

A large, stylized orange graphic of the number '10' and a hexagon is positioned on the left side of the cover. The '1' is a simple vertical bar, and the '0' is a large, rounded circle. A hexagon is placed below the '1'.

# Polish Journal of Political Science

Volume 10 Issue 2 (2024) Special Issue



**Polish Journal of Political Science**  
**Volume 10 Issue 2 Special Issue**

**Editorial Board**

**Clifford Angell Bates Jr.**, *University of Warsaw*

**Stephen Brooks**, *University of Michigan*

**Michael Freeden**, *University of Nottingham, University of Oxford*

**Marzenna James**, *Princeton University*

**Angieszka Łukasik-Turecka**, *John Paul II Catholic University of Lublin*

**Agostino Massa**, *University of Genoa*

**Paolo Pombeni**, *University of Bologna*

**Bogdan Szlachta**, *Jagiellonian University in Krakow*

**Filip M. Szymański**, *Cardinal Stefan Wyszyński University in Warsaw*

**Andrea Zanini**, *University of Genoa*

**Tomasz Żyro**, *University of Warsaw*

**Editorial Team**

**Special Issue Editor**

**Piotr Sosnowski**, *University of Warsaw*

**Lead Editors**

Chief editor: **Jarosław Szczepański**, *University of Warsaw*

Secretary: **Błażej Bado**, *University of Warsaw*

**Associate Editors**

**Katarzyna Gruszka**, *University of Warsaw*

**Paulina Szczepańska**, *University of Warsaw*

**Graphic design of the journal**

**Krzysztof Trusz**, *Academy of Fine Arts in Warsaw*

**Desktop publishing**

**Karolina Trusz**

**Language editor/Reviewing**

**Adam Petrétis**



All articles in the journal are peer-reviewed

The journal is published by the Interdisciplinary Research Center  
of the University of Warsaw „Identity – Dialogue – Security”  
(Interdyscyplinarne Centrum Badawcze Uniwersytetu Warszawskiego  
„Tożsamość – Dialog – Bezpieczeństwo”)

**Editorial address**

Polish Journal of Political Science

Interdisciplinary Research Center of the University of Warsaw  
„Identity – Dialogue – Security”  
Prosta 69, 00-838 Warsaw  
email: [centrum.tozsamosc@uw.edu.pl](mailto:centrum.tozsamosc@uw.edu.pl)

Warsaw 2024

eISSN 2391-3991

Original version: e-book

Submit your paper: [pjps@uw.edu.pl](mailto:pjps@uw.edu.pl)



Polish Journal of Political Science is included in:





## Table of Contents

### Introduction to the Special Issue

- 4** **Piotr Sosnowski**  
State Building and Political Culture  
in the Kurdistan Region of Iraq

### Articles

- 10** **Mustafa Arıkan**  
Lifting Veil on Analyses of Political Fragmentations:  
A Critical Review of the “Cleavage Theses”  
in Iraqi Kurdistan Studies
- 44** **Juan Carlos Castillo Quiñones**  
**Nohemi Echeverria Vicente**  
(De)securitizing Kurdish Politics in Iraq?  
The Kurds in the Post-1991 Political Context
- 68** **Kamal Chomani**  
Corruption and Kurdish Nationalism:  
A Case Study of the Kurdistan Region of Iraq
- 96** **Silvia-Lucretia Nicola**  
A Tale of Two States? The Kurdistan Region  
of Iraq Caught Between Conflict  
and Cooperation with Central Iraq (1991–2020)
- 127** **Rebaz Jalal Ahmed Nanekeli**  
World Powers and the Fate of the Iraqi Kurds: Geopolitical  
Instability, the Emergence of the Kurdistan Region in Iraq,  
and Its Survival



**Silvia-Lucretia Nicola\***

## **A Tale of Two States? The Kurdistan Region of Iraq Caught Between Conflict and Cooperation with Central Iraq (1991–2020)**

DOI: [10.58183/pjps.0402SI2024](https://doi.org/10.58183/pjps.0402SI2024)

### **Abstract**

Iraq has been among the Middle Eastern countries most challenged by long episodes of armed conflict over the past half century. Nevertheless, the Iraqi state – which many analysts and politicians derogatively called a “failed state” – did not succumb, but the functions, which it could temporarily no longer exercise, were assumed by other actors. While the state did not cease to exist, the very notions of statehood and sovereignty underwent significant changes. One of these actors, which managed to consolidate its position over time by transforming both its own statehood as well as Iraq’s in more general terms, is the Kurdistan Region of Iraq (KRI), which emerged as a want-to-be-state in early 1991. Over the past three decades, despite not having achieved any formal recognition by any UN member state, the KRI has managed to continuously consolidate its limited statehood, however, to the detriment of its often ailing parent-state, Central Iraq. As research on want-to-be-states in international relations is nascent, there are only a few studies investigating

\* Bundeswehr Centre of Military History and Social Sciences, e-mail: [silvialucretianicola@bundeswehr.org](mailto:silvialucretianicola@bundeswehr.org), <https://orcid.org/0000-0003-4076-3937>



the interactions between want-to-be-states and their parent states they aim to detach from. This paper addresses this gap by examining the dynamics between the KRI and Iraq over four distinct phases (1991–1996; 1996–2005; 2005–2014; 2014–2020). Using Krasner’s (1999, 2004) conceptualization of domestic, Westphalian, and international sovereignty, the paper analyzes how the KRI has consolidated its statehood along these axes and how these actions have influenced its relationship with Central Iraq. The goal is to identify factors that foster cooperation and those that exacerbate historical conflicts between the two entities. The analysis is based on official documents, archival sources, and empirical data from extensive fieldwork in the KRI conducted in 2019 and 2022. The findings presented are part of a larger PhD project.

#### Keywords

Kurdistan Region of Iraq, statehood, conflict, parent state

## Introduction

The concept of the state has been significantly influenced by Western thought, especially in International Law and academia, and institutionalized within the UN post-1945.<sup>1</sup> One of the most cited framings is Weber’s take on the ideal-typical state as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory” making use of “certain material goods” while exercising administrative capacity to implement and enforce decisions within said territory.<sup>2</sup>

Despite this tangible and straight-forward vision of what a (nation-)state ideal-typically is, comparative international practice has shown that reality is far more varied and nuanced.<sup>3</sup> Concretely, for the case study in this article, Aram Rafaat argues that even since 1961, Iraq can be considered, albeit intermittently, as “a country of two quasi-states” with “the recognized quasi-state of Iraq and the unrecognized Kurdish quasi-state.”<sup>4</sup> But what exactly are these two kinds of “quasi-states” and how do they fit inside the normatively charged international system of sovereign states? How does this contentious confrontation, threatening the supposed sacrosanctity of

1. A. Wimmer, Y. Feinstein, *The Rise of the Nation-State across the World, 1816 to 2001*, “American Sociological Review”, 2010, Vol. 75, Issue 5, p. 769, DOI: [10.1177/0003122410382639](https://doi.org/10.1177/0003122410382639).

2. M. Weber, *Politics as a Vocation*, transl. H.H. Gerth and C. Wright Mill, Oxford University Press 1946.

3. S.-L. Nicola, T. Kucharzewski, *Want-to-Be-States: Practices of Sovereignty in Kurdistan-Iraq and Abkhazia since 1991*, in: *Sovereignty through Practice: Multiscalarity, Reflexivity, and Interdisci-*



a state's territorial integrity, impact the involved citizens and the evolution of conflicts between the engaged Kurdish and Iraqi political actors? In a nutshell: How has the KRI consolidated its statehood between 1991 and 2020 and how did these processes alter the dynamics between the KRI and Central Iraq?

In order to answer this question, this article argues for taking a step back from the ideal-typical understanding of the state and consider the statehood of the two involved actors – the KRI and Central Iraq – as a limited one. Moreover, this type of limited statehood can be best understood through its fragmented character along three continuous axes of domestic, Westphalian, and international sovereignty.<sup>5</sup> In the discussion of the proposed theoretical framework each of the three dimensions will be operationalized through different observable/measurable factors:

- *for the domestic sovereignty*: (1) the emerging collective identity of the entity; (2) the authority structures; (3) the level of legitimacy of these political structures; (4) their capacity to provide governance to the population living inside the territories they are trying to govern; (5) the overall survivability capacity of the emerging polity.
- *for the Westphalian sovereignty*: (1) the level of dependency on their respective parent-states which they are trying to secede from; (2) the level of dependency on external actors (potential “patron”-states).
- *for the international sovereignty*: (1) the countable number of interactions with international actors; (2) diversity of these interactions across the economic, diplomatic, political, military, or socio-cultural realms.

By looking at how the KRI pursued its consolidation of statehood along the three dimensions and through the various enumerated factors, the dynamics between the KRI and Central Iraq will become evident, as well as the role played by conflict and cooperation between 1991 and 2020. The time-frame of this analysis expands since the coming into existence of the KRI as a statehood pursuing entity in the Spring of 1991 up until the beginning of the global COVID pandemics in 2020.

The corpus of data analyzed includes official documents, archival sources and empirical data collected through extensive fieldwork conducted throughout the KRI in 2019 and 2022. Thus, both

*plinary*, eds. E. Bescotti, J.-W. Matlack, Routledge 2024, p. 47.

4. A. Rafaat, *Kurdistan in Iraq: The Evolution of a Quasi-State. Routledge Studies in Middle Eastern Democratization and Government*, Routledge, Taylor & Francis Group 2018, p. 99.4. S.D. Krasner, *Sovereignty: Organized Hypocrisy*, Princeton University Press 1999.

5. S.D. Krasner, *Sovereignty: Organized Hypocrisy*, Princeton University Press 1999.



## Theoretical Framework

phenomenological and hermeneutical methods have been employed throughout this investigation. The findings briefly presented in this article are part of a larger PhD project.

This article argues that the empirical world does not align with the normative conceptualization of the state which lies at the core of the post-1945 international system. This claim is especially evident when looking at Iraq and the Kurdistan Region of Iraq which constitute our case study. One of the roots of this discrepancy lies in the process of decolonialization at the UN level. While “the process of state-formation in Europe and the western world took centuries, western state forms were “delivered” like products to many parts of the Global South in a relatively short time span during the era of decolonialization,”<sup>6</sup> propelling the number of UN member states from 51 original members to three times that number by the end of the 1980s.<sup>7</sup> However, these new states exhibited only a limited form of statehood. In consequence, Robert Jackson labeled many newly “decolonized” states as “quasi-states,” arguing that “[t]heir governments are often deficient in the political will, institutional authority, and organized power to protect human rights or provide socio-economic welfare.”<sup>8</sup> Furthermore, he suggested that these new states “[consist] not of self-standing structures with domestic foundations [...] but of territorial jurisdictions supported from above by international law and material aid – a kind of international safety net.”<sup>9</sup>

While Iraq gained its independence from the British Empire already in 1932 and was one of the 51 original UN members, its state formation processes were still deeply imprinted with its colonial experience.<sup>10</sup> Raafat’s claim from the beginning of this article that Iraq would constitute a “quasi-state” is to be understood from the Jacksonian perspective of exhibiting a limited empirical statehood in terms of authority, the provision of governance and goods as well as control, especially over the northern parts of the country, which were inhabited preponderantly by people of ethnic Kurdish descent.

Although a(n) (Iraqi) Kurdish nationalistic movement had begun to emerge since the beginning of the 20<sup>th</sup> century, coupled with sustained uprisings against the Ba’ath regime since the 1960s,<sup>11</sup> a pivotal rupture, which directly impacted the statehood of Iraq, occurred only in 1991. As it will be discussed in the next section, the events surrounding the First Gulf War of 1991 gave rise to the formation of the KRI as a distinct political entity, which Raafat characterized as an “unrecognized Kurdish quasi-state.”<sup>12</sup> In an analytically confusing and problematic manner, “quasi-state” refers here

6. V. Boege, et al., *On Hybrid Political Orders and Emerging States: State Formation in the Context of ‘Fragility’*, Berghof Research Center for Constructive Conflict Management 2008, p. 5.

7. *Growth in United Nations Membership*, United Nations, <https://www.un.org/en/about-us/growth-in-un-membership>, (access 06.02.2024).

8. R.H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World*, Cambridge University Press 1990, p. 21.

9. Ibidem, p. 5.

10. H. Fürtig, *Geschichte des Irak: von der Gründung 1921 bis heute*, C.H. Beck 2016, pp. 31–60.

11. O. Bengio, *The Kurds of Iraq: Building a State within a State*, Lynne Rienner Publishers 2012, pp. 1–23.

12. A. Raafat, *Kurdistan in Iraq...*, op. cit., pp. 148–149.



not to the Jacksonian states, which have recently achieved independence, while having weak institutions, but to the exact opposite: “Political entities that have internal but not external sovereignty and seek some form of autonomy or independence. They are part of a failed state or an outcome of unfair postimperial boundary markers.”<sup>13</sup>

Rafaat’s tale of the two quasi states – the Iraqi “quasi-state” and the Kurdish “unrecognized quasi-state” – poignantly points out to the empirical limitations of the ideal-typical conceptualization of the state in the Iraqi context as well as to the fact that statehood seemed to be rather fragmented than an indivisible whole. As this paper claims, even though it is not the internationally institutionalized norm, limited statehood is in fact not an exception but the rule, as the “Western-style Weberian/Westphalian state [...] hardly exists in reality beyond the OECD world.”<sup>14</sup>

In order to make sense of both Rafaat’s employed terminological blurriness and the empirical messiness within Iraq, this article proposes to look at Stephan Krasner’s approach for guidance. Krasner claims that empirical statehood and its varying degrees can be observed through three<sup>15</sup> different dimensions of sovereignty revolving around issues of authority and/or control: *international*, *Westphalian*, and *domestic sovereignty*. The first two dimensions focus on state’s external relations and interactions with other international entities, while the third dimension deals with the state’s internal affairs, specifically whose authority structures are recognized as legitimate by the population and how effectively these authorities exercise control.<sup>16</sup>

While an ideal-typical sovereign state would in theory fulfill all three dimensions of sovereignty, practice has shown, that this fulfillment happens to quite different degrees and is subjected to continuous variations. In the example of the Jacksonian “quasi-state” or of entities such as Iraq in this concrete case, the *international sovereignty* of these entities remains untouched, despite provable shortcomings in the ability to act independently without the interference of external forces (curtailed *Westphalian sovereignty*), and in the capacity to provide functioning structures or governance (limited *domestic sovereignty*) for its people. In the case of the “unrecognized quasi-states” or specifically the KRI, not only would their Westphalian and domestic sovereignties be missing or limited, but in contrast to UN member states, they would also lack international sovereignty, as these entities are in the process of consolidating their statehood and pursuing international recognition.

13. D. Natali, *The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq*, 1<sup>st</sup> ed., Syracuse University Press 2010, p. xxi.

14. V. Boege, et al., *On Hybrid Political...*, op. cit., p. 2.

15. Krasner introduced in his younger research the notion of *interdependence sovereignty* relating to the level of control a state has on the movements across its borders as a fourth dimension of sovereignty. Nonetheless, since this dimension describes a control-related issues, in later work, he dropped this dimension as a separate dimension of sovereignty. See: S.D. Krasner, *Recognition: Organized Hypocrisy Once Again*, “International Theory”, 2013, Vol. 5, Issue 1, p. 170, DOI: [10.1017/S1752971913000092](https://doi.org/10.1017/S1752971913000092).

16. S.D. Krasner, *Sovereignty: Organized Hypocrisy*, op. cit., pp. 4–5.



To avoid any conceptual confusions, this paper does not adopt the Rafaat's fuzzy terminology. Over the last three decades, there has been an emerging and vibrant body of literature<sup>17</sup> dealing with such entities, which Rafaat referred to as "unrecognized quasi-states."<sup>18</sup> Among the most widely used denominations for these types of entities are "de facto states,"<sup>19</sup> "unrecognized states,"<sup>20</sup> "contested states,"<sup>21</sup> or "states-within-states"<sup>22</sup> just to name a few.<sup>23</sup> In comparison to these denominations, this article proposes the term "want-to-be-states" to refer to these entities and to the KRI. "Want-to-be-state" captures in a nutshell both the intention of this new type of international actor to achieve international recognition and its ongoing efforts to consolidate their statehood on all three levels of Krasnian sovereignty. The approach of this article shifts, thus, the focus of research to the processes of pursuing statehood. Last but not least, in contrast to terms such as "de facto state," "unrecognized quasi-state" and the like, "want-to-be-state" leaves the question open, to what extent the desired statehood would be similar to that of already recognized UN member states. Following Kursani's reasonings,<sup>24</sup> this article defines want-to-be-states as entities of the international system with emerging structures of authority, exercising legitimate control over a population sharing a collective identity and over a disputed territory, and which engage with external actors in their quest to consolidate their statehood with the aim of achieving independence and becoming a recognized UN member state.

After having established the fluidity and variability of statehood, the article proceeds to show how the KRI as an exponent of a want-to-be-state functions empirically outside the industrialized OECD world, and tries to consolidate its statehood along the three sovereignty dimensions as defined by Krasner. For this, the three dimensions of sovereignty are treated as three distinct continuums. Given the limited lengths of this article, the operationalization of the three sovereignty dimensions will be only briefly sketched.<sup>25</sup>

The fluctuations on the axis of domestic sovereignty can be observed by looking at five factors. First, the emergent **collective identity** within want-to-be-states has been identified by Blakisrud and Kolstø to represent a "softer aspect" of statehood consolidation.<sup>26</sup> Second, the **authority structures** in want-to-be-states resemble those in hybrid political orders. Here, traditional (customary law, traditional societal structures such as extended families, clans, tribes, and traditional authorities such as elders, clan chives, big men, religious leaders, and other) and modern bureaucratic institutions coalesce.<sup>27</sup> Nonetheless, given the limited scope of this article, this analysis will only focus on the dominant political actors engaged in their institutionalization of their authority: parlia-

17. P. Kolstø, *What's in a Name? 'De Facto States', Terminological Choices and Normative Consequences*, "Pathways to Peace and Security", 2022, No. 1, pp. 30–46, DOI: [10.20542/2307-1494-2022-1-30-46](https://doi.org/10.20542/2307-1494-2022-1-30-46).

18. A. Rafaat, *Kurdistan in Iraq...*, op. cit., p. XIX.

19. S. Pegg, *Twenty Years of de Facto State Studies: Progress, Problems, and Prospects*, in: *Oxford Research Encyclopedia of Politics*, ed. S. Pegg, Oxford University Press 2017, p. 1, DOI: [10.1093/acrefore/9780190228637.013.516](https://doi.org/10.1093/acrefore/9780190228637.013.516).

20. N. Caspersen, *Unrecognized States: The Struggle for Sovereignty in the Modern International System*, Polity 2012.

21. S. Kursani, *Contested States: The Struggle for Survival and Recognition in the Post-1945 International Order*, PhD Thesis, European University Institute 2020; D. Geldenhuys, *Contested States in World Politics*, Palgrave Macmillan 2009.

22. P.W.T. Kingston, I.S. Spears, eds., *States-within-States: Incipient Political Entities in the Post-Cold War Era*, 1<sup>st</sup> ed., Palgrave Macmillan 2004.

23. For a more detail discussion of the different vehiculated denominations see: P. Kolstø, *What's in a Name?...*, op. cit., pp. 30–46.

24. S. Kursani, *Contested States...*, op. cit., p. 37.



ment, government, president, political parties. This will ease the measuring of their (3) **legitimacy**<sup>28</sup> levels based on open-source election results. Their (4) efficiency in the **provision of governance**<sup>29</sup> – in the broadest sense of the word – for the population as well as (5) ensuring enough resources for the **survival**<sup>30</sup> of the KRI as an entity will provide two further pieces based on which the consolidation of the domestic sovereignty will be assessed.

**R**egarding the dimension of the Westphalian sovereignty, the article will concentrate in a first step on the KRI's (1) **dependency on its parent state**,<sup>31</sup> Central Iraqi. Furthermore, research has shown that want-to-be-states tend to be dependent on so-called patron states.<sup>32</sup> Nonetheless, research on the KRI has shown, that this want-to-be-state is not necessarily dependent on one single actor, but on more.<sup>33</sup> Under these circumstances, this article broadens the scope and looks at the want-to-be-state's (2) **level of dependency on external actors** regardless of their status: UN member states, INGOs, private international companies.

**L**ast, the analysis of the consolidation of the KRI's international sovereignty takes two factors into account: (1) the **countable number of interactions** with international actors and (2) the **diversity of these interactions** across the economic, diplomatic, political, military, or socio-cultural realms.<sup>34</sup> As Berg and Toomla have observed in their "normalization index,"<sup>35</sup> the degree of integration into the international system is a more significant indicator for entities such as the KRI than the dichotomy of being internationally recognized or not.

**G**uided by the theoretical framework discussed above, this article proceeds in the following section to discuss the consolidation of statehood of the KRI between 1991 and 2020, focusing especially on the relationship between the KRI and Central Iraq. The analysis is structured in four periods: 1991–1996; 1996–2005; 2005–2014; 2014–2020. These four periods are defined by pivotal events marking the transition from one stage of the KRI's statehood consolidation to the next. These key moments include: the Iraqi Kurdish uprising against the Ba'ath regime in March 1991; the temporary ceasefire between the main Kurdish parties, the KDP and the PUK, in 1996; the implementation of the new Iraqi constitution at the end of 2005; and the sharp decline in oil prices in 2014. The conclusion of this article aligns with the onset of the global COVID-19 pandemic.

25. For a more detailed discussion see: S.-L. Nicola, T. Kucharzewski, *Want-to-Be-States...*, op. cit., pp. 44–73.

26. P. Kolstø, H. Blakkisrud, *Living with Non-Recognition: State- and Nation-Building in South Caucasian Quasi-States*, "Europe-Asia Studies", 2008, Vol. 60, Issue 3, pp. 484–509, DOI: [10.1080/09668130801948158](https://doi.org/10.1080/09668130801948158).

27. V. Boege, et al., *On Hybrid Political...*, op. cit., p. 7.

28. *Forging a New Future*, Brand Kurdistan Region of Iraq 2021, <https://brand-kri.com/wp-content/uploads/2021/01/BrandKRI-1.pdf>, (access 01.06.2024); T.A. Börzel, T. Risse, *Dysfunctional Institutions, Social Trust, and Governance in Areas of Limited Statehood*, SFB-Governance Working Paper Series, DFG Collaborative Research Center (SFB) 2015; O. Tansey, *Does Democracy Need Sovereignty?*, "Review of International Studies", 2011, Vol. 37, Issue 4, p. 1535, DOI: [10.1017/S0260210510001087](https://doi.org/10.1017/S0260210510001087).

29. T.A. Börzel, *How Much Statehood Does It Take – And What For?*, SFB-Governance Working Paper Series, DFG Research Center (SFB) 2012, p. 16; P. Kolstø, H. Blakkisrud, *Living with Non-Recognition...*, op. cit., p. 484.

30. N. Caspersen, *Unrecognized States...*, op. cit., p. 105.



## The Inconsistent Break-up: 1991–1996

On January 16, 1991, a US-led coalition launched a military action against Iraq to liberate Kuwait, which had been invaded and annexed by its neighbor Iraq months earlier. During that US-led intervention, in the preponderantly Shiite south and in the preponderantly Kurdish north two uprisings tried to profit from Saddam Hussein's weakening and free themselves from his oppressive and violent grip. The initial gains of the opposition movements were, however, short-lived, as they were crushed with full force by Saddam's forces.<sup>36</sup> The deployment of Saddam's Republican Guard to the north caused a mass exodus driving approximately 2.5 million people, mainly of Kurdish descent, towards Iran and Turkey.<sup>37</sup>

On April 5, 1991, in response to the brutality of Saddam's regime and the triggered humanitarian catastrophe, the UN Security Council passed Resolution 688<sup>38</sup> acknowledging the plight and predicament of the Kurdish population. The intervening coalition forces used this adopted resolution as a legitimization for the establishment of a no-fly zone<sup>39</sup> north of the 36<sup>th</sup> parallel to protect the civilians targeted by the Ba'ath regime.<sup>40</sup>

While the no-fly zone passed more or less through the middle of the predominantly Kurdish inhabited areas, in October 1991 – a few months after its erection – Saddam Hussein took the decision to withdraw his forces and administration not only south of the no-fly zone, but from the predominantly Kurdish inhabited areas altogether. This affected not only the governorates of Dohuk and Erbil, which laid within the no-fly zone, but the governorate of Suleimani as well. The demarcation was determined by the so-called Green Line – an arbitrarily drawn inner-Iraqi border that separated the predominantly Kurdish from the predominantly Arab-inhabited areas. In the context of these circumstances, north of the Green Line, Iraqi Kurdish political actors begun to exercise self-governance,<sup>41</sup> which led to the emergence of the KRI as a want-to-be-state.

Saddam's withdrawal behind this so-called Green Line represented a first detachment of the emerging Iraqi Kurdish want-to-be-state from the direct control of Central Iraq, which became a "mere" so-called parent state.<sup>42</sup> Nonetheless, in praxis, the KRI remained vulnerable to potential military incursions or political abuses by the Ba'ath regime. Furthermore, the withdrawal implied also that the salaries of the Kurdish civil servants were cut off. Additionally, Saddam imposed an economic blockade on the KRI,<sup>43</sup> which aggravated the overall situation on the ground, as the new state-building project inside the KRI was already overshadowed by grim structural legacies.

31. K. Palani, *Fluidity and Dynamics of De Facto Statehood: The Case of Iraqi Kurdistan*, PhD Thesis, Leiden University 2021.

32. K. Vits, *From Nagorno-Karabakh to Taiwan: Measuring Patron-Client Relations of de Facto States*, "Territory, Politics, Governance", 2024, pp. 1–19, DOI: [10.1080/21622671.2024.2337361](https://doi.org/10.1080/21622671.2024.2337361).

33. P. Sosnowski, *Path Dependence from Proxy Agent to De Facto State: A History of 'Strategic Exploitation' of the Kurds as a Context of the Iraqi Kurdistan Security Policy*, "International Journal of Conflict and Violence", 2022, Vol. 16, pp. 1–13, DOI: [10.11576/IJCV-5688](https://doi.org/10.11576/IJCV-5688).

34. S. Relitz, *Conflict Resolution in De Facto States: The Practice of Engagement without Recognition*, 1<sup>st</sup> ed., Routledge 2022, DOI: [10.4324/9781003270485](https://doi.org/10.4324/9781003270485); A. Tokarev, A. Margoev, A. Prikhodchenko, *The Statehood of Eurasia's de Facto States: An Empirical Model of Engagement by Great Powers and Patrons*, "Caucasus Survey", 2021, Vol. 9, Issue 2, pp. 93–119, DOI: [10.1080/23761199.2020.1870076](https://doi.org/10.1080/23761199.2020.1870076); E. Berg, R. Toomla, *Forms of Normalisation in the Quest for De Facto Statehood*, "The International Spectator", 2009, Vol. 44, No. 4, pp. 27–45, DOI: [10.1080/03932720903351104](https://doi.org/10.1080/03932720903351104).

35. E. Berg, R. Toomla, *Forms of Normalisation...*, op. cit., pp. 27–45.



While the KRI used to be “the granary of Iraq and main food producer of the country”<sup>44</sup> over many decades, the devastation of the Iran-Iraq War throughout the 1980s as well as the genocidal “Anfal” military campaign carried out by the Ba’ath against over 5,000 Kurdish villages altered the traditional life of the population and crippled the agricultural capacities in the region.<sup>45</sup> At the same time, people from hundreds of villages had been dislocated into urbanized collective cities, deprived of the possibility of subsistence farming.<sup>46</sup> Furthermore, according to Natali, the KRI used to be “disconnected from the world economy and politics.”<sup>47</sup> This constrained the capacity for action of the emerging want-to-be-state.

In this context, a range of tasks, both for the population’s survival and inadvertently for the survival of the emerging entity, had to be undertaken by external actors. The immediate needs of the population were addressed through the provision of humanitarian relief packages by Western donor countries. According to Natali, “[f]rom 1991 to 1996 the Kurdistan Region received approximately two-thirds of total aid assistance, or over US\$1 billion in goods and services.”<sup>48</sup> In the British case, the percentage was even greater with “[t]he British Overseas Development Administration, which became the Department for International Development, [allocating] 78 percent of its Iraq program budget to the northern region, and only 22 percent to southern and central Iraq.”<sup>49</sup>

While such tremendous dependency on external actors would in general drastically undermine the Westphalian sovereignty of any entity, in the KRI’s case this development was accompanied by positive side effects. First of all, it provided a “stimulus for recovery, rehabilitation, and resettlement of locals population.”<sup>50</sup> While it did not embolden self-sustainability, it set a solid base for hope and the rebuilding of infrastructure, contributing to the domestic sovereignty dimension through provision of governance. While all donors reinforced their commitment to a unitary Iraq, their actions spoke volumes in terms of substantiating a divide between a Central Iraq and the emerging KRI, while at the same time creating greater awareness in the societies of the interveners for the Iraqi Kurdish cause. In retrospect, it can be argued that “[e]ven if unintentionally, initial aid-relief operations facilitated the nascent process of state-building in Kurdistan.”<sup>51</sup>

With regard to the authority structures inside the KRI, these were dominated by two popular parties: the KDP (Kurdistan Democratic Party) led by Masoud Barzani and the PUK (Patriotic Union of Kurdistan) led by Jalal Talabani. Both parties managed, however, to transit from insurgency to civilian autonomous self-rule. The steppingstone was provided by the Iraqi Kurdistan Front (IKF)

36. H. Fürtig, *Geschichte des Irak...*, op. cit., pp. 146–147.

37. G.R.V. Stansfield, *Iraqi Kurdistan Political Development and Emergent Democracy*, 1<sup>st</sup> ed., Routledge Curzon 2003, p. 95.

38. *Resolution 688*, UNSC 1991, <http://unscr.com/en/resolutions/688>, (access 01.06.2024).

39. In 1992 a second no-fly zone was erected south of the 32nd parallel.

40. H. Fürtig, *Geschichte des Irak...*, op. cit., pp. 134–144.

41. S.-L. Nicola, *Die politisch-militärische Lage in Sintschar*, in: *Ferman 74: Der Genozid an den Jesiden 2014/15*, eds. S. Gatzhammer, J.Ev. Hafner, D. Khatri, 1<sup>st</sup> ed., Ergon-Verlag 2021, p. 79, DOI: [10.5771/9783956508516-79](https://doi.org/10.5771/9783956508516-79).

42. A. Tokarev, A. Margoev, A. Prikhodchenko, *The Statehood of Eurasia’s...*, op. cit., p. 96. Visoka prefers using the term “host state” (G. Visoka, *Acting like a State: Kosovo and the Everyday Making of Statehood*, Routledge Taylor & Francis Group 2018, p. 2), and Relitz speaks about “metropolitan state” (S. Relitz, *Conflict Resolution in...*, op. cit., p. 30). Nonetheless, as these alternative terminologies were not able to assert themselves, I stick to the widely used term “parent state.”

43. G.R.V. Stansfield, *Iraqi Kurdistan*



which was established in 1988 to coordinate against Saddam's regime. It united under its aegis not only the two main parties, KDP and PUK, but also several smaller ones.<sup>52</sup> The IKF gathered in 1992 and issued a series of laws meant to create a legal political order along the three classical branches: legislative, executive, and judiciary.<sup>53</sup> In a very symbolic gesture, the first law (Law No. 1) from April 8 set the stage for the erection of a regional unilateral parliament, the Kurdistan National Assembly (KNA), which would be elected by the people.<sup>54</sup> In May 1992 first elections took place in the history of the KRI, which even exhibited some democracy-oriented elements. Furthermore, the high participation rate among the population, with "practically the entire electorate, both men and women [having] turned up,"<sup>55</sup> suggested additionally high internal legitimacy. The outcome of the elections saw a notable 50:50 division of power between the KDP and PUK.

However, the 50:50 power sharing agreement between the PUK and KDP did not manage to nurture the euphoria inside the Kurdish society and diaspora sparked by the elections, as the two parties soon ended up engaging in a so-called "brother-war" against each other. This caused a deep rift and the division of the territory in two similarly big spheres of interest, each controlled by one of the two main parties: the eastern part by the KDP and the western part by the PUK.<sup>56</sup> Each party proceeded to establish its own administration, which replicated all existing structures almost identically. While this approach proved to be entirely ineffective, it did contribute to the establishment of a system of stability that was to become a hallmark of the KRI.

While the emerging KRI had managed to delimit itself from Central Iraq and establish its own autonomous administration, on August 31, 1996, Masoud Barzani of the KDP invited 40,000 of Saddam Hussein's troops back into the KRI to help him secure power over Erbil. The incursion by Saddam Hussein was somewhat unexpectedly limited to the support he provided to Barzani. Subsequently, as agreed, Saddam withdrew his forces once again south of the Green Line, not before he purged the banks of the Iraqi National Congress, which acted as Saddam's opposition.<sup>57</sup> While brief, this incursion created a lasting fear inside the KRI that Central Iraqi could militarily intervene at any time, jeopardizing the want-to-be-state's survival. Following Saddam troops' incursion, the KDP secured Erbil, while the PUK, with Iranian support, stabilized its control over Suleimani and parts of Kirkuk, leading to a lasting geographic division between the two parties and the cementation of the two administrative apparatuses. At the same time, this was the last occasion on which Central Iraqi forces have set foot in the KRI up to the writing of this article.

*Political...*, op. cit., p. 96.

44. D. Natali, *The Kurdish Quasi-State...*, op. cit., p. 3.

45. S. Kirmanj, A. Rafaat, *The Kurdish Genocide in Iraq: The Security-Anfal and the Identity-Anfal*, "National Identities", 2021, Vol. 23, Issue 2, pp. 163–183, DOI: [10.1080/14608944.2020.1746250](https://doi.org/10.1080/14608944.2020.1746250).

46. F. Recchia, *From Forced Displacement to Urban Cores: The Case of Collective Towns in Iraqi Kurdistan*, Archi-tecturez 2012, <https://architexturez.net/doc/az-cf-123984>, (access 01.06.2024).

47. D. Natali, *The Kurdish Quasi-State...*, op. cit., p. 28.

48. Ibidem, p. 30.

49. Ibidem.

50. Ibidem, p. 51.

51. As quoted in Y. Voller, *The Kurdish Liberation Movement in Iraq: From Insurgency to Statehood*, 1<sup>st</sup> ed., Routledge 2014, DOI: [10.4324/9781315886954](https://doi.org/10.4324/9781315886954).

52. G.R.V. Stansfield, *Iraqi Kurdistan Political...*, op. cit., p. 92.

53. Law No. 1 (1992) on the National Assembly of Kurdistan – Iraq; Law No. 3 (1992) on Establishment of the Kurdistan Regional Government – Iraq Council of Ministers; Law No. 44 of the 28 December 1992 established judicial power



## The KRI as a Model for Iraq: 1996–2005

Paradoxically, as soon as the political power and authority were split into two administrations, a fragile stability settled over the KRI. This allowed all the processes of stabilization and consolidation of statehood along the three dimensions of sovereignty: domestic, Westphalian, and international, which emerged during the previous period to continue, and even speed up. During this period, the KRI employed the strategy of portraying itself both to the outside world as well as to the KRI's population as a model for Iraq. This underlined once more the want-to-be-state's detachment from its parent state.

The “semi-legitimizing functions”<sup>58</sup> of aid from the first period of analysis were carried on and even evolved from relief into rehabilitation after 1996. Furthermore, the UNSC Resolution 986 set up an oil-for-food-program (OFFP) allowing Iraq to sell a predetermined quantity of oil in exchange for humanitarian goods. Thirteen percent of the generated revenues were allocated to the KRI. The KRI was, however, not allowed to directly access these funds, as the Ba’ath regime denied the Kurdish authorities any kind of recognition. Project administration as well as delivery of supplies had to be overtaken by the UN. Basically, the UN replaced the central Iraqi state as the actor the KRI was most dependent on, without involving the KRI in the decision-making processes. Although this led to no meaningful consolidation of the Westphalian sovereignty of the want-to-be-state, it impacted the other two dimensions.

The domestic sovereignty of the KRI was solidified as the OFFP provided access to sufficient financial resources for the emergent entity and its people to survive. Voller even writes about a first “economic boom,” which offered a stark contrast “vis-à-vis the misery in the rest of Iraq.”<sup>59</sup> Throughout this period of rehabilitation, more Kurdish local authorities or simple citizens began interacting in a more sustained way with diverse international actors. This exposed the civil society and the new administrations to “new standards of good governance [...], mainly through the education system.”<sup>60</sup> Another parallel development was gaining momentum: the emergence of an informal economy around the trans-border smuggling of oil and other goods. The parallel economy is believed to have benefited the consolidation of the political parties’ power, especially the KDP, which had sole control over the Ibrahim Khalil border-point with Turkey, following the split of the administrations.<sup>61</sup> Having stopped fighting and profiting from the newly generated stream of income, the two “state-lets”<sup>62</sup> were able to concentrate more on developing the capacities of providing governance throughout the territories they ruled.

in the region: G.R.V. Stansfield, *Iraqi Kurdistan Political...*, op. cit., p. 124 (for Law No. 1); p. 127 (for Law No. 3); p. 141 (for Law No. 44).

54. G.R.V. Stansfield, *Iraqi Kurdistan Political...*, op. cit., p. 125.

55. Ibidem, p. 129.

56. M.M. Gunter, *The KDP-PUK Conflict in Northern Iraq*, “Middle East Journal”, 1996, Vol. 50, No. 2, pp. 224–241.

57. Q. Lawrence, *Invisible Nation: How the Kurds’ Quest for Statehood Is Shaping Iraq and the Middle East*, 1<sup>st</sup> U.S. ed., Walker & Co. & Macmillan 2008, pp. 106–107.

58. D. Natali, *The Kurdish Quasi-State...*, op. cit., p. 70.

59. Y. Voller, *The Kurdish Liberation...*, op. cit., p. 85.

60. Ibidem.

61. G.R.V. Stansfield, *Iraqi Kurdistan Political...*, op. cit.

62. M. Leezenberg, *Iraqi Kurdistan: Contours of a Post-Civil War Society*, “Third World Quarterly”, 2005, Vol. 26, No. 4–5, p. 632, DOI: [10.1080/01436590500127867](https://doi.org/10.1080/01436590500127867).



Paradoxically, the internal rift inside the KRI led to an increase of its domestic and also its international sovereignty. Throughout the internecine war, several uninvolved actors tried to mediate between the warring Kurdish parties, such as Turkey, France, Iran, the United Kingdom, the United States, as also the Iraqi National Congress (an umbrella opposition group led by Ahmed Chalabi) and even the regime in Baghdad.<sup>63</sup> Hence, the Kurdish representatives were able, during these times, to considerably increase their interactions with the “outside” world, especially the West, and to get across an incipient Kurdish foreign policy. According to Sadoon, “the burgeoning involvement of multiple actors increasingly alarmed the U.S. administration, in the event that other actors might succeed in increasing their political cloud on the Kurdish political parties and, as the result, damage U.S. interests in Iraq and the Middle East region.”<sup>64</sup> Thus, the U.S. pushed for an official breakthrough, even if informal talks were already taking place inside the KRI.

On September 17, 1998, Barzani and Talabani signed the “Washington Agreement,” which did not only pave the way for the consolidation of the domestic sovereignty of the KRI, but also marked an important diplomatic victory for the signatories. The personal reception by the contemporary U.S. Secretary of State, Madeleine Albright, of both Barzani and Talabani also signaled a reinforcement of the leaders’ legitimacy in the eyes of the international community.<sup>65</sup> As Marianna Charountaki compellingly showed in her work, the Washington Agreement indicated a major shift of the U.S. foreign policy toward the Iraqi Kurds, Iraq, and the Middle East in general.<sup>66</sup>

The principal stipulations of the Washington Agreement entailed the unification of the two administrative structures and the reinstatement of regional elections, which had not occurred since 1992. Concurrently, the Iraqi Kurdish parties pledged their support for the “territorial integrity and unity of Iraq,” while striving for “Iraq [being] reformed on a federative basis.”<sup>67</sup> The rapprochement of the KDP and the PUK helped their leaders regain trust internationally and consolidate the privileged position of the KRI inside Iraq. And further support was on its way.

In 1998, the Iraqi Liberation Act, a piece of U.S. legislature promoting the idea of a regime change in Iraq and the removal of Saddam Hussein from power, granted military and financial assistance to the Iraqi opposition, including to the KDP and the PUK.<sup>68</sup> Emboldened by the stabilization of the political landscape within the KRI and the positive developments regarding the capacity of the want-to-be-state to provide governance to its population, Barham Salih in his role as Prime Minister of the KRG went as far as to articulate the vision of the Iraqi Kurds for a post-Saddam Hussein Iraq in an ar-

63. H.B.K. Sadoon, *From Foreign Relations to Foreign Policy: Transformation of the Kurdish de Facto State into an Independent Foreign Policy Actor*, PhD Thesis, University of Exeter 2017, p. 259.

64. Ibidem, p. 260.

65. O. Bengio, *The Kurds of Iraq...*, op. cit., p. 263.

66. M. Charountaki, *The Kurds and US Foreign Policy: International Relations in the Middle East since 1945*, 1st ed., Routledge 2010.

67. O. Bengio, *The Kurds of Iraq...*, op. cit., p. 264.

68. Y. Voller, *The Kurdish Liberation...*, op. cit., p. 176.



ticle published in the *Washington Post* in December 2002. His self-confident proposal read: “A Kurdish Model for Iraq.”<sup>69</sup> From the least developed region of Iraq, the KRI developed in just over a decade into a political entity which seemed to function comparably if not even better than its parent state.

The envisaged toppling of Saddam Hussein was not long in coming, as in March 2003, a second US-led coalition intervened in Iraq and forcefully overthrew the Iraqi regime. Interestingly, the government of Turkey, a fellow NATO member, did not approve of coalition forces conducting incur-sive military deployments into Iraq from the Turkish territory. The northern access was provided instead by the KRI, who even backed up the coalition forces with its own armed security personnel, thereby gaining trust and exposure to the international public eye and consolidating their interna-tional sovereignty. Moreover, the KRI’s security forces – the Peshmerga, advanced together with the coalition forces south of the Green Line to help secure and maintain “order” below the Green Line, in the so-called disputed areas. This shows not only how big the rift between the KRI and the Central Iraqi state became, but also the degree of “independence” from the parent state achieved by the KRI. Within less than a decade since Saddam’s last incursion into the KRI in 1996, their relationship and dependence became reversed.

Driven by a dangerous mixture of neo-conservative wishful thinking and misjudgment,<sup>70</sup> due to the rapid military victory against the Ba’ath authorities, a civil interim administration was es-tablished in Iraq under the leadership of Paul Bremer. The Coalition Provisional Authority (CPA) pursued the goal of transforming Iraq into a country with a functioning democratic system and an aggressive, neoliberal market economy in the shortest time possible. The gap, however, between the wishful thinking of Western bureaucrats and reality on the ground could not have been greater. While the CPA seems to have weakened Central Iraq, it appears to have involuntarily fostered the KRI’s prosperity to the detriment of its parent state.

On June 28, 2004, the CPA was dissolved by the Transitional Administration Law (TAL), which among others regulated the drafting process of the new post-Saddam Iraqi constitution. The TAL would, thus, shape the future of Iraq as a state in the long term. Inadvertently or not, the TAL also provided the Iraqi Kurds with their biggest political success so far: Article 61 (C) stipulated that the new post-Saddam constitution would come into force only “if a majority of the voters in Iraq approve **and** [emphasis added by the author] if two-thirds of the voters in three or more governorates do not reject it.”<sup>71</sup> The KRI governed (not only factually) the territory and the population of at least three of

69. B. Salih, *A Kurdish Model for Iraq*, The Washington Post 2002, <https://www.washingtonpost.com/archive/opinions/2002/12/09/a-kurdish-model-for-iraq/eead162a-3f56-45d6-9045-432046f2cb61/>, (access 01.06.2024).

70. N. Klein, *Baghdad Year Zero: Pillag-ing Iraq in Pursuit of a Neo-Con Utopia*, 2014, <https://naomiklein.org/baghdad-year-zero-pillaging-iraq-pursuit-neo-con-utopia/>, (access 01.06.2024).

71. Iraqi Governing Council, *Law of 2004 of Administration for the State of Iraq for the Transitional Period*, [English translation] adopted 8 March 2004, art. 61 (C), <https://www.refworld.org/legal/legislation/natlegbod/2004/en/39004>, (access 01.06.2024).



## The KRI as the “Other” Iraq: 2005–2014

these governorates since 1991, but these facts on the ground had been also recognized by Art. 53 of the TAL.<sup>72</sup> This means that the Iraqi Kurds were granted an implicit veto right over the constitution of Iraq, which still had to be written. This translates into the KRI securing its political survival in any post-Saddam setting. With the passing of a constitution in resonance with the grievances of the Iraqi Kurds, the facts they already had created on the ground in terms of working on the consolidation of their own statehood – decoupled of the Iraqi one – could not be erased that easily again. This political “coup” could be understood as an attempted “Kurdification” of power in post-2005 Iraq.

The decade between 2005 and 2014 exacerbated a diverging development in Iraq: While Central Iraq was struggling to escape from the deadly spirals of violence, unleashed after the US-led intervention and the realignment of Iraq, the KRI on the other hand was experiencing its most prolific “Golden Era.” Certainly, the KRI did take advantage of the mayhem in Iraq to advance its own agenda and consolidation of statehood. Nevertheless, not all their achievements can be reduced to a mere weakness or “failure” of the central Iraqi state. The KRI aggressively embraced a “competitive democratization”<sup>73</sup> strategy and decidedly portrayed itself as the “Other” (better) Iraq.<sup>74</sup>

Nonetheless, the considerable progress made by the KRI regarding all three sovereignty dimensions was continuously accompanied by conflict. The internal conflict between the parties and leaders inside the KRI diminished, but was replaced by open confrontation with the Central Iraqi state. The previously warring Kurdish parties – the KDP and the PUK – joined forces and ran on a common list called Democratic Patriotic Alliance of Kurdistan (DPAK) for both the federal and regional parliamentary elections, which were held concomitantly on January 30, 2005. On a national level, the DPAK managed to secure almost 25.7 percent of the votes,<sup>75</sup> becoming the “king-makers”<sup>76</sup> regarding the first Iraqi government coalition after the realignment. Inside the KRI, the DPAK obtained an astounding result of 89.55 percent.<sup>77</sup> Securing such a wide domestic legitimacy led to a rapprochement of the Kurdish parties and a subsequent merging of the previously parallel administrative structures. Following the merger of four key ministries (Finances, Defense, Justice, and Interior), the unification of the two administrations was completed by 2009. Nevertheless, the duopoly of power remained in effect on the ground, with the two Kurdish parties respecting their established territorial spheres of influence.

72. Ibidem, art. 53.

73. L. Broers, *The Politics of Non-Recognition and Democratization*, in: *The limits of leadership: Elites and societies in the Nagorny Karabakh peace process*, ed. L. Broers, Conciliation Resources 2005, p. 71.

74. *Kurdistan - The Other Iraq*, <https://www.theotheriraq.com/press.html>, (access 30.10.2023).

75. A. Kapiszewski, *The Iraqi Elections and Their Consequences. Power-Sharing, a Key to the Country's Political Future*, in: *Looking into Iraq*, ed. M. van Bruinessen, European Union Institute for Security Studies 2005, p. 16.

76. J. Hiltermann, *To Protect or to Project? Iraqi Kurds and Their Future*, Middle East Report 2008, p. 11, <https://merip.org/2008/06/to-protect-or-to-project/>, (access 01.06.2024).

77. D.L. Phillips, *The Great Betrayal: How America Abandoned the Kurds and Lost the Middle East*, I.B. Tauris 2018, p. 69.



This time the KDP-PUK coalition was resilient enough to last even one more legislative term. In the 2009 parliamentary elections they once again gained the most votes.<sup>78</sup> Nevertheless, their duopolistic dominance created much flexibility for patronage and corruption, alienating more and more citizens, especially the younger voters. They did not only express their disapproval through protesting,<sup>79</sup> but also pushed for democratization of the political system, supporting the “Movement for Change” party, Gorran, which in 2009 received almost a quarter of the votes, becoming a strong opposition party in a more pluralistic parliament.<sup>80</sup> One legislature later, in 2013, Gorran consolidated its position within the political landscape of the KRI by becoming a small coalition partner of the KDP, while forcing the PUK to share their former sphere of influence with them.<sup>81</sup>

Moreover, the territorial questions regarding where the inner-Iraqi border between the KRI and the central state runs, started getting louder. The 2005 constitution of Iraq does not clearly define the borders of the KRI. The TAL, which preceded the 2005 constitution, stipulated in Art. 53. A that the areas belonging to the KRI are those above the Green Line, which were administered by the KRG in the provinces of Dohuk, Erbil, Suleimani, Kirkuk, Diyala, and Nineveh as of March 19, 2003.<sup>82</sup> This clearly indicates that the KRI’s official borders extend beyond the three provinces that are typically believed to make up the Autonomous Region of Kurdistan (Dohuk, Erbil, Suleimani, and since 2018 also Halabja).<sup>83</sup> However, it is not specifically defined where exactly the borders are located. Far from being resolved, these territorial disputes were further prorogued. Art. 140 of the 2005 constitution only mentions “Kirkuk and other disputed areas” as a contentious issue, while providing December 31, 2007 as a deadline for the formal and final settlement of the dispute following a referendum, which should have been conducted in the respective disputed areas.<sup>84</sup> The referendum has still not taken place. The vagueness of the territorial limits is not just a legal or constitutional fuzziness. It also raises the question of who is responsible for the security and administration of the disputed communities, touching, thereby, directly on the matter of responsibility, legitimacy, provision of goods and, more generally speaking, domestic sovereignty.

Despite these challenges, the KRI received an unprecedented boost to its international recognition following the upgrade in status to an internationally recognized autonomous region. Soon afterwards, many countries officialized their previously informal connections, establishing full-fledged diplomatic relations with the KRI. As of 2019, there were over 30 diplomatic representations of established countries in the KRI, next to several international donor agencies and bodies. Interestingly, all permanent members of the UNSC are represented inside the KRI. The other

78. *Announcing the Final Results of the Elections for the Parliament and President of the Kurdistan Region*, [Arabic language], PUK Media 2009, <https://web.archive.org/web/20090811060013/http://www.pukmedia.com/News/7-8-2009/news29.html>, (access 01.06.2024).

79. N.F. Watts, *The Spring in Sulaimani. Kurdish Protest and Political Identities*, in: *Political Identities and Popular Uprisings in the Middle East*, eds. S.J. Holliday, P. Leech, Rowman & Littlefield 2016, pp. 37–57.

80. J. Danly, *The 2009 Kurdish Elections*, Backgrounder, US Institute for the Study of War 2009, pp. 7–8.

81. H.H. Hama, M. Connelly, *Kurdistan’s Struggle for Sovereignty: State, Societal, and Human Security*, Arab Center for Research and Policy Studies 2017, p. 10.

82. Iraqi Governing Council, *Law of 2004...*, op. cit.

83. In 2018 the government of the KRI announced that Halabja – previously belonging to Suleimani – would become a stand-alone governorate (*Iraq recognizes Halabja as its 19th governorate*, Esta Media Network 2023, <https://esta.krd/en/235327/>, (access 01.06.2024)). Despite announcing its intention, Iraq has not yet passed the law, which officially recognizes Halabja as Iraq’s 19th governorate (*Kurdish PM Calls for Official Recognition of Halabja as Iraq’s 19th Governorate*, Shafaq News 2024,



missions can be divided into two main blocks: Muslim countries (including all neighbors of Iraq apart from Syria) and OECD countries (EU, US, Canada, South Korea, Japan).<sup>85</sup> In turn, the KRI opened its own offices in Australia, Austria, France, Germany, Iran, Italy, Poland, Russia, Spain, Sweden, Switzerland, United Kingdom, the United States of America, as well as in Brussels (for the European Union).<sup>86</sup>

This rise in interactions with established states, which substantiates the consolidation of the KRI's international sovereignty, is, however, not something that just happened to the KRI. On the contrary, the KRI aggressively pursued a campaign facilitating foreign citizens either a visa-free entrance to the KRI or one on preferential terms in stark contrast to the tedious Central Iraqi visa process. The visas issued by the KRI were not recognized within the territory administered by the federal government. Nonetheless, due to the precarious security situation inside the central Iraqi state, many foreign citizens, and workers of international (donor) agencies were confined to interacting and moving inside KRI governed territories only.

These preferential conditions found in the KRI were not limited to the visa regime. Many of the laws envisaged by neo-liberal strategists in Washington, which could not be implemented in Iraq despite the forcible realignment, were met with open arms in Erbil. The KRI was becoming the "Other" Iraq. During this period, the KRI pursued an aggressive opening to foreign investors and a clear, almost confrontational delimitation from the central Iraqi state. Due to the length constraints of this article, only one paradigmatic example shall be mentioned here: The impact of the KRI's taken path can be best analyzed with regard to the oil and gas sector.

Similar to Iraq, the KRI holds large proven and presumed crude oil reserves located beneath the surface of the territory it governs. While initial drilling structures have existed on the territory now known as the KRI since the beginning of the 20<sup>th</sup> century, the Ba'ath regime did not invest nor develop these wells since the 1980s.<sup>87</sup> Under these circumstances, the local KRI authorities lacked meaningful experience as well as the infrastructure needed for building a resilient and performant hydrocarbon sector. During the earlier 2000s, the Kurdish Ministry of Natural Resources drew a hydrocarbon exploration map for the KRI, dividing the territory initially into 48 blocks, which could be contracted to oil companies for exploration.<sup>88</sup> Interestingly, the first such contract was granted already in 2002 to the Turkish company Genel Enerji for the Taq Taq field, even before the new constitutional setting conceded extended autonomy rights to the KRI.

<https://shafaq.com/en/Kurdistan/Kurdish-PM-calls-for-official-recognition-of-Halabja-as-Iraq-s-19th-governorate>, (access 30.06.2024).

84. *Constitution of the Republic of Iraq*, [English translation], adopted 15 October 2005, [https://www.constituteproject.org/constitution/Iraq\\_2005](https://www.constituteproject.org/constitution/Iraq_2005), (access 01.06.2024).

85. *Forging a New Future*, op. cit., pp. 54–55.

86. Kurdistan Regional Government, *KRG Offices Abroad*, <https://gov.krd/dfr-en/krg-representations/>, (access 15.03.2024).

87. D.S. Mackertich, A.I. Samarrai, *History of Hydrocarbon Exploration in the Kurdistan Region of Iraq*, "GeoArabia", 2015, Vol. 20, No. 2, p. 191, DOI: [10.2113/geoarabia2002181](https://doi.org/10.2113/geoarabia2002181).

88. *Ibidem*, p. 183.



To what extent the constitution awarded the KRI the rights to conduct such explorations without the central Iraqi state remains to this day a highly contentious matter, which deserves an analysis on its own.<sup>89</sup> For the argument of this article, it suffices to say that the KRI managed to ferociously enforce its own interests in the claim-making process to the detriment of the Central Iraqi state. Despite the passing of a new constitution, the Iraqi laws regulating the hydrocarbon sector remained those from the Ba'ath period. On the other hand, the KRI managed to pass a new hydrocarbon law in 2007, luring direct foreign investments and new international oil companies (IOCs) with a daring capitalistic market opening, investor-friendly conditions, and lucrative product sharing agreements (PSA) instead of the more conservative technical sharing agreements (TSA) offered by the central Iraqi government.<sup>90</sup>

These attractive conditions coupled with the relative stability and security inside the KRI attracted many risk-prone small and middle-sized IOCs. While by early 2006 only seven PSAs had been signed for exploration activities, the introduction of the KRI hydrocarbon law brought a new dynamic. As noted elsewhere, "[w]ithin only two months the number of signed contracts and block concessions has doubled,"<sup>91</sup> increasing the KRI's international standing, its leeway inside the federal setting, as well as its revenues. This led to a professionalization of the oil and gas sector as well, which culminated with the oil giants Exxon Mobile, Total, Chevron, and Gazprom Neft entering the Iraqi Kurdish oil market in 2011, disregarding the controversial legal basis. This meant not only the continued professionalization of the Kurdish oil sector, but also internationalization and further gains in terms of the KRI's international sovereignty, as well as its Westphalian sovereignty, through a greater degree of independence from the central Iraqi state.

Despite this astonishing progress made in such short time, the KRI was, nevertheless, limited in its unilateral hydrocarbon activities by its landlocked geographical position. Even though the exploration capacities were growing, the options for capitalizing the raising crude oil production without restraints from the federal state were scarce, almost non-existent. On the other hand, exporting crude oil by truck to Turkey, as it had been done in the past, became less and less feasible. With the support of Turkey, the KRI expanded its petroleum operations and erected a new oil pipeline, which passed solely through territory governed by the KRI, bypassing any interference and monitoring by the federal government. This KRI oil pipeline joins the existing historical Kirkuk-Ceyhan pipeline administered by the federal government, however, "just downstream of the federal metering station on the Kirkuk-Ceyhan pipeline, hence preventing Baghdad from monitoring Kurdish export levels."<sup>92</sup>

89. S.-L. Nicola, *Adding 'Oil' to the Fire? International Economic Cooperation and the Dynamics of Contentions. The Case Study of the Autonomous Region of Kurdistan in Iraq*, Working Paper No. 09, Felsberg Institute for Academic Research and Education 2017, pp. 16–17.

90. Ibidem, pp. 19–21.

91. Ibidem, p. 18.

92. *A Rocky Road: Kurdish Oil and Independence*, Iraq Energy Institute 2018, p. 35, [https://www.qamarenergy.com/sites/default/files/A%20Rocky%20Road\\_%20Kurdish%20Oil%20and%20Independence.pdf](https://www.qamarenergy.com/sites/default/files/A%20Rocky%20Road_%20Kurdish%20Oil%20and%20Independence.pdf), (access 01.06.2024).



This short and expeditious analysis of the development of the KRI hydrocarbon sector offers exemplarily strong indicators for the consolidation of statehood on all three sovereignty-axes. While the first two periods (1991–1996 and 1996–2005) were dominated by a strong dependency on funds and resources from external actors, mostly in the form of emergency relief and rehabilitation aid, the KRI managed between 2005 and 2014 to build its own streams of revenues, thus strengthening its domestic sovereignty through the ability to assure the economic survival of the emerging political entity. At the same time, “owning” money directly allowed the KRI to expand its public health and education systems, to expand its welfare policies, as well as to generally foster economic growth. All these examples show a consolidation in the provision of goods and subsequently of domestic sovereignty. Bypassing the federal government and awarding own contracts to IOCs as well as winding up exports of crude oil expanded the leverage of the KRI over the federal government, consolidating its Westphalian sovereignty.

There is, nonetheless, another side to the medal regarding KRI’s actions. First, as a landlocked entity, the KRI is vulnerable and dependent on the grace of its neighbors considering exports and imports. This can be convincingly seen with regard to the relationship between the KRI and Turkey. Not only is Turkey the key “kingmaker” regarding the crude oil exports from the KRI, but it also dominates all other noteworthy economic branches. Because of this dependency, many analysts spoke about Turkey putting the KRI in golden handcuffs.<sup>93</sup>

A further disadvantage of the KRI’s economic strategy is its excessive reliance on a single economic sector, additionally one which generates only few jobs. This type of rentier-economy has proven in many instances as unsustainable as well as conflict-prone.<sup>94</sup> Instead of fostering economic diversification and a more intensive participation of the population in the market, oil rents alienate the citizens from actively partaking in decisional processes. At the same time, due to the very scarce number of created jobs, rentier states rely on over proportionately big public sectors, which consume the governments’ budget without generating new income streams, undermining the capacity of the entity to sustainably and independently manage its governance.

93. *Ever closer to independence*, The Economist 2015, <https://www.economist.com/international/2015/02/19/ever-closer-to-independence>, (access 27.11.2023).

94. S. Nicola, *How to Break the Spell? Sources of Violence and Conflict in an Oil Rent Based Economy*, in: *Nonviolent Political Economy: Theory and Applications*, eds. F. Cante, W.T. Torres, Routledge 2019, pp. 221–237.



## Not Being Able to Live With or Without the Other: 2014–2020

After a decade of untamed development, the KRI reached a stormy plateau in 2014, which exposed several structural shortcomings hidden under the ostensive prosperity and stability of the last two decades. Central Iraq was once again caught in spirals of violence, this time due to the advance of DA'ESH (ad-Dawlah al-Islāmiyah fi 'l-'Irāq wa-sh-Shām [Islamic State in Iraq and as-Shams]), which managed to bring under its control up to one third of the Iraqi territory and important parts of western Syria. August 2014 was the first time since the defeat of Ansar al-Islam at the beginning of the 2000s, when terrorist violence constituted an imminent threat for the population inside the KRI.

The advance of DA'ESH unleashed an economic shockwave across both the region and the KRI. Oil prices unexpectedly dropped by almost 60 percent within just a few months,<sup>95</sup> slashing the KRI's budget, while its expenses skyrocketed due to the high fluxes of internally displaced persons seeking shelter in the KRI, as well as due to the significant expenses related to the military engagement against the terrorist group. Additionally, the conflict between the federal and regional governments reached an all-time high, with Baghdad imposing a total budget cut on the 17 percent share of the overall Iraqi budget to which Erbil would be constitutionally entitled. The burden of covering the costs of running a functioning administration fell entirely on the KRI then. According to Knights, covering only the salaries of the civil servants of the KRI amounted to approximately 670 million dollars – monthly!<sup>96</sup> These developments accelerated the economic decline and the fall of the KRI into a financial crisis with long-lasting consequences. The severe over-straining of the budget soon resulted in an inability to pay salaries. The economy of the KRI came under such distress that the USA needed to contribute to covering the salaries of the Peshmerga fighting on the front against DA'ESH. This devolution shook the consolidation of both Westphalian and domestic sovereignties of the KRI.

Somehow unexpectedly, the threat posed by DA'ESH has contributed to a short-lived rapprochement between the KRI and the government in Baghdad. In late 2014, Erbil and Baghdad struck an oil deal<sup>97</sup> where the KRI agreed to transporting 300,000 barrels of crude oil per day from the oil fields around Kirkuk to the Turkish port of Ceyhan through “their” newly erected pipeline,<sup>98</sup> as Central Iraq was not able to use its historic Kirkuk-Ceyhan pipeline for crude oil exports due to the threat and infrastructure damages of DA'ESH. Even under economic duress, the KRI proved a more consolidated domestic sovereignty than its parent state. Additionally, further 250,000 barrels per day, which were extracted from fields under the sole management of the KRI, would be also exported

95. D. Mead, P. Stiger, *The 2014 Plunge in Import Petroleum Prices: What Happened?*, U.S. Bureau of Labor Statistics 2015, Vol. 4, No. 9, p. 3, <https://www.bls.gov/opub/btn/volume-4/pdf/the-2014-plunge-in-import-petroleum-prices-what-happened.pdf>, (access 01.06.2024).

96. M. Knights, *Here's What The Big Iraqi-Kurdish Oil Deal Really Means*, Business Insider 2014, <https://www.businessinsider.com/what-the-big-iraqi-kurdish-oil-deal-really-means-2014-12>, (access 01.06.2024).

97. S.-L. Nicola, *Adding 'Oil' to...*, op. cit., p. 24.

98. Ibidem.



through the same pipeline, but – this time – under SOMO's monitoring. In return, Baghdad agreed to resume the transfer of funds from the federal budget to which Erbil was entitled.<sup>99</sup>

At first glance and in a zero-sum-game-mentality, this deal might appear to have benefited Baghdad more. The deal could be interpreted as proof of the KRI's greater dependence on Central Iraq than previously assumed, given its economic vulnerability without its share of the federal budget. However, this agreement entailed an important loophole to the benefit of the KRI. While the KRI permitted monitoring by SOMO, this was only confined to the agreed upon 250,000 barrels per day, any additional volumes laying outside of the terms of the agreement between the two governments.<sup>100</sup> To some extent, this would translate into legalization of KRI's independent crude oil exports. Nevertheless, the deal collapsed as Baghdad failed to fulfill its financial commitments, leaving the KRI no option but to resume its independent oil sales.

The disruption of the KRI's previously enjoyed equilibrium was not caused only by "external forces," but it was complemented by decisions taken by the KRI authorities themselves. Following the expansion of DA'ESH in Central Iraq, the Peshmerga advanced south of the Green Line to fill the security vacuum created by the withdrawal of the central Iraqi armed forces in the so-called disputed areas. By doing this, the KRI hoped to expand its sphere of influence and switch the balance of power, especially in Kirkuk. At the same time, however, it exposed itself to a 1,000 km long front line against DA'ESH, massively overestimating and overstressing its military capabilities. The mayhem unleashed in the Sinjar district following the unexpected withdrawal of the Peshmerga, which led to a genocidal campaign by DA'ESH against the Yezidi community, exposed massive deficiencies regarding all military core areas of the KRI's security forces: training, leadership, logistics and information procurement.<sup>101</sup>

Furthermore, additional shortcomings could be traced back to the division into two Kurdish administrations in the wake of the brother war between the KDP and the PUK from 1994. While the two parallel structures were officially already merged by 2009, this did not apply to the Peshmerga forces. To this day, most Peshmerga forces remain loyal exclusively to one of the two parties instead of being united under the auspices of the Ministry of Peshmerga.<sup>102</sup> Only the involvement of an international anti-DA'ESH coalition pushed DA'ESH back, restoring stability. Despite the obvious deficiencies, the Peshmerga enjoyed good standing among international partners, as they proved to be reliable boots on the ground, given that the coalition forces provided predominantly only material and aerial support. Nevertheless, both KRI's Westphalian and domestic sovereignty suffered

99. Ibidem.

100. *Baghdad, Iraqi Kurds Strike Far-Reaching Oil Deal*, Al Jazeera America 2014, <http://america.aljazeera.com/articles/2014/12/2/iraq-oil-deal.html>, (access 03.03.2024).

101. M. Knights, *What Iraq's Kurdish Peshmerga Really Need*, Washington Institute 2014, <https://www.washingtoninstitute.org/policy-analysis/what-iraqs-kurdish-peshmerga-really-need>, (access 01.06.2024).

102. H.H. Hama, *Partisan Armed Forces of Kurdistan Regional Government*, "Journal of South Asian and Middle Eastern Studies", 2018, Vol. 41, No. 2, pp. 38–51.



setbacks, given the vulnerability in terms of controlling the monopoly on the use of force and the reliance on external actors for defense and commodities provision to the own population.

Without a doubt, DA'ESH posed a considerable threat, which would have temporarily weakened even more established states, not only entities such as the KRI, which were in the on-going process of consolidating their statehood. Nevertheless, this existing challenge was at the same time misused by Iraqi Kurdish political elites for political gains, which undermined democratic principles and their own legitimacy in the eyes of the population. A concrete example was the clinging to power of Masoud Barzani, who was unwilling to concede his office as the president of the KRI, despite his term having officially expired twice in 2013 and 2015. Furthermore, he escalated the political conflict with Gorran, which did not intend to support further delays regarding the overdue presidential elections. In 2015, in an authoritarian styled governance move, Gorran's speaker of the parliament, Yusuf Mohammed Sadiq, was prevented by armed forces loyal to Barzani from entering Erbil – an action which led to the suspension of the parliament, a political stalemate “suit[ing] the KDP”<sup>103</sup> and Barzani remaining in power until his resignation at the end of 2017.

In May 2016, Gorran and the PUK reached a cooperation agreement which would give them 42 out of the 111 seats of the KNA, opposed to the 38 that the KDP had obtained during the previous parliamentary elections. This represented an unprecedented threat to KDP's hegemony. Baser and O'Driscoll argue that “with the dominant political position and nationalist vision of the KDP threatened by the alliance between Gorran and the PUK, and KDP's power base growing weary due to the strains of the financial crisis, action was needed to prevent the loss of power.”<sup>104</sup> In addition to the roughening of the political atmosphere, the “development of a critical opposition – both inside and outside parliament – was massively hindered, with violent attacks on journalists and opposition members by security personnel increasing.”<sup>105</sup> In the light of these circumstances, it was not surprising that Masoud Barzani called unexpectedly for the organization of a unilateral referendum for the independence of the KRI in September 2017. Some understood this move as “a distraction and a project that would unite the people behind the KDP elite, helping the latter overcome the difficult situation in which it found itself.”<sup>106</sup>

Without a doubt, an independent KRI is the life-long dream of many of its citizens, as over 90 percent of the referendum voters answered the question “Do you want the Kurdistan Region and the Kurdistani areas outside the administration of the Region to become an independent state?”

103. D. O'Driscoll, B. Baser, *Independence Referendums and Nationalist Rhetoric: The Kurdistan Region of Iraq*, “Third World Quarterly”, 2019, Vol. 40, Issue 11, p. 2027, DOI: [10.1080/01436597.2019.1617631](https://doi.org/10.1080/01436597.2019.1617631).

104. Ibidem.

105. C. Schlüsing, K. Mielke, *Drohende Gewalteskalation nach dem Referendum. Wie kann deutsche Einflussnahme in Kurdistan-Irak deeskalierend wirken?*, BICC Policy Brief, Bonn International Center for Conversion 2017, p. 5.

106. D. O'Driscoll, B. Baser, *Independence Referendums...*, op. cit., p. 12.



in the affirmative.<sup>107</sup> These results reaffirmed and further bolstered the collective identity of the citizens of the KRI. However, as Park et al. have shown, while “the referendum and associated aspiration for independence” could have potentially “unified the different political factions in the KRI”, they in fact “exposed their divisions.”<sup>108</sup>

Besides those that claimed that there is per se no right to secession,<sup>109</sup> the political landscape inside of the KRI was torn between two camps. Gorran and parts of the PUK employed a “not-a-proper-referendum” narrative not rejecting the referendum and the right and hope of Iraqi Kurds to independence, but criticized the lack of legitimization of Masoud Barzani whose presidential mandate had actually expired to call for the organization of such a plebiscite.<sup>110</sup> This faction was joined by the “No for Now” campaign of Shaswar Abdulwahid Qadir, a business man and the leader of the New Generation Movement.<sup>111</sup> On the other side of the spectrum, the KDP and especially Masoud Barzani promoted the “failed partnership – right time” narrative. Barzani enforced both on his Twitter channel as also in a press conference the idea that both the KRI’s partnership with Iraq, as well as federalism altogether have failed.<sup>112</sup> In this vain, it was claimed that in the future, the KRI could realize its economic potential away from the dysfunctional government in Baghdad, as it would be able to negotiate independently and continue to foster strong partnerships with the international community as it continuously did since 1991.<sup>113</sup>

Besides Israel,<sup>114</sup> none of the otherwise reliable international partners backed the KRI’s referendum results. In an attempt at mitigating the impact on the statehood of Central Iraq, the UN, the US and the UK proposed an alternative plan to Barzani’s referendum.<sup>115</sup> The US Secretary of State Rex Tillerson encouraged Masoud Barzani to renounce the referendum in exchange for a “new and accelerated framework for negotiations with the central Government of Iraq.”<sup>116</sup> Should “the talks not reach a mutually acceptable conclusion or fail to account of lack of good faith on the part of Baghdad” at the end of the process, the US “would recognize the need for a referendum.”<sup>117</sup> This gave Erbil the perception that not the independence per se was being rejected, but only its timing.

In response to Tillerson’s letter, Masoud Barzani countered that he had “requested” the US government to publicly declare its intention to “provide support to the results of a future Kurdish referendum” instead of only respecting it, should the referendum be postponed.<sup>118</sup> This change in wording was, however, regarded by the US as untenable. The unwillingness of the US to grant them even such a “minor” favor given the magnitude of the requested sacrifice prompted Masoud Barzani to proceed

107. M. Charountaki, *The Referendum's Aftermath and Its Historic Connotations*, “Harvard International Review”, 2018, Vol. 39, No. 1, p. 37.

108. B. Park, et al., *On the Independence Referendum in the Kurdistan Region of Iraq and Disputed Territories in 2017*, “Kurdish Studies”, 2017, Vol. 5, No. 2, pp. 199–200.

109. Ibidem, p. 206.

110. Ibidem.

111. Ibidem, p. 200.

112. Ibidem, p. 205.

113. C. Schlüsing, K. Mielke, *Drohende Gewalteskalation...*, op. cit., p. 4.

114. I. Lee, *Why Israel Supports an Independent Iraqi Kurdistan*, CNN World 2017, <https://edition.cnn.com/2017/10/02/middleeast/iraqi-kurdistan-israel-support/index.html>, (access 01.06.2024).

115. B. Park, et al., *On the Independence...*, op. cit., p. 213.

116. *Letter from Rex Tillerson to Masoud Barzani*, The Last Written Draft - Delivered on 23<sup>rd</sup> September 2017, <https://assets.bwbx.io/documents/users/iqjWHBFdfxIU/rsJkyXsgEaig/v0>, (access 01.06.2024).

117. Ibidem.



with the referendum as intended. While the support of the international community was seen as par-amount for the consolidation of statehood of the KRI, the capacity to act independently of the wishes of the US was understood in Erbil as a way of the KRI to exhibit its wrongly perceived strengthened Westphalian sovereignty. In the words of Hemin Hawrami, as quoted by Palani, “for the first time in 100 years the referendum shows that we are not a proxy of external actors, we are no longer just reacting to the actions of others; we are an independent player.”<sup>119</sup>

The plebiscite did not lead to declaration of independence of the KRI but attracted draconic sanc-tions by the neighboring countries and the federal government of Iraq. The same Federal Supreme Court whose constitutionality is questioned by legal experts and the KRI<sup>120</sup> ordered the suspension of the results,<sup>121</sup> which shows in a nutshell that there are serious issues in the way federalism is lived out in Iraq. While many sanctions were only temporary, they did cause an additional economic bur-den to the already financially vulnerable KRI, thus weakening the KRI’s domestic sovereignty. The biggest throwback, however, happened to both the Westphalian and the international sovereignty dimensions, as almost all established states sided with federal Iraq to reinforce the integrity of their territory and statehood.

Following these developments, the KRI was confronted with a reality check, which tempered its previously exponential growth and consolidation of statehood. On the other hand, Iraq managed to improve its position not only over the KRI, but also overall, as the Fragile State Index has shown. According to this index, in 2007 Iraq represented the 2<sup>nd</sup> most fragile country in the world after Su-dan. Since the KRI independence referendum, Iraq managed to climb from the 9<sup>th</sup> to the 16<sup>th</sup> place in the fragility index.<sup>122</sup> Despite the diminished international sovereignty, the KRI still enjoys a stable domestic sovereignty, which appears, both in terms of internal legitimacy and the quality of the gov-ernance provided, to be even more consolidated than the domestic sovereignty of Iraq.

## Conclusion

Over the past three decades, both the KRI and Central Iraq have undergone a series of transfor-mations in their statehood features, which have been profoundly influenced by conflict. This article, drawing upon Krasner’s theoretical considerations, demonstrates how the KRI has been able to consolidate its statehood along three dimensions of sovereignty (domestic, Westphalian, and inter-national) between 1991 and 2020. This analysis further demonstrated how the KRI and Central Iraq have tangoed over these past three decades between conflict and cooperation.

118. M. Barzani, *Staking Our Claim: The case of the Kurdistan referendum*, transl. Barzani Charity Foundation, Roksana 2020, p. 82.

119. K. Palani, *Fluidity and Dynamics...*, op. cit., p. 54.

120. H. Hemin, *The Federal Supreme Court's Role in Iraq's Eroding Democ-racy*, Policy Analysis - Fikra Forum 2024, <https://www.washingtoninstitute.org/policy-analysis/federal-supreme-courts-role-iraqs-eroding-democracy>, (access 01.06.2024).

121. B. Park, et al., *On the Indepen-dence...*, op. cit., p. 202.

122. *Iraq: Fragile state index*, Global Economy 2024, [https://www.theglobaleconomy.com/Iraq/fragile\\_state\\_index](https://www.theglobaleconomy.com/Iraq/fragile_state_index), (access 07.06.2024).



Following the first US-led intervention in 1991, the establishment of the Green Line by the Ba'ath regime between the predominantly Kurdish- and Arab-inhabited areas led to the emergence of a self-rule project across the territories under the administration of the KRI. While the KRI, as an emergent political entity, benefited from the distance from Baghdad and the stabilization induced through relief and aid programs of donor countries, it was initially very weak, disoriented and caught in a counterproductive internecine war. Concurrently, Saddam's brief incursion into the KRI to assist in the consolidation of Masoud Barzani's authority over Erbil serves to illustrate the inconsistency of the KRI's implementation of its policy of distancing itself from Baghdad.

Following the internal division of the KRI's territory between the two main parties, the KDP and the PUK, a period of tentative stabilization occurred between 1996 and 2005. During this period, the KRI sought to present itself as a model for Iraq, having successfully rehabilitated a significant portion of its infrastructure and, as a result, offered its citizens services beyond mere survival. The self-rule project was internationally recognized following the adoption of the 2005 Iraqi constitution, which officially acknowledged the KRI as an autonomous region within Iraq. While Iraq was engulfed in a violent political crisis, the KRI embarked on a decade of seemingly untamed growth. In addition to establishing its own revenue streams through the professionalization of its hydrocarbon sector, the KRI has also presented itself to the outside world as a stable and secure alternative to Central Iraq.

Nonetheless, the years following 2014 have been characterized by a multitude of challenges. Some of these challenges have led to a closer alignment between the KRI and Baghdad (e.g., the decline in oil prices), while others have exacerbated the existing rift between the two entities (e.g., the referendum). Additionally, the financial burden resulting from the conflict with DA'ESH has been compounded by mounting pressure from within the youth-bulged KRI society. It remains to be seen to what extent the KRI will be able to extricate itself from the current impasse and prevent the disruption of its much-needed equilibrium, which appears essential for the consolidation of its statehood.

## References

*A Rocky Road: Kurdish Oil and Independence*, Iraq Energy Institute 2018, [https://www.qamarenergy.com/sites/default/files/A%20Rocky%20Road\\_%20Kurdish%20Oil%20and%20Independence.pdf](https://www.qamarenergy.com/sites/default/files/A%20Rocky%20Road_%20Kurdish%20Oil%20and%20Independence.pdf), (access 01.06.2024).

*Baghdad, Iraqi Kurds Strike Far-Reaching Oil Deal*, Al Jazeera America 2014, <http://america.aljazeera.com/articles/2014/12/2/iraq-oil-deal.html>, (access 03.03.2024).

V.10



*Announcing the Final Results of the Elections for the Parliament and President of the Kurdistan Region*, [Arabic language], PUK Media 2009, <https://web.archive.org/web/20090811060013/http://www.pukmedia.com/News/7-8-2009/news29.html>, (access 01.06.2024).

**Barzani M.**, *Staking Our Claim: The case of the Kurdistan referendum*, transl. Barzani Charity Foundation, Roksana 2020.

**Bengio O.**, *The Kurds of Iraq: Building a State within a State*, Lynne Rienner Publishers 2012.

**Berg E., Toomla R.**, *Forms of Normalisation in the Quest for De Facto Statehood*, "The International Spectator", 2009, Vol. 44, No. 4, pp. 27–45, DOI: [10.1080/03932720903351104](https://doi.org/10.1080/03932720903351104).

**Boege V., Brown A., Clements K., Nolan A.**, *On Hybrid Political Orders and Emerging States: State Formation in the Context of 'Fragility'*, Berghof Research Center for Constructive Conflict Management 2008, pp. 1–21.

**Börzel T.A., Risse T.**, *Dysfunctional Institutions, Social Trust, and Governance in Areas of Limited Statehood*, SFB-Governance Working Paper Series, DFG Collaborative Research Center (SFB) 2015.

**Börzel T.A.**, *How Much Statehood Does It Take – And What For?*, SFB-Governance Working Paper Series, DFG Research Center (SFB) 2012.

**Broers L.**, *The Politics of Non-Recognition and Democratization*, in: *The limits of leadership: Elites and societies in the Nagorny Karabakh peace process*, ed. L. Broers, Conciliation Resources 2005, pp. 68–71.

**Caspersen N.**, *Unrecognized States: The Struggle for Sovereignty in the Modern International System*, Polity 2012.

**Charountaki M.**, *The Kurds and US Foreign Policy: International Relations in the Middle East since 1945*, 1<sup>st</sup> ed., Routledge 2010.

**Charountaki M.**, *The Referendum's Aftermath and Its Historic Connotations*, "Harvard International Review", 2018, Vol. 39, No. 1, pp. 37–38.

*Constitution of the Republic of Iraq*, [English translation], adopted 15 October 2005, [https://www.constituteproject.org/constitution/Iraq\\_2005](https://www.constituteproject.org/constitution/Iraq_2005), (access 01.06.2024).



**Danly J.**, *The 2009 Kurdish Elections*, Backgrounder, US Institute for the Study of War 2009.

*Forging a New Future*, Brand Kurdistan Region of Iraq 2021, <https://brandkri.com/wp-content/uploads/2021/01/Brand-KRI-1.pdf>, (access 01.06.2024).

*Ever closer to independence*, The Economist 2015, <https://www.economist.com/international/2015/02/19/ever-closer-to-independence>, (access 27.11.2023).

**Fürtig H.**, *Geschichte des Irak: von der Gründung 1921 bis heute*, C.H. Beck 2016.

**Geldenhuis D.**, *Contested States in World Politics*, Palgrave Macmillan 2009.

*Growth in United Nations Membership*, United Nations, <https://www.un.org/en/about-us/growth-in-un-membership>, (access 06.02.2024).

**Gunter M.M.**, *The KDP-PUK Conflict in Northern Iraq*, "Middle East Journal", 1996, Vol. 50, No. 2, pp. 224–241.

**Hama H.H., Connelly M.**, *Kurdistan's Struggle for Sovereignty: State, Societal, and Human Security*, Arab Center for Research and Policy Studies 2017.

**Hama H.H.**, *Partisan Armed Forces of Kurdistan Regional Government*, "Journal of South Asian and Middle Eastern Studies", 2018, Vol. 41, No. 2, pp. 38–51.

**Hemin H.**, *The Federal Supreme Court's Role in Iraq's Eroding Democracy*, Policy Analysis - Fikra Forum 2024, <https://www.washingtoninstitute.org/policy-analysis/federal-supreme-courts-role-iraqs-eroding-democracy>, (access 01.06.2024).

**Hiltermann J.**, *To Protect or to Project? Iraqi Kurds and Their Future*, Middle East Report 2008, <https://merip.org/2008/06/to-protect-or-to-project/>, (access 01.06.2024).

*Iraq recognizes Halabja as its 19th governorate*, Esta Media Network 2023, <https://esta.krd/en/235327/>, (access 01.06.2024).



*Iraq: Fragile state index*, Global Economy 2024, [https://www.theglobaleconomy.com/Iraq/fragile\\_state\\_index](https://www.theglobaleconomy.com/Iraq/fragile_state_index), (access 07.06.2024).

**Iraqi Governing Council**, *Law of 2004 of Administration for the State of Iraq for the Transitional Period*, [English translation] adopted 8 March 2004, <https://www.refworld.org/legal/legislation/natlegbod/2004/en/39004>, (access 01.06.2024).

**Jackson R.H.**, *Quasi-States: Sovereignty, International Relations and the Third World*, Cambridge University Press 1990.

**Kapiszewski A.**, *The Iraqi Elections and Their Consequences. Power-Sharing, a Key to the Country's Political Future*, in: *Looking into Iraq*, ed. M. van Bruinessen, European Union Institute for Security Studies 2005, pp. 13–24.

**Kingston P.W.T., Spears I.S.**, eds., *States-within-States: Incipient Political Entities in the Post-Cold War Era*, 1<sup>st</sup> ed., Palgrave Macmillan 2004.

**Kirmanj S., Rafaat A.**, *The Kurdish Genocide in Iraq: The Security-Anfal and the Identity-Anfal*, "National Identities", 2021, Vol. 23, Issue 2, pp. 163–183, DOI: [10.1080/14608944.2020.1746250](https://doi.org/10.1080/14608944.2020.1746250).

**Klein N.**, *Baghdad Year Zero: Pillaging Iraq in Pursuit of a Neo-Con Utopia*, 2014, <https://naomiklein.org/baghdad-year-zero-pillaging-iraq-pursuit-neo-con-utopia/>, (access 01.06.2024).

**Knights M.**, *Here's What The Big Iraqi-Kurdish Oil Deal Really Means*, Business Insider 2014, <https://www.businessinsider.com/what-the-big-iraqi-kurdish-oil-deal-really-means-2014-12>, (access 01.06.2024).

**Knights M.**, *What Iraq's Kurdish Peshmerga Really Need*, Washington Institute 2014, <https://www.washingtoninstitute.org/policy-analysis/what-iraqs-kurdish-peshmerga-really-need>, (access 01.06.2024).

**Kolstø P., Blakkisrud H.**, *Living with Non-Recognition: State- and Nation-Building in South Caucasian Quasi-States*, "Europe-Asia Studies", 2008, Vol. 60, Issue 3, pp. 483–509, DOI: [10.1080/09668130801948158](https://doi.org/10.1080/09668130801948158).

**Kolstø P.**, *What's in a Name? 'De Facto States', Terminological Choices and Normative Consequences*, "Pathways to Peace and Security", 2022, No. 1, pp. 30–46, DOI: [10.20542/2307-1494-2022-1-30-46](https://doi.org/10.20542/2307-1494-2022-1-30-46).



**Krasner S.D.**, *Recognition: Organized Hypocrisy Once Again*, "International Theory", 2013, Vol. 5, Issue 1, pp. 170–176, DOI: [10.1017/S1752971913000092](https://doi.org/10.1017/S1752971913000092).

**Krasner S.D.**, *Sovereignty: Organized Hypocrisy*, Princeton University Press 1999.

*Kurdish PM Calls for Official Recognition of Halabja as Iraq's 19th Governorate*, Shafaq News 2024, <https://shafaq.com/en/Kurdistan/Kurdish-PM-calls-for-official-recognition-of-Halabja-as-Iraq-s-19th-governorate>, (access 30.06.2024).

*Kurdistan - The Other Iraq*, <https://www.theotheriraq.com/press.html>, (access 30.10.2023).

**Kurdistan Regional Government**, *KRG Offices Abroad*, <https://gov.krd/dfr-en/krg-representations/>, (access 15.03.2024).

**Kursani S.**, *Contested States: The Struggle for Survival and Recognition in the Post-1945 International Order*, PhD Thesis, European University Institute 2020.

**Lawrence Q.**, *Invisible Nation: How the Kurds' Quest for Statehood Is Shaping Iraq and the Middle East*, 1<sup>st</sup> U.S. ed., Walker & Co. & Macmillan 2008.

**Lee I.**, *Why Israel Supports an Independent Iraqi Kurdistan*, CNN World 2017, <https://edition.cnn.com/2017/10/02/middleeast/iraqi-kurdistan-israel-support/index.html>, (access 01.06.2024).

**Leezenberg M.**, *Iraqi Kurdistan: Contours of a Post-Civil War Society*, "Third World Quarterly", 2005, Vol. 26, No. 4–5, pp. 631–647, DOI: [10.1080/01436590500127867](https://doi.org/10.1080/01436590500127867).

*Letter from Rex Tillerson to Masoud Barzani*, The Last Written Draft - Delivered on 23<sup>rd</sup> September 2017, <https://assets.bwbx.io/documents/users/igjWHBFdfxIU/rsJkyXsgEaig/v0>, (access 01.06.2024).

**Mackertich D.S.**, **Samarrai A.I.**, *History of Hydrocarbon Exploration in the Kurdistan Region of Iraq*, "GeoArabia", 2015, Vol. 20, No. 2, pp. 181–220, DOI: [10.2113/geoarabia2002181](https://doi.org/10.2113/geoarabia2002181).

**Mead D.**, **Stiger P.**, *The 2014 Plunge in Import Petroleum Prices: What Happened?*, U.S. Bureau of Labor Statistics 2015, Vol. 4, No. 9, pp. 1–7, <https://www.bls.gov/opub/btn/volume-4/pdf/the-2014-plunge-in-import-petroleum-prices-what-happened.pdf>, (access 01.06.2024).



**Natali D.**, *The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq*, 1<sup>st</sup> ed., Syracuse University Press 2010.

**Nicola S.**, *How to Break the Spell? Sources of Violence and Conflict in an Oil Rent Based Economy*, in: *Nonviolent Political Economy: Theory and Applications*, eds. F. Cante, W.T. Torres, Routledge 2019, pp. 221–237.

**Nicola S.-L.**, *Adding 'Oil' to the Fire? International Economic Cooperation and the Dynamics of Contentions. The Case Study of the Autonomous Region of Kurdistan in Iraq*, Working Paper No. 09, Felsberg Institute for Academic Research and Education 2017.

**Nicola S.-L.**, *Die politisch-militärische Lage in Sintschar*, in: *Ferman 74: Der Genozid an den Jesiden 2014/15*, eds. S. Gatzhammer, J.Ev. Hafner, D. Khatari, 1<sup>st</sup> ed., Ergon-Verlag 2021, pp. 79–94, DOI: [10.5771/9783956508516-79](https://doi.org/10.5771/9783956508516-79).

**Nicola S.-L.**, **Kucharzewski T.**, *Want-to-Be-States: Practices of Sovereignty in Kurdistan-Iraq and Abkhazia since 1991*, in: *Sovereignty through Practice: Multiscalarity, Reflexivity, and Interdisciplinarity*, eds. E. Bescotti, J.-W. Matlack, Routledge 2024, pp. 44–73.

**O'Driscoll D.**, **Baser B.**, *Independence Referendums and Nationalist Rhetoric: The Kurdistan Region of Iraq*, "Third World Quarterly", 2019, Vol. 40, Issue 11, pp. 2016–2034, DOI: [10.1080/01436597.2019.1617631](https://doi.org/10.1080/01436597.2019.1617631).

**Palani K.**, *Fluidity and Dynamics of De Facto Statehood: The Case of Iraqi Kurdistan*, PhD Thesis, Leiden University 2021.

**Park B.**, **Jongerden J.**, **Owtram F.**, **Yoshioka A.**, *On the Independence Referendum in the Kurdistan Region of Iraq and Disputed Territories in 2017*, "Kurdish Studies", 2017, Vol. 5, No. 2, pp. 199–214.

**Pegg S.**, *Twenty Years of de Facto State Studies: Progress, Problems, and Prospects*, in: *Oxford Research Encyclopedia of Politics*, ed. S. Pegg, Oxford University Press 2017, pp. 1–27, DOI: [10.1093/acrefore/9780190228637.013.516](https://doi.org/10.1093/acrefore/9780190228637.013.516).

**Phillips D.L.**, *The Great Betrayal: How America Abandoned the Kurds and Lost the Middle East*, I.B. Tauris 2018.

**Rafaat A.**, *Kurdistan in Iraq: The Evolution of a Quasi-State. Routledge Studies in Middle Eastern Democratization and Government*, Routledge, Taylor & Francis Group 2018.



**Recchia F.**, *From Forced Displacement to Urban Cores: The Case of Collective Towns in Iraqi Kurdistan*, Architexturez 2012, <https://architexturez.net/doc/az-cf-123984>, (access 01.06.2024).

**Relitz S.**, *Conflict Resolution in De Facto States: The Practice of Engagement without Recognition*, 1<sup>st</sup> ed., Routledge 2022, DOI: [10.4324/9781003270485](https://doi.org/10.4324/9781003270485).

*Resolution 688*, UNSC 1991, <http://unscr.com/en/resolutions/688>, (access 01.06.2024).

**Sadoon H.B.K.**, *From Foreign Relations to Foreign Policy: Transformation of the Kurdish de Facto State into an Independent Foreign Policy Actor*, PhD Thesis, University of Exeter 2017.

**Salih B.**, *A Kurdish Model for Iraq*, The Washington Post 2002, <https://www.washingtonpost.com/archive/opinions/2002/12/09/a-kurdish-model-for-iraq/ead162a-3f56-45d6-9045-432046f2cb61/>, (access 01.06.2024).

**Schlüsing C., Mielke K.**, *Drohende Gewalteskalation nach dem Referendum. Wie kann deutsche Einflussnahme in Kurdistan-Irak deeskalierend wirken?*, BICC Policy Brief, Bonn International Center for Conversion 2017.

**Sosnowski P.**, *Path Dependence from Proxy Agent to De Facto State: A History of 'Strategic Exploitation' of the Kurds as a Context of the Iraqi Kurdistan Security Policy*, "International Journal of Conflict and Violence", 2022, Vol. 16, pp. 1-13, DOI: [10.11576/IJCV-5688](https://doi.org/10.11576/IJCV-5688).

**Stansfield G.R.V.**, *Iraqi Kurdistan Political Development and Emergent Democracy*, 1<sup>st</sup> ed., RoutledgeCurzon 2003.

**Tansey O.**, *Does Democracy Need Sovereignty?*, "Review of International Studies", 2011, Vol. 37, Issue 4, pp. 1515-1536, DOI: [10.1017/S0260210510001087](https://doi.org/10.1017/S0260210510001087).

**Tokarev A., Margojev A., Prihodchenko A.**, *The Statehood of Eurasia's de Facto States: An Empirical Model of Engagement by Great Powers and Patrons*, "Caucasus Survey", 2021, Vol. 9, Issue 2, pp. 93-119, DOI: [10.1080/23761199.2020.1870076](https://doi.org/10.1080/23761199.2020.1870076).

**Visoka G.**, *Acting like a State: Kosovo and the Everyday Making of Statehood*, Routledge Taylor & Francis Group 2018.

**Vits K.**, *From Nagorno-Karabakh to Taiwan: Measuring Patron-Client Relations of de Facto States*, "Territory, Politics, Governance", 2024, pp. 1-19, DOI: [10.1080/21622671.2024.2337361](https://doi.org/10.1080/21622671.2024.2337361).



**Voller Y.**, *The Kurdish Liberation Movement in Iraq: From Insurgency to Statehood*, 1<sup>st</sup> ed., Routledge 2014, DOI: [10.4324/9781315886954](https://doi.org/10.4324/9781315886954).

**Watts N.F.**, *The Spring in Sulaimani. Kurdish Protest and Political Identities*, in: *Political Identities and Popular Uprisings in the Middle East*, eds. S.J. Holliday, P. Leech, Rowman & Littlefield 2016, pp. 37–57.

**Weber M.**, *Politics as a Vocation*, transl. H.H. Gerth and C. Wright Mill, Oxford University Press 1946.

**Wimmer A., Feinstein Y.**, *The Rise of the Nation-State across the World, 1816 to 2001*, “American Sociological Review”, 2010, Vol. 75, Issue 5, pp. 764–790, DOI: [10.1177/0003122410382639](https://doi.org/10.1177/0003122410382639).