policy/>.

<sup>642</sup> Tol, Gönül. Untangling the Turkey-KRG Energy Partnership: Looking Beyond Economic Drivers. Global Turkey in Europe Policy Brief 14, 2014.

<sup>643</sup> Turkey, Iraqi Kurdistan agree on '50-year energy accord', Hurriyet, June 05, 2014, <https://www.hurriyetdailynews.com/turkey-iraqi-kurdistan-agree-on-50-year-energy-accord-67428>.

political consequences such as resurgence of Kurdish nationalism in Turkey, while Erbil secured the support of foreign support for its policy, found a route for oil export and turned hostile relationships into cordial diplomatic and economic ties with Ankara.

However, it's also important to note that the Erbil Ankara relationship were asymmetric and Erbil was dependent on goodwill of Ankara. Turkey also made sure that the KRG oil revenue would be under its control. Thus, it conditioned the sale of Kurdish oil to its deposit in an "escrow account" at the Turkish state Halkbank. Turkey allowed the buyers of the Kurdish oil to deposit the money into the bank in 2014.<sup>644</sup> Ankara seized the KRG's oil revenue in 2016 due disagreement over terms of oil contracts in the Kurdistan Region. This should have signaled the danger of dependency with Turkey as the only source of exporting oil. This risk became quite clear during the independence referendum. Turkey reminded the KRG of the reality that Ankara has the ultimate control over the Kurdish oil. "After this, let's see through which channels the northern Iraqi regional government will send its oil, or where it will sell it," said Erdogan. "We have the tap. The moment we close the tap, then it's done," he added.<sup>645</sup> So for Turkey, allowing the Kurdistan Region to export oil did not pose a national security threat. Turkey has undisputable control over the KRG's oil export and this was one of the Achilles' heels of the Kurdish energy strategy. As a result, the KRG was completely dependent on the good will of one country

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<sup>644</sup> Turkey's Halkbank collects the revenue of Kurdish oil, Daily Sabah, June 24, 2014, <https://www.dailysabah.com/energy/2014/06/24/turkeys-halkbank-collects-the-revenue-of-kurdish-oil>.

<sup>645</sup> 'We have the tap': Turkey's Erdogan threatens oil flow from Iraq's Kurdish area, Reuters, September 27, 2017, <https://www.reuters.com/article/us-mideast-crisis-kurds-referendum-turke/we-have-the-tap-turkeys-erdogan-threatens-oil-flow-from-iraqs-kurdish-area-idUSKCN1C018V>.

and lacked a diversified export route.

The success of the KRG to turn Turkey from an unfriendly neighbor into an economic and energy partner formed a view among the Kurdish leadership that they could replicate the model that they had built with Turkey with other countries through the utilization of petroleum. The hope was this strategy would lead to an independent Kurdish state at the end.<sup>646</sup> Despite the fragility of the Kurdish oil export outlet, several interviewees emphasized that there was a strong belief inside the KDP that Turkey would not stop the KRG's oil export and potentially back an independent Kurdistan after the referendum. A former U.S. official emphasized that Ashti Hawrami was telling Masoud Barzani that, "We will be able to fund this, and the Turks will continue to export our oil."<sup>647</sup> Such notion was also promoted among some Western experts and academics that the Kurdish energy could eventually convince Turkey to back an independent Kurdistan in northern Iraq because Ankara would have access to cheap and reliable energy at its backyard. For example, Gareth Stansfield published a paper in 2014 analyzing the new situation in the Middle East, arguing that Turkey would back an independent Kurdistan.<sup>648</sup>

"The notion that Turkey would prevent any semblance of a Kurdish entity emerging anywhere in the region because of the possibility of such a development being emulated by the Kurds of Turkey is a stock feature of analyses of Turkey's foreign policy towards her neighbors. Yet a change has been occurring since 2007 that can now be seen as being the exact opposite of Turkey's earlier stance. Far from opposing the emergence of either a Kurdistan Region of a confederal Iraq, or a Republic of Kurdistan from the embers of a

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<sup>646</sup> Multiple interviewees stressed oil was the key element of KRG's strategy to achieve political independence.

<sup>647</sup> Skype interview with former U.S official, January 2021.

<sup>648</sup> Stansfield, Gareth, "Kurdistan Rising: To Acknowledge or Ignore the Unraveling of Iraq", July 2014. P 7.

collapsed Iraq, a strong case can be made that Turkey would at least tacitly, maybe even actively, support such outcomes.”<sup>649</sup>

Moreover, the political-strategic significance of oil was deeply imprinted on the mind of the Kurdish leaders. They believed that oil could deliver the birth of a Kurdish state in the future.<sup>650</sup> Among these, several interviewees, reported that former MNR minister Hawrami was a strong believer in the power of oil to protect the Kurdistan Region even if it failed to secure statehood. “I get the impression from him [Hawrami ]that he had convinced Barzani that oil would be able to fund an independent Kurdistan,” said a U.S. diplomat.<sup>651</sup> Hawrami also told the Kurdistan’s parliament Natural Resources Committee in a closed meeting, that “In the past the mountains protected Kurds, now barrels of oil protect the Kurdistan Region.”<sup>652</sup> One MP argued that these were talking points motivating the notion of an independent Kurdistan in the mind of former KRP Masoud Barzani. However, it’s naïve to think that oil or the words of Hawarami were alone the only factor influenced a savvy politician and a military strategist like Barzani who have spent his entire life in battlefields and politics. Yet, there was a constant overemphasis by the Kurdish policy makers that oil could turn the Kurdistan Region into an economic paradise and Iraq would never dare move militarily against Kurds, in particular when the IOCs had invested billions of dollars in the Kurdish enclave.<sup>653</sup> Therefore, one cannot exclude the influence of oil on the decision to hold the independence referendum.

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<sup>649</sup> Ibid.

<sup>650</sup> Khalil, Lydia, *Stability in Iraqi Kurdistan: Reality or Mirage?* June 2009. P.9[https://www.brookings.edu/wp-content/uploads/2016/06/06\\_kurdistan\\_khalil.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/06_kurdistan_khalil.pdf),

<sup>651</sup> Skype interview with a U.S. diplomat, January 2021.

<sup>652</sup> Interview with former chief of Natural Resources Committee in Kurdistan Parliament, October 2020.

<sup>653</sup> Interview with Kurdish MP in the Iraqi Parliament, October 2020.

At the same time, the ruling parties, especially the KDP was very optimistic about oil becoming a vessel for political independence. Such hopeful outlook for independence was based on the analysis and the figures provided by the Minister of Natural Resources to the ruling parties and the improved relationships with Turkey. “Hawrami was saying that oil production could hit over a million barrels per day,” said former MP Adnan Osman, adding “This inflated the optimism of the Kurdish leaders and made them overconfidence about the positive impact of oil on the independence of Kurdistan Region.”<sup>654</sup> In fact, Hawrami had said in multiple occasions that the KRG’s oil production could hit up to two million BOPD by 2019.<sup>655</sup> Thus, it’s not a surprise if the Kurdish leadership to have based their economic and political plans based on such speculations provided by the minister.

The optimism was further amplified when two major U.S. oil companies ExxonMobil and Chevron signed contracts with the KRG, investing millions do dollars in the Kurdistan Region in 2012.<sup>656</sup> The KRG viewed the deals through a political prism and pinned lots of hope on it. "I believe that one of the premises of the decision to hold the referendum in the Kurdistan region was the existence of the U.S. investment," said a senior Kurdish official at the Council of Ministers. “The decision-makers thought that

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<sup>654</sup> Interview with a former MP and former senior leader of Gorran Adnan Osman, September 2020.

<sup>655</sup> Stansfield, Gareath, *The Transformational Effects of the Oil and Gas Strategy of the Kurdistan Regional Government of Iraq*, April 2014.

<sup>656</sup> Zhdannikov, Dmitry, Coles, Isabel, Parker, Ned Special Report: How Exxon helped make Iraqi Kurdistan, Reuters, December 03, 2014 <https://www.reuters.com/article/us-mideast-crisis-kurdistan-specialreport/special-report-how-exxon-helped-make-iraqi-kurdistan-idUSKCN0JH18720141204>.

although the Kurdistan Region might not have the potential to become an independent state due to its harsh geopolitical location, the U.S. investment through ExxonMobil and other companies worth billions of dollars in the Kurdistan Region could eventually force the United States to intervene to protect its investment,"<sup>657</sup> he added. Nothing can better support this assertion than what former Kurdistan Region President Masoud Barzani said in 2012 regarding the importance of the U.S. investment as a security shield to defend the Kurdistan Region. "If ExxonMobil came, it would be equal to 10 American military divisions," said Barzani. "They will defend the area if their interests are here."<sup>658</sup>

Moreover, Kurdish leaders were influenced by the Arab Gulf countries experience in turning oil into tremendous development and state building projects. Thus, they continued to state that the vision was to make Erbil a new "Dubai."<sup>659</sup> Dr. Sardar Aziz, an advisor in the Kurdistan Parliament, suggested that for the KRG, oil was not only about economics but also a geopolitical commodity to establish direct link with the big powers. "They saw oil not only as a source of income but also as a tool for survival, as a tool to link to big power in the world," he explained. Accordingly, the Kurdish mindset regarding oil is coming from their reading of Gulf countries and their abilities to turn oil into a strategic tool of protection. "So, such small countries in a volatile place, they have resources, so they get protection."<sup>660</sup> So, Kurdish decision makers followed the footsteps

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<sup>657</sup> Interview with a senior KRG official September 2020.

<sup>658</sup> Barzani to US: Don't sell F-16 to Iraqi PM, Hurriyet, April 24, 2012, <https://www.hurriyetaidailynews.com/barzani-to-us-dont-sell-f-16-to-iraqi-pm-19128>.

<sup>659</sup> Wolf, Nick, "Is Kurdistan the next Dubai?", The Guardian, May 05, 2010, <https://www.theguardian.com/commentisfree/2010/may/05/kurdistan-next-dubai-iraq>.

<sup>660</sup> Interview with Dr. Sardar Aziz, an academic and advisor for Kurdistan Parliament, October 2020.

of the Gulf countries in the hope that their substantial amount of oil coupled with foreign investment would lead to protection of Kurdistan by the great powers.

The KDP's narrative promoted by its political elite, media, and academia regarding oil, is closed connected with political independence of the Kurdistan Region.<sup>661</sup> There was a strong belief that if Kurdistan Region was able to convince the international oil companies to invest, bring in the superpowers' economic interests, extract oil, and export it, then the Kurdistan Region could secure the support of the external powers for independence. Accordingly, from 2006, the KDP leaders and its media machinery strongly started feeding the public that the investment of the IOCs would lead to shared interests with the superpowers. For this reason, they become a supporter of the Kurdistan Region if it were to take a political decision to become a sovereign state.

It's important to emphasize that this view had also traction in the West. Some believed that Obama's order to bomb ISIS when they closed in on Erbil in August 2014 was to protect the U.S. investment indirectly. For example, Steve Cole in the New Yorker wrote:

“Obama's defense of Erbil is effectively the defense of an undeclared Kurdish oil state whose sources of geopolitical appeal—as a long-term, non-Russian supplier of oil and gas to Europe, for example—are best not spoken of in polite or naïve company, as Al Swearngen would well understand.”<sup>662</sup>

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<sup>661</sup>Kaka Khan, Aram, [Kurdistan State To be one of the richest countries in Oil Production](#), Aram, Kurdistan 24, September, 20, 2017.

<sup>662</sup> Coll, Steve, Oil and Erbil, August 2014, <https://www.newyorker.com/news/daily-comment/oil-erbil>.

KRP Nechirvan Barzani also expressed similar view about the role of oil in protecting the Kurdistan region. “I do not say that the oil policy did not play a role in bolstering the protection for Kurdistan. It has been influential, but it was not decisive, and it was not everything.”<sup>663</sup> To Barzani’s point, in addition to U.S. economic interests and the IOCs in the Kurdistan Region, many U.S. diplomats, and citizens were in Erbil, as such, Obama might have justified the authorization of use of force to protect Americans in Erbil.<sup>664</sup>

By 2012, the notion that an oil-based independent economy as a catalyst for Kurdish statehood was happening in the Kurdish public. The energy policy had tremendous public support. According to a survey conducted by Rudaw Media Network in 2013, nearly 80 percent of the participants backed the KRG’s oil export to via Turkey and only 17 percent believed that the KRG’s decision was a bad idea.<sup>665</sup> The KRG marketed oil as a path toward independence.<sup>666</sup> As a result, the KRG’s oil policy faced no public resistance especially for accountability and transparency as the idea of economic independence for Kurds resonated with people’s thirst for political independence from Baghdad. “Oil was the most esthetic commodity for average Kurds because it inspired the sense of fulfilling

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<sup>663</sup> Interview with Kurdistan Region President, October 2020.

<sup>664</sup> Obama Allows Limited Airstrikes on ISIS, NYT, August 08, 2014, <https://www.nytimes.com/2014/08/08/world/middleeast/obama-weighs-military-strikes-to-aid-trapped-iraqis-officials-say.html>.

<sup>665</sup> Rudaw survey: Most of participants back Kurdistan’s Oil Export, Rudaw, December 04, 2013, <https://www.rudaw.net/sorani/kurdistan/041220134>.

<sup>666</sup> Ahmed, A., & Krauss, C. (2014, October 25). *Oil gives Kurds a path to independence, and conflict With Baghdad*. The New York Times. <https://www.nytimes.com/2014/10/26/world/oil-gives-kurds-a-path-to-independence-and-conflict-with-baghdad.html>.

a long due dream of an independent Kurdistan,” said an economist.<sup>667</sup> But the KRG never defined or explained its economic independence. Instead, the strategy was to link and identify it with the oil policy without telling the people what constituted economic independence or how transparent it was. “Nobody knew what it meant because people in Kurdistan for 100 years have been fond of independence, freedom, then anything that brings them the feeling of independence, they like it, just the word independence is enough” for people to overlook the deficiency of the policy and its potential consequences, explained the interviewee.<sup>668</sup> The desire for political independence has always been there for Kurds as evidenced by the unofficial 2005 referendum in which 98 percent of participants voted to secede from Iraq.<sup>669</sup> So it made perfect sense for the ruling parties to link oil policy, which lacked transparency and riddled with corruption,<sup>670</sup> to political independence.

Even in theory if the drive for economic independence might not have been necessarily a secret drive for political independence, there is little doubt that an independent economy would make Kurdistan's political independence more attainable, practical, and less that of a mere dream. As a senior Kurdish government official suggested that the KRG had no problem with the political ramifications of oil if it led to an independent Kurdistan. The

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<sup>667</sup> Interview with a Kurdish economist, September 2020 in Kurdistan Region.

<sup>668</sup> Ibid.

<sup>669</sup> Azad Berwari & Thomas Ambrosio (2008) The Kurdistan Referendum Movement: Political Opportunity Structures and National Identity, *Democratization*, 15:5, 891-908, DOI: [10.1080/13510340802362489](https://doi.org/10.1080/13510340802362489).

<sup>670</sup> Corruption, lack of transparency killing Kurdistan’s energy sector, panel argues, April 27, 2016, <https://www.rudaw.net/english/business/270420161>.

motive behind economic independence based on energy was to make Kurdistan economically independent from Baghdad. “But ‘great’ it paved the way for political independence,” emphasized the official.<sup>671</sup> For this reason, the federal government understood the political risks and ramifications associated with the KRG’s attempts to free itself from the financial shackles of Baghdad. Therefore, it sought to undermine the KRG’s drive for an economic independence through legal means and threats. It blacklisted the IOCs invested in the KRI and took legal actions the companies that purchased KRG’s oil in an attempt to stop the Kurdish oil export and dissuade Kurds from pursuing their oil policy.<sup>672</sup>

The impacts of oil on the decision to hold the independence referendum in 2017 cannot be underestimated. Kurdish official in a position of power and with a deep knowledge of the oil policy recognized that oil was an enabler of the referendum and was a facilitator for an independent Kurdistan in the future. "Would we have gone for political independence, had we not had the economic means to sustain it? Asked a KRG official. “The fact that there were on paper numbers that could support Kurdistan's economic independence and support potential political independence as a result of it justified 'let's do this,'" he explained. The KRG official insisted that “If there were not the 500,000 plus barrel of oil under the KRG control at the time, no way we would have done it. No way there has been a justification to do it because we were saying, who would pay for

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<sup>671</sup> Interview with a senior KRG official, September 2020.

<sup>672</sup> Ahmed, A., & Krauss, C. “Oil gives Kurds a path to independence, and conflict With Baghdad,” The New York Times, October 25, 2014, <https://www.nytimes.com/2014/10/26/world/oil-gives-kurds-a-path-to-independence-and-conflict-with-baghdad.html>.

this?"<sup>673</sup> This is self-evident that oil indeed motivated the Kurdish independence bid and the MNR Minister's statistics regarding the ability of the KRG to double oil production made the Kurdish leaders very optimistic regarding the power of oil to overcome regional and international resistance about an independent Kurdish state.

No doubt that for Kurds, the political independence was the strategic underpinning of the KRG oil policy but it's important to highlight that the KRG oil policy faced structural limits and weakness due to complete dependence on Turkey as the only venue for oil export to the international market. "The pipeline to Turkey was hugely successful and important" said a senior Kurdish official in Baghdad, "But a pipeline does not alone deliver independence for you. We need to diversify our export capabilities by connecting with Basra. But you only have the Turkish access, which is a 'golden handcuff.'"<sup>674</sup>

Furthermore, the Kurdish confidence in oil as a vehicle for a Kurdish state was misplaced. Kurdish leaders tried to use oil as a leverage for political independence in a time that petroleum has generally lost its geopolitical significance. Most of the interviewees agreed that Kurds got hold of oil late. "We entered the game very late," said MP Rebwar Karim in the Iraqi Parliament. "We came in a time that the oil price has collapsed, when the United States, Europe, and other countries are seeking other alternatives of energy. The problem is, we came in a terrible time in the same way we did the referendum in a

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<sup>673</sup> Interview with a senior KRG official, September 2020.

<sup>674</sup> Interview with a senior Iraqi Kurdish official in Baghdad, October 2020.

bad time," he explained.<sup>675</sup> This assertion was also emphasized by Dr. Sardar Aziz, believing that the oil was no longer a geopolitical commodity. "The West does not rely on external oil for their energy security. And that shift has happened long. So that mindset needs change that if we have oil, we can get what we want," he argued. The United States, which was heavily depended on the Arab Gulf oil has become a net exporter.<sup>676</sup> This has lessened the significance geopolitical leverage of oil in relative to last century due to the technological transformations that have made shale oil a deep-sea oil accessible and incremental progression toward renewable energy. In addition, the United States was a security umbrella for the Gulf countries. in particular Saudi Arabia since they established their diplomatic relations in 1943.<sup>677</sup> American presidents pledged protection of Saudi Arabia from external attacks in return to access to the kingdom's oil in the past.<sup>678</sup> In the past, the Arabs could leverage oil and influence the global price of oil as it happened during the Israel-Arab war in 1973.<sup>679</sup> However, there has been a transformation over the importance of the geopolitics of oil, The Arab Gulf countries appear to have recognized the new reality. Therefore, even they have tried to expand their diplomatic relations with Russia<sup>680</sup> and China,<sup>681</sup> and on the regional level, they made peace with

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<sup>675</sup> Interview with a Kurdish Iraqi MP Rebwar Karim, October 2002.

<sup>676</sup> "U.S. Becomes Net Exporter of Oil, Fuels for First Time in Decades", WSJ, December 06,2018, <https://www.wsj.com/articles/u-s-becomes-net-exporter-of-oil-fuels-for-first-time-in-decades-1544128404>

<sup>677</sup> "Beyond oil: the US-Saudi alliance, explained", Vox, January 06, 2016, <https://www.vox.com/2016/1/6/10719728/us-saudi-arabia-allies>.

<sup>678</sup> "Oil Dependence and U.S. Foreign Policy 1850 – 2017", CFR, <https://www.cfr.org/timeline/oil-dependence-and-us-foreign-policy>.

<sup>679</sup> Ibid.

<sup>680</sup> Issaev, L., Kozhanov, N. "Diversifying relationships: Russian policy toward GCC". *Int Polit* **58**, 884–902 (2021). <https://doi.org/10.1057/s41311-021-00286-4>

<sup>681</sup> "Secret Chinese Port Project in Persian Gulf Rattles U.S. Relations With U.A.E", WSJ, November 19, 2021, <https://www.wsj.com/articles/us-china-uae-military-11637274224>

Israel in 2020 to counter Iran's hegemony in the Middle East.<sup>682</sup> The Arab Gulf-Israel rapprochement came after the 2019 Abqaiq–Khurais attack in Saudi Arabia, which led to the disruption of over 5 million barrels of oil to the global market yet with no or minimal impact on the price.<sup>683</sup> The United States, which has been providing a security umbrella to the Arab Gulf countries remained indifferent to the attack despite acknowledging that the Iranian backed militia groups were responsible for the act. Consequently, These countries had to look for other allies in the region to counter threats emanating, such as Iran, and Israel became uncomfortable ally for them in this quest.<sup>684</sup>

## **Kirkuk and Oil**

Although I touched on the issue of Kirkuk previously, the importance of Kirkuk in particular after the meltdown of the Iraqi Army in the summer of 2014 in the face of ISIS warrants a deeper dive into the importance of Kirkuk for the Kurdish independence move in 2017. The defeat of the Iraqi Army provided Kurds with the opportunity to extend their physical control over the oil rich province of Kirkuk. That caused a real change in the energy balance, thereby a shift of balance of power in favor of the KRG. Although Kirkuk had been technically under the political and to some extent the security control of Kurds, the oilfields were under the exclusive control of the Iraqi government until June

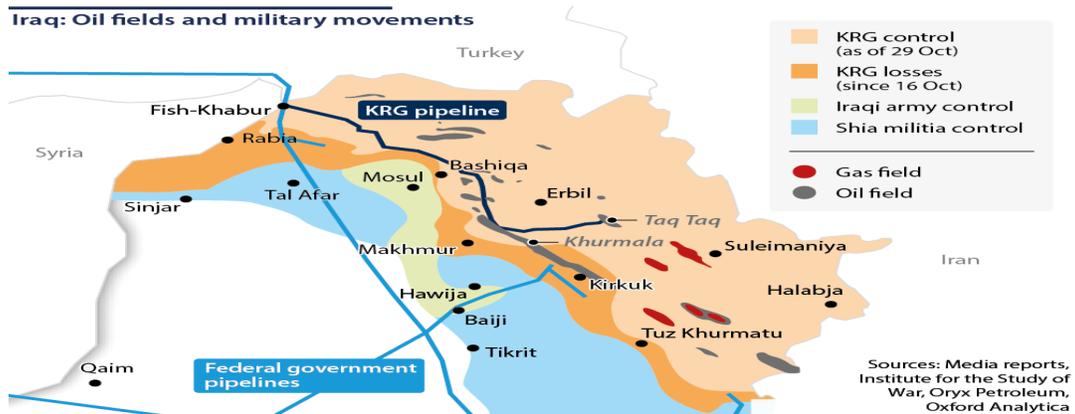
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<sup>682</sup> Akbari, Arash, “The Abraham Accord, Iran, and The Geopolitics of the Persian Gulf”, Russian International Affairs, Council September 6, 2021. <https://russiancouncil.ru/en/blogs/arash-akbari/the-abraham-accord-iran-and-the-geopolitics-of-the-persian-gulf/>

<sup>683</sup> “Two Major Saudi Oil Installations Hit by Drone Strike, and U.S. Blames Iran”, New York Times, September 14, 2019, <https://www.nytimes.com/2019/09/14/world/middleeast/saudi-arabia-refineries-drone-attack.html>.

<sup>684</sup> Interview with Dr. Sardar Aziz, scholar and advisor in Kurdistan Parliament, October 2020.

2014. But that changed when the federal authority collapsed in 2014, allowing Kurds took control over capture of all the Kirkuk oilfields Jambur, Bai Hassan, Havana, Ain Zala in Mosul.<sup>685</sup>



Map showing lost territories after 2017 independence referendum. Source: Oxford Analytica

Before ISIS’s blitzkrieg, the unreliability, and constant vandalism of Kirkuk-Ceyhan pipeline by Sunni insurgency had forced Baghdad to reach an agreement with the KRG.<sup>686</sup> As a result, a pipeline was constructed, linking the three domes at Kirkuk and other adjacent fields to the KRG pipeline in June 2014.<sup>687</sup> According to the deal signed in April 2014, Baghdad could use the KRG’s pipeline to export oil from Kirkuk to international market. However, the advent of ISIS months later completely changed the political, territorial energy, and military dynamics in Iraq. Baghdad was unlikely to have

<sup>685</sup> Sheppard, David, “With new grip on oil fields, Iraq Kurds unveil plan to ramp up exports”, Reuters, 25, June 2014, <https://www.reuters.com/article/us-iraq-security-kurds-oil/with-new-grip-on-oil-fields-iraq-kurds-unveil-plan-to-ramp-up-exports-idUSKBN0F02KL20140625>.

<sup>686</sup> “Iraq government reaches oil deal with Kurds”, AJ, December 02, 2014, <https://www.aljazeera.com/economy/2014/12/2/iraq-government-reaches-oil-deal-with-kurds>.

<sup>687</sup> Stansfield, Gareath, “The Transformational Effects of the Oil and Gas Strategy of the Kurdistan Regional Government of Iraq”, April 2014.

predicted the fall of Mosul to ISIS and the KRG's control of the Kirkuk oilfields. The shifts enabled to double oil production and expanded their territorial control by more than 40 percent.<sup>688</sup>

In the meantime, after the control of Kirkuk, the KRG precipitately declared victory by stating that Article 140 of the Constitution was implemented, and they would no longer discuss Kirkuk with Baghdad. "We have been patient for 10 years with the federal government to solve the problems of these (disputed) areas" said Barzani in a joint press conference with visiting British Foreign Secretary William Hague.<sup>689</sup> The statement brought ire and strong reactions from Baghdad. In turn, the KRG tamp down the high political tension over Kirkuk by taking a conciliatory tone regarding sharing the revenues of the oilfields in Kirkuk but insisted that Kurds would not concede their sovereignty over oil to Baghdad. Speaking on the oilfields in Kirkuk, then KRG Minister of Natural Resources Ashti Hawrami suggested that despite Kurdish control of Kirkuk and their ability to export oil, the KRG would seek a deal with Baghdad. However, he warned that "Resources and revenues must be shared. But pre-Mosul Iraq has gone and there is now a new reality."<sup>690</sup> The statements were indications of an overconfident Kurdistan Region whose leaders believed that Iraq would not be able to restore its previous status and

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<sup>688</sup> "In fight against Islamic State, Kurds expand their territory", Reuters, October 10, 2016, <https://www.reuters.com/investigates/special-report/mideast-crisis-kurds-land/>.

<sup>689</sup> "Kurdistan's Barzani: Article 140 of Iraqi constitution completed for us and will not talk about it anymore", EKurd, June 27, 2014, <https://ekurd.net/mismas/articles/misc2014/6/kirkuk829.htm>.

<sup>690</sup> Sheppard, David, "With new grip on oil fields, Iraq Kurds unveil plan to ramp up exports", Reuters, 25, June 2014, <https://www.reuters.com/article/us-iraq-security-kurds-oil/with-new-grip-on-oil-fields-iraq-kurds-unveil-plan-to-ramp-up-exports-idUSKBN0F02KL20140625>.

Kurds would not relinquish their control over Kirkuk. At this time, the KRG was exporting only 150,000 BOPD through their pipeline, which had the capacity of exporting 300,000 BOPD. Hewrami also presented an optimistic outlook of the KRG's capacity to increase oil production and export, emphasizing that the oil export could hit 400,000 BOPD by the end of 2014 when Kirkuk oil would start pumping.<sup>691</sup>

Although the KRG had the control of Kirkuk oilfields, it was still looking for a deal with Baghdad to legitimize its oil exports. As a result, backed by the U.S., Erbil and Baghdad reached an oil deal that allowed the KRG to export Kirkuk oil without facing legal jeopardy in December 2014.<sup>692</sup> The terms of the agreement committed the KRG to send 250,000 BOPD to the Iraqi government and export 300,000 BOPD of Kirkuk oil through the KRG-Turkey pipeline. In return, Baghdad would give the KRG its share of the Iraqi budget and support for the Peshmerga forces logistically and militarily.<sup>693</sup> However, the deal proved short-lived as both sides exchanged accusations for violating the terms of the agreement. The Iraqi government accused the KRG of failing to deliver oil to the central government while the KRG countered by saying that Iraq discriminated against Kurds financially by refusing to send the KRG's share of the federal budget.<sup>694</sup> However, the disagreement did not stop the KRG from exporting petroleum.

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<sup>691</sup> "Kirkuk oil included in future exports through Kurdish pipeline", Daily Sabah, Jun 27, 2014, <https://www.dailysabah.com/energy/2014/06/27/kirkuk-oil-included-in-future-exports-through-kurdish-pipeline>.

<sup>692</sup> Abbas, Mushreq. "Oil Deal a Sign of Hope between Baghdad, Erbil." *Al-Monitor*. Al-Monitor, 26 Sept. 2019. <https://www.al-monitor.com/pulse/originals/2014/12/iraq-kurdistan-oil-agreement-relations.html>.

<sup>693</sup> Ibid

<sup>694</sup> IBid

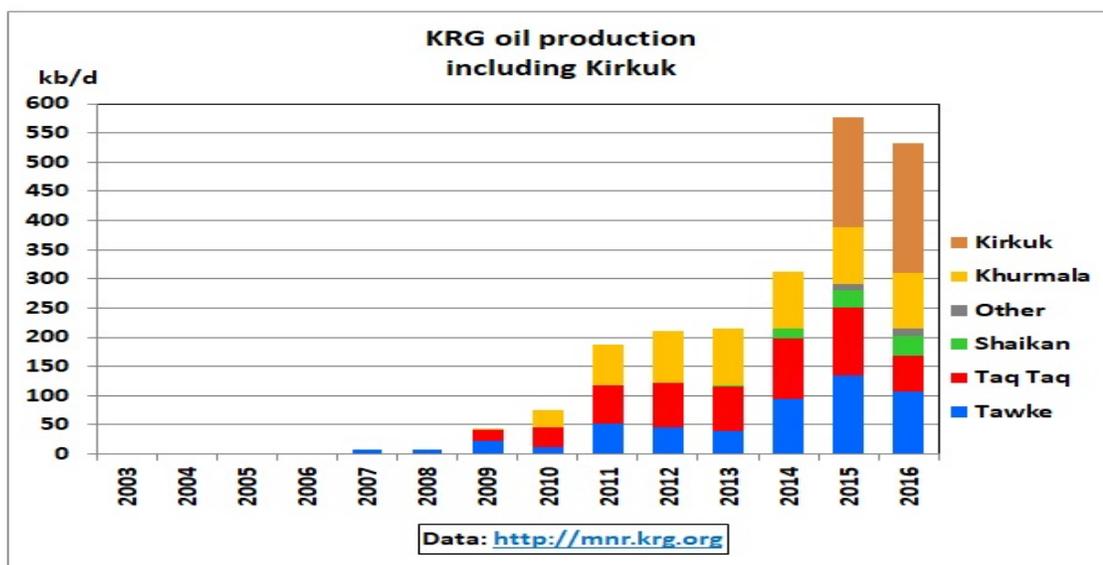
By 2015, the KRG was exporting nearly 600,000 BOPD, including oil from Kirkuk and eyeing to increase oil export to a million in the same year.<sup>695</sup> Interviewees emphasized that the massive oil revenue from Kirkuk and hope for an increase in oil price were a contributing factor in motivating the Kurdish independence referendum and giving the KRG the notion that it could breach agreements with Baghdad without consequences.<sup>696</sup> Accordingly, the independence proposition was based on two premises – a hike oil price and an increase in the KRG oil production to over a million BOPD. The combination of the two, Kurdish leaders believed, would eventually make the KRG self-sufficient economically and free the Kurdish enclave from the financial yoke of the federal government, which in turn could lead to the realization of the political independence of Kurdistan Region from Iraq. “I understand from some senior Kurdish officials that the idea that oil could actually provide enough revenue to fund a Kurdish state when Kurds had controlled the whole Kirkuk area,”<sup>697</sup> said a senior U.S. diplomat who reaffirmed that the control of Kirkuk oil was a game changer in the calculation of the Kurdish leadership’s thinking regarding an independent Kurdistan.

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<sup>695</sup> Zhdannikov, Dmitry. "Exclusive: How Kurdistan Bypassed Baghdad and Sold Oil on Global Markets." *Reuters*. Thomson Reuters, 17 Nov. 2015. <https://www.reuters.com/article/us-iraq-kurdistan-oil/exclusive-how-kurdistan-bypassed-baghdad-and-sold-oil-on-global-markets-idUSKCN0T61HH20151117>.

<sup>696</sup> Multiple interviews with senior KRG officials between September and October 2020.

<sup>697</sup> Skype interview with a former senior U.S. official, January 2021.



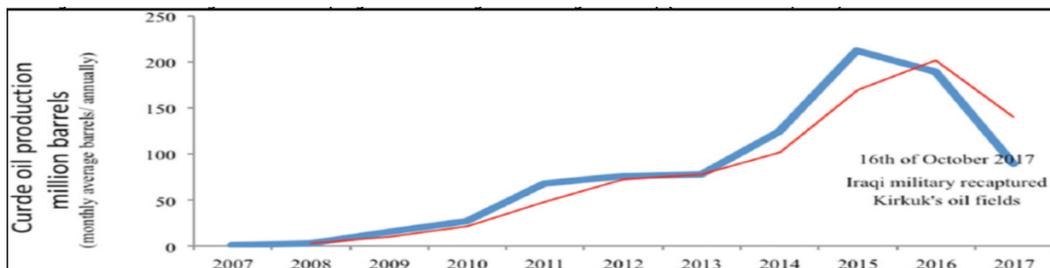
The graph illustrates the boost of the KRG's oil production to nearly 600,000 BOPD after adding Kirkuk in 2015. Source: Crude Oil Peak.

Commenting on the strategic importance of Kirkuk on the Kurdish statehood project, an American political and energy expert with close ties to the KRG highlighted that the control of Kirkuk in 2014 inflated the optimism of Kurdish leaders that they had enough oil to fund the project of an independent Kurdistan. "When you put all of these [oilfields from Kirkuk and the KRG's] together, it might be different. It almost doubled their production straight away. That was a very significant factor, and I think it made them, in my mind, the Kurdistan region rather overconfident."<sup>698</sup> The boost of confidence regarding independence was also highlighted by Kurdish officials who were closely involved in the 2017 independence referendum. "Oil certainly was a factor, and it was the enabler of the referendum," said a senior Kurdish military official who was involved in

<sup>698</sup> Phone interview with an American political and energy expert on Iraq and Kurdistan Region, January 2021.

the referendum. “But all the military operations and injustice that were committed by the successive Iraqi regimes against Kurds were also factors,”<sup>699</sup> he added.

The control of Kirkuk oil injected unprecedented massive revenue into the coffers of the KRG. The KRG institutions were not only incapable of handling the oil rents properly, but oil also led to the distortion the geopolitical reality for Kurdish decision makers. “This was almost a case of 'wow,' what we are going to do?”<sup>700</sup> said a senior Kurdish official. Correspondently, they believed that the time had come to leverage oil for political independence. “You see other people quickly coming to money, what they do? They immediately buy a big shiny house, they buy lots of nice cars, very expensive furniture, they invite all of their friends because they have not seen it before,” explained the senior official. Hence, this conviction had originated from a false optimism that the prospect of an oil rich Kurdish state would be both politically acceptable and economically sustainable.



The graph illustrates a plunge in KRG's revenue after the Iraqi forces drove out Kurdish forces out of Kirkuk on October 16, 2017.<sup>701</sup>

<sup>699</sup> Interview with a senior Kurdish military official, October 2020.

<sup>700</sup> Interview with senior KRG official, September 2020.

<sup>701</sup> Heshmati Almas and Auzer, Khazal, “The Role of Natural Resources in Kurdistan Regional Government’s Economic Development”, <https://journals.ukh.edu.krd/index.php/ukhjss/article/view/31/92>.

In addition, another significance aspect of Kirkuk for Kurds is its geographical and historical importance. Arguably, Kirkuk has become a reference point of Kurdish nationalism for over a century in a way that the political fate of Kirkuk is tied into a larger plight of Kurds to independence. Because of this, it's almost inconceivable for Kurds to have a Kurdish state without Kirkuk. Historically, different Iraqi regimes have understood this weight of Kirkuk for Kurds politically, economically, and nationalistically. Therefore, despite Iraq's complete occupation with the war against ISIS from 2014 to 2017, officials in Baghdad believed that the recapture of Kirkuk by the Iraqi security forces would practically derail Kurdistan's plan to secede from Iraq. Accordingly, the Iraqi government focused on driving ISIS from other areas of Iraq, while incrementally mobilizing military forces in the province of Kirkuk for an eventual military confrontation with the Kurdish forces. On October 16, Iraqi forces, including Shia militia forces recaptured Kirkuk after Baghdad had brokered a secret deal with the PUK to hand over Kirkuk to Iraq.<sup>702</sup> In the words of oil researcher Rebeen Fatah, the end of Kurdish control over Kirkuk practically terminated the notion of an independent Kurdistan because everyone knew that a Kurdish state could not happen without Kirkuk.<sup>703</sup>

## **Conclusion**

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<sup>702</sup> Abdulrazaq, Tallah, "Iraq's reconquest of Kirkuk checks Kurdish secession", Al Jazeera, October 17, 2017.

<sup>703</sup> Interview with Rebeen Fata, an oil researcher in Kurdistan Region, September 2020.

This chapter has argued that oil, the presence of the IOCs and the control of the oilfields of Kirkuk influenced the Kurdish decision makers to take practical steps toward independence. Accordingly, one of the premises to make the decisions to hold the 2017 independence referendum was petroleum and the massive revenue the capture of Kirkuk brought to the KRG's treasury. But that did not mean oil contributed to the prospect of an independent Kurdish state positively. In the case of the oil-rich Kurdistan Region, superficially, petroleum appears to have motivated secession, but profoundly it had anti-secessionist effects on the Kurdish secession because: 1- Oil made Kurdish leaders overconfident, thereby inflating their expectations about independence because oil's significance as a geopolitical lever was overrated. 2- It gave them a false sense of political and economic security. 3- It blurred the geopolitical realities of the Kurdistan Region, which made Kurdish leaders overplaying their hand against the central government and the regional countries. Thus, petroleum created an economic and political illusion of independence in the eyes of the Kurdish decision-makers, which led to a catastrophic political miscalculations that not only failed short to advance the cause of the Kurdish statehood but led to its retreat due to its political, economic, territorial and security ramifications.

## Chapter Eight: Conclusion

### Introduction

This dissertation explored and analyzed the factors leading to the 2017 independence referendum in the Kurdistan Region and gauged the effects of oil on the process. The fundamental questions this dissertation has answered are, “*What factors led to the Kurdistan’s independence referendum in 2017?*” And, “*What impacts did oil have on the independence bid?*”. The research project used a qualitative single study as a methodology to answer the questions. The data collection was mainly dependent on primary sources through interviews of people who had an insight into the decision to hold the 2017 independence referendum and the KRG’s oil policy. But the dissertation has also extensively used secondary sources to both bolster the findings of the study and inform the focus of the study.

To answer the first question, the findings of this dissertation show that a fusion of grievances and opportunities led the 2017 independence Kurdistan Region’s referendum. For the second question, it demonstrates that petroleum had anti secessionist effects in the case of the Kurdistan Region. The grievances that served as the driver of the independence bid included political, financial, territorial, and security. Although such grievances had existed for long, the Kurdish independence move only become viable when they

grievances overlapped with four key opportunities because of the advent of ISIS in 2014. These comprised of a weakened central government, expansion of Kurdish territorial control, access to Kirkuk oil, and international military, political, diplomatic, and financial support to Kurdish forces in the fight against ISIS. Three main reasons factored in the timing of the decision – weariness of Kurdish leadership with Washington’s broken promises, fear of dwindling international support for Kurds, and the resurgence of a stronger central government armed by a sectarian force.

And, for the second question regarding the effects of oil on the Kurdish independence, this study’s findings claim that oil did play a role in motivating the Kurdish leaders to take steps toward independence, especially after the control of Kirkuk oilfields in 2014. But petroleum had negative impacts in the case of the Kurdish secessionist attempt for three reasons. 1- Oil made Kurdish leaders overconfident and inflated the expectations of Kurdish leaders about independence because oil’s significance as a geopolitical lever was overrated. 2- It gave them a false sense of political and economic security. 3- It blurred the geopolitical realities of the Kurdistan Region, which made Kurdish leaders overplaying their hand against the central government and the regional countries. Thus, petroleum created an economic and political illusion of independence in the eyes of the Kurdish decision-makers. Therefore, although superficially, petroleum appears to motivate secession in the oil-rich regions, profoundly, it had anti-secessionist effects in the case of the Kurdistan Region.

This dissertation makes two key theoretical contributions to the Kurdish studies and the oil curse literatures. The first theoretical contribution is the secessionist bids could happen as a product of unprecedented fusion of grievances, opportunities, and frustration as demonstrated in the Kurdish case. In other words, there has always been Kurdish desire for an independent state, but in 2017 the desire coincided with multiple overlapping factors that presented unparalleled opportunity in the history of Kurds. This convinced Kurdish leaders to seek to realize the long-awaited dream of independent Kurdistan. The second theoretical contribution for the oil curse literature is oil has anti-secessionist effects. Although resource literature demonstrates that oil motivates secession, this dissertation finds that oil had anti-secessionist impacts in the case of the Kurdistan Region through the following mechanisms. Oil injected overconfidence in Kurdish decision makers, which in turn translated into over-optimism regarding the power of oil to secure economic and political independence for the Kurdistan Region. The source of the overconfidence originate from misperception regarding the power of oil and the lack of understanding pertaining the diminishing geopolitical significance of oil, for example, compared to the last century. Therefore, oil created an economic and political illusion of independence.

## **Grievances**

The results of this study demonstrate that Baghdad's coercive approach, manifested itself in the form of, political, financial, territorial, and security grievances, is the primary driver of the 2017 Kurdistan Region's independence referendum. Baghdad's

approach undermined the power-sharing, revenue sharing mechanisms, and constitutional remedies that were supposed to address the outstanding issues between Erbil and Baghdad to foster a new democratic and federal Iraq based on equal citizenship.

Politically, the foundation of the post-2003 political system in Iraq was "governance by consensus" because it was viewed as an antidote to authoritarianism. As Matolino (2018) notes consensus decision-making is regarded to be "effective in curtailing the ills of adversarial polities", while Rothschild (2005) argues that power-sharing agreement enhances the chance of peace and stability. Accordingly, a breach of power-sharing agreement is a recipe for conflict and instability. Kurds as a minority in Iraq became anxious with the direction Iraq was going under former prime minister Nuri al-Maliki as highlighted by Falah Mustafa, a chief foreign policy advisor for KRP President Nechirvan Barzani, "The decision to go towards the referendum was basically the failure of Baghdad to respect the constitution and to respect a genuine partnership. We were supposed to be genuine partners in this country, partners in decision making, and partners in Iraq as a whole."<sup>704</sup> This sentiment was a reoccurring theme in most of the interviews conducted to this dissertation regardless of the political view points of the interviewees. Governance by consensus in Iraq gradually came under enormous pressure by the Shia forces in Iraq and the United States as evidenced by the passing of the 2009 election law, diminishing the political influence of Kurds in

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<sup>704</sup> Interview with Falah Mustafa, a chief foreign policy advisor for KRP President Nechirvan Barzani, October 2020.

Baghdad, reducing the share of the Kurdistan Region's budget from the federal government, and dropping the number of Kurds in the Iraqi security forces. These deepened the Kurdish suspicion of the central government in a way that Kurds started questioning themselves about their future in the country as evidenced by KRP Nechivran Barzani, stating “Where we are after 17 years in this new country? The constitution has not been implemented.”

Financially, Baghdad's "redistribution policy" is one of the causes of the Kurdish independence bid in 2017. This result confirms the claims of Sorens (2011), Paine (2016), Hunziker and Cederman (2017), who contend that the central government's "redistribution policy" influences the secessionist tendency of the autonomous regions. The most critical turning point in the relations between Erbil and Baghdad was the passing of the 2013 budget law without the approval of Kurds. A thin majority of 168 votes passed the law out of 325 in the Council of Representatives – a measure described as "post-Saddam Iraq's most anti-Kurdish budget."<sup>705</sup> For example, article 10 of the law committed the KRG to provide 250,000 BOPD to Iraq's oil marketing institution known as SOMO. The failure of the KRG to meet the figure gave the central government to withhold and cut the KRG's share of the federal budget. Moreover, the budget law had additional non-budgetary punitive measures to the KRG such as putting the “KRG airspace, communication frequencies, and power/phone lines”<sup>706</sup> under the

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<sup>705</sup> Knight, Michael, "Iraq's Budget Threat Against the Kurds." *The Washington Institute*. 2013. Web. 02 Mar. 2021. <https://www.washingtoninstitute.org/policy-analysis/iraqs-budget-threat-against-kurds>.

<sup>706</sup> Ibid

authority of the Iraqi government should Kurd fail to comply with the law. By every measure, this was not only an overreach of the Iraqi Arab political parties to cut the KRG's budget, but also aimed at an incremental reassertion of federal authority over the Kurdistan Region under the pretext of budget, thereby reducing the KRG's powers. As a result, the Iraqi government sent only 2.8 trillion IQD to the KRG out of nearly 6 trillion IQD stipulated by the 2013 Iraqi national budget law. Baghdad's gradual budget pressure continued on the KRG yearly in a way that it ultimately withheld money to the Kurdish enclave by 2016.

The table illustrates KRG's budget allocation in the federal budget, the sum that has been paid to the KRG, and the unpaid balance from 2014-2019. Source: KRG and Draw Media

### KRG Budget in Trillion IQD 2014-2019

Unpaid to KRG	Paid to KRG	KRG share	Percentage per Law	Year
17,719,616	2,280,000	19,999,616	17	2014
12,341,000	2,476,000	14,817,000	17	2015
12,570,000	0	12,570,000	17	2016
11,605,028	0	11,605,028	17	2017
3,591,770	3,175,403	6,767,173	12.67	2018
4,343,896	5,439,130	9,783,026	12.67	2019
<b>62,343,896</b>	<b>13,370,533</b>	<b>75,541,843</b>		<b>Total</b>

Baghdad's actions could explain the words of Kurdistan Region President Nechirvan Barzani who said that "Baghdad was using everything as a pressure card against the Kurdistan Region."<sup>707</sup> Accordingly, the absence of mutual trust informed by a bitter past

<sup>707</sup> Interview KRP Nechirvan Barzani, October 2020.

forced the KRG to seek its own independent economic policy as early as 2006 that was dependent on oil as an insurance policy. The economic independence policy was not only an attempt to free the KRG from financial shackles of Baghdad, but also was meant to be a negotiation leverage when it came to the financial rights of Kurds. The Kurdish leadership believed that they needed to have something in their grand bargaining with Baghdad otherwise, the power of the KRG would be severely restricted and eventually could be lost. However, the KRG's energy policy granted Baghdad a justification to suffocate the KRG financially by withholding the federal budget. As such, the oil policy was a double edged sword.

The question is whether Baghdad would have cut the Erbil's budget if the KRG had not followed through its independent energy policy. Arguments can be made both ways. But if we take Baghdad's policies as indicators to judge intentions, then regardless of the KRG's oil policy, the Iraqi government would have sought to limit the powers of the KRG and could have used budget as a trump card to reassert stronger federal authority over the Kurdistan Region. This is exemplified by Baghdad's reluctance to implement Article 140 pertaining the disputed areas. Therefore, Baghdad's anti Kurdish measures started long before the KRG initiated its energy policy in 2007. Obviously, there was no excuse to stonewall carrying out Article 140, which has set out clear conflict resolution mechanisms to resolve the issue of Kirkuk and other disputed areas by December of 2007. Therefore, nothing can explain this, but the lack of conviction and political will by the ruling elite in Baghdad in the Constitution when it does not serve the Iraqi

government and overall the domineering Shia Arab power in Iraq. So, perhaps, the KRG wanted to use energy as a guardrail against further weakening its political status, thereby their powers in Iraq by developing their own independent economic economy. This is not to indicate that Baghdad was the only culprit. In addition to Erbil's violations of the oil and budget agreements and serious corruption issues with its oil policy, the KRG's energy policy gave the federal government an excuse to mobilize popular and political support to penalize the KRG, particularly after the KRG delivered only 116,000 BOPD to SOMO out of 175,000 under the 2009 agreement. Subsequently, the KRG failed to deliver on the terms of 2014, 2015 agreements, too.

### **Iraqi Council of Representative Report on KRG Oil Sale 2014-2019**

Sum in Trillions of IQD	Sum in Billions of Dollars	Oil Price in Dollar	Barrels of Oil in Millions	Year
3.208	2.751	82	33,538,311	2014
6.768	5.804	44	133,139,398	2015
8.190	6.941	38	183,642,057	2016
10.205	8.634	48	180,028,303	2017
10.183	8.615	65	132,395,714	2018
9.407	7.958	60	132,302,891	2019
47.961	40.703	56.2=Average	795,046,674	Total

The table illustrates KRG's oil export, sale, and revenue from 2014-2019. Source: Draw Media

The Kurdish policymakers also lamented that Baghdad was seeking to curb the development of the Kurdistan Region by financially strangling the KRG and rendering it weak politically. This result reaffirms Gurr's (1970) argument the suppression of their socio-

economic and political aspiration is likely to lead to secession.<sup>708</sup> But the question is whether allowing an unchecked economic development of the autonomous regions would strengthen centripetal forces, thereby convince their populations and leaders to remain within the federal framework. Although this question is beyond the scope of this dissertation but one could make inferences by taking the example of Catalonia in Spain.

Catalonia is a rich and well-developed part of Spain and yet they voted in favor of independence in 2017.<sup>709</sup>

With a genuine Kurdish desire for independence, Baghdad had every reason to be fearful that a financially independent Kurdistan could take practical steps to become politically independent. Erbil and Baghdad have been loggerheaded in serious political, financial and security dilemma regarding the true intention of one another. Therefore, the issue of oil control for the KRG is less about revenues. Instead, it's more about sovereignty over the oil, which could provide an insurance policy for its survival as an autonomous region. As a result, the KRG was ready to pay a heavy price for not handing over the financial lifeline of Kurdistan –oil– to Baghdad because there was a conviction that the handover of the governance of KRG's oil to Baghdad would mean the end of Kurds' last tool of leverage for negotiations against the central government. As president Nechirvan Barzani put it, "We need a political card; we need a political card to play with. The matter is not

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<sup>708</sup> Gurr, Ted R. *Why Men Rebel*. Princeton, N.J: Published for the Center of International Studies, Princeton University [by] Princeton University Press, 1970. Print.

<sup>709</sup> Criado, Henar, et al. "The Unintended Consequences of Political Mobilization on Trust: The Case of the Secessionist Process in Catalonia." *The Journal of Conflict Resolution*, vol. 62, no. 2, Sage Publications, Inc., 2018, pp. 231–53, <https://www.jstor.org/stable/48597296>.

economic only.” By 2015, Baghdad sent nearly 2.5 trillion out of 15 trillion allocated to the KRG and wholly withheld the KRG's budget in 2016 and 2017 under the pretext that Erbil was exporting oil to the international market. The KRG sold 795,046,674 barrels of oil from 2014-2019 worth over USD 41 billion while theoretically the KRG could have received over USD 59 billion within the same period from Baghdad. Thus, it appears that Erbil's satisfaction with less revenue from of its own sources than more revenue coming from Baghdad is an indication of deep uncertainty of what the federal authorities might do if the KRG relinquished its oil to Baghdad. This uncertainty is deeply rooted in the history between the two sides. Therefore, the Kurdish leadership strategically might have opted in for less but constant source of revenue than big but uncertain revenue coming from Baghdad.

In spite of the efficient development of the Kurdish oil sector, the KRG was largely unsuccessful in constructing a self-sufficient economy because of the fallacy of the economic policy that was entirely depended on oil, prospect of more oil discovery and export, and a hike in the oil price while ignoring the other sectors of the economy. In addition, the KRG's oil exports faced stiff political, legal and geopolitical hindrances because of the mounting pressure by Baghdad and the lack of diversified access to the global market. This made the KRG's oil susceptible to a weak negotiating position versus the IOCs and Turkey as the only access to the international market and sale of its oil at a discounted price.

On the security front, the withdrawal of the U.S. troops in Iraq in December 2011 reinforced the Kurd's long fear about the dangers a stronger Iraq could pose to the Kurds. This came in a time that prime minister Nuri al-Maliki who enjoyed support from Washington and Tehran had been consolidating his power with no sign of retreat.<sup>710</sup> As (Isakhan 2015, P.81) notes “Maliki’s first two terms in office will be characterized by militarization, the manufacture of crisis, meddling in legislative process and oversight mechanisms, sectarian politics and an increasingly authoritarian style of governance.” Al-Maliki consolidated his power over the military, intelligence, and the judiciary and fundamentally changed the foundation of the post 2003 Iraq.<sup>711</sup> For Kurds, Iraq as a federal and democratic state had crumbled under the prime minister. The uncertainty about the future of Kurds in Iraq was solidified by Maliki cracked down on prominent Sunni politicians on alleged terrorism-related charges, removed Sunni officers from the army, intelligence, and interior ministry and ousted Sunni professors in the educational and health institutions.<sup>712</sup> Therefore, Kurds had every reason to be agnostic about Iraq's true intention regarding the Kurdistan Region.

As consequence, these actions set the alarm in Erbil, deepening Kurdish suspicion about the direction Baghdad was heading. Kurds expressed deep concerns and accused Maliki

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<sup>710</sup> Hiltermann, Joost R. “Revenge of the Kurds: Breaking Away From Baghdad.” *Foreign Affairs*, vol. 91, no. 6, Council on Foreign Relations, 2012, pp. 16–22, <http://www.jstor.org/stable/41720930>.

<sup>711</sup> "Maliki's Dilemma: The Crisis of the System of Quotas and Exclusion." *Al Jazeera Centre for Studies Al Jazeera Centre for Studies*. 28 Jan. 2013. Web. 01 Mar. 2021. <https://studies.aljazeera.net/ar/node/152>.

<sup>712</sup> David Rohde, Warren Strobel. "Our Man in Baghdad." *The Atlantic*. Atlantic Media Company, 01 July 2014. Web. 01 Mar. 2021. <https://www.theatlantic.com/international/archive/2014/07/nouri-maliki-united-states-iraq/373799/>.

of taking back Iraq to the older dark times of sectarianism and autocracy and threatened that they would seek to secede from Iraq should al-Maliki remained in power.<sup>713</sup> This has led to the conviction that, eventually, Baghdad would seek to reassert its authority over the Kurdistan Region and weaken Kurdish autonomy.

If a balanced multiethnic security force is a precursor of political stability, growth and potential transcending into a formation of a national identity as indicated by Gaub (2008), then ethnic marginalization and stripping off the military from its multiethnic structure should spell instability and aggravation of security dilemma. Kurds who were foundational to rebuilding the Iraqi security forces in post 2003 became marginalized, leading to diminishing multiethnic composition of the Iraqi security forces and the elevation of the sectarian nature of the military. Although Iraq had some initial successes in building a multiethnic security force, Shias became the dominant military power while Kurds and Sunnis were disregarded. Kurds estimated to make up less than 2 % of the Iraqi Army by 2014 although they are at least %12 of the Iraqi population. Shias also became excessively dominant in the Iraqi security forces after the formation of the Shia militia groups known as PMF in 2014 in response to ISIS. As a result, the PMF was seen as an existential threat to the security of the Kurdistan Region, which happened to be true as evidenced their attacks on Kurdish forces in

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<sup>713</sup> "Iraq and the Kurds: The High-Stakes Hydrocarbons Gambit." *Crisis Group*. 22 Aug. 2016. Web. 01 Mar. 2021. <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/iraq-and-kurds-high-stakes-hydrocarbons-gambit>.

October 2017 and their continued multiple drone and rocket attacks on Erbil in 2021 and 2022.<sup>714</sup>

Additionally, Iraq failed to address the territorial grievances of Kurds in which Kirkuk was an integral part of it in post -2003. As noted by Hanauer and Laurel E. (2012) territorial disputes are deeply engrained in group identity, which makes it hard to resolve especially when such territories become symbolic and sometimes holy. The case of Kirkuk is not an exception as Kurds for long has called Kirkuk the “heart” and “Jerusalem” of Kurdistan. There was a hope to resolve this conflict through a clear mechanism after the framers of the new Iraq from Shias, Sunnis and Kurds reached an agreement to enshrine Article 140 in the Constitution to address the dispute over Kirkuk and other disputed areas by December 2007. But Baghdad spurned to take advantage of the legal mechanism to resolve the conflict. The failure of the Iraqi government to address the disputed areas through legal mechanism and ignoring at least 55 other articles of the Constitution out of 143 only exacerbated Kurds’ doubts about the intention of Iraq regarding the Kurdistan Region and their place in the future of the country. Consequently, it re-enforced the axiom on the mind of Kurds that the mentality of governing from the center is unlikely to change when it comes to Kurdish rights. In the light of “might make right” aphorism, former KRP Masoud Barzani declared in 2014 after the Kurdish forces took over Kirkuk, "We have been patient for 10 years

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<sup>714</sup> Iraq’s Erbil airport targeted in drone attack: Kurdish officials, Al-Jazeera, September 11, 2021, <https://www.aljazeera.com/news/2021/9/11/iraqs-erbil-airport-targeted-in-drone-attack-kurdish-officials>.

with the federal government to solve the problems of these (disputed) areas" adding that "Now, this (issue) is achieved."<sup>715</sup> But that did not sit well with Baghdad. So, Iraq strategically left a small pocket of ISIS controlled area near Kirkuk to the last leg of its military operation to clear the group from Iraq. This provided an excuse to Baghdad to mobilized its forces in Hawija, west of Kirkuk. Baghdad's military buildup alerted the KRG regarding the intention of Baghdad to use Hawija as a cover to move military force to drive out Kurds from Kirkuk. The prediction proved to be true just three weeks after the referendum as Iraqi forces advanced against Kurds in Kirkuk. Therefore, as highlighted by former MP Shaho Saeed, the referendum was an "attempt to escape" from Iraq before it would become stronger to undermine the Kurdistan Region.<sup>716</sup> But, in fact, the referendum only legitimized an Iraqi military operation against Kurds with the tacit approval of Washington and Tehran.

## **Opportunity**

Grievances alone are not sufficient for secessionist leaders to translate their demands into action unless they overlap with opportunity. Therefore, secession only becomes a realistic option when oppression and opportunity overlap. In the case of the Kurdistan Region, four unique opportunities coincided because of the emergence of ISIS. That included the weakness of the Iraqi state, expansion of Kurdish territorial control, access to oil in Kirkuk, and international military and popular support for the Kurdistan

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<sup>715</sup> "Kurdistan's Barzani: Article 140 of Iraqi constitution completed for us and will not talk about it anymore", Ekurd, June 27, 2014, <https://ekurd.net/mismas/articles/misc2014/6/kirkuk829.htm>.

<sup>716</sup> Interview with former MP and academic Shaho Saeed, October 2020.

Region. As noted by Roeder (2018) half of the secession regions became independent state not through military victory rather because of the existence of opportunity resulted from the collapse of the central authority. Accordingly, the KRG simply tried to walk away from a crumbling state as highlighted by the talking points of the Kurdish officials since 2014 to convince Western and regional policy makers regarding the redeemability of Iraq.

Before discussing the opportunities, it's important to note that the Kurdistan Region has both the centripetal tendency and centrifugal tendency. These conflicting forces are responsive to the presence of opportunity both in the term of cooperation with Baghdad and secessionism. As a result, the activation of these forces largely depends on how the central government responds to and accommodates the political, economic, and security demands of the independence-seeking regions and conditional on the presence of opportunities. The more receptive the central government is to such demands, the stronger the centripetal forces likely to become, as evidenced by Kurds' tremendous political and security investment in post-2003, but this requires an international guarantor. For example, Kurds' heavy political investment in the new Iraq was a result of the U.S. and the U.K reassurance for a new democratic, pluralistic, and federal Iraq. Therefore, international guarantee to protect the rights of minorities is prerogative to dissuade the secession-seeking regions from demanding statehood.

On the other hand, the central government's repressive approach to deal with the independence-seeking regions is likely to cause a stronger sense of nationalism and isolation from the central state, thereby leading to the activation of centrifugal forces that view secession and sovereignty as an ultimate solution, in particular when opportunities present themselves. Thus, once an opportunity arises, it's easier for secessionist leaders to ignite the fuel generated by grievances in the hope of the realization of statehood.

The weakness of the central government is one of the opportunities separatist regions to seek make use of to break away. Boulding (1962, 79), Fearon and Laitin (2003), and Roeder (2018) arguments claim that low state capacity, manifesting itself in poor or lack of control over peripheral territories, motivates insurgency and secessionism tendencies. The case of the Kurdistan Region is a reaffirmation of this axiom. The Kurdish secessionist tendency became realistic once ISIS took over a third of Iraq's territory, defeated the Iraq Army, thereby weakening the central government in the summer of 2014, which opened a window of opportunity to Erbil to break away from Iraq. According to Brooks (2005), weak states are usually characterized by a lack of domestic sovereignty, meaning that the government does not have monopoly use of force to implement the law and enforce the order. Accordingly, power is dispersed among various groups, leading to multiple centers of military power. This definition is befitting to Iraq as the Iraqi government lacks domestic sovereignty not just due to the

fact Kurds possess their own military force, but also due to the rise of multiple militia groups that are likely to be more powerful than the Iraqi Army.<sup>717</sup>

The emergence of ISIS also helped Kurds take control over the disputed territories, particularly Kirkuk, which doubled the geographical size of the Kurdistan Region and oil production by 2015. The KRG quickly linked Kirkuk's oil fields to its independent pipeline and started ramping up oil export to nearly 600,000 barrels per day. The fight against ISIS also relieved Baghdad's legal and political pressure on the Kurdish oil export. Thus, Kurds were confident that they could ramp up oil production to a million barrels of oil per day, thereby sustaining an independent Kurdistan financially in the future.

In addition, the fight against ISIS turned into massive international support to the Kurdistan Region as Kurdish forces became the most reliable fighting force to counter and fight the extremist group. The International Coalition heavily supported the Kurdish forces by providing arms, pieces of equipment, and training. The U.S. Senate came close to vote in favor of arming Kurds directly, with only four votes short.<sup>718</sup> But, military assistance continued with the approval of the Iraqi government and military

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<sup>717</sup> Tamer El-Ghobashy, Mustafa Salim. "As Iraq's Shiite Militias Expand Their Reach, Concerns about an ISIS Revival Grow." *The Washington Post*, WP Company, 10 Jan. 2019, [www.washingtonpost.com/world/as-iraqs-shiite-militias-expand-their-reach-concerns-about-an-isis-revival-grow/2019/01/09/52da575e-eda9-11e8-8b47-bd0975fd6199\\_story.html](http://www.washingtonpost.com/world/as-iraqs-shiite-militias-expand-their-reach-concerns-about-an-isis-revival-grow/2019/01/09/52da575e-eda9-11e8-8b47-bd0975fd6199_story.html).

<sup>718</sup> Ahmed, Akbar Shahid, and Christine Conetta. "Congress Voted Against Directly Arming Iraq's Kurds. Here's What That Means For The ISIS Fight." *HuffPost*. HuffPost, 07 Dec. 2017. Web. 04 Mar. 2021. [https://www.huffpost.com/entry/congress-arm-kurds\\_n\\_7647068](https://www.huffpost.com/entry/congress-arm-kurds_n_7647068).

advisors from the United States and several E.U. countries were deployed in the Kurdistan Region to train, organize, and restructure the Kurdish forces.

Moreover, Erbil became a center of gravity for international diplomacy and coordination to fight and defeat ISIS. The Kurdistan Region was treated more like a sovereign state than a non-state actor. Head of states, U.S. vice President, senior foreign and defense officials from around the world visited the Kurdish capital for that common purpose. Correspondently. The Kurdish president and officials were received at the White House and the E.U. capitals with the same protocol of recognized states. Moreover, the Kurdish cause on the global stage elevated to an unprecedented level because of the Kurdish fight against ISIS and the extensive international coverage of the war. This formed a global sympathy to the Kurdish cause not just as a fighting force on behalf of the world but as a group of people that did not possess their own state and faced tremendous oppressions in the past. This instilled more confidence and optimism in leaders of the Kurdistan Region to seek to seize the moment, capitalize on it by pushing toward independence.

On the other side of the spectrum, despite the international support for the KRG and tantalizing Kurdish leaders regarding the potentiality of independence, the Western countries strategically squandered the strategic opportunities that had presented themselves for Kurds to achieve an independent state. The pushback by the Western countries against an independent Kurdistan led to huge frustration and weariness of

the Kurdish leadership. This was informed by the Washington's broken promises, fear of dwindling international support for Kurds, and the resurgence of a stronger central government armed by a sectarian force. As a result, the Kurdish leadership was fed up with past broken promises of Washington and reminding them of the past betrayals. For example, the KRG conceded to agree to with new election law in 2009 at the request of Obama administration, provided Article 140 to be implemented by 2011. But that never happened. The Obama administration also wanted Kurds to give up the presidency to satisfy the Shia and Sunni political factions in 2011. Moreover, when the time was probably ripe for an independent Kurdistan in the summer of 2014, Washington averted the declaration of an independent Kurdistan by asking Kurds to join the government in Baghdad one more time. Biden famously told a Kurdish delegation in the summer of 2014, "If things did not work out, 'we'll never look you back in the eye and tell you to go back to Baghdad' and join the government again."<sup>719</sup> Yet, Iraq had remained dysfunctional and did not work out for Kurds as it has maintained its prior coercive approach against the KRG and the U.S. was explicitly silent about it.

Furthermore, the Kurdish leadership also realized the tide was gradually turning against them by 2017 as the war against ISIS was near its end. At the same time, the U.S. was not ready to grant a promise regarding holding an independence referendum at any time in the future during the private meetings with the Kurdish officials. Senior Foreign Policy Advisor to President Masoud Barzani and Deputy Speaker of

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<sup>719</sup> WhatsApp interview with a Kurdish diplomat, May 2021.

Parliament Hemin Hawrami clearly expressed deep distrust at the Western countries by saying, “We had one strategic question for them (Western officials). If not 25<sup>th</sup> of September 2017, then when?.” “But they had no answer,” he replied. Hawami emphasized that they told the foreign delegations that the KRG was open to the notion of suspending the vote but the issue was that the foreign officials were not just ready to give any kind of backing to any future referendum but also refused to recognize the legitimate right of Kurds to hold an independence referendum. “They had no answer and no clue,” stated Hawrami emphatically. The lack of a straightforward answer only consolidated the resolve of president Masoud Barzani go ahead with the referendum regardless of its ramifications. Barzani explicitly demonstrated his frustration with the Western countries by highlighting that Kurds had “enough of empty promises” and Kurds could not be longer deceived.

In the meantime, the broken promises had formed a strong conviction that the Western support would diminish to the KRG regardless of the referendum as the fight against ISIS was coming to an end by 2017. As such, this was also informed by past turbulent US-Kurdish relationship, which was riddled with a pattern of betrayals and unreliability of Washington as a partner to remain on the side of Kurds. Thus, the Kurdish leadership had every reason to be skeptical about the continued international support for the KRG and its protection after ISIS. If history is any guide, it reaffirms that Kurds are expendable for the sake of Iraq and larger strategic geopolitical considerations of the Western countries. Therefore, the end of ISIS could have translated into

the irrelevance of Kurds strategically and militarily for the Western countries, which could lead to a change of balance of power in favor of Baghdad. This finding reaffirms Kaplan's (2018) argument, noting that the 2017 independence referendum was held because of the fear of loss of international support to the KRI. If we accept this assumption, then Kurdish leadership, perhaps, viewed the independence referendum as the last available option to fight back a resurgent and strong Iraq despite all the risks associated with holding the referendum.

### **Impacts of oil on Kurdistan independence**

Historically, Kurds have considered the control of oil as medium, even if not for complete independence, at minimum as a tool to free themselves from the financial whim of Baghdad. Therefore, oil has been a living creature at the subconscious system of the Kurdish leadership regardless of ideological differences and partisan affiliations. As a result, Kurds have always waited for an opportune time to utilize petroleum for the foundation of a Kurdish state. Although in the 1990s the Kurdish experience to pump out oil largely served the local needs, the extensive lobbying of the newly formed KRG in the West is also an indication of the importance of petroleum as a groundwork to build a Kurdish state. The KRG's aggressive energy policy in the new Iraq was also another solidifying agent for the establishment of a prospective independence Kurdistan in northern Iraq. However, it should also be noted that the KRG's pursuit of developing its petroleum sector is a byproduct of Baghdad's ill-intentioned policy

toward the Kurdistan Region and the lack of assurances regarding the future of Kurds in Iraq.

This research did not find evidence of "greed" as a motive behind the 2017 Kurdish independent referendum. Instead, it found that deepening political and economic grievances, commitment problems, and fear of the future functioned as a powerful motive to break away from Iraq. This, in fact, invalidates the assertion that the future financial gains from oil is likely to be the motivation for secessionist movements as suggested by Collier and Hoeffler's (1998, 1999, 2001, 2002, and 2004) and Ross, (2012) who place the rebel leaders' economic rationale as the driver of conflict and secessionism. In fact, the KRG paid a heavy financial price for following through its energy policy and the export of oil independent of Baghdad. If greed were to be the motive for secession, then the Baghdad budget, which obviously outsized the KRG's oil revenue, should have dissuaded Kurds from pursuing economic independence from Baghdad. Theoretically, Kurds might have been better off financially should they opt out producing and exporting oil in their own region. But the Iraqi government's actions convinced Kurdish policymakers that the more Iraq became stronger, the more danger it would pose to the future of the Kurdistan Region politically and economically. Consequently, Kurdish leaders decided to embark on this policy loaded with substantial risks despite its financial and political consequences. Therefore, the KRG oil policy can be characterized as a preventive action against a potential resurgent central government.

The Kurdish leadership hoped the foreign investment in the oil sector to consolidate the status of the KRI, thereby mitigating risks of military operations by Baghdad against the Kurdish Region while having a tool of leverage in their negotiations over finance, territory, and security with the federal government. This was demonstrated by the statement of then KRG Prime Minister Nechirvan Barzani who vividly said, "We need a political card; we need a political card to play with. The matter is not economic only. You need to use a political card and to make use of it for your own people and for your own situation."

The prevailing claim in the oil curse literature is the oil-rich countries have weak institutions (except for democratic countries like the U.S., Canada, Norway, and others) (Karl 1997, Ross 2002, 2012). No surprise that the Kurdistan Region has weakest energy institutions despite the existence of legal codes to govern the oil and gas sector. The reason for this, the Kurdish officials treated petroleum as a geopolitical commodity than economic aimed at achieving political independence. As a result, the economic and political independence of Kurdistan through oil justified overlooking building institutions to ensure transparency, devising sound policies, and mitigation of corruption to inject social trust in the hydrocarbon sector. The conviction was institutional restrictions would confine and/or slow down the development of the energy sector, thereby the achievement of the economic and political independence.

However, the absence of strong institutions is not just a recipe for rampant corruption but also led to opaque decision-making processes and impunity of the political elite. In this case, policymakers are likely to be risk-takers in the oil-rich countries if they think that they are less likely to face blowbacks from their populations because of the decisions they make. The Arab oil embargo in 1973, the invasion of Kuwait by Saddam Hussein in 1990, the killing of Washington Post journalist Jamal Khashoggi in 2018 allegedly by order of the Saudi Crown Prince Mohammed Bin Salman could be examples of what Colgan (2013) calls "petrol aggression," which is the tendency of oil-rich countries to involve in conflicts and risky adventures.<sup>720</sup> By the same token, the decision by former KRP Masoud Barzani in 2017 to hold the independence referendum might be attributed to his overconfidence that oil in the Kurdistan Region could have the ability to mitigate risks associated with his move.

Furthermore, the overdependence on oil as a strategic defensive tool might have given a false optimism to the Kurdish leaders that eventually billions of barrels of oil in the KRI could offset the geopolitical constraints and the international bias against the Kurdish secession. As such, it would be unacceptable for the world economy lose the KRI as an exporter of oil. Zulal (2012) also found that the KRG wanted to use oil and gas as a tool to remain strategic partners to Turkey, the U.S., and the EU.<sup>721</sup> Such overreliance on oil at minimum as a tool of protection can be understood from the then

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<sup>720</sup> Colgan, Jeff (2013). *Petro-Aggression: When Oil Causes War*. Cambridge University Press.

<sup>721</sup> Zulal, Shwan. "Survival strategies and diplomatic tools: the Kurdistan region's foreign policy outlook." *Insight Turkey*, vol. 14, no. 3, 2012, <https://www.insightturkey.com/articles/survival-strategies-and-diplomatic-tools-the-kurdistan-regions-foreign-policy-outlook>.

president of the KRI Masoud Barzani statement in 2012 saying, "If ExxonMobil came, it would be equal to 10 American military divisions," he said. "They will defend the area if their interests are here."

Although oil assisted Kurds to become an energy player in the international market, the Kurdish control of oil came in a time that oil had lost its geopolitical significance, for example, compared to the last century. This problem is furthered skewed by the failure of the Kurdish leadership to recognize and understand that petroleum is not the same geopolitical tool of the 20<sup>th</sup> century. The model that Kurds were seeking to replicate was the Arab Gulf countries. There was a general conviction that the Gulf countries are products of their hydrocarbon riches and they have been protected because of it. Accordingly, the Kurdistan Region could emulate that. The power of oil as a geopolitical commodity was huge enough on the mind of the Kurdish leadership, leading to a distortion of the harsh geopolitical reality of Kurds. Certainly, the oil policy was instrumental in creating mutual interests with the regional and global powers. But it was also not significant enough both in the term of reserve and revenue generation to translate the KRG's regional and global energy ties into future diplomatic and political support for an independent Kurdistan as it was the case of the Arab Gulf countries.<sup>722</sup> In other words, oil had created an alternative reality for the some Kurdish policymakers, believing that petroleum could overcome the historical hindrances in

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<sup>722</sup> Gause, F. Gregory, and Gregory F. Gause. Oil monarchies: Domestic and security challenges in the Arab Gulf states. Council on Foreign Relations, 1994.

front of the establishment of a Kurdish state. As a result, they became more emboldened to challenge the central government, powerful neighboring countries, and the international community by overplaying their hands at the expense of ignoring the geopolitical realities and constraints. So, oil created an illusion of economic and political independence that its actual realization. The case of the Kurdistan Region is an example of such an illusion.

Therefore, it's the claim of this research that although superficially, petroleum appears to motivate secession in the oil-rich regions, profoundly, oil could have anti-secessionist effects on the ethnically dominated regions. Oil made Kurdish leaders overconfident, which turned into inflated expectation regarding the power of oil to secure economic and political independence. The source of the overconfidence originated from misperception regarding the economic and geopolitical power of oil to overcome the hindrances before an independent Kurdistan. Therefore, oil created an economic and political illusion of independence, particularly in the absence of institutional checks and balances.

## **Limitations**

This research faces limitations in the term of scope and data. The dissertation has dealt with the Kurdistan Region as a seceding oil-rich region, and the findings depend on a single case study of the Kurdish enclave rather than multiple case studies from other resource-rich regions. Therefore, I recognize that my research could have been

bolstered; its findings could have benefited from a stronger rigor if it had included other cases. The claim of anti-secessionist effects of oil on the seeking oil-rich region is fresh and certainly requires further research from other case studies, particularly the case of the oil-rich Regions of Biafra in Nigeria and the Cabinda of Angola. Biafra seceded from Nigeria in 1967, but the Nigerian government subverted it with the assistance of the British government,<sup>723</sup> and separatism tendency in Cabinda continues to drive conflict between the Region and the central government as the Region produces up to 70 percent of Angola's output and oil revenues make up half of Angola's GDP. My assertion does not claim that oil is not a factor in the calculation of the secessionist leaders to push for statehood in the oil-rich regions. Instead, it asserts that oil does play a role and motivates secessionist tendencies but the overall impacts of oil on the outcome of the secessionist oil producing regions is negative.

Also, this research has not addressed how much the central government's interest in control of the Kurdistan region's oil resources has factored in the hindering of the Region from seceding from Iraq. For example, the research has not dealt with whether central governments don't allow the hydrocarbon-rich regions to secede for economic reasons or political reasons, or both. Do poor natural resource secession-seeking regions have less difficulty gaining independence? Have natural resources become a handcuff to prevent such regions from seceding? These questions will require more

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<sup>723</sup> Uche, Chibuiké. "Oil, British Interests and the Nigerian Civil War." *The Journal of African History*, vol. 49, no. 1, 2008, pp. 111–135. *JSTOR*, [www.jstor.org/stable/40206616](http://www.jstor.org/stable/40206616). Accessed 1 Mar. 2021.

research and data collection, and they were outside of the scope of this research even though the topic is related.

However, Iraq's attack on the Kurdish forces in Kirkuk and recapturing the oil fields could indicate the causation between oil and central governments' commitment to hinder the secessions of such regions. For example, Kirkuk has 8.9 billion barrels of proven remaining oil reserves.<sup>724</sup> Also, the Kurdistan Region, without Kirkuk, accounts for just 10% of crude oil production. It holds 30% of Iraq's total proven oil reserves and 89% of its gas.<sup>725</sup> Cabinda Region produces up to 70 percent of Angola's output, and oil revenues make up half of Angola's GDP.<sup>726</sup> Niger Delta, which was the territory for the short-lived Biafra state, has more than 34 billion barrels of oil and 93 trillion cubic feet of gas.<sup>727</sup> Again, further research requires to build on what this research has found thus far.

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<sup>724</sup> Al-Rawi, Munim, Ted Moon, and Thomas Smith. "Kirkuk. A Silent Giant Oilfield." *GEO ExPro*. 28 Feb. 2015. Web. 01 Mar. 2021. <<https://www.geoexpro.com/articles/2015/02/kirkuk-a-silent-giant-oil-field>>.

<sup>725</sup> Sterl, Sebastian, and John Bowlus. "Iraqi Kurdistan's Energy Reserves: Investor's Paradise or Poisoned Chalice?" *Energy Reporters*. 24 July 2020. Web. <<https://www.energy-reporters.com/industry/iraqi-kurdistan-energy-reserves-investors-paradise-or-poisoned-chalice/>>.

<sup>726</sup> Lob, Emilie. "Oil-rich Cabinda Still Waits for Independence from Angola." *Voice of America*. 26 Sept. 2012. Web. 01 Mar. 2021.

<sup>727</sup> Ndip, E. A. et al. "Seismic Stratigraphic and Petrophysical Characterization of Reservoirs of the Agbada Formation in the Vicinity of 'Well M', Offshore Eastern Niger Delta Basin, Nigeria." *Journal of Geology & Geophysics* 7 (2018): 1-9.

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## Biography

Dr. Yerevan Adham is a political analyst who researches and writes on security, political, and energy issues in the Middle East, focusing on Iraq, Turkey, Iran, the Gulf, and the Levant. He has served as White House correspondent for the Kurdish Rudaw TV, and his work has been published in the Washington Institute's Fikra Forum, the Diplomatic Courier, the New York Times, the London based Majalla magazine, Rudaw, Global Politician, and several Kurdish newspapers. In addition, he has been interviewed by the BBC, Al—Jazeera, Voice of America, NPR, CNN, Voice of Russia, and Kurdish television programs and newspapers. From 2009-13, Dr.Adham worked with Stratfor; additionally, he worked for several media outlets, including The New York Times, NPR, The Wall Street Journal, The Boston Globe, BBC, and The Guardian, as a journalist and translator in Iraq and Kurdistan from 2003-07. He is a former research associate at the Arab Gulf States Institute in Washington. Dr. Adham holds a bachelor's degree in Government from the University of Texas at Austin and a master's degree from Tufts University's Fletcher School of Law and Diplomacy, with a focus on Middle East studies and International Negotiation and Conflict Resolution. He received his Doctoral Degree from Jimmy and Rosalynn Carter School for Peace and Conflict Resolution, George Mason University. He speaks Kurdish, Arabic, and has a command of Farsi and some German.

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