

THE THREE PHASES OF KURDISH MOBILISATION IN IRAQ:
POLITICIZATION, INSTITUTIONALIZATION AND
CONSTITUTIONALIZATION

1946-2012

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ABSTRACT

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This thesis purposes to analyze the three-phased process of Kurdish mobilisation in Iraq since 1946: politicization, institutionalization, and constitutionalization. Transformation to constitutionalization is suggested to have strengthened the mobilisation by altering Kurdish groups' relations with Baghdad and external powers from dependency to interdependency. Fragmentated or unified nature of Kurdish groups will be deemed as another significant determinant of vulnerability or strength. First chapter deals with the politicization process between 1946 and 1991 and the weakness of the mobilisation stemming from fragmentation among the Kurdish groups and their dependency on and vulnerability to the policies of the central Iraqi governments and the external powers. Covering the period between 1991 and 2003, second chapter evaluates the implications of institutionalization and the ensuing self-rule experience on the nature and strength of the mobilisation. It concludes by demonstrating the reversal of the Kurdish dependency and vulnerability to central government policies as a result of autonomy. Covering the period between 2003 and 2012, the last chapter deals with the phase of constitutionalization which witnessed the rise of the Iraqi Kurds as strong Iraqi and regional political actors shaping the policies of Baghdad and the external powers. It is argued that the ensuing interdependency between these actors and unification among the Kurdish groups would set a new set of strengths and constraints over the nature and strength of the Kurdish mobilization in Iraq.

Keywords: Politicization, institutionalization, constitutionalization, Kurdish politics.

ÖZ

IRAK KÜRT HAREKETİNİN SİYASALLAŞMA, KURUMSALLAŞMA VE ANAYASALLAŞMA SÜRECİ 1946-2012

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Bu çalışma, Irak Kürt hareketini 1946 yılından itibaren kaydettiği üç kavramsal aşama olan siyasallaşma, kurumsallaşma ve anayasallaşma süreçleri çerçevesinde incelemeyi amaçlamaktadır. Bu kapsamda temel sav siyasallaşmadan anayasallaşmaya evrilen sürecin, hareketin iç ve dış aktörlerle ilişkisinde bağımlılık ve kırılma faktörlerini azaltma yönünde etkilediği, bu kapsamda anayasallaşmaya giden sürecin hareketi giderek kuvvetlendirdiği olmuştur. Bu noktada, hareketin iç dinamikleri, tezin önemli bir sacayağını oluşturmuştur. Zira, Kürt grupları ve partileri arasındaki bölünmüşlüğü süreç içinde yumuşaması ve bu gruplar arasındaki uzlaşmanın Irak Kürt hareketinin iç ve dış faktörlere karşı kırılma faktörlerini azaltarak hareketin kuvvetlenmesine destek olduğu savunulmuştur. Çalışmanın ilk bölümü, 1946-1991 yılları arasında siyasallaşma süreci çerçevesinde Kürt hareketinin iç yapısını, Kürt partilerinin merkezi hükümetlerle ve dış güçlerle ilişkilerini inceleyerek hareketin zayıflama nedenlerini ortaya koymuştur. 1991-2003 yılları arasında kapsayan ikinci bölümde bölgesel hükümet tecrübesiyle birlikte hareketin merkezi hükümet politikalarına karşı kırılma faktörünün azaldığı ve güçlendiği süreç incelenmiştir. 2003-2012 yıllarını kapsayan son bölümde ise özerk yönetimin yeni Irak Anayasası çerçevesinde resmileşmesi, Kürt gruplar arasında uzlaşmanın sağlanması ve bu grupların Irak'ın yeniden yapılanma ve anayasallaşma sürecinde üstlendikleri rol çerçevesinde hareketin güçlenerek iç ve dış aktörlerle karşılıklı bağımlılık zemininde ulaştığı en üst seviye analiz edilmiştir.

Anahtar Kelimeler: Siyasallaşma, Kurumsallaşma, Anayasallaşma, Irak, Kürt siyaseti.

To my tolerant, dear mother and
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CHAPTER I

INTRODUCTION

Kurdish question has become a significant area of research due to its domestic, regional and international place in the politics of the Middle East. In recent years, it has not only become of interest in minority and security studies but also in the literature of nationalism. In the Middle East, Kurds live in the territories of four nation-states: Turkey, Iraq, Iran and Syria. This made the experience of the Kurds different in each country, making them dependent on the opportunities provided, and the limitations posed by the policies of these states. This thesis will look at the experience of Iraqi Kurds who have obtained not only political but also institutional and constitutional assets that go beyond the experiences of the other Kurdish groups in the region. Most of the other Kurdish groups in the region have politicized their mobilization and formed their own political parties or expressed their political stance in other parties within the ranks of the domestic political systems. However, what makes the Iraqi case peculiar is the advanced level of the Kurdish mobilization which culminated in the Kurds' acquisition of determinant role in shaping Iraqi politics in accordance with the Kurdish interests. This thesis will argue that sources of this advancement are external; that is, it has been provided by the two Gulf Wars: The 1991 Gulf War and the 2003 US invasion of Iraq.

The 1991 Gulf War led to the institutionalization of the Kurdish mobilisation under a Kurdish Regional Government (KRG) in the northern Iraq. This thesis will argue that, until 1991, gradually strengthening Sunni dominated central governments in Baghdad became the main constraint on the strength of the mobilisation. This thesis will argue that, the influence of the policies, the opportunities and limitations posed by the central governments on Kurdish experience in Iraq reached its peak until 1991. It will be argued that the outcomes of the 1991 Gulf War provided a conducive environment for the establishment of an autonomous regional government composed of Kurdish parties, which institutionalized the mobilisation under a self-rule experience. The ensuing autonomy of the Kurds from Baghdad since 1991, and

the KRG's autonomy from the opportunities and limitations posed by central government policies, which will be regarded as a source of strength of the mobilization *vis-à-vis* Baghdad.

This thesis will take the 2003 Iraq War as another turning point, since it has initiated the last phase of constitutionalization. It will be advocated that this further advance in Kurdish mobilization has also been made possible with international developments, specifically with the 2003 War on Iraq and the ensuing officialization of the Kurdish self-rule in Iraqi Constitution. Constitutionalization phase will be suggested to introduce two interrelated implications on the nature and determinants of Kurdish mobilisation in Iraq: increasing Kurdish strength and influence as significant actors domestic, Iraqi, regional and international politics and the ensuing interdependency stemmed from this novel Kurdish position in post-Saddam Iraq. It will be argued that since 2003, the domestic and international environment has become further conducive for the Kurdish parties to play decisive roles not only as a regional government but also in as strong Iraqi and regional actors shaping the Iraqi politics and the policies of central government and external powers. This interdependency will be introduced as the main source of the scope of opportunities and constraints on KRG's actions.

Before highlighting the major arguments of this thesis, it is useful to provide statistical information about the Kurds. Most of the world's Kurdish population is located in Turkey. Despite varying statistical information on the Kurds, comprising about 18% of the population, Turkey's Kurdish population is around 14.525.00.¹ In Iraq, according to the CIA Factbook statistics², together with the autonomous Kurdish region, Kurds comprise approximately 15-20 % of the population, numbering about 4.341.848 - 5.789.13. For about 3 million of these Kurds has been living in the KRG, and most of the rest live in Baghdad. According to CIA Factbook statistics, ethnic distribution of the Iraqi population gives primacy to the Arabs, comprising about 75 %-80% of the total, then to the Kurds, comprising 15%-20%, and the Turkomen, Assyrian, and other, comprising 5%. Arabic and Kurdish are the

¹ These statistics are available at <https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html> access date: 15..2013.

² These statistic are available at <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>. access date: 20.3.2013.

official languages of the state. Autonomous Kurdish Region, which has been under the Kurdish Regional Government's (KRG) control involves the cities of Arbil (the capital of the KRG), Sulaimaniah, and Duhok. Kirkuk, Diyala, Nineva and Salahaddin are the territories which have constituted the source of dispute between Baghdad and Arbil since 2003. Most Iraqi Kurds are Sunni Muslims, but there are also Christian Catholics, Orthodoxes, Assyrians as well as a considerable amount of Yazidis.

Devoid of a common political center, Kurds have been subjects or minorities³ first, of strong empires (Persian and Ottoman) and then of newly created states of Iraq, Iran, Turkey and Syria after the WWI. In the late Ottoman period, Kurdish self-awareness came to surface as a result of the modernizing tendencies of the Empire that removed the administrative privileges provided for the Kurdish *aghas* and *shaiks*.⁴ Late nineteenth century witnessed an increase in nationalist publications (such as *Mem u Zin* of Ahmad Khani) and modern ideas about Kurdish national identity. However, likelihood of the development of a monolith mobilisation weakened when the Kurds failed to gain independence and were scattered around different nation-states. As Halliday argues, from the late nineteenth century on, Kurdish disunities in these states were shaped under the influence of the political agendas and official nationalisms promoted by the Turks, Iranians and the Arabs.⁵

In state creation period in Iraq, Kurds became marginalized, geographically localized, land-locked and politically disunited. At the same time, inner dynamics of Kurdish experience in Iraq, which prevails even today, became a direct result of the Ottoman and British policies. The Ottoman Empire was a multi-ethnic and multi-religious polity. Until the well-known *Nizam-ı Cedid* regulation, it was also a decentralized political organisation, which was benefited by the Kurdish emirates as well. Apart from Anatolia, the remaining Ottoman provinces were ruled by military elites with virtual autonomy in such places as Egypt, Tunisia, and Algeria, or by local chieftains or religious families. Until the mid-nineteenth century, the Kurds had

³ Ofra Bengio and Gabriel Ben-Dor, *Minorities and the State in the Arab World*, pp. 1-20.

⁴ This term was used frequently by Martin van Bruinessen to explain the wealthiest landowning strata of Kurdish tribal groups in his book *Agha, Sheikh and State*.

⁵ Fred Halliday, *Can We Write a Modernist History of Kurdish Nationalism?* P. 16 in Faleh A Jabar and Hosham Dawod, *The Kurds: Nationalism and Politics*.

maintained three semi-autonomous principalities in Arbil, Dohuk and Sulaimaniah; the area that would eventually make up the Kurdish controlled region in Iraq.⁶ Moreover, the *millet* system of the Empire, which defined minorities along religious and not along ethnic lines, helped strengthening of traditional Kurdish groups (tribes, clans, religious groups, urban artisans and merchant guilds) as leading figures of the mobilisation in the post-Ottoman period.⁷ As will be stated in detail, tribal affiliations have brought about division and fragmentation among the Kurdish groups (both political parties and non-political tribal groups). This thesis will show that this fragmentation has been one of the major characteristics of the Kurdish mobilisation and politics in the coming decades.

Apart from providing a historical background for understanding the main dynamics of Kurdish mobilisation in Iraq, it is also helpful to make some conceptual clarifications. The first term that needs such a clarification is *mobilisation*. In political science, mobilisation is described as the activity of reviving masses of people especially by leading political party/parties both to express themselves politically and also to undertake political action.⁸ In this thesis, the term *mobilisation* has been used to refer to the three-phased advances (politicization, institutionalization, constitutionalization) that the Kurdish parties realized *vis-à-vis* the policies of Iraqi governments and of the external powers. Most of the writings on Kurdish politics question the nature and the target of this mobilisation. Whether such a mobilisation is targeted towards independence or towards gaining more political strength within Iraqi political context is a much debated issue. This thesis aims to demonstrate that Kurdish goals have been ambiguous and that there has been a gap between the ultimate goal, discourse and action, and this gap has deepened as the mobilization strengthened towards the phase of constitutionalization. While the Kurdish leaders pointed independence as the ultimate Kurdish goal, in practice, they expressed their primary role in wider Iraqi political context. This fluctuation revealed itself in the changing discourses and statements of the Kurdish leaders especially

⁶ Ofra Bengio, *The Kurds of Iraq: A State Within a State*, p. 11.

⁷ Faleh A. Jabar, *Arab Nationalism versus Kurdish Nationalism: Reflections on Structural Parallels and Discontinuities*, in, *The Kurds: Nationalism and Politics*, p. 286.

⁸ Frank Bealey, *The Blackwell Dictionary of Political Science*, p. 214.

since 1991. This thesis will argue that, between the two positions, Kurds seem to have opted for staying within the larger political system and enhance their political power in Iraq. This argument will be linked to another argument that transformation to the last phase of constitutionalization set forward the maximum level of strengths and limits on the mobilisation. Arguing so, it will be added that the domestic and international political landscape of post-Saddam Iraq, which culminated in the Kurds' rise as strong domestic and regional political actors provided the Kurds chances for shaping the politics of Baghdad and having influence on the policies of external powers while at the same time posing new constraints on Kurdish secessionism.

This thesis will argue that, in the first phase of the mobilization, that is, in politicization period, Kurdish experience in Iraq gained a political insight which revealed itself with the *political behaviors* and *attitudes* of the Kurdish groups. Described as a form of individual or collective involvement in a political process, or an activity that has political results in relation to government, political behaviors are based on the experiences of both political leaders and of the masses in a political context. It will be argued that, in Iraqi Kurds' experience, political behavior mainly pursued changes in central government policies, such as granting of autonomy or federal rights for the Kurds, rather than revealing its increasing secessionist leanings. What is significant that, even though the political behaviors of the Kurdish groups have been defined by the opportunity and limitations posed by the governments, such behaviors could have temporary influence on Baghdad's policies.

In this thesis, while drawing the boundaries of politicization of the Kurdish groups in Iraq⁹, the term *polity* will be frequently used. *Polity* means a political unit, *usually* the state. But it does not have to be the state. Before gaining an institutional and governmental ground, that is, between 1946 and 1991, the relations between the Kurdish groups and the central government and external powers were conducted via the Kurdish *polity* that was composed of the two Kurdish political parties: The

⁹ The term politicization is used by many scholars: See, for example, Glynn Williams, *Evaluating participatory development: Tyranny, Power and (Re)politicisation*, Third World Quarterly, Routledge Studies, 2007; Jan W. Van Deth & Martin Elff, *Politicisation, Economic Development and Political Interest in Europe*, European Journal of Political Research 43: 477–508, 2004.

Kurdistan Democratic Party (KDP) of Massoud Barzani and the Patriotic Union of Kurdistan (PUK) of Jalal Talabani. Since 1991, this *polity* has been the KRG.

This thesis will argue that for the Iraqi Kurds, what made the politicization of importance was the fact that, while it ascertained the dependent nature of Kurdish political activity on the policies of central Iraqi governments, it brought direct relations between the Kurdish polity and Baghdad. Each central government had directly to negotiate with the Kurdish parties as part of consolidation strategies. For their part, Kurdish parties found the chance to politicize their demands and secured short term gains. As will be stated in detail, politicization brought the goal of autonomy to the forefront of Kurdish politics in Iraq.

The third term which requires clarification is *institutionalization*¹⁰. In political science, an institution is a public body with formally designated structures and functions, intended to regulate certain defined activities which apply to the whole population. Institutions differ from one another, by focusing on different social functions. Political institutions are designed to generate, organize and apply collective power in order to achieve goals such as maintaining social order and stability, defining against external threats, resolving dispute and dispensing justice.¹¹ Political institutions include governments, parliaments and judiciaries, and their interrelationships are often defined in constitutions. Political institutions are concerned with regulating the pursuit and exercise of power.

An institution differs from an association in that the latter is a voluntary body which does not have universal application; but internal arrangements in associations may take institutional forms.¹² In this sense, political parties are regarded as associations. Hence, in this thesis, formation of the Kurdistan Democratic Party (KDP), or other political parties, will not be regarded as attempts towards institutionalization. At the same time, institutions may or may not have a

¹⁰ The term *institutionalization* was used by many scholars: See, for instance, Lynne G. Zucker, *The Role of Institutionalization in Cultural Persistence*, *American Sociological Review*, Vol. 42, No. 5 (Oct., 1977), pp. 726-74; Sheri Berman, *Civil Society and Political Institutionalization*, Princeton University, 1997; *Institutionalization and Structuration: Studying the Links between Action and Institution*, Stephen R. Barley (Stanford University) & Pamela S. Tolbert (Cornell University), 1997.

¹¹ Allan G. Johnson, *The Blackwell Dictionary of Sociology*, p. 135.

¹² Frank Bealey, *The Blackwell Dictionary of Political Science*, p. 166.

constitution, rules, laws and conventions. Within the scope of this thesis, hence, formation of the KRG in 1992 with its parliament and judiciary will be addressed as parts of institutionalization process. As stated earlier, within the scope of this thesis, the term *institutionalization* is used to denote an advance in mobilisation. This thesis argues that institutionalization under autonomous governance and possession of statehood tools such as a flag, a regional government, a national parliament, legitimate forms of political participation such as voting in elections, and emergence of a civil society strengthened the Kurdish mobilization *vis-à-vis* Baghdad and external powers. As will be explained in detail, this thesis also argues that institutionalization transformed the dependent relations between the KRG and Baghdad.

As part of providing conceptual insight to the terms used in this thesis, the last concept that needs clarification is the term *constitutionalization*.¹³ Constitution is the body of rules governing the structure, organization and procedure of *any corporate body*. To put it more concrete, constitutions are sets of formal written rules governing *states* and *organizations*.¹⁴ Constitution establishes a *polity* in many ways: First, a constitution marks the existence of a *polity* that claims its own sphere of authority. This authority may be defined in terms of a particular region, particular people, or particular issues. Moreover, such authority needs not to be national. In federal systems, each sub-national government may have its own constitution. A constitution asserts not only that there is a polity, but also how that polity will be governed. Moreover, by privileging one set of identities over another, a constitution shapes political discourse. Hence, constitutions are attempts to construct politics, both institutionally and rhetorically.¹⁵ By definition, constitutionalization means possession of a constitution by a state or an organization. It will be argued that in post-2003 period, the KRG, rule of which was officialized in the 2005 Iraqi Constitution, not only drafted its own constitution but also has acquired a decisive

¹³ This term is used mainly by many scholars on European studies, including, Alec Stone Sweet, *On the Constitutionalisation of the Convention: The European Court of Human Rights as a Constitutional Court*, October 2009; Thomas Christiansen, *Towards Statehood: The EU's move towards Constitutionalisation and Territorialisation*, 2005.

¹⁴ Frank Bealey, *The Blackwell Dictionary of Political Science*, p. 85.

¹⁵ Joel Krieger, *The Oxford Companion to Politics of The World*, p. 172-3.

role in re-making and re-constitutionalization process of the Iraqi state. Moreover, as an autonomous government, possession of such a political asset has provided for the Kurds chances for unilateral actions in areas of conflict with Baghdad and the federal constitution. In this thesis, constitutionalization is regarded as the highest achievement that the Kurdish mobilization in Iraq has experienced. Constitutionalization will be regarded to remark the dual rise of the Kurds as powerful actors not only as a regional government but also in shaping Iraqi politics.

Within the frame of this historical and conceptual background, this thesis aims to analyze the three processes of Kurdish mobilization in Iraq: politicization, institutionalization, and constitutionalization. The main argument is that Kurdish mobilization has gone through three significant transformations since 1946. The first was politicization which began with the formation of the KDP and covered the period between 1946 and 1991. The second transformation began with the 1991 Gulf War and institutionalization of the mobilization under the cadres of the KRG which was formed in 1992. The period of institutionalization covered the period between 1991 and 2003. Since 2003, this process has evolved from institutionalization towards constitutionalization. The last period witnessed the rise of Kurdish actors as active shapers not only of Kurdish affairs in Iraq but also of Iraqi politics. While looking at these processes, this thesis also analyzes the changing nature of relations between the Kurdish groups and Iraqi governments on the one hand, and between the Kurds and external powers on the other. Lastly, this thesis regards inner dynamics of Iraqi Kurds (fragmented or unified nature of the Kurdish groups) as a significant determinant of vulnerability (and dependency) to central governments and external powers.

Before explaining the chapters of this thesis in detail, hence, lastly, it is significant to mention about the inner dynamics of the Kurdish mobilization (fragmented or unified nature of Kurdish groups) and the ensuing vulnerability and dependency patterns in their relations with Iraqi governments and external powers. While looking at the three processes of Kurdish mobilization in Iraq, this thesis argues that transformation from politicization to constitutionalization shaped Kurdish groups' (tribes and political parties) relations with Iraqi actors and external powers. It also argues that together with the changes in these relations the fragmented or unified nature of the Kurdish groups have had a direct impact on the relative strength or

weakness of the mobilisation. It will be argued that between 1946 and 1991, during the politicization phase, the Kurdish groups' relations with both the Iraqi actors and other regional and international actors were asymmetric in nature, meaning that the Kurdish groups were dependent on the policies of Iraqi and external actors. Rather than shaping the relationship and strengthening their mobilization through their own policies, they were dependent on and vulnerable to the policies and interests of the Iraqi and regional and international actors. As stated above, in this period the boundaries of Kurdish activity was strictly drawn by the opportunities and limitations posed by Baghdad. Moreover, the Kurdish groups were affected by the relations between Iraqi actors and regional and international powers. In this period, relations between the Kurdish groups and external powers were asymmetric and dependent, since external powers did not have a Kurdish policy of their own. Quite to the contrary, relations between the two sides were shaped in line with the Cold War Iraqi policies of the external powers and, from late 1970s on, by inter-state rivalries. The divided and fragmented nature of the Kurdish groups made them vulnerable to the developments in Iraqi foreign policy. Hence, division between Kurdish actors will be attached a significant role in this asymmetry and dependency.

This thesis will argue that, between 1991 and 2003, when Iraqi Kurdish *polity* got institutionalized with the formation of the KRG, Kurdish mobilisation gained political and administrative autonomy from Baghdad. A major implication of the autonomous institutionalization will be regarded as the reversal of previous ability of the central government on defining the boundaries of Kurdish mobilization. Arguing so, it will be added that, institutionalization under an autonomous government enhanced the Kurds place in the eyes of external powers, which reversed past decades' non-constructive relations to a constructive nature. On the other hand, it will be argued that such a transformation did not bring mutual influence and interdependency between the KRG and external powers, since the latter continued to shape their Kurdish policy in line with their Iraqi policies, and the former was not strong enough to exert influence on external power policies. Overall, however, this new ambiguous relationship between Iraqi Kurds and external powers will be addressed as a source of strength for the KRG. This, in turn, will be linked to the fact that, contrary to the previous decades, external powers' policy of keeping the KRG as a credible and united front against Baghdad contributed to Kurdish strength in

Iraq. Looking at the internal dynamics of the mobilisation, this thesis argued that even though the fragmentation among the Kurdish parties peaked with the four-year civil war between 1994 and 1998, increasing possession of statehood tools and Kurdish leaders' growing experience with administration contributed to the gradual strength of the mobilisation.

This thesis will also argue that post-2003 constitutionalization process and its implications on Kurdish mobilisation in post-Saddam Iraq ultimately strengthened the KRG's hands in its relations with Baghdad and external powers. It will be argued that in the aftermath of US invasion of Iraq in 2003, Kurdish parties have found a further –and again foreign initiated- chance to strengthen themselves. As the Iraqi state collapsed and the KRG became the only stable corner of Iraq in the ensuing chaos, the Kurds became the main allies of the US and undertook decisive roles, along with the Shi'ites, in state building process. Beginning to behave as a state of its own, the KRG has both drafted its own constitution and issued its own oil and gas law in 2007. This has been regarded as a step towards independence and has revealed increasing Kurdish strength in Iraq. It will be argued that relations with the central government displayed a multifaceted course. In post-2003 period, KRG's relative strength against Baghdad, which dominated the period between 1991 and 2003, has been transformed significantly. Since 2003, while the Kurdish parties have maintained their autonomy in the north, through the constitutionalized KRG, they have also become Iraqi actors and participated in the constitutionalization process in post-Saddam Iraq with the Shi'ites. This will be regarded as a source of increasing Kurdish strength in Baghdad and influence on the central government, as well as of conflict and compromise oriented interdependency between the KRG and Baghdad. This thesis will argue that post-2003 period has also witnessed transformation in relations between the KRG and external powers. Becoming increasingly interdependent on the policies of each other, it will be argued, how, the two sides have begun mutually to reinforce their positions and interests while at the same time have strengthened constructive relations. This thesis will advocate that posing new sources of strength and constraints, this interdependency has been a tangible fruit of constitutionalization, and has been provided by the Kurds rise, in post-Saddam Iraq, as also strong regional actors shaping the policies and sensitive to the policies of neighboring countries. At this point, KRG's choice to stay as an autonomous part of

the Iraqi state rather than declaring independence will be tied to two inter-related reasons: advantages and safeguards stemmed from remaining as a constituent part of the Iraqi state and further strengthen in KRG and in Iraqi scene, and the KRG's awareness of regional and international constraints on its way towards independence.

The first chapter of this thesis tries to evaluate the period of politicization which covered the period between 1946 and 1991. Formation of the KDP in 1946 will be denoted as a turning point in Kurdish mobilisation, as it provided an organizational umbrella, a *polity*, for the mobilization. In this chapter, it will be discussed that the phase of politicization was accompanied with gradually assertive and violent Kurdish mobilisation. On the other hand, it will be argued that politicization could not eliminate, and even uncovered the fragile, dependent and vulnerable nature of the mobilisation by ascertaining the asymmetric relations the fragmented Kurdish groups engaged in with successive Iraqi governments and external powers. It will be added that this situation created dependency and one way influence in Kurdish groups' relations with Baghdad and external powers. It will lastly, be argued that such dependencies and vulnerabilities were perpetuated by the fragmentation among the Kurdish groups, which was politicized with the formation of the PUK in 1975.

The second chapter covers the period between 1991 and 2003. The main discussion of this chapter will be on implications of the institutional advance provided by the autonomy and self-rule on the nature and target of mobilisation. It will be explained that, as a result of institutionalization under a regional government Kurdish parties could separate and differentiate themselves from Baghdad's influence and could strengthen under the internationally protected autonomous zone. This will be regarded as political and administrative autonomy of the KRG against a weakened central government. Along with this, this chapter will outline upgrades in KRG's political demands –from autonomy to federalism- as a source Kurdish strength *vis-à-vis* Baghdad. Inside the KRG, increasing possession of statehood tools and emergence of a civil society and an autonomous media will be addressed as domestic strengths of the mobilization. On the other hand, fragmentation among the Kurdish parties, which resulted in four-year civil war, will be deemed as the major source of weakness. External powers' constructive engagement in Kurdish affairs in economic and diplomatic realms to weaken Saddam will be referred as continuation

of past decades' instrumental relations but reversal of the non-constructive relations between the two sides. On the other hand, it will be argued that, contrary to the previous decades, in this period anti-Baghdad stance of the external powers that prioritized a unified and strong Kurdish *polity* against Baghdad mediated a reconciliation between the Kurdish parties, thereby contributing to further strengthening of the mobilisation *vis-à-vis* Baghdad. External mediation between the KDP and the PUK and the ensuing 'calculated compromise' in 1998 will be attached a due significance in this sense. It will also be added that the constructive relations between the two sides in diplomatic and economic realms strengthened the mobilisation as autonomous governance.

The last chapter analyzes the implications of the constitutionalization phase on the nature and the target of Kurdish mobilization in Iraq in the post-2003 period. This chapter begins by examining the Kurds' centrality to immediate aftermath of remaking process of the Iraqi state. It argues that due to their support to the US during the war, Kurdish groups strengthened both *vis-à-vis* Baghdad, and *vis-à-vis* regional and international powers. The resulting Kurdish involvement in remaking of process of the Iraqi state and its constitution, and the KRG's ability to draft its own constitution will be deemed as an advance which culminated in Kurds' strengthening as a regional government and as proactive Iraqi and regional actors. In this sense, this chapter tries to analyze simultaneous transformation of KRG's relations with Baghdad and external powers towards interdependency which has posed new strengths and limitations on Kurdish mobilisation. Inside the KRG, promotion of the unification and consensus reached between the governing parties will be deemed as a source of stability and strength, since it contributed to the administrative capabilities and constitutional gains of the KRG stemmed from dual constitutionalization process. It will be added that the abovementioned unification between the governing parties of the KRG has also contributed to Kurdish strength in relations with Baghdad and external powers.

This thesis attempts at looking at main secondary sources of Kurdish mobilization in Iraq. There are many sources, which either look at a limited period of time,¹⁶ or look at the Kurdish groups' relations with a single international or regional

¹⁶ See, for, instance: Edgar O'Balance, *The Kurdish Struggle 1920-94*, Olson, Robert, *The Goat and the Butcher: Nationalism and State Formation in Kurdistan-Iraq Since the Iraqi War*.

actor, or developments at the domestic level.¹⁷ There are also some studies which look at intra-Kurdish dynamics of mobilisation.¹⁸ Unlike these studies, looking at developments within Kurdish groups, relations with Baghdad as well as with regional and international actors, this thesis aims to make a comprehensive analysis from 1946 onwards. It brings forward three significant conceptual lenses-politicization, institutionalization, and constitutionalization, to tackle with the Kurdish question in Iraq.

¹⁷ See, for instance, Ofra Bengio, *The Kurds of Iraq: Building a State Within a State*, Brendon O’leary, John McGarry, and Khaled Salih (eds), *The Future of Kurdistan in Iraq*, Ofra Bengio, *Nation Building in Ethnic Societies: The Case of Iraq*, in Bengio, Ofra Bengio & Gabriel Ben-Dor, *Minorities and The State in Arab World*, James Ciment, *The Kurds: State and minority in Turkey, Iraq, and Iran: Conflict and Crisis in The Post-Cold War World*.

¹⁸ See, for instance, Tahiri, Hussein, *The Structure of Kurdish Society*, Vali, Abbas, *Essays on The Origins of Kurdish Nationalism*, Yalçın-Hekkman, Lale, *Tribe and Kinship Among The Kurds*, Peter Lang, Bruinessan, Martin Van, Agha, *Shaikh and The State: The Social and Political Structures of Kurdistan*.

CHAPTER II

THE PHASE OF POLITICIZATION: 1946-1991

Purpose of this chapter is to underline the main features of Kurdish mobilisation which crystallized in politicization process with the formation of the Kurdistan Democratic Party (KDP) in 1946. This chapter will begin by arguing that inner dynamics of the mobilization, that is, fragmented or unified nature of Kurdish groups (tribes and political parties), and vulnerability to the policies Iraqi and external actors stemmed from this fragmentation became clear in this period and became a major source weakness. It will be argued that this relative strength or weakness required an overall evaluation of the inner dynamics of mobilization when analyzing the sources of vulnerability and dependency in Kurdish groups' relations with Iraqi actors and external powers. It will further be argued that, since Kurdish groups were too much fragmented and weak to pose a threat to Iraqi or external powers, and since they were too much dependent on and vulnerable to the policies of both, politicization and gradual assertiveness did not strengthen the mobilisation.

The period of politicization witnessed a gradually assertive, sometimes secessionist, and politically maturing but too much fragmented, dependent and vulnerable Kurdish mobilization. On the other hand, along with the inner dynamics of mobilization, this chapter will try to outline the positions of Iraqi governments and external powers (regional and international) *vis-à-vis* the gradually assertive Kurdish mobilization. It will be argued that the relative strength of the both actors against the weak and divided Kurdish groups, and lack of Kurdish influence on policies of neither Iraqi nor external actors ensued in a dependent and one way influence relationship between the Kurdish groups on the one hand, and Iraqi and external powers on the other on the detriment of the Kurds.

Historical Background: British Policies and Crystallization of Fragmentation

Evaluation on politicization period makes necessary to have a look at pre-1946 period, since dynamics had an influence on the abovementioned fragmentation and vulnerability. In pre-politicization period, covering the period between 1921 and 1946, Kurdish tribes were wholly dependent on the opportunity structures provided by the colonial power, policies of whom prioritized a strong Iraqi government. Thus, the course of mobilization was influenced by the opportunities provided by the British, and the central government under British control. This period witnessed local and small scale uprisings by the fragmented and dispersed Kurdish tribal leaders aimed to gain administrative rights in tribally determined local areas. Such uprisings became strictly linked to the opportunities provided by the British who could play the Kurdish and Iraqi elements off against each other and favored each in line of its own interests. In other words, British policy determined the degree of strength the Kurdish and Iraqi elements possessed against each other.

The 1920 San Remo Conference gave Britain a mandatory power over Iraq. In 1921, Britain created a pro-British monarchy with Amir Faisal as its king. Following the Treaty of Lausanne, Britain and League of Nations reverted the Mosul Province and rest of today's Iraqi Kurdish region to the British occupied Mesopotamian provinces of Basra and Baghdad. Out of these holdings, Iraq was created. At independence, 53% of the population were thought to be Arab Shi'ite Muslims, 21% Arab Sunnis and 14% Sunni Kurds. The rest were Arab Christians, Turkomen and Jews.¹⁹ In state creation period, relations, dependency and influence structures between Kurdish tribes and the Iraqi elite became strictly dependent on British policies. Colonial concerns of the British, which were indifferent to those of Arabs, Kurds, or other minorities, led the British to pursue a double edged Kurdish policy based on appeasement and backtracking: On the one hand, the British made gestures to certain demands of tribal leaders in order to secure colonial presence in the Kurdish-controlled areas. For instance, by treating Mosul province as a separate entity from Arab Iraq the British gave the Kurdish semi-legitimate political status. Moreover, the British organized Arabs and Kurdish regions into two zones: *Al-Iraq-*

¹⁹ Toby Dodge, *Iraq's Future: Aftermath of Regime Change*, p. 44.

al-Arab, or the southern and central Arab zone, including Baghdad and Basra provinces, and *al-Iraq-al-Cadjmi* which included the northern Kurdish region of Mosul province. On the other hand, the British pursued anti-Kurdish policy against secessionist Kurdish demands.

British's wavering appeasement strategy provided a fertile ground for the development of Kurdish self-awareness in Iraq. In reality, however, the British policy of encouragement was soon followed by backtracking, which was exemplified in the short aftermath of 1922 Barzinji movement.²⁰ After Shaikh Mahmoud Barzinji established the government of Kurdistan in 1922, Britain made a declaration on Kurdish autonomy despite the lack of a legal ground. According to this declaration, the governments of Great Britain and Iraq recognized the rights of the Kurds living within boundaries of Iraq to set up a Kurdish government within these boundaries.²¹ However, autonomy promises to the Kurds were ignored by the British after the annexation of Mosul into Iraq. This was illustration of the fact that the British policy encouraged strengthening of the Arab nationalist elite and tribal landowning groups against the mass Kurdish minority.

Alongside this wavering, British policy promoted both granting of administrative rights and a degree of disunity in Kurdish periphery. Together with Iraqization, the British employed utilitarian means of compliance that helped co-opt tribal and landowning groups who had been strengthened by the centralization policies of the Ottoman Empire in administrative realm. British policies contributed to emergence of pragmatic and asymmetric relations between the governing strata and the Kurdish tribes. The British gave tribal chiefs political and economic advantages, such as landowning, over urban communities and they gained greater regional autonomy under the colonial administrative system. The British also altered the traditional Ottoman land-tenure system so that tribal chiefs and *shaiks* gained absolute possession of their lands, which were formerly the sole properties of the state and frequently redistributed among tribal family members.²² These policies

²⁰ Ofra Bengio, *Autonomy in Kurdistan in Historical Perspective*, in Brendon O'leary, John McGarry, and Khaled Salih (eds), *The Future of Kurdistan in Iraq*, (Philedelphia: Uni. Of penisilvanya Press, 2005), p. 173.

²¹ Ofra Bengio, *ibid*, p, 15 .

²² Denise Natali, *The Kurds and the State: Evolving National Identity in Iraq, Turkey and Iran*, pp. 28-29.

continued into proceeding decades, ensuring that *aghass* and tribal communities enjoyed benefits over urban and non-tribal groups. Moreover, Kurdish tribes were subjected to differential treatment. Some tribes were placed under greater centralized government control, whereas the others retained their administrative autonomy. Exacerbating the lack of unity between tribes, these dichotomous policies perpetuated the fragmentation among the Kurdish tribes. Instead of mobilizing the Kurds politically, British organized different Kurdish administrations within separate jurisdictions that were governed by rival Kurdish leaders: for instance, Shaikh Mahmoud Barzinji ruled in Sulaimaniah and Ahmed Muhktar in Halabja. Administrative policies reinforced division and the Kurdish provinces were not only differentiated from Arab Iraq on territorial and ethnic basis but also governed separately from one another until 1945. As a result, Britain's divisive policies that co-opted the aghas and tribal chiefs contributed to the formation of a pragmatic but one way influence relationship between some Kurdish tribes and Baghdad on the one hand, and the British on the other. These relations, combined with the division among the Kurdish groups weakened the Kurdish mobilisation, and made the Kurds short term profit seekers. As Natali argued, during the early state-formation period Iraqi Kurds were still a non-imagined community.²³

On the other hand, wavering British policy provided for a relatively short term safer ground for the Kurds to raise secessionist demands. Benefiting from the lack of a political system that was dominated under the control of a dominant political faction, and influenced by the Wilson principles that favored self-determination for minorities, the Iraqi Kurds even emphasized their distinctness and *right* for independence.²⁴ The British's ambiguous policies created also a fertile ground for the Kurds to revolt against their domestic and external counterparts. However, lacking a politically organized nature, these revolts were locally based ones for administrative rights and fragmented in nature. Moreover, British policies eventually favored strengthening of the Iraqi actors against the Kurdish groups. Hence, at the onset of the politicization of Kurdish mobilisation in 1946, the Kurdish

²³ Denise Natali, *ibid*, p. 34.

²⁴ Denise Natali, *ibid*, p. 30.

mobilization had been located into a dependent and vulnerable environment against the policies of both central government and external powers.

Nature of Iraqi Political Context: Gradual Strength, Introduction of Appeasement and Backtracking

The British created Iraqi state was run by pro-British ex-Ottoman administrators.²⁵ Hence, loyalty created between the British and the ruling strata resulted in tacit British support to Iraqi governments on their Kurdish management policies. In this sense, unlike the one way influence relationship between the Britain and the Kurdish tribes, in pre-1946 period, Iraqi actors had an indirect influence on Kurdish groups. On the other hand, this tacit alliance between the British and Iraqi governments resulted in Baghdad's ability to employ similar appeasement and backtracking strategies against Kurdish groups. Appeasement strategies aimed at securing the support of minorities, including those of the Kurds, as part of regime consolidation strategies. Grants were provided to the extent that they did not threaten the power of central governments. One such grant provided to the Kurds was the Local Languages Law²⁶. Iraqi government issued the Local Languages Law before its admission to the League of Nations in 1932. The law declared: Iraq undertakes that in the *liwas* (provinces) of Mosul, Kirkuk, Sulaimaniah, the official language, side by side with Arabic, shall be Kurdish in the *qadhas* (district) in which the population is predominantly of Kurdish race.²⁷ Yet, aim of the law was to determine the boundaries of the area in which the Kurdish language would be spoken as the language of administration, since the granting of language rights did not seem as a threat to the regime at that time.

A major implication of the pre-1946 Iraqi political context became crystallization of the rival wings in Kurdish political thought as a result of the proliferation in Iraqi politics in 1930s. These rival wings, that is, the *tribal* and *non-tribal* Kurdish elite, held different perceptions for the direction of Kurdish mobilisation. This point will be given a specific place, but what mattered for the

²⁵ Elie Kedourie, *The Kingdom of Iraq: A Retrospect*, p. 271.

²⁶ Ofra Bengio, *The Kurds of Iraq: A State Within a State*, p. 11.

²⁷ Ofra Bengio, *ibid*, p. 16.

relations with the Iraqi government and the British became the friction between the tribal and intellectual political cults over commitment to *taba'i nationalism* (the pro-British tribal cult) and anti-colonialism (the leftist non-tribal cult). This situation carried the fragmentation to elite level and further curtailed likelihood of unified stance to pursue Kurdish interests against central governments. Enthusiastic by promoting their landowning privileges, the traditional tribal Kurdish elite continued to engage in a pragmatic relationship with the state elite and supported the idea of *taba'i nationalism* (a kind of Iraqi nationalism that defended the idea of commitment to the British rule and Hashemite monarchy) until early 1940s. The non-tribal Kurdish elite, to the contrary, displayed an anti-British stance, supported the anti-colonial agenda for Iraq and intended to politicize mobilisation under a Kurdish political party. However, as will be stated later, Kurdish groups' (tribal and non-tribal Kurdish elite) lack of experience with politics and the tribal cult's dominant position in mobilization resulted in unsuccessful party initiatives which aimed at breaking the tribal political inclination of the traditional Kurdish elite. This is why, failure of *Hewa* initiative would be regarded as the victory of tribal political cult over the intellectual one.

Kurdish Context: Fragmented and Immature Mobilisation For Administrative Demands

The period between 1921 and 1946 is significant for understanding the nature and anomalies of the Kurdish mobilisation. It was in this period that some of the still-continuing features of the mobilization was crystallized. A significant feature of the Kurdish mobilisation in this period was its wholly fragmented, and hence, vulnerable, dependent and weak nature. In this period, fragmentation among the Kurdish groups as leading actors of Kurdish mobilisation made the mobilisation born into a wholly dependent and vulnerable environment. The weakness of Kurdish mobilisation across Iraqi actors and external powers was brought about, and perpetuated by the evolution of the mobilisation in a tribal direction. For the Kurdish aghas it became more advantageous and politically safe to protect their land interests by developing a conciliatory relationship with the central government than to strengthen the mobilisation. Fragmented and slowly awakening mobilisation produced one way influence relations between the Kurdish groups and a relatively

strong and gradually centralizing Iraqi political context on the one hand, and between the former and the strong external powers on the other.

On the other hand, the period between 1946 and 1991 witnessed development of a more assertive Kurdish mobilisation. As Bengio put, this period was marked by a slow transition from uncoordinated tribal revolts which lacked a political center and direction, to more politically focused ones by Barzani.²⁸ Early Kurdish revolts of Shaikh Mahmoud Barzinji and Shaikh Ahmed were results of encouraging British policies (and relative weakness of the Iraqi government) and carried violent outlooks. Barzinji uprising resulted in a 'joint Anglo-Iraqi statement of intent regarding the Kurds that recognized the right of the Kurds living within the boundaries of Iraq to set up a Kurdish government. The Statement declared:

His Britannic Majesty's Government and the Government of Iraq recognize the right of the Kurds living within the boundaries of Iraq to set up a Kurdish government within those boundaries and hope that the different Kurdish elements will, as soon as possible, arrive at an agreement between themselves as to form which they wish that Government should take and the boundaries within which they wish it to extend and will send responsible delegates to Baghdad to discuss their economic and political relations with His Britannic Majesty's Government and the Government of Iraq.²⁹

Yet, alongside their tribal cult, the early Kurdish uprisings were more religious and segmented in nature, and were limited to certain regions for administrative rights. Besides, the abovementioned statement was ignored both by the Iraqi and British officials. The Kurds, given their too fragmented nature, were not in a position to stand against this back-down.

Early Politicization Efforts: Fractionalisation in Kurdish Political Thought and Mullah Mustafa Revolt: 1943-45

Politicization efforts by the Kurdish actors crystallized in 1930s as a result of ideological proliferation in Iraqi politics. Tribal and non-tribal political elite held different conceptions of mobilisation and development for the future of Kurdish politics. Tribal Kurdish elite, composed of tribal aghas and chiefs, prioritized tribal

²⁸ Ofra Bengio, *ibid*, p. 13.

²⁹ David McDowall, *A Modern History of Kurds*, p. 169. (This was issued as an official communique in Kurdish by Baghdad, and communicated orally by a Political Officer, C.J. Edmonds to Shaykh Abd al Karim of Qadir Karam, Edmonds, *Kurds, Turks and Arabs*, p. 312).

interest over a unified nationalist stance against Baghdad. Non-tribal Kurdish elite, composed of intellectuals, promoted a modernist conception of mobilisation. As Batatu put, some Kurdish peasants even turned to the local communist chapter and revolted against their landowners.³⁰ The modernizing tendencies in Kurdish mobilisation were revealed in the emergence of a new class of Kurdish intellectuals who organized themselves in Iraqi and Kurdish political parties. For example, some students in Baghdad formed *Komala-i Liwan* (Young Men's Club) in 1930. It was a modest beginning but it was considerable in seeking to foster Kurdish language and literature, the issues central to Kurdish identity were discussed, including the question of Kurdish political rights.³¹

In the absence of a vibrant Kurdish party, the Kurds first joined to the Iraqi Communist Party (ICP) that was founded in 1934. The ICP was the first Iraqi political party to incorporate a large number of Kurdish intellectuals.³² This was followed by the emergence of leftist and pro-independence Kurdish organizations composed of a new class of young professional Kurds in late 1930s. Some clandestine groups formed *Komala Brayati* (Brotherhood Society) led by Shaikh Mahmoud's son, Shaikh Latif. Its membership mostly included urban notables and religious dignitaries. A more radical nationalist branch in Sulaimaniah formed another group, *Darkar* (Wood-cutters) by adhering to the Carbonari of the Italian Risorgimento. Darkar had close links with the ICP and especially with its journal *Azadi*. Soon, Darkar formed the basis of a new party, *Hewa* (Hope). As in the case of Darkar, *Hewa*'s initial centers, Arbil, Kirkuk, Kifri, Kalar and Khaniqin, as well as the colleges in Baghdad, indicated the geographical and social shift taking place, away from the stereotyped mountain and tribal actors of Kurdish identity.³³ As the first modern Kurdish political party, *Hewa* was formed under the leadership of Rafiq Hilmi. Hewa included many groups such as Kurdish army officers, teachers, petit bourgeoisie and tribal leaders. These groups had conflicting interests and

³⁰ Hanna Batatu, *The Old social Classes and the Revolutionary Movements of Iraq*, pp. 533-545.

³¹ David McDowall, *ibid.*, p. 288.

³² Ali Abdullah, *Mejoyi Parti Dimokrati Kurdistanî Iraq ta Bastîni Kongerey Seyim* (History of the Kurdistan Democratic Party of Iraq to the Convention of the Third Congress), p. 16 in Hussein Tahiri, *The Structure of Kurdish Society and The Struggle for a Kurdish State*, pp. 102-103.

³³ David McDowall, *ibid.*, p. 288.

ideological differences mainly over the dependency of the Western Camp (especially of British) or the Eastern Camp (Soviet Union) for the protection and attainment of Kurdish national rights as well as of Kurdish self-determination. These tensions heightened in *Hewa* at the onset of the Mullah Mustafa's revolt against the Iraqi government. While the leftists supported him, the rightists chose to stay away from him not to upset the British. These tensions led to the split of *Hewa* at the 1944 Congress in Kirkuk. As Tahiri suggested, these tensions revealed the fact that the Kurds of Iraq could not establish a viable and strong Kurdish political party, for the mobilisation included so many different groups with irreconcilable interests.³⁴

Mullah Mustafa Barzani Revolt: 1943-1945

The Mullah Mustafa uprising of 1943 proved how this new intellectual leadership failed to attract the old *agha* class. Although some described this revolt as a totalitarian rebellion, in fact it was not. The main purpose of the revolt was possession of administrative rights in Barzan region. Mullah conducted his ties with *Brayati* and later with *Hewa* but his main aim was to ensure his place in this region. After the long-standing armed activities against the central government, with the British mediation, Mullah Mustafa agreed to negotiate with the central government. During the negotiations, he raised many demands such as establishment of a Kurdish province including Kirkuk under the control of elected Kurdish leaders, and acceptance of Kurdish as an official language. As the negotiations stalled, clashes between the Barzani and government intensified in 1945. Despite the small-scale successes of Barzani forces, the government forces and some rival Kurdish tribes such as Bradosti, Surchi and Zibar defeated Barzani and forced him to cross Iranian borders.³⁵ In Iran, he joined the short-lived Mahabad Republic which was formed by Iranian Kurds in 1946 with the support of Soviet Union. As the Republic experience destructed, he retreated to Soviet Union and remained there until the collapse of the Hashemite Monarch of Iraq in 1958. Until 1958, there did not occur important clashes between Baghdad and Kurdish groups.

³⁴ Hussein Tahiri, *The Structure of Kurdish Society and The Struggle for a Kurdish State*, p. 104.

³⁵ Kutbettin Kılıç, *The Kurds: Between Tragedy and Hope*, Master's Thesis, 2007, p. 14.

Despite his administrative demands, there is little evidence that Mullah Mustafa furthered a totalitarian Kurdish cause during the course of the revolt. Quite on the contrary, he pursued tribal goals over political or secessionist ones. For instance, his demand list did not include something along self-administration. In fact, it seems that his traditional tribal role required him to act as both mediator and focus among the tribes in his area and led him not only to disregard autonomy but to broaden his regional authority via his tribal chieftdom.

Consequently, at the onset of official politicization, Kurdish groups acted in an environment in which they engaged in asymmetric, dependent and vulnerable relations, with goals not fully enthusiastic by political demands, both with the central governments and with the British. The tribal elite's short term pragmatic relations with the central government and the British, and the British's pro-Iraqi stance was exacerbated by the chaotic political atmosphere created by ideological proliferation in Iraqi politics. The most significant implication of the politicization efforts was that these political initiatives failed to benefit from the fruits of this proliferation in Iraqi politics -brought about by the lack of a dominant political faction- to construct a vibrant *polity* against central governments the due to the deepening fragmentation among the Kurdish elite. Instead of displaying a unified stance, the two cults of Kurdish groups (tribal leaders and intellectual Kurdish elite) continued to ally themselves either with the British or with the anti-colonial movement. Fragmentation in Kurdish political thought and the rivalry among the Kurdish parties would be a significant characteristic of politicization period.

POLITICIZATION: KURDISTAN DEMOCRATIC PARTY (KDP) AND PATRIOTIC UNION OF KURDISTAN (PUK)

Following the collapse of Barzani revolt, Mullah Mustafa formed Kurdistan Democratic Party (KDP) in 1946. Providing a political and organizational framework for the mobilisation, formation of the KDP resulted in Barzani's rise as the enduring symbol of Kurdish politics in Iraq. Before KDP, Kurdish elite's engagement in Iraqi politics was conducted through Iraqi parties, such as the Iraqi Communist Party (ICP). With the formation of KDP, for the first time in Kurdish history in Iraq, Kurdish groups constituted a *polity* in wider political context.

A major implication of politicization became reversal of the indirect relations between central governments and Kurdish polity. Before 1946, their relationship was shaped with each other's relations with the British. Since post-1946 period witnessed strengthening and centralizing central governments in Baghdad, simultaneous politicization of the Kurdish groups meant the need for a construction of Kurdish policy for central governments. On the other hand, strengthening central governments across a retarded Kurdish assertiveness made this relationship asymmetric and produced one-way influence. Each government employed similar type of *first appeasement then backtracking* strategy for the Kurds as part of consolidation strategies. Being able to do so, central Iraqi governments could draw the boundaries of Kurdish political activity, and posed major limitation on mobilisation. Kurdish influence on central governments became limited to concessions granted by central governments as part of consolidation strategies.

When relations with outside powers concerned, politicization did not change the nature of relations and influence structures between the Kurdish groups and external actors. Between 1946 and 1991, relationship between the two was shaped in line with the nature of relations between Baghdad and external powers. Politicization had no direct influence on policies of regional and international powers, since the latter's engagement in Kurdish politics remained limited to its engagement in Iraqi politics in line with its own interests. Regional and international powers' engagement in Kurdish politics and mobilisation became instrumental and limited to their Iraqi foreign policy, which, in turn, was shaped by cold war politics. Such an instrumental engagement produced dependency and one way influence between the Kurdish parties and external powers on behalf of the latter.

Post-1946 period witnessed regionalization and internationalization of Kurdish question as part of cold war rivalries. When the effects of cold war calmed down in late 1970s, external powers' involvement in Kurdish politics continued to be shaped by inter-state conflicts. Hence, in both occasions, the relations between Kurdish groups and external powers remained indirect and limited. External powers' pragmatic relations with the Kurdish parties in their rivalry with Iraq, and vulnerability and dependency of the fragmented and weak Kurdish parties, which have no potential to pose a threat to the policies of external powers, produced one way influence on behalf of external powers. Just as the relation pattern with central

governments that fluctuated between appeasement and backtracking, relations between the Kurdish parties and external powers displayed a pattern that fluctuated between encouragement and indifference. This pattern, as in relations with Baghdad, resulted in vulnerability of the mobilisation to the manipulation of intra-Kurdish rivalries both by central governments and regional and international powers, first, in cold rivalries, and second, in inter-state conflicts.

When the inner dynamics of the mobilization are concerned, although politicization period witnessed a gradually assertive mobilization along politicized demands (ideal of autonomy) it did not bring a unified political stance among the Kurdish parties against central governments and external actors. Pre-politicization period's local demands, which were raised in successive Kurdish revolts, were replaced with the political goal of autonomy. On the other hand, deepening fragmentation and division in political sphere continued to weaken mobilisation. This not only kept the rivalries and division in Kurdish actors alive, but also provided a fertile ground for Iraqi and external actors to penetrate into Kurdish politics in a way to weaken mobilisation.

CENTRALISING IRAQI CONTEXT: DEPENDENCY AND ONE WAY INFLUENCE

As stated before, politicization of Kurdish mobilisation against an opposing official state discourse (Arabisation politics) introduced the wider Iraqi political actors as a significant determinant of Kurdish mobilization. The period between 1946 and 1991 witnessed major governmental changes and similar dichotomous Kurdish policies of central governments. Relations with Iraqi actors in this period was significant for the course of the mobilisation in the sense that, each government employed a similar first-appeasement-then-indifference policy, which created one way influence between the two contexts and the Kurdish groups' dependency on central government policies. Emergence of a Kurdish *polity* required for central governments to employ a Kurdish policy. Moreover, they needed to resort Kurdish support as part of consolidation strategies. However, it produced dependency and one way influence for the Kurdish parties, since when Kurdish support was no longer necessary, central governments could easily backtrack on their earlier promises.

In this period, gradual centralisation and Arabization of Iraqi politics, first under anti-colonial movement, and then under republican regimes' *wataniyya* and *qawmiyya* discourses revealed the significance of identity politics as a significant function of relations between Iraqi governments and Kurdish parties. While Arabising Iraqi political context, state elite also contributed to tribalisation of the Kurdish political context through re-assertation of the powers of tribal Kurdish elites in political, socio-economic, administrative and military realms. Regime strategies also included manipulation of weakness in, and fragmentation among the Kurdish groups in inter-state conflicts as well as in inter-tribe conflicts. The 1980-88 war became the peak point of this double manipulation. Moreover, since the Iraqi political context grew much stronger against the retarded Kurdish mobilisation, it could exert one way influence on Kurdish demands and mobilisation. Closing political opportunities for the Kurds and constructing appeasement and indifference strategies, Iraqi regimes could control the boundaries of the mobilisation.

Republican Era and Kurdish Policy: 1958-1968

Removal of the monarchy by the Young Officers in 1958, and early years of the Republican era created an optimistic atmosphere for the Kurdish *polity*. For the first time in Iraqi history, provisional constitution that was published after the overthrow of Hashemite monarchy recognized the Arabs and the Kurds as associates in Iraq.³⁶ On the other hand, central governments' inconsistent Kurdish policies reinforced a relationship between the Kurdish elite and central government that fluctuated between appeasement and hostility. Even if the Iraqi political context grew increasingly restrictive, state officials attempted to negotiate with the Kurdish elite as part of consolidation strategies. They recognized Barzani as the official Kurdish leader and the KDP as a Kurdish party, giving the Kurdish elite and organizations semi-legitimacy in Iraq. At the same time, however, from the early Republican period, Arab nationalist influences began to restrict the political environment from the penetration of Kurdish groups, and employed a great control on Kurdish political activity.

³⁶ Gerard Chailand, *The Kurdish Tragedy*, p. 56.

Meanwhile, in post-British period, with the *tab'ai* nationalism began to loose ground, Iraqi politics began to factionalize among Arab nationalists, communists, and military civilian branches in the Iraqi government over the notion of *wahda*, or Arab unity. Arab nationalists had distinct ideas about the past, present and future Iraqi identity based on Arab unity (*qawmiyya*) and Iraqi patriotism (*wataniyya*). Unlike other ideological branches, *qawmiyya* discourse regarded Iraq as a part of the wider Arab nation. Most members of the Iraq Renaissance Socialist Party (Ba'athists) were *qawmiyya* nationalists. Rejecting a political right for minorities, *qawmiyya* nationalists employed myths that denied Kurdish ethnicity and considered Kurds as Arab in origin who were separated from their true motherland by the forces of colonialism. This would be the basis of the Ba'athist ideology which attempted to include all ethnic groups in an Arab state. Yet, in the early years of the Republican Regime, *qawmiyya* discourse was not the single dominant ideology among the Arab politicians. It coexisted with *wataniyya* discourse which promoted an Iraqi patriotism based on the notion of patriotism to the fatherland (*watan*) as well as on the linguistic and cultural ties between groups living in the same geographical area. Recognizing the local identities of non-Arab ethnic groups, *wataniyya* nationalists viewed the Kurds as partners in Iraq with their own distinct language, culture and territory. Consequently, *wataniyya* discourse offered greater cultural and political rights to non-Arab groups, including the Kurds, and even gained the support of some secular Kurdish communities.

The two leading actors of this decade, Qasim and Arif held different political approach to non-Arabs- with Qasim holding the idea of *wataniyya* discourse whereas Arif holding the idea of *qawmiyya* discourse. However, the outcomes of their policies did not favor the Kurds. A considerable part of Qasim's state ideology was based on the notion of Kurdish-Arab fraternity. He even attempted to constitutionalize Kurdish autonomy by establishing a provisional constitution that recognized Iraq's bi-national character. Inclusionary discourses and policies gave the Kurdish political organizations semi-legitimacy. In time, Qasim had to abandon its communist outlook in order to secure his state-building project from the criticizing of non-communist bloc and Arab nationalist military factions as well as the surrounding Arab states. Qasim had to strategically withdraw from his left-leaning and pro-Kurdish agenda. In 1959, he imposed martial law, Arabized the names of Kurdish

localities and closed down Kurdish organizations, including the KDP. Like Qasim, in order to consolidate his power base, Arif initially recognized Kurds as a group with distinct political rights, such as autonomy. However, soon he turned to the *qawmiyya* discourse as the basis of Iraqi identity. In contrast to the 1958 Constitution, which affirmed Kurdish-Arab partnership, Arif made constitutional amendments to invalidate it.

Political discourses employed by the strengthening republican regimes increased dependency one way influence relation pattern between central governments and the Kurdish groups. The political agenda of Iraqi governments aimed repeatedly at appeasing the KDP and Kurdish groups by recognizing the bi-national character of Iraq, promising Kurdish autonomy and negotiating with the Kurdish elite. It also promoted, on a selective basis, local alliances with Kurdish tribes, which was often welcomed by these locals for short-run economic concerns at the expense of a unified stance against Baghdad. The *wataniyya* and *qawmiyya* discourses even contributed to the continuing adoption of collective identities along with the tribal identities over the nationalist ones in Kurdish periphery, which overlapped to the fragmentation among the Kurdish groups.

The Ba'ath Era: 1968-1991

The Ba'ath's rise to power with 1968 coup initiated a new era for Iraqi-Kurdish relations which continued until the pacification of the northern Iraq from the forces of Saddam Hussein by the Allied forces in 1991. Like their predecessors, Ba'athists' first task was power consolidation against conservative groups, and foreign threats such as Iran. The Kurdish wars of 1961-68 which created an economic drain, and the Iranian, Israeli and US support to the KDP had also threatened the stability of the political system. Hence, when the Ba'ath came to power, it was politically and economically too weak to ignore Kurdish support. Like previous leaders, Ba'athists tried to appease Kurdish groups by employing a *wataniyya* discourse putting Iraqi identity over Arab or Kurdish identity. As a result, relations between the Kurdish elite and the central government grew conciliatory for two years. Yet, Ba'athist appeals to the Kurds, like those of its predecessors, were not real attempts to open political space, but rather time gaining tactics to help consolidate power of the central government. When the Kurdish support was no

longer necessary, particularly after the Ba'ath regime reaffirmed its relations with the ICP, the Soviet Union, and conservative Arab states, Hussein began to employ a strict *qawmiyya* discourse. He ceased making gestures to the Kurdish leaders, and restricted the political context by centralizing and Arabizing the state.

As part of appeasement and consolidation strategy, the Ba'ath government appointed two Kurds loyal to Barzani as ministers. Giving Kurds promise of autonomy, Hussein also signed an agreement with Barzani on March 1970, which is known as the March Manifesto (Autonomy Agreement). Entessar provides a brief account on the scope of the Agreement:

Major provisions of the March Manifesto included: recognition of the Kurdish language in areas with a Kurdish majority, self-rule, appointment of Kurds to high-level positions in the central government, creation of national administrative units in the Kurdish region, monetary and other assistance to help Kurds return to their villages; implementation of a genuine agrarian reform program, promotion of Kurdish cultural rights and educational advancement opportunities.³⁷

Saddam established a commission that included two Arabs and two Kurds to implement the decisions of the March Manifesto.³⁸ However, like Bazzaz Plan, the Autonomy Agreement was not implemented. The Agreement failed to provide consensus on the borders of the proposed Kurdish autonomous zone, and, specifically whether or not oil-rich Kirkuk would go to the Kurds or remain under central government control.³⁹ Saddam did not want to add oil-rich Kirkuk to the promised autonomous Kurdish region and began to the policy of Arabization of oil-rich regions including Kirkuk. He relocated Arabs from other regions in these oil-rich places and forced the Kurds and Turkomen living in Kirkuk to move to other regions of Iraq. Arabization policy was protested by Mullah Mustafa and deteriorated the relations between the government and the Kurds. The controversy was exacerbated by Saddam's proclamation of a unilateral autonomy law. The terms of law set out the Ba'ath position, one that went further than any previous legislation, but which fell short of Kurdish demands regarding Kirkuk and real seat of power. Articles of the law allowed Baghdad to retain powers which, by judicious exercise,

³⁷ Entessar, *Kurdish Ethnonationalism*, p. 71.

³⁸ David McDowall, *ibid.*, p. 329.

³⁹ Robert Lowe & Gareth Stansfield, *The Kurdish Policy Imperative*, pp. 46-47.

could effectively strip the autonomous region of any real self-control.⁴⁰ As a result, failed autonomy records between the KDP and Baghdad in 1966 and in 1970 remained short lived attempts of the Iraqi governments to appease the Kurds.

In addition to the promotion of *qawmiyya* discourse as a tool for Arabization of the Iraqi political context, a significant part of the Ba'athist influence over Kurdish polity was to keep fragmentation among the Kurdish groups alive by promoting tribalism. This became a major governmental tool to render the likelihood of a unified Kurdish mobilisation. In order to provide its control throughout the country, Iraqi government tried to construct points of dependency in cities and countryside. *Mujamma'at* and *mustashar* systems became the main tools of this policy. Through these systems, the regime tried to create dependency on, hence loyalty to, the state through middlemen (*mustashars*) who could strengthen and even create tribally-based claims to authority through the monopolization of power in economic, political, administrative and military realms. Ba'athist influence over Kurdish tribes stemmed from state-led development and the Ba'ath's uncontrolled power over its population, including the Kurds. Rentier economic policies, which provided governmental sovereignty from local populations, flourished reinforcement of traditional patronage relations between the regime and the local powers. Rentier state policy purposed purchasing of consent in return for revenue distribution. As long as the state could secure this distribution through the channel of tribal leaders in order more easily to control the rest of the population, certain tribes were empowered while at the same time reinforcing their wealth and socio-economic strength in their respective regions. Thus, under the Ba'ath regime, the nature relationship that determined the relations between the government and the society was determined by Hussein's state-led economy policies which favored certain segments of the population over the majority.

As a state-led source of dependency to state, tribalism reached its peak during 1970s. Quoting from Bengio, as Erkmen put, Ba'athist regime especially reinforced the tribalism because it regarded tribalism as a sign of and the producer of

⁴⁰ David McDowall, *ibid.*, p. 335-336.

backwardness in the periphery.⁴¹ As Jabar argued, two major patterns of tribalism developed in Iraq under the Ba'ath regime.⁴² The first was *etatist* tribalism- a process in which tribal lineages were integrated into the state to enhance the power of the fragile elite. This process was exclusive, promoting certain Sunni Arab clans and relatives of the elite with the aim of integrating them into state structures as part of regime consolidation strategies. Etatist tribalism began in 1970s and continued into early 1990s. The second pattern, *social* tribalism signified the regime's loss of potency against the mass urban society. Aware of its weakness due to the impact of long wars that created economic drain, the state devolved such functions as tax collection, judicial powers and law enforcement to the resilient local tribal networks. Unlike the etatist tribalism, social tribalism was confined to all minorities of Iraq, and strengthened the cliental relations between old aghas and the central government.

Following the outbreak of the Iran-Iraq war in 1980 and the renewal of Kurdish guerilla activities, the Ba'athist military forces who became an ideological army (*Jaysh al- 'Aqa 'di*) forced Kurdish families to resettle in collective urban towns (*mujamma'at*). Through these officers, the Ba'ath government had greater control of the Kurds' daily lives. Deported Kurdish villagers who were resettled in the *mujamm'ats* were cut off from their former means of livelihood, and became dependent on the state. Uneven urbanization through the resettlement policy of *mujamma'at* destroyed traditional living patterns and created a problem of unemployment, which increased the Kurds' dependency on the state as rent seekers, and promoted fragmentation and weakness in Kurdish mobilisation. The Ba'ath installed the so-called *mustashar* troops (Kurdish irregulars) to protect *mujamma'ats*. Among the many tribes who created such irregular troops or *jash* (the Kurdish *traitors* who collaborated with central governments against their fellow Kurds) were the Surchi and Bradost; but there were also men without a tribal background who acquired prominence by becoming *mustashar*, such as Mamand Qashaqhi. Since *mustashar* leaders were tied to the Ba'ath regime through the networks of patronage

⁴¹ Serhat Erkmen, *Irak'ta İşgal sonrası Siyasal Yaşam ve 2010 Parlamento Seçimleri*, Ortadoğu Etütleri, vol 2, no. 1, pp. 118-119 in Ofra Bengio, *The Challenge to Territorial Integrity of Iraq*, Survival, vol. 37, no. 2, Summer 1995, p. 88.

⁴² Faleh A. Jabar, *Shayks and Ideologues, Detribalisation and Retribalisation in Iraq 1968-1998*, Middle East Report, Vol. 215, p. 28, 2000.

and clientalism, the *mustashar* system actually contributed to the creation of new quasi-tribal relations.⁴³ *Mustashars* were charged in distribution of state supplies to the people, hence in reinforcement of the social and political power of the state in the countryside. Hence they were, in a sense bridge between the state and the society. The more this strata became dependent on the state for job opportunities, the more did the rest of the population became dependent on the both.

Continuing into 1980s and 1990s, dependency created by constant re-tribalisation was made easier with the division among the Kurdish groups. Alongside its socio-economic cult, re-tribalisation as a dependency tool also carried an ideological-military dimension.⁴⁴ As part of dependency construction strategy, the government allowed tribal leaders to continue to administer their regions, collect taxes, settle land disputes and regulate commercial affairs in their localities, which, in an intermingled manner with the socioeconomic dimension of the matter, reinforced the fragmentation in the Kurdish region along tribal affiliations. As part of war-time strategies, the Ba'athists offered special salaries and incentives to certain tribes and created networks of various *jash* among the Kurdish groups who collaborated with the government in return for such rewards, and mostly at the expense of improving the mobilisation. The Ba'ath regime benefited from the *jash* genesis in 1980-88 war and the following Anfal Campaign against their fellow Kurds.

NATURE OF THE KURDISH CONTEXT: POLITICAL FRAGMENTATION, VULNERABILITY

The KDP was formed with two distinct and contradictory groups, intellectuals and tribal leaders. Tension between them arose from the early days of the formation of the party. Urban and non-tribal members were also included in the party structure. The party has been the main organizational framework under which the Kurdish mobilisation flourished. However, Barzani configured the party structure along tribal lines and appointed the members of the Barzani tribe to the significant posts of the KDP. He was elected as the president of the party and two other landlords, Sheikh

⁴³ Michael Leezenberg, *Urbanization, Privatization and Patronage: The Political Economy of Iraqi Kurdistan* in Faleh A. Jabar & Hosham Dawod, *The Kurds: Nationalism and Politics*, p. 159.

⁴⁴ Judith Yaphee, *Tribalism in Iraq: The Old and The New*, Middle East Policy, vol.7, no: 3, p. 54.

Latif and Sheikh Ziad Agha were appointed as vice-presidents, and Hamza Abdullah as its Secretary-General. As Romano argues, Barzani did not have to build up an armed mobilisation, since he was already at the head of a considerable mobilizing network based on tribes, kinship, and, to a lesser extent, the religious followings of his brother Sheikh Ahmad Barzani.⁴⁵ As soon as he gained the political leadership of Kurdish mobilisation Barzani ended the cooperation with ICP allies. Despite inclusion of non-tribal elements, he ensured the advantageous positions of traditional Kurdish elite in party, and hence in mobilisation.

By the mid-1960s the KDP in split into two; one group was loyal to Barzani and the other to Ibrahim Ahmad (the leader of leftist branch within the KDP) and his protégé Jalal Talabani. The tribal and non-tribal political cults of the party held different conceptions of mobilisation against central government. The traditional Kurdish elite supported tribal mobilisation to form a Kurdish entity under their strict rule. The tribal cult's significance stemmed from the fact that tribes were the only effective military force and they would support leftist nationalists only if a secessionist movement was led by respected tribal and religious notables.⁴⁶ Non-tribal cult, on the other hand was represented by the leftist and Marxist-leaning Kurdish intellectuals who embraced an idea of mobilisation and self-determination through dismantling of the tribal concerns. Despite the discursive difference, however, non-tribal branch did not reveal a real ideological break from the tribal branch. As Halliday put, Kurdish parties proclaimed adherence to socialist conception of class. But this has reflected a gap between political rhetoric and aspiration, on the one side, and reality, on the other. Kurdish mobilisation has not been a mobilisation of the working class.⁴⁷ More significantly, this made mobilisation weak inside, and dependent and vulnerable to the policies of Iraqi and external powers. Even, in the aftermath of the WWII, leading figures of Kurdish mobilisation were much more swamped with their role in anti-colonial movement. Rather than displaying a politically vibrant mobilisation, they continued to question

⁴⁵ David Romano, *The Kurdish Nationalist Movement: Opportunity, Mobilization and Identity*, p. 188.

⁴⁶ David McDowall, *ibid.*, p. 296.

⁴⁷ Fred Halliday, *Can We Write a Modernist History of Kurdish Nationalism?* in *The Kurds: Nationalism and Politics*, p. 14.

their role in wider Iraqi political context: would they take place in pro-British side (near *tab'ai* nationalists) or would they take place in anti-colonial movement.

Kurdish Mobilisation in Republican Iraq: 1958-1968: A Short Lived Strength

The period between 1961 and 1968 remarked a strengthening mobilisation due to its ability to benefit from transitional periods in Iraqi politics. This period witnessed a political vacuum brought about by governmental changes, which resulted in appeasement strategies of the initially weak central governments. However, interaction between Kurdish groups and Iraqi governments, which revealed itself in increasing assertiveness in Kurdish revolts, did not brought about an influence of the Kurdish groups on their relations with central governments and external powers. Even, relations with external powers remained indirect and limited to Iraqi policies of external powers. Moreover, gradual centralization and Arabization of Iraqi politics under, first, anti-colonial movement and then republican regimes' *wataniyya* (Iraqi patriotism) and *qawmiyya* (Arab nationalism) discourses, and constant ban of Kurdish parties, including the KDP, diminished ideological realm in Kurdish politics and secured the dominance of tribal concerns of the KDP as the forerunner of mobilisation.

On the other hand, as the Iraqi politics began to centralize and Arabize under the Republican regimes' *wataniyya* and *qawmiyya* discourses, despite partial external support and financial resources, Kurdish mobilisation began to grow through violent upheavals under the leadership of Barzani. Moreover, with politicization, Kurdish demands upgraded from local administrative demands, to the political demand of autonomy. Kurdish assertiveness became also popular with the left-leaning Kurdish elite. During the 1960s Jalal Talabani gave many lectures to Kurdish military cadres and published them under the title of *Kurdayeti*.⁴⁸ Equally importantly however, as a main departure from pre-politicization period, in actuality, the mobilisation did not carry a secessionist outlook. Even during the most assertive Kurdish war years of 1961-68, and the following March Manifesto, Barzani demanded the right to preserve the Kurdish language, cultural heritage, national personality and autonomy

⁴⁸ Denise Natali, *ibid.*, pp. 54-55.

within the boundaries of Iraq. Instead of calling for an independent Kurdish state, autonomy, which included demands to have a distinct local identity within the Iraqi state, and autonomous control over areas that were regarded as historically Kurdish territory (Kirkuk) became the main stated goal.

Several days after Qasim's ascent to power, Mullah Mustafa, who had returned Iraq back in 1958, presented the government a list of demands including the administrative autonomy. Qasim rejected this demand, but granted some concessions to the Kurds during the first years of his rule, including permission for KDP to operate openly⁴⁹. However, the relations between the Qasim and the Kurds deteriorated in 1961, and an armed struggle broke out between Qasim regime and Mullah Mustafa, namely the September Revolution (*Thawrat Aylul*).

September Revolution was important in the sense that a significant feature of Kurdish politics, the ideal of 'autonomy' entered officially into the scene. When Arif came to power in 1963, the Kurds presented the same demand, this time in the form of federalism (*ittihad ikhtiyari*). The demand sought to include the provinces of Arbil, Sulaimaniah and Kirkuk in the Kurdish federative part as well the districts and sub-districts populated by the Kurdish majority in Diyala and Mosul.⁵⁰ Rejecting these claims, Arif agreed only to a decentralization plan, which was regarded by the Kurds as a delaying tactic. This paved the way for a new struggle between the Kurds and the Iraqi Government.

The second Mullah Mustafa uprising manifested a recurring theme in Kurdish-Iraqi government relations: one way influence between the Kurdish polity and central government, which was brought about by the relations that fluctuated between compromise and hostility. It was direct and initially semi-mutually reinforcing in the sense that, even when the Iraqi political context became increasingly restrictive, state officials attempted to negotiate with the Kurdish elite.⁵¹ This fight-again-negotiate-again strategy was to be a perennial feature of Kurdish mobilization. Central Iraqi governments, on their parts, pursued the policy of first offering Kurds some rights in order to guarantee their loyalty, and then on a selective

⁴⁹ Ofra Bengio, *ibid.*, p. 16.

⁵⁰ Ofra Bengio, *ibid.*, p. 16.

⁵¹ Denise Natali, *ibid.*, pp. 53-54.

basis, constructing local alliances from Kurdish tribes, which was often welcomed by these locals especially with short-run economic concerns. As Stansfield put, some Kurdish tribes fell into the habit of dealing with the Iraqi government to provide security in their areas, often against their fellow Kurds. When these opportunities of economic advancement also matched the divisions of a particular intra-Kurdish tribal dispute, then the dispute heightened.⁵²

The cease-fire between Barzani and Arif that was announced in 1964 was followed by the famous 1966 Bazzaz Plan. With this twelve-point Plan, Iraqi government offered Kurds autonomy, including an important provision for parliamentary democracy in all of Iraq. Bazzaz Plan included the most extensive concessions to the Kurds up to then, although it still refrained from explicitly mentioning autonomy.⁵³ The Plan was later ignored, falling victim to a coup by Arab nationalist officers.⁵⁴ The failed autonomy records between the Kurds and Baghdad in 1966 represented brief attempts of the Iraqi governments to appease the KDP and other Kurdish groups. It was also a reminder for the regional dimension of the Kurdish mobilisation. The 1966 Plan greatly alarmed neighboring Turkey, Iran and Syria; and despite its failure, it had a demonstrative effect on Kurdish groups in those countries.

Overall, in this decade, centralization and strengthening of the Iraqi political context under the rule of republican regimes was countered by the relatively slow strengthening of Kurdish mobilization. This was first revealed in the evolving nature of the tribal-religious revolts to more nationalist and political ones, and second in the further politicization of the mobilization under the cadres of the KDP. Kurdish groups could also benefit from the power vacuums created by the rise and fall of Iraqi governments by presenting their demands to the succeeding governments which welcomed these demands as part of consolidation strategies. However, such grants remained short lived, created dependency, and reversed the Kurdish strength after obtainment of consolidation.

⁵² Gareth Stansfield, *Finding A Dangerous Equilibrium: Internal Politics in Iraqi Kurdistan-Parties, Tribes, Religion and Ethnicity Reconsidered* in Faleh A. Jabar & Hosham Dawod, *The Kurds: Nationalism and Politics*, p. 266.

⁵³ Ofra Bengio, *ibid.*, p. 17.

⁵⁴ Robert Lowe & Gareth Stansfield, *ibid.*, pp. 46-47.

Kurdish Mobilization In Ba'ath Period and Reversal of Strength: 1968-1991

The Ba'ath's advent to power in 1968 witnessed a new era of Kurdish-Iraqi relations and the Kurdish parties' relations with external powers. First of all, further strengthening of Kurdish mobilisation under growing political experience of the KDP was countered by Saddam Hussein's *qawmiyya* discourse. As stated before, this discourse included increasing the vulnerability and dependency of Kurdish mobilization on state-provided opportunities through the policies of re-tribalisation. Again, as stated before, such policies decreased the likelihood of a coherent mobilisation. Dependency policies of the Ba'ath deepened the weakness stemmed from division among the Kurdish parties by construction of a pragmatic relationship between the Kurdish elite and the state elite. Moreover, formal fragmentation in Kurdish politics (hence mobilisation) with the formation of the PUK added to the weakness of the mobilisation. Triggering of the rivalry by Baghdad through keeping the division alive plus regional and state-wide manipulation of Kurdish rivalry produced a one-way influence relationship between the Kurdish groups and their equally strong Iraqi and external counterparts.

Ba'ath's rise to power in 1968 marked reversal of the short-lived Kurdish strength that was reached to its peak in 1961-68 assertive war years, and further strengthening and centralization of the Iraqi actors under Arabization policies of the Ba'ath regime. This period also witnessed the peak point of the external and state-wide manipulation of the Kurdish division first, in cold war rivalries, and second in inter-state conflicts.

As stated earlier, the Ba'ath's first task was to consolidate its power across its minorities. As part of this strategy, the regime appointed two Kurds loyal to Barzani as government ministers while at the same time signing the March Manifesto (Autonomy Agreement) with Barzani on March 1970. With this Agreement, the Kurds gained autonomy in Dohuk, Sulaimaniah and Arbil. Like Bazzaz Plan, the Agreement was not implemented due to the controversy between Baghdad and Barzani over the status of Kirkuk. The major implication of this for the Kurdish mobilisation was that it exacerbated the rivalry between Barzani and his opposites, mainly Talabani, who blamed Barzani for his insistence on Kirkuk. Meanwhile,

Saddam succeeded in benefiting from the turmoil in Kurdish politics by declaring Autonomy Law which gave the control of Kirkuk to Ba'ath regime.

Autonomy Law and stalemate over Kirkuk were followed by the last Mullah Mustafa uprising. In his last uprising, Barzani heavily relied upon US, Iranian and Israeli support to benefit from Iran-Iraq conflict. However, the Algiers Agreement of March 1975 ended the Kurdish insurgency which had been going on since 1961. In this Agreement, Shah of Iran undertook to withdraw his support to Kurdish uprising in Iraq when Saddam agreed to cede the control of the Shatt al-Arab waterway to Iran.⁵⁵

The last Kurdish uprising revealed the significance and influence of the relations between the Iraqi actors and the regional powers on Kurdish mobilisation. The aforementioned one way influences of Iraqi and external actors on Kurdish groups, due to the latter's weakness and internal division, paved the way for the collapse of the Barzani revolt even at a time the Kurdish assertiveness against the central government reached its peak. This was especially because of the fact that Kurdish assertiveness could not grow strong enough to have a definite and clearly stated goal against the central government. The Kurdish groups escalated its demands according to the strength and relative weakness of the Kurdish revolts and of the Iraqi governments. As soon as central governments' ascent to power, the Kurds announced cease-fire each time, allowing the former to consolidate their positions. They could not be assertive enough to exert more pressure when the Iraqi governments were weak. This, in turn, revealed non-influence of any Kurdish upheaval (assertive or not) against the central government in Baghdad (weak or not).

As far as the relations between the Kurdish groups and the regional and international actors concerned, dependency of the former on the policies of the latter became more acute in this period. Like his predecessors, Mullah Mustafa served interests of foreign powers, and failed to assess Kurds' interests against those of foreign powers.⁵⁶ For instance, when Kurdish support was necessary for Iran to pose a threat to Iraq, it supported Barzani revolt. When Kurdish support was no longer necessary, Iran withdrew its support to the Kurds against Baghdad. Dependency on

⁵⁵ Martin Short and Anthony McDermott, *The Kurds*, p. 11.

⁵⁶ Hussein Tahiri, *ibid.*, p. 132.

external help and the intensifying fragmentation among the Kurdish groups resulted in collapse of the Barzani revolt.

Patriotic Union of Kurdistan (PUK): Politicization of Fragmentation

Collapse of Barzani revolt provided for the strengthening of discontent against Barzani within the cadres of the KDP. This resulted in division in KDP in 1975, after the withdrawal of Iranian support and the subsequent full-scale military action on mobilisation by the Iraqi government. Lack of a modern and sophisticated leadership, and Barzani's tribal concerns were criticized by the intellectual branch of party. This intensified the crystallization of non-tribal-tribal division in KDP, paving the way for the break-away from the party. In June 1975, Barzani's political rival Jalal Talabani, along with the politicians, who were expelled by Barzani from the KDP in 1960s, formed the Patriotic Union of Kurdistan (PUK). The PUK included tribes in opposition to Barzani and some members of Qadiri Sufi brotherhood. Talabani announced formation of the PUK as an umbrella organization for the left wing groups under his guidance.⁵⁷ It seemed to have rather a different outlook compared to KDP with its members coming from more urban, intellectual part of the community. However, in practice and in terms of their actual ideological aims, they didn't differ much. The PUK adopted practically the same slogans as the KDP: a democratic Iraq and autonomy for the Kurds within Iraq.⁵⁸

In order to expand their social base, those who broke away from the KDP accused Barzani of insisting on Kirkuk, which they believed was the major cause of the non-implementation of the Autonomy Agreement. This enhanced the power of the PUK in Kurdish politics, and hence mobilisation, until 1980s. On the other hand, fractionalisation in Kurdish mobilisation and the rivalry between the KDP and the PUK in late 1970s became one of the main reasons of the failure of the Kurdish mobilisation at a time when its assertiveness reached at its peak. Collapse of the Barzani revolution and emergence of the PUK as a rival political organization worked only in downplaying the significance of the KDP as the leading political

⁵⁷ Gareth Stansfield, *From Civil War to Calculated Compromise: The Unification of the Kurdistan Regional Government in Iraq* in Robert Lowe & Gareth Stansfield, *The Kurdish Policy Imperative*, p. 132.

⁵⁸ Hussein Tahiri, *ibid.*, p. 160.

organization of Kurdish politics until the mid-1990s, and exacerbating the rivalry among the Kurdish parties. In fact, formation of PUK could be used as a chance for a unified mobilisation, since it was deemed to address the anomalies in KDP. It could also serve as a constructive attempt to flourish political initiatives in Kurdish mobilisation. On the contrary, it added to the fragmentation in Kurdish mobilisation and its abuse by the Iraqi and external actors. In late 1970s, a new armed struggle initiated by the PUK against the Iraqi government with the help of peshmerga contributed to the further marginalization of the KDP. With some intervals, the period between late 1970s and 1998 also witnessed the beginning of political infighting between the two parties which resorted to Baghdad's and Iranian help against each other. In this sense, fragmentation among the Kurdish groups was also politicized with the rivalry between the KDP and the PUK. The two parties' military efforts often focused against each other with the support of neighboring states rather than displaying a unified political or military action against the Iraqi government.⁵⁹ Even, in the subsequent years, both parties periodically negotiated with Baghdad. Each time, one of them had a rapprochement with the government. The other labeled this group as *jash* in an attempt to frame itself as the only true nationalist group.⁶⁰ The result of this conflict was a deep-seated mistrust between the two parties, and enmity brought about by the accusations of collaboration with Baghdad or Tehran against Kurdish interests. Territorial division of the spheres of influences of the KDP (based in Arbil) and the PUK (based in Sulaimaniah) also reinforced this division and conflict. Geographical location and territorial division influenced also the powers they made alliances, driving the KDP closer to Baghdad and Turkey, and the PUK closer to Iran.

The 1980-88 war once revealed the rivalry between the KDP and the PUK as well as their complex relations with the central government and foreign powers. The war was conceived as an opportunity by the Kurds to recoup their losses in 1975 and as a chance to benefit from the political turmoil in Iraq brought about wartime situation. As Romano suggested, the Kurds could not pass up this opportunity, even

⁵⁹ Gareth Stansfield, *ibid.*, p. 133.

⁶⁰ David Romano, *The Kurdish Nationalist Movement: Opportunity, Mobilization and Identity*, p. 197.

if it meant risking Saddam's wrath for assisting Iranian forces.⁶¹ They hoped to take advantage of new political opportunities of foreign assistance (the new Islamic Republic of Iran) and the uncertain capacity of the Iraqi state to repress them while it was war with its neighbor.⁶² The war also revealed historical rivalries between the KDP and the PUK and their complex relations with the central government and foreign powers, who, in turn, engaged in instrumental relations with the Kurdish parties.

In 1980 many Damascus-based groups declared the establishment of an Iraqi Patriotic and Democratic Front, pledged to overthrow Ba'ath regime with its main signatories PUK, ICP, Kurdish Socialist Party (KSP) and the pro-Syrian Baath. Rivalry between the KDP and the PUK surfaced when The PUK was delighted to lead a front from which KDP had been excluded.⁶³ The KDP formed another front with the CPI and SPIK. The front conducted joint operations near PUK controlled areas, which led the PUK conduct secret negotiations with the Iraqi government. Yet, these negotiations did not last long, for the Iraqi government did not need PUK alliance at a time when the balance between Iraq and Iran changed in favor of Iraq. This made Talabani made gestures to Iran which were welcomed by Iran who needed a Kurdish alliance to oppose Iraq. Iran's welcoming of the PUK demands also reconciled the KDP and the PUK. At Iran's instigation, the KDP and the PUK, and some other smaller Kurdish parties announced formation of the Iraqi Kurdistan Front (IKF) in May 1988.⁶⁴ The main purpose of this front was to consolidate power against Saddam.

A united Kurdish front was constructed not by the Kurds themselves but regional powers. Moreover, the rationale behind it was not to strengthen the Kurds, but resort to Kurdish support in war. As will be explained in detail, just as it did during the 1970-75 War, when Kurdish support was no longer necessary, Iran and Iraqi government ceased their support to Kurdish parties. Equally to the disadvantage of the Kurds, both the PUK and the KDP tried to use war conditions in order to

⁶¹ David Romano, *ibid.*, p. 197.

⁶² David Romano, *ibid.*, pp.198-199.

⁶³ David McDowall, *A Modern History of the Kurds*, p. 346.

⁶⁴ Hussein Tahiri, *ibid.*, p. 163.

augment their power at the expense of other party by making alliances with Iranian or Iraqi governments. From the beginning, KDP sided with Iran, while the PUK pursued fluctuating and tactical paths. For example, at the beginning of the war, the PUK sided with Saddam Hussein with the aim of increasing its influence in Kurdish mobilisation. The most important aim of Talabani was to gain concessions from Saddam which had not been given to Mullah Mustafa- such as the acceptance of Kirkuk as a Kurdish city. Understanding that Saddam would never give concessions in Kirkuk issue, and support PUK against KDP, PUK turned its efforts to Iran after 1985.

1980-88 war illustrated how Kurds were vulnerable to domestic and international power struggles.⁶⁵ From being in a state of uprising since 1961, the Kurds were devastated by the effects of quite different changes in bilateral relations between Iran and Iraq. The first of these changes had occurred in 1975. Since 1970, the Kurds had enjoyed a high degree of autonomy from Baghdad, as illustrated in the March Manifesto of that year. Saddam's strategic cease-fire with Iran thus was the first serious blow to Kurdish plans in the region. The 1980-88 Iraq-Iran war and the subsequent Halabja and Anfal incidents posed further blows to Kurdish demands, which was to reach its peak with Iraqi invasion of Kuwait and would be reversed by the inclusion of international actors to the game with the Second Gulf War of 1991. As a result, the power of Kurds was eradicated as a political force in Iraq.

Between 1946 and 1991, relations between the Kurdish parties and Iraqi actors that fluctuated between compromise and conflict produced one way influence and dependency. The main reason was gradually maturing, tactical and indecisive nature of Kurdish demands. In discourse, independence was raised as the supreme goal of Kurdish mobilisation. In actuality, the relatively weak nature of the Kurdish politics and mobilisation made autonomy as most practical alternative. At the same time, however, the option of autonomy was problematic since it was not well tuned in international law and was seen rather as an internal matter. The fate of autonomy, thus, was determined by the degree of dependency between the central government and the its constituents. Moreover, Iraqi governments, which employed similar tactical gestures and limitations to Kurdish parties, regarded autonomy as the upper

⁶⁵ David McDowall, *ibid.*, p. 361.

point of grant to Kurds, since it seemed less threatening to central governments. As part of consolidation strategies, they first appeased the Kurds by agreeing to autonomy. When the Kurdish support was no longer necessary for power consolidation, these demands were turned down. As a result, although the Kurdish revolts began to wear a more vibrant and assertive outlook, the resulting demands and the gaps brought about by ambiguity in Kurdish behavior were filled by central governments. Moreover, Kurdish parties and tribal leaders engaged in pragmatic relations with state elite and regional powers at the expense of a unified Kurdish stance. Even the mobilisation became more assertive, it did not possess a unified leadership. On the contrary, it became territorially limited and sacrificed to short term alliances with state and regional powers. After 1975, this exacerbated and was exacerbated by the deepening fractionalisation in Kurdish politics between the KDP and the PUK. Each time, central government channeled help to another Kurdish party in a way to exacerbate the weakness and division in Kurdish mobilisation.

POSITION OF EXTERNAL POWERS: ONE WAY INFLUENCE

Relations with outside powers revealed a much more vulnerable and dependent pattern for the Kurds. From the very beginning, regional actors had a disruptive effect for Kurdish mobilization. As the first outside power, British policies had proved disastrous for the Kurds mainly for two reasons: First, the British policies were the root cause for the perpetuation of fragmentation in and tribal nature of the mobilisation. Through administrative policies, British tried to secure the traditional administrative and socioeconomic structure of the Kurdish society in which tribal *aghas* and *shaiks* were concerned with securing their landowning privileges. This resulted in fragmentation of the society among small administrative units of tribal *aghas*. Socioeconomic and political status was also based on distinctions between tribal and nontribal communities, Muslims and non-Muslims, warriors and tillers of the land, landowners, peasants and urban groups.⁶⁶ In such a traditional political power structure, tribal leaders, *aghas* and *shaiks* and not urban notables became leading actors of mobilisation. As a result of British policies, tribal leaders became

⁶⁶ Martin van Bruinessen, *Agha, Shaikh and The State: The Social and Political Structures of Kurdistan*, pp. 40-41.

the most dominant representatives of Kurdish elite in Iraqi and Kurdish politics as well as in Kurdish mobilisation.

Second, as a result of British policy of prioritizing Iraqization and Arabization of the Iraqi political context, Kurdish mobilization which was equally weak as the Iraqi actors in the initial stages of state creation period, fell behind the latter in the subsequent years. As stated before, the retarded strength of the Kurdish mobilization in the wider Iraqi political context became the major cause for the dependency and vulnerability of the former against the centralizing policies of the latter. In 1930s and 1940s, in line with the proliferation of political parties in Iraq, non-tribal Kurdish intellectuals began to crystallize themselves from the traditional Kurdish elite. This culminated in the formation of the PUK in 1975. In this period, strengthening Kurdish mobilisation revealed itself with the assertive nature of the Kurdish revolts. However, not only formation of the PUK failed to balance the supremacy of tribal strata over Kurdish politics, but also paved the way for more state and regional level involvement in Kurdish mobilization. Similarities in KDP and PUK policies revealed itself in the two parties' tribal inclinations in pursuing mobilisation, and their pragmatic relations with other tribes, the state elite and the regional powers, and each party's respective geographical sphere of influence. The endless rivalry between the KDP and the PUK gave way to external manipulation of their internal disparities, which further damaged the mobilisation. The 1970-75 and 1980-88 wars were indications of this fact.

1970-75 and 1980-88 Iran-Iraq Wars: A Playground for External Influence

The period between 1946 and 1991 witnessed instrumental relations between Kurdish parties and external powers, which in turn, was determined by cold war politics and inter-state rivalries. In this period, Kurdish Democratic Party (KDP) was supported by the Western block countries (US, Iran and Israel) in its struggle against central government while Baghdad was supported by Soviet Union. Hence, in this period the Kurdish mobilization was regionalized and internationalized. Beginning from 1980s (even late 1970s), when the effects of cold war weakened, regional dynamics began to replace the international ones in external involvement in Kurdish mobilisation. In this period, improving relations with Kurdish groups became central

in inter-state conflicts; mainly between Iraq and Iran. The 1970-75 and 1980-88 Iran-Iraq wars were the best indications of this involvement. Instrumental approach included resort to Kurdish parties not only against the enemy state but also as in a way to deepen the division in Kurdish politics and mobilisation. Doing so, external powers' aim was to weaken secessionist potential of the mobilisation. Till the formation of the PUK in 1975, reinforcement of the division was headed by Baghdad. Triggering anti-KDP voices by channeling help to some Kurdish tribes and through the re-tribalisation policies, central government kept the division alive. With the formation of the PUK in 1975, and politicization of the division in Kurdish mobilisation, both parties resorted to outside powers and central government in their rivalry in a way to exacerbate the division's manipulation by the Iraqi and external actors. In late 1970s, in order to benefit from Iran-Iraq rivalry, KDP resorted to Baghdad's help in its rivalry with PUK while the latter resorted to Iranian help. However, this pragmatism did not end in either Kurdish party's success. Quite on the contrary, their instrumental place in inter-state conflicts exacerbated the rivalry and enmity among the Kurdish parties. Complexity of the relations between the KDP and the PUK, and their relations with central government and regional powers was further revealed in 1980-88 Iran-Iraq war. During the war, the PUK resorted to Baghdad's help against the KDP, whereas the two parties later formed the Iranian instigated IKF. Iran had also helped KDP in 1970-75 war against Baghdad. However, similar to the pattern of relations between the Kurdish parties and the central government, relations with regional and international actors was based on encouragement and indifference. When Kurdish support was necessary, external powers provided help to the Kurdish parties in a way also to deepen the rivalries between the two. When they no longer needed Kurdish support, (for instance, when Iraq and Iran made a ceasefire in 1975 and in 1988), they revealed their indifference to the Kurdish goals. Consequently, especially in 1960s, 70s and 80s, external and Iraqi involvement in Kurdish struggle served only to exacerbation of the fragmentation among the Kurdish parties.

The phase of politicization coincided with the emergence of cold war politics. Anti-colonial movement which brought communists and Arab nationalists together resulted in emergence of pro-SU Iraqi regimes. It is why Ba'ath's ideology carried a leftist outlook. As stated above, the threat conceptions of the Western block

countries, including US, Iran and Israel, towards pro-SU Iraq resulted in attachment of an indirect and secondary significance to Kurdish mobilisation in Iraq. Hence, between 1946 and late 1970s, when cold war politics was alive, Kurdish question was internationalized. Until 1980s, the Kurdish parties succeeded in receiving help from outside powers. In 1961-68 Kurdish war years, Western block backing to Kurdish groups was at its peak. Ironically, this proved both as a strength and constraint for the Iraqi Kurds. Regional power involvement aimed to pursue a balance of power politics between the Kurdish parties and the central government. Mainly however, it aimed at weakening the Baghdad regime due to its close links with the Soviet Union. This resulted in instrumental resort to Kurdish parties in cold war rivalries or as part of gaining territorial blocks in inter-state rivalries (as in the Iran-Iraq war of 1970-74). In 1960s and 1970s, the KDP was supported by US, Iran and Israel against Baghdad. While the Soviet Union backed the Ba'ath regime, pro-Western KDP was backed by Iran, Syria, Israel and US. In the end, however, external support remained partial and instrumental, and did not favor Kurdish parties.

Just in relations with Iraqi governments, relations between the Kurdish parties and external powers fluctuated between encouragement and indifference, revealing the former's dependency on the policies of the latter. This also brought about one way influence pattern. Although the KDP succeeded in benefiting from the cold war rivalries by securing the Western block's help in its revolts against Baghdad, instrumental resort to the Kurdish parties resulted in a short term backing. When the Kurdish help was no longer necessary, external help ceased. This was well illustrated in Iranian policy in signing 1975 Algiers Agreement. Coinciding with this, the last Barzani uprising revealed the significance of regional politics in inter-state conflicts for the Iraqi Kurds. Like his predecessors, Mullah Mustafa was used by foreign powers, and failed to assess Kurdish interests against those of foreign powers.⁶⁷ It was for this reason that the Algiers Agreement had the disastrous result of formal collapse of the Barzani revolt. Moreover, since formation of the PUK, the KDP-PUK rivalry and conflict provided a fertile ground both for central government and outside powers to penetrate into fractured Kurdish politics in a way to exacerbate the fragmentation among the Kurdish parties, and weakness of Kurdish mobilisation.

⁶⁷ Hussein Tahiri, *ibid.*, p. 132.

They channeled help to different parties in their rivalry; with Iran usually siding with the PUK whereas Baghdad supported the KDP.

Beginning from late 1970s, and 1980s, when the effects of cold war weakened, due to the relatively hesitant Western block involvement, and the long war between Iran and Iraq, resort to Kurdish parties began to gain significance in inter-state conflicts. This decade witnessed the peak point of external (as well as Iraqi) manipulation of division among the Kurdish groups. 1980-88 Iran-Iraq war became the scene of complex relations between the elements of Kurdish politics, Iran and Iraq. Iran tried to abuse the worsening relations both among the Kurdish groups, and between them and the Iraqi government. It succeeded in forming a united Kurdish front while at the same time introducing the radical Islamic elements to Kurdish politics. At Iran's instigation, Iraqi Kurdish Front which included both the KDP and the PUK was formed in 1987. With Iranian help, also the Islamic Movement of Kurdistan (IMK) was founded in PUK controlled Sulaimaniah region in 1988. In both, Iran had different interests. Iran formed IKF to use the Kurdish territory to attack the Iraqi forces in the north to relieve pressure off its forces in the south. The main rationale behind Iran's formation of IMK was to use the fragmented Kurdish politics to export its Islamic Revolution.

Without doubt, regional involvement in Kurdish politics for instrumental means also deepened the division among the Kurdish parties. Regional powers used different Kurdish groups to pose a threat to Saddam. For example, whereas Iran supported KDP against Baghdad in 1970-75 war, it provided help to PUK in its rivalry with KDP. Moreover, Iran succeeded in forming a united Kurdish front not to mobilize the Kurds against Iraq but to have a territorial advantage against Iraq in 1980-88 war. When the two sides agreed to ceasefire, Iran withdrew its support to Kurdish parties.

On March 1987, the KDP and the PUK forces joined the Iranian army and its *Pasdaran* (Revolutionary Guards) and together, they initiated a major offensive, *Karbala-6*, which angered Saddam and which paved the way for the establishment by the Iraqi Government of a *Free Fire Zone* in Kurdish areas close to Iranian and Turkish borders. When the PUK's forces captured the town of Halabja and the KDP captured resettlement camps in the north and south of the town, the Iraqi government retaliated by bombarding the town of Halabja with chemical weapons and gases. By

the way, Iran-Iraq war soon developed into a catastrophic war of attribution for both sides, which made Iran to come to terms with a ceasefire with Iraq. In July 1988, Iran accepted the UN Resolution of 598, and in August 1988 both sides announced ceasefire. The sudden acceptance of the UN Resolution of 598 by Iran surprised Kurdish leaders, who had not prepared for such an occasion. They, like their predecessor, Mullah Mustafa, did not think that Iran would abandon them.⁶⁸ An additional disadvantage to the Kurds was the upcoming attack by Iraq to dislodge the Kurdish forces from the North, one that was similar to that of 1975 but dissimilar to it in the sense that this time Iraq used chemical weapons against Kurdish villages and the peshmerga. The famous *Anfal Campaign* of 1987-1988, resulting in the systematic depopulation of the rural areas of Kurdistan and the deaths of an estimated 100.000 people, combined with the brutal military assault on Halabja⁶⁹ seriously curtailed Kurdish groups' power as a political force. These events added to the failure of the defeats in 1970s.

As a result, the tradition of foreign involvement in the Kurdish issue in Iraq, including that of Great Britain, Iran, Israel, Syria, the Soviet Union, and power struggles between the US and SU which sought to advance their interests in an area that did not clearly fall in either's sphere of influence produced both positive and negative implications. On the one hand, the Kurdish groups and parties pragmatically tried to benefit from these power struggles by engaging in different alliances in times of struggles between these states. Yet, they were too weak for gaining such benefits. This was best illustrated in Iran Iraq wars of 1970s and 1980s. Being too weak to have mutually reinforcing relations with the regional powers, instrumental relationship between the Kurdish groups and external powers was strong enough to pose a constant threat to the central government. On the other hand, since the Kurds did not have strategic importance to regional actors, and since they themselves were not strong enough to pose a real threat to these actors –thanks to their weakness and division- one way influence of the international and regional actors perpetuated the vulnerability of Kurdish actors to the strengthening and centralizing policies of the Iraqi actors. Since regional involvement in Kurdish politics against Iraqi threat

⁶⁸ Hussein Tahiri, *ibid.*, p. 165.

⁶⁹ Faleh A. Jabar & Hosham Dawod, *ibid.*, p. 262.

promoted division, not unification in Kurdish periphery against the strong Iraqi actors, and since there occurred no direct relations between the Kurdish groups and regional-international actors (thanks to the one way influence of the latter and weakness of the former), regional manipulation of Kurdish division accelerated defeat of Kurdish mobilisation.

Between 1988 and 1990, the KDP and the PUK were not engaged in any significant activity. With the threat of chemical weapons, an almost universal absence of habitation, Iraqi Kurds continued to wage war by lightening raids and ambushes, without holding any territory at all.⁷⁰ In this period, limited and weak in fighting, both the KDP and the PUK received material support from Syria. One of the main cause of the retreating Kurdish mobilisation when it was in its peak point was the centralizing and strengthening Iraqi political actors under the Ba'ath regime. Internationally, the second Cold-War politics which no longer provided for an ideological ground neither for foreign powers' penetration to Iraqi politics nor left for the Kurdish urban elite to come together under the umbrella of alternative political organizations. Lastly, the deepening fractionalisation of Kurdish politics between the KDP and PUK branches contributed to this withdrawal. Central government closed all legal opportunities for the Kurds to organize as a nationalist group. Opposition groups were banned, and the Kurds had no alternative political parties to improve mobilisation. The purging of the remaining communist cadres in the late 1970s, the weakening of cold war politics and the friction that developed between the Kurds and communists removed the ICP as the only viable political alternative for the Kurdish elite.⁷¹ In 1980 the KDP tried to regroup with the ICP and other Iraqi parties under the National Iraqi Democratic Front; however, the front had neither the influence nor the representation across Kurdish society to play a viable role in Kurdish mobilisation. Given, plus, the chronic division between the two rival leaders and the complex set of relations among the actors of domestic and regional political spaces, which eradicated the Kurds' power in the Iran-Iraq war of 1980-88 and the subsequent Anfal Campaign, Iraqi Kurds' retreat into the border mountain areas or outside the country proved inevitable.

⁷⁰ David McDowall, *ibid.*, p. 368.

⁷¹ Denise Natali, *ibid.*, p. 61.

CHAPTER III

THE PHASE OF INSTITUTIONALIZATION: 1991-2003

McDowall lists the interacting factors that determined the Kurdish mobilization in Iraq in 1990s:

The state of the Kurdish economy under UN and Iraq embargo; the rivalry between the KDP and the PUK which resulted in *de facto* partition of the liberated area for much of the decade; the American determination to use the region it was protecting as a springboard for the overthrow of Saddam Hussein, and as a lever in its policy of dual containment (of Iraq and Iran); the PKK's use (or abuse) of Iraqi Kurdish periphery to prosecute its war on Turkey; Baghdad's concern to bring the Kurdish region back within its orbit and its fear that the US, Turkey, Iran and Syria were all seeking to co-opt part or all of the Kurdish population against it; the various concerns of Iraq's northern regional neighbors: Turkey, anxious to extirpate the PKK and to prevent the emergence of a vibrant Kurdish autonomous region on its South-eastern border; Iran and Syria anxious to thwart US dual containment.⁷²

The Gulf War of 1990/91 resulted in strengthening of the Kurdish mobilisation with institutionalization of the mobilisation under an autonomous regional government and self-rule experience. Institutionalization under a separate regional government culminated in the autonomy of the Kurdish groups (this time organized under KRG) from Baghdad's influence in political and administrative realms. The only tool for Ba'ath regime to engage in Kurdish affairs became manipulation the fragmentation and rivalry the Kurdish parties and tribes, and ongoing resort to dependency tools through tribalisation policies and patronage relations in political and socioeconomic levels.

A significant characteristic of this phase became its foreign-promoted roots. That is, institutionalization was provided by the Allied powers' promotion of a safe heaven for the Iraqi Kurds. In the post-Gulf War Middle Eastern system, northern Iraq question required attachment of an additional significance to regional and

⁷² David McDowall, *ibid.*, p. 387.

international dynamics alongside the domestic ones.⁷³ Hence, in this period, autonomous entity's internal affairs and its relations with the external powers against Baghdad became the major determinants on the relative strength or weakness of the mobilisation. Moreover, thanks to the autonomy, the weakened central government's and external powers' past ability to intervene in Kurdish affairs and deepen the enmity between the Kurdish groups was reversed.

Regarding the relations with the regional and international powers, institutionalization and autonomy only slightly transformed the one way influence relationship between the KRG and external powers. Relations transformed from being asymmetric and non-constructive to direct and constructive in nature. To the advantage of the KRG, this period witnessed beginning of constructive relations between the KRG and external powers in political, diplomatic and economic realms. Washington Consensus and Oil for Food Program were among foreign promoted attempts which contributed to strengthening of the mobilisation.

This transformation, however, neither brought an overall Kurdish influence on external power policies, nor a Kurdish policy of its own for the external powers. Regional and international powers' engagement in Kurdish politics continued primarily to be shaped by their relations with Iraqi government and threat perceptions towards Saddam. This is not to say that autonomous Kurdish governance meant nothing to external powers. While external powers promoted a unified Kurdish front against Baghdad (to weaken Saddam), perceptions on the threat of a likely Kurdish secessionism led them to pursue a balance of power politics between the KDP and the PUK in a way to keep a degree of division alive. However, Kurdish influence on external power policies remained partial and limited to Iraqi threat perceptions of the external powers, mainly of US and neighboring states. This limited influence was made easier with the fatal rivalry between the Kurdish parties, which reduced fears of a secessionist attempt by the KRG. All in all, between 1991 and 2003, role of external powers on relative strength of the mobilisation became a positive but limited one.

Inside the KRG, autonomous governance stemmed from institutionalization strengthened with the possession of statehood tools such as a parliament, a Kurdish

⁷³ Serhat Erkmen, *Türkiye'nin Körfez Savaşı Sonrası Kuzey Irak Politikası*, Irak Krizi (2002-2003), ed. Ümit Özdağ-Sedat Laçiner-Serhat Erkmen, ASAM Publications, Ankara, 2003, pp. 269-270.

flag and anthem. As a main point of departure from past decades, institutionalization was accompanied by a proliferation in Kurdish polity, which added to the strength of the mobilization. A media, a civil society and political parties, which occurred outside of Iraqi political context, began to address the anomalies and needs of the mobilisation. Institutionalization also brought about upgrades in political goals the Kurdish parties pursued: indecisive and vulnerable autonomy ideal was replaced with the ideal of federalism. Even, the *right* for independence was frequently expressed. Thanks to the separation of the autonomous entity from Baghdad's influence, the weakened central government could no more draw the boundaries of the mobilization especially in administrative realm. Replacement of the weak Kurdish mobilization, which was vulnerable to Baghdad's divisive policies against it as well as to the conflicts between Iraq and external powers, with a relatively strong one forged a much more assertive mobilisation especially against the weakened central government. Moreover, growing experience with autonomy and the latecomer compromise between Talabani and Barzani eventually awakened the consciousness of a need for a unified mobilization in KRG.

In KRG, this period witnessed the peak point of division and bipartisanship in Kurdish politics, and hence in mobilization, which was revealed with the four-year civil war. This deepening fragmentation among the Kurdish parties and fractionalisation in Kurdish *polity* became a major point of continuation from previous decades. The ensuing divided governance contributed to promotion of clientalism and patronage by the governing parties at the expense of promotion of a unified mobilisation. Baghdad's attempts to re-awaken and reinforce tribalism and patronage contributed to such tribal policies. The civil war resulted in institutionalization of the division under two regional governments; one in Arbil under the rule of the KDP, and the other in Sulaimaniah under the rule of the PUK. Hence, implications of institutionalization were two-fold: On the one hand, it promoted an strong mobilisation and autonomy from Baghdad. Institutionalization under a regional government and autonomy from Baghdad strengthened the KRG against Iraqi and external actors. On the other hand, inside, institutionalization both strengthened the mobilization by providing it a governance, and weakened it due to the fact that rather than using the KRG as an institutional umbrella for Kurdish mobilization, the rivalry between governing parties damaged the likelihood of a

unified Kurdish action. As a result, while institutionalization deepened the division and rivalry between Kurdish parties, making the limitations on Kurdish mobilisation an internal one, it prevented external penetration into Kurdish conflict in a way to intensify rivalry.

As a major source of strength and departure from politicization period, the phase of institutionalization brought about upgrades and cohesion in political and administrative goals pursued by the KRG. Beginning from 1991, past decades' indecisive autonomy ideal was replaced with the ideal of federalism. This advance was accompanied with a dichotomy in Kurdish leaders' discourses and actions on the main target of the mobilisation. In discourse, they began to raise ideas about the KRG's *right* for self-determination and independence. Virtually, however, they remained at odds with separatism and emphasized their goal of federalism. Such a dichotomy stemmed from the KRG's threat perceptions on post-independence regional obstacles as well as the already divided regional government's lack of experience with governance. The fact that autonomous governance had the potential of declaration of independence brought the Kurdish question to the forefront of the agendas of both central government and regional/international powers. Aware of its inability to prevent any secessionist attempt by the governing parties, Baghdad tried to keep the KRG dependent on central government by continuing to implement its past policies of tribalisation. It also tried to deepen the rivalry between the KDP, the PUK and Kurdish tribes by channeling help to different tribes in civil war. In the same vein, regional and international powers also promoted the *status quo*, namely an autonomous Kurdish region *within* the boundaries of Iraq. This made relations between external powers and the KRG parties a semi-mutually reinforcing one, since there occurred –although weak- a possibility of a change in the target of the mobilisation towards separation. The semi-mutually reinforcing relations were significant for two reasons: First, it was added to the newly emerged bilateral and constructive relations between the two actors in political and economic realms, which was lacking in previous decades. Second, semi-mutual influence produced a more cautious and pragmatic mobilisation abroad, which was added to the assertive nature of mobilisation in Iraq and in KRG as a result of institutionalization.

Gulf Wars and Autonomy Negotiations with Baghdad

Saddam's invasion of Kuwait in 1990 (The First Gulf War) and the subsequent defeat of Iraqi forces by a US-led coalition in 1991 (The Second Gulf War) provided the Kurdish parties an accidental –yet golden- opportunity to benefit from the emerging power gap in the countryside. Invasion of Kuwait gave the Kurds to forward their own political goals at Iraq's expense.⁷⁴ The Gulf War was followed by a spontaneous *intifada* in the southern Iraq and a *rapareen* in the Kurdish North in 1991. It was now that the *jash* played a crucial role in the Kurdish struggle.⁷⁵ Apart from the small numbers of *jash* and tribal-local pro-Ba'athist *mustashars*, the majority of the *jash* who had cooperated against the fellow Kurds during the Anfal campaign turned from being collaborators of the central government into the champions of uprisings. The Kurdish *rapareen* was followed by Saddam's embargo on northern region. Though it was short-lived, the *rapareen* accelerated the emergence of an autonomous Kurdish governance in northern Iraq. On the other hand, failure of the *rapareen* indicated the instrumental place of the Kurds in external power concerns and dependency of Kurds on external help for a successful mobilisation. This compelled the Iraqi Kurdish Front (IKF) to negotiate with Saddam. Jalal Talabani outlined the reasons for IKF negotiations with the Iraqi government:

We had no choice but to negotiate. We can't overthrow him (Saddam), and he failed to crush us. But three million Kurds are refugees. We cannot accept depopulation of Kurdistan. I would have been against negotiation otherwise. But we cannot just act as a political party, we have three million refugees to think about. We need them to go home and rebuild. We have no friends to help us... If we were supported by others, we could fight for a long time, but without the Kurdish people at home, we can't do anything.⁷⁶

Barham Salih also explained the reason for the renewal of autonomy negotiations:

Sceptical of the adequacy or reliability of the safe heaven, Front leaders, including Talabani, arrived in Baghdad to discuss an Iraqi offer for expanded

⁷⁴ Ofra Bengio, *Nation Building in Ethnic Societies: ibid.*, p. 153.

⁷⁵ David McDowall, *ibid.*, p. 371.

⁷⁶ Hussein Tahiri, *The Structure of Kurdish Society and The Struggle for a Kurdish State*, pp. 168-169 cited in Jim Muir, *Why the Kurdish Leaders went to Baghdad*, in *Middle East Journal*, 3 May 1991, p. 3.

autonomy within the federal structure of Iraq promising democracy, pluralism, and constitutional rule in Baghdad.”⁷⁷

Autonomy negotiations with Baghdad were historic on two accounts. First, it reflected the direct relations between the KRG and the weak Baghdad regime, and the *realpolitik* the KRG pursued. Second, autonomy negotiations reflected the lessons Kurdish parties took from the previous occasions of reliance and dependence on external powers. *Realpolitik* provided for a more cautious but more independent Kurdish action inside the Iraqi politics. On the other hand, autonomy of the autonomous Kurdish *polity* from the Iraqi influence came with international intervention under Operation Provide Comfort. With Saddam’s response to *rapareen* created a refugee crisis, the world opinion forced the Ba’athist regime to withdraw its institutions and personnel from the Kurdish region. Though accidental and unintended, international intervention under UNSCR 688 culminated in construction of a safe heaven for the Iraqi Kurds and a no-fly zone for Iraqi forces in northern Iraq.

Autonomy negotiations, which revealed the increasing strength of the Kurdish parties *vis-à-vis* Baghdad, at the same time reflected the ongoing disagreement between them. This was illustrated with the collapse of the negotiations. The contentious issues were the city of Kirkuk and the Kurdish demand of international guarantee in case of any accord was reached. The Kurdish side demanded the designation of Kirkuk as the administrative capital of the autonomous region. The Government rejected this claim. There was also a division between the two leaders, Talabani (PUK) and Barzani (KDP), over the territories that would be covered by the autonomous region. While Barzani seemed to be content with an autonomy pact without Kirkuk in return for a fixed amount of oil revenue for the Kurdish region, Talabani wanted Kirkuk as a part of the autonomous region. Aware of the fact that any agreement by the Iraqi government without an international guarantee could be ignored in the future, the Kurdish parties also wanted any agreement reached with Baghdad to be signed by a third party. However, regarding the Kurdish autonomy as an internal issue, the Iraqi government rejected this demand as well. In the end, Kurdish leaders and the Iraqi Government couldn’t come to an

⁷⁷ Barham Salih, *ibid.*, April 21, 1991.

agreement. Following the collapse of the autonomy negotiations, Baghdad withdrew its institutions from northern Iraq, and imposed economic sanctions on the Kurdish enclave. The resulting power vacuum had an ironically adverse effect for Saddam, leaving the Kurds free to establish a local and autonomous Kurdish government within the structure of the state of Iraq.⁷⁸ Operation Provide Comfort and construction of safe heaven provided for the PUK and the KDP what they had spent years fighting for, an autonomous Kurdish region.⁷⁹

May 1992 Elections: Bipartisan Institutionalization of Kurdish Politics and Escalating Rivalry

The IKF regarded the embargo and the subsequent withdrawal of Saddam as an opportunity to institutionalize the Kurdish politics and mobilisation within the ranks of Iraqi political system. In fact, Saddam was in no position to prevent Kurdish secessionism. However, Kurdish parties did not opt for independence. The fact that construction of an independent government would alarm the neighboring countries, the IKF chose to fill the power vacuum created by withdrawal of the central government institutions by consolidating its position *within* the Iraqi electoral system. Kurdish policy also served regional powers, who were alarmed against a separatist Kurdish tendency.

With external help, the IKF held a quasi-democratic election in the Kurdish region in 1992. Elections resulted in emergence of the first democratically elected Kurdistan Regional Parliament (KRP) and a Kurdish Regional Government (KRG).⁸⁰ The KDP and PUK respectively won 50.22% and 49.78% of the vote, and decided to split the 50 seats in the Kurdish National Council while leaving 5 seats for the Christian minority. The 19 May 1992 election was a major success for the Iraqi Kurds. It was for the first time in their history that they freely voted to elect an autonomous Kurdish government. The elections revealed also the *de facto* independence of Kurdish politics and mobilisation from the influence of the Iraqi

⁷⁸ Robert Lowe and Gareth Stansfield, *ibid.*, p. 2.

⁷⁹ Gareth Stansfield, *From Civil War to Calculated Compromise: the Unification of the Kurdish Regional Government in Iraq* in Robert Lowe & Gareth Stansfield, *The Kurdish Policy Imperative*, p. 133.

⁸⁰ Mohammed M. A. Ahmed & Michael Gunter, *The Evolution of Kurdish Nationalism*, p. 150.

political context. Despite the region's lack of experience in democracy, the election was deemed a fair and just election.⁸¹ On June 1992, Kurdish parliament was established. Jawhar Namigh from the KDP became the President of the Kurdish Assembly, and Foad Ma'sum from the PUK became the Prime Minister. In addition, a special brigade of unified peshmergas from both the KDP and the PUK was formed under the jurisdiction of the Ministry of Peshmergas.

Establishment of the KRG was a historic development for the future of Kurdish politics and mobilisation in Iraq. Institutionalization of a polity within the boundaries of another polity became the greatest challenge to the geopolitical regional order that was established after the WWI and that set the borders of the modern Middle East. Moreover, KRG became the first Kurdish autonomous government which acted almost independently of Baghdad regime in domestic, regional and international politics. This also meant active possession of some statehood tools. On the other hand, due to the lack international recognition, repercussions of KRG on states system remained partial. Internally, political institutions hardly developed and the government was conducted by reliance to the decisions of the rival leaders, which weakened institutionalization's constructive role on Kurdish mobilisation.

Remaining outside of the electoral system, the KRG had difficulties in replacing the Ba'ath institutions, and the power remained at the headquarters of the KDP and the PUK. Ensuing decision-making mechanism exacerbated bipartisanism between the two main parties, reinforcing Barzani's and Talabani's positions as decision-makers. In the political and administrative spheres, bipartisan institutionalization of Kurdish politics revealed itself in the share of power on a *fifty-fifty* basis and equal division of the Kurdish National Assembly (KNA) between the KDP and the PUK in the aftermath of the elections. Applying this division, the executive KRG adopted a system of power-sharing for ministerial positions. At the beginning, the parliament seemed to be functioning. However, absence of both Barzani and Talabani from active positions of leadership within the newly formed government, and the volatile rivalry between the KDP and the PUK resulted in the

⁸¹ Hussein Tahiri, *ibid.*, p. 171.

collapse of the KRG.⁸² The *fifty-fifty* result divided the administration equally between the two parties. The Prime Minister was from the PUK and his deputy was from the KDP. Similarly, the President of the Kurdish Assembly was a member of the KDP and his deputy was a member of the PUK. However, all deputies were loyal first to their own parties, and they almost had the same powers with their respective ministers. Therefore, what was brought about by the *fifty-fifty* result was the collapse of the decision-making mechanism and a blow to stable development of the mobilization in administrative realm.

Bipartisanism also revealed itself in the balance of power politics between the two parties. In September 1992, some Kurdish parties, including Kurdistan Socialist Party (KSP), the Kurdistan Popular Democratic Party (KPDP) and the Kurdish Independent Party (KIP), which had all polled very poorly in elections, formed Kurdistan Unity Party (KUP).⁸³ In Summer 1993, the KUP united with the KDP. Making the PUK alarmed to consolidate its position *vis-à-vis* the KDP, this unification would change the balance of power in favor of the KDP in future elections. It also indicated how both parties were trying to destroy the *fifty-fifty* balance on their behalf while at the same time assuring that none of the alternative political parties in the Kurdish autonomous entity evolve into a viable political force.

Abusing their positions in KRG as part of their rivalry, the Kurdish elite weakened the likelihood of unification by creating patronage and cliental relations with some Kurdish tribes as source of dependency on KRG and individual parties. This resulted in a new form of client network among the KDP, PUK and certain powerful tribes. In the aftermath of the elections, both parties created extensive patronage networks at the cost of developing a more unified polity.⁸⁴ McDowall called this situation as *neo-tribalism*:

The demise of traditional tribalism as the prime form of socio-political organization until the 1970s was followed by the birth of what one might describe as neo-tribalism. Both leaders (The KDP and the PUK) had their respective retinues – party apparatus and fighters. Under the umbrella of each party stood a large number of less closely-knit members, composed of chiefs

⁸² Gareth Stansfield, *The Kurdish Dilemma: The Golden Era Threatened*, Adelphi Papers, 2003-people.exeter.ac.uk, p. 132.

⁸³ Edgar O'Ballance, *The Kurdish Struggle 1920-94*, p. 200.

⁸⁴ Michael Leezenberg, *ibid.*, pp. 164-165.

with their own retinues (like the chiefs or clans). Some of these were parts of smaller parties which had effectively ceased to operate following the 1992 elections, and others were *jash* chiefs with their followings. Some of these were tribal chiefs, but a large number were not of tribal origin but had the means to create retinues. These categories bargained their loyalty in return for favors or rank within the party system.⁸⁵

Such neo-tribal loyalties created in the KRG by the renewed patronage relations were rather erratic. One segment of a tribe sided with the PUK and another with the KDP (some tribes even simultaneously maintained ties with Baghdad). Moreover, tribes could switch sides rather easily, if they had come to feel the other party had more to offer. Such switching sides would be the cause for the outbreak of major clashes between the PUK and the KDP.⁸⁶ Moreover, both parties continued to broaden their power base in their territorially divided zones of influence (the KDP in Arbil, and the PUK in Sulaimaniah) rather than trying to construct a unified and strong administration against Baghdad.

Aftermath of the elections witnessed surfacing of the long historical enmities between the two parties not only in political and administrative realms (especially over power sharing) but also in possession of economic assets their management policies. In the economic realm, bipartisan institutionalization revealed itself in clientalisation of the party structures and rivalry over access to revenue. Coinciding with the end of the cold war, formation of the KRG facilitated the Kurdish parties' access to global economy. On the one hand, total autonomy from Baghdad's influence and the simultaneous decrease in barriers to global economy helped flourish the autonomous governance of the KRG to invest in long-term development and institution building in the Kurdish region; on the other hand, access to the global economy was accompanied with the emergence of illicit economies which played a pivotal role in functioning of the Kurdish economy. As a result, while bringing the much needed revenue and other resources, integration into global economy and strategies on asymmetric reach to revenue undermined the development of state-institutions and served as a principle factor in the factional fighting of the mid-1990s.⁸⁷

⁸⁵ David McDowall, *The Kurds*, p. 29.

⁸⁶ Michael Leezenberg, *ibid.*, p. 165.

⁸⁷ Matan Chorev, *Iraqi Kurdistan: The Internal Dynamics and Statecraft of a Semi-state*, p. 6.

A significant branch of rivalry between the KDP and the PUK in the economic sphere was disagreements over access to oil revenues.⁸⁸ As the informal sector expanded, illegal cross-border trade rose. This alarmed both KDP and the PUK to consolidate their power via informal economy and hold on custom revenues. Thus, hold of customs and border-revenues had been a major source of conflict between the Kurdish parties. At first, the customs revenues were divided equally among the IKF parties. After the elections, the KDP and the PUK shared the customs revenues by excluding other parties. Beginning from 1994, supremacy on these revenues from Khabur and Ibrahim Khalel borders became the major source of conflict between two parties. During the course of the decade, access to these revenues began to be asymmetric in nature. The KDP controlled the western part of the country, including the strategic Ibrahim Khalel border. Thus, while the KDP enjoyed a higher income from its control of the border trade with Turkey, the PUK's, who controlled the eastern part of the country, trade with Iran paled in comparison.⁸⁹ This made the PUK felt being gradually squeezed out of power and starved of finances.⁹⁰

Apart from bipartisanism, tribalisation and patronage inside the KRG, rivalry between the two parties resurfaced in their stance across Iraqi government. As co-presidents of the Iraqi Kurdish Front, Barzani was more eager to make a deal with the Iraqi government while Talabani and some other members of the IKF reluctant to do so. By the mid-1990s, tensions reached new highs in terms of KDP's and PUK's stance in anti-Saddam bloc. Both the KDP and the PUK were active participants within the Iraqi opposition groups, most notably the Iraqi National Congress (INC), but they remained rivals. Their attitudes toward the INC reflect this rivalry. The PUK maintained strong links with the INC while the KDP took a more cautious approach.⁹¹ Rivalry between the KDP and the PUK in their stance against Iraqi government was benefited by the latter during the course of the civil war. Barzani

⁸⁸ Ofra Bengio, *ibid.*, p. 52.

⁸⁹ Matan Chorev, *ibid.*, p. 4.

⁹⁰ David Romano, *The Kurdish Nationalist Movement: Opportunity, Mobilization and Identity*, p. 209.

⁹¹ Gareth R. V. Stansfield, *The Kurdish Dilemma: The Golden Era Threatened*, Adelphi Papers, 2003- people.exeter.ac.uk, p. 133.

was aware of its vulnerability to an Iraqi assault. For the KDP, the strategy of maintaining cautious ties to the US while maintaining its links with Baghdad proved successful in mid-1990s when it secured Iraqi army's help against the PUK. By not committing troops to the INC-PUK operation conducted against Saddam's forces in March 1995, the KDP secured Baghdad's help to keep KDP-administered areas in safety while guaranteeing protection against the planned INC-PUK assault. KDP's withdrawal from the INC-PUK revolt in 1995 and its alliance with Baghdad in 1996 illustrated the party's 'no permanent enemies, only permanent interests' approach in Kurdish politics.⁹² The PUK-supported operation ultimately failed due to lack of the awaited US support. For the PUK and INC, it was the beginning for a period of loss that saw their expulsion from Arbil by Saddam forces and marginalization of the INC.

Civil War: 1994-1998

Civil war revealed not only the fatal rivalry between the KDP and the PUK, but also the pragmatic and fragmented nature of the Kurdish groups. Escalating tension between the KDP and the PUK was a precursor of an open conflict. Yet, civil war between the two parties was accelerated in May 1994 by a basic land conflict near Qal'at Diza between tribal landowners and non-tribal peasants. Similarly, in November 1994, Herki tribe switched alliance from the KDP to the PUK, which became one of the main events that triggered the subsequent battle between the two parties for control over Arbil.⁹³ This event forced the KDP to resort to Baghdad's help. This proved fatal for the Kurds, since Baghdad continued to be able to play different Kurdish groups off against one another, especially by exploiting tribal rivalries.⁹⁴ Civil war also witnessed complex and short term relations between the Kurdish tribes and parties. Increasing armed conflicts between the two, however, was not indicative of any wish of the parties to curtail tribal power in general but of more

⁹² Gareth R. V. Stansfield, *ibid.*, p. 137.

⁹³ Tribal dimension of these conflicts are but one of the political fault lines in society that can be and have been instrumentalized for concrete goals. The specific alliance of the rival parties with, respectively landowners and peasants in this specific conflict should not be seen as an indication of general ideological differences. David McDowall, *ibid.*, pp. 386-7.

⁹⁴ David Romano, *Iraqi Kurdistan: Challenges of Autonomy in the Wake of US Withdrawal*, pp. 1347-1348.

restricted strategic goals.⁹⁵ For example, KDP fought with one of the Arbil's most important tribes, Surchi, with the aim of gaining control over the Surchi's territory which linked the KDP headquarters at Salahaddin with their military base at Splik and with the prospect of control over the redistribution of supplies within the framework the Oil for Food Deal. At the same time, KDP began to denounce the then alliance between the Surchis and the Baghdad and then the PUK. Indeed, some tribes even went further to strengthen their ties with both parties as well as the neighboring powers. At least until the establishment of two distinct and relatively stable zones under the hegemony of, respectively, the KDP and the PUK, numerous tribal leaders and other middlemen were able to balance between the two rival parties, and even to exploit this rivalry to their own advantage.⁹⁶ For instance, Bradost tribe maintained its links with both KDP and the PUK as well as with Baghdad and PKK. As will be stated in the next part, these shifting loyalties were benefited by the central government against its two rivals.

The fighting began in October 1993 on a local level between the IMK and the PUK, but after a few months, in May 1994, it deteriorated into full-fledged warfare between the KDP and the PUK, with smaller parties and groups siding with each camp. In summer 1994, disagreements over the sharing of scarce resources in the zone, together with the outbreak of a land-dispute between groups allied to the two parties resulted in armed clashes between the two parties. The PUK mounted a coup, forcing the KDP to evacuate the regional capital Arbil. With the occupation, the Kurdish Parliament became defunct. The new election that was to be held in 1995 was postponed to 1996, but it was not held.

Civil war intensified in 1995 and 1996. The KDP was angered by its expulsion from Arbil and alarmed by the increasing militarization of the PUK. The PUK continued to strengthen by gaining a share of the increasing oil-smuggling revenue which the KDP received through its control of Dohuk and Zakho.⁹⁷ Neighboring countries got involved in the increasing tension by siding with warring

⁹⁵ Michael Leezenberg, *Urbanization, Privatization and Patronage: The Political Economy of Iraqi Kurdistan* in Faleh A. Jabar & Hosham Dawod, *The Kurds: Nationalism and Politics*, p. 171.

⁹⁶ Michael Leezenberg, *ibid.*, p. 172.

⁹⁷ Gareth Stansfield, *The Kurdish Dilemma: The Golden Age Threatened*, p. 145.

parties, with Iran supporting the PUK, and the KDP, alarmed by the increasing strength of the PUK-Iran alliance in mid-1996, and receiving little support from US, forming a temporary alliance with Saddam Hussein. This alliance resulted in KDP's invasion of Arbil and the expulsion of the PUK. The relation patterns of the conflicting parties were reminiscent of the shifting alliances of the past: In 1966 Jalal Talabani had cooperated with the Iraqi Government against Mullah Mustafa Barzani. Thirty years later, in 1996, Barzani cooperated with the Iraqi government against Talabani.⁹⁸ Realizing its defeat, with a strategic step the PUK fled from its stronghold, Sulaimaniah in 1996. As a result, about 75.000 Kurds under the rule of the PUK fled from the Kurdish Region to Iran. This time, they were not escaping from Hussein but from their fellow Kurds. This namely *31 August War* was regarded as a struggle for power and influence among the fragmented Kurds in northern Iraq.⁹⁹ After this conflict, the KDP began virtually to control whole of the Kurdish region, including the territories and customs duties that were once subject to division as part of balance of power between the KDP and the PUK.

PUK's strategic evacuation of Sulaimaniah was followed by a meeting between an official from the US Department of State in Ankara, the KDP and the PUK representatives. In this meeting, the KDP agreed to relinquish some of his gains to the PUK. The meeting resulted in Talabani's and Barzani's exchange of territory without a struggle. With the mediation of the US and Turkey, the two Kurdish parties agreed to a truce, but this fragile ceasefire too proved to be temporary. The rivalry between the KDP and the PUK resulted also in *de facto* partition of the autonomous region into two; one in Arbil under the KDP and another in Sulaimaniah under the PUK.¹⁰⁰

A final branch of conflict between the KDP and the PUK took place in late 1997. Believing that the KDP was focused on its conflict with the PKK, the PUK launched Operation Vengeance Storm. Although it nearly captured the KDP headquarters at Salahaddin, the PUK's attack ultimately failed. With Turkey's help, the KDP succeeded in forcing the PUK to retreat. At that time, the PUK was in an

⁹⁸ Hussein Tahiri, *The Structure of Kurdish Society and The Struggle for a Kurdish State*, p. 181.

⁹⁹ Johanna McGeary, *Slamming Saddam Again*, Time, September 16, 1996, p. 24.

¹⁰⁰ Muhammed M. A. Ahmed & Michael Gunter, *ibid.*, p. 151.

alliance with PKK whereas the KDP was in alliance with Turkey in its struggle with the PKK. As soon as it secured Iran backing, the PUK began wore a less compromising attitude towards KDP which made gestures to Baghdad with the aim of securing oil revenues from Ibrahem Khalel border. With the KDP's eventual victory over the hold of these checkpoints, the PUK felt itself forced to initiate the process of accommodation.

Koya-Shaqlawa Meetings: Towards a Calculated Compromise

This final struggle was damaging to both parties. On the other hand, heralding a change in the strategic thinking of the two leaderships, it also had a beneficial result. Acknowledging the fatal consequences of the civil war, and recognizing that it would be best to show unity rather than to allow their differences to act as fillips for the agendas of regional powers and of the central government, Barzani and Talabani began to embrace a policy of normalization. After an exchange of letters between Talabani and Barzani in December 1997, a series of meetings were held in Koya and Shaqlawa at which senior representatives of the parties discussed measures to normalize their relationship. These early discussions did not intend to bring full merge of the KRGs, but they developed a range of confidence-building measures, including prisoner exchanges, moderation of media attacks against each other, establishment of a joint coordinating committee for the implementation of the Oil-for-Food Deal, and normalization of communications between Arbil and Sulaimaniah. The meetings were a turning point in the relationship between the KDP and the PUK in the sense that, without too much pressure from Western powers (although some had been exerted by the US and the UK), the two leaders initiated a political process designed to build confidence between them.¹⁰¹

Another promising event was the US-sponsored the Washington Peace Deal of 1998 which will be dealt in detail in following parts. The Deal promoted the confidence-building measures initiated by the Koya-Shaqlawa process and also expressed the expectation that its outcome would produce an interim administration followed by multi-party elections to unify the Kurdistan National Assembly and the KRG. Under the terms of the Deal, the parties agreed to hold KRG-wide elections in

¹⁰¹ Robert Lowe & Gareth Stansfield, *ibid.*, p. 135.

1999, share the revenues of the region and reunite their administrations. For the next several years, however, none of the Deal's provisions (except for the cessation of hostilities) were implemented.¹⁰² The sub-regional administrations continued to operate separately until 2006.

On the other hand, the process began with the Koya-Shaqlawa meetings was called as a process of calculated compromise between the KDP and the PUK during which Barzani family's hold on power grew stronger and the PUK resistance to their power intensified. In KRG's twelfth Congress which was held in October 1999, presidency of the KRG was given to Nechirvan Barzani and the number of Barzani family members in the KDP senior positions reached three: Massoud Barzani the KDP President, Nechirvan Barzani the Prime Minister of the KRG and Masrour Barzani a member of the KDP Central Committee. The KDP also continued to benefit from its increasing strength to form its own government without participation of the PUK. The fourth KRG formed in December 1999 and headed by Nechirvan Barzani was an example of this strength and supremacy. As a result, while the KRG began to strengthen and gradually unify across the weak Iraqi government, inside the KRG, unbalancing of power between the KDP and the PUK on behalf of the former continued to damage mobilisation.

Implications of Institutionalization In KRG: Strength or Fragmentation?

The major theme that was added in this period to the Kurdish mobilisation in Iraq was foreign-initiated institutionalization of the mobilization under KRG and its autonomy from Baghdad's influence. Autonomous Kurdish administration that was set up in 1992 was significant in the sense that it marked a turning point in the Kurds' long, turbulent struggle for self-determination.¹⁰³ Iraqi Kurds' first steps towards independence occurred by chance with the creation of the safe heaven had mixed results, but crucially allowed the Kurds time to practice for a more durable self-determination.¹⁰⁴ Institutionalization in an autonomous polity gave the Kurdish parties a golden chance for increasing their experience with governance.

¹⁰² David Romano, *ibid.*, p. 1348.

¹⁰³ Ofra Bengio, *ibid.*, p. 154.

¹⁰⁴ David Romano, *ibid.*, pp. 1347-1349.

Institutionalization also increased Kurdish self-consciousness in political and social realms. The Kurds could forge their Kurdish identity and increasing usage of the Kurdish language in the public sphere, including schools, universities, the administration and the media. The public statuary of Kurdish politicians such as the charismatic leader Mullah Mustafa Barzani contributed to the societal level development of the mobilization.¹⁰⁵ In addition, the region which had been entirely dependent on the central government began to develop socioeconomic infrastructure, albeit with outside support. The dynamic that emerged from the *fifty-fifty* balance and the twin governances also brought a degree of stability and predictability, as the two governing parties competed to outdo the other in civil infrastructure projects and for better governance in general.¹⁰⁶ Moreover, in this period, autonomy decreased the Iraqi Kurds' vulnerability to and dependency on Baghdad and external actors. Fragmentation and rivalry among the governing Kurdish parties were internal causes and couldn't be directly penetrated by Iraqi or external actors, as was the case in previous decades. Furthermore, the late comer calculated compromise between the PUK and the KDP made the two parties as powerful local domestic actors, if not regional, pursuing their own goals to strengthen the KRG and mobilisation. This would be transferred to post-2003 Iraqi political life which witnessed the re-emergence of the Kurds as local domestic and regional political actors capable of enforcing their own will on their non-Kurdish Iraqi counterparts in the governing structures. Intersection of US interests with those of the Kurds, particularly since 1998, has of course been of critical importance. But the main source was internal: the heightened level of coordination between the KDP and the PUK.¹⁰⁷

Autonomy brought about major successes for Kurdish mobilisation between 1991 and 2003.¹⁰⁸ As Anderson puts, the period between 1991 and 2003 was significant for the course of Kurdish politics and mobilisation in the sense that this decade saw evolution of a political system in Iraqi Kurdish region that was liberal

¹⁰⁵ Ofra Bengio, *New Iraq: Challenges for State Building*, p. 50.

¹⁰⁶ Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, pp. 195-218.

¹⁰⁷ Gareth Stansfield, *From Civil War to Calculated Compromise: The Unification of the Kurdistan Regional Government* in *The Kurdish Policy Imperative*, p. 130.

¹⁰⁸ Ofra Bengio, *ibid*, pp. 45-64.

and at least relatively democratic.¹⁰⁹ Such a political system contributed to emergence of Kurdish self-consciousness in political, social and administrative realms. Conduct of more or less democratic elections, weakening of the central government, differentiation of Kurdish politics and mobilization within the newly elected KRG contributed to political pluralism and created a more conscious mobilisation. In political realm, new forms of political organizations such as non-governmental associations, media and civil society, which were banned by Saddam till then, began to grow in the region. Promotion of Kurdish language and cultural rights became more salient under the flag of autonomy. Political boundaries in the autonomous north also became more inclusive of multi-ethnic groups and religious ones, which increased experience with governance. The cabinet began to include members of the region's diverse ethnic and religious communities: Turkomen, Yezidi, Assyrio-Chaldeans, and the moderate Islamic groups. Pluralizing political context diversified Kurdish nationalist organizations by giving local populations greater alternatives outside the two main Kurdish nationalist parties. Various parties joined the KDP and the PUK in a multiparty political system. Although they couldn't threaten the supremacy of the two rival parties, Kurdish Communist Party and Kurdish Conservative Party turned the political picture officially from bipartisan to a multi-party one.

As a departure from the past decades, institutionalization brought about a change in main Kurdish political goal which upgraded from autonomy to federalism. Framework of federalism included management of local government in different parts of the region by the Kurdish officials, open and free activities of Kurdish political parties, and institutionalization of a Kurdish parliament, whose delegates were chosen in free elections. Independence ideal was raised many times by both the KDP and the PUK. However, security concerns, which required a realist policy, made the option of federalism as the most attainable ideal. This was a kind of *realpolitik*, since it revealed awareness of the Kurdish parties about the strengths and boundaries of the autonomous mobilization. *Realpolitik* gave the KRG a chance for exercising a limited influence on Iraqi and external power policies which were alarmed by a separatist Kurdish tendency. Regarding the limits, Kurdish parties were

¹⁰⁹ Liam Anderson, *Internationalizing Iraq's Constitutional Dilemma*, in Robert Lowe and Gareth Stansfield, *The Kurdish Policy Imperative*, p. 147.

well aware of the implications of a secessionist deflection for many reasons: First, they still lacked a well-defined vision and coherent political goals for the future, mixing together various programs as autonomy, federalism and independence. Economically, dependency on external aid and the parties' uncontrolled policies was exacerbated by the geographical constraints. Since they did not present a clear-cut political goal around which all Iraqi Kurds could mobilize, the Kurdish parties continued to rule in their land-locked area without possessing a strong center for mobilisation. Lastly, such a deflection would mean facing with strong neighbors all of whom were opponents of an independent Kurdish entity.

As a result, although the Kurdish mobilization matured, it lagged far behind the rival Arab political and national discourse in cultural, socioeconomic, and political domains.¹¹⁰ As stated before, in the aftermath of the Gulf War, the weak Ba'ath regime was in no position to pose a threat to the KRG in case of a declaration of independence. Slogans about the *right* of self-determination were continuously voiced, the Kurdish leaders, with their lack of experience of governance, chose to stay in a weak state and consolidate their newly founded experience with statehood rather than facing with powerful neighbors. Increasing security concerns and threat perceptions between the KRG and regional and international powers brought about pursuit of *realpolitik* in Kurdish politics.

Inside the KRG, the period between 1991 and 2003 witnessed the peak point of Kurdish division due to most violent internal fighting of the Kurdish history. Illustrating the deep fractionalisation and bipartisanism in KRG between the KDP and the PUK, the civil war resulted in the crumbling of the Kurdish administration and the division of the region into three zones of influence: Arbil and Sulaimaniah under the control of the PUK; Duhok and the districts around Arbil under the control of the KDP; and Halabja and the bordering areas under the IMK.¹¹¹ Administratively, the autonomous region became divided into two rival zones; there were two administrative units, two cabinets, two paramilitary organizations (the peshmergas), and two flags, and restoring peace between the two groups required mediation of foreign powers. Furthermore, despite creation of an autonomous

¹¹⁰ Ofra Bengio, *ibid.*, p. 155.

¹¹¹ Ofra Bengio, *ibid.*, p. 154.

governance, the political, administrative and geographical division of the mobilisation between the KDP and the PUK made them engage in different and *ad hoc* alliances with rival tribes and external powers rather than displaying a unified leadership against a weak central government. On the other hand, expanding political space in the Kurdish region also allowed the rise of new political forces such as radical Islamist groups, Turkomen factions and smaller groupings that could hamper Kurdish unity in the future while at the same time invited outside intervention (especially of Iran) and threatened Kurdish self-rule. Even, emergence of alternative political parties contributed to continuing tribalisation of and fragmentation Kurdish politics, which was filled by central government, and which, in turn, weakened the likelihood of a unified Kurdish stance. Rather than trying to construct an ideological opposition, for example, Kurdish Conservative Party, headed by Hussein Agha Surchi, represented the interests of those tribal chieftains who had been *mustashar* and were unable or unwilling to affiliate themselves with either the PUK or the KDP and its proclaimed aim was the preservation of the political role of tribal leaders. As a result, Kurdish mobilization could not benefit from the fruits of autonomy and lack of Iraqi influence due to the internecine rivalry and division between the leading parties.

In KRG, division stemmed from coexistence of different political systems in territorially defined zones of influence was exacerbated by the parties' consolidation of distinct economy and security agendas through pursuit of traditional types of consolidation strategies. As in previous decades, each party continued to maintain political and economic support networks which intertwined with tribal and geographic identities through the course of Kurdish mobilisation in 1990s. Worsening economic crisis that was brought about by the collapse of Ba'athist strategies in 1990 and the double-embargo the region was placed had created a large urban proletariat of unemployed people, which made lower strata of the urban population became more dependent on patronage as a means of survival. As the KRG could not replace the Ba'ath state institutions in an effective manner, it created new local loyalties. With the PUK-KDP competition, and as the old state institutions collapsed and a new bureaucracy couldn't develop, party patronage, which was institutionalized in the form of neo-tribalism became institutionalized as the most

profitable option for many urban individuals.¹¹² International community's interest in the preservation of the status quo in Iraq also eased the division.¹¹³ External powers' policies through the Oil For Food Program was an indication of this. Dependency on external sources of revenue, monetary constraints, unemployment, illicit economy, corruption and rent-seeking behaviors revealed deficiencies of institutionalization process.

The two governing parties became the main employers of the region: posts in peshmerga and civil servants provided for a basis for employment. Apart from these party-linked employment opportunities the parties also tried to increase their power base by associating themselves with former *mustashar* and with tribal chieftains in general. IKF announced a general amnesty for all former government collaborators; including the *jash* and the *mustashars*, and *jash* together with the peshmergas turned from being government collaborators to IKF collaborators whereas some *mustashars* continued to ally themselves with the central government. In their competition for political hegemony, the two political parties not only engaged in attempts at clientalizing themselves at the cost of developing a stronger polity, but also tried to co-opt rather than replace or weaken the regional tribal leaders or other local patrons. Institutionalization of patronage and tribalism in Kurdish politics reinforced the emergence of new patrons in the administrative zones apart from political parties, and marked an era of strategic conflicts among them. Some of the *mustashars* and the *jash* who were granted amnesty after the 1991 uprising were allowed to maintain their armed forces emerged as local warlords in the cities and the countryside. The KDP and the PUK strengthened the position of such warlords in their competition for alliances rather than exercising control over them. This plus the fragile alliance between the two parties and division of their territorial spheres of influences resulted in continuation of fragmentation among the governing parties while at the same time vitiated constructive influence of institutionalization on the mobilisation.

In the economic realm, the KDP-PUK rivalry and the civil war accelerated institutionalization of the tribal and patronage relations in KRG, primarily through

¹¹² Michael Leezenberg, *Urbanization, Privatization and Patronage: The Political Economy of Iraqi Kurdistan* in Faleh A. Jabar & Hosham Dawod, *The Kurds: Nationalism and Politics*, p. 175.

¹¹³ Matan Chorev, *ibid.*, p. 6.

the maintenance of different forms of scarcity.¹¹⁴ In this period, the KRG failed to resurrect the commercial agricultural sector, and the two governing parties held monopoly over both customs revenues and the distribution of the Oil for Food Program. By using their tribal networks, the KDP and the PUK recreated a patronage structure to protect their dual monopoly over economic activity. This also created an uneasy dichotomy in the region between the poor majority and the top of the tribal strata as the rich minority. In this period, unemployment was estimated around eighty per cent, and by the year 2000, twenty per cent of the Kurds still lived in *mujamma'ats*.¹¹⁵ On their side, as urban entrepreneurs, tribal leaders and *mustashars* turned the economic and political crisis to their advantage. In the aftermath of the Gulf War, they were tied to global economic structures by the KDP and the PUK. As a result, the deepening rivalry between the two parties was reinforced by and reinforced dominance of the neo-tribal networks in the economic realm. The dual reinforcement of tribal loyalties both strengthened the prosperity of the old *mustashars*, *jashs*, and landowning strata, and intensified the rivalry between the KDP and the PUK on the one hand, and among these parties and different tribes, on the other. These complex patronage relations and bipartisan monopoly over, and abuse of economic power also vitiated institutionalization's constructive influence on mobilization.

On the whole, however, institutionalization under an autonomous government contributed to gradual maturation of Kurdish mobilization in Iraq between 1991 and 2003. Kurdish experience with self-rule as a unique administration from 1992 to 1994, and as two competing administrations from 1994 to 2003 allowed Iraqi Kurds to Kurdify northern Iraq in political and administrative realms, albeit in a divided sense. Institutionalization of Kurdish autonomy under the KRG and consolidation of institutional strength through both the forces of globalization (mainly the Oil For Food Program) and the latecomer compromise between the KDP and the PUK strengthened mobilization both against the central government and against regional/international actors. In this decade, the KRG constructed direct relations not only with the central government, but also with the outer world. On the other hand,

¹¹⁴ Michael Leezenberg, *Iraqi Kurdistan: Contours of a Post-Civil War Society*, Third World Quarterly 26 (4-5) 2005: 640.

¹¹⁵ Matan Chorev, *ibid.*, p. 7.

ongoing KDP and the PUK rivalry, effects of patronage and bipartisanism continued to weaken the might of a unified Kurdish mobilization. This bipartisanism and patronage structures were also penetrated by the central government policies, which will be discussed later. However, the net result of autonomy from 1991 to 2003 was to strengthen the Kurdish mobilization for the post-Saddam struggle for power in Iraq.¹¹⁶

NATURE OF CENTRAL GOVERNMENT: WEAKNESS AND LIMITED INFLUENCE

As stated above, Gulf Wars and the subsequent weakening of the Ba'ath regime coincided with separation of the Kurdish mobilization from Ba'athist influence with foreign-constructed autonomous zone in northern Iraq. Politically, this was a major departure from previous decades in which strong central governments in Baghdad could pose major limits on the nature and strength of the mobilization, thanks to the asymmetric, dependent and one way relations between the two polities. Beginning from 1991, Baghdad's influence over Kurdish politics and mobilization has become limited and counterproductive in the sense that it could continue its influence through unreliable tribal proxies among the Kurdish groups.

In the aftermath of Operation Provide Comfort, Kurdish autonomy was much internalized by the Ba'ath Regime. Also, with the aim withdrawing Allied forces out of the Kurdish north, Saddam asked the IKF to negotiate and offered it autonomy along the lines of the 1970 Autonomy Agreement. The major concern of Baghdad's changing policy was to prevent international intervention to its domestic affairs. Although the Ba'ath regime was too much weak to prevent Kurdish separatism, the fear of international encouragement to Kurds paved the way for Baghdad to offer negotiation to the Kurdish parties.

As stated in previous chapter, Iraqi governments' main tool for preserving loyalty of minorities was identity politics. Iraq's fragile national identity gave a chance for the ruling elite to redefine the country's identity in accordance with their political interests. Gulf Wars, which further weakened the Ba'ath regime, brought about strengthening of tribal and religious identities by the state elite. Having failed

¹¹⁶ David Romano, *ibid.*, p. 1348.

to create a sense of Iraqiess among the Kurds, Baghdad turned to more creative efforts to draw Kurdish communities into the political center. After the war, Hussein moved away from secular Ba'athist ideology and tried to Islamize the Iraqi identity. Yet, effects of these appeals weakened as the government continued to bomb Kurdish regions, imposed blockade and sponsored radical Islamic groups to destabilize the Kurdish north. Moreover, radical nationalist cross-border groups, including the PKK, radical Islamic parties and Iranian Kurdish opposition groups such as the KDPI began to use Kurdish region as a ground for their own political projects. They gained the support of the central government and neighboring powers such as Iran. Incorporation of these parties intensified the rivalries between the Kurdish parties.

Failure of identity politics pursued by the central government contributed to neo-tribalisation of Iraqi and Kurdish politics along with KRG policies. Bengio defined the failure of identity politics as the main cause of *neo-tribalism* in 1990s as follows:

The wars by the Ba'ath Iraq against Iran in 1980, and against Kuwait in 1990, intensified the confusion and inner contradictions on the issue of identity. While the Ba'ath continued to adhere to pan-Arabism as a tool for mobilizing Arab support, it also needed to foster Iraqi territorial nationalism in order to mobilize domestic support for its wars. However, in the end it failed.¹¹⁷

As his support waned in the wake of the war, Saddam increasingly relied on tribal identity.¹¹⁸ Two kinds of tribalism increased: one operated by the government with the purpose of fostering tribal forces within the ruling elite; the other an authentic social tribalism, aimed at preserving its power in the face of aggressive intervention by the central government.¹¹⁹ Erkmen also suggested three-fold reasons for the rise of re-tribalisation in Iraq in 1990s: economic, military, and political.¹²⁰ Economically, post-war economic conditions and the weakening power of rentier state as the purchaser of consent forced the regime to provide economic privileges to

¹¹⁷ Ofra Bengio, *Iraq-From a Nation State to Binational State?*, p. 67.

¹¹⁸ Adeed Dawisha, *Identity and Political Survival in Saddam's Iraq*, Middle East Journal, Vol. 53, No. 4, 1999.

¹¹⁹ Ofra Bengio, *Iraq-From a Nation State to Binational State?*, p. 68.

¹²⁰ Serhat Erkmen, *Irak'ta İşgal sonrası Siyasal Yaşam ve 2010 Parlamento Seçimleri*, Ortadoğu Etütleri, vol 2, no. 1, pp. 119.

those who collaborated with the government. Militarily, the regime intended to raise the number of tribes loyal to Republican Guards. Politically, the Ba'ath regime used some tribes to suppress the uprisings that occurred especially in the Sunni and the Shi'ite populated areas. Dependency on state which had reached to its peak in 1970s and 1980s due to the state-led capitalism and privatization continued in 1990s as an instrument of loyalty. Regarding the relations with the forces of globalization, since the Iraqi and the regional governments' economy policies were conducted through the state elite, in the post-Gulf war period the status of old tribal leaders was reinforced and consolidated in return for their loyalty to state. However, contrary to previous decades, tribalisation became a political tool not only in the hands of the Ba'ath but also of the KRG. That is, separation and autonomy of Kurdish mobilisation from Iraqi political context contributed to politicization of tribalism in both governances, but mainly in KRG as a loyalty to, and cliental favors from the governing parties. When Iraqi actors concerned, although weakened, the Ba'ath continued to benefit from post-war chaos and the four-year civil war between the KDP and the PUK by reaffirming its relations with the former *mustashar* and certain tribes, such as Herki, against warring parties, the KDP and the PUK. Central government continued to establish patronage relations with some Kurdish tribes and former *mustashars* in a way to trigger the infighting between the governing parties and other Kurdish groups. Benefiting from political and administrative fragmentation among the Kurdish parties as well as loyalty structure at the societal level, central government employed re-tribalisation policies which helped keeping the division and chaos alive.

As in the decades of 1970s and 1980s, the Iraqi government delegated power and means of coercion to locals with the implementation of the *mustashar* system. Rather than eliminating the *aghas* as a socio-political power, as dictated by party doctrine, the government manipulated the *shaikhs* as tools in the service of the regime through the process of *Ba'athization*. Second, and from a sharper departure from party tradition, tribal *shaikhs* became legitimate partners for power-sharing. Saddam tribalized the regime's Praetorian Guard; and he reawakened the tribal affinities in parts of Iraqi society which were no longer tribal.¹²¹ Collaborators who

¹²¹ Amatzia Baram, *Neo-Tribalism in Iraq: Saddam Hussein's Tribal Policies 1991–96*, International Journal of Middle East Studies, 1997, vol. 29 pp. 1-31.

had become rich in the preceding years strengthened their economic position after the uprising, even though many of them were politically discredited.¹²² Former local non-governmental organizations also transformed themselves into private contracting firms, which revealed continuity with the previous decades. The contractors of Oil-for-Food Deal served as local economic middlemen who worked first for the Iraqi state for cliental concerns, and second for international humanitarian concerns. As a result of the Deal, a new source of income was generated whose profit benefited the locals.

Baghdad's re-tribalising policies in KRG and limited influence on fragmented Kurdish parties was well illustrated in Civil War. In November 1994, Herki tribe switched alliance from the KDP to the PUK, which was one of the main events that triggered the subsequent battle for control over Arbil. This event forced the KDP to resort to Baghdad's help, and KDP managed to force PUK to evacuate Arbil with Baghdad support. Moreover, Baghdad managed to play different Kurdish groups off against one another, especially by exploiting traditional tribal rivalries.¹²³ For example Karim Bradost maintained its links with both KDP and the PUK as well as with Baghdad and PKK. Engaging in Kurdish inter-struggle, Iraq's (as well as Iran's) aim was to keep US out of the Kurdish region and defeat at least this dimension of the containment policy of US.¹²⁴ Hence, the main approach Baghdad developed in penetrating into Kurdish rivalry was instrumental. Baghdad's second aim was to gain control over KRG policies as well as Kurdish parties across any separatist tendency through channeling help to different tribes and parties in a way to keep chaos and division in KRG alive. As the events in civil war revealed, Baghdad succeeded in doing so. However, Baghdad's influence on Kurdish groups became limited in scope.

ROLE OF EXTERNAL POWERS: SEMI-MUTUAL INFLUENCE

Increasing the determinant roles of the external powers on emergence of a relatively strong Kurdish mobilisation, the two Gulf Wars initiated a new era of external power-Kurdish relations. After all, it was the Allied initiative which made

¹²² Michael Leezenberg, *Urbanization, Privatization and Patronage: The Political Economy of Iraqi Kurdistan* in Faleh A. Jabar and Hosham Dawod, *The Kurds: Nationalism and Politics*, p. 161.

¹²³ David Romano, *ibid.*, pp. 1347-1348

¹²⁴ David McDowall, *ibid.*, p. 388

the Kurds autonomous of Baghdad's influence and provided it with a self-rule to strengthen. The Allied Coalition was unwilling openly to support the IKF in *rapareen* which began in the short aftermath of the first Gulf War. First, it feared the break-up of Iraq, and the emergence of both internal and external forces that might try to seize parts of the country. The fear stemmed from the Kurds' and the Shi'ites' future ability to shake off Iraqi sovereignty in their respective lands.¹²⁵ On their side, Kurds had in fact been careful not to side with the West before Saddam's defeat appeared certain- a Ba'ath official in the North had even explicitly warned them: "If you have forgotten Halabja, I would like to remind you that we are ready to repeat the operation."¹²⁶ When the Kurds in the north and the Shi'ites in the south did nonetheless rose up in March, they did not find US and Allied backing. This further disheartened the Kurds.¹²⁷

Repression of *rapareen*, which brought about a massive run of around two million Kurdish refugees towards the Turkish and Iranian border led the international community to take some concrete steps. With the Allied initiative, (British cited the 1948 Genocide Convention as one of the legal justifications for the creation of the safe haven, and the US referred to the recent precedent already set by UN safe havens for Indochinese refugees around the borders of Cambodia and Thailand.¹²⁸) the UNSCR 688, and following the Operations Poised Hammer and Provide Comfort, a no-fly zone for Iraqi forces was declared north of the 36th parallel, prohibiting the Iraqi planes from flying north of the 36th parallel. This was followed by the Iraqi withdrawal from aforementioned area which, by then, became autonomous of the Kurdish region. However, the oil producing areas of Kirkuk and Mosul, long claimed by the Kurds, were kept out the safe heaven and remained in the hands of Iraqi Government. The UNSCR 688 was historic on two accounts: First, it was the first scene (since the league's arbitration of the Mosul province) to mention the Kurds by name, thus lifting their status internationally. Second, it was for the first

¹²⁵ David McDowall, *ibid.*, p. 370.

¹²⁶ International Herald Tribune (January 25, 1991) cited in David McDowall, *ibid.*, p. 370.

¹²⁷ Edgar O'Balance, *The Kurdish Struggle 1920-94*, p. 187.

¹²⁸ Entehessar, *Kurdish Ethnonationalism*, p.153.

time that the UN had insisted on the right of interference in the internal affairs of a member state in the Middle East.¹²⁹

The period between 1991 and 2003 initiated the regional and international level involvement in Kurdish politics and a new era for Kurdish-external power relationship. A concrete result of this autonomy was development of direct and constructive relations between the KRG and external powers in political, economic and diplomatic realms. On the other hand, influence structures only slightly changed in this period. Emergence of an autonomous entity virtually independent of Baghdad's administrative and territorial control brought about a gradual shift in threat conceptions across the Kurds, and regional powers got alarmed against any destabilizing Kurdish attempt against territorial integrity of Iraq. This produced semi mutual influence between the KRG and external powers. It was semi-mutual in the sense that, the KRG's realism and interests decreased the likelihood of a secessionist diversion in mobilisation. Regarding the influence structures, this decade witnessed a kind of semi-mutual- not mutually reinforcing- influence structure also in the sense that external actors' engagement in Kurdish politics continued to prioritize 'Baghdad factor', and the security of and threat perceptions on Iraq remained the main determinant of Kurdish policies of external powers.

Hence, the role of constructive external involvement on the relative strength of the mobilisation was countered by the emerging threat conceptions on Kurdish secessionism. Moreover, the Allied coalition's construction of the safe heaven was not aimed to strengthen the Kurds but to weaken Saddam. Even, the Coalition was divided over weakening Saddam for their fears that such a step would threaten Iraq's territorial integrity. They were alarmed against the emergence of an independent Kurdish entity. Their fear was threefold: that the regional balance of power would tip in Iran's factor; that a Yugoslav-like syndrome would develop in Iraq, dragging them into the Iraqi guagmire; and that the West's ally, Turkey, would be hurt by developments in Iraq.¹³⁰ Alongside the fears of the new wave of ethno-nationalism and its implications in the region, the West was also motivated by long-term considerations such as the desire to renew economic and business ties.

¹²⁹ David McDowal, *ibid.*, p. 375.

¹³⁰ Ofra Bengio, *ibid.*, p. 158.

In post-1991 period, the past years' instrumental external engagement in Kurdish affairs continued, but changed its direction. Rather than being passive elements in inter-state conflicts, Kurdish parties benefited from the ability to pursue simultaneously pragmatic relations with the neighboring powers in their rivalry with Iraq. The KRG negotiated directly with Turkish and US diplomats, which facilitated unification process between the two parties. In return for external powers' promotion of a united KRG, the Kurdish parties made pragmatic cooperation with these powers. The PUK's cooperation with Turkey in PKK issue was considerable in this sense. This was accompanied by one cult of constructive relations between the KRG and external powers revealed which reigned over diplomatic level. For the first time in their history, the Kurds enjoyed *de facto* –if not *de jure*- recognition and began to have quasi-official representation in some countries. The Kurdish representatives abroad lacked formal diplomatic status; nevertheless, they managed to advance the Kurdish cause in key capitals, and influenced major policy decisions before and during the most recent war. It is important to note that, welcoming of Kurdish delegations reflected the centrality of the Kurds in the long term struggle to remove Saddam. Kurdish good will was crucial to keeping the pressure on Baghdad from the north. The Kurds thus succeeded in translating their instrumental centrality into an unprecedented degree of international recognition.¹³¹

On the other hand, as a result of the changing circumstances after the Gulf War, the roles played by the surrounding countries *vis-à-vis* the Kurdish issue also changed.¹³² As Stansfield argued, there was a dangerous propensity for the KDP and the PUK to encourage neighboring states to become involved in the internal affairs of the Iraqi Kurdish region: Iran, Turkey, Syria, US, Iraq and after especially 1998, the influence of al-Qaeda upon the region's indigenous Islamist groups.¹³³ Hence, along with the separation of Kurdish mobilisation from Ba'athist domination, the US-led effort to prevent the Saddamization of Kurdish region also gave the Kurds a chance to actively involve foreign power intervention in their conflicts. The KRG's lack of experience with governance obstructed the management of foreign involvement

¹³¹ Ofra Bengio, *ibid.*, p. 51.

¹³² Ofra Bengio, *ibid.*, p. 157.

¹³³ Gareth Stansfield, *ibid.*, p. 139.

especially on radical elements. The fatal rivalry between the KDP and the PUK further complicated the situation, since they could not manage or influence the foreign involvement in Kurdish politics with one voice. Baghdad's loss of control of in the Kurdish region left a power vacuum that the surrounding countries sought to fill. Iran's attempts to find Islamic proxies in PUK-dominated Sulaimaniah was an indication of this fact.

Foreign Penetration In Kurdish Politics via Political Islam

Following the Gulf War, the vacuum left in Kurdish region by the Iraqi army's withdrawal plus the deepening PUK-KDP conflict provided for a fertile ground for the rise of Islamist radical and other extremist forces such as the PKK in Kurdish politics. The political picture was further complicated by the establishment in 1988 of a new group under Iranian auspices –the aforementioned Islamic Movement of Kurdistan (IMK)- as new actor in the Kurdish scene.¹³⁴ The IMK had been formed in 1970s by Shaikh Othman Abdel Aziz, benefiting from the spread of the Islamic Revolution in Iran which resulted in fractionalisation in Saddam's regime. It included many defectors from the KDP and the PUK ranks. In 1992 elections, the IMK failed to achieve the 7% threshold necessary to get into the parliament. As the negotiations with both the PUK and the KDP failed, the IMK began to implement its own policies in its strongholds, mainly the territories bordering Iran in the Sulaimaniah region.

The IMK soon began to attract more followers by using its welfare services which were highly welcomed by the Kurds who were living in economic hardship. Moreover, from 1992, Saddam constituted instrumental relationship with the IMK to authorize his security network in order to promote instability in Kurdish region. The IMK was thus in a position to benefit both from Iraq and Iran. Hitherto good relations with the PUK and Iran deteriorated because of Iran's support to IMK in PUK-controlled territory. The IMK, in turn, accused the PUK of threatening its supporters using international sensitiveness towards political Islam. As a result, in December 1993, a bloody clash began between the PUK and the IMK. The fighting between the PUK and the IMK coincided with the intensification of the fighting

¹³⁴ Ofra Bengio, *ibid.*, pp. 155-156.

between the KDP and the PUK. The IMK subsequently became involved in the fighting which broke out in 1994. After being severely weakened by the PUK, the IMK benefited from KDP- Iraqi Government action against the PUK in August 1996 and succeeded in achieving control of the Halabja region. Since 1997, an uneasy peace existed between the PUK and the IMK. However, throughout this period, the IMK was being increasingly radicalized by the Kurds returning from Afghanistan, and by the movement of support away from Sheikh Othman's replacement, his brother Mullah Ali Abdel Aziz, towards a younger and more militant range of party leaders. Mullah Ali attempted to stem these developments by amalgamating the IMK with the Islamic Renaissance Party (IRP), headed by his brother, Mullah Siddiq, to form the Islamic Unity Movement of Kurdistan (IUMK), but he failed.¹³⁵

Role of External Powers in Kurdish Civil War

Between 1991 and 2003, the fact that geographic location of the Kurdish region had resulted in the KDP and PUK forming different sets of relations with neighboring states became more acute. While the KDP formed good relations with the central government and Turkey mainly due to Turkey's PKK problem, the PUK formed closer relations with Iran as a close neighbor to its strongholds. However, the main ingredient of these relations remained the neighboring powers' threat perceptions on Iraq. Iran used PUK-dominated territory in order to trigger the Shi'ite Islamic elements. In a similar way, the relatively conciliatory relations between the KDP and Baghdad revealed a pattern of pragmatic relationship, as KDP wore a more conciliatory stance across developing relations with the Iraqi regime. As far as Turkey concerned, KDP's anti-PKK stance produced a conciliatory relationship between the KDP and Turkey. The KDP and the PUK also continued to made alliances with different powers; the KDP relied more on Turkey and central government whereas the PUK sought support from Iran, Syria and US.

From mid-1990s, worsening relations between the KDP and the PUK coincided with increasing Iranian support to radical elements in KRG. Iran, PUK's long acting ally, began to support pro-Islamist groups which operate in the PUK-dominated Sulaimaniah such as the IMK in the Kurdish region against its former

¹³⁵ Gareth R. V. Stansfield, *ibid.*, Adelphi Papers, 2003- people.exeter.ac.uk, p.143.

ally-the PUK. Iran even coerced the PUK to engage in a conciliatory relationship with the IMK, which would deteriorate the relations between the PUK and Iran and lead the former to search for new allies-mainly Turkey- in late 1990s. Interestingly, beginning from this decade the Kurdish parties engaged in conciliatory relations with different states. PUK's rapprochement with Turkey, which had been strained by the PUK's tacit support to PKK and Turkey's close relations with the KDP during civil war- especially from late 1990s, and the efforts not to alienate Iranian support resulted in a pattern that was somewhat different from the previous decades. This time, Kurdish parties weren't at passive side in instrumental means they engaged in external powers. Rather, they benefited from the ability to pursue simultaneously pragmatic relations with the neighboring powers in their rivalry with Iraq and each other. As a result, the past habits of resorting to Kurdish groups and parties by the regional and external powers changed its direction in a way to produce more beneficial results for the Kurds as well. As stated above, this was an indication of semi-mutual influence structure'. For instance, Iran's involvement in KRG politics was limited to use the PUK-dominated territory to support Islamist groups and their alleged links to the al-Qaeda (especially around Halabja) or to pressure Saddam's regime by inserting the elements of the SCIRI Badr army into Kurdish territory. At the same time, Iran gave assistance to PUK against KDP in 1996 while Baghdad channeled help to KDP to force the PUK evacuate Arbil. Engaging in Kurdish inter-struggle, both Iraq's and Iran's aim was to keep US out of the Kurdish Region and defeat at least this dimension of the containment policy of US.¹³⁶

Lastly, the KDP-PUK division of 1990s and the ensuing civil war was not result only of the rivalries between Barzani and Talabani. The main causes of the war were internal, yet the picture was complicated with the involvement of external powers and the transition from a bipolar international system to a unipolar one. The double embargo, one put by the Iraqi state against the region, and the other by UN against Iraq put the region under economic difficulties. The region was also under the influence of the dual containment policy of US which targeted both Iran and Iraq as potential threats to regional as well as international stability. On its part, aware of the fragile ground it was standing on, Iraq was intent on bringing the Kurdish region

¹³⁶ David McDowall, *ibid.*, p. 388.

back under its control against the US' and neighboring powers' resort to KRG against itself, but it failed.

Balance of Power Politics: Maintenance of Fragmentation In KRG, Unification Against Baghdad

Another rationale behind foreign power involvement in Kurdish politics in 1990s was to maintain the balance (and rivalry) between the KDP and the PUK in order to eliminate the likelihood of a successful united government in northern Iraq which had with the potential of paving the way for an independent Kurdish state that would threaten the international stability. On the other hand, for regional and international powers, a degree of stability in the north, and peace and coexistence between the two parties was regarded as crucial to constitute a threat to Saddam government. Changing perceptions towards the Kurds and the efforts to balance Iraqi threat, which also found proxies from different tribes during the civil war, foreign intervention (by Turkey and US) was realized as mediation between the KDP and the PUK. Thus, in 1990s, Kurds' instrumental role continued in a different manner. In this period, regional environment continued to pose obstacles for secessionist Kurdish mobilisation. Although the creation of the autonomous entity was an unintended result of external initiative, its gradual institutionalization and likelihood of a separatist Kurdish movement made the Kurds gain a gradual strategic importance in the eyes of the regional powers. The main purpose of the international community was to strengthen the KRG in order to weaken Saddam, but territorial integrity of the state was attached equal significance, which required a cautious Kurdish policy.

Direct foreign intervention into Kurdish civil war, first in 1996 by Turkey and US, and then by US-led Washington Consensus was direct result of this dual policy. The PUK's strategic and pragmatic evacuation of Sulaimaniah was followed by a meeting between an official from the US Department of State in Ankara and the KDP and the PUK representatives, during which the KDP agreed to relinquish some of his gains to Talabani. The meeting resulted in Talabani's and Barzani's exchange of territory without a struggle. With the mediation of the US and Turkey, both the KDP and the PUK agreed to a truce, but this fragile ceasefire too proved to be temporary. Along with the Kurdish *realpolitik* and the fragile relationship between

the KDP and the PUK, this truce was an indication of the abovementioned dual balance of power politics promoted by the external powers.

Washington Peace Deal & Oil for Food Deal

While trying to remain outside the KDP-PUK conflict, US had again turned its attention to the Ba'ath regime when it was angered by the stand-off between the Iraqi government and the Mission of the United Nations Special Commission to determine the status of Iraq's weapons of mass destruction programs. US was aware of the fact that for there to be a significant opposition movement against Saddam, it was essential for US to include the Kurds as a territorial block on which the opposition would build its strength to overthrow Saddam. This led US to sponsor a series of meetings and negotiations by broadening the scope of Koya-Shaqlawa meetings. This process culminated in signing of Washington Peace Deal in 1998. The Deal was the first significant and constructive US intervention in Iraqi Kurdish affairs since the establishment of the northern 'no-fly' zone in 1991 on such a major scale. The peace process in KRG remained rather a foreign-promoted one. Nevertheless, from then on, Kurdish-US relations grew closer, which would be a significant feature of post-2003 Kurdish mobilisation in Iraq.

Oil for Food Deal was the second constructive foreign intervention in Iraqi Kurdish politics to protect autonomous entity from future Saddam action (as a departure from past policies). Along with the US, with this Deal, the UN became directly involved in Kurdish affairs. In an attempt to recover Iraqi economy after the Gulf Crisis, UN-promoted and US-supported Oil For Food Program provided for 13% of Iraq's oil revenues, which alleviated their economic hardship in the safe heaven zone.¹³⁷ Implementation of the Program brought Kurdish region a degree of economic prosperity and, if limited, an amount of political liberalization. New economic actors – entrepreneurs, factory owners, and businessmen- have emerged. Also, the Programme has acted as a catalyst in the institutionalization of the KRGs in Arbil and Sulaimaniah.¹³⁸ The Kurdish authorities collaborated with the UN agencies administering the Program and had a significant responsibility in constructing the

¹³⁷ Liam Anderson & Gareth Stansfield, *The Future of Iraq: Dictatorship, Democracy, or Division?*, p. 177.

¹³⁸ Gareth Stansfield, *ibid.*, p. 134.

distribution plans. Since the Program required operation on governorate levels, it assisted formation of a skilled body of bureaucrats and active civil society especially in Dohuk, Arbil and Sulaimaniah.

On the other hand, the program was as ill as the reform programs carried out by the central government in 1970s and 1980s in that structurally it caused no significant change in the existing distribution of economic power in Kurdish region. Eradicating the local agriculture and reinforcing the dependence on external welfare, the program did not allocate the profits in an equal manner. Thus the program exacerbated the tension over revenue in several ways.¹³⁹ Absence of a long-term development plan combined with the injection of humanitarian aid contributed to the emergence of an underground economy controlled by networks of traditional families and entrepreneurs, both deeply connected to the political parties. As Natali suggested, rather than trying to strengthen intra-Kurdish unity, donor agencies and foreign governments encouraged fragmentation by treating the two main leaders, Barzani and Talabani, as individual party leaders.¹⁴⁰ In general, relief programs by the UN and others also tended to use *mustashar* as middlemen for food distribution in the *mujamma'at*. The aid community further fragmented the territory of the Kurdish region by creating price differentials between different regions, which in turn set off internal rivalries and power struggles among the KDP and the PUK.

¹³⁹ Matan Chorev, *ibid.*, p. 4.

¹⁴⁰ Matan Chorev, *ibid.*, p. 4. (quoted from Denise Natali, *The Spoils of Peace in Iraqi Kurdistan*, Middle East Studies Association Conference, 2005, 8)

CHAPTER IV

THE PHASE OF CONSTITUTIONALIZATION: 2003-2012

US invasion of Iraq in 2003 and removal of Saddam regime created a state of chaos which provided the chance of separation for the Kurds. In the ruins of the collapsed state, the main questions in relation to the post-2003 positions of Iraqi Kurds involved whether they would work as re-makers of the new Iraq in coordination with Baghdad or would they declare independence. This last chapter intends to evaluate the implications of constitutionalization on the nature and target of the mobilisation and the accompanying sources of strength and constraints for the KRG in post-Saddam Iraq. Evaluating so, this chapter also will consider the three-dimensional dynamics –relations among the KRG parties, KRG's relations with the new federal government and with external powers- and transformations in these dynamics in terms of their determining influence on mobilisation.

In the aftermath of the US invasion of Iraq, due to their help to US, KRG became remained the strongest and the most stable part in Iraq in the end of the war. As US main allies, Kurds found themselves as shaping the remaking process of new Iraq together with the Shi'ite majority. After formation of an interim government, in which Kurdish influence was considerable, dual constitutionalization process began, which strengthened KRG both as a regional government and as an actor shaping Iraqi politics. Moreover, together with the process of constitutionalization and further institutionalization in KRG, and the reversal of the determinant role of the fatal fragmentation among the Kurdish elite, this period witnessed a relatively unified and coherent Kurdish mobilization at home. Officialization of KRG's status as one of the two governments of Iraq, and its ability to draft its own constitution added to this strength.

In Iraqi context, this period has witnessed Kurdish parties' rise as Iraqi actors, along with the Shi'ites, shaping constitutionalization process of the Iraqi state. This *actorness* constituted the major break from past the decades. After all, implications of the Kurds' rise as powerful domestic and regional actors have been the core

reason behind peaking of interdependency and mutual influence between the KRG and the central government and with external powers. This interdependency was mainly brought about by the two governments' equal strengthening and dominance in Iraqi politics. The new Shi'ite government replaced the 1990s' weak and impotent government and the central government's lack of influence on Kurdish activity was replaced with the interdependency between the two governments. With the Shi'ites' coming into a dominant position in statecraft, Kurds' relative strength against weak central government, which continued from early 1990s, was made equal with dominant positions of the Kurds and the Shi'ites in Iraqi politics. Relations between the two actors became mostly controversial in a way to produce interdependency on such issues as federalism, constitution, management of oil and gas reserves and disputed territories, which all became the basic interests of both governments. On the other hand, as stated above, central government's previous ability to penetrate into Kurdish affairs, which was made easier with the fatal fragmentation and rivalry among the Kurdish parties, has not revived. All in all, the phase of constitutionalization seems to reveal the optimum point mobilisation for the Iraqi Kurds. Similar to the period between 1991 and 2003, in this period, independence has continuously been raised as the main goal of the mobilisation. In practice, however, idea of federalism with extensive rights to regional governments has been promoted.

The period between 2003 and 2012 witnessed a similar pattern with regard to the strengthening of Kurdish mobilisation by international, if not regional, power involvement. Operation Iraqi freedom and US-led removal of the Ba'ath regime with the help of Kurds added to the strength of the KRG. Aftermath of the US invasion witnessed co-emergence of the Shi'ite and Kurdish elements as configurators of Iraqi state in political, institutional, constitutional, and socio-economic domains. Kurds became actively involved both in re-making of the Iraqi state with the Shi'ite majority, and in re-constitutionalization process. Drafting their own constitution as well, the Kurds upgraded in their own state creation tools, albeit remaining as a part of Iraqi state as well. As far as the inner dynamics and the main goals of the mobilization considered, this decade revealed the peak point of both strength and limits on mobilization. Internally, the post-2003 period witnessed constitutionalization and further institutionalization of the mobilisation under an

alleged unification of the divided KRGs. This became meaningful in the sense that, contrary to the previous decades, Kurdish parties could present a unified stance across central government. Moreover, across Iraqi and external actors, the rivalry between the KDP and the PUK has begun to flag so that it could no more hamper assertiveness of the mobilization against central government. Moreover, this rivalry could no more be penetrated by regional and international powers especially when vital Kurdish interests were at play.

The last decade of Kurdish mobilisation in Iraq also witnessed transition in relations towards interdependency and mutual influence between the KRG and external powers. The dual constitutionalization process has been provided by the US-initiated war on Iraq. Similar to the previous decade, this time, collapse of the Ba'ath regime culminated in outside strengthening of the Kurdish actors both in domestic and Iraqi politics, which, in turn strengthened the mobilization. Changing position of the Kurdish actors in Iraqi and regional politics has culminated in formation of a *Kurdish policy* for regional and international powers. Change in relations and dependency structures between the KRG and external powers has also provided for both strengths and limits for the future of Kurdish mobilization. As far as the strengths are concerned, this period has witnessed deepening and constructive bilateral relations with the KRG and external powers on political, economic and diplomatic levels. More than a polity or autonomous governance, the KRG has been treated as a semi-state, which revealed itself in the nature of relations. Regarding the limitations, the threat of Kurdish secessionism has become more acute but more risky in this period in a way not only for regional and international powers to form a Kurdish policy, but also for the KRG itself to pursue *realpolitik*: post-2003 constitutional advance mobilization has not culminated in an assertive separatist tendency.

KURDISH CONTEXT: CONSTITUTIONALIZATION AND STRENGTH

As McDowall puts, US invasion of Iraq provided Iraqi Kurds the greatest opportunity since 1918 to order their affairs to their satisfaction.¹⁴¹ The Kurds played

¹⁴¹ David McDowall, *ibid.*, p. 1.

a unique role in 2003 US War on Iraq. It was the first time in the modern history of Iraq that they fought alongside a non-Muslim power, and for a purpose beyond their own autonomy.¹⁴² Moreover, the Kurds' help was vital to US. Without Kurdish help, the US could not have opened a northern front shortly after the coalition's opening of the southern front.¹⁴³ Turkey's refusal enhanced the value of the Kurdish parties in Iraq- the KDP and the PUK which became vital US allies and would take central role in the political reconstruction of the post-Saddam state.¹⁴⁴ With this war, the Kurds also departed from their habit of fighting close to their strongholds in the mountains, and occupied Mosul and Kirkuk.

Despite their clear gains after Saddam's fall, both Barzani and Talabani realized that the only way to defend their own interests and the status quo in the north was to remain as a part of Iraq and to engage with politics in Baghdad and negotiate as Kurdish actors on the national stage¹⁴⁵ while at the same time asserting their *actorness* in Iraqi politics. Nechirvan Barzani also declared: Our aim is not to set up an independent government or entity. We would like to resolve the problem within a united and democratic Iraq.¹⁴⁶ On the other hand, the Kurds believed that this stance was not because they did not prefer to declare independence in the future, but it was not the right time for declaration of independence. Barzani declared: "Kurds, like any other nation, have the natural right for an independent state. But it is not the right time for that. Right now, this question is not on the table."¹⁴⁷ Article 75 of the draft Constitution of the KRG even saved for a clause for independence in case the federal Iraqi Government undertakes to change its own make-up without the

¹⁴² Ofra Bengio, *The New Iraq: Challenges for State Building*, p. 53.

¹⁴³ Ofra Bengio, *ibid.*, p. 53.

¹⁴⁴ Robert Lowe & Gareth Stansfield, *The Kurdish Policy Imperative*, pp. 3-4.

¹⁴⁵ Toby Dodge, *Iraq's future: The Aftermath of Regime Change*, p.51.

¹⁴⁶ Agence France-Press, *Iraqi Kurds Seek To Mend Faces with Turkey, but Retain Claim Over Kirkuk*, October 24, 2002.

¹⁴⁷ International Crisis Group, *War in Iraq: What's Next for the Kurds?*, Middle East Report, N. 10, March 19, 2003, p. 11, quoted in interview by Tanya Goudsouzain, *Kurds Will Not Take Part in US-led war-Barzani*, Gulf News, January 30, 2003.

Kurds' consent.¹⁴⁸ Overall, the Kurds found a chance for promoting the autonomous entity that has emerged in northern Iraq since 1991. As Galbraith puts, what emerged in Iraq since 1991 would be an independent state in all but name.¹⁴⁹

Regionally, autonomous entity needed good relations with its neighbors especially in economic realm to allow for trade for infrastructural and economic development. Politically, increasing security concerns posed a major constraint on independence. Internally, an upcoming Kurdish state in the north was not in a position to accommodate its own minorities, especially the Assyro-Chaldeans and Turkomen, who themselves had historic claims to Kurdish-controlled areas. For Baghdad, the loss of Kurdish territory and its strategic resources would mean serious economic and political instability. Hence, it became more advantageous for the KRG to remain as a part of Iraq and to engage in state-building process in Iraq. Hence, limits and strengths of the mobilisation became closely linked to KRG's institutionalization and constitutionalization efforts both inside and in Iraqi affairs. Post-2003 period witnessed many Kurdish goals have become determinants of the conflict with Baghdad as well as its relation with regional powers, including the Kirkuk issue, disputed territories, and hydrocarbons law. Inside the KRG, US invasion of Iraq and the subsequent effort to take a major role in Iraqi state-formation project had, to a large extent, set aside the differences between Kurdish leaders. The Kurdish success was acute in the general elections held in January and October 2005, which gave a strong position in drafting the Iraqi constitution. The 2005 constitution and the posts of presidency and foreign ministry of Iraq have been the two important achievements of a united Kurdish front from 2005 to 2012. As Romano puts, what the KRG failed to achieve between 2005 and 2010 has become a domestic political issue.¹⁵⁰

¹⁴⁸ Article 75 summarized that the structure of the entity and the political system of the Federal Republic of Iraq cannot be changed without the consent of the Kurdish Regional Assembly. Action contrary to this shall afford the people of the Kurdish Region the right of self-determination.

¹⁴⁹ He argued that the Kurds have established a real state within a state, with an administration that performs all governmental responsibilities, from education to law enforcement and militias. Flashback for the Kurds, *The New York Times*, February 19, 2003.

¹⁵⁰ David Romano, *ibid.*, p. 1351.

Unification of Kurdish Regional Government: A Strong and Pluralist Kurdish Polity?

In post-2003 period, the KDP-PUK rivalry has not been as fatal as it was in pre-2003 period. Realizing their imminent role on formation of new Iraqi government, the KDP and PUK agreed to leave their historical rivalry at least in institutional level. Their aim was to represent a united Kurdish front and government against the increasing likelihood of a proposal of geographic federalism of eighteen governorates. On January 13, 2004 they agreed to merge first the service ministries such as education, justice and municipalities under a prime minister appointed by the KDP and to reactivate the Kurdistan National Assembly with a PUK appointee as speaker. The KDP and the PUK announced the merger of their respective administrations in 2005 (officially signing the reunification agreement on 21 January 2006) and stood on a united list including most of the other smaller Kurdish political parties in the Iraqi elections of January and December 2005.¹⁵¹ Despite the supposed reunification and installation of Barzani as President of the KRG, however, the Arbil and Sulaimaniah administrations continued to function separately.¹⁵² As part of the unification process, the KDP and the PUK signed a strategic agreement which divided the four-year governing periods equally between the two parties. However, contrary to the terms of the Agreement, KDP has been increasingly criticized of abusing his position, and of favoring his nephew Masrour Barzani against the new Prime Minister Nechirvan Barzani. Nevertheless, the process of reconciliation between the two rival factions, of Barzani and Talabani, formed the cornerstone for strengthening Kurdish cohesion.¹⁵³

In KRG, further institutionalization and constitutionalization has brought about improving of self-awareness and accustomedness with administrative, political and constitutionalized autonomy. Kurdish politics resembled a relative openness in post-2003 period in a way to improve mobilisation in political and socioeconomic realms. Development of the media and civil society in KRG, the holding of opposition parties' of their own media outlets (such as Wusha Media Corporation of

¹⁵¹ The Kurdistan Islamic Union ran on a separate ticket in the December 2005 election.

¹⁵² Mohammed M. A. Ahmed&Michale Gunter, *The Evolution of Kurdish Nationalism*, p. 163.

¹⁵³ Ofra Bengio, *From Failed State to Binational State*, p. 76.

Goran, and the Islamic newspapers of Hewlati) have signified a degree of freedom and openness that increased Kurdish self-awareness and decreased the likelihood of KRG as a totalitarian government. Whatever their shortcomings, the two dominant parties, the KDP and the PUK have also made significant advances domestically, presiding over an economic boom and a steady improvement in services in Kurdish region, and attracting large amounts of foreign investment from neighboring countries and more recently the Arab world. Amnesty International presents the progress the region is making as follows:

The Kurdish region of Iraq, unlike the rest of the country, has generally been stable since the 2003 US-led invasion. It has witnessed growing prosperity and an expansion of civil society, including the establishment of numerous non-governmental organizations (NGs) active in the promotion and protection of human rights. The KRG has made progress in the field of human rights. ... The authorities have also established several bodies to monitor and prevent violence against women, including specialized police directorates and shelters. Platforms have been established to foster dialogue between the authorities, particularly the Ministry of Human Rights, and civil society organizations on human rights concerns, including violence against women.¹⁵⁴

Goran Movement: Opposition At Home, Unification Abroad

Goran movement has been a significant source of Kurdish strength and assertiveness in Iraqi politics. Rise of Goran in 2009 constituted the basis of a departure from past decades' bipartisan mobilisation in KRG, which was deemed as a core reason for the weakness of mobilisation. Breaking bipartisanism, rise of Goran has also served increasing Kurdish unification and assertiveness in Iraqi politics. Goran arose from a major split in the PUK, driven by the question of who eventually would succeed the party's leader (and Iraqi president), Jalal Talabani. Led by Nowshirwan Mustafa, the party's strategy was based on criticizing of government corruption and the leadership's inability to deliver Kirkuk and other disputed territories. Thus, Goran did not emerge as a divergence in mobilisation, but an opposition movement to address anomalies of the KRG in pursuing the Kurdish goals in Iraqi politics, mainly of implementation of Article 140 and hydrocarbons law, and its continuing inability to govern at home. Goran's rhetoric explains the nature of opposition and growing Kurdish assertiveness in Iraqi politics:

¹⁵⁴ Amnesty International, *Hope and Fear: Human Rights in the Kurdistan Region of Iraq*, London: Amnesty International Publications, 2009, p. 5.

The KDP and the PUK care more about the posts they receive in Baghdad. For us, this is not important- we are interested in issues-article 140, peshmerga, oil- while they haven't solved anything. We have the same goal, but differ in how to achieve it... They keep talking about Article 140, but there's no progress on the ground.¹⁵⁵

Emergence of Goran complicated the rivalry which has tacitly continued between the KDP and the PUK. Goran gained 25 of 111 seats in July 2009 provincial elections, severely damaging the *fifty-fifty* balance between the KDP and the PUK. The Goran has been thus the first serious opposition movement that succeeded in revealing the proliferation in Kurdish politics. Goran also succeeded in gaining 8 seats in the March 2010 general elections. Arguing that Barzani was on the way of *one-man rule*, Goran presented in 2011 what they called as 7 points demand list.¹⁵⁶ On March 2010 general elections, Goran gained 8 seats but remained outside of the government formation process. More than being an opposition movement, Goran's main rhetoric was on KRG's inability to mobilise against Baghdad and to pursue Kurdish goals in Iraqi politics. As Romano puts, emergence of Goran strengthened Kurdish assertiveness against Iraqi government while on the other hand complicated the rivalry inside by breaking the bipartisan monopoly of the KDP and the PUK.¹⁵⁷ Kurdish parties have presented a unified stance against Baghdad on issues crucial for the KRG. In March 2010 elections, the KDP, the PUK and Goran and two smaller Kurdish political parties (IUK and the IGK) agreed to form a united front to press the issues on Baghdad, despite running on different lists. Romano explains this situation as follows:

While some observers believed that Goran's emergence makes compromise between the Kurds and Arab parties on such issues more likely, the opposite seemed true. Increased competition between the KDP, the PUK and Goran will probably make it much more risky for any Kurdish leader to appear soft on

¹⁵⁵ David Romano, *ibid.*, pp. 1351-52, Author's interview with Goran deputy leader Mohamad Tofiq, March 20 2010, Sulaimaniah.

¹⁵⁶ Bilgay Duman, *Irak Kürt Bölgesinde Yasemin Kokuları*, Center for Middle Eastern Studies Report. The list included the replacement of KRG with a new technocrat government, drafting of a new constitution, and removal of the security forces from the political realm.

¹⁵⁷ Romano explains this as *centripetal versus centrifugal forces*' dilemma in Kurdish mobilisation. For him, this dilemma constructed the basis of the relative success of Kurdish mobilisation against Baghdad. With emergence of Goran, while proliferation and fractionalisation in domestic politics deepened, main goals across the federal government remained the same.

Kurdish claims to disputed territories or other issues relating to oil, peshmerga and autonomy.¹⁵⁸

Albeit having a partial influence, in KRG, opposition targeted inconvenience with the KRG's ongoing bipartisan governance, which was regarded as weakening the administrative and political success, as well as societal support base of the mobilization. While the Goran criticised the KDP on its failure to promote Article 140 over never-ending negotiations in Baghdad, inside the region its criticisms relied on corruption and nepotism of the ruling parties. For example, Nochirwan Mustafa argued:

There is no transparency on budgetary matters. Ordinary people do not know anything about the budget of KDP and PUK. What do people know about the oil contracts? And there's no transparency on foreign affairs: Nobody knows what is going on between Kurdish leaders and Baghdad, or between the Kurdish leaders and Americans.¹⁵⁹

On corruption, he again gave voice to a common complaint:

I am not only speaking of bribery, but also of nepotism. Unless you are close to one of the parties (PUK and KDP), you have no chance of being a minister or a deputy minister. The parties are interfering in the media and the judiciary. We are in a totalitarian system, like in the former Soviet bloc... Of course I'm proud of what we have accomplished; we have a government, a parliament. But now it's right time to speak about our problems. The party is appointing everybody, from village heads to the governors of the provinces, even the head of universities... Our society is divided into two different classes. We now have a very rich class and a very poor one in a society of freedom fighters turned statesmen. There's no opposition in Kurdistan. All the political parties, big and small, participate in the government. It was necessary to speak with one voice in Baghdad until the Iraqi constitution was written. Now however the time to speak up has come.¹⁶⁰

Similarly, on the events in Halabja in 2006 and the student unrest in Sulaimaniah in the same year, Mohammad Ihsan, the then Minister of Extra-Regional affairs argued: "People are no longer willing to live in abject poverty for the sake of the nationalist cause. The democratic experience has brought high

¹⁵⁸ David Romano, *ibid.*, p.1352.

¹⁵⁹ David Romano, *ibid.*, p. 1353.

¹⁶⁰ David Romano, *ibid.*, p. 1353, quoted by Christ Kutschear, The Voice of the Opposition From Within (exclusive interview with Nawshirwan Mustafa), Middle East Magazine, May 2008, pp. 12-13.

expectations.”¹⁶¹ The KRG has been also blamed for its inability to act in a unified manner, as well as for its patronage relations especially with the peshmerga forces.¹⁶² It’s been said that Barzani is still acting as the president of only Arbil, and does not get involved in Sulaimaniah. Moreover, post-2003 economic boom has been reputed to improve the lives of only a small minority of the Iraqi Kurdish population. Dependency on the central government has continued to be an important source of patronage. Rather than using the new sources of capital to improve agriculture and infrastructural sectors or to develop other sustainable industries, the Kurdish leadership allocated most of its budget to government salaries- in essence paying people not to work and furthering patronage behavior and clientalism. Economic opportunism continued to weaken societal level involvement in Kurdish affairs. Despite emergence of civil society and opposition movements, Kurdish society as general felt it excluded from the progress witnessed in the region. The aforementioned Amnesty International Report continued:

Freedom of expression continues to be severely curtailed in practice, despite the recent abolition of imprisonment for publishing offences. Journalists have been arrested and sometimes beaten, particularly when publishing articles criticizing the government policies or highlighting alleged corruption and nepotism within the government and the dominant political parties. Again, the hand of the seemingly all-powerful and unaccountable Asayish and other security agencies is alleged to be behind a number of these attacks. One journalist was killed in July 2008 in suspicious circumstances.¹⁶³

Moreover, ongoing resentment over the lack of improvement in the provision of basic services has strengthened the hands of Islamic political actors to challenge the KDP-PUK dominated public sphere. Virtually, however, this decade witnessed continuation of the PUK-KDP supremacy. In fact, the governing parties have tried to secure this supremacy and their territorial zones of influence, which was deemed as a source of stability in Kurdish region in 1991-2003 period. The two governing parties continued to protect the balance of power through the *strategic agreement*.¹⁶⁴ This

¹⁶¹ Matan Chorev, *ibid.*, Arbil, January 2007.

¹⁶² The leading factor of this claim was Mohamad Tofiq, Nowshirvan’s deputy in Goran.

¹⁶³ Amnesty International, *Hope and Fear*, p. 6

¹⁶⁴ The agreement has been between Barzani and Talabani. There’s no clear information about the content of the agreement. Terms of this verbal agreement gave two parties two-year governance right in each governance period.

balance has been attached such a significant position that inclusion of a disputed territory was approached by suspicion the two parties due to its ability deteriorating of the balance of power between the KDP and the PUK. For instance, Kirkuk's incorporation to the KRG would strengthen the PUK's territorial support base (especially in terms of the quantity of voters) between Arbil and Sulaimaniah on behalf of the latter. The two parties also continued to blame each other for bad governance at home, and for continuance of tribal affiliations at all levels of governance. However, these ambiguities made the KDP-PUK rivalry a domestic one which was not as fatal as it was previous decades in such a way to invite external manipulation. Quite on the contrary, this last decade revealed a unified Kurdish stance against Bagdad. The parties to blame each other on such issues as Kirkuk which included the major Kurdish interests. This was related not only with Kurds' relations with constituents of the province and with Baghdad. Any moderate stance on Kirkuk by a party has had a potential to be exploited as a weakness by the other party. A Turkoman leader said:

The PUK has to act like the KDP if it does not want to suffer politically. So when Barzani calls Kirkuk 'the hearth of Kurdistan', Talabani immediately has to say Kirkuk is the Jerusalem of Kurdistan'. It is like a bidding war... each time we meet Talabani, he tells us that in his view Kirkuk's administration should be shared. We want each community, Arabs, Turkomen and Kurds, to have 32 per cent, and the Christian 4 per cent. He agrees.¹⁶⁵ But then the KDP rejects this. It does so in order to embarrass the PUK in front of the Arabs, Turkomen and Kurds in Kirkuk. Most Kurds here follow the PUK. The KDP has very little support. And so they want to ruin the PUK's popularity here.¹⁶⁶

As a result, domestically, post-2003 period has revealed how Kurdish mobilization has remained relatively impotent at home, but equally strengthened against Baghdad with the help of unification. Besides, since 2003, the KDP-PUK rivalry, which up to then posed a major limitation for the development of an assertive Kurdish mobilization both domestically and regionally, has been not as fatal as it was in previous decades. Continuous proliferation of non-governmental organizations and political parties and emergence of a free media and relatively vibrant society has

¹⁶⁵ The 32-32-32 formula was reportedly first suggested in the run-up to the January 2005 provincial elections, as a power sharing arrangement among all Kirkuk's communities. Beyreqdar claims the PUK accepted it, while the KDP rejected it.

¹⁶⁶ International Crisis Group, *Iraq and the Kurds: Resolving the Kirkuk Crisis*, Middle East Report, N. 64, p. 13, ICG interview, Anwar Beyreqdar, Kirkuk, March 2007.

begun to contribute strengthening of the mobilization at societal level. Moreover, emergence of a relatively strong opposition under the cadres of the Goran has partially succeeded in breaking the bipartisan nature of Kurdish politics. These developments were added to the relatively strong KRG against Baghdad. However, reflections of proliferation in Kurdish politics remained limited. First of all, emergence of opposition has strengthened KDP's hand by deteriorating the historical *fifty-fifty* balance between the KDP and the PUK on behalf of the former. This was related to another perennial problem in Kurdish politics: geographical distribution of support to political parties. Since Goran occurred from within PUK-controlled areas, it directly challenged the PUK's territorial strongholds in Sulaimaniah. This plus the continuing strength of the KDP in Bahdinan and the PUK in Soran revealed the continuance of their tribal support bases. Deterioration of the balance between the KDP and the PUK on behalf of the former resulted in consolidation of KDP's position in KRG.¹⁶⁷ Moreover, Talabani's hold on power has been regarded as a safeguard for the KDP to consolidate its power at home. The fact that the main arguments of the opposition-the KRG's lack of enough interest in promoting Kurdish interests such as the implementation of Article 140 against Baghdad- revealed an increasing national consciousness does not seem to penetrate neither into party structures nor into society. Even though the Kurdish parties have accepted some type of federal structure for a post-Saddam Iraq, the notion of federalism has little meaning for the majority of the Iraqi Kurds who are still tied to traditional sociopolitical structures. Most Iraqi Kurds remain loyal to Barzani and Talabani and their political parties, alongside and as an integral part of the KRG. Local political identities and power-sharing issues also remain salient. Talabani may have increased his international status, but he has not gained popularity in the Barzani-controlled regions. Nor has Barzani increased his influence in the PUK-influenced Sulaimaniah region.

Externally, post-2003 period provided the KRG for improving its *de facto* state apparatus in a way to construct interdependent relations with both Iraqi and external powers. These dimensions will be given a specific place. Yet, for KRG itself, this decade brought not only domestic but also external improvement in

¹⁶⁷ Serhat Erkmen, *What Will The New Iraqi Government Will Bring Iraq?*, Center for Middle East Studies Analysis Report, Vol. 3, N. 25, p. 16.

governance and recognition. Kurdish flag, anthem, independent institutions such as the presidency, the parliament, the constitution and the army (the peshmerga), a flourishing economy and the diplomatic ventures such as Kurdish representatives in foreign countries who function autonomously of the Iraqi missions were the main illustrators of increasing Kurdish assertiveness and strengthening mobilisation at home and abroad. Regarding the future of the KRG, Kurdish leaders have pursued a dual policy. Even they voiced the Kurdish region's right of self-determination many time, they have periodically emphasized their active role as co-founders of the new Iraqi federal government. In a sense, Kurdish policy was reminiscent of past policies, but with one difference. From 2003 on, this policy carried the possibility of power consolidation within the ranks of the larger political space. That is, contrary to the past decades' governor and governed pattern which made *realpolitik* a pragmatic concern, the last decade witnessed a more conscious *realpolitik* which had domestic and regional dimensions. After all, contrary to the past decades, Kurds are among the main influential political actors of Iraqi politics. They know that neither the Shi'ites nor the Sunnis have the chance to totally exclude the Kurds from policy making process. Moreover, at least for now, the KRG is aware of the fact that it is safer to remain within the framework of unitary Iraq rather than declaring independence. Kurdish *realpolitik* provided for a safer political room for maneuver for the Kurds within the frame of Iraqi project. This will be discussed later. Kurdish *realpolitik* had to take into account the security concerns of regional powers as well as strengthening of the central government. Hence, although the mobilisation has begun to wear a much more unified and vibrant outlook, it has been more sensitive to the state and regional level dynamics, which revealed itself in interdependency between the KRG, central government and external power policies.

NATURE OF IRAQI CONTEXT: INTERDEPENDENCY

In post-Saddam Iraq, relationship between the Iraqi government Kurdish actors has been shaped by increasing Kurdish strength in Iraqi politics. As stated before, the Kurds have assumed a major role in reconstructing the larger political context in Iraq in administrative and constitutional levels. As the major preparatory of the constitution with the Shi'ites, many of the Kurdish demands were absorbed into the Iraqi Constitution. This has been a major success for Kurdish mobilisation in

Iraq between 2003 and 2012. On the other hand, vagueness in constitutional regulations on such major issues as disputed territories, federalism, and management of energy sources in Iraq provided the basis for the interdependency and conflict between the central government and the KRG, while at the same time providing the Kurds a room for maneuver for implementation and action. Kurdish parties actively involved in constitutionalization process, and that the relations between the Shi'ites – as main governors- and the Kurds have evolved into an on-an-equal front one, which made the two actors highly interdependent to the policies of each other. Previous period's autonomy and lack of mutual influence was replaced with equally strengthening governments in Baghdad and Arbil.

Following the US invasion, federal government began gradually to strengthen as a result of Maliki's consolidation of his power. On the other hand, this centralization faced with an equally strengthening Kurdish assertiveness, which has been manifested in the war of words between Barzani and Maliki. Stansfield and Anderson labeled this as a war of words between centralists and regionalists.¹⁶⁸ Whereas Maliki and his supporters (Arab Sunnis, Turkomen and the Shi'ites not affiliated with the Sadrist movement) has had a desire to increase the power of the central government *vis-à-vis* the regions, Kurdish parties and the ISCI insisted on the implementation of the constitutional requirements on the role of federal and regional governments. For the Kurds, this meant immediate implementation of the constitutional provision that determines the future status of Kirkuk and other disputed territories (Article 140). As the leading figure of centralists, Maliki said:

Yes, we will establish federalism. However, we must say that the central government is stronger than the federal entities, with central government only collecting and generating revenue and distributing it. This is how some see the central government- that it should be at this level of weakness. This contradicts the basic goal of building a strong state capable of defending itself.¹⁶⁹

Maliki also highly criticized over-reliance on *tawafuq* (consensus) and *muhasasa* (the unwritten post-2003 rule that positions should be allocated according

¹⁶⁸ They argued that this struggle seems not particularly ethnic, and certainly not sectarian, in nature. It pits centralists against regionalists in a defining struggle to determine how power is to be structured in Iraq. Stansfield & Anderson, *Kurds in Iraq: The Struggle Between Baghdad and Arbil*, p. 136.

¹⁶⁹ International Crisis Group, *Iraq and the Kurds: Trouble along Trigger Line*, Middle East Report, N. 88, p. 1, Quoted by Washington Post, 2 August 2008.

to the presumed size of one's ethnic or religious groups rather than merit- a kind of quota basis) by declaring:

In the beginning, consensus was necessary for us. In this last period, we all embraced consensus and everyone took part together. We needed calm between all sides and political actors. But if this continues, it will become a problem. The alternative is democracy. From now on I call for an end to that degree of consensus.¹⁷⁰

Over time, as provincial elections approached, the Barzani-Maliki debate intensified, with Maliki accusing the KRG of separatist tendencies and Barzani suggesting that Maliki wished to restore Saddam period's authoritarian governance.

The centralising policies of Maliki against his rivals were best illustrated in his policy on forming *isnad* councils. In late 2008, to the further damage between Arbil and Baghdad, Maliki established *isnad* (*awakening*) councils in the disputed territories.¹⁷¹ Similar in scope and purpose to the *sahwat* formations in the center and South of the country, the *isnad* groups would be formed from those opposed to the agenda of the Kurds: namely the Arabs, Turkomen and Kurds in opposition to the current leadership in the Kurdish region. Moreover, noting the tribes' importance in maintaining security in Kirkuk, Maliki agreed to establish support councils in the province to improve security and continue to struggle against Al-Qaeda.¹⁷² Kurds regarded this step as a useless attempt, since the al-Qaeda's presence in Kirkuk has been weak. Unsurprisingly, Arab tribes in Kirkuk responded to Maliki's call, viewing it as a real opportunity to resume their position in the governorate and challenge the authority of Maliki and Talabani. In exchange for patronage, a tribal leader is expected to bring his men to the polls of the vote for the party that provide him with a steady income. KRG as a whole regarded Maliki's this attempt to reawaken the dictatorship of Saddam by unilateral efforts. However, Maliki's attempts did not result in penetration into Kurdish politics as it did in previous decades. This, in turn, was illustration of the relative unification of the Kurdish parties across central government.

¹⁷⁰ International Crisis Group, *ibid.*, 15 May 2009.

¹⁷¹ For the tribal dimension of the *isnad* councils, see: International Crisis Group, *Iraq's Provincial Elections: The Stakes*, Middle East Report, N. 82, January 27, 2009, pp. 25-27.

¹⁷² Gareth Stansfield & Liam Anderson, *The Kurds in Iraq: Struggle Between Baghdad and Arbil*, Middle East Policy Council, Vol. XVI, N. 1, pp. 139-141.

Transitional Administrative Law and ‘Kurdish Veto’

Following the end of the war, Coalition Provisional Authority (CPA) established the Interim Governing Council on July 2003, and established a 25-member Constitutional Preparatory Committee (CPC) to launch the constitution-making process.¹⁷³ Kurdish leaders approached negotiations over the TAL and the permanent constitution with three strategic goals: first, to preserve the autonomy of governance of the Kurdish region at or near pre-2003 levels; second, to secure the constitutional guarantees necessary to defend Kurdish autonomy against future Arab governments in Baghdad; and third, to define the boundaries of the Kurdish Region and specifically to reclaim disputed territories such as Kirkuk.¹⁷⁴ TAL included many of the Kurdish demands.¹⁷⁵ However, the Kurdish demands were illustrations of a future vision of Kurds outside the Iraqi project. For example, Article 9 recognized Kurdish as an official language of Iraq alongside Arabic. Article 53(A) recognized the KRG as the official government of the territories that were administered by that government on 19 March 2003. Article 54(A) recognized the Region’s monopoly over its own taxation. Article 54(B) gave the KRG power to veto the application of Legislation outside the exclusive authority of the federal government.¹⁷⁶

Kurds made some concessions as well. Although they made advances regarding the status of disputed territories, Article 58 delayed a resolution of the problems of Kirkuk and other disputed territories until after a permanent constitution had been ratified.¹⁷⁷ Moreover, control over the management of natural resources remained an exclusive power of the federal government.¹⁷⁸

¹⁷³ International Crisis Group, *Iraq’s Constitutional Challenge*, Middle East Report, N. 19, November 13, 2003, pp. 2-3.

¹⁷⁴ Liam Anderson, *Internationalizing Iraq’s Constitutional Dilemma*, in Robert Lowe & Gareth Stansfield, *The Kurdish Policy Imperative*, p. 147. The ‘disputed territories’ issue will deal in detail place in the following sections.

¹⁷⁵ Liam Anderson, *Internationalizing Iraq’s Constitutional Dilemma*, in Robert Lowe & Gareth Stansfield, *The Kurdish Policy Imperative*, pp. 147-148.

¹⁷⁶ All references to the TAL are taken from the version available at the web-site <http://www.au.af.mil/au/awc/awcgate/iraq/tal.htm>.

¹⁷⁷ Debate on the articles regarding the disputed territories will be given place in the relevant section.

¹⁷⁸ Powers of the federal and regional governments will be discussed more in detail in the section addressing the question of oil and hydrocarbons.

The TAL established a dual executive comprising a three-member Presidency Council and a prime minister. One of the most important gains for the Kurds was Article 37 of TAL.¹⁷⁹ With this Article, the Kurds obtained veto power on the assumption that one of the three members would be Kurdish, but this power was circumscribed by a requirement for unanimity, which made it extremely unlikely that the Presidential Council would ever veto Legislation that enjoyed majority support in the National Assembly. From a Kurdish perspective, the critical function performed by the PC was the selection of the prime minister. Article 36 (A) required a two-thirds majority of votes in the National Assembly to select the Presidency Council, which was then required to name a prime minister unanimously. This requirement effectively gave the Kurds veto power over incoming governments; it virtually guaranteed that no government could be formed that did not include Kurdish parties.¹⁸⁰ Article 61(C) which required the draft permanent constitution to be ratified by the Iraqi people ‘if two-thirds of the voters in three or more governorates do not reject it’, was perhaps the crucial victory for the Kurds. What became known as the ‘Kurdish veto’, although its application was not limited only to the Kurds, gave them a vital advantage during the drafting of the permanent constitution. It meant that they could not be forced to accept a constitution that was contrary to their interests.

Iraqi Constitution: 2005

Combining their veto power with their success in the National Assembly Elections of January 2005, Kurds, along with the Islamic Supreme Council of Iraq (ISCI) became the drafters of Iraq’s permanent constitution. With a high turn-out (over 90%) in each of the three Kurdish-dominated governorates, the Democratic Patriotic Alliance of Kurdistan (DPAK) won 75 seats (26 per cent) of the 275 seats in the National Assembly and secured 15 (27%) of the 55 seats on the committee appointed in May 2005 to draft the permanent constitution.¹⁸¹ Moreover, because the elections faced with a Sunni boycott, for the Sunni Arabs and the followers of Muqtada al-Sadr opted to boycott the elections, they were left with minimal

¹⁷⁹ See the relevant Article of the *TAL* in the abovementioned web-site.

¹⁸⁰ Liam Anderson, *ibid.*, p. 149.

¹⁸¹ Liam Anderson, *ibid.*, p. 149.

influence over the constitutional negotiations.¹⁸² As the victors of the elections, SCIRI secured 28 seats on the Committee and assumed the leading role in negotiating the terms of the draft constitution with the Kurdish members.

The progress in framing the constitution was slow. On July, the IKF presented Baghdad a package of deals that included Kurdish control over their own natural resources, definition of Iraqiness as two major nationalities (Arabs and Kurds), Iraq's emergence as a federal republic, protection of the Kurdish peshmerga fighters as national guards, share of political power between the central, regional, provincial and local governments, and federal regions' monopoly over their own security affairs.¹⁸³ Federalism, controlling oil resources, the retention of Kurdish peshmerga fighters, toption of Kurdish self-determination, the Iraqi Arab identity, the relationship between religion and state, de-Ba'athification were some of the major controversial issues debated among the framers of the constitution.¹⁸⁴ (Especially, status of peshmerga forces would be an enduring feature of future Kurdish-Shii'te conflict). Kurdish assertiveness was acute in Nechirvan Barzani's words:

We are not in Baghdad to negotiate away Kurdistan's rights. We must keep the autonomy with which we have been able to safeguard our region's security. The decision to accept the constitution will not be made by me or the president of Kurdistan, but by our National Assembly and by our people voting in a referendum. If Kurdistan's red lines are not met- a fair referendum in Kirkuk, control of our natural resources, recognition of our lawful army and meaningful lawmaking processes- our people will reject any new Iraqi constitution.¹⁸⁵

In a more assertive tune, Kurds succeeded in putting across their demands in the draft that eventually emerged in mid-August and that involved a package deal of trade-offs between SCIRI and the Kurds that satisfied most of the Kurds' red-line demands.¹⁸⁶

¹⁸² Liam Anderson, *ibid.*, p. 150.

¹⁸³ Mohammed M. A. Ahmed&Michael Gunter, *The Evolution of Kurdish Nationalism*, p. 165.

¹⁸⁴ Mohammed M. A. Ahmed&Michael Gunter, *ibid.*, p. 169.

¹⁸⁵ Mohammed M. A. Ahmed&Michael Gunter, *ibid.*, p. 169 quoted from Nechirvan Barzani, "Why Kurdistan Insists on Kirkuk", KRG, <http://www.kurdishmedia.com>, August 16, 2005.

¹⁸⁶ Liam Anderson, *ibid.*, p. 150.

The constitution approved on October 15, 2005 secured various rights and powers gained the Kurds in TAL.¹⁸⁷ Article 4 repeated Kurdish as one of Iraq's two main languages. Article 143 recognized the status of the KRG officially, and the KRG retained power all administrative requirements of the region, including control over internal security. But the Kurdish front also won new concessions. Unlike the TAL, which specified oil and gas management as an exclusive power of the federal government, the constitution made an important distinction between present and future oilfields and gas fields. Under Article 112(1), management and development of the former was assigned to the federal government with the producing governorates and regions, which implied a shared power.¹⁸⁸ Moreover, in cases of contradiction between regional and federal law on a matter outside the exclusive authorities of the federal government (e.g. oil and gas management and development), regions were given the power to amend the application of federal law within the region. In effect, this meant that a KRG oil and gas law took precedence over the federal government in the Kurdish region.¹⁸⁹ (The articles related with the oil and gas management will be dealt in the following parts.) Among many other gains for the Kurds, Article 126 (4) prohibited amendments to the Constitution that reduced the power of regions unless approved by the regional authority and the region's population in a referendum. Theoretically, this Article provided a guarantee for the KRG's powers against Arab majority.¹⁹⁰

At the federal level, the Kurds retained many of the TAL's stability-inducing institutional features that afforded strong protection of minorities. The three-member Presidency Council was retained (temporarily), as was the requirement that governments could form only on the basis of a two-thirds vote in parliament. Unlike the TAL, the constitution required the Presidency Council to approve all legislation unanimously, which meant that each of the three members had veto power over proposed legislation. In addition, the Constitution imposed two-thirds requirements

¹⁸⁷ All the references to Iraqi Constitution is from its published version available at http://www.uniraq.org/documents/iraqi_constitution.pdf.

¹⁸⁸ See the relevant Article in Iraqi Constitution in the abovementioned web-site.

¹⁸⁹ Liam Anderson, *ibid.*, p. 150.

¹⁹⁰ Liam Anderson, *ibid.*, p. 151.

on the passage of certain key pieces of legislation, such as the law to create the upper chamber of parliament (the Federal Council) and to establish the composition of the Federal Supreme Court. None of these supermajority requirements gave the Kurds absolute veto power over the decisions of the federal government, but collectively they made it almost impossible for the federal government to function without the active participation of the Kurds.¹⁹¹

Question of Federalism

Federalism is a form of government in which power is divided between the central (national or federal) government and the constituent (state or regional) governments.¹⁹² Individuals are citizens of both the central and the constituent governments, and they elect at least some parts of both governments. A federal form of government is covenantal.¹⁹³ This means that the authority and the boundaries of each level of government—central and constituent—derive from the constitution. As such, federalism requires a written constitution that upholds the constitutional rights of each level of government and provides a means of adjudicating differences between them. Given the sharing of power that federalism entails, implicit in a true federal system is democracy or at least some form of pluralism. It is thus highly argued that as a historically authoritarian state, Iraq proved poor on the implementation of federalism in the post-war period.¹⁹⁴

The debate on federalism in Iraq has been related with a broader concept of identity conflict which has dominated Iraqi politics since the regime change in 2003.

¹⁹¹ Liam Anderson, *ibid.*, p. 151.

¹⁹² Michael M. Gunter, *Federalism and the Kurds: The Solution or the Problem?*, in Faleh A. Jabar & Hosham Dawod, *The Kurds: Nationalism and Politics*, p. 241.

¹⁹³ Michael M. Gunter, *ibid.*, p. 241.

¹⁹⁴ Writings on federalism by Brendan o'Leary are particularly important for the Kurdish issue. For instance, his '*Multi-national Federalism, Federacy, Power-Sharing and the Kurds of Iraq*' paper presented to the conference on Multi-nationalism, *Power-sharing and the Kurds in a New Iraq*, George Washington University, Washington DC, 12 September 2003. See also: Brendan o'Leary, Ian S. Lustick and Thomas Callaghy (eds), *Right-sizing the state: the politics of moving borders*, New York: Oxford University Press, 2001. On this issue writings of Gareth Stansfield are also of importance. See for example, Reidar Visser & Gareth Stansfield, *An Iraq of Its Regions, Cornerstones of a Federal Democracy?*, Hurst Publishers, London, 2007. Lastly, see Harith al-Qarawee, *Redefining a Nation: The Conflict of Identity and Federalism in Iraq*, Centro Stud Federalismo, Perspectives on Federalism, Vol. 2, N. 32, 2010.

Federalism became constitutional in 2005 as a way to face inherent crisis in modern Iraq resulting from the lack of political system through which power could be distributed and the peculiarities of different ethno-sectarian communities could be included.¹⁹⁵ While Article 1 of the Constitution stated that Iraq is a federal state¹⁹⁶, it defined a federalism whose boundaries or ingredients are not clear, giving way to the arguments over whether federalism as a form of government fits the Iraqi case.¹⁹⁷ Despite the approval of a federalism bill on October 2006 in an attempt to establish and arrange the federal regions, it did not enter into force because of the increasing tensions between both Baghdad and Arbil and ethnic and sectarian tensions.¹⁹⁸

The debate on the nature of federalism has been especially important in Iraq, since the constituents of the country held different conceptions on federalism. Given the central governments' authoritarian record in Iraq, it would be to the Kurds' advantage to establish a central Iraqi government with precise and limited powers while constitutionally guaranteeing themselves a maximum amount policy-making power both at the governmental and the constituent levels of government. Despite their historic position of power in Iraq, due to their repressed nature, the Arab Sunnis have favored federal arrangements similar to those preferred by the Kurds. For their part, as a majority of Iraq's constituents, and given their long history of deprivation from governing, the Shi'ites have favored a central government with strong and exclusive powers while seeking to constrain the powers of the constituent governments.

The long-standing Kurdish demand on federalism in Iraq had first been voiced by Barzani in 1991 who declared that federation was a more advanced concept than autonomy but not outside the framework of Iraq.¹⁹⁹ In the aftermath of the 2003 war, this demand was renewed by the Prime Minister of the KRG, Barham

¹⁹⁵ Harith al-Qarawee, *Redefining a Nation: The Conflict of Identity and Federalism in Iraq*, Perspectives on Federalism, Centro Studi Federalismo, Vol. 2, Issue. 1, p. 33.

¹⁹⁶ See the relevant Article in Iraqi Constitution in the afovementioned web-site.

¹⁹⁷ These arguments and the (in)compability of Iraqi federalism with democracy has a large literature and the boundaries of this discussion extends the purposes of this work.

¹⁹⁸ Seyfi Kılıç, *Irak'ta Federalizm Tartışmaları ve Su Yönetiminde Sorunlar*, Center for Middle East Studies, December 2011.

¹⁹⁹ KDP's Barzani interviewed on Federation Plans, Al-Akbar (Cairo), November 22, 1992, p. 4.

Salih. He explained: “These achievements should be celebrated as a model for the rest of Iraq. Indeed, we Kurds are willing to give up our dreams of an independent Kurdistan in order to bring expertise in governing to a new democratic Iraq.”²⁰⁰

Although the unofficial referendas held in February 2004 and in January 2005 unanimously called for independence, the KDP and PUK leaders argued that independence would not be practical.²⁰¹ Hosyar Zebari put the official view of the KRG on federalism in 2003: “We will not accept to be half-Iraqis. We will either be full Iraqis with all the rights and responsibilities, or we will not be Iraqis. Our leadership is here (in Baghdad). This is our country and capital, and we will help rebuild it.”²⁰²

After the Interim Iraqi Government was formed, the Kurdish front announced their desire of a loose Iraqi federation, while some Shi’ites (al-Sadr followers and secular Shiites) and Sunni Arabs called for a tight-knit Arab Iraq with a strong central government.²⁰³ Authorized by the Paul Bremer, the CPA accepted The November 15 Agreement called ‘Elements of the Fundamental Law’, including a bill of rights, independence of the judiciary and civilian political control over Iraqi armed forces envisaged a federal arrangement for Iraq, to include governorates and the separation and specification of powers to be exercised by central and local entities.²⁰⁴ The Agreement did not specify what type of federalism would Iraq have; but it was interpreted by many Kurds as a repudiation of their long-standing demand for a federal structure in which they would have their own united Kurdish federal region. On December 2003, five Kurdish leaders on the Iraqi Governing Council—Jalal Talabani (PUK), Massoud Barzani (KDP), Salahaddin Bahauddin (Kurdistan Islamic Union), Mahmoud Othman (Independent) and Dara Nur al-Din (Independent) submitted a draft bill in which they outlined their vision of federalism. The TAL

²⁰⁰ Barham Salih, *Give Us a Chance to Build a Democratic Iraq*, New York Times, February 5 2002.

²⁰¹ Michael M. Gunter, *Federalism and the Kurds: The Solution or the Problem?*, in Faleh *The Kurds: Nationalism and Politics*, p. 249.

²⁰² International Crisis Group interview with Zhabari, Baghdad, 23 May 2003 in International Crisis Group, *Iraq’s Constitutional Challenge*, Middle East Report, p. 14.

²⁰³ Mohammed M. A. Ahmed and Michael Gunter, *The Evolution of Kurdish Nationalism*, p. 163.

²⁰⁴ International Crisis Group, *Iraq’s Kurds, Towards a Historic Compromise?*, Middle East Report, N. 26, April 8, 2004, p. 1.

envisaged a form of federalism that was a balanced compromise between the demands of the Kurds maximum autonomy and the desire of many others to create a strongly centralized system that was ethnically neutral.²⁰⁵ Formally, Article 4 of the TAL prescribed a federal system for Iraq based upon *geographic* and *historical* realities and the separation of powers, and not upon origin, race, ethnicity, nationality or confession. Ironically however, with a vague language Article 53 of the TAL left a vacuum for exact geographical boundaries by making references only some districts that were under the control of the KRG in time of 2003 war. It somewhat vaguely included ethnic criteria for the Kurdish region and assigned it rights and powers.²⁰⁶ This would be a major source of tension about the parties' claims on disputed territories, which will be discussed later. During the drafting of the 2005 constitution, little has been discussed about the nature of federalism and the quantity of federal nations.

The vague language of the Constitution on federalism was an advantage for the Kurdish leaders, and reflected their strength that was illustrated during the drafting of the constitution, when federal articles were included. However, neither precise character of federalism, nor the manner in which the power of the regions would be allocated, was identified.²⁰⁷ Article 110 of the Constitution recognized Kurdish autonomy and laid out an extremely decentralized federal system for Iraq, wherein all powers not explicitly reserved for the federal government go to the regions. Incorporating the Articles 53 and 58 of the TAL, the Article determined federal government's exclusive powers across the regions, thus indirectly stressing the federal nature of the state.²⁰⁸ As a requirement under these articles, Kurds gained the right to construct their own federal region including the three governorates

²⁰⁵ Liam Anderson, *Internationalizing Iraq's Constitutional Dilemma*, in Robert Lowe and Gareth Stansfield, *The Kurdish Policy Imperative*, p. 148: Article 4 based the federal system on geographic and historical realities, and specifically not on origin, race, ethnicity, nationality or confession.

²⁰⁶ Article 53 (A) reads: The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniah, Kirkuk, Diyala and Nineveh. The term "Kurdistan Regional Government" shall refer to the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan region.

²⁰⁷ Gareth Stansfield, *Iraq is Dead*, pp. 3-6.

²⁰⁸ See the relevant Article in Iraqi Constitution in the abovementioned web-site.

(Dohuk, Arbil and Sulaimaniah) while agreeing to postpone the fate of disputed territories under Article 140 process. Ironically, this new understanding, informally known as the *status quo plus*, was to allow reversal of demographic changes the Ba'ath regime had effected in Kirkuk and envisaged the holding of a census to establish population balance in the city and governorate.²⁰⁹ This would be a major cause for the deterioration of the relations between Baghdad and Arbil by the rift on such issues as disputed territories and the hydrocarbons law. A further safeguard for the Kurds in the Constitution against any amendment for the form of government was to be the two-third condition for a constitutional change that was outlined under Article 126 (2).²¹⁰ As a last advantage for the Kurds, under Article 121 (2), regional legislations were given precedence over the federal legislation in cases of conflict, and in areas of legislation not explicitly reserved for the federal government.²¹¹

Question of Disputed Territories: Escalating Tension Between KRG and Baghdad

The term 'disputed territory' is used for boundary disputes between two countries. In Iraqi political context, this can be explained as the quarrel between the federal government and the KRG over administrative, legal and military struggle over sovereignty.²¹² Stefan Wolff also suggests that territorial disputes occur principally in three different forms: between sovereign states; between the government of a sovereign state and a domestic challenger; and between established entities within a sovereign state.²¹³ The last category of the territorial disputes, between entities within a sovereign state, was one witnessed in the question of disputed territories in Iraq, especially in Kirkuk.

²⁰⁹ International Crisis Group, *ibid.*, Middle East Report, N. 26, p. 3.

²¹⁰ See the relevant Article in Iraqi Constitution in the abovementioned web-site.

²¹¹ See the relevant Article in Iraqi Constitution in the abovementioned web-site.

²¹² Current Situation of Disputed Areas in Iraq, Center for Middle East Studies Report, December 2011, p. 6.

²¹³ Stefan Wolff, *Governing in Kirkuk, Resolving the Status of a Disputed Territory in post-American Iraq*, International Affairs, 86:6., p. 1363.

Although the territorial dispute in Iraq has a long history, it gained prominence with the 2003 war on Iraq.²¹⁴ Since the discovery of oil in the 1920s, the struggle has taken on a violent character marked by recurrent Kurdish insurgencies against the central rule.²¹⁵ During the 2003 US invasion, Kurdish security forces ran across the *Green Line* in order to gain control over areas they considered historically part of the Kurdish region. *Green Line* was the ceasefire line between the Kurdish guerillas and the Iraqi security forces created unilaterally by the latter while retreating in 1991. It was erased in April 2003, when the Kurdish peshmerga forces crossed into Iraqi-held region during the US war. They have controlled these areas with US approval. Kurds also claimed these areas as historically Kurdish. While the KRG moved administrative staff and other personnel into these areas in addition to its fighters, its presence has remained *de facto*. However, deadlock over the status of disputed territories gave the Kurds a chance to move beyond the *Green Line*. Beginning from late 2007, the KRG ceased to recognize the *Green Line*. Ashti Hawrami, the natural resource minister, has made many public remarks to illustrate this. He said: “You show me the Green Line in the Constitution. You show me a green line that officially anybody signed on to. There are many green lines. But what counts really is what is currently under the KRG authority.”²¹⁶

The vital dispute concerns the entire governorate of Kirkuk and parts of four others: Nineva, Salahaddin, Diyala and Waset- whose boundaries were subjected to former regimes’ Arabization policies. This has been both a struggle over property, governance and over economic assets. The near-military strife with the Kurdish forces and the Iraqi government forces reached to a peak in 2008 in the events in Khanaqin and Diyala, which required US mediation by establishing joint command forces in the disputed territories.²¹⁷ For the Kurdish leadership, Khanaqin events meant a resemblance in Maliki’s actions to the pattern that they have experienced in

²¹⁴ The term “disputed territories” entered into Iraqi legal life with article 58 (C) of the TAL.

²¹⁵ International Crisis Group, *Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds*, Middle East Report, N. 64, pp. 5-6.

²¹⁶ International Crisis Group, *ibid.*, p. 11, Quoted by United Press International, 17 June 2008.

²¹⁷ The time-sequence between the Khanaqin events and the approval of 2008 Provincial Elections Law was regarded as a response from KRG to the federal government. For a detailed information about Khanaqin events, see ICG Middle East Report Oil For Soil, and Liam Anderson and Gareth Stansfield, *Kurds in Iraq: The Struggle Between Baghdad and Arbil*, 2009.

the past. When Baghdad is weak, the Iraqi government agrees to Kurdish demands. When Baghdad is strong, an effort is made to reassert the pre-eminence over the Kurds.²¹⁸ On its part, these events assured for leadership in Baghdad its continuing dominance over Iraqi politics. The events in the trigger line led US to set up Joint Coordination Centers (JCC) in Kirkuk governorate to promote communication, dialogue and coordination between the police and emergency services, with an army and peshmerga present at a central coordinating JCC in Kirkuk city. However, on the eve of its withdrawal plans, US influence remained only partial.

In question of disputed territories, the Kurds won a constitutionally important victory in their struggle to reclaim also disputed territories with Article 140. This Article termed disputed areas as territories whose status was to be resolved through a three-step process of normalization, a census, and a referendum before the end of 2007.²¹⁹ This Article incorporated the process outlined in the TAL's Article 58,²²⁰ but with three significant additions: a deadline of 31 December 2007 was set for the completion of the process; the executive authority was specifically assigned responsibility for completing the process by the deadline; and the TAL's vague formulation on will of the people was replaced with the concrete term referendum.²²¹ The problem with the Constitution was that, since it absorbed Article 53 of TAL²²², an Article with a vague language about the Kurdish region's boundaries, and since these articles did not define the boundaries of the disputed territories and postponed the solution for them to the referendums, this gave Kurds a monopoly over definition and time for the reversal of Arabization (de-Arabization) in the disputed territories. Regarding the definition, the Kurds relied on their one-sided definition in the region's draft constitution.²²³ Yet, the fact that the last reliable census was carried out

²¹⁸ Gareth Stansfield and Liam Anderson, *Kurds In Iraq: The Struggle Between Baghdad and Arbil*, Journal Compilation, Middle East Policy Council, Vol. XVI, No. 1, p. 137.

²¹⁹ See the relevant Article in Iraqi Constitution in the abovementioned web-site.

²²⁰ See the relevant Article in TAL in the abovementioned web-site.

²²¹ Liam Anderson, *ibid.*, p. 151

²²² See the relevant Article in TAL in the abovementioned web-site.

²²³ Article 2 (1) of the draft constitution said: Iraqi Kurdistan consists of the Governorate of Dohuk in its current administrative boundaries; the governorates of Kirkuk, Sulaimaniah, and Arbil; the districts of Aqra, Al-Shaykan, Sinjar, Tel Afar, Tall Kayf, Qarqush; and the sub-districts of Zammari, Ba'shiqah, Askari Kalak from the Governorate of Ninawa; the sub-districts of Khanaqin

in Iraq in 1957²²⁴, Kurdish definition was remote to answer the questions regarding the demographic and geographic boundaries of disputed territories.

Constitutional debate on the status of disputed territories has been brought about the vague language of the TAL and the Constitution, and became one of the major reasons for the central government's request on constitutional amendment. In fact, the KRG's non-status in disputed territories had been reinforced by TAL, which in Article 53(A) recognized the KRG only in territories it had administered until the war.²²⁵ With Article 58, the 2005 constitution absorbed this article, and thus KRG's formal jurisdiction, remains today as it was before the war. The dispute arises from the fact that, although Article 53 (A) mentions about the governorates under Kurdish rule (including Kirkuk), it fails to mention about the districts.²²⁶ Moreover, Article 58 (C) leaves the future of disputed territories to the succeeding constitution. Both Article 58 of the TAL and Article 140 of the constitution refer to the disputed in addition to Kirkuk but fail to define these. Vagueness of the Article 53 (A) plus undetermined status of the disputed territories under Article 58 of the TAL and Article 140 of the constitution led to a common view that these territories lay outside the area controlled by the KRG until the 2003 war and thus outside the *Green Line*.

Meanwhile, the referendum that was agreed to take place by the end of 2007 did not take place, which was complicated by the procedural issues attached to the implementation. These included: what is the vote supposed to determine, and what question or questions will be posed to voter, should it be held only in Kirkuk and other disputed areas or in all Iraq, which are the disputed territories mentioned in Article 140 in which a referendum is to be held, and etc.²²⁷ The Constitution had already failed to define key terms such as disputed territories, let alone delineate these territories' borders. (Article 53-A) Perhaps, the major problem of dispute was

and Mandali from the Governorate of Diyala; the district of Badra and the subdistrict of Jassan from the governorate of Wasit in its administrative boundaries before the year 1968.

²²⁴ Stefan Wolff, *Governing in Kirkuk, Resolving the Status of a Disputed Territory in post-American Iraq*, International Affairs, 86:6, p 1369. See also International Crisis Group, *Iraq and Kurds, Resolving the Kirkuk Crisis*, Middle East Report, 2007.

²²⁵ See the relevant Article in Iraqi Constitution in the abovementioned web-site.

²²⁶ *Current Situation of Disputed Areas in Iraq*, Center For Middle East Studies Report, December 2011, pp. 8-9.

²²⁷ International Crisis Group, *ibid.*, p. 8.

over who would have the right to vote. The Kurds argued that only those registered in Kirkuk in the 1957 census or their descendants should be considered legitimate residents and eligible, since this was the last reliable census before the overthrow of the monarchy. The Kurdish demand was countered by the argument that the *wafidin* should not be excluded from referendum process.

The property problems were equally retrogressive. Between 2003 and 2011, approximately 38.000 files were courted, with only 5000 of them concluded. Today, still the cases courted in 2006 are under examination, which escalates the conflict between residents.²²⁸ The deadlock status of property cases also influences the process of normalization and thus implementation of the Article 140. As stated before, in order for a referendum to take place, Article 140 preconditions first normalization and then a census. As Article 58 of TAL confirms, normalization requires reversal of past ‘wrongs’ (Kurds interpret this as *de-Arabization*) by resettlement of people who are not registered in Kirkuk to their home provinces. This is crucial in the sense that the most important problem in the property cases is the fact that a property can be registered on more than one person. As long as the property problem is not solved, it seems unlikely that the normalization will be completed, which also contributes to the non-applicability of Article 140, making question of disputed territories at stalemate.

Kirkuk has been the main battle ground for the disputed territories in Iraq; a battle between its constituents one the one hand, and between Baghdad and Erbil on the other.²²⁹ With its four main constituents- Kurds, Turkomen, Arabs and Chaldeo-

²²⁸ Bilgay Duman, *Kerkük Nereye Gidiyor?* Center for Middle Eastern Studies, Middle East Report, March 16, 2012.

²²⁹ As Stefan Wolff argues, in Kirkuk there is a territorial dispute, while clearly not secessionist in nature and therefore not threatening the territorial integrity of Iraq as such, nonetheless has a distinct external dimension to it inasmuch as its resolution (the settlement of Kirkuk’s future status) is perceived to have regional implications beyond Iraq. The Kirkuk territorial dispute occurs on three levels and has two dimensions: It is a dispute among Kirkuk’s communities (principally Arabs, Kurds and Turkomen), a dispute between Baghdad and Erbil, and a dispute that draws in regional powers (principally Turkey). Kirkuk falls into the category of territorial disputes that are essentially about territorial control which the disputants seek for themselves (Baghdad, Erbil, local Kirkuk communities) or seek to prevent others from obtaining (Turkey) for many reasons ranging from strategic value (such as access to the sea) and economic gain (the natural resources located in the disputed territory, and the tax revenue) to political significance (e.g. the precedent of how dealing with one specific territorial dispute will affect the likelihood and outcome of others) and cultural importance (e.g. territory as an ancient homeland, mythical place of origin). *Governing in Kirkuk*, pp. 1363-1364.

Assyrians- Kirkuk has been labeled as the ‘Iraq minor.’²³⁰ Control of Kirkuk is also symbolically important for all ethnic groups, but especially so for Kurds who have come to see Kirkuk as their Jerusalem.²³¹ All of the minorities of Kirkuk had different tales of suffering especially from the Arabization policies of the previous Iraqi regimes.²³² Especially in the Saddam era, demographic picture of the region was reversed by the nationality correction law.²³³ Under the law, the Ba’ath regime, forced the Kurds and Turkomen to leave Kirkuk or to undergo ‘nationality correction’ –virtual ethnicity conversions- while importing Arabs from other parts of Iraq into the region by offering land, housing and jobs.

Control over Kirkuk has also, and for the most circles mainly, an economic dimension.²³⁴ Kirkuk has approximately 13% of Iraq’s oil and gas reserves, and many of the disputed areas intersect with the areas especially in Kirkuk with oil fields. Politically, the future of Kirkuk is, like that of the other disputed territories in Iraq, tied up with full implementation the Article 140 of Iraq’s 2005 constitution, which stipulates *normalization* (reversal of Arabization), a *census* and a *referendum* in Kirkuk and other disputed territories.²³⁵ The key component of Kurdish strategy (by relying on Article 58 of TAL) in Kirkuk and other disputed territories is process refer to as normalization- a methodical reversal of Arabization²³⁶ Given the fact that,

²³⁰ The metaphor of ‘Iraqi minor’ has often been used by the head of Iraqi Regimes. Lastly in 2010 by Maliki convened the Council of Ministers in Kirkuk in order to remind the mixed status of the governorate especially to Kurdish politicians, paving the way for the latter to realize visits to the city and raise pro-Kurdish demands there , and escalating the rift in Baghdad-Arbil relations.

²³¹ Stefan Wolff, *Governing in Kirkuk, Resolving the Status of a Disputed Territory in post-American Iraq*, International Affairs, p. 1361

²³² For more information on (de) Arabization, see International Crisis Group, *Iraq’s Kurds: Towards a Historic Compromise?*, Middle East Report, N. 26, April 8, 2004.

²³³ About nationality correction, see Article 58 (A/4) of the TAL in *Appendix I*.

²³⁴ There are some writers such as Gareth Stansfield who argue that oil is not the major source of conflict in Kirkuk and contests the reductionist view that the conflict is really about oil alone, and argue for a compromise solution. See *Crisis in Kirkuk: Ethnopolitics of Conflict and Compromise*, University of Pennsylvania Press, 2009.

²³⁵ Stefan Wolff, *ibid*, p. 1361.

²³⁶ International Crisis Group, *Iraq and the Kurds: The Brewing Battle Over Kirkuk*, Middle East Report, N. 56, July 18, 2006, pp. 11-16. The report also mentions about the problems in detail with regards to the process and implementation of article 58.

like other disputed territories, the Article 140 has come to a stalemate, governance status of Kirkuk has become the perennial problem that has not been resolved to date.

Inclusion Kirkuk into the Kurdish Region has been a significant dimension of Kurdish-Iraqi relations, and since 2003, of Kurdish-external power relations. The long-standing Kurdish demand, one over which previous negotiations with the central government – in 1974-1975, 1984, and 1991 – had all collapsed. Kirkuk remained under central government control during the Kurds' self-rule experiment in the 1990s. In 2003 invasion, the Kurdish peshmerga took the control of the governorate. Removal of the Ba'ath regime in 2003 opened a Pandora's Box for long-suppressed Kurdish aspirations for wide-ranging autonomy in a region of their own, including governance right of the oil-rich governorate of Kirkuk. On the one hand, equalization of the powers and influence of Arbil and Baghdad in Kirkuk made Kirkuk issue a playground for mutual influence and interdependency between the two on the question of disputed territories. At the same time, since dispute has been among Kirkuk's communities (principally Arabs, Kurds and Turkomen), it has had a potential to draw regional powers (principally Turkey). Hence, it also increased interdependency between Arbil and external powers by regionalizing the question of disputed territories. In a sense, Kirkuk has been a playground for displaying the peaking of relations and interdependency the KRG engaged with both Baghdad and external powers.

Entry of the Kurdish parties into Kirkuk in April 2003 heralded a reversal of Arabization, in both its demographic and administrative dimensions. Seeking to fill the immediate post-war vacuum, the KDP and the PUK seized control of the key directorates (the governorate's administrative departments) in the city and staffed them with their own civil servants from Sulaimaniah and Arbil.²³⁷ Today, even if the Kirkuk is a province mainly tied to the federal government, the security of the region is under the strict control of the peshmerga and the KDP and PUK's militias.²³⁸

²³⁷ International Crisis Group, *ibid.*, Middle East Report, N. 26, pp. 10-11.

²³⁸ Bilgay Duman, *Irak'ta Kerkük Üzerinden Siyasi Restleşme Devam Ediyor*, Center for Middle Eastern Studies, Middle East Report, May 11, 2012.

Question of Oil and Gas Management: Interdependency Between Arbil and Baghdad

A significant dimension of interdependency and conflict between Baghdad-KRG has been related to the question of oil and gas management, and more generally, over the question of constitutional change in order to redraft articles in a way to increase responsibilities of regional governments and control of the federal government over management of federal rights. 2005 Constitution was prepared by the Shi'ite-Kurdish alliance, which were the winners of the January 2005 elections. Thus the Constitution was illustrated as a document that reflected political realities of the immediate post-war period, and it was argued that the Sunnis and the Shi'ites not affiliated by the ISCI- were excluded from the constitution-writing process.²³⁹ Thus it has been argued that revision of the Constitution was necessary to make Iraq a *natural state*- a unitary entity focused on Baghdad with key competences all under the control of a centralized state. Unsurprisingly, the main supporter of this view was Maliki who has managed to achieve some form of consensus, however short term, between the Sunnis and the Shi'ites opposed to the status quo of ISCI-Kurdish dominance. On their side, Kurdish Alliance has continued to see 2005 Constitution as a compromise document with reference to their adoption of a resolution for Kirkuk question in line with the procedure outlined in Article 140. However, such compromises were tactical attempts of Maliki and they were perceived as reminiscent of previous regimes; homogenizing policies of the center when Baghdad is strong enough to dilute Kurdish autonomy. This pattern has been reinforced on the question of oil and gas management policies of the central government and the KRG.

As Iraq's single source of income, oil and gas play an important role in politics, with questions revolving who owns it, manages it and controls exports and gets what share of revenue. Since 2003, oil and gas question gained more pre-eminence, given the KRG's gradual economic development and the federal government's weak role, at least in first years of the aftermath of the war, in pursuit of economy policies.²⁴⁰ Article 112 of the Constitution foresees cooperation between

²³⁹ Gareth Stansfield and Liam Anderson, *ibid.*, p. 141.

²⁴⁰ International Crisis Group, *ibid.*, N. 64, 2008, pp. 14-15. See also International Crisis Group, *Iraq and the Kurds: The High-Stakes Hydrocarbons Gambit*, Middle East Report, N. 120, April 19, 2012.

federal and regional governments in management of oil and gas fields.²⁴¹ Moreover, Article 121 (2) gives primacy to regional law over the federal law when the two conflict in matters outside the exclusive powers of the federal government.²⁴² Hence, the Kurds' own oil and gas law triumphs the federal law, approved in 2007 gave Kurds a monopoly over the management of its own oil and gas policies. Opponents of Kurds regarded this attempt as a preparatory stage towards independence. By this reasoning, amendment of the constitution was regarded as a situation of emergency to diminish the powers of the KRG and to resurrect the centralized authority in Baghdad.²⁴³ Moreover, the future of control of hydrocarbons law negotiations over which have failed to date, is tied strictly to the future of federalism. For the central government, the situation is very simple: oil resources are for the benefit of all Iraqis and should be administered by the Ministry of Oil in Baghdad. According to Kurdish interpretation, however, regional governments are responsible for the management and administering of new fields within their territory, and for then redistributing revenue in the region and, by no agreement to the national government.²⁴⁴

Federal government allocates 17% of its budget to KRG. Thus the region is dependent on the federal budget for income revenue. Moreover, as an oil producer state, approximately 96% of Iraq's income is dependent on oil exports.²⁴⁵ The main reason is that the KRG wants to increase its economic leverage *vis-à-vis* the federal government, on which it has become dependent for its income revenue. Thus, becoming less dependent on the government has been critical given the KRG's increasing need to consolidate its power across its own population²⁴⁶ as well as consolidation of KRG's power across the federal government.

²⁴¹ See the relevant Article in Iraqi Constitution in the abovementioned web-site.

²⁴² See the relevant Article in Iraqi Constitution in the abovementioned web-site.

²⁴³ Gareth Stansfield and Liam Anderson, *ibid.*, p. 141.

²⁴⁴ Gareth Stansfield, *Iraq is Dead*, www.theworldtoday.org, June 2007, accession date: June 15, 2012.

²⁴⁵ International Crisis Group, *ibid.*, N. 64, 2008, p. 14.

²⁴⁶ Alongside the increasing corruption and one party rule in KRG, short of supply of basic utilities such as fuel in supply had created popular a discontent. Domestic dimension of the issue was given place in the first section of the chapter.

Following the break-down of the talks between the federal government and the KRG over a federal hydrocarbons law in 2007, the Kurdish National Assembly passed its own oil and gas law, based on the KRG's interpretation of the federal constitution in the same year.²⁴⁷ According to Crisis Group Report, negotiations over a hydrocarbons law have stalled over a deep rift concerning the state's role in the economy, as well as the struggle between Kurdish and Arab nationalism.²⁴⁸ In addition to this, the federal government and the KRG disagreed on the meaning of Article 111 of the Constitution.²⁴⁹ The KRG has held that, together with the Articles 112 and 115²⁵⁰, this Article paved the way for the Kurds to manage the oil and gas that exists in the Kurdish Region. The federal government, by contrast, interpreted the Article 111 as giving Iraqi people sovereignty of the country's oil and gas.²⁵¹ By any means, Kurdish attempt to draft its own oil and gas law was a significant step to decrease KRG's dependency on Baghdad.

Meanwhile, Baghdad's dependency on oil exports and northern Iraq's high oil potential but the land-locked nature to export its own oil, made the federal and the regional governments interdependent. Moreover, although the KRG pursued a unilateral oil policy steps by drafting their own oil law in 2007 and signing contracts with foreign oil companies without Baghdad's approval, they've lacked the means to

²⁴⁷ The final section of the law which was ratified on August 6, 2007 stated: This law was issued to develop petroleum wealth of the Region in a way that achieves the highest benefit to the Kurdistan people and all Iraqi people, using the most advanced techniques of market principles and encouraging investment, in a manner consistent with the provisions of Articles 111, 112 and 115 of the Federal constitution, to promote and adhere to the highest standards of transparency, accountability and fairness in the petroleum sector to provide special petroleum revenue allocations for the citizens of the Region and to facilitate cooperation on petrol management with the federal government, provided that the revenue is shared in an equitable manner, as required by the Federal Constitution.

²⁴⁸ International Crisis Group, *ibid.*, N. 64, 2008, p. 14.

²⁴⁹ In a vague language, Article 111 states: oil and gas are owned by all people of Iraq in all the regions and governorates.

²⁵⁰ Article 115 states: All Powers not stipulated in the exclusive Powers of the federal government belongs to the authorities of the regions and governorates that are not organized in a region. With regard to the powers shared between the federal government and the regional governments, priority shall be given to the law of the regions and governorates not organized in a region in case of dispute.

²⁵¹ International Crisis Group, *ibid.*, p 16.

export their oil without Baghdad's support.²⁵² On the other hand, just as the negotiations over a federal hydrocarbons law have stalled, so has the process designed to address disputed internal boundary. Significance of the intersection between policies on hydrocarbons management and disputed territories stems from the fact that an important portion of the disputed territories intersect with the areas rich of oil and gas fields in the north of the country.²⁵³ Kurdish leaders tried to sign oil contracts and production sharing agreements with international companies beyond the *Green Line*.²⁵⁴ After the KRG passed its own oil and gas law in 2007, it unilaterally issued licenses to international oil firms, asserting that the law permitted this. The production-sharing agreement signed with ExxonMobil in October 2011 has become a significant illustration of KRG's unilateralist attempts. Moreover, KRG's own oil and gas law sought to prohibit Baghdad from carrying out hydrocarbons-related operations in the disputed territories without the KRG's approval, as long as these areas' status has not been resolved through a referendum.²⁵⁵ This contradiction has made it difficult to justify the KRG's unilateral operations there especially because the disputed territories remain under the federal government until their status is resolved. The Oil minister Shahrastani declared the KRG's oil contracts null and void, blacklisted companies doing business with the KRG and threatened to do the same with those contemplating similar moves.²⁵⁶ Baghdad continued to reject the KRG's oil contracts and production sharing agreements. When Baghdad also continued not to pay the producing companies'

²⁵² For more information of the Region's dependency on Baghdad, see *Iraq and the Kurds: The High-Stakes Hydrocarbons Gambit*, Middle East Report, N. 120, April 19, 2012.

²⁵³ *Current Situation in Disputed Areas*, Center for Middle East Studies, Middle East Report, December 2011, p. 10.

²⁵⁴ These included a 2003 PUK contract with Pet Oil of Turkey, a January 2004 PUK contract with Genel Enerji of Turkey; a July 2004 KDP contract with DNO of Norway; a May 2006 contract with Western Zagros of Canada; a 2006 contract with Crescent Petroleum/Dana Gas of the UAE and a 2006 contract A&T Petroleum of Turkey.

²⁵⁵ Article 19(4) of the oil and gas law of the KRG states that the federal government must not practice any petroleum operations in the disputed territories without the approval of the regional government until such time as the referendum required by Article 140 of the federal constitution is conducted.

²⁵⁶ International Crisis Group, *ibid.*, N. 64, p. 23.

operation costs in KRG, the latter suspended its oil exports in April 2012.²⁵⁷ The federal government responded by threatening to deduct what the oil would have generated in sales from the KRG's annual budget allocation. This latest flare-up in already tense Arbil-Baghdad relations has highlighted the mutually reinforcing influence of the policies of the two governments over each other. On the one hand, interconnectedness between all these issues of conflict, such as federalism, disputed territories, and question of management in federal and regional governments' spheres of influence, and the two actors' equal strengthening on the other resulted in a peer-to-peer influence when their policies on Baghdad concerned.

More generally, the vagueness in Constitution also had negative implications for the Kurds while at the same time introducing a new theme to Kurdish mobilisation in Iraq: In post-2003 period, sources of conflict between the central government and the regional government has been on already-mutually agreed legal points. This had mixed results. On the one hand, it has been the main reason for the dominance of Baghdad-Arbil relations in Kurdish policy agenda. On the other hand, this tension, combined with the rift between strengthening Arab and Kurdish nationalist discourses, decreased the likelihood of a constitutional compromise on contentious issues and increased the interdependency between the two governments. Moreover, although the KRG has found constitutional vacuums to pursue unilateral policies, there were also setbacks for the Kurds in Constitution itself. For example, the most contentious Article 140, which proposed a three-step process of census, normalization and referendum for the determination of the status of disputed territories and which was regarded as the sole solution by the KRG, was born into operational and administrative difficulties, which complicated its implementation. A related vagueness of the constitution related with management of resources proved both a strength and weakness for the KRG. Due to its perennial geographic limitations, as a land-locked region, it is still impossible for the KRG to export its oil without Baghdad's help. Hence, although the KRG issued its own oil and gas law, it has continued to depend on Baghdad for exportation. Moreover, the Constitution has made the KRG dependent on the federal government over distribution of oil revenues. The government has continued to use its control over the national pipeline

²⁵⁷ International Crisis Group, *ibid.*, p. 11.

network as well as its hold on the budget and the KRG continued to rely on this pipeline and 17 % share of the federal budget Baghdad allots it. Given the northern Iraq's high oil potential and the state's dependency on oil export, in a sense, this was a complex interdependence.

Contention between the two governments, however, has not been immune from another pattern that was often repeated in Kurdish-Arab relations: The ambiguous relationship between the central government and the KRG fluctuated between compromise and conflict. When the central government was weak and in need of supporters for consolidation of power, it welcomed Kurdish demands. When the government got stronger, it turned the tide. This pattern repeated itself in the aftermath of March 2010 elections, when Maliki seemed to accept the nineteen-points-demand list proposed by the Kurdish leaders in return for their support for Maliki's prime ministry. As soon as Maliki guaranteed his position, he made public statements that such a bargaining has not been realized while at the same time began to mention about the non-applicability of the Article 140. However, contrary to the previous decades, post-2003 period witnessed a near-equal Kurdish assertiveness in political sphere. For instance, KRG insisted on implementation of Article 140 in an assertive manner –that it could allocate a portion from the budget for the implementation costs of the Article. In this decade, accusations also transformed into a mutual in nature. That the central government has accused the KRG of its unilateral attempts whereas the latter accused the former of its centralizing policies as reminiscent of Saddam's on such perennial problems between Baghdad and Arbil (hydrocarbons law, disputed territories and the constitutional amendment) which seem to come to a stalemate.

ROLE OF EXTERNAL POWERS: INTERDEPENDENCY

Post-2003 period witnessed also interdependent relations between the KRG and regional and international powers. This had mainly two dimensions. First, collapse of the Ba'ath regime and constitutionalization of the mobilisation has increased the likelihood of Kurdish secessionism. The threat of Kurdish separatism became one of the main interests on foreign powers' policy making in Iraq. Especially, neighboring states with considerable Kurdish minorities, that is, Turkey, Iran and Syria have held numerous conferences on unitary vision of Iraq. This has

been a major departure from past policies which attached the Kurds a secondary and indirect role to destabilize the central government in Iraq, as in the case in 1990s. Second, post-2003 political landscape which included minority issues and territorial disputes such as the question of Kirkuk has attracted direct regional and international involvement in Iraqi Kurdish politics. As Stansfield puts, in this decade foreign involvement in the domestic politics of Iraq included the opportunities they've gained to exploit political spaces between Iraqis of different identities for their own national interests.²⁵⁸ This also stemmed from the fact that the political landscape of post-Saddam Iraq has become more fractured, power has been more localized to the point that the state has been forced to negotiate with local power-holders and the political groupings who themselves have their own-established links to their patrons and supporters, many of whom are foreign.²⁵⁹

The shift in regional power policies on the Kurdish question can be best understood with reference to before and post 2003. As stated in the previous chapter, Iraqi Kurds had no strategic importance to global powers, at least well until 2003.²⁶⁰ In post-Saddam era and under the ruins of the collapsed state, they Kurds gained a strategic importance due to their potential to pose a threat to regional stability and territorial integrity of the neighboring countries and Iraq. Given the fact that one of the significant dimensions of the Kurdish mobilization in post-war period has been the worsening relations with Baghdad, external powers' Kurdish policy prioritized both prevention of secessionism and mediation between the central and the regional government in contentious issues, which normally strengthened the position of the former. Nowhere this has been acute than the US policy on Kurds. Prioritizing the unitary vision of Iraq, US continually emphasized compromise between the KRG and Baghdad on contentious issues such as the status of disputed territories and the management of oil and gas fields. On its part, giving an implicit responsibility and authority to the federal government, UN mediation on disputed territories also prioritized a compromise between the central and the regional governments.

²⁵⁸ Gareth Stansfield, *The Formation of Iraq's Foreign Relations: New Elites and Enduring Legacies*, International Affairs, p. 1397.

²⁵⁹ Gareth Stansfield, *ibid.*, p. 1403 (This fragmentation was also the direct cause of easy formation and deprivation of building blocs who normally have opposing agendas-ISCI and Kurds-).

²⁶⁰ See also: Raymond Hinnebusch and A. Esteshami, *The Foreign Policies of the Middle East States*, pp. 1-27.

Iran's policy towards Kurds began to wear more compromising tone in post-war period. Historically, Iran had an influence over Iraqi Kurds first by using them as a lever against Baghdad²⁶¹ and finding Islamic proxies in Kurdish region (such as Ansar al-Islam) at the expense of moderate branch in KRG. Doing so, it created an enduring relationship with the Islamic Kurdish parties in KRG and deteriorated their relations with the KDP and the PUK. On the other hand, Kurds posed a major limit to Iranian influence in Iraq in post-US agenda.²⁶² Legacies of the Iran-Iraq war plus the desire for engaging in a compromising relationship with Turkey and US gave the KRG power to balance the effects of Iranian politics within the KRG. On the other hand, it was now Kurds' turn to pursue a balance of power politics in their regional and international relations. While trying not to disturb US and Turkey, they also strengthened their relations with Iran especially in economic realm.²⁶³

A second state whose policies should be outlined briefly is Israel. Israel's Middle Eastern and Iraqi, and hence Kurdish, policies have been determined in line with the US interests in Middle East. Historically, Israel supported Iraqi Kurds as a lever against Baghdad regime, and especially Saddam. As stated in previous chapter, together with US and its interests in Iraq, which were defined in line with cold war and containment policies between 1945 and 1990, Israel gave support to Kurdish uprisings in Iraq especially between the years 1963 and 1975.²⁶⁴ Historically, Israel's Kurdish policy prioritized formation of a non-Arab state in Middle East with significant energy sources, sharing strategies on which was believed to divert the enmity by Arab states from Israel. In this sense, in post-2003 period, Israel's policy was based on a weak and fragmented Iraq in which Israel would increase its influence on the Kurds. The fact that there is a considerable amount of Jewish in northern Iraq has increased Israel's concern in Kurdish affairs. In this sense, Israel's Kurdish policy opposed especially to Turkish, Iranian and Syrian concerns in Middle East. On the other hand, Israel has remained at odds with a policy that would be to

²⁶¹ Gareth Stansfield, *ibid.*, p. 1405. This dimension was argued also in the previous chapter.

²⁶² Ephraim Kam, *To Iraq and Back: The Withdrawal of the US Forces, Strategic Assessment*, Vol. 14, No. 4, January 2012.

²⁶³ Veysel Ayhan, *Irakın Yeni Hükümeti: Kazananlar ve Kaybedenler*, Center For Middle Eastern Studies Report, November 13, 2010.

²⁶⁴ Nihat Ali Özcan, *Irak'ta Kürt Devleti Kurulur mu?*, in *Ortadoğu: Kaos mu, Düzen mi*, p. 318.

the detriment of US concerns in the region which will be outlined later. Moreover, aware of the likelihood of an Iranian supported Shi'ite alliance, a fragmented Iraq seems not to serve to the purposes of Israel in this region.

The third state whose Kurdish policy between 2003 and 2012 should be mentioned is Syria. In pre-2003 period, Syria's Kurdish policy, which was determined as a function of Syria's country policies, aimed at provoking them against their host countries, especially in Iraq and Turkey.²⁶⁵ Siding with Iran in Iran-Iraq wars, Syria channeled help to Kurdish parties against Saddam. It also displayed an overtly pro-PKK stance against Turkey well until 1998 when Syria was forced to deport the PKK's leader Abdullah Öcalan. In post-2003 period, Syria-KRG relationship has become interdependent at least on two levels: First, removal of Saddam regime in Iraq also brought about Kurdish revival in Syria. Second, Syria fear's that, after Iraq, due to its anti-US and anti-Israel regional policy, it would be its turn. Together with Turkey and Iran, Syria has seen an imminent Kurdish state as a *second Israel*, and a source of regional instability.²⁶⁶ Hence, Syria began to support unitary vision of Iraq. Alongside this fear, with a considerable Kurdish minority, Syria has feared about the implications of a fragmented Iraq and increasing likelihood of Kurdish separatism. Syria also opposed to any attempt that would increase Kurdish dominance in the region. For instance, it has opposed the KRG's have a say in oil fields in Kirkuk and Mosul. Second, Syria's KRG policy has been shaping by the recent anti-Assad developments in Syria which began in March 2011. As stated above, post-2003 developments in Iraq awakened Kurdish separatism in Syria. At this point, it is necessary to state that internal dynamics of Syrian Kurds are rather different than those of the Iraqi Kurds. After all, comprising about 10% of the population, most of the Syrian Kurds lack identification. They have about 14-17 political parties which have been banned by the central government, which has prevented a real politicization of the Syrian Kurds.²⁶⁷ The process which culminated in emergence of autonomous governance in northern Iraq resembles to the process in

²⁶⁵ Tayyar Arı, *2000'li Yıllarda Basra Körfezi'nde Güç Dengesi*, 1999, p. 251.

²⁶⁶ Tayyar Arı, *Geçmişten Günümüze Türkiye Ortadoğu Politikasının Analizi ve İlişkileri Belirleyen Dinamikler*, in *21. Yüzyıl'da Türk Dış Politikası*, ed. İdris Bal., p. 698.

²⁶⁷ Hasan Kanbolat, *Suriye Kürtleri*, www.orsam.org.tr/yazigoster.aspX?ID=3441, accessed on March 30, 2013.

Syria, but with one difference. The *rapareen* in northern Iraq was undertaken by strong political parties, that is the KDP and the PUK which played a pivotal role in strengthening the mobilization in post-2003 period. In Syria, although the demographic distribution and socio-political weakness of the Kurds differentiate Syrian Kurds from Iraqi Kurds, KRG's policies in Syria and Democratic Union Party (Partiya Yekitiya Demokrat-PYD) in Syria, which is famous with its ties with the PKK, seems as a precursor of a new Kurdish assertiveness.

At this point, KRG's attitude towards Syrian crisis is of prime significance. Anti-Assad insurgency in Syria has provided for a chance for the KRG to penetrate into Syrian politics by using the pivotal role of the Kurds in Syria. Assuming a mediator role in Arbil Agreement, which was signed in July 2012, and supported the idea of construction of a safe haven for the Syrian Kurds resembling to the safe heaven constructed in northern Iraq in 1991. Construction of such a safe heaven has been believed to increase KRG's influence in Kurdish affairs as well as in Baghdad. Such a Kurdish entity in Syria has also been regarded as a chance for further independency in political and economic realms. This is meaningful in the sense that such an entity in Syria would eliminate Turkey's geographical advantages across the KRG. As will be stated later, today, the main dimension of the KRG-Turkey constructive relations is related with Turkey's unique position as a bridge between the West and northern Iraq. In case of construction of a safe heaven in Syria, KRG would have many options to diversify its trade routes. The fact that Kurdish populated zones in Syria have rich oil fields, a Kurdish safe haven in Syria has been regarded as a significant tool for influence. In this sense, Syrian crisis has been a significant item in domestic politics. Fearing from the negative reactions of Turkey and Iran, the PUK and opposition parties have accused the KDP for its unilateral steps in this issue. Hence, not only post-2003 developments increased interdependency between the KRG and regional powers, but also KRG has felt itself obliged to pursue a balanced and careful policy not only in regional and international affairs, but also in KRG itself.

Between 2003 and 2012, the fourth state whose strengthening and interdependent relations with KRG increased its significance in regional politics is Turkey. Until 2003, Turkey's Kurdish policy has been determined mainly in the shadow of its Iraqi and PKK policies. In 1990s, as the founding father of the safe

heaven in Iraq, Turkey improved its relations with KRG by promoting the peace process between the KDP and the PUK. Doing so, it also secured the PUK's cooperation in its war against the PKK. This pragmatic relationship served also to KRG. Securing military and economic help from Turkey, the KRG facilitated development process. Relations between the KRG and Turkey improved to such a point that, Turkey obtained the role Iran had in 1970s and 1980s in giving support to Kurdish parties against Baghdad. With the US invasion of Iraq, Turkish-KRG relationship has entered into a new stage of interdependency which was mainly determined mainly by two foreign policy items: security and economic concerns of the both sides. Turkey's refusal of providing help to US in 2003 war, which made the Kurds main US allies in the war, has been a major cause for the Kurdish strength in post-war Iraq. Increasing likelihood of Kurdish separatism, status of Turkomen in KRG controlled areas-and Kirkuk issue-, and PKK question have been the forerunners of Turkey's Kurdish policy in post-2003 period. Well until 2008, Turkey attached a single policy on Iraq and KRG which was based on unitary vision of Iraq. With Iran and Syria, Turkey has frequently emphasized territorial integrity of Iraq. Ironically however, this facilitated the unification process of the KRGs in Arbil and Sulaimaniah. This has been an outcome of *realpolitik*. Domestic and regional threat perceptions led the KDP and the PUK to agree on a pragmatic unification, which has become the source of relative Kurdish strength in post-war period. On the other hand, Turkey obtained a pivotal role in reconstruction of the KRG in post-war period especially in Kurdish and Turkomen populated areas.

In terms of attaching a due place to KRG in Turkey's foreign policy agenda, 2008 became a turning point in Turkey-KRG relations. In March 2008, Turkish Prime Minister Recep Tayyip Erdogan's Special Representative on Iraq was sent to KRG. Ambassador Murat Özçelik realized the first official meeting with Barzani at Salahaddin. This has been regarded as initiation of diplomatic relations between the KRG and Turkey after 2003 war. This was followed, in 2009, by the first official visit from Turkey to the KRG at ministerial level. On October 30, 2009, Turkish Foreign Minister, Ahmet Davutoğlu and Minister of Economy, Zafer Çağlayan, realized the first official visit to northern Iraq. In KRG, this visit was regarded as a repercussion of the normalization process in Turkey which was initiated by *Kurdish Initiative* in 2009. In the same year, KRG began to export its oil over Turkey and

through Kirkuk-Yumurtalık Pipeline.²⁶⁸ Aware of its geographical advantage, Turkey has tried to develop constructive relations with KRG especially in economic realm. It has signed oil contracts and even declared its inclination towards cooperating with ExxonMobil in KRG. Alongside interdependency and growing relations in the economic and political realm, however, Turkey has continued to emphasize the significance of Iraq's territorial integrity for regional stability. Hence, Turkey has supported Baghdad in contentious issues between Baghdad and Arbil such as the status of disputed territories and division of power between the federal and regional governments. Existence of a considerable Turkomen minority in Kirkuk, and the KRG's unfair treatment to Turkomen has also drawn Turkey to KRG affairs.

Until 2003, US policy on Iraqi Kurds, like regional powers, were shaped in line with its Middle Eastern and Iraqi policy. As stated in previous chapter, the 1990/91 Gulf Wars increased the Kurds' role in regional and international politics. However, it was in post-2003 period that the KRG has been a regional and international actor shaping policies of neighboring and international powers. Until 2003, US supported Kurdish parties against the central government as a balance to Saddam regime in Iraq. Between 2003 and 2012 US promoted a cautious Kurdish policy. After all, Kurdish help to US in Operation Iraqi Freedom enhanced the place of the Kurds in the eyes of the latter. The US has been the main power to secure KRG from future external threats. On the other hand, US has tried to control secessionist Kurdish attempts by promoting a unitary vision of Iraq under the option of federalism. Apart from Kurdish secessionism, US aim has been to prevent *Shi'itification* of Iraqi state. Collapse of the Ba'ath regime, further separation of KRG from the rest of Iraq, and active involvement of Kurds in Iraqi politics have led US to balance the imminent mobilisation of the KRG for independence and incorporate the Kurds into state creation process in Iraq. US policy of balance even carried an implicit pro-Baghdad stance. In contentious issues between the KRG and the Baghdad regime, mainly the disputed territories and Kirkuk question, US promoted mediation between the sides of conflict, which strengthened the central government's hands.

²⁶⁸ *Kuzey Irak'tan Petrol İhracatı Başladı*, Radikal Newspaper, June 9, 2009.

US policy on Kirkuk can be regarded as a case study for this cautious policy. Kurds first thought that US would grant them Kirkuk in return for their cooperation in the Operation Iraqi Freedom. Seemingly, US supported a constitutionally-based process for the solution of the Kirkuk question, which was regarded as a tacit support to Kirkuk's integration to KRG. However, US' silence encouraged the KRG to press on, heighten and tighten their rhetoric and control over the local security forces and administration. But the Kurds suffered a major setback in December 2, 2007, when the Kurdish and Arab leaders were led to accept a US-mediated, limited power-sharing agreement. Under the Agreement, the two sides agreed to set up a city council in which the three main communities would each take six seats and the Christians three, and to share positions in Kirkuk's executive branch and civil service on a 32-32-32-4 % formula. The Agreement did not bring an overall solution. Moreover, to the disadvantage to Kurds the Agreement made no reference to Article 140 maybe because it was more interested in power sharing rather than the territorial status.²⁶⁹ More generally, in line with the UN stance, US repeatedly offered a solution that would pose a threat to the unitary nature of Iraq.

In the absence of a single policy, one approach gained a relative importance: to delink Kirkuk's status from the question of oilfields in a deal that could be called as *oil-for-soil*.²⁷⁰ In this thinking, it was suggested that if the Kurds agreed to forfeit an exclusive claim to Kirkuk's oil fields and oil income, the Arab, the Turkomen and Chaldean-Assyrian opponents of annexation to the Kurdish region could be brought to accept the results of the referendum on the governorate's future.²⁷¹ The logic was that without oil revenues and the resulting relative economic independence the Kurds would be less inclined to pursue political independence. This in turn would appease both the Iraqi government and the majority of its population as well as regional powers –all with significant Kurdish populations as well as national proxies to be involved in the conflict.²⁷² Developments in Kirkuk revealed how a local dispute that

²⁶⁹ International Crisis Group, *ibid.*, N. 64, p. 8.

²⁷⁰ This term was first raised in International Crisis Group Reports in 2008.

²⁷¹ International Crisis Group, *ibid.*, Middle East Report, N. 64, p. 16.

²⁷² For more information of the abuse of constituents as proxies, see Stefan Wolff, *ibid.*, 86:6, 2010, pp. 1361-1379.

has had the potential to trigger towards a broader conflict between Arbil and Baghdad as well as between Arbil and regional governments who have been involved through their national locals as proxies. The centralization, regionalization and the internationalization of the issue made (already-weak) locals more dependent on their patrons outside Kirkuk.²⁷³ Arabs have aligned themselves with Baghdad whereas the Kurds with Arbil and Turkomen with Ankara. Moreover, as their dependency became a tool for bargaining especially between Arbil and Baghdad, the local bargaining on power-sharing agreements decreased the likelihood of local compromise.

United Nations' involvement in Kurdish politics has been through the United Nations Assistance Mission for Iraq (UNAMI) Reports in 2008 and 2009. These reports offered a balanced solution of the Kirkuk question, and of disputed territories. This first UNAMI proposal was not welcomed enthusiastically by the parties to the conflict on the ground that the international mediation that was invited for a locally based solution remained at best partial. Kurdish leaders criticized UNAMI's criteria, which they claimed did not reflect prior plans which had prioritized constitutional process and implementation of the referendum. In the end, UNAMI proposal strengthened already the federal government which had already begun to strengthen under the Maliki's centralizing rule across the Kurds and the Sunnis.²⁷⁴ The major UNAMI proposal on disputed territories came in April 2009.²⁷⁵ UNAMI's last report illustrated its classical approach the resolution of the Kirkuk dispute as a bargain between Baghdad and Arbil, a kind of give and take between the central government and the KRG on disputed territories, the hydrocarbons law and the constitutional reform. This report outlined four options for resolving the dispute over Kirkuk each of which strengthened the position of central governments.²⁷⁶

²⁷³ Stefan Wolff, *ibid*, p. 1372.

²⁷⁴ International Crisis Group, *ibid.*, p. 11.

²⁷⁵ For more detailed information about the disputed territories, see: *Oil-for-Soil, Towards a Grand Bargain on Iraq and the Kurds*, International Crisis Group, Middle East Report, N. 80, October 28, 2008; *Iraq & Kurds: Trouble Along the Trigger Line*, Middle East Report, N. 88, July 8, 2009, and *Current Situation in Disputed Territories in Iraq*, Center For Middle Eastern Studies Report, N. 92, December 2011.

²⁷⁶ Stefan Wolff, *ibid.*, p. 1375- Author's conversation with ICG official, Istanbul, April 3, 2009.

All options the UNAMI provided intended to construct a relative consensus between the conflicting parties. However, whether Baghdad or Arbil would play the major role remained a problem. The UNAMI proposal was problematic in the sense that, it both targeted a constitutional solution and presented an implicit pro-Baghdad stance. Hence, rather than offering a clear solution, it intensified the rivalry between Baghdad and Arbil. As a unilateral attempt, On June 24, 2009 KRG passed a draft constitution that defined the region as an entity that included Kirkuk and other disputed territories, while at the same time identified the peshmerga as the primary military force within the region. The KRG subsequently called for the draft to be submitted to a popular referendum on 25 July 2009 at the expense of the opposition from Iraqi government, US-UN diplomats and Kurdish opposition parties. The UNAMI's effectiveness was tried to be revived after the March 2010 elections. It even succeeded in brokering a major negotiation in Nineva in 2010 between the governorate's ruling Arab party and local Kurdish politicians.²⁷⁷ Yet the UNAMI effort has remained remote to find a compromise solution between the Baghdad and Erbil, who see the issue of Kirkuk, as well as other disputed territories as a part of broader conflicts such as hydrocarbons issue and constitutional change.

Between 2003 and 2012, KRG's regional and international policies witnessed the peak point of *realpolitik*. Aware of its vulnerability to any regional and international action, KRG has avoided conflict with neighboring states and remained at odds with pan-Kurdish sentiments. *Realpolitik* proved fruitful for the KRG in the sense that it has guaranteed US protection from foreign penetration (especially across Iran's Islamic activities in the region). It has also led relatively smoother relationship with the neighboring powers in post-war period especially in terms of foreign trade and foreign direct investment. Moreover, the KRG enjoyed *de facto* recognition in many states, and constructed their own diplomatic missions in these states. From Kurdish perspective, regional states have become used to with the existence of an autonomous Kurdish region. Falah Mustafa Bakir, the KRG's Head of Foreign Relations described what was believed to be achieved in this respect after 2003:

We were *de facto* entity without international recognition, almost independent. We gave up some of our power and independence (in 2003) to

²⁷⁷ International Crisis Group, *Iraq and the Kurds: Confronting Withdrawal Fears*, Middle East Report N.17, p. 5.

rejoin Iraq. This was difficult for the Kurdish parties and many of the Kurdish people. We did this for legal and international recognition. When we travel abroad, we are received officially as Kurdistan Regional Government delegations now. We are part of Iraq, but we are the KRG.²⁷⁸

This was a main departure from the past policies of the regional powers in that the KRG has now become more institutionalized and the Kurdish autonomy sufficiently established that outsiders will no longer be able to intervene so easily in Kurdish domestic politics, playing one party off against another. Although the regional powers intervened in Kurdish politics on such issues as they saw vital to their security concerns- as in the case of Kirkuk- by using their proxies, they more or less revealed their accustomedness with the institutionalization of the movement as long as it did not wear a secessionist outlook in a way to pose a threat to regional and international security. On its part, KRG seems in more advantageous position in a unified Iraq. KRG is aware of the fact that neither government can make constitutional change regarding the federal nature of Iraq (thanks to the famous Kurdish veto). They also know that the relatively stabilized and consolidated KRG will be vulnerable in case of a declaration of independence. Thus they do seem enthusiastic, at least for now, about the continuation of the status quo, while at the same time being more assertive about furthering their constitutional demands and references to KRG's *right* of self-determination.²⁷⁹ In economic realm, engagement in direct relations with regional and international powers in post-2003 strengthened Kurdish mobilisation. Increase in foreign direct investment to KRG, foreign trade with neighboring powers (especially with Turkey and Arab states), and international humanitarian relief has encouraged greater economic and political autonomy in KRG.

²⁷⁸ David Romano, *Iraqi Kurdistan: Challenges of Autonomy in the Wake of US Withdrawal*, International Affairs, p. 1358, authors interview with Minister Falah Mustafa Bakir, 16 March 2010, Arbil.

²⁷⁹ Moreover, Article 35 of the draft legislation of KDP summarized that if federalism fails in Iraq, the KRG has a natural right for self-determination.

CHAPTER V

CONCLUSION

The main concern of this thesis was to analyze the three phases of Kurdish mobilisation in Iraq: politicization, institutionalization, and constitutionalization. Formation of the KDP in 1946 was regarded as a turning point in Kurdish mobilisation due to the fact that it provided a *polity* for the Kurds to gradually gain a place in Iraqi political context. In the same vein, the year 1991 was regarded as a second advance in Kurdish mobilisation, since this year witnessed institutionalization of the Kurdish mobilisation under a regional government- the KRG, and its autonomy from Baghdad. In the last chapter, US invasion of Iraq and the subsequent officialization of the autonomous Kurdish rule under the 2005 Iraqi constitution was regarded as the last and the most significant phase for further strengthening of Kurdish mobilisation both within the KRG and in Iraq.

This thesis divided the phases of Kurdish mobilisation in Iraq into three historical periods: the first phase, politicization, covered the years between 1946 and 1991. The second phase, institutionalization, covered the years between 1991 and 2003. The last phase, constitutionalization has covered post-2003 period. While dividing this trajectory into three phases, it was advocated that, except for the phase of politicization, institutional and constitutional advances were provided by external factors. Formation of the KRG in 1992 was an indirect consequence of the Gulf Wars of 1990 and 1991 which culminated in Allied coalition's construction of a safe heaven for the Kurds in northern Iraq. Similarly, official formation of the KRG as the regional government alongside the federal Iraqi government was a direct consequence of the US war on Iraq and the demise of the authoritarian Ba'ath rule. It was argued that, although the sources of advance were external-driven, each phase contributed to the strengthening and assertiveness of the mobilisation against central governments in Baghdad, and regional and international actors. This, in turn, was associated with the changing influences of the two concomitant variables: first, dependency and vulnerability patterns in relations with Iraqi governments and

external actors, and second, inner dynamics of the mobilisation, that is, unified or fragmented nature of the Kurdish groups.

In this thesis, it was argued that, in each phase of the mobilisation process, nature of relations and dependency patterns between the Kurdish groups (until 1991 Kurdish parties and tribes, and from 1991 on, KRG) and central governments in Baghdad changed. In the same manner, transformation from politicization to constitutionalization has transformed Iraqi Kurdish groups' relations with regional and international powers. It was advocated that advance from politicization to constitutionalization was accompanied by a simultaneous transformation in Kurdish groups' relations with central Iraqi governments and external powers as well as vulnerability and dependency structures to their policies. It was concluded that transformation to constitutionalization culminated in strengthening of the Kurdish position not only as a regional government but also as a strong political actor shaping Iraqi politics. It was added that this strength was made easier with the relative compromise reached between the rival Kurdish parties. It was also added that transformation to constitutionalization has presented the peak point regarding the strengths and limitations on mobilization, which has been illustrated by the interdependency between Baghdad and Arbil on the one hand, and between Arbil and external powers on the other. It was added that both the continuities and transformation structures in these relations was connected with the unified or fragmented nature of the Kurdish groups.

While examining the relations between Iraqi Kurds and domestic/external actors, it was argued that, between 1946 and 1991, Kurdish groups became wholly dependent on, and vulnerable to the policies of both Iraqi governments and external actors. This thesis argued that, in this period, major limits on mobilisation stemmed from the deepening fragmentation among the Kurdish groups and their relative weakness against the central governments in Baghdad. In other words, the argument that central governments could draw the boundaries of Kurdish action by possessing the opportunity and limitation tools proved most valid for the period between 1946 and 1991. This was provided by the fact that the gradual strengthening of the central governments in Baghdad could benefit from the rivalry between the Kurdish groups and the deepening fragmentation among them in posing strains both to Kurdish

penetration into Iraqi political context and secessionist demands from the Kurdish periphery.

Between 1991 and 2003, it was argued that alongside the deepening rivalry between the KDP and the PUK, inter-Kurdish dynamics, relations with external actors and the ensuing semi-mutual influence between the KRG and external powers replaced the central government policies as main determinant on the strength or weakness of the mobilization. This was tied mainly to two inter-related reasons: first, central government's withdrawal of its institutions from the safe heaven zone and the subsequent autonomy of the Kurds from Baghdad declined the previous role of the strong central governments on drawing the boundaries of Kurdish mobilisation. Second, this period witnessed the peak point of rivalry and enmity between the two leading parties of the mobilization; that is the KDP and the PUK. In this period, relations with regional and international actors had the most determining role on Kurdish mobilization these relations began to evolve in a way to produce semi-mutual influence between the two. Between 1946 and 1991, external involvement in Kurdish mobilization was indirect, instrumental and limited to the Cold War and inter-state struggles with the Iraqi state. In this period, short term encouragements to Kurdish uprisings by Baghdad's enemies only contributed to perpetuation of the vulnerability of the Kurdish groups to central government policies. It was argued that such an indirect and short term involvement also revealed the fact that the Kurdish uprisings in Iraq did not pose a threat to regional and international powers to form a Kurdish foreign policy of its own. As will be concluded later, this, in turn was made easier by the ambiguous purposes of the Iraqi Kurds that fluctuated between autonomy and secession, and the weakness of the mobilisation stemmed from this fragmentation.

Between 1991 and 2003, however, relations between the KRG and external powers became direct, and significantly, constructive and produced semi mutual influence, if not interdependency. This had many reasons. After all, autonomy of the Iraqi Kurds from Baghdad influence was accompanied by KRG's possession of statehood tools and constructive relations with regional and external powers, which was lacking in previous decades. Given the unexpected arrival of the self-rule and internecine rivalry between two Kurdish leaders, Barzani and Talabani, which resulted in four-year civil war between 1994 and 1998, Kurdish mobilization did not

pose a real threat to Iraq's territorial integrity and hence regional stability. On the other hand, emergence of autonomous minority governance within the boundaries of a sovereign state awakened the attentions of Iraq's neighbors with considerable Kurdish minorities (Turkey, Iran and Syria) over the likelihood of a spillover effect. This plus the regional and international powers' intent on keeping the KRG as a credible front to weaken Saddam resulted in foreign-promoted reconciliation process between Barzani and Talabani. Like previous decades, then, between 1991 and 2003 regional and international powers' Kurdish policies were shaped in accordance with their relations with the central government. Ironically, however, this contributed to the strengthening of the mobilization against an already weakened central government even at a time when the enmity between the Kurdish leaders was at its peak.

In the last phase of Kurdish mobilization in Iraq, it was argued that the relations and dependency structures both between the KRG and the new federal government in Iraq on the one hand, and between the KRG and external powers has been entirely transformed towards interdependency. It was argued that the main cause of this change has been constitutionalization of the KRG rule in northern Iraq and the KRG's ability to draft its own constitution. Regarding the relations between Baghdad and Arbil, it was argued that replacement of the weak Ba'ath government with a gradually strengthening federal government against an equally –even more–strong regional government in northern Iraq carried the relations between the two actors to on an equal basis level in a way to produce interdependency. It was argued that, post-2003 period witnessed strengthening of the Iraqi Kurds both in remaking process of the Iraqi state and its constitution along with the Shi'ites, and in further possession of state creation tools and experience of governance at home. Official merge of the divided KRGs in Arbil and Sulaimaniah in 2006, and the ensuing rapprochement between Talabani and Barzani was regarded as another source of strength in Baghdad and stable governance at home. It was argued that, interdependency between Baghdad and Arbil brought about by the shared power in constitution making process has also provided chances for unilateral action on some legal gaps and non-regulated areas especially for the KRG. It was explained how, in such cases of controversy, the KRG could put forward its own draft constitution's terms. KRG's oil and gas law and unilateral oil contracts exemplified this fact.

Regarding the nature of relations between the KRG and external powers, it was argued that the post-2003 period has reversed the past decade's uncertain and tiding relations to a completely interacting and interdependent one, meaning that policies of both have produced influence over each other. One significant cause of this change has been the Kurds' changing role as powerful Iraqi and regional actors shaping the political contexts of the both in post-Ba'ath Iraq. Having assured of its self-rule in northern Iraq, KRG has begun virtually to behave as a state and strengthened its diplomatic and economic ties with regional and international actors which had begun in 1990s. A closely related cause which created interdependency between the KRG and external actors has been increased likelihood of Kurdish secessionism. Compared to the previous decades, further experience with self-rule that was provided by the possession of constitutional powers in addition to institutional strength has encouraged the Kurdish leaders to more frequently express their *right* for independence. At the same time, however, they have often stressed the KRG's significance in assuming a leading and constructive role in new political context in Iraq. This thesis argued that the main reason for such an ambiguous discourse of the Kurdish leaders has been the pursuit of realpolitik in relations with external powers. This, in turn was rooted in the threat perceptions of the KRG especially across the implications of spillover effect for the neighboring countries with significant Kurdish minorities. Revealing the interdependency between the KRG and external power policies, it was argued that the underlying cause of the pro-Baghdad stances of the regional and international powers and its controversial relations with Arbil has been stemmed from their threat perceptions on a future secessionism by the Iraqi Kurds and their concern about the territorial integrity of Iraq. As another source of interdependency, this thesis argued that the KRG and external powers strengthened constructive relations in economic and diplomatic realms. For the KRG, this meant further recognition in regional and international politics as well as a source of strength and a lever against Baghdad. For the external powers, it was argued that KRG has been a new and open market for investment and trade. As a source of interdependency, relations between KRG and Turkey has been illustrated as an example and it was argued how, the two neighbors' relations has developed despite equally increasing mutual security concerns and threat conceptions. In return for Turkey's cooperation with KRG on KRG's oil exports, it

was argued that the KRG has actively cooperated with Turkey on its PKK issue. Lastly, this chapter argued that KRG has increased its influence out of Iraq by pursuing a successful balance of power policy in regional and international politics. It was argued, for instance, that while the KDP has strengthened its ties with Turkey, PUK continued to wear a pro-Iranian outlook. This balance of power politics has secured the KRG's strength both against Baghdad and in regional politics. The PUK's pro-Iranian stance has been significant for the Kurds given the fact that Iran has been the main ally of the new Shi'ite government in Baghdad.

In this thesis, inner dynamics of the mobilization –fragmentation and unity patterns among the Kurdish groups- has been regarded as another determinant of the nature and strength of the mobilisation. Adding this dynamic to the main argument of this thesis was particularly necessary, since vulnerability patterns of the Kurdish groups has also been transformed across the transformation from politicization to constitutionalization. It was argued in this thesis that fragmentation and rivalry among the Kurdish groups has been a significant source of vulnerability in relations with central governments and external powers. In the same vein, it was argued that, beginning from mid-1990s, and especially in post-2003 period, rapprochement between the KDP and the PUK decreased central governments' and external powers' ability to penetrate into Kurdish affairs. From the very beginning of their history in Iraq, Kurdish groups were fragmented along tribal units, which made loyalty to tribal leader a main source of consent. The British and Baghdad policies promoted this fragmentation by empowering tribal leaders with local administrative rights. In first chapter of this thesis, it was argued that this fragmentation among the Kurdish groups resulted in short term and fragile uprisings against central governments which were sacrificed to short term alliances first with the British, and then with central governments. Revealing this fragmentation as a main source of weakness, this thesis argued that division among the Kurdish groups was politicized with the formation of the PUK in 1975. This thesis argued that, between 1946 and 1991, despite its gradually assertive outlook, which was revealed itself in the frequent uprisings in post-1946 period, Kurdish mobilization became more vulnerable to the policies of the central governments and external powers due to the increasing fragmentation among the Kurdish leaders. This was made easier in this period with the relative strength of the successive Iraqi governments against fragmented Kurdish groups.

Between 1991 and 2003, fragmentation among the Kurdish parties reached to its peak, which revealed itself with the four-year civil war. Hence, this thesis argued that transformation from politicization to institutionalization phase did not eliminate this fragmentation. On the other hand, contrary to the previous decades, it was argued that, between 1991 and 2003 fragmentation among the Kurdish parties did not become the source of vulnerability to the central government and external power policies. This, in turn, was provided by the autonomous governance experience which began to transform the relations between the Iraqi Kurds and the central government on the one hand, and between the KRG and external powers on the other. Related with this, this thesis argued that, in this period, rather than vulnerability to, and dependency on the policies of central governments and external powers, major source of weakness in Kurdish mobilisation became the internecine rivalry between the Kurdish leaders. In post-2003 period, it was argued that, the rapprochement between the KDP and the PUK, which was officialized with the merge of the KRG administrations in Arbil and Sulaimaniah, became one of the most significant sources of Kurdish strength against Baghdad and external powers. It was advocated that, while the KDP PUK rivalry has continued within the KRG, the KDP's relative domination in KRG affairs and the PUK's hold on a significant place in Iraqi politics has muted the previous decades' rigorous rivalry to some extent. Throughout this thesis, territorial division of the spheres of influences of the KDP (based in Arbil) and the PUK (based in Sulaimaniah) were regarded as significant factors which reinforced this division and conflict. It was argued that, geographical location and territorial division influenced also the powers they made alliances, driving the KDP closer to (Baghdad before 2003 and) Turkey, and the PUK closer to Iran.

Taking into account this three-dimensional dynamics –inner dynamics, domestic factors and external dynamics- the second chapter of this thesis tried to evaluate the politicization process. By giving a brief historical background about pre-politicization period, this chapter began by introducing the political environment in which early Kurdish uprisings occurred. It was argued that the Kurdish mobilisation in Iraq was politicized with the formation of the KDP in 1946 which provided for an organizational umbrella for the future of Kurdish mobilisation in Iraq. It was also deemed as the main asset through which the Kurdish groups engaged in pragmatic

relations with central governments. This chapter examined the underlying causes of the emergence of gradually assertive nature of the Kurdish revolts, and of the reasons behind their failure. It was argued that, in this period, early Kurdish uprisings were local and even religious in nature, aiming at gaining local administrative rights. With the formation of the KDP, it was argued that these uprisings wore a more assertive tone with a more unifying political ideal of autonomy. It was advocated, on the other hand, that the ideal of autonomy was defeated after short term ceasefires with central governments. It was argued that successive Iraqi governments welcomed Kurdish demands as part of consolidation strategies. Soon after achieving this, however, each government backed down of its earlier statements. Such fluctuating central governments strategies were exemplified by the non-application of the Bazzaz Declaration in 1966 and of the Autonomy Agreement in 1970.

It was argued that, between 1946 and 1991, central Iraqi governments could control the boundaries of Kurdish political activity by closing down the political parties and could promote fragmentation among the Kurdish groups by implementing dependency tools such as tribalism policies. These policies were labeled as constructing patronage relations between central governments and the Kurdish tribes and parties, which deepened the fragmentation among the Kurdish groups. It was further argued that between 1946 and 1991 central governments could both benefit from intra-Kurdish rivalry by resorting to the different Kurdish groups' support in inter-state conflicts. Doing so, it was argued that central government policies further deepened the fragmentation and rivalry between the rival Kurdish parties. Baghdad's support to the PUK against the KDP during the 1980-88 Iran-Iraq war was only one example of this policy. In the same vein, this chapter argued that external powers resorted to Kurdish support and encouraged the Kurdish uprisings against Baghdad under the influence of their conflicts with Iraq. It was argued that, between 1946 and late 1970s, external power policies were shaped in accordance with Cold War rivalries. US, Israeli and Iranian support to KDP against Baghdad in 1960s revealed this fact. In this period, it was argued, external help to Kurdish uprisings were short-lived, and limited to the threat perceptions about pro-Soviet stance of Baghdad. Between late 1970s and 1991, under the influence of Second Cold War, when the fragmentation among the Kurdish groups was politicized with the formation of the PUK, external powers also began to channel support to the rivals, the KDP and the

PUK. Baghdad's and Iran's tactical fluctuations in giving support to these parties in 1980-88 Iran-Iraq war were considerable in this sense. Just as the policies of the central governments, in this period, such tactical and pragmatic external involvement, which was accompanied with encouragement and indifference strategies, in Kurdish affairs deepened the fragmentation among the Kurds, which weakened the mobilisation.

Covering the period between 1991 and 2003, the third chapter tried to evaluate the phase of institutionalization and its implications on Kurdish mobilisation. This chapter regarded the two Gulf Wars, and the subsequent formation of a safe heaven for the Kurds in northern Iraq as a stepping stone for the future of Kurdish mobilisation. This chapter began with analyzing the process of formation of a regional Kurdish government and the nature of this governance. This chapter began by arguing why, even in the face of a power gap brought about by withdrawal of central government institutions from the Kurdish north, the Kurds chose to stay as a part of Iraq rather than declaring dependence. This chapter furthered its argument that Kurdish self-rule in Iraq virtually began in 1992 with the hold of elections and the subsequent formation of the KRG. This year was regarded as a turning point in Iraqi Kurds' possession of autonomous governance without the institutional influence of Baghdad. It was argued that, institutionalization under a regional government brought together possession of statehood tools such as a flag, usage of Kurdish language in public and political levels, and diplomatic missions in some countries. These were regarded not only as sources of assertiveness, but also as safeguards against the influence of weakened central government in Baghdad.

On the other hand, the period between 1991 and 2003 witnessed the peak point of enmity between the KDP and the PUK, which culminated in four-year civil war between the two. It was argued that in this period the major limit on the strength of the mobilization became this internal rivalry. It was advocated that formation of the KRG also institutionalized the rivalry between the Kurdish parties, as the KRG was governed dividedly by the two political parties. Between the years 1998 and 2006, there existed two KRG administrations, one in Arbil under the leadership of the KDP, and the other in Sulaimaniah under the leadership of the PUK. It was argued that, in this period, the weakened government in Baghdad tried to secure its control over the KRG, Kurdish parties and tribes by continuing its previous tribal

policies and patronage. It also channeled help to different Kurdish groups in civil war to deepen the enmity between the governing Kurdish parties and warring Kurdish tribes. The government actually succeeded to do so. However, it was concluded that despite deepening rivalry between the two parties, Baghdad's influence on the KRG and the Kurdish parties remained too much limited due to the autonomy. This chapter also argued that, despite the deepening rivalry between the KDP and the PUK, the phase of institutionalization witnessed upgrade in political goals pursued by the KRG against central government.

In this thesis, it was argued that between 1991 and 2003, previous decades' ambiguous autonomy ideal was replaced with the ideal of federalism, which became another illustration of Kurdish strength against the central government. Related with this, it was argued that the increasing Kurdish strength stemmed from growing experience with self-governance was illustrated in the discourses of the Kurdish leaders, who began to frequently express the KRG's *right* for independence. In practice, however, they have continued to express their intention to remain as an integral part of Iraq. Aforementioned threat perceptions of the KRG stemmed from an independent Kurdish state was pointed as the main cause of this policy.

The third chapter of this thesis lastly evaluated role of external powers on the strengthening nature of the mobilisation. Apart from the fact that Kurdish self-rule was a consequence of Allied initiative in the aftermath of the second Gulf War, in this chapter, it was argued that external power policies contributed to the strengthening of the KRG against Baghdad. After all, KRG enjoyed a *de facto* recognition in many countries. Moreover, it was in the aftermath of the self-rule experience that the Kurdish parties negotiated directly with Turkish and US representatives, which facilitated the unification process between the KDP and the PUK, and which culminated in Washington Consensus. In this period, constructive relations between the KRG and external powers in political and economic realms, which were secured through the Washington Consensus and Oil For Food Program contributed to strengthening of the Kurdish self-rule.

The last chapter of this thesis examined the implications of the constitutionalization process on the nature and strength of Kurdish mobilisation in post-Ba'ath Iraq. This thesis began by arguing that, US invasion of Iraq and the role obtained by the Kurds has been manifestation of the fact that the Kurds would

become one of the strong figures of post-Saddam Iraq. In the short aftermath of the war, Kurdish parties have been able to assume an active role in remaking process of the Iraqi state and its constitution along with the Shi'ites. KRG self-rule in the safe heaven zone has also been officialized with Iraqi Constitution. Moreover, KRG drafted its own constitution and issued its own oil and gas law in 2007. Increasing Kurdish strength in Iraq was regarded by neighboring powers as a stepping stone towards secessionism. However, just as in 1990s, KRG has opted for remaining as a constituent part of the federal government. This thesis argued that KRG's this choice had more than one reasons. Most significantly, it was argued that, KRG has chosen to benefit from its novel and strong place in the new political landscape of Iraq. Securing significant constitutional guarantees for the self-rule, KRG continued to strengthen its position both *vis-à-vis* Baghdad and *vis-à-vis* external powers. Second, in the aftermath of the constitutionalization of the Kurdish regional governance in northern Iraq, mutual threat perceptions between Arbil and external powers reached to its peak. Given some structural constraints such as the land-locked nature of the KRG governed territory, its economic insufficiency, and existence of hostile neighbors, it has not seemed logical for the Kurdish leaders to declare independence. Choosing to stay as a constituent part of the new Iraqi state, this thesis advocated how, drafting its own constitution and issuing its own oil and gas law, KRG has also been able to improve its experience of governance at home as began to behave as a semi state in its relations with Baghdad and external powers.

Between 2003 and 2012, it was advocated that the major implication of the constitutionalization has been to transform the relations between Baghdad and Arbil from autonomy to a completely interdependent one. It was argued that this transformation has brought about by the new opportunities and limitations on the mobilization. These opportunities and limitations have carried to relations between the two governments on an equal and conflictual basis, and had their roots in constitution making process during which today's major subjects of conflict between Baghdad and Arbil took form. Among such controversial issues are the status of disputed territories, management of energy sources, and the question of federalism. Under the influence of the immediate post-war settlement and relatively strong presence of the Kurds, the 2005 Iraqi Constitution included open-ended provisions and legal gaps which were filled by KRG's own interpretations and unilateral

actions. KRG's announcement on its own oil and gas law by relying on the legal gaps in the Constitution and its own draft constitution was a considerable example in this sense. On the other hand, some structural and constitutional constraints, such as KRG's dependency on the federal budget and its inability to export its oil without Baghdad's pipeline, presented the limits on KRG's unilateral actions. For Baghdad, Kurdish influence has not been limited to the Kurdish influence in constitution making process. Since 2005, Hosyar Zhabari, a Kurd politician is the foreign minister of Iraq. Jalal Talabani, leader of the PUK as the President of the new Iraqi state. Such substantial gains of the Kurds as well as Baghdad's dependency on oil exports have posed constraints on the actions of the federal government. Until recent years, country's usable oil reserves were in the north, which increased Baghdad's dependency on northern oil fields. In recent years, however, oil fields of the southern Iraq began to be promising. Whether this will diminish Baghdad's need to KRG's oil reserves is a question in doubt and remains to be seen.

Between 2003 and 2012, rapprochement between the KDP and the PUK, which was reached with the unification of the divided KRG administrations in 2006, has been a significant source of strength. Common threat perceptions on Baghdad's policies and on external powers, and the ensuing reconciliation has prevented Baghdad's and foreign penetration into KRG affairs in order to trigger and benefit from the KDP-PUK rivalry. Within KRG, the KDP-PUK rivalry continued through constant renewal of patronage relations and tribal policies. Both parties continued their spheres of influences in their geographical domains in political and socioeconomic realms. However, the strategic agreement reached between the two parties, which divided the period of governance between the two parties has brought about a degree of stability and eradicated the fatalness of the rivalry. Moreover, implications of the KDP's increasing domination in KRG seem to be balanced by the PUK's relative domination in Iraqi political agenda which was provided by Talabani's long term presidency. This has been another reason for the relative stability of the KRG in post-2003 period. Considering the fact that in 1990s' *fifty-fifty* balance between the KDP and the PUK had ironically contributed to stable improvement of governance, this reminiscence has increased the role of balance of power politics between the two parties as a source of strength. Related with this, in Iraq's post-Saddam political landscape, Kurds have increased their influence as a

balancing actor in the intensifying Shi'ite- Sunni antagonism. Thus, Kurds have also benefited from fragility of the new domestic political landscape. This balancing role also muted the influence and centrist inclinations of the governing Shi'ite elite. In this period, Baghdad's and external powers' past ability to benefit from the fragmentation among the Kurdish parties almost disappeared. Kurdish parties, including the opposition movement, Goran, which was formed in 2006 could behave as a united front against Baghdad when Kurdish interests, such as the implementation of the Article 140, were at stake. The most significant cult of conflict among the KRG parties has become mutual accusations about inability to pursue Kurdish goals against Baghdad. This, in turn, contributed to emergence of a much more assertive Kurdish stance against Baghdad.

This thesis lastly argued that the last phase of constitutionalization has also brought new limitations and sources of strength for the Kurdish mobilization in its relations with external powers. In the aftermath of the US war on Iraq, Iraqi Kurds have become strong regional and international actors shaping the policies of other states. Increasing Kurdish strength in the new federal government and the new Iraqi state's fragile position in regional and international politics has led the international community to pursue a Kurdish policy based on a unitary vision of Iraq. Such a policy has strengthened Baghdad's hand in its controversial issues with Arbil. US and UN policies on the question of Kirkuk and disputed territories, which offered a compromise solution between Baghdad and Arbil but has given tacit support to central government policies, has been considerable in this sense. External powers' main concern has been to prevent Iraq's fragmentation and to prevent any kind of ethno-sectarian spillover effect on the Middle Eastern states. Regional powers with significant Kurdish minorities- Turkey, Syria and Iran, have held numerous meetings that stressed the significance of the territorial integrity of Iraq. On this aim, regional and international powers have also been able to pursue their national interests in conflicts between Baghdad and Arbil. This thesis argued that this was made easier by Iraq's fragmented domestic political landscape that provided neighboring powers who have stakes in Iraq to advance their interests through their local and ethno-sectarian proxies. In this sense, Iranian policy on Islamic extremism and Turkish policy on Kirkuk were regarded as significant examples. This cult of external power involvement in Iraqi affairs has posed a constraint for the KRG's room for maneuver

in Iraq. Contrary to the previous decades, however, external power policies began to take into account the *Kurdish factor*. Unlike in 1990s, when regional powers tried to strengthen the KRG to weaken Saddam, in post-2003 period they have pursued a balance of power policy between Arbil and Baghdad which aimed at preventing Kurdish secessionism and strengthening the federal government. These policies have been indications of interdependency between external powers and KRG.

On the other hand, this thesis argued that KRG's further acquisition of state creation tools in post-2003 period and *de facto* recognition by strengthening its diplomatic, political and economic ties with neighboring countries and international powers contributed to the strengthening of the regional governance in northern Iraq. KRG's evolution as the most stable part of post-Saddam Iraq and its need for infrastructural and economic external support has made northern Iraq a significant market for the neighboring powers. On their side, external powers regarded the KRG as a source of FDI and trade. In this sense, for instance, KRG has steadily increased its trade with Turkey. This cult of direct and constructive relations has increased the welfare of the KRG and strengthened the mobilisation. As stated above, one of the major Kurdish gains in post-Saddam Iraq has been their ability to pursue balance of power politics in KRG and in Iraqi politics. This has been valid also in KRG's relations with external powers. In other words, in post-2003 period the KDP and the PUK could pursue a three-dimensional balance of power politics, which has been the major source of strength: the first has been within KRG, between the KDP and the PUK, and has brought a kind of stable governance at home and influential position in Iraqi political context. The second has been between the Sunnis and the Shi'ites, which has contributed to preservation of the fragile Shi'ite rule. The third has been a regional balance of power politics, which has had its roots in KDP's and the PUK's history. In this balance of power politics, while the KDP has strengthened its ties with Turkey and preserved the stability of the KRG rule, the PUK has flirted with Iran and stabilized its position in Iraqi politics. It was argued that, this three-dimensional balance of power politics was a significant indication for the domestic and regional limits on Kurdish mobilisation in Iraq. This also explained why, the Kurdish leaders often repeated their rights and responsibilities within the federal government while at the same time expressing their *right* for independence. This thesis concluded that both this three-dimensional Kurdish policy and

interdependency between Arbil and Baghdad, and between Arbil and external powers has become the functions of the constitutionalization process which set forward the parameters of strength and constraint on Kurdish goals.

This thesis tried to evaluate the development of Kurdish mobilisation in Iraq from three conceptual lenses and made references to the interaction between intra-Kurdish, domestic and external determinants. This thesis argued that in each phase of the mobilisation, different determinants played a decisive role on the relative strength or the weakness of the mobilisation. Between 1946 and 1991, fragmented nature of the Kurdish groups, equally strong nature of central governments and indirect and non-constructive external power policies were regarded of equal importance on the weakness of the mobilisation. Between 1991 and 2003, fatal rivalry between Kurdish elements was regarded as the major limit, whereas autonomy from a weakened nature of the central government and constructive relations with external powers were regarded as sources of strength. In post-2003 period, interaction between these three-dynamics was regarded as both sources of strength and constraints on Kurdish mobilisation in Iraq. The main rationale behind looking at nearly all dynamics having determinant effect on Kurdish mobilisation has been their interpenetrating nature in shaping the political behaviors and actions of the Iraqi Kurds. Without evaluating the inner dynamics of the mobilisation, it could be difficult to understand erratic responses of the Kurdish polity to the policies of central Iraqi governments (strong or weak) and external powers. For instance, it could be hard to understand why in 1992 the Kurds did not opt for independence in the absence of a strong central government. Similarly, without taking into account the policies of Iraqi governments, which were influential except for the period between 1991 and 2003, and of external powers, which have gained prominence especially from 1991 on, it could be nearly impossible to understand the parameters that set the opportunities and constraints for Kurdish mobilisation when inner dynamics did not pose a limit on the strength of the mobilisation.

A significant sub-question raised in this thesis has been the nature and the direction of mobilisation itself. That is, has it carried a secessionist outlook, or this three-phased process was only a political one aiming to have a stake in larger political context? This thesis argued that there has been a dichotomy and fluctuation between Kurdish discourse and Kurdish action. In discourse, especially from 1990s

on, the option for independence has been expressed. In practice, however, Kurdish experience in Iraq aimed to have a political lever to strengthen against the central government and external powers. To reach this conclusion, the main research interest of this thesis has been to underline the three phases of Kurdish mobilisation in Iraq. Looking at the domestic (both inter-Kurdish and Iraqi), regional and international dynamics and changing nature of relations between them was significant to understand both the nature and determinants of the mobilisation. The main concern of this thesis was to reflect how transformation from politicization to constitutionalization changed the dependency and influence structures between the Kurdish, Iraqi and external actors in a way to have a significant impact on the strength of the mobilisation. This thesis regarded the phase of constitutionalization as the optimum point of advance for the Kurdish actors, as they continue to strengthen the mobilisation safer within the boundary of this phase. On the other hand, this thesis regarded these phases as unforeseen ones. The phase of politicization was addressed as a Kurdish-promoted advance. However, institutionalization and constitutionalization phases, which have had the major impacts for the strengthening of the Kurds in Iraqi political scene, were scheduled as accidental for the Kurds and foreign-promoted ones. This thesis posed new questions that could be addressed in future research, like: What could be the next stage of Kurdish mobilization in Iraq? Is there a linear and progressive path to follow in the aftermath of constitutionalization process could be an interesting new research matter. In this sense, this thesis provided a basic and extensive insight for future research. Additionally, this thesis can provide a new research area to look at Kurdish mobilization in Iraq from the literature of nationalism or security studies, which could have contributed to this research by enriching it and testing its findings. Lastly, the main position of this thesis, which regards constitutionalization as the optimum level of strength for the Kurds, is to be tested by new Kurdish attempts, is a complex question that remains to be seen.

Postscript: Implications of Syrian Crisis: A Period of Post-Unity For The KRG?

Arab uprisings which began at the end of 2010 and the subsequent Syrian crisis brought new dimensions to regional politics by threatening the maintainability

of post-WWI Middle Eastern boundaries, including that of Iraq.²⁸⁰ The fact that Iraq's increasingly fracturing domestic political landscape produces many poles and interpretations of foreign policy suits the Syrian case. Each of Iraq's domestic political actors interprets the Syrian conflict in its own interest. While the Shi'ites and the government sees it as a threat, Sunnis and the Kurds see it as an opportunity.²⁸¹ Until the beginning of the Syrian crisis, unlike Iraqi Kurds, Syria's Kurds had come loyal to the central governments and did not openly pursue secessionist or political goals due to their over-suppression. A significant implication of the Arab Spring and the ensuing crisis in Syria has been its impact on the growing likelihood of a *Kurdish Spring* in Syria. In this sense, KRG's policies and influence on Syrian Kurds has not only had its repercussions on the Syrian crisis, but also influenced KRG leaders' relations with each other, relations between Baghdad and Arbil, and KRG's relations with regional powers.

At the beginning of the crisis, KRG chose to remain neutral and did not channel support to any opposition group. This was mainly because of the KDP's and the PUK's deep- rooted relations with the Syrian governments. In time, however, KRG left its neutrality and began to give support to the Kurdish opposition in Syria. In 2012, Barzani gathered Kurdish opposition groups, who also opposed to the actions of the PYD (PKK's Syrian branch) under the Kurdish National Council (KNC) and secured cooperation between the KNC and Syrian National Council (SNC). KRG began to channel help to KNC from the budget that was allocated to the KRG from the federal budget.

The KRG's anti-Assad policy had many reasons, but eventually reveals a disagreement among the Iraqi Kurdish politicians: After all, if Assad falls, Iran would get closer to Iraq and the KRG in regional balance of power structure. The major implication of this for the KRG is that in such a situation Iran will need Kurdish-Shi'ite cooperation against Sunni factions both in Syria and Iraq. Hence, in the post-Assad era, both the Iraqi and Syrian Kurds' bargaining power as regional actors would increase. Just as in post-2003 Iraqi political context, this would also enhance the mediator positions of the Kurds between the Shi'ites and the Sunnis,

²⁸⁰ Henri J. Barkey, *Syrian Crisis and future of Iraq*, The American Interest

²⁸¹ Haydar al-Khoei, *Syria: The View From Iraq*

thereby strengthening their domestic and regional power. On the other hand, inside the KRG, unlike their unified stance across Baghdad, Kurdish parties do not have single policy on the Syrian crisis, which questions the argument of this thesis that post-Saddam Iraq witnessed a unified Kurdish stance in domestic and regional politics. While Barzani sees himself and the KDP as the leader of all Kurds, including Syrian Kurds, PUK promotes a much more cautious policy and blames the KDP together with the other parties in KRG. This not only raises the voices for a post-unity period but also seems to threaten the strategic agreement between the KDP and the PUK which brought a degree of stability to KRG's governance. KDP's increasing influence in the KRG is coupled with Barzani's attempts to reconcile PYD and KNC with Arbil Agreement in July 2013 (after July 18 events, when Kurdish populated areas in Syria have been controlled by the KNC-PYD alliance), which has also threatened its strong position in the regional balance of power, and especially its growing ties with Turkey.

KRG's Syria policy also deepens the rift between Baghdad and Arbil. The gap between the two governments is widening when it comes to foreign policy, which is illustrated by their stance on the Syrian crisis, as the Kurds increasingly side with the Syrian opposition and Baghdad stands by the Assad regime.²⁸² Maliki aspires to place Iraq as an influential regional player, while the KRG aims at expanding its political influence in the Kurdish populated areas in Syria. Iraqi Kurds see Syrian crisis as an opportunity to increase the autonomy of their brethren in Syria and to widen Arbil's regional influence by gaining a stake in any post-Assad settlement. In Iraq, this has been among other issues, a significant determinant of the tense relations between Baghdad and Arbil, with Maliki fearing that Iraqi Kurds will use the Syrian crisis and their growing influence over Syrian Kurds to strengthen their domestic power on issues of longstanding dispute with Baghdad, including questions of autonomy; control over disputed territories; and oil resources.²⁸³

A possible collapse of Syria, if accompanied by a Kurdish secession from Iraq, would also exacerbate the conflict between the Shi'ites and Sunnis in Iraq. Kurds are a balancing actor between the two in Iraq. KRG sees the crisis as a double

²⁸² Mohammed A. Salih, *Syrian Conflict Threatens To Fracturate Iraq*, Correspondent, December 27, 2012

²⁸³ Haydar al-Khoei, *Syria: The View From Iraq*

opportunity. It has the potential to be a means of strengthening ties with Turkey, since KRG can contribute to Turkish security by using its influence to moderate the policies of Syria's Kurds, a major source of concern in Ankara. If the Syrian state disintegrates, the subsequent weakening of the Iraqi government and state would give a significant opening for cross-border cooperation among the Kurds in Syria, Iraq, Turkey and Iran. Moreover, Iraq's Sunnis would be encouraged to overthrow Maliki or even lead a sectarian division of Iraq if a Sunni-led government takes the rule from Assad. KRG's significant position of permeability in the Syrian conflict seems to ascertain its increasing influence and assertiveness in regional politics as well as interdependency in relations with Baghdad. This point seems to question one of this thesis' concluding arguments on the unity secured between the rival Kurdish parties (against Baghdad and external powers) on their stance towards the conflict. Whether the diverging stances of the Kurdish parties on the Syrian crisis will invalidate the argument of unity and initiate a period of post-unity among the elements of the KRG remains to be seen by the regional implications of the Syrian crisis. Moreover, whether implications of a probable *Kurdish Spring* in Syria and construction of a safe haven for Syrian Kurds would yield a pan-Kurdish mobilization and culminate in the formation of a Kurdish state in the Middle East would be a major challenge to the findings of this thesis and also remains to be seen.

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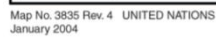
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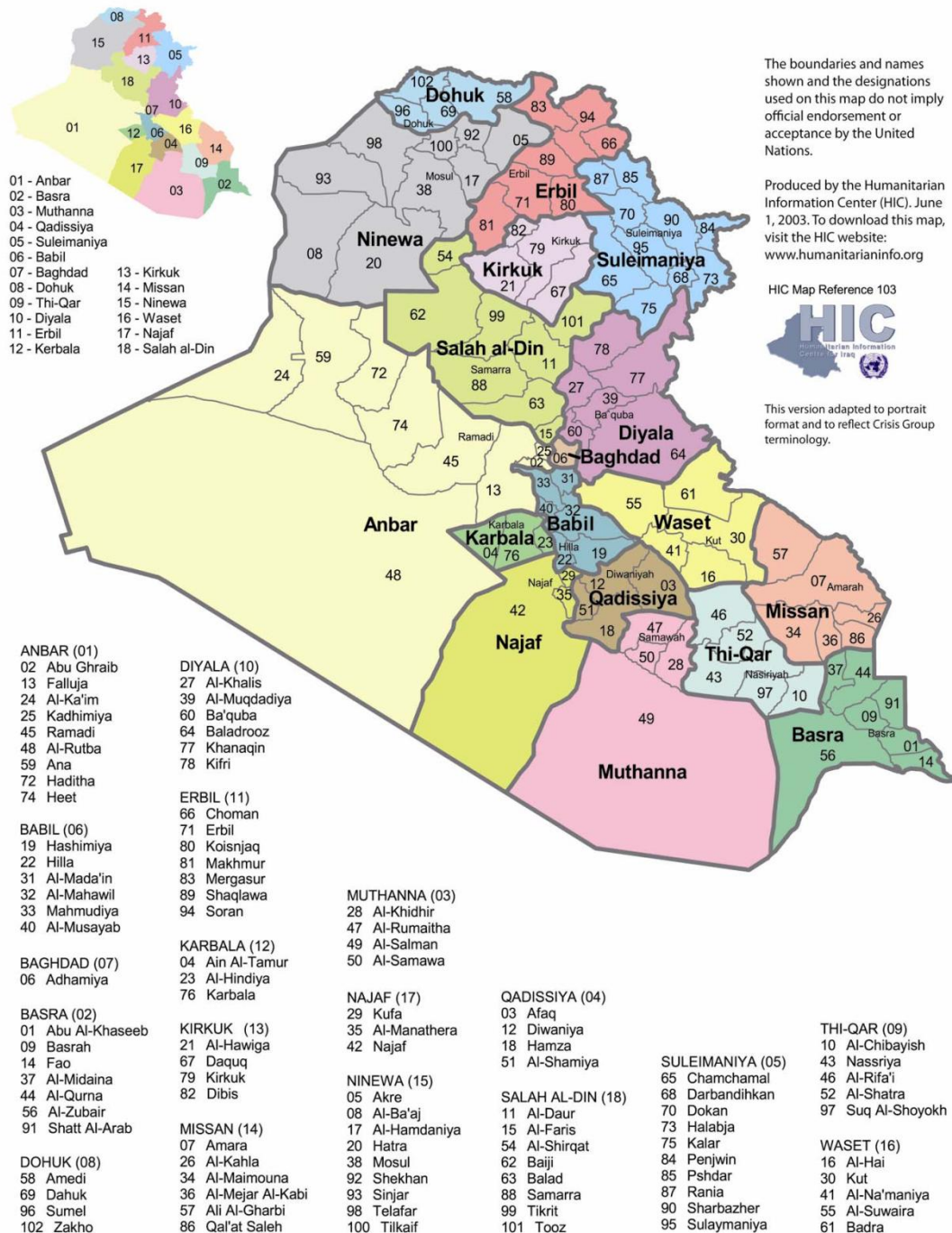
IRAQI MAP



Department of Peacekeeping Operations
Cartographic Section

APPENDIX B

GOVERNORATES AND DISTRICTS

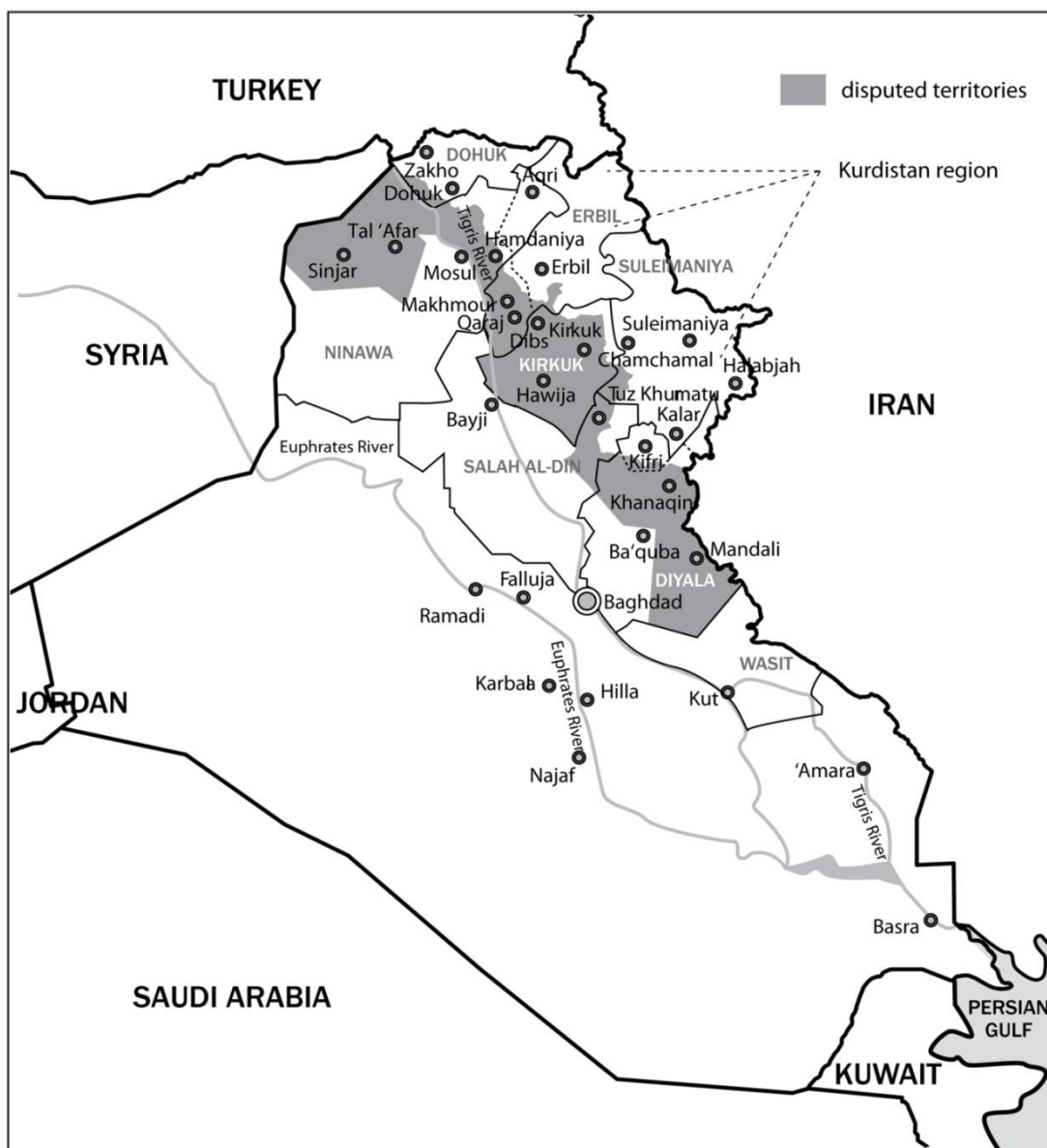


APPENDIX C

OIL AND GAS RESOURCES IN THE KURDISH REGION AND DISPUTED TERRITORIES



This map has been adapted by the International Crisis Group from a map made available by the U.S. Government. The Kurdish Green Line has been added, and the border of the "Disputed areas" adjusted to add more detail.



This map has been produced by the International Crisis Group. It is a modified version of a similar map appearing in Crisis Group Middle East Report N°80, *Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds* (28 October 2008). Only the northern boundary of the disputed territories has been adjusted to add more detail.

TEZ FOTOKOPİSİ İZİN FORMU

ENSTİTÜ

Fen Bilimleri Enstitüsü

☐

Sosyal Bilimler Enstitüsü

☒

Uygulamalı Matematik Enstitüsü

☐

Enformatik Enstitüsü

☐

Deniz Bilimleri Enstitüsü

☐

YAZARIN

Soyadı : Sinan Torunu

Adı : Betül

Bölümü : Ortadoğu Çalışmaları

TEZİN ADI: The Three Phases of Kurdish Mobilisation in Iraq:
Politicization, Institutionalization and Constitutionalization: 1946-2012

TEZİN TÜRÜ: Yüksek Lisans

☒

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